

In the Senate of the United States,

August 10, 2021.

Resolved, That the bill from the House of Representatives (H.R. 3684) entitled “An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.”, do pass with the following

AMENDMENT:

Strike all after the enacting clause and insert the following:

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

2 (a) *SHORT TITLE.*—*This Act may be cited as the “In-*
3 *frastructure Investment and Jobs Act”.*

4 (b) *TABLE OF CONTENTS.*—*The table of contents for*
5 *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.

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- Sec. 11103. Definitions.*
- Sec. 11104. Apportionment.*
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- 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.*
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- Sec. 11125. GAO report.*
- Sec. 11126. Territorial and Puerto Rico highway program.*
- Sec. 11127. Nationally significant Federal lands and Tribal projects program.*
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- Sec. 11129. Standards.*
- Sec. 11130. Public transportation.*
- Sec. 11131. Reservation of certain funds.*
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- Sec. 11134. Recreational trails program.*
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- Sec. 11306. Flexibility for projects.*
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- Sec. 11308. Geomatic data.*
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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.
Sec. 60105. Broadband deployment locations map.

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.

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.

TITLE VI—TELECOMMUNICATIONS INDUSTRY WORKFORCE

- Sec. 60601. Short title.*
Sec. 60602. Telecommunications interagency working group.
Sec. 60603. Telecommunications workforce guidance.
Sec. 60604. GAO assessment of workforce needs of the telecommunications industry.

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.

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.*

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.
Sec. 71104. Expanding the funding authority for renovating, constructing, and expanding certain facilities.

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.

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

DIVISION K—MINORITY BUSINESS DEVELOPMENT

Sec. 100001. Short title.

Sec. 100002. Definitions.

Sec. 100003. Minority Business Development Agency.

TITLE I—EXISTING INITIATIVES

Subtitle A—Market Development, Research, and Information

Sec. 100101. Private sector development.

Sec. 100102. Public sector development.

Sec. 100103. Research and information.

Subtitle B—Minority Business Development Agency Business Center Program

Sec. 100111. Definition.

Sec. 100112. Purpose.

Sec. 100113. Establishment.

Sec. 100114. Grants and cooperative agreements.

Sec. 100115. Minimizing disruptions to existing MBDA Business Center program.

Sec. 100116. Publicity.

TITLE II—NEW INITIATIVES TO PROMOTE ECONOMIC RESILIENCY FOR MINORITY BUSINESSES

Sec. 100201. Annual diverse business forum on capital formation.

Sec. 100202. Agency study on alternative financing solutions.

Sec. 100203. Educational development relating to management and entrepreneurship.

TITLE III—RURAL MINORITY BUSINESS CENTER PROGRAM

Sec. 100301. Definitions.

Sec. 100302. Business centers.

Sec. 100303. Report to Congress.

Sec. 100304. Study and report.

TITLE IV—MINORITY BUSINESS DEVELOPMENT GRANTS

Sec. 100401. Grants to nonprofit organizations that support minority business enterprises.

TITLE V—MINORITY BUSINESS ENTERPRISES ADVISORY COUNCIL

Sec. 100501. Purpose.

Sec. 100502. Composition and term.

Sec. 100503. Duties.

TITLE VI—FEDERAL COORDINATION OF MINORITY BUSINESS PROGRAMS

Sec. 100601. General duties.

Sec. 100602. Participation of Federal departments and agencies.

*TITLE VII—ADMINISTRATIVE POWERS OF THE AGENCY;
MISCELLANEOUS PROVISIONS*

Sec. 100701. Administrative powers.

Sec. 100702. Federal assistance.

Sec. 100703. Recordkeeping.

Sec. 100704. Review and report by Comptroller General.

Sec. 100705. Biannual reports; recommendations.

Sec. 100706. Separability.

Sec. 100707. Executive Order 11625.

Sec. 100708. Authorization of appropriations.

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.*

1 ***DIVISION A—SURFACE***
 2 ***TRANSPORTATION***

3 ***SEC. 10001. SHORT TITLE.***

4 *This division may be cited as the “Surface Transpor-*
 5 *tation Reauthorization Act of 2021”.*

6 ***SEC. 10002. DEFINITIONS.***

7 *In this division:*

8 (1) *DEPARTMENT.*—*The term “Department”*
 9 *means the Department of Transportation.*

10 (2) *SECRETARY.*—*The term “Secretary” means*
 11 *the Secretary of Transportation.*

12 ***SEC. 10003. EFFECTIVE DATE.***

13 *Except as otherwise provided, this division and the*
 14 *amendments made by this division take effect on October*
 15 *1, 2021.*

16 ***TITLE I—FEDERAL-AID***
 17 ***HIGHWAYS***

18 ***Subtitle A—Authorizations and***
 19 ***Programs***

20 ***SEC. 11101. AUTHORIZATION OF APPROPRIATIONS.***

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

24 (1) *FEDERAL-AID HIGHWAY PROGRAM.*—*For the*
 25 *national highway performance program under section*

1 119 of title 23, United States Code, the surface trans-
2 portation block grant program under section 133 of
3 that title, the highway safety improvement program
4 under section 148 of that title, the congestion mitiga-
5 tion and air quality improvement program under sec-
6 tion 149 of that title, the national highway freight
7 program under section 167 of that title, the carbon re-
8 duction program under section 175 of that title, to
9 carry out subsection (c) of the *PROTECT* program
10 under section 176 of that title, and to carry out sec-
11 tion 134 of that title—

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

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

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

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

16 and

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

18 (2) *TRANSPORTATION INFRASTRUCTURE FINANCE*
19 *AND INNOVATION PROGRAM.*—For credit assistance
20 under the transportation infrastructure finance and
21 innovation program under chapter 6 of title 23,
22 United States Code, \$250,000,000 for each of fiscal
23 years 2022 through 2026.

24 (3) *FEDERAL LANDS AND TRIBAL TRANSPOR-*
25 *TATION PROGRAMS.*—

1 (A) *TRIBAL TRANSPORTATION PROGRAM.—*
2 *For the tribal transportation program under sec-*
3 *tion 202 of title 23, United States Code—*

- 4 (i) \$578,460,000 for fiscal year 2022;
5 (ii) \$589,960,000 for fiscal year 2023;
6 (iii) \$602,460,000 for fiscal year 2024;
7 (iv) \$612,960,000 for fiscal year 2025;
8 *and*
9 (v) \$627,960,000 for fiscal year 2026.

10 (B) *FEDERAL LANDS TRANSPORTATION PRO-*
11 *GRAM.—*

12 (i) *IN GENERAL.—For the Federal*
13 *lands transportation program under section*
14 *203 of title 23, United States Code—*

- 15 (I) \$421,965,000 for fiscal year
16 2022;
17 (II) \$429,965,000 for fiscal year
18 2023;
19 (III) \$438,965,000 for fiscal year
20 2024;
21 (IV) \$447,965,000 for fiscal year
22 2025; *and*
23 (V) \$455,965,000 for fiscal year
24 2026.

1 (ii) *ALLOCATION.*—*Of the amount*
2 *made available for a fiscal year under*
3 *clause (i)—*

4 (I) *the amount for the National*
5 *Park Service is—*

6 (aa) *\$332,427,450 for fiscal*
7 *year 2022;*

8 (bb) *\$338,867,450 for fiscal*
9 *year 2023;*

10 (cc) *\$346,237,450 for fiscal*
11 *year 2024;*

12 (dd) *\$353,607,450 for fiscal*
13 *year 2025; and*

14 (ee) *\$360,047,450 for fiscal*
15 *year 2026;*

16 (II) *the amount for the United*
17 *States Fish and Wildlife Service is*
18 *\$36,000,000 for each of fiscal years*
19 *2022 through 2026; and*

20 (III) *the amount for the Forest*
21 *Service is—*

22 (aa) *\$24,000,000 for fiscal*
23 *year 2022;*

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

1 (cc) \$26,000,000 for fiscal
2 year 2024;

3 (dd) \$27,000,000 for fiscal
4 year 2025; and

5 (ee) \$28,000,000 for fiscal
6 year 2026.

7 (C) *FEDERAL LANDS ACCESS PROGRAM.—*
8 *For the Federal lands access program under sec-*
9 *tion 204 of title 23, United States Code—*

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

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

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

13 (iv) \$303,975,000 for fiscal year 2025;

14 and

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

16 (4) *TERRITORIAL AND PUERTO RICO HIGHWAY*
17 *PROGRAM.—For the territorial and Puerto Rico high-*
18 *way program under section 165 of title 23, United*
19 *States Code—*

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

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

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

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

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

1 (5) *NATIONALLY SIGNIFICANT FREIGHT AND*
2 *HIGHWAY PROJECTS.—For nationally significant*
3 *freight and highway projects under section 117 of title*
4 *23, United States Code—*

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

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

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

8 (D) *\$900,000,000 for fiscal year 2025; and*

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

10 (b) *OTHER PROGRAMS.—*

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

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

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

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

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

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

21 *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 through
2 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 2024;
9 (iv) \$600,000,000 for fiscal year 2025;
10 and
11 (v) \$700,000,000 for fiscal year 2026.

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

- 16 (i) \$300,000,000 for fiscal year 2022;
17 (ii) \$350,000,000 for fiscal year 2023;
18 (iii) \$400,000,000 for fiscal year 2024;
19 (iv) \$450,000,000 for fiscal year 2025;
20 and
21 (v) \$500,000,000 for fiscal year 2026.

22 (E) *PROTECT GRANTS.—*

- 23 (i) *IN GENERAL.—To carry out sub-*
24 *section (d) of the PROTECT program*
25 *under section 176 of title 23, United States*

1 Code, for each of fiscal years 2022 through
2 2026—

3 (I) \$250,000,000 for fiscal year
4 2022;

5 (II) \$250,000,000 for fiscal year
6 2023;

7 (III) \$300,000,000 for fiscal year
8 2024;

9 (IV) \$300,000,000 for fiscal year
10 2025; and

11 (V) \$300,000,000 for fiscal year
12 2026.

13 (ii) ALLOCATION.—Of the amounts
14 made available under clause (i)—

15 (I) for planning grants under
16 paragraph (3) of that subsection—

17 (aa) \$25,000,000 for fiscal
18 year 2022;

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

21 (cc) \$30,000,000 for fiscal
22 year 2024;

23 (dd) \$30,000,000 for fiscal
24 year 2025; and

1 (ee) \$30,000,000 for fiscal
2 year 2026;

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

6 (aa) \$175,000,000 for fiscal
7 year 2022;

8 (bb) \$175,000,000 for fiscal
9 year 2023;

10 (cc) \$210,000,000 for fiscal
11 year 2024;

12 (dd) \$210,000,000 for fiscal
13 year 2025; and

14 (ee) \$210,000,000 for fiscal
15 year 2026;

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

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

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

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

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

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

5 *(IV) for at-risk coastal infrastruc-*
6 *ture grants under paragraph (4)(C) of*
7 *that subsection—*

8 *(aa) \$25,000,000 for fiscal*
9 *year 2022;*

10 *(bb) \$25,000,000 for fiscal*
11 *year 2023;*

12 *(cc) \$30,000,000 for fiscal*
13 *year 2024;*

14 *(dd) \$30,000,000 for fiscal*
15 *year 2025; and*

16 *(ee) \$30,000,000 for fiscal*
17 *year 2026.*

18 *(F) REDUCTION OF TRUCK EMISSIONS AT*
19 *PORT FACILITIES.—*

20 *(i) IN GENERAL.—To carry out the re-*
21 *duction of truck emissions at port facilities*
22 *under section 11402, \$50,000,000 for each of*
23 *fiscal years 2022 through 2026.*

24 *(ii) TREATMENT.—Amounts made*
25 *available under clause (i) shall be available*

1 *for obligation in the same manner as if*
2 *those amounts were apportioned under*
3 *chapter 1 of title 23, United States Code.*

4 (G) *NATIONALLY SIGNIFICANT FEDERAL*
5 *LANDS AND TRIBAL PROJECTS.—*

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

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

17 (2) *GENERAL FUND.—*

18 (A) *BRIDGE INVESTMENT PROGRAM.—*

19 (i) *IN GENERAL.—In addition to*
20 *amounts made available under paragraph*
21 *(1)(A), there are authorized to be appro-*
22 *priated to carry out the bridge investment*
23 *program under section 124 of title 23,*
24 *United States Code—*

1 (I) \$600,000,000 for fiscal year
2 2022;

3 (II) \$640,000,000 for fiscal year
4 2023;

5 (III) \$650,000,000 for fiscal year
6 2024;

7 (IV) \$675,000,000 for fiscal year
8 2025; and

9 (V) \$700,000,000 for fiscal year
10 2026.

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

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

23 (C) *HEALTHY STREETS PROGRAM.*—There
24 is authorized to be appropriated to carry out the
25 Healthy Streets program under section 11406

1 \$100,000,000 for each of fiscal years 2022
2 through 2026.

3 (D) *TRANSPORTATION RESILIENCE AND AD-*
4 *APTATION CENTERS OF EXCELLENCE.*—There is
5 authorized to be appropriated to carry out sec-
6 tion 520 of title 23, United States Code,
7 \$100,000,000 for each of fiscal years 2022
8 through 2026.

9 (E) *OPEN CHALLENGE AND RESEARCH PRO-*
10 *POSAL PILOT PROGRAM.*—There is authorized to
11 be appropriated to carry out the open challenge
12 and research proposal pilot program under sec-
13 tion 13006(e) \$15,000,000 for each of fiscal years
14 2022 through 2026.

15 (c) *RESEARCH, TECHNOLOGY, AND EDUCATION AU-*
16 *THORIZATIONS.*—

17 (1) *IN GENERAL.*—The following amounts are
18 authorized to be appropriated out of the Highway
19 Trust Fund (other than the Mass Transit Account):

20 (A) *HIGHWAY RESEARCH AND DEVELOP-*
21 *MENT PROGRAM.*—To carry out section 503(b) of
22 title 23, United States Code, \$147,000,000 for
23 each of fiscal years 2022 through 2026.

24 (B) *TECHNOLOGY AND INNOVATION DEPLOY-*
25 *MENT PROGRAM.*—To carry out section 503(c) of

1 *title 23, United States Code, \$110,000,000 for*
2 *each of fiscal years 2022 through 2026.*

3 (C) *TRAINING AND EDUCATION.—To carry*
4 *out section 504 of title 23, United States Code—*

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

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

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

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

9 *and*

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

11 (D) *INTELLIGENT TRANSPORTATION SYS-*
12 *TEMS PROGRAM.—To carry out sections 512*
13 *through 518 of title 23, United States Code,*
14 *\$110,000,000 for each of fiscal years 2022*
15 *through 2026.*

16 (E) *UNIVERSITY TRANSPORTATION CENTERS*
17 *PROGRAM.—To carry out section 5505 of title 49,*
18 *United States Code—*

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

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

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

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

23 *and*

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

1 (F) *BUREAU OF TRANSPORTATION STATIS-*
2 *TICS.—To carry out chapter 63 of title 49,*
3 *United States Code—*

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

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

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

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

8 *and*

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

10 (2) *ADMINISTRATION.—The Federal Highway*
11 *Administration shall—*

12 (A) *administer the programs described in*
13 *subparagraphs (A), (B), and (C) of paragraph*
14 *(1); and*

15 (B) *in consultation with relevant modal ad-*
16 *ministrations, administer the programs described*
17 *in paragraph (1)(D).*

18 (3) *APPLICABILITY OF TITLE 23, UNITED STATES*
19 *CODE.—Amounts authorized to be appropriated by*
20 *paragraph (1) shall—*

21 (A) *be available for obligation in the same*
22 *manner as if those funds were apportioned under*
23 *chapter 1 of title 23, United States Code, except*
24 *that the Federal share of the cost of a project or*
25 *activity carried out using those funds shall be 80*

1 *percent, unless otherwise expressly provided by*
2 *this division (including the amendments by this*
3 *division) or otherwise determined by the Sec-*
4 *retary; and*

5 *(B) remain available until expended and*
6 *not be transferable, except as otherwise provided*
7 *by this division.*

8 *(d) PILOT PROGRAMS.—The following amounts are*
9 *authorized to be appropriated out of the Highway Trust*
10 *Fund (other than the Mass Transit Account):*

11 *(1) WILDLIFE CROSSINGS PILOT PROGRAM.—For*
12 *the wildlife crossings pilot program under section 171*
13 *of title 23, United States Code—*

14 *(A) \$60,000,000 for fiscal year 2022;*

15 *(B) \$65,000,000 for fiscal year 2023;*

16 *(C) \$70,000,000 for fiscal year 2024;*

17 *(D) \$75,000,000 for fiscal year 2025; and*

18 *(E) \$80,000,000 for fiscal year 2026.*

19 *(2) PRIORITIZATION PROCESS PILOT PRO-*
20 *GRAM.—*

21 *(A) IN GENERAL.—For the prioritization*
22 *process pilot program under section 11204,*
23 *\$10,000,000 for each of fiscal years 2022 through*
24 *2026.*

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

6 (3) *RECONNECTING COMMUNITIES PILOT PRO-*
7 *GRAM.*—

8 (A) *PLANNING GRANTS.*—For planning
9 grants under the reconnecting communities pilot
10 program under section 11509(c), \$30,000,000 for
11 each of fiscal years 2022 through 2026.

12 (B) *CAPITAL CONSTRUCTION GRANTS.*—For
13 capital construction grants under the recon-
14 necting communities pilot program under section
15 11509(d)—

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

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

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

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

20 and

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

22 (C) *TREATMENT.*—Amounts made available
23 under subparagraph (A) or (B) shall be available
24 for obligation in the same manner as if those
25 amounts were apportioned under chapter 1 of

1 *title 23, United States Code, except that those*
2 *amounts shall remain available until expended.*

3 (e) *DISADVANTAGED BUSINESS ENTERPRISES.—*

4 (1) *FINDINGS.—Congress finds that—*

5 (A) *while significant progress has occurred*
6 *due to the establishment of the disadvantaged*
7 *business enterprise program, discrimination and*
8 *related barriers continue to pose significant ob-*
9 *stacles for minority- and women-owned busi-*
10 *nesses seeking to do business in Federally as-*
11 *sisted surface transportation markets across the*
12 *United States;*

13 (B) *the continuing barriers described in*
14 *subparagraph (A) merit the continuation of the*
15 *disadvantaged business enterprise program;*

16 (C) *Congress has received and reviewed tes-*
17 *timony and documentation of race and gender*
18 *discrimination from numerous sources, including*
19 *congressional hearings and roundtables, scientific*
20 *reports, reports issued by public and private*
21 *agencies, news stories, reports of discrimination*
22 *by organizations and individuals, and discrimi-*
23 *nation lawsuits, which show that race- and gen-*
24 *der-neutral efforts alone are insufficient to ad-*
25 *dress the problem;*

1 (D) the testimony and documentation de-
2 scribed in subparagraph (C) demonstrate that
3 discrimination across the United States poses a
4 barrier to full and fair participation in surface
5 transportation-related businesses of women busi-
6 ness owners and minority business owners and
7 has impacted firm development and many as-
8 pects of surface transportation-related business
9 in the public and private markets; and

10 (E) the testimony and documentation de-
11 scribed in subparagraph (C) provide a strong
12 basis that there is a compelling need for the con-
13 tinuation of the disadvantaged business enter-
14 prise program to address race and gender dis-
15 crimination in surface transportation-related
16 business.

17 (2) *DEFINITIONS.*—*In this subsection:*

18 (A) *SMALL BUSINESS CONCERN.*—

19 (i) *IN GENERAL.*—*The term “small*
20 *business concern” means a small business*
21 *concern (as the term is used in section 3 of*
22 *the Small Business Act (15 U.S.C. 632)).*

23 (ii) *EXCLUSIONS.*—*The term “small*
24 *business concern” does not include any con-*
25 *cern or group of concerns controlled by the*

1 *same socially and economically disadvan-*
2 *tagged individual or individuals that have*
3 *average annual gross receipts during the*
4 *preceding 3 fiscal years in excess of*
5 *\$26,290,000, as adjusted annually by the*
6 *Secretary for inflation.*

7 *(B) SOCIALLY AND ECONOMICALLY DIS-*
8 *ADVANTAGED INDIVIDUALS.—The term “socially*
9 *and economically disadvantaged individuals”*
10 *has the meaning given the term in section 8(d)*
11 *of the Small Business Act (15 U.S.C. 637(d))*
12 *and relevant subcontracting regulations issued*
13 *pursuant to that Act, except that women shall be*
14 *presumed to be socially and economically dis-*
15 *advantaged individuals for purposes of this sub-*
16 *section.*

17 *(3) AMOUNTS FOR SMALL BUSINESS CON-*
18 *CERNS.—Except to the extent that the Secretary deter-*
19 *mines otherwise, not less than 10 percent of the*
20 *amounts made available for any program under this*
21 *division (other than section 14004), division C, and*
22 *section 403 of title 23, United States Code, shall be*
23 *expended through small business concerns owned and*
24 *controlled by socially and economically disadvantaged*
25 *individuals.*

1 (4) *ANNUAL LISTING OF DISADVANTAGED BUSI-*
2 *NESS ENTERPRISES.—Each State shall annually—*

3 (A) *survey and compile a list of the small*
4 *business concerns referred to in paragraph (3) in*
5 *the State, including the location of the small*
6 *business concerns in the State; and*

7 (B) *notify the Secretary, in writing, of the*
8 *percentage of the small business concerns that*
9 *are controlled by—*

10 (i) *women;*

11 (ii) *socially and economically dis-*
12 *advantaged individuals (other than*
13 *women); and*

14 (iii) *individuals who are women and*
15 *are otherwise socially and economically dis-*
16 *advantaged individuals.*

17 (5) *UNIFORM CERTIFICATION.—*

18 (A) *IN GENERAL.—The Secretary shall es-*
19 *tablish minimum uniform criteria for use by*
20 *State governments in certifying whether a con-*
21 *cern qualifies as a small business concern for the*
22 *purpose of this subsection.*

23 (B) *INCLUSIONS.—The minimum uniform*
24 *criteria established under subparagraph (A) shall*

1 *include, with respect to a potential small busi-*
2 *ness concern—*

3 *(i) on-site visits;*

4 *(ii) personal interviews with personnel;*

5 *(iii) issuance or inspection of licenses;*

6 *(iv) analyses of stock ownership;*

7 *(v) listings of equipment;*

8 *(vi) analyses of bonding capacity;*

9 *(vii) listings of work completed;*

10 *(viii) examination of the resumes of*
11 *principal owners;*

12 *(ix) analyses of financial capacity;*

13 *and*

14 *(x) analyses of the type of work pre-*
15 *ferred.*

16 (6) *REPORTING.—The Secretary shall establish*
17 *minimum requirements for use by State governments*
18 *in reporting to the Secretary—*

19 (A) *information concerning disadvantaged*
20 *business enterprise awards, commitments, and*
21 *achievements; and*

22 (B) *such other information as the Secretary*
23 *determines to be appropriate for the proper mon-*
24 *itoring of the disadvantaged business enterprise*
25 *program.*

1 (7) *COMPLIANCE WITH COURT ORDERS.*—*Nothing*
2 *in this subsection limits the eligibility of an indi-*
3 *vidual or entity to receive funds made available*
4 *under this division, division C, and section 403 of*
5 *title 23, United States Code, if the entity or person*
6 *is prevented, in whole or in part, from complying*
7 *with paragraph (3) because a Federal court issues a*
8 *final order in which the court finds that a require-*
9 *ment or the implementation of paragraph (3) is un-*
10 *constitutional.*

11 (8) *SENSE OF CONGRESS ON PROMPT PAYMENT*
12 *OF DBE SUBCONTRACTORS.*—*It is the sense of Con-*
13 *gress that—*

14 (A) *the Secretary should take additional*
15 *steps to ensure that recipients comply with sec-*
16 *tion 26.29 of title 49, Code of Federal Regula-*
17 *tions (the disadvantaged business enterprises*
18 *prompt payment rule), or any corresponding*
19 *regulation, in awarding Federally funded trans-*
20 *portation contracts under laws and regulations*
21 *administered by the Secretary; and*

22 (B) *such additional steps should include in-*
23 *creasing the ability of the Department to track*
24 *and keep records of complaints and to make that*
25 *information publicly available.*

1 **SEC. 11102. OBLIGATION CEILING.**

2 (a) *GENERAL LIMITATION.*—Subject to subsection (e),
3 and notwithstanding any other provision of law, the obliga-
4 tions for Federal-aid highway and highway safety construc-
5 tion programs shall not exceed—

6 (1) \$57,473,430,072 for fiscal year 2022;

7 (2) \$58,764,510,674 for fiscal year 2023;

8 (3) \$60,095,782,888 for fiscal year 2024;

9 (4) \$61,314,170,545 for fiscal year 2025; and

10 (5) \$62,657,105,821 for fiscal year 2026.

11 (b) *EXCEPTIONS.*—The limitations under subsection
12 (a) shall not apply to obligations under or for—

13 (1) section 125 of title 23, United States Code;

14 (2) section 147 of the Surface Transportation As-
15 sistance Act of 1978 (23 U.S.C. 144 note; 92 Stat.
16 2714);

17 (3) section 9 of the Federal-Aid Highway Act of
18 1981 (95 Stat. 1701);

19 (4) subsections (b) and (j) of section 131 of the
20 Surface Transportation Assistance Act of 1982 (96
21 Stat. 2119);

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

1 (6) *sections 1103 through 1108 of the Intermodal*
2 *Surface Transportation Efficiency Act of 1991 (105*
3 *Stat. 2027);*

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

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

10 (9) *Federal-aid highway programs for which ob-*
11 *ligation authority was made available under the*
12 *Transportation Equity Act for the 21st Century (112*
13 *Stat. 107) or subsequent Acts for multiple years or to*
14 *remain available until expended, but only to the ex-*
15 *tent that the obligation authority has not lapsed or*
16 *been used;*

17 (10) *section 105 of title 23, United States Code*
18 *(as in effect for fiscal years 2005 through 2012, but*
19 *only in an amount equal to \$639,000,000 for each of*
20 *those fiscal years);*

21 (11) *section 1603 of SAFETEA-LU (23 U.S.C.*
22 *118 note; 119 Stat. 1248), to the extent that funds ob-*
23 *ligated in accordance with that section were not sub-*
24 *ject to a limitation on obligations at the time at*

1 *which the funds were initially made available for ob-*
2 *ligation;*

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

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

11 (14) *section 119 of title 23, United States Code*
12 *(but, for fiscal years 2022 through 2026, only in an*
13 *amount equal to \$639,000,000 for each of those fiscal*
14 *years).*

15 (c) *DISTRIBUTION OF OBLIGATION AUTHORITY.—For*
16 *each of fiscal years 2022 through 2026, the Secretary—*

17 (1) *shall not distribute obligation authority pro-*
18 *vided by subsection (a) for the fiscal year for—*

19 (A) *amounts authorized for administrative*
20 *expenses and programs by section 104(a) of title*
21 *23, United States Code; and*

22 (B) *amounts authorized for the Bureau of*
23 *Transportation Statistics;*

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

4 (A) made available from the Highway Trust
5 Fund (other than the Mass Transit Account) for
6 Federal-aid highway and highway safety con-
7 struction programs for previous fiscal years the
8 funds for which are allocated by the Secretary
9 (or apportioned by the Secretary under section
10 202 or 204 of title 23, United States Code); and

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

13 (3) shall determine the proportion that—

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

18 (B) the total of the sums authorized to be
19 appropriated for the Federal-aid highway and
20 highway safety construction programs (other
21 than sums authorized to be appropriated for pro-
22 visions of law described in paragraphs (1)
23 through (13) of subsection (b) and sums author-
24 ized to be appropriated for section 119 of title
25 23, United States Code, equal to the amount re-

1 *ferred to in subsection (b)(14) for the fiscal*
2 *year), less the aggregate of the amounts not dis-*
3 *tributed under paragraphs (1) and (2) of this*
4 *subsection;*

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

13 *(A) the proportion determined under para-*
14 *graph (3); by*

15 *(B) the amounts authorized to be appro-*
16 *priated for each such program for the fiscal year;*
17 *and*

18 *(5) shall distribute the obligation authority pro-*
19 *vided by subsection (a), less the aggregate amounts*
20 *not distributed under paragraphs (1) and (2) and the*
21 *amounts distributed under paragraph (4), for Fed-*
22 *eral-aid highway and highway safety construction*
23 *programs that are apportioned by the Secretary*
24 *under title 23, United States Code (other than the*
25 *amounts apportioned for the national highway per-*

1 *formance program in section 119 of title 23, United*
2 *States Code, that are exempt from the limitation*
3 *under subsection (b)(14) and the amounts appor-*
4 *tioned under sections 202 and 204 of that title) in the*
5 *proportion that—*

6 *(A) amounts authorized to be appropriated*
7 *for the programs that are apportioned under title*
8 *23, United States Code, to each State for the fis-*
9 *cal year; bears to*

10 *(B) the total of the amounts authorized to*
11 *be appropriated for the programs that are ap-*
12 *portioned under title 23, United States Code, to*
13 *all States for the fiscal year.*

14 *(d) REDISTRIBUTION OF UNUSED OBLIGATION AU-*
15 *THORITY.—Notwithstanding subsection (c), the Secretary*
16 *shall, after August 1 of each of fiscal years 2022 through*
17 *2026—*

18 *(1) revise a distribution of the obligation author-*
19 *ity made available under subsection (c) if an amount*
20 *distributed cannot be obligated during that fiscal*
21 *year; and*

22 *(2) redistribute sufficient amounts to those States*
23 *able to obligate amounts in addition to those pre-*
24 *viously distributed during that fiscal year, giving pri-*
25 *ority to those States having large unobligated bal-*

1 *ances of funds apportioned under sections 144 (as in*
 2 *effect on the day before the date of enactment of*
 3 *MAP–21 (Public Law 112–141; 126 Stat. 405)) and*
 4 *104 of title 23, United States Code.*

5 *(e) APPLICABILITY OF OBLIGATION LIMITATIONS TO*
 6 *TRANSPORTATION RESEARCH PROGRAMS.—*

7 *(1) IN GENERAL.—Except as provided in para-*
 8 *graph (2), obligation limitations imposed by sub-*
 9 *section (a) shall apply to contract authority for trans-*
 10 *portation research programs carried out under chap-*
 11 *ter 5 of title 23, United States Code.*

12 *(2) EXCEPTION.—Obligation authority made*
 13 *available under paragraph (1) shall—*

14 *(A) remain available for a period of 4 fiscal*
 15 *years; and*

16 *(B) be in addition to the amount of any*
 17 *limitation imposed on obligations for Federal-*
 18 *aid highway and highway safety construction*
 19 *programs for future fiscal years.*

20 *(f) REDISTRIBUTION OF CERTAIN AUTHORIZED*
 21 *FUNDS.—*

22 *(1) IN GENERAL.—Not later than 30 days after*
 23 *the date of distribution of obligation authority under*
 24 *subsection (c) for each of fiscal years 2022 through*
 25 *2026, the Secretary shall distribute to the States any*

1 *funds (excluding funds authorized for the program*
2 *under section 202 of title 23, United States Code)*
3 *that—*

4 *(A) are authorized to be appropriated for*
5 *the fiscal year for Federal-aid highway pro-*
6 *grams; and*

7 *(B) the Secretary determines will not be al-*
8 *located to the States (or will not be apportioned*
9 *to the States under section 204 of title 23,*
10 *United States Code), and will not be available*
11 *for obligation, for the fiscal year because of the*
12 *imposition of any obligation limitation for the*
13 *fiscal year.*

14 *(2) RATIO.—Funds shall be distributed under*
15 *paragraph (1) in the same proportion as the distribu-*
16 *tion of obligation authority under subsection (c)(5).*

17 *(3) AVAILABILITY.—Funds distributed to each*
18 *State under paragraph (1) shall be available for any*
19 *purpose described in section 133(b) of title 23, United*
20 *States Code.*

21 **SEC. 11103. DEFINITIONS.**

22 *Section 101(a) of title 23, United States Code, is*
23 *amended—*

24 *(1) in paragraph (4)—*

1 (A) in subparagraph (A), by inserting “as-
2 sensing resilience,” after “surveying,”;

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

5 (C) by redesignating subparagraph (H) as
6 subparagraph (I); and

7 (D) by inserting after subparagraph (G) the
8 following:

9 “(H) improvements that reduce the number
10 of wildlife-vehicle collisions, such as wildlife
11 crossing structures; and”;

12 (2) by redesignating paragraphs (17) through
13 (34) as paragraphs (18), (19), (20), (21), (22), (23),
14 (25), (26), (27), (28), (29), (30), (31), (32), (33), (34),
15 (35), and (36), respectively;

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

18 “(17) *NATURAL INFRASTRUCTURE*.—The term
19 ‘natural infrastructure’ means infrastructure that
20 uses, restores, or emulates natural ecological processes
21 and—

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

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

4 “(C) involves the use of plants, soils, and
5 other natural features, including through the cre-
6 ation, restoration, or preservation of vegetated
7 areas using materials appropriate to the region
8 to manage stormwater and runoff, to attenuate
9 flooding and storm surges, and for other related
10 purposes.”;

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

13 “(24) *RESILIENCE*.—The term ‘resilience’, with
14 respect to a project, means a project with the ability
15 to anticipate, prepare for, or adapt to conditions or
16 withstand, respond to, or recover rapidly from dis-
17 ruptions, including the ability—

18 “(A)(i) to resist hazards or withstand im-
19 pacts from weather events and natural disasters;
20 or

21 “(ii) to reduce the magnitude or duration of
22 impacts of a disruptive weather event or natural
23 disaster on a project; and

24 “(B) to have the absorptive capacity, adapt-
25 ive capacity, and recoverability to decrease

1 *project vulnerability to weather events or other*
 2 *natural disasters.”; and*

3 *(5) in subparagraph (A) of paragraph (32) (as*
 4 *so redesignated)—*

5 *(A) by striking the period at the end and*
 6 *inserting “; and”;*

7 *(B) by striking “through the implementa-*
 8 *tion” and inserting the following: “through—*

9 *“(i) the implementation”; and*

10 *(C) by adding at the end the following:*

11 *“(ii) the consideration of incorporating*
 12 *natural infrastructure.”.*

13 **SEC. 11104. APPORTIONMENT.**

14 *(a) ADMINISTRATIVE EXPENSES.—Section 104(a)(1)*
 15 *of title 23, United States Code, is amended by striking sub-*
 16 *paragraphs (A) through (E) and inserting the following:*

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

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

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

20 *“(D) \$521,015,664 for fiscal year 2025; and*

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

22 *(b) DIVISION AMONG PROGRAMS OF STATE SHARE.—*

23 *Section 104(b) of title 23, United States Code, is amended*
 24 *in subsection (b)—*

1 (1) *in the matter preceding paragraph (1), by*
2 *inserting “the carbon reduction program under sec-*
3 *tion 175, to carry out subsection (c) of the PROTECT*
4 *program under section 176,” before “and to carry out*
5 *section 134”;*

6 (2) *in paragraph (1), by striking “63.7 percent”*
7 *and inserting “59.0771195921461 percent”;*

8 (3) *in paragraph (2), by striking “29.3 percent”*
9 *and inserting “28.7402203421251 percent”;*

10 (4) *in paragraph (3), by striking “7 percent”*
11 *and inserting “6.70605141316253 percent”;*

12 (5) *by striking paragraph (4) and inserting the*
13 *following:*

14 “(4) *CONGESTION MITIGATION AND AIR QUALITY*
15 *IMPROVEMENT PROGRAM.—*

16 “(A) *IN GENERAL.—For the congestion*
17 *mitigation and air quality improvement pro-*
18 *gram, an amount determined for the State under*
19 *subparagraphs (B) and (C).*

20 “(B) *TOTAL AMOUNT.—The total amount*
21 *for the congestion mitigation and air quality im-*
22 *provement program for all States shall be—*

23 “(i) *\$2,536,490,803 for fiscal year*
24 *2022;*

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

3 “(iii) \$2,638,965,032 for fiscal year
4 2024;

5 “(iv) \$2,691,744,332 for fiscal year
6 2025; and

7 “(v) \$2,745,579,213 for fiscal year
8 2026.

9 “(C) *STATE SHARE.*—For each fiscal year,
10 the Secretary shall distribute among the States
11 the total amount for the congestion mitigation
12 and air quality improvement program under
13 subparagraph (B) so that each State receives an
14 amount equal to the proportion that—

15 “(i) the amount apportioned to the
16 State for the congestion mitigation and air
17 quality improvement program for fiscal
18 year 2020; bears to

19 “(ii) the total amount of funds appor-
20 tioned to all States for that program for fis-
21 cal year 2020.”;

22 (6) in paragraph (5)—

23 (A) by striking subparagraph (B) and in-
24 serting the following:

1 “(B) *TOTAL AMOUNT.*—*The total amount*
2 *set aside for the national highway freight pro-*
3 *gram for all States shall be—*

4 “(i) \$1,373,932,519 for fiscal year
5 2022;

6 “(ii) \$1,401,411,169 for fiscal year
7 2023;

8 “(iii) \$1,429,439,392 for fiscal year
9 2024;

10 “(iv) \$1,458,028,180 for fiscal year
11 2025; and

12 “(v) \$1,487,188,740 for fiscal year
13 2026.”; and

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

15 (7) by striking paragraph (6) and inserting the
16 *following:*

17 “(6) *METROPOLITAN PLANNING.*—

18 “(A) *IN GENERAL.*—*To carry out section*
19 *134, an amount determined for the State under*
20 *subparagraphs (B) and (C).*

21 “(B) *TOTAL AMOUNT.*—*The total amount*
22 *for metropolitan planning for all States shall*
23 *be—*

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

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

1 “(iii) \$455,821,233 for fiscal year
2 2024;

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

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

6 “(C) *STATE SHARE.*—For each fiscal year,
7 the Secretary shall distribute among the States
8 the total amount to carry out section 134 under
9 subparagraph (B) so that each State receives an
10 amount equal to the proportion that—

11 “(i) the amount apportioned to the
12 State to carry out section 134 for fiscal
13 year 2020; bears to

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

17 “(7) *CARBON REDUCTION PROGRAM.*—For the
18 carbon reduction program under section 175,
19 2.56266964565637 percent of the amount remaining
20 after distributing amounts under paragraphs (4), (5),
21 and (6).

22 “(8) *PROTECT FORMULA PROGRAM.*—To carry
23 out subsection (c) of the *PROTECT* program under
24 section 176, 2.91393900690991 percent of the amount

1 *remaining after distributing amounts under para-*
2 *graphs (4), (5), and (6).”.*

3 (c) *CALCULATION OF AMOUNTS.—Section 104(c) of*
4 *title 23, United States Code, is amended—*

5 (1) *in paragraph (1)—*

6 (A) *in the matter preceding subparagraph*
7 (A), *by striking “each of fiscal years 2016*
8 *through 2020” and inserting “fiscal year 2022*
9 *and each fiscal year thereafter”;*

10 (B) *in subparagraph (A)—*

11 (i) *by striking clause (i) and inserting*
12 *the following:*

13 “(i) *the base apportionment; by”;* and

14 (ii) *in clause (ii)(I), by striking “fiscal*
15 *year 2015” and inserting “fiscal year*
16 *2021”;* and

17 (C) *by striking subparagraph (B) and in-*
18 *serting the following:*

19 “(B) *GUARANTEED AMOUNTS.—The initial*
20 *amounts resulting from the calculation under*
21 *subparagraph (A) shall be adjusted to ensure*
22 *that each State receives an aggregate apporportion-*
23 *ment that is—*

24 “(i) *equal to at least 95 percent of the*
25 *estimated tax payments paid into the High-*

1 *way Trust Fund (other than the Mass*
2 *Transit Account) in the most recent fiscal*
3 *year for which data are available that*
4 *are—*

5 *“(I) attributable to highway users*
6 *in the State; and*

7 *“(II) associated with taxes in ef-*
8 *fect on July 1, 2019, and only up to*
9 *the rate those taxes were in effect on*
10 *that date;*

11 *“(ii) at least 2 percent greater than the*
12 *apportionment that the State received for*
13 *fiscal year 2021; and*

14 *“(iii) at least 1 percent greater than*
15 *the apportionment that the State received*
16 *for the previous fiscal year.”; and*

17 (2) *in paragraph (2)—*

18 (A) *by striking “fiscal years 2016 through*
19 *2020” and inserting “fiscal year 2022 and each*
20 *fiscal year thereafter”; and*

21 (B) *by inserting “the carbon reduction pro-*
22 *gram under section 175, to carry out subsection*
23 *(c) of the PROTECT program under section*
24 *176,” before “and to carry out section 134”.*

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

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

7 (f) *BASE APPORTIONMENT DEFINED*.—Section 104 of
8 title 23, United States Code, is amended—

9 (1) by redesignating subsection (i) as subsection
10 (h); and

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

12 (A) by striking “means” in the matter pre-
13 ceding paragraph (1) and all that follows
14 through “the combined amount” in paragraph
15 (1) and inserting “means the combined amount”;

16 (B) by striking “and to carry out section
17 134; minus” and inserting “the carbon reduction
18 program under section 175, to carry out sub-
19 section (c) of the *PROTECT* program under sec-
20 tion 176, and to carry out section 134.”; and

21 (C) by striking paragraph (2).

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

23 Section 119 of title 23, United States Code, is amend-
24 ed—

25 (1) in subsection (b)—

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

3 (B) in paragraph (3), by striking the period
4 at the end and inserting “; and”; and

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

6 “(4) to provide support for activities to increase
7 the resiliency of the National Highway System to
8 mitigate the cost of damages from sea level rise, ex-
9 treme weather events, flooding, wildfires, or other nat-
10 ural disasters.”;

11 (2) in subsection (d)(2), by adding at the end the
12 following:

13 “(Q) Undergrounding public utility infra-
14 structure carried out in conjunction with a
15 project otherwise eligible under this section.

16 “(R) Resiliency improvements on the Na-
17 tional Highway System, including protective
18 features described in subsection (k)(2).

19 “(S) Implement activities to protect seg-
20 ments of the National Highway System from cy-
21 bersecurity threats.”;

22 (3) in subsection (e)(4)(D), by striking “anal-
23 ysis” and inserting “analyses, both of which shall
24 take into consideration extreme weather and resil-
25 ience”; and

1 (4) *by adding at the end the following:*

2 “(k) *PROTECTIVE FEATURES.*—

3 “(1) *IN GENERAL.*—*A State may use not more*
4 *than 15 percent of the funds apportioned to the State*
5 *under section 104(b)(1) for each fiscal year for 1 or*
6 *more protective features on a Federal-aid highway or*
7 *bridge not on the National Highway System, if the*
8 *protective feature is designed to mitigate the risk of*
9 *recurring damage or the cost of future repairs from*
10 *extreme weather events, flooding, or other natural dis-*
11 *asters.*

12 “(2) *PROTECTIVE FEATURES DESCRIBED.*—*A*
13 *protective feature referred to in paragraph (1) in-*
14 *cludes—*

15 “(A) *raising roadway grades;*

16 “(B) *relocating roadways in a base flood-*
17 *plain to higher ground above projected flood ele-*
18 *vation levels or away from slide prone areas;*

19 “(C) *stabilizing slide areas;*

20 “(D) *stabilizing slopes;*

21 “(E) *lengthening or raising bridges to in-*
22 *crease waterway openings;*

23 “(F) *increasing the size or number of drain-*
24 *age structures;*

1 “(G) replacing culverts with bridges or
2 upsizing culverts;

3 “(H) installing seismic retrofits on bridges;

4 “(I) adding scour protection at bridges, in-
5 stalling riprap, or adding other scour, stream
6 stability, coastal, or other hydraulic counter-
7 measures, including spur dikes; and

8 “(J) the use of natural infrastructure to
9 mitigate the risk of recurring damage or the cost
10 of future repair from extreme weather events,
11 flooding, or other natural disasters.

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

16 **SEC. 11106. EMERGENCY RELIEF.**

17 Section 125 of title 23, United States Code, is amend-
18 ed—

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

21 (2) by striking subsection (b) and inserting the
22 following:

23 “(b) RESTRICTION ON ELIGIBILITY.—Funds under
24 this section shall not be used for the repair or reconstruction
25 of a bridge that has been permanently closed to all vehicular

1 *traffic by the State or responsible local official because of*
2 *imminent danger of collapse due to a structural deficiency*
3 *or physical deterioration.”; and*

4 *(3) in subsection (d)—*

5 *(A) in paragraph (2)(A)—*

6 *(i) by striking the period at the end*
7 *and inserting “; and”;*

8 *(ii) by striking “a facility that meets*
9 *the current” and inserting the following: “a*
10 *facility that—*

11 *“(i) meets the current”;* and

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

14 *“(ii) incorporates economically justifi-*
15 *able improvements that will mitigate the*
16 *risk of recurring damage from extreme*
17 *weather, flooding, and other natural disas-*
18 *ters.”;*

19 *(B) by redesignating paragraph (3) as*
20 *paragraph (4); and*

21 *(C) by inserting after paragraph (2) the fol-*
22 *lowing:*

23 *“(3) PROTECTIVE FEATURES.—*

24 *“(A) IN GENERAL.—The cost of an improve-*
25 *ment that is part of a project under this section*

1 *shall be an eligible expense under this section if*
2 *the improvement is a protective feature that will*
3 *mitigate the risk of recurring damage or the cost*
4 *of future repair from extreme weather, flooding,*
5 *and other natural disasters.*

6 “(B) *PROTECTIVE FEATURES DESCRIBED.—*
7 *A protective feature referred to in subparagraph*
8 *(A) includes—*

9 “(i) *raising roadway grades;*

10 “(ii) *relocating roadways in a flood-*
11 *plain to higher ground above projected flood*
12 *elevation levels or away from slide prone*
13 *areas;*

14 “(iii) *stabilizing slide areas;*

15 “(iv) *stabilizing slopes;*

16 “(v) *lengthening or raising bridges to*
17 *increase waterway openings;*

18 “(vi) *increasing the size or number of*
19 *drainage structures;*

20 “(vii) *replacing culverts with bridges*
21 *or upsizing culverts;*

22 “(viii) *installing seismic retrofits on*
23 *bridges;*

24 “(ix) *adding scour protection at*
25 *bridges, installing riprap, or adding other*

1 *scour, stream stability, coastal, or other hy-*
 2 *draulic countermeasures, including spur*
 3 *dikes; and*

4 *“(x) the use of natural infrastructure*
 5 *to mitigate the risk of recurring damage or*
 6 *the cost of future repair from extreme*
 7 *weather, flooding, and other natural disas-*
 8 *ters.”.*

9 **SEC. 11107. FEDERAL SHARE PAYABLE.**

10 *Section 120 of title 23, United States Code, is amend-*
 11 *ed—*

12 *(1) in subsection (c)—*

13 *(A) in paragraph (1), in the first sentence,*
 14 *by inserting “vehicle-to-infrastructure commu-*
 15 *nication equipment,” after “breakaway utility*
 16 *poles,”;*

17 *(B) in subparagraph (3)(B)—*

18 *(i) in clause (v), by striking “or” at*
 19 *the end;*

20 *(ii) by redesignating clause (vi) as*
 21 *clause (vii); and*

22 *(iii) by inserting after clause (v) the*
 23 *following:*

24 *“(vi) contractual provisions that pro-*
 25 *vide safety contingency funds to incorporate*

1 *safety enhancements to work zones prior to*
2 *or during roadway construction activities;*
3 *or”;* and

4 *(C) by adding at the end the following:*

5 “(4) *POOLED FUNDING.*—*Notwithstanding any*
6 *other provision of law, the Secretary may waive the*
7 *non-Federal share of the cost of a project or activity*
8 *under section 502(b)(6) that is carried out with*
9 *amounts apportioned under section 104(b)(2) after*
10 *considering appropriate factors, including whether—*

11 “(A) *decreasing or eliminating the non-Fed-*
12 *eral share would best serve the interests of the*
13 *Federal-aid highway program; and*

14 “(B) *the project or activity addresses na-*
15 *tional or regional high priority research, devel-*
16 *opment, and technology transfer problems in a*
17 *manner that would benefit multiple States or*
18 *metropolitan planning organizations.”;*

19 *(2) in subsection (e)—*

20 “(A) *in paragraph (1), by striking “180*
21 *days” and inserting “270 days”; and*

22 “(B) *in paragraph (4), by striking “perma-*
23 *nent”; and*

24 *(3) by adding at the end the following:*

1 “(1) *FEDERAL SHARE FLEXIBILITY PILOT PRO-*
2 *GRAM.*—

3 “(1) *ESTABLISHMENT.*—*Not later than 180 days*
4 *after the date of enactment of the Surface Transpor-*
5 *tation Reauthorization Act of 2021, the Secretary*
6 *shall establish a pilot program (referred to in this*
7 *subsection as the ‘pilot program’) to give States addi-*
8 *tional flexibility with respect to the Federal require-*
9 *ments under this section.*

10 “(2) *PROGRAM.*—

11 “(A) *IN GENERAL.*—*Notwithstanding any*
12 *other provision of law, a State participating in*
13 *the pilot program (referred to in this subsection*
14 *as a ‘participating State’) may determine the*
15 *Federal share on a project, multiple-project, or*
16 *program basis for projects under any of the fol-*
17 *lowing:*

18 “(i) *The national highway perform-*
19 *ance program under section 119.*

20 “(ii) *The surface transportation block*
21 *grant program under section 133.*

22 “(iii) *The highway safety improvement*
23 *program under section 148.*

1 “(iv) *The congestion mitigation and*
2 *air quality improvement program under*
3 *section 149.*

4 “(v) *The national highway freight pro-*
5 *gram under section 167.*

6 “(vi) *The carbon reduction program*
7 *under section 175.*

8 “(vii) *Subsection (c) of the PROTECT*
9 *program under section 176.*

10 “(B) *REQUIREMENTS.—*

11 “(i) *MAXIMUM FEDERAL SHARE.—Sub-*
12 *ject to clause (iii), the Federal share of the*
13 *cost of an individual project carried out*
14 *under a program described in subparagraph*
15 *(A) by a participating State and to which*
16 *the participating State is applying the Fed-*
17 *eral share requirements under the pilot pro-*
18 *gram may be up to 100 percent.*

19 “(ii) *MINIMUM FEDERAL SHARE.—No*
20 *individual project carried out under a pro-*
21 *gram described in subparagraph (A) by a*
22 *participating State and to which the par-*
23 *ticipating State is applying the Federal*
24 *share requirements under the pilot program*
25 *shall have a Federal share of 0 percent.*

1 “(iii) *DETERMINATION.*—*The average*
2 *annual Federal share of the total cost of all*
3 *projects authorized under a program de-*
4 *scribed in subparagraph (A) to which a*
5 *participating State is applying the Federal*
6 *share requirements under the pilot program*
7 *shall be not more than the average of the*
8 *maximum Federal share of those projects if*
9 *those projects were not carried out under the*
10 *pilot program.*

11 “(C) *SELECTION.*—

12 “(i) *APPLICATION.*—*A State seeking to*
13 *be a participating State shall—*

14 “(I) *submit to the Secretary an*
15 *application in such form, at such time,*
16 *and containing such information as*
17 *the Secretary may require; and*

18 “(II) *have in place adequate fi-*
19 *nancial controls to allow the State to*
20 *determine the average annual Federal*
21 *share requirements under the pilot pro-*
22 *gram.*

23 “(ii) *REQUIREMENT.*—*For each of fis-*
24 *cal years 2022 through 2026, the Secretary*

1 *shall select not more than 10 States to be*
2 *participating States.”.*

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

4 (a) *IN GENERAL.*—Section 130(e) of title 23, United
5 States Code, is amended—

6 (1) *in the heading, by striking “PROTECTIVE*
7 *DEVICES” and inserting “RAILWAY-HIGHWAY GRADE*
8 *CROSSINGS”;* and

9 (2) *in paragraph (1)—*

10 (A) *in subparagraph (A), by striking “and*
11 *the installation of protective devices at railway-*
12 *highway crossings” in the matter preceding*
13 *clause (i) and all that follows through “2020.” in*
14 *clause (v) and inserting the following: “, the in-*
15 *stallation of protective devices at railway-high-*
16 *way crossings, the replacement of functionally*
17 *obsolete warning devices, and as described in*
18 *subparagraph (B), not less than \$245,000,000 for*
19 *each of fiscal years 2022 through 2026.”;* and

20 (B) *by striking subparagraph (B) and in-*
21 *serting the following:*

22 “(B) *REDUCING TRESPASSING FATALITIES*
23 *AND INJURIES.*—A State may use funds set aside
24 *under subparagraph (A) for projects to reduce*

1 *pedestrian fatalities and injuries from tres-*
2 *passing at grade crossings.”.*

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

6 **(c) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING**
7 **CLOSURES.**—Section 130(i)(3)(B) of title 23, *United States*
8 *Code, is amended by striking “\$7,500” and inserting*
9 *“\$100,000”.*

10 **(d) EXPENDITURE OF FUNDS.**—Section 130(k) of title
11 *23, United States Code, is amended by striking “2 percent”*
12 *and inserting “8 percent”.*

13 **(e) GAO STUDY.**—Not later than 3 years after the date
14 *of enactment of this Act, the Comptroller General of the*
15 *United States shall submit to Congress a report that in-*
16 *cludes an analysis of the effectiveness of the railway-high-*
17 *way crossings program under section 130 of title 23, United*
18 *States Code.*

19 **(f) SENSE OF CONGRESS RELATING TO TRESPASSER**
20 **DEATHS ALONG RAILROAD RIGHTS-OF-WAY.**—*It is the*
21 *sense of Congress that the Department should, where fea-*
22 *sible, coordinate departmental efforts to prevent or reduce*
23 *trespasser deaths along railroad rights-of-way and at or*
24 *near railway-highway crossings.*

1 **SEC. 11109. SURFACE TRANSPORTATION BLOCK GRANT**
2 **PROGRAM.**

3 (a) *IN GENERAL.*—Section 133 of title 23, United
4 States Code, is amended—

5 (1) *in subsection (b)*—

6 (A) *in paragraph (1)*—

7 (i) *in subparagraph (B)*—

8 (I) *by adding “or” at the end;*

9 (II) *by striking “facilities eligi-*
10 *ble” and inserting the following: “fa-*
11 *cilities—*

12 *“(i) that are eligible”; and*

13 (III) *by adding at the end the fol-*
14 *lowing:*

15 *“(ii) that are privately or majority-*
16 *privately owned, but that the Secretary de-*
17 *termines provide a substantial public trans-*
18 *portation benefit or otherwise meet the fore-*
19 *most needs of the surface transportation sys-*
20 *tem described in section 101(b)(3)(D);”;*

21 (ii) *in subparagraph (E), by striking*
22 *“and” at the end;*

23 (iii) *in subparagraph (F), by striking*
24 *the period at the end and inserting “; and”;*
25 *and*

26 (iv) *by adding at the end the following:*

1 “(G) wildlife crossing structures.”;

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

4 (C) by redesignating paragraphs (4)
5 through (15) as paragraphs (5), (6), (7), (8), (9),
6 (10), (11), (12), (13), (20), (21), and (22), re-
7 spectively;

8 (D) in paragraph (5) (as so redesignated),
9 by striking “railway-highway grade crossings”
10 and inserting “projects eligible under section 130
11 and installation of safety barriers and nets on
12 bridges”;

13 (E) in paragraph (7) (as so redesignated)—

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

17 (ii) by striking “the safe routes to
18 school program under section 1404 of
19 SAFETEA-LU (23 U.S.C. 402 note)” and
20 inserting “the safe routes to school program
21 under section 208”;

22 (F) by inserting after paragraph (13) (as so
23 redesignated) the following:

24 “(14) Projects and strategies designed to reduce
25 the number of wildlife-vehicle collisions, including

1 *project-related planning, design, construction, moni-*
2 *toring, and preventative maintenance.*

3 *“(15) The installation of electric vehicle charging*
4 *infrastructure and vehicle-to-grid infrastructure.*

5 *“(16) The installation and deployment of current*
6 *and emerging intelligent transportation technologies,*
7 *including the ability of vehicles to communicate with*
8 *infrastructure, buildings, and other road users.*

9 *“(17) Planning and construction of projects that*
10 *facilitate intermodal connections between emerging*
11 *transportation technologies, such as magnetic levita-*
12 *tion and hyperloop.*

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

17 *“(19) Measures to protect a transportation facil-*
18 *ity otherwise eligible for assistance under this section*
19 *from cybersecurity threats.”; and*

20 *(G) by adding at the end the following:*

21 *“(23) Rural barge landing, dock, and waterfront*
22 *infrastructure projects in accordance with subsection*
23 *(j).*

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

25 *(2) in subsection (c)—*

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

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

6 (C) by redesignating paragraph (4) as
7 paragraph (5); and

8 (D) by inserting after paragraph (3) the fol-
9 lowing:

10 “(4) for a bridge project for the replacement of
11 a low water crossing (as defined by the Secretary)
12 with a bridge; and”;

13 (3) in subsection (d)—

14 (A) in paragraph (1)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “reservation” and
17 inserting “set aside”; and

18 (ii) in subparagraph (A)—

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

24 (II) by striking clauses (ii) and

25 (iii) and inserting the following:

1 “(ii) in urbanized areas of the State
2 with an urbanized area population of not
3 less than 50,000 and not more than
4 200,000;

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

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

10 (B) by striking paragraph (3) and inserting
11 the following:

12 “(3) LOCAL CONSULTATION.—

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

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

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

1 “(B) CONSULTATION WITH REGIONAL
2 TRANSPORTATION PLANNING ORGANIZATIONS.—
3 For purposes of clauses (iii) and (iv) of para-
4 graph (1)(A), before obligating funding attrib-
5 uted to an area with a population less than
6 50,000, a State shall consult with the regional
7 transportation planning organizations that rep-
8 resent the area, if any.”; and

9 (C) by striking paragraph (6);
10 (4) in subsection (e)(1), in the matter preceding
11 subparagraph (A), by striking “fiscal years 2016
12 through 2020” and inserting “fiscal years 2022
13 through 2026”;

14 (5) in subsection (f)—

15 (A) in paragraph (1)—

16 (i) by inserting “or low water crossing
17 (as defined by the Secretary)” after “a high-
18 way bridge”; and

19 (ii) by inserting “or low water crossing
20 (as defined by the Secretary)” after “other
21 than a bridge”;

22 (B) in paragraph (2)(A)—

23 (i) by striking “activities described in
24 subsection (b)(2) for off-system bridges” and
25 inserting “activities described in para-

1 *graphs (1)(A) and (10) of subsection (b) for*
2 *off-system bridges, projects and activities*
3 *described in subsection (b)(1)(A) for the re-*
4 *placement of low water crossings with*
5 *bridges, and projects and activities de-*
6 *scribed in subsection (b)(10) for low water*
7 *crossings (as defined by the Secretary),”;*
8 *and*

9 *(ii) by striking “15 percent” and in-*
10 *serting “20 percent”; and*

11 *(C) in paragraph (3), in the matter pre-*
12 *ceding subparagraph (A)—*

13 *(i) by striking “bridge or rehabilita-*
14 *tion of a bridge” and inserting “bridge, re-*
15 *habilitation of a bridge, or replacement of a*
16 *low water crossing (as defined by the Sec-*
17 *retary) with a bridge”; and*

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

24 *(6) in subsection (g)—*

1 (A) in the subsection heading, by striking
2 “LESS THAN 5,000” and inserting “LESS THAN
3 50,000”; and

4 (B) by striking paragraph (1) and inserting
5 the following:

6 “(1) *IN GENERAL.*—Notwithstanding subsection
7 (c), and except as provided in paragraph (2), up to
8 15 percent of the amounts required to be obligated by
9 a State under clauses (iii) and (iv) of subsection
10 (d)(1)(A) for each fiscal year may be obligated on—

11 “(A) roads functionally classified as rural
12 minor collectors or local roads; or

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

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

16 “(j) *RURAL BARGE LANDING, DOCK, AND WATER-*
17 *FRONT INFRASTRUCTURE PROJECTS.*—

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

23 “(2) *ELIGIBLE PROJECTS.*—An eligible rural
24 barge landing, dock, or waterfront infrastructure
25 project referred to in paragraph (1) is a project for

1 *the planning, designing, engineering, or construction*
2 *of a barge landing, dock, or other waterfront infra-*
3 *structure in a rural community or a Native village*
4 *(as defined in section 3 of the Alaska Native Claims*
5 *Settlement Act (43 U.S.C. 1602)) that is off the road*
6 *system.*

7 *“(k) PROJECTS IN RURAL AREAS.—*

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

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

17 *“(B) transferred to—*

18 *“(i) the Appalachian Highway System*
19 *Program under 14501 of title 40; or*

20 *“(ii) the Denali access system program*
21 *under section 309 of the Denali Commission*
22 *Act of 1998 (42 U.S.C. 3121 note; Public*
23 *Law 105–277).*

24 *“(2) SAVINGS CLAUSE.—Amounts allocated*
25 *under subsection (d) shall not be used to carry out*

1 *this subsection, except at the request of the applicable*
2 *metropolitan planning organization.”.*

3 *(b) SET-ASIDE.—*

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

6 *(A) in paragraph (1)—*

7 *(i) in the heading, by striking “RES-*
8 *ERVATION OF FUNDS” and inserting “IN*
9 *GENERAL”; and*

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

16 *“(A) the Secretary shall set aside an*
17 *amount equal to 10 percent to carry out this*
18 *subsection; and”;*

19 *(B) by striking paragraph (2) and inserting*
20 *the following:*

21 *“(2) ALLOCATION WITHIN A STATE.—*

22 *“(A) IN GENERAL.—Except as provided in*
23 *subparagraph (B), funds set aside for a State*
24 *under paragraph (1) shall be obligated within*
25 *that State in the manner described in subsection*

1 (d), except that, for purposes of this paragraph
2 (after funds are made available under paragraph
3 (5))—

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

8 “(ii) paragraph (3) of subsection (d)
9 shall not apply.

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

13 “(i) the State submits to the Secretary
14 a plan that describes—

15 “(I) how funds will be allocated to
16 counties, metropolitan planning orga-
17 nizations, regional transportation
18 planning organizations as described in
19 section 135(m), or local governments;

20 “(II) how the entities described in
21 subclause (I) will carry out a competi-
22 tive process to select projects for fund-
23 ing and report selected projects to the
24 State;

1 “(III) the legal, financial, and
2 technical capacity of the entities de-
3 scribed in subclause (I);

4 “(IV) how input was gathered
5 from the entities described in subclause
6 (I) to ensure those entities will be able
7 to comply with the requirements of this
8 subsection; and

9 “(V) how the State will comply
10 with paragraph (8); and

11 “(ii) the Secretary approves the plan
12 submitted under clause (i).”;

13 (C) by striking paragraph (3) and inserting
14 the following:

15 “(3) *ELIGIBLE PROJECTS.*—Funds set aside
16 under this subsection may be obligated for—

17 “(A) projects or activities described in sec-
18 tion 101(a)(29) or 213, as those provisions were
19 in effect on the day before the date of enactment
20 of the FAST Act (Public Law 114–94; 129 Stat.
21 1312);

22 “(B) projects and activities under the safe
23 routes to school program under section 208; and

1 “(C) activities in furtherance of a vulner-
2 able road user safety assessment (as defined in
3 section 148(a)).”;

4 (D) in paragraph (4)—

5 (i) by striking subparagraph (A);

6 (ii) by redesignating subparagraph (B)
7 as subparagraph (A);

8 (iii) in subparagraph (A) (as so reded-
9 ignated)—

10 (I) by redesignating clauses (vii)
11 and (viii) as clauses (viii) and (ix), re-
12 spectively;

13 (II) by inserting after clause (vi)
14 the following:

15 “(vii) a metropolitan planning organi-
16 zation that serves an urbanized area with a
17 population of 200,000 or fewer;”;

18 (III) in clause (viii) (as so reded-
19 ignated), by striking “responsible” and
20 all that follows through “programs;
21 and” and inserting a semicolon;

22 (IV) in clause (ix) (as so reded-
23 gnated)—

24 (aa) by inserting “that serves
25 an urbanized area with a popu-

1 *lation of over 200,000” after*
2 *“metropolitan planning organiza-*
3 *tion”; and*

4 *(bb) by striking the period at*
5 *the end and inserting “; and”;*
6 *and*

7 *(V) by adding at the end the fol-*
8 *lowing:*

9 *“(x) a State, at the request of an entity*
10 *described in clauses (i) through (ix).”;* and

11 *(iv) by adding at the end the following:*

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

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

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

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

22 *“(I) to applicants for projects*
23 *under this subsection application as-*
24 *sistance, technical assistance, and as-*
25 *sistance in reducing the period of time*

1 *between the selection of the project and*
2 *the obligation of funds for the project;*
3 *and*

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

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

9 “*(I) directly by the State; or*

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

13 *(G) by redesignating paragraph (7) as*
14 *paragraph (8);*

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

17 “*(7) FEDERAL SHARE.—*

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

1 “(B) *FLEXIBLE FINANCING.*—Subject to sub-
2 paragraph (A), notwithstanding section 120—

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

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

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

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

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

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

24 (I) in subparagraph (A) of paragraph (8)
25 (as so redesignated)—

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

4 *(ii) by striking clause (ii) and insert-*
5 *ing the following:*

6 *“(ii) a list of each project selected for*
7 *funding for each fiscal year, including, for*
8 *each project—*

9 *“(I) the fiscal year during which*
10 *the project was selected;*

11 *“(II) the fiscal year in which the*
12 *project is anticipated to be funded;*

13 *“(III) the recipient;*

14 *“(IV) the location, including the*
15 *congressional district;*

16 *“(V) the type;*

17 *“(VI) the cost; and*

18 *“(VII) a brief description.”.*

19 (2) *STATE TRANSFERABILITY.—Section 126(b)(2)*
20 *of title 23, United States Code, is amended—*

21 *(A) by striking the period at the end and*
22 *inserting “; and”;*

23 *(B) by striking “reserved for a State under*
24 *section 133(h) for a fiscal year may” and insert-*

1 ing the following: “set aside for a State under
2 section 133(h) for a fiscal year—

3 “(A) may”; and

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

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

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

11 “(ii) offered to each eligible entity, and
12 provided on request of an eligible entity,
13 technical assistance; and

14 “(iii) demonstrates that there were not
15 sufficiently suitable applications from eligi-
16 ble entities to use the funds to be trans-
17 ferred.”.

18 **SEC. 11110. NATIONALLY SIGNIFICANT FREIGHT AND HIGH-**
19 **WAY PROJECTS.**

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

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

24 (2) in subsection (a)(2)—

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

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

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

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

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

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

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

20 “(B) transfer portions of the funds retained
21 under subparagraph (A) to the relevant Admin-
22 istrators to fund the award and oversight of
23 grants provided under this section.”;

24 (4) in subsection (c)(1)—

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

3 (B) by inserting after subparagraph (G) the
4 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 an
19 international border crossing area in
20 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 pre-
24 ceding clause (i)—

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

3 (ii) by striking “fiscal years 2016
4 through 2020, in the aggregate,” and insert-
5 ing “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 “; and”;
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 cross-
22 ing onto the roadway, or steep grades.”; and

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

24 “(4) REQUIREMENT.—Of the amounts reserved
25 under paragraph (1), not less than 30 percent shall

1 *be used for projects in rural areas (as defined in sub-*
2 *section (i)(3)).”;*

3 *(7) in subsection (f)(2), by inserting “(including*
4 *a project to replace or rehabilitate a culvert, or to re-*
5 *duce stormwater runoff for the purpose of improving*
6 *habitat for aquatic species)” after “environmental*
7 *mitigation”;*

8 *(8) in subsection (h)—*

9 *(A) in paragraph (2), by striking “and” at*
10 *the end;*

11 *(B) in paragraph (3), by striking the period*
12 *at the end and inserting a semicolon; and*

13 *(C) by adding at the end the following:*

14 *“(4) enhancement of freight resilience to natural*
15 *hazards or disasters, including high winds, heavy*
16 *snowfall, flooding, rockslides, mudslides, wildfire,*
17 *wildlife crossing onto the roadway, or steep grades;*

18 *“(5) whether the project will improve the shared*
19 *transportation corridor of a multistate corridor orga-*
20 *nization, if applicable; and*

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

1 (9) in subsection (i)(2), by striking “other grants
2 under this section” and inserting “grants under sub-
3 section (e)”;

4 (10) in subsection (j)—

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

9 “(j) FEDERAL ASSISTANCE.—

10 “(1) FEDERAL SHARE.—

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

14 (B) in paragraph (1), by adding at the end
15 the following:

16 “(B) SMALL PROJECTS.—In the case of a
17 project described in subsection (e)(1), the Federal
18 share of the cost of the project shall be 80 per-
19 cent.”; and

20 (C) in paragraph (2)—

21 (i) by striking “Federal assistance
22 other” and inserting “Except for grants
23 under subsection (q), Federal assistance
24 other”; and

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

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

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

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

15 (12) by inserting after subsection (j) the fol-
16 lowing:

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

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

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

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

9 “(2) REQUIREMENTS.—

10 “(A) APPLICATION.—In order to obligate
11 and expend non-Federal funds under paragraph
12 (1), the grant recipient shall submit to the Sec-
13 retary a request to obligate and expend non-Fed-
14 eral funds under that paragraph, including—

15 “(i) a description of the activities the
16 grant recipient intends to fund;

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

22 “(iii) the level of risk of the activities
23 described in clause (i).

1 “(B) *APPROVAL.*—*The Secretary shall ap-*
2 *prove or disapprove each request submitted*
3 *under subparagraph (A).*”

4 “(C) *COMPLIANCE WITH APPLICABLE RE-*
5 *QUIREMENTS.*—*Any non-Federal funds obligated*
6 *or expended under paragraph (1) shall comply*
7 *with all applicable requirements, including any*
8 *requirements included in the grant agreement.*”

9 “(3) *EFFECT.*—*The obligation or expenditure of*
10 *any non-Federal funds in accordance with this sub-*
11 *section shall not—*

12 “(A) *affect the signing of a grant agreement*
13 *or other applicable grant procedures with respect*
14 *to the applicable grant;*

15 “(B) *create an obligation on the part of the*
16 *Federal Government to repay any non-Federal*
17 *funds if the grant agreement is not signed; or*

18 “(C) *affect the ability of the recipient of the*
19 *grant to obligate or expend non-Federal funds to*
20 *meet the non-Federal cost share for the project*
21 *for which the grant is provided after the period*
22 *described in paragraph (1).”;*

23 (13) *in subsection (n) (as so redesignated), by*
24 *striking paragraph (1) and inserting the following:*

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

9 “(A) an evaluation and justification for the
10 applicable project; and

11 “(B) a description of the amount of the pro-
12 posed grant award.”;

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

15 “(o) *APPLICANT NOTIFICATION.*—

16 “(1) *IN GENERAL.*—Not later than 60 days after
17 the date on which a grant recipient for a project
18 under this section is selected, the Secretary shall pro-
19 vide to each eligible applicant not selected for that
20 grant a written notification that the eligible appli-
21 cant was not selected.

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

1 “(A) detail on the evaluation of the applica-
2 tion of the eligible applicant; and

3 “(B) an explanation of and guidance on the
4 reasons the application was not selected for a
5 grant under this section.

6 “(3) RESPONSE.—

7 “(A) IN GENERAL.—Not later than 30 days
8 after the eligible applicant receives a written no-
9 tification under paragraph (1), if the eligible ap-
10 plicant opts to receive a debrief described in
11 paragraph (2), the eligible applicant shall notify
12 the Secretary that the eligible applicant is re-
13 questing a debrief.

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

20 (15) by striking subsection (p) (as so redesign-
21 ated) and inserting the following:

22 “(p) REPORTS.—

23 “(1) ANNUAL REPORT.—

24 “(A) IN GENERAL.—Notwithstanding any
25 other provision of law, not later than 30 days

1 *after the date on which the Secretary selects a*
2 *project for funding under this section, the Sec-*
3 *retary shall submit to the Committee on Envi-*
4 *ronment and Public Works of the Senate and the*
5 *Committee on Transportation and Infrastructure*
6 *of the House of Representatives a report that de-*
7 *scribes the reasons for selecting the project, based*
8 *on any criteria established by the Secretary in*
9 *accordance with this section.*

10 “(B) *INCLUSIONS.*—*The report submitted*
11 *under subparagraph (A) shall specify each cri-*
12 *terion established by the Secretary that the*
13 *project meets.*

14 “(C) *AVAILABILITY.*—*The Secretary shall*
15 *make available on the website of the Department*
16 *of Transportation the report submitted under*
17 *subparagraph (A).*

18 “(D) *APPLICABILITY.*—*This paragraph ap-*
19 *plies to all projects described in subparagraph*
20 *(A) that the Secretary selects on or after October*
21 *1, 2021.*

22 “(2) *COMPTROLLER GENERAL.*—

23 “(A) *ASSESSMENT.*—*The Comptroller Gen-*
24 *eral of the United States shall conduct an assess-*
25 *ment of the establishment, solicitation, selection,*

1 *and justification process with respect to the*
2 *funding of projects under this section.*

3 “(B) *REPORT.*—*Not later than 1 year after*
4 *the date of enactment of the Surface Transpor-*
5 *tation Reauthorization Act of 2021 and annually*
6 *thereafter, the Comptroller General of the United*
7 *States shall submit to the Committee on Envi-*
8 *ronment and Public Works of the Senate and the*
9 *Committee on Transportation and Infrastructure*
10 *of the House of Representatives a report that de-*
11 *scribes, for each project selected to receive fund-*
12 *ing under this section—*

13 “(i) *the process by which each project*
14 *was selected;*

15 “(ii) *the factors that went into the se-*
16 *lection of each project; and*

17 “(iii) *the justification for the selection*
18 *of each project based on any criteria estab-*
19 *lished by the Secretary in accordance with*
20 *this section.*

21 “(3) *INSPECTOR GENERAL.*—*Not later than 1*
22 *year after the date of enactment of the Surface Trans-*
23 *portation Reauthorization Act of 2021 and annually*
24 *thereafter, the Inspector General of the Department of*
25 *Transportation shall—*

1 “(A) *conduct an assessment of the establish-*
2 *ment, solicitation, selection, and justification*
3 *process with respect to the funding of projects*
4 *under this section; and*

5 “(B) *submit to the Committee on Environ-*
6 *ment and Public Works of the Senate and the*
7 *Committee on Transportation and Infrastructure*
8 *of the House of Representatives a final report*
9 *that describes the findings of the Inspector Gen-*
10 *eral of the Department of Transportation with*
11 *respect to the assessment conducted under sub-*
12 *paragraph (A).*

13 “(q) *STATE INCENTIVES PILOT PROGRAM.—*

14 “(1) *ESTABLISHMENT.—There is established a*
15 *pilot program to award grants to eligible applicants*
16 *for projects eligible for grants under this section (re-*
17 *ferred to in this subsection as the ‘pilot program’).*

18 “(2) *PRIORITY.—In awarding grants under the*
19 *pilot program, the Secretary shall give priority to an*
20 *application that offers a greater non-Federal share of*
21 *the cost of a project relative to other applications*
22 *under the pilot program.*

23 “(3) *FEDERAL SHARE.—*

24 “(A) *IN GENERAL.—Notwithstanding any*
25 *other provision of law, the Federal share of the*

1 *cost of a project assisted with a grant under the*
2 *pilot program may not exceed 50 percent.*

3 “(B) *NO FEDERAL INVOLVEMENT.*—

4 “(i) *IN GENERAL.*—*For grants award-*
5 *ed under the pilot program, except as pro-*
6 *vided in clause (ii), an eligible applicant*
7 *may not use Federal assistance to satisfy*
8 *the non-Federal share of the cost under sub-*
9 *paragraph (A).*

10 “(ii) *EXCEPTION.*—*An eligible appli-*
11 *cant may use funds from a secured loan (as*
12 *defined in section 601(a)) to satisfy the*
13 *non-Federal share of the cost under sub-*
14 *paragraph (A) if the loan is repayable from*
15 *non-Federal funds.*

16 “(4) *RESERVATION.*—

17 “(A) *IN GENERAL.*—*Of the amounts made*
18 *available to provide grants under this section,*
19 *the Secretary shall reserve for each fiscal year*
20 *\$150,000,000 to provide grants under the pilot*
21 *program.*

22 “(B) *UNUTILIZED AMOUNTS.*—*In any fiscal*
23 *year during which applications under this sub-*
24 *section are insufficient to effect an award or al-*
25 *location of the entire amount reserved under sub-*

1 paragraph (A), the Secretary shall use the unuti-
2 lized amounts to provide other grants under this
3 section.

4 “(5) SET-ASIDES.—

5 “(A) SMALL PROJECTS.—

6 “(i) IN GENERAL.—Of the amounts re-
7 served under paragraph (4)(A), the Sec-
8 retary shall reserve for each fiscal year not
9 less than 10 percent for projects eligible for
10 a grant under subsection (e).

11 “(ii) REQUIREMENT.—For a grant
12 awarded from the amount reserved under
13 clause (i)—

14 “(I) the requirements of subsection
15 (e) shall apply; and

16 “(II) the requirements of sub-
17 section (g) shall not apply.

18 “(B) RURAL PROJECTS.—

19 “(i) IN GENERAL.—Of the amounts re-
20 served under paragraph (4)(A), the Sec-
21 retary shall reserve for each fiscal year not
22 less than 25 percent for projects eligible for
23 a grant under subsection (i).

24 “(ii) REQUIREMENT.—For a grant
25 awarded from the amount reserved under

1 *clause (i), the requirements of subsection (i)*
2 *shall apply.*

3 “(6) *REPORT TO CONGRESS.*—*Not later than 2*
4 *years after the date of enactment of this subsection,*
5 *the Secretary shall submit to the Committee on Envi-*
6 *ronment and Public Works and the Committee on*
7 *Commerce, Science, and Transportation of the Senate*
8 *and the Committee on Transportation and Infrastruc-*
9 *ture of the House of Representatives a report that de-*
10 *scribes the administration of the pilot program, in-*
11 *cluding—*

12 “(A) *the number, types, and locations of eli-*
13 *gible applicants that have applied for grants*
14 *under the pilot program;*

15 “(B) *the number, types, and locations of*
16 *grant recipients under the pilot program;*

17 “(C) *an assessment of whether implementa-*
18 *tion of the pilot program has incentivized eligi-*
19 *ble applicants to offer a greater non-Federal*
20 *share for grants under the pilot program; and*

21 “(D) *any recommendations for modifica-*
22 *tions to the pilot program.*

23 “(r) *MULTISTATE CORRIDOR ORGANIZATION DE-*
24 *FINED.*—*For purposes of this section, the term ‘multistate*
25 *corridor organization’ means an organization of a group*

1 of States developed through cooperative agreements, coalitions,
 2 tions, or other arrangements to promote regional cooperation,
 3 tion, planning, and shared project implementation for programs
 4 and projects to improve transportation system management and
 5 operations for a shared transportation corridor.
 6 ridor.

7 “(s) *ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.*—In addition to amounts made available from the
 8 Highway Trust Fund, there are authorized to be appropriated to carry out this section, to remain available for
 9 a period of 3 fiscal years following the fiscal year for which
 10 the amounts are appropriated—
 11 the amounts are appropriated—

12 “(1) \$1,000,000,000 for fiscal year 2022;

13 “(2) \$1,100,000,000 for fiscal year 2023;

14 “(3) \$1,200,000,000 for fiscal year 2024;

15 “(4) \$1,300,000,000 for fiscal year 2025; and

16 “(5) \$1,400,000,000 for fiscal year 2026.”.

17 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
 18 1 of title 23, United States Code, is amended by striking
 19 the item relating to section 117 and inserting the following:

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

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

22 (1) *IN GENERAL.*—Notwithstanding any other
 23 provision of law, in the case of a grant described in
 24 paragraph (2), section 117(k) of title 23, United

1 *States Code, shall apply to the grant as if the grant*
2 *was a grant provided under that section.*

3 (2) *GRANT DESCRIBED.*—*A grant referred to in*
4 *paragraph (1) is a grant that is—*

5 (A) *provided under a competitive discre-*
6 *tionary grant program administered by the Fed-*
7 *eral Highway Administration;*

8 (B) *for a project eligible under title 23,*
9 *United States Code; and*

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

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

12 (a) *IN GENERAL.*—*Section 148 of title 23, United*
13 *States Code, is amended—*

14 (1) *in subsection (a)—*

15 (A) *in paragraph (4)(B)—*

16 (i) *in clause (i), by inserting “that*
17 *provides for the safety of all road users, as*
18 *appropriate, including a multimodal*
19 *roundabout” after “improvement”;*

20 (ii) *in clause (vi), by inserting “or a*
21 *grade separation project” after “devices”;*

22 (iii) *by striking clause (viii) and in-*
23 *serting the following:*

1 “(viii) Construction or installation of
2 features, measures, and road designs to
3 calm traffic and reduce vehicle speeds.”;

4 (iv) by striking clause (xxvi) and in-
5 serting the following:

6 “(xxvi) Installation or upgrades of
7 traffic control devices for pedestrians and
8 bicyclists, including pedestrian hybrid bea-
9 cons and the addition of bicycle movement
10 phases to traffic signals.”; and

11 (v) by striking clauses (xxvii) and
12 (xxviii) and inserting the following:

13 “(xxvii) Roadway improvements that
14 provide separation between pedestrians and
15 motor vehicles or between bicyclists and
16 motor vehicles, including medians, pedes-
17 trian crossing islands, protected bike lanes,
18 and protected intersection features.

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

21 “(xxix) A physical infrastructure safe-
22 ty project not described in clauses (i)
23 through (xxviii).”;

1 (B) by redesignating paragraphs (9)
2 through (12) as paragraphs (10), (12), (13), and
3 (14), respectively;

4 (C) by inserting after paragraph (8) the fol-
5 lowing:

6 “(9) *SAFE SYSTEM APPROACH.*—The term ‘safe
7 system approach’ means a roadway design—

8 “(A) that emphasizes minimizing the risk of
9 injury or fatality to road users; and

10 “(B) that—

11 “(i) takes into consideration the possi-
12 bility and likelihood of human error;

13 “(ii) accommodates human injury tol-
14 erance by taking into consideration likely
15 accident types, resulting impact forces, and
16 the ability of the human body to withstand
17 impact forces; and

18 “(iii) takes into consideration vulner-
19 able road users.”;

20 (D) by inserting after paragraph (10) (as so
21 redesignated) the following:

22 “(11) *SPECIFIED SAFETY PROJECT.*—

23 “(A) *IN GENERAL.*—The term ‘specified
24 safety project’ means a project carried out for the
25 purpose of safety under any other section of this

1 *title that is consistent with the State strategic*
2 *highway safety plan.*

3 “(B) *INCLUSION.*—*The term ‘specified safety*
4 *project’ includes a project that—*

5 “(i) *promotes public awareness and in-*
6 *forms the public regarding highway safety*
7 *matters (including safety for motorcyclists,*
8 *bicyclists, pedestrians, individuals with dis-*
9 *abilities, and other road users);*

10 “(ii) *facilitates enforcement of traffic*
11 *safety laws;*

12 “(iii) *provides infrastructure and in-*
13 *frastructure-related equipment to support*
14 *emergency services;*

15 “(iv) *conducts safety-related research to*
16 *evaluate experimental safety counter-*
17 *measures or equipment; or*

18 “(v) *supports safe routes to school non-*
19 *infrastructure-related activities described in*
20 *section 208(g)(2).”;*

21 (E) *in paragraph (13) (as so redesign-*
22 *ated)—*

23 (i) *by redesignating subparagraphs*
24 *(G), (H), and (I) as subparagraphs (H),*
25 *(I), and (J), respectively; and*

1 (ii) by inserting after subparagraph
2 (F) the following;

3 “(G) includes a vulnerable road user safety
4 assessment;”; and

5 (F) by adding at the end the following:

6 “(15) VULNERABLE ROAD USER.—The term ‘vul-
7 nerable road user’ means a nonmotorist—

8 “(A) with a fatality analysis reporting sys-
9 tem person attribute code that is included in the
10 definition of the term ‘number of non-motorized
11 fatalities’ in section 490.205 of title 23, Code of
12 Federal Regulations (or successor regulations); or

13 “(B) described in the term ‘number of non-
14 motorized serious injuries’ in that section.

15 “(16) VULNERABLE ROAD USER SAFETY ASSESS-
16 MENT.—The term ‘vulnerable road user safety assess-
17 ment’ means an assessment of the safety performance
18 of the State with respect to vulnerable road users and
19 the plan of the State to improve the safety of vulner-
20 able road users as described in subsection (l).”;

21 (2) in subsection (c)—

22 (A) in paragraph (1)(A), by striking “sub-
23 sections (a)(11)” and inserting “subsections
24 (a)(13)”; and

25 (B) in paragraph (2)—

1 (i) in subparagraph (A)(vi), by insert-
2 ing “and to differentiate the safety data for
3 vulnerable road users, including bicyclists,
4 motorcyclists, and pedestrians, from other
5 road users” after “crashes”;

6 (ii) in subparagraph (B)(i), by strik-
7 ing “(including motorcyclists), bicyclists,
8 pedestrians,” and inserting “, vulnerable
9 road users (including motorcyclists,
10 bicyclists, pedestrians),”; and

11 (iii) in subparagraph (D)—

12 (I) in clause (iv), by striking
13 “and” at the end;

14 (II) in clause (v), by striking the
15 semicolon at the end and inserting “;
16 and”;

17 (III) by adding at the end the fol-
18 lowing:

19 “(vi) improves the ability of the State
20 to differentiate the fatalities and serious in-
21 juries of vulnerable road users, including
22 bicyclists, motorcyclists, and pedestrians,
23 from other road users;”;

24 (3) in subsection (d)(2)(B)(i), by striking “sub-
25 section (a)(11)” and inserting “subsection (a)(13)”;

1 (4) *in subsection (e), by adding at the end the*
2 *following:*

3 “(3) *FLEXIBLE FUNDING FOR SPECIFIED SAFETY*
4 *PROJECTS.—*

5 “(A) *IN GENERAL.—To advance the imple-*
6 *mentation of a State strategic highway safety*
7 *plan, a State may use not more than 10 percent*
8 *of the amounts apportioned to the State under*
9 *section 104(b)(3) for a fiscal year to carry out*
10 *specified safety projects.*

11 “(B) *RULE OF CONSTRUCTION.—Nothing in*
12 *this paragraph requires a State to revise any*
13 *State process, plan, or program in effect on the*
14 *date of enactment of this paragraph.*

15 “(C) *EFFECT OF PARAGRAPH.—*

16 “(i) *REQUIREMENTS.—A project car-*
17 *ried out under this paragraph shall be sub-*
18 *ject to all requirements under this section*
19 *that apply to a highway safety improve-*
20 *ment project.*

21 “(ii) *OTHER APPORTIONED PRO-*
22 *GRAMS.—Nothing in this paragraph pro-*
23 *hibits the use of funds made available under*
24 *other provisions of this title for a specified*

1 *safety project that is a noninfrastructure*
2 *project.”;*

3 (5) *in subsection (g), by adding at the end the*
4 *following:*

5 “(3) *VULNERABLE ROAD USER SAFETY.—If the*
6 *total annual fatalities of vulnerable road users in a*
7 *State represents not less than 15 percent of the total*
8 *annual crash fatalities in the State, that State shall*
9 *be required to obligate not less than 15 percent of the*
10 *amounts apportioned to the State under section*
11 *104(b)(3) for the following fiscal year for highway*
12 *safety improvement projects to address the safety of*
13 *vulnerable road users.”; and*

14 (6) *by adding at the end the following:*

15 “(l) *VULNERABLE ROAD USER SAFETY ASSESS-*
16 *MENT.—*

17 “(1) *IN GENERAL.—Not later than 2 years after*
18 *the date of enactment of this subsection, each State*
19 *shall complete a vulnerable road user safety assess-*
20 *ment.*

21 “(2) *CONTENTS.—A vulnerable road user safety*
22 *assessment under paragraph (1) shall include—*

23 “(A) *a quantitative analysis of vulnerable*
24 *road user fatalities and serious injuries that—*

1 “(i) includes data such as location,
2 roadway functional classification, design
3 speed, speed limit, and time of day;

4 “(ii) considers the demographics of the
5 locations of fatalities and serious injuries,
6 including race, ethnicity, income, and age;
7 and

8 “(iii) based on the data, identifies
9 areas as ‘high-risk’ to vulnerable road users;
10 and

11 “(B) a program of projects or strategies to
12 reduce safety risks to vulnerable road users in
13 areas identified as high-risk under subparagraph
14 (A)(iii).

15 “(3) USE OF DATA.—In carrying out a vulner-
16 able road user safety assessment under paragraph (1),
17 a State shall use data from the most recent 5-year pe-
18 riod for which data is available.

19 “(4) REQUIREMENTS.—In carrying out a vulner-
20 able road user safety assessment under paragraph (1),
21 a State shall—

22 “(A) take into consideration a safe system
23 approach; and

24 “(B) consult with local governments, metro-
25 politan planning organizations, and regional

1 *transportation planning organizations that rep-*
2 *resent a high-risk area identified under para-*
3 *graph (2)(A)(iii).*

4 “(5) *UPDATE.*—*A State shall update the vulner-*
5 *able road user safety assessment of the State in ac-*
6 *cordance with the updates required to the State stra-*
7 *tegic highway safety plan under subsection (d).*

8 “(6) *REQUIREMENT FOR TRANSPORTATION SYS-*
9 *TEM ACCESS.*—*The program of projects developed*
10 *under paragraph (2)(B) may not degrade transpor-*
11 *tation system access for vulnerable road users.*

12 “(7) *GUIDANCE.*—

13 “(A) *IN GENERAL.*—*Not later than 1 year*
14 *after the date of enactment of this subsection, the*
15 *Secretary shall develop guidance for States to*
16 *carry out this subsection.*

17 “(B) *CONSULTATION.*—*In developing the*
18 *guidance under this paragraph, the Secretary*
19 *shall consult with the States and relevant safety*
20 *stakeholders.”.*

21 “(b) *HIGH-RISK RURAL ROADS.*—

22 “(1) *STUDY.*—*Not later than 2 years after the*
23 *date of enactment of this Act, the Secretary shall up-*
24 *date the study under section 1112(b)(1) of MAP-21*
25 *(23 U.S.C. 148 note; Public Law 112-141).*

1 (2) *PUBLICATION OF REPORT.*—Not later than 2
2 years after the date of enactment of this Act, the Sec-
3 retary shall publish on the website of the Department
4 of Transportation an update to the report described
5 in section 1112(b)(2) of MAP-21 (23 U.S.C. 148 note;
6 Public Law 112-141).

7 (3) *BEST PRACTICES MANUAL.*—Not later than
8 180 days after the date on which the report is pub-
9 lished under paragraph (2), the Secretary shall up-
10 date the best practices manual described in section
11 1112(b)(3) of MAP-21 (23 U.S.C. 148 note; Public
12 Law 112-141).

13 **SEC. 11112. FEDERAL LANDS TRANSPORTATION PROGRAM.**

14 Section 203(a) of title 23, United States Code, is
15 amended—

16 (1) in paragraph (1)(D), by striking
17 “\$10,000,000” and inserting “\$20,000,000”; 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 entity
21 carrying out the activity shall consider, to the max-
22 imum extent practicable—

23 “(A) the use of locally adapted native plant
24 materials; and

1 “(B) designs that minimize runoff and heat
2 generation.”.

3 **SEC. 11113. FEDERAL LANDS ACCESS PROGRAM.**

4 (a) *FEDERAL SHARE*.—Section 201 of title 23, United
5 States Code, is amended—

6 (1) in subsection (b)(7)(B), by striking “deter-
7 mined in accordance with section 120”, and inserting
8 “be up to 100 percent”; and

9 (2) in subsection (c)(8)(A), by striking “5 per-
10 cent” and inserting “20 percent”.

11 (b) *FEDERAL LANDS ACCESS PROGRAM*.—Section
12 204(a) of title 23, United States Code, is amended—

13 (1) in paragraph (1)(A)—

14 (A) in the matter preceding clause (i), by
15 inserting “context-sensitive solutions,” after “res-
16 toration,”;

17 (B) in clause (i), by inserting “, including
18 interpretive panels in or adjacent to those areas”
19 after “areas”;

20 (C) in clause (v), by striking “and” at the
21 end;

22 (D) by redesignating clause (vi) as clause
23 (ix); and

24 (E) by inserting after clause (v) the fol-
25 lowing:

1 “(vi) contextual wayfinding markers;
2 “(vii) landscaping;
3 “(viii) cooperative mitigation of visual
4 blight, including screening or removal;
5 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 Sec-
9 retary shall ensure that the entity carrying out the
10 activity considers, to the maximum extent prac-
11 ticable—

12 “(A) the use of locally adapted native plant
13 materials; and

14 “(B) designs that minimize runoff and heat
15 generation.”.

16 **SEC. 11114. NATIONAL HIGHWAY FREIGHT PROGRAM.**

17 Section 167 of title 23, United States Code, is amend-
18 ed—

19 (1) in subsection (e)—

20 (A) in paragraph (2), by striking “150
21 miles” and inserting “300 miles”; and

22 (B) by adding at the end the following:

23 “(3) *RURAL STATES*.—Notwithstanding para-
24 graph (2), a State with a population per square mile
25 of area that is less than the national average, based

1 *on the 2010 census, may designate as critical rural*
2 *freight corridors a maximum of 600 miles of highway*
3 *or 25 percent of the primary highway freight system*
4 *mileage in the State, whichever is greater.”;*

5 *(2) in subsection (f)(4), by striking “75 miles”*
6 *and inserting “150 miles”; and*

7 *(3) in subsection (i)(5)(B)—*

8 *(A) in the matter preceding clause (i), by*
9 *striking “10 percent” and inserting “30 per-*
10 *cent”;*

11 *(B) in clause (i), by striking “and” at the*
12 *end;*

13 *(C) in clause (ii), by striking the period at*
14 *the end and inserting a semicolon; and*

15 *(D) by adding at the end the following:*

16 *“(iii) for the modernization or reha-*
17 *ilitation of a lock and dam, if the Sec-*
18 *retary determines that the project—*

19 *“(I) is functionally connected to*
20 *the National Highway Freight Net-*
21 *work; and*

22 *“(II) is likely to reduce on-road*
23 *mobile source emissions; and*

24 *“(iv) on a marine highway corridor,*
25 *connector, or crossing designated by the Sec-*

1 retary under section 55601(c) of title 46
 2 (including an inland waterway corridor,
 3 connector, or crossing), if the Secretary de-
 4 termines that the project—

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

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

10 **SEC. 11115. CONGESTION MITIGATION AND AIR QUALITY IM-**
 11 **PROVEMENT PROGRAM.**

12 Section 149 of title 23, United States Code, is amend-
 13 ed—

14 (1) in subsection (b)—

15 (A) in the matter preceding paragraph (1),
 16 by striking “subsection (d)” and inserting “sub-
 17 sections (d) and (m)(1)(B)(ii)”

18 (B) in paragraph (7), by inserting “shared
 19 micromobility (including bikesharing and shared
 20 scooter systems),” after “carsharing,”;

21 (C) in paragraph (8)—

22 (i) in subparagraph (A)—

23 (I) in the matter preceding clause
 24 (i), by inserting “replacements or” be-
 25 fore “retrofits”;

1 (II) by striking clause (i) and in-
2 serting the following:

3 “(i) verified technologies (as defined in
4 section 791 of the Energy Policy Act of
5 2005 (42 U.S.C. 16131)) for motor vehicles
6 (as defined in section 216 of the Clean Air
7 Act (42 U.S.C. 7550)); or”; and

8 (III) in clause (ii)(II), by striking
9 “or” at the end; and

10 (ii) in subparagraph (B), by inserting
11 “replacements or” before “retrofits”; and

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

14 “(C) the purchase of medium- or heavy-duty
15 zero emission vehicles and related charging
16 equipment;”;

17 (D) in paragraph (9), by striking the pe-
18 riod at the end and inserting a semicolon; and

19 (E) by adding at the end the following:

20 “(10) if the project is for the modernization or
21 rehabilitation of a lock and dam that—

22 “(A) is functionally connected to the Fed-
23 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; or

4 “(11) if the project is on a marine highway cor-
5 ridor, connector, or crossing designated by the Sec-
6 retary under section 55601(c) of title 46 (including
7 an inland waterway corridor, connector, or crossing)
8 that—

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

11 “(B) the Secretary determines is likely to
12 contribute to the attainment or maintenance of
13 a national ambient air quality standard.”;

14 (2) in subsection (c), by adding at the end the
15 following:

16 “(4) LOCKS AND DAMS; MARINE HIGHWAYS.—For
17 each fiscal year, a State may not obligate more than
18 10 percent of the funds apportioned to the State
19 under section 104(b)(4) for projects described in para-
20 graphs (10) and (11) of subsection (b).”;

21 (3) in subsection (f)(4)(A), by inserting “and
22 nonroad vehicles and nonroad engines used in con-
23 struction projects or port-related freight operations”
24 after “motor vehicles”;

25 (4) in subsection (g)—

1 (A) in paragraph (1)(B)—

2 (i) in the subparagraph heading, by
3 inserting “REPLACEMENT OR” before “RET-
4 ROFIT”;

5 (ii) by striking “The term ‘diesel ret-
6 rofit’” and inserting “The term ‘diesel re-
7 placement or retrofit’”; and

8 (iii) by inserting “or retrofit” after
9 “replacement”;

10 (B) in paragraph (2), in the matter pre-
11 ceding subparagraph (A), by inserting “replace-
12 ment or” before “retrofit”; and

13 (C) in paragraph (3), by inserting “replace-
14 ments or” before “retrofits”;

15 (5) in subsection (k)(1), by striking “that reduce
16 such fine particulate matter emissions in such area,
17 including diesel retrofits.” and inserting “that—

18 “(A) reduce such fine particulate matter
19 emissions in such area, including diesel replace-
20 ments or retrofits; and

21 “(B) to the extent practicable, prioritize
22 benefits to disadvantaged communities or low-in-
23 come populations living in, or immediately adja-
24 cent to, such area.”;

25 (6) in subsection (l), by adding at the following:

1 “(3) *ASSISTANCE TO METROPOLITAN PLANNING*
2 *ORGANIZATIONS.*—

3 “(A) *IN GENERAL.*—*On the request of a*
4 *metropolitan planning organization, the Sec-*
5 *retary may assist the metropolitan planning or-*
6 *ganization tracking progress made in minority*
7 *or low-income populations as part of a perform-*
8 *ance plan under this subsection.*

9 “(B) *SAVINGS PROVISION.*—*Nothing in this*
10 *paragraph provides the Secretary the author-*
11 *ity—*

12 “(i) *to change the performance meas-*
13 *ures under section 150(c)(5) or the perform-*
14 *ance targets established under section*
15 *134(h)(2) or 150(d); or*

16 “(ii) *to establish any other Federal re-*
17 *quirement.”; and*

18 (7) *by striking subsection (m) and inserting the*
19 *following:*

20 “(m) *OPERATING ASSISTANCE.*—

21 “(1) *IN GENERAL.*—*A State may obligate funds*
22 *apportioned under section 104(b)(4) in an area of the*
23 *State that is otherwise eligible for obligations of such*
24 *funds for operating costs—*

25 “(A) *under chapter 53 of title 49; or*

1 “(B) on—

2 “(i) a system for which CMAQ funding
3 was eligible, made available, obligated, or
4 expended in fiscal year 2012; or

5 “(ii) a State-supported Amtrak route
6 with a valid cost-sharing agreement under
7 section 209 of the Passenger Rail Invest-
8 ment and Improvement Act of 2008 (49
9 U.S.C. 24101 note; Public Law 110–432)
10 and no current nonattainment areas under
11 subsection (d).

12 “(2) NO TIME LIMITATION.—Operating assist-
13 ance provided under paragraph (1) shall have no im-
14 posed time limitation if the operating assistance is
15 for—

16 “(A) a route described in subparagraph (B)
17 of that paragraph; or

18 “(B) a transit system that is located in—

19 “(i) a non-urbanized area; or

20 “(ii) an urbanized area with a popu-
21 lation of 200,000 or fewer.”.

22 **SEC. 11116. ALASKA HIGHWAY.**

23 Section 218 of title 23, United States Code, is amended
24 to read as follows:

1 **“§218. Alaska Highway**

2 “(a) *Recognizing the benefits that will accrue to the*
3 *State of Alaska and to the United States from the recon-*
4 *struction of the Alaska Highway from the Alaskan border*
5 *at Beaver Creek, Yukon Territory, to Haines Junction in*
6 *Canada and the Haines Cutoff Highway from Haines*
7 *Junction in Canada to Haines, Alaska, the Secretary may*
8 *provide for the necessary reconstruction of the highway*
9 *using funds awarded through an applicable competitive*
10 *grant program, if the highway meets all applicable eligi-*
11 *bility requirements for the program, except for the specific*
12 *requirements established by the agreement for the Alaska*
13 *Highway Project between the Government of the United*
14 *States and the Government of Canada. In addition to the*
15 *funds described in the previous sentence, notwithstanding*
16 *any other provision of law and on agreement with the State*
17 *of Alaska, the Secretary is authorized to expend on such*
18 *highway or the Alaska Marine Highway System any Fed-*
19 *eral-aid highway funds apportioned to the State of Alaska*
20 *under this title at a Federal share of 100 per centum. No*
21 *expenditures shall be made for the construction of the por-*
22 *tion of such highways that are in Canada unless an agree-*
23 *ment is in place between the Government of Canada and*
24 *the Government of the United States (including an agree-*
25 *ment in existence on the date of enactment of the Surface*

1 *Transportation Reauthorization Act of 2021) that provides,*
2 *in part, that the Canadian Government—*

3 “(1) *will provide, without participation of funds*
4 *authorized under this title, all necessary right-of-way*
5 *for the reconstruction of such highways;*

6 “(2) *will not impose any highway toll, or permit*
7 *any such toll to be charged for the use of such high-*
8 *ways by vehicles or persons;*

9 “(3) *will not levy or assess, directly or indi-*
10 *rectly, any fee, tax, or other charge for the use of such*
11 *highways by vehicles or persons from the United*
12 *States that does not apply equally to vehicles or per-*
13 *sons of Canada;*

14 “(4) *will continue to grant reciprocal recognition*
15 *of vehicle registration and driver’s licenses in accord-*
16 *ance with agreements between the United States and*
17 *Canada; and*

18 “(5) *will maintain such highways after their*
19 *completion in proper condition adequately to serve*
20 *the needs of present and future traffic.*

21 “(b) *The survey and construction work undertaken in*
22 *Canada pursuant to this section shall be under the general*
23 *supervision of the Secretary.*

24 “(c) *For purposes of this section, the term ‘Alaska Ma-*
25 *rine Highway System’ includes all existing or planned*

1 *transportation facilities and equipment in Alaska, includ-*
2 *ing the lease, purchase, or construction of vessels, terminals,*
3 *docks, floats, ramps, staging areas, parking lots, bridges*
4 *and approaches thereto, and necessary roads.*

5 “(d) Notwithstanding any other provision of law, a
6 project assisted under this section in the State of Alaska
7 shall be treated as a project on a Federal-aid highway under
8 chapter 1.”

9 **SEC. 11117. TOLL ROADS, BRIDGES, TUNNELS, AND FER-**
10 **RIES.**

11 (a) *IN GENERAL.*—Section 129(c) of title 23, United
12 States Code, is amended in the matter preceding paragraph
13 (1) by striking “the construction of ferry boats and ferry
14 terminal facilities, whether toll or free,” and inserting “the
15 construction of ferry boats and ferry terminal facilities (in-
16 cluding ferry maintenance facilities), whether toll or free,
17 and the procurement of transit vehicles used exclusively as
18 an integral part of an intermodal ferry trip,”.

19 (b) *DIESEL FUEL FERRY VESSELS.*—

20 (1) *IN GENERAL.*—Notwithstanding section
21 147(b), in the case of a project to replace or retrofit
22 a diesel fuel ferry vessel that provides substantial
23 emissions reductions, the Federal share of the cost of
24 the project may be up to 85 percent, as determined
25 by the State.

1 (2) *SUNSET.*—*The authority provided by para-*
2 *graph (1) shall terminate on September 30, 2025.*

3 **SEC. 11118. BRIDGE INVESTMENT PROGRAM.**

4 (a) *IN GENERAL.*—*Chapter 1 of title 23, United States*
5 *Code, is amended by inserting after section 123 the fol-*
6 *lowing:*

7 **“§ 124. Bridge investment program**

8 “(a) *DEFINITIONS.*—*In this section:*

9 “(1) *ELIGIBLE PROJECT.*—

10 “(A) *IN GENERAL.*—*The term ‘eligible*
11 *project’ means a project to replace, rehabilitate,*
12 *preserve, or protect 1 or more bridges on the Na-*
13 *tional Bridge Inventory under section 144(b).*

14 “(B) *INCLUSIONS.*—*The term ‘eligible*
15 *project’ includes—*

16 “(i) *a bundle of projects described in*
17 *subparagraph (A), regardless of whether the*
18 *bundle of projects meets the requirements of*
19 *section 144(j)(5); and*

20 “(ii) *a project to replace or rehabilitate*
21 *culverts for the purpose of improving flood*
22 *control and improved habitat connectivity*
23 *for aquatic species.*

1 “(2) *LARGE PROJECT.*—*The term ‘large project’*
2 *means an eligible project with total eligible project*
3 *costs of greater than \$100,000,000.*

4 “(3) *PROGRAM.*—*The term ‘program’ means the*
5 *bridge investment program established by subsection*
6 *(b)(1).*

7 “(b) *ESTABLISHMENT OF BRIDGE INVESTMENT PRO-*
8 *GRAM.*—

9 “(1) *IN GENERAL.*—*There is established a bridge*
10 *investment program to provide financial assistance*
11 *for eligible projects under this section.*

12 “(2) *GOALS.*—*The goals of the program shall*
13 *be—*

14 “(A) *to improve the safety, efficiency, and*
15 *reliability of the movement of people and freight*
16 *over bridges;*

17 “(B) *to improve the condition of bridges in*
18 *the United States by reducing—*

19 “(i) *the number of bridges—*

20 “(I) *in poor condition; or*

21 “(II) *in fair condition and at risk*
22 *of falling into poor condition within*
23 *the next 3 years;*

24 “(ii) *the total person miles traveled*
25 *over bridges—*

- 1 “(I) in poor condition; or
- 2 “(II) in fair condition and at risk
- 3 of falling into poor condition within
- 4 the next 3 years;
- 5 “(iii) the number of bridges that—
- 6 “(I) do not meet current geometric
- 7 design standards; or
- 8 “(II) cannot meet the load and
- 9 traffic requirements typical of the re-
- 10 gional transportation network; and
- 11 “(iv) the total person miles traveled
- 12 over bridges that—
- 13 “(I) do not meet current geometric
- 14 design standards; or
- 15 “(II) cannot meet the load and
- 16 traffic requirements typical of the re-
- 17 gional transportation network; and
- 18 “(C) to provide financial assistance that
- 19 leverages and encourages non-Federal contribu-
- 20 tions from sponsors and stakeholders involved in
- 21 the planning, design, and construction of eligible
- 22 projects.
- 23 “(c) GRANT AUTHORITY.—

1 “(1) *IN GENERAL.*—*In carrying out the pro-*
2 *gram, the Secretary may award grants, on a competi-*
3 *tive basis, in accordance with this section.*

4 “(2) *GRANT AMOUNTS.*—*Except as otherwise pro-*
5 *vided, a grant under the program shall be—*

6 “(A) *in the case of a large project, in an*
7 *amount that is—*

8 “(i) *adequate to fully fund the project*
9 *(in combination with other financial re-*
10 *sources identified in the application); and*

11 “(ii) *not less than \$50,000,000; and*

12 “(B) *in the case of any other eligible*
13 *project, in an amount that is—*

14 “(i) *adequate to fully fund the project*
15 *(in combination with other financial re-*
16 *sources identified in the application); and*

17 “(ii) *not less than \$2,500,000.*

18 “(3) *MAXIMUM AMOUNT.*—*Except as otherwise*
19 *provided, for an eligible project receiving assistance*
20 *under the program, the amount of assistance provided*
21 *by the Secretary under this section, as a share of eli-*
22 *gible project costs, shall be—*

23 “(A) *in the case of a large project, not more*
24 *than 50 percent; and*

1 “(B) *in the case of any other eligible*
2 *project, not more than 80 percent.*

3 “(4) *FEDERAL SHARE.—*

4 “(A) *MAXIMUM FEDERAL INVOLVEMENT.—*
5 *Federal assistance other than a grant under the*
6 *program may be used to satisfy the non-Federal*
7 *share of the cost of a project for which a grant*
8 *is made, except that the total Federal assistance*
9 *provided for a project receiving a grant under*
10 *the program may not exceed the Federal share*
11 *for the project under section 120.*

12 “(B) *OFF-SYSTEM BRIDGES.—In the case of*
13 *an eligible project for an off-system bridge (as*
14 *defined in section 133(f)(1))—*

15 “(i) *Federal assistance other than a*
16 *grant under the program may be used to*
17 *satisfy the non-Federal share of the cost of*
18 *a project; and*

19 “(ii) *notwithstanding subparagraph*
20 *(A), the total Federal assistance provided*
21 *for the project shall not exceed 90 percent of*
22 *the total eligible project costs.*

23 “(C) *FEDERAL LAND MANAGEMENT AGEN-*
24 *CIES AND TRIBAL GOVERNMENTS.—Notwith-*
25 *standing any other provision of law, Federal*

1 *funds other than Federal funds made available*
2 *under this section may be used to pay the re-*
3 *maining share of the cost of a project under the*
4 *program by a Federal land management agency*
5 *or a Tribal government or consortium of Tribal*
6 *governments.*

7 “(5) *CONSIDERATIONS.—*

8 “(A) *IN GENERAL.—In awarding grants*
9 *under the program, the Secretary shall con-*
10 *sider—*

11 “(i) *in the case of a large project, the*
12 *ratings assigned under subsection (g)(5)(A);*

13 “(ii) *in the case of an eligible project*
14 *other than a large project, the quality rat-*
15 *ing assigned under subsection (f)(3)(A)(ii);*

16 “(iii) *the average daily person and*
17 *freight throughput supported by the eligible*
18 *project;*

19 “(iv) *the number and percentage of*
20 *bridges within the same State as the eligible*
21 *project that are in poor condition;*

22 “(v) *the extent to which the eligible*
23 *project demonstrates cost savings by bun-*
24 *dling multiple bridge projects;*

1 “(vi) in the case of an eligible project
2 of a Federal land management agency, the
3 extent to which the grant would reduce a
4 Federal liability or Federal infrastructure
5 maintenance backlog;

6 “(vii) geographic diversity among
7 grant recipients, including the need for a
8 balance between the needs of rural and
9 urban communities; and

10 “(viii) the extent to which a bridge
11 that would be assisted with a grant—

12 “(I) is, without that assistance—

13 “(aa) at risk of falling into
14 or remaining in poor condition;
15 or

16 “(bb) in fair condition and
17 at risk of falling into poor condi-
18 tion within the next 3 years;

19 “(II) does not meet current geo-
20 metric design standards based on—

21 “(aa) the current use of the
22 bridge; or

23 “(bb) load and traffic re-
24 quirements typical of the regional

1 *corridor or local network in which*
2 *the bridge is located; or*

3 “(III) *does not meet current seis-*
4 *mic design standards.*

5 “(B) *REQUIREMENT.—The Secretary*
6 *shall—*

7 “(i) *give priority to an application for*
8 *an eligible project that is located within a*
9 *State for which—*

10 “(I) *2 or more applications for el-*
11 *igible projects within the State were*
12 *submitted for the current fiscal year*
13 *and an average of 2 or more applica-*
14 *tions for eligible projects within the*
15 *State were submitted in prior fiscal*
16 *years of the program; and*

17 “(II) *fewer than 2 grants have*
18 *been awarded for eligible projects with-*
19 *in the State under the program;*

20 “(ii) *during the period of fiscal years*
21 *2022 through 2026, for each State described*
22 *in clause (i), select—*

23 “(I) *not fewer than 1 large project*
24 *that the Secretary determines is justi-*

1 *fied under the evaluation under sub-*
2 *section (g)(4); or*

3 *“(II) 2 eligible projects that are*
4 *not large projects that the Secretary*
5 *determines are justified under the eval-*
6 *uation under subsection (f)(3); and*

7 *“(iii) not be required to award a grant*
8 *for an eligible project that the Secretary*
9 *does not determine is justified under an*
10 *evaluation under subsection (f)(3) or (g)(4).*

11 *“(6) CULVERT LIMITATION.—Not more than 5*
12 *percent of the amounts made available for each fiscal*
13 *year for grants under the program may be used for*
14 *eligible projects that consist solely of culvert replace-*
15 *ment or rehabilitation.*

16 *“(d) ELIGIBLE ENTITY.—The Secretary may make a*
17 *grant under the program to any of the following:*

18 *“(1) A State or a group of States.*

19 *“(2) A metropolitan planning organization that*
20 *serves an urbanized area (as designated by the Bu-*
21 *reau of the Census) with a population of over*
22 *200,000.*

23 *“(3) A unit of local government or a group of*
24 *local governments.*

1 “(4) *A political subdivision of a State or local*
2 *government.*

3 “(5) *A special purpose district or public author-*
4 *ity with a transportation function.*

5 “(6) *A Federal land management agency.*

6 “(7) *A Tribal government or a consortium of*
7 *Tribal governments.*

8 “(8) *A multistate or multijurisdictional group of*
9 *entities described in paragraphs (1) through (7).*

10 “(e) *ELIGIBLE PROJECT REQUIREMENTS.—The Sec-*
11 *retary may make a grant under the program only to an*
12 *eligible entity for an eligible project that—*

13 “(1) *in the case of a large project, the Secretary*
14 *recommends for funding in the annual report on*
15 *funding recommendations under subsection (g)(6), ex-*
16 *cept as provided in subsection (g)(1)(B);*

17 “(2) *is reasonably expected to begin construction*
18 *not later than 18 months after the date on which*
19 *funds are obligated for the project; and*

20 “(3) *is based on the results of preliminary engi-*
21 *neering.*

22 “(f) *COMPETITIVE PROCESS AND EVALUATION OF ELI-*
23 *GIBLE PROJECTS OTHER THAN LARGE PROJECTS.—*

24 “(1) *COMPETITIVE PROCESS.—*

25 “(A) *IN GENERAL.—The Secretary shall—*

1 “(i) for the first fiscal year for which
2 funds are made available for obligation
3 under the program, not later than 60 days
4 after the date on which the template under
5 subparagraph (B)(i) is developed, and in
6 subsequent fiscal years, not later than 60
7 days after the date on which amounts are
8 made available for obligation under the pro-
9 gram, solicit grant applications for eligible
10 projects other than large projects; and

11 “(ii) not later than 120 days after the
12 date on which the solicitation under clause
13 (i) expires, conduct evaluations under para-
14 graph (3).

15 “(B) REQUIREMENTS.—In carrying out
16 subparagraph (A), the Secretary shall—

17 “(i) develop a template for applicants
18 to use to summarize project needs and bene-
19 fits, including benefits described in para-
20 graph (3)(B)(i); and

21 “(ii) enable applicants to use data
22 from the National Bridge Inventory under
23 section 144(b) to populate templates de-
24 scribed in clause (i), as applicable.

1 “(2) *APPLICATIONS.*—*An eligible entity shall*
2 *submit to the Secretary an application at such time,*
3 *in such manner, and containing such information as*
4 *the Secretary may require.*

5 “(3) *EVALUATION.*—

6 “(A) *IN GENERAL.*—*Prior to providing a*
7 *grant under this subsection, the Secretary*
8 *shall—*

9 “(i) *conduct an evaluation of each eli-*
10 *gible project for which an application is re-*
11 *ceived under this subsection; and*

12 “(ii) *assign a quality rating to the eli-*
13 *gible project on the basis of the evaluation*
14 *under clause (i).*

15 “(B) *REQUIREMENTS.*—*In carrying out an*
16 *evaluation under subparagraph (A), the Sec-*
17 *retary shall—*

18 “(i) *consider information on project*
19 *benefits submitted by the applicant using*
20 *the template developed under paragraph*
21 *(1)(B)(i), including whether the project will*
22 *generate, as determined by the Secretary—*

23 “(I) *costs avoided by the preven-*
24 *tion of closure or reduced use of the*
25 *bridge to be improved by the project;*

1 “(II) *in the case of a bundle of*
2 *projects, benefits from executing the*
3 *projects as a bundle compared to as in-*
4 *dividual projects;*

5 “(III) *safety benefits, including*
6 *the reduction of accidents and related*
7 *costs;*

8 “(IV) *person and freight mobility*
9 *benefits, including congestion reduction*
10 *and reliability improvements;*

11 “(V) *national or regional eco-*
12 *nomie benefits;*

13 “(VI) *benefits from long-term re-*
14 *siliency to extreme weather events,*
15 *flooding, or other natural disasters;*

16 “(VII) *benefits from protection (as*
17 *described in section 133(b)(10)), in-*
18 *cluding improving seismic or scour*
19 *protection;*

20 “(VIII) *environmental benefits,*
21 *including wildlife connectivity;*

22 “(IX) *benefits to nonvehicular and*
23 *public transportation users;*

24 “(X) *benefits of using—*

1 “(aa) innovative design and
2 construction techniques; or

3 “(bb) innovative technologies;
4 or

5 “(XI) reductions in maintenance
6 costs, including, in the case of a feder-
7 ally-owned bridge, cost savings to the
8 Federal budget; and

9 “(ii) consider whether and the extent to
10 which the benefits, including the benefits de-
11 scribed in clause (i), are more likely than
12 not to outweigh the total project costs.

13 “(g) COMPETITIVE PROCESS, EVALUATION, AND AN-
14 NUAL REPORT FOR LARGE PROJECTS.—

15 “(1) IN GENERAL.—

16 “(A) APPLICATIONS.—The Secretary shall
17 establish an annual date by which an eligible en-
18 tity submitting an application for a large
19 project shall submit to the Secretary such infor-
20 mation as the Secretary may require, including
21 information described in paragraph (2), in order
22 for a large project to be considered for a rec-
23 ommendation by the Secretary for funding in the
24 next annual report under paragraph (6).

1 “(B) *FIRST FISCAL YEAR.*—Notwith-
2 standing subparagraph (A), for the first fiscal
3 year for which funds are made available for obli-
4 gation for grants under the program, the Sec-
5 retary may establish a date by which an eligible
6 entity submitting an application for a large
7 project shall submit to the Secretary such infor-
8 mation as the Secretary may require, including
9 information described in paragraph (2), in order
10 for a large project to be considered for immediate
11 execution of a grant agreement.

12 “(2) *INFORMATION REQUIRED.*—The information
13 referred to in paragraph (1) includes—

14 “(A) all necessary information required for
15 the Secretary to evaluate the large project; and

16 “(B) information sufficient for the Sec-
17 retary to determine that—

18 “(i) the large project meets the applica-
19 ble requirements under this section; and

20 “(ii) there is a reasonable likelihood
21 that the large project will continue to meet
22 the requirements under this section.

23 “(3) *DETERMINATION; NOTICE.*—On making a
24 determination that information submitted to the Sec-
25 retary under paragraph (1) is sufficient, the Sec-

1 *retary shall provide a written notice of that deter-*
2 *mination to—*

3 *“(A) the eligible entity that submitted the*
4 *application;*

5 *“(B) the Committee on Environment and*
6 *Public Works of the Senate; and*

7 *“(C) the Committee on Transportation and*
8 *Infrastructure of the House of Representatives.*

9 *“(4) EVALUATION.—The Secretary may rec-*
10 *ommend a large project for funding in the annual re-*
11 *port under paragraph (6), or, in the case of the first*
12 *fiscal year for which funds are made available for ob-*
13 *ligation for grants under the program, immediately*
14 *execute a grant agreement for a large project, only if*
15 *the Secretary evaluates the proposed project and de-*
16 *termines that the project is justified because the*
17 *project—*

18 *“(A) addresses a need to improve the condi-*
19 *tion of the bridge, as determined by the Sec-*
20 *retary, consistent with the goals of the program*
21 *under subsection (b)(2);*

22 *“(B) will generate, as determined by the*
23 *Secretary—*

1 “(i) costs avoided by the prevention of
2 closure or reduced use of the bridge to be
3 improved by the project;

4 “(ii) in the case of a bundle of projects,
5 benefits from executing the projects as a
6 bundle compared to as individual projects;

7 “(iii) safety benefits, including the re-
8 duction of accidents and related costs;

9 “(iv) person and freight mobility bene-
10 fits, including congestion reduction and re-
11 liability improvements;

12 “(v) national or regional economic
13 benefits;

14 “(vi) benefits from long-term resiliency
15 to extreme weather events, flooding, or other
16 natural disasters;

17 “(vii) benefits from protection (as de-
18 scribed in section 133(b)(10)), including
19 improving seismic or scour protection;

20 “(viii) environmental benefits, includ-
21 ing wildlife connectivity;

22 “(ix) benefits to nonvehicular and pub-
23 lic transportation users;

24 “(x) benefits of using—

1 “(I) innovative design and con-
2 struction techniques; or

3 “(II) innovative technologies; or
4 “(xi) reductions in maintenance costs,
5 including, in the case of a federally-owned
6 bridge, cost savings to the Federal budget;

7 “(C) is cost effective based on an analysis of
8 whether the benefits and avoided costs described
9 in subparagraph (B) are expected to outweigh
10 the project costs;

11 “(D) is supported by other Federal or non-
12 Federal financial commitments or revenues ade-
13 quate to fund ongoing maintenance and preser-
14 vation; and

15 “(E) is consistent with the objectives of an
16 applicable asset management plan of the project
17 sponsor, including a State asset management
18 plan under section 119(e) in the case of a project
19 on the National Highway System that is spon-
20 sored by a State.

21 “(5) RATINGS.—

22 “(A) IN GENERAL.—The Secretary shall de-
23 velop a methodology to evaluate and rate a large
24 project on a 5-point scale (the points of which

1 include ‘high’, ‘medium-high’, ‘medium’, ‘me-
2 dium-low’, and ‘low’) for each of—

3 “(i) paragraph (4)(B);

4 “(ii) paragraph (4)(C); and

5 “(iii) paragraph (4)(D).

6 “(B) REQUIREMENT.—To be considered jus-
7 tified and receive a recommendation for funding
8 in the annual report under paragraph (6), a
9 project shall receive a rating of not less than
10 ‘medium’ for each rating required under sub-
11 paragraph (A).

12 “(C) INTERIM METHODOLOGY.—In the first
13 fiscal year for which funds are made available
14 for obligation for grants under the program, the
15 Secretary may establish an interim methodology
16 to evaluate and rate a large project for each of—

17 “(i) paragraph (4)(B);

18 “(ii) paragraph (4)(C); and

19 “(iii) paragraph (4)(D).

20 “(6) ANNUAL REPORT ON FUNDING REC-
21 OMMENDATIONS FOR LARGE PROJECTS.—

22 “(A) IN GENERAL.—Not later than the first
23 Monday in February of each year, the Secretary
24 shall submit to the Committees on Transpor-
25 tation and Infrastructure and Appropriations of

1 *the House of Representatives and the Committees*
2 *on Environment and Public Works and Appro-*
3 *priations of the Senate a report that includes—*

4 “(i) *a list of large projects that have*
5 *requested a recommendation for funding*
6 *under a new grant agreement from funds*
7 *anticipated to be available to carry out this*
8 *subsection in the next fiscal year;*

9 “(ii) *the evaluation under paragraph*
10 *(4) and ratings under paragraph (5) for*
11 *each project referred to in clause (i);*

12 “(iii) *the grant amounts that the Sec-*
13 *retary recommends providing to large*
14 *projects in the next fiscal year, including—*

15 “(I) *scheduled payments under*
16 *previously signed multiyear grant*
17 *agreements under subsection (j);*

18 “(II) *payments for new grant*
19 *agreements, including single-year*
20 *grant agreements and multiyear grant*
21 *agreements; and*

22 “(III) *a description of how*
23 *amounts anticipated to be available for*
24 *the program from the Highway Trust*

1 *Fund for that fiscal year will be dis-*
2 *tributed; and*

3 “(iv) *for each project for which the Sec-*
4 *retary recommends a new multiyear grant*
5 *agreement under subsection (j), the proposed*
6 *payout schedule for the project.*

7 “(B) *LIMITATIONS.—*

8 “(i) *IN GENERAL.—The Secretary shall*
9 *not recommend in an annual report under*
10 *this paragraph a new multiyear grant*
11 *agreement provided from funds from the*
12 *Highway Trust Fund unless the Secretary*
13 *determines that the project can be completed*
14 *using funds that are anticipated to be*
15 *available from the Highway Trust Fund in*
16 *future fiscal years.*

17 “(ii) *GENERAL FUND PROJECTS.—The*
18 *Secretary—*

19 “(I) *may recommend for funding*
20 *in an annual report under this para-*
21 *graph a large project using funds from*
22 *the general fund of the Treasury; but*

23 “(II) *shall not execute a grant*
24 *agreement for that project unless—*

1 “(aa) funds other than from
2 the Highway Trust Fund have
3 been made available for the
4 project; and

5 “(bb) the Secretary deter-
6 mines that the project can be com-
7 pleted using funds other than
8 from the Highway Trust Fund
9 that are anticipated to be avail-
10 able in future fiscal years.

11 “(C) CONSIDERATIONS.—In selecting
12 projects to recommend for funding in the annual
13 report under this paragraph, or, in the case of
14 the first fiscal year for which funds are made
15 available for obligation for grants under the pro-
16 gram, projects for immediate execution of a
17 grant agreement, the Secretary shall—

18 “(i) consider the amount of funds
19 available in future fiscal years for
20 multiyear grant agreements as described in
21 subparagraph (B); and

22 “(ii) assume the availability of funds
23 in future fiscal years for multiyear grant
24 agreements that extend beyond the period of
25 authorization based on the amount made

1 *available for large projects under the pro-*
2 *gram in the last fiscal year of the period of*
3 *authorization.*

4 “(D) *PROJECT DIVERSITY.*—*In selecting*
5 *projects to recommend for funding in the annual*
6 *report under this paragraph, the Secretary shall*
7 *ensure diversity among projects recommended*
8 *based on—*

9 “(i) *the amount of the grant requested;*
10 *and*

11 “(ii) *grants for an eligible project for*
12 *1 bridge compared to an eligible project that*
13 *is a bundle of projects.*

14 “(h) *ELIGIBLE PROJECT COSTS.*—*A grant received for*
15 *an eligible project under the program may be used for—*

16 “(1) *development phase activities, including*
17 *planning, feasibility analysis, revenue forecasting, en-*
18 *vironmental review, preliminary engineering and de-*
19 *sign work, and other preconstruction activities;*

20 “(2) *construction, reconstruction, rehabilitation,*
21 *acquisition of real property (including land related to*
22 *the project and improvements to the land), environ-*
23 *mental mitigation, construction contingencies, acqui-*
24 *sition of equipment, and operational improvements*

1 *directly related to improving system performance;*
2 *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 Federal*
10 *credit assistance under chapter 6 with respect to the eligible*
11 *project for which the grant was awarded.*

12 *“(j) MULTIYEAR GRANT AGREEMENTS FOR LARGE*
13 *PROJECTS.—*

14 *“(1) IN GENERAL.—A large project that receives*
15 *a grant under the program in an amount of not less*
16 *than \$100,000,000 may be carried out through a*
17 *multiyear grant agreement in accordance with this*
18 *subsection.*

19 *“(2) REQUIREMENTS.—A multiyear grant agree-*
20 *ment for a large project described in paragraph (1)*
21 *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 ac-*

1 *cordance 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 full*
5 *grant amount by not later than 4 fiscal years*
6 *after the fiscal year in which the initial amount*
7 *is provided;*

8 “(D) *determine the period of time for com-*
9 *pleting the project, even if that period extends be-*
10 *yond the period of an authorization; and*

11 “(E) *attempt to improve timely and effi-*
12 *cient management of the project, consistent with*
13 *all applicable Federal laws (including regula-*
14 *tions).*

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 in*
22 *advance for commitments under this para-*
23 *graph, to obligate an additional amount*
24 *from future available budget authority spec-*
25 *ified in law.*

1 “(B) *STATEMENT OF CONTINGENT COMMIT-*
2 *MENT.—The agreement shall state that the con-*
3 *tingent commitment is not an obligation of the*
4 *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 the*
9 *project within a reasonable time shall be*
10 *considered a cost of carrying out the project*
11 *under a multiyear grant agreement, except*
12 *that eligible costs may not be more than the*
13 *cost of the most favorable financing terms*
14 *reasonably available for the project at the*
15 *time of borrowing.*

16 “(ii) *CERTIFICATION.—The applicant*
17 *shall certify to the Secretary that the appli-*
18 *cant has shown reasonable diligence in seek-*
19 *ing the most favorable financing terms.*

20 “(4) *ADVANCE PAYMENT.—Notwithstanding any*
21 *other provision of law, an eligible entity carrying out*
22 *a large project under a multiyear grant agreement—*

23 “(A) *may use funds made available to the*
24 *eligible entity under this title for eligible project*
25 *costs of the large project until the amount speci-*

1 *fied in the multiyear grant agreement for the*
2 *project for that fiscal year becomes available for*
3 *obligation; and*

4 *“(B) if the eligible entity uses funds as de-*
5 *scribed in subparagraph (A), the funds used*
6 *shall be reimbursed from the amount made avail-*
7 *able under the multiyear grant agreement for the*
8 *project.*

9 *“(k) UNDERTAKING PARTS OF PROJECTS IN ADVANCE*
10 *UNDER LETTERS OF NO PREJUDICE.—*

11 *“(1) IN GENERAL.—The Secretary may pay to*
12 *an applicant all eligible project costs under the pro-*
13 *gram, including costs for an activity for an eligible*
14 *project incurred prior to the date on which the project*
15 *receives funding under the program if—*

16 *“(A) before the applicant carries out the ac-*
17 *tivity, the Secretary approves through a letter to*
18 *the applicant the activity in the same manner as*
19 *the Secretary approves other activities as eligible*
20 *under the program;*

21 *“(B) a record of decision, a finding of no*
22 *significant impact, or a categorical exclusion*
23 *under the National Environmental Policy Act of*
24 *1969 (42 U.S.C. 4321 et seq.) has been issued for*
25 *the eligible project; and*

1 “(C) *the activity is carried out without*
2 *Federal assistance and in accordance with all*
3 *applicable procedures and requirements.*

4 “(2) *INTEREST AND OTHER FINANCING COSTS.—*

5 “(A) *IN GENERAL.—For purposes of para-*
6 *graph (1), the cost of carrying out an activity*
7 *for an eligible project includes the amount of in-*
8 *terest and other financing costs, including any*
9 *interest earned and payable on bonds, to the ex-*
10 *tent interest and other financing costs are ex-*
11 *pended in carrying out the activity for the eligi-*
12 *ble project, except that interest and other financ-*
13 *ing costs may not be more than the cost of the*
14 *most favorable financing terms reasonably avail-*
15 *able for the eligible project at the time of bor-*
16 *rowing.*

17 “(B) *CERTIFICATION.—The applicant shall*
18 *certify to the Secretary that the applicant has*
19 *shown reasonable diligence in seeking the most*
20 *favorable financing terms under subparagraph*
21 *(A).*

22 “(3) *NO OBLIGATION OR INFLUENCE ON REC-*
23 *COMMENDATIONS.—An approval by the Secretary*
24 *under paragraph (1)(A) shall not—*

1 “(A) constitute an obligation of the Federal
2 Government; or

3 “(B) alter or influence any evaluation
4 under subsection (f)(3)(A)(i) or (g)(4) or any
5 recommendation by the Secretary for funding
6 under the program.

7 “(l) *FEDERALLY-OWNED BRIDGES.*—

8 “(1) *DIVESTITURE CONSIDERATION.*—In the case
9 of a bridge owned by a Federal land management
10 agency for which that agency applies for a grant
11 under the program, the agency—

12 “(A) shall consider options to divest the
13 bridge to a State or local entity after completion
14 of the project; and

15 “(B) may apply jointly with the State or
16 local entity to which the bridge may be divested.

17 “(2) *TREATMENT.*—Notwithstanding any other
18 provision of law, section 129 shall apply to a bridge
19 that was previously owned by a Federal land man-
20 agement agency and has been transferred to a non-
21 Federal entity under paragraph (1) in the same man-
22 ner as if the bridge was never federally owned.

23 “(m) *TREATMENT OF PROJECTS.*—Notwithstanding
24 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 “(n) *CONGRESSIONAL NOTIFICATION.*—Not later than
4 *30 days before making a grant for an eligible project under*
5 *the program, the Secretary shall submit to the Committee*
6 *on Transportation and Infrastructure of the House of Rep-*
7 *resentatives and the Committee on Environment and Public*
8 *Works of the Senate a written notification of the proposed*
9 *grant that includes—*

10 “(1) *an evaluation and justification for the eligi-*
11 *ble project; and*

12 “(2) *the amount of the proposed grant.*

13 “(o) *REPORTS.*—

14 “(1) *ANNUAL REPORT.*—Not later than August 1
15 *of each fiscal year, the Secretary shall make available*
16 *on the website of the Department of Transportation*
17 *an annual report that lists each eligible project for*
18 *which a grant has been provided under the program*
19 *during the fiscal year.*

20 “(2) *GAO ASSESSMENT AND REPORT.*—Not later
21 *than 3 years after the date of enactment of the Sur-*
22 *face Transportation Reauthorization Act of 2021, the*
23 *Comptroller General of the United States shall—*

24 “(A) *conduct an assessment of the adminis-*
25 *trative establishment, solicitation, selection, and*

1 *justification process with respect to the funding*
2 *of grants under the program; and*

3 “(B) submit to the Committee on Transpor-
4 tation and Infrastructure of the House of Rep-
5 resentatives and the Committee on Environment
6 and Public Works of the Senate a report that de-
7 scribes—

8 “(i) the adequacy and fairness of the
9 process under which each eligible project
10 that received a grant under the program
11 was selected; and

12 “(ii) the justification and criteria used
13 for the selection of each eligible project.

14 “(p) *LIMITATION.*—

15 “(1) *LARGE PROJECTS.*—Of the amounts made
16 available out of the Highway Trust Fund (other than
17 the Mass Transit Account) to carry out this section
18 for each of fiscal years 2022 through 2026, not less
19 than 50 percent, in aggregate, shall be used for large
20 projects.

21 “(2) *UNUTILIZED AMOUNTS.*—If, in fiscal year
22 2026, the Secretary determines that grants under the
23 program will not allow for the requirement under
24 paragraph (1) to be met, the Secretary shall use the

1 *unutilized amounts to make other grants under the*
 2 *program during that fiscal year.*

3 “(q) *TRIBAL TRANSPORTATION FACILITY BRIDGE SET*
 4 *ASIDE.*—

5 “(1) *IN GENERAL.*—*Of the amounts made avail-*
 6 *able from the Highway Trust Fund (other than the*
 7 *Mass Transit Account) for a fiscal year to carry out*
 8 *this section, the Secretary shall use, to carry out sec-*
 9 *tion 202(d)*—

10 “(A) \$16,000,000 for fiscal year 2022;

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

12 “(C) \$20,000,000 for fiscal year 2024;

13 “(D) \$22,000,000 for fiscal year 2025; and

14 “(E) \$24,000,000 for fiscal year 2026.

15 “(2) *TREATMENT.*—*For purposes of section 201,*
 16 *funds made available for section 202(d) under para-*
 17 *graph (1) shall be considered to be part of the tribal*
 18 *transportation program.”.*

19 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 20 *1 of title 23, United States Code, is amended by inserting*
 21 *after the item relating to section 123 the following:*

 “124. *Bridge investment program.*”.

22 **SEC. 11119. SAFE ROUTES TO SCHOOL.**

23 (a) *IN GENERAL.*—*Chapter 2 of title 23, United States*
 24 *Code, is amended by inserting after section 207 the fol-*
 25 *lowing:*

1 **“§ 208. Safe routes to school**

2 “(a) *DEFINITIONS.—In this section:*

3 “(1) *IN THE VICINITY OF SCHOOLS.—The term*
4 *‘in the vicinity of schools’, with respect to a school,*
5 *means the approximately 2-mile area within bicy-*
6 *cling and walking distance of the school.*

7 “(2) *PRIMARY, MIDDLE, AND HIGH SCHOOLS.—*
8 *The term ‘primary, middle, and high schools’ means*
9 *schools providing education from kindergarten*
10 *through 12th grade.*

11 “(b) *ESTABLISHMENT.—Subject to the requirements of*
12 *this section, the Secretary shall establish and carry out a*
13 *safe routes to school program for the benefit of children in*
14 *primary, middle, and high schools.*

15 “(c) *PURPOSES.—The purposes of the program estab-*
16 *lished under subsection (b) shall be—*

17 “(1) *to enable and encourage children, including*
18 *those with disabilities, to walk and bicycle to school;*

19 “(2) *to make bicycling and walking to school a*
20 *safer and more appealing transportation alternative,*
21 *thereby encouraging a healthy and active lifestyle*
22 *from an early age; and*

23 “(3) *to facilitate the planning, development, and*
24 *implementation of projects and activities that will*
25 *improve safety and reduce traffic, fuel consumption,*
26 *and air pollution in the vicinity of schools.*

1 “(d) *APPORTIONMENT OF FUNDS.*—

2 “(1) *IN GENERAL.*—Subject to paragraphs (2),
3 (3), and (4), amounts made available to carry out
4 this section for a fiscal year shall be apportioned
5 among the States so that each State receives the
6 amount equal to the proportion that—

7 “(A) the total student enrollment in pri-
8 mary, middle, and high schools in each State;
9 bears to

10 “(B) the total student enrollment in pri-
11 mary, middle, and high schools in all States.

12 “(2) *MINIMUM APPORTIONMENT.*—No State shall
13 receive an apportionment under this section for a fis-
14 cal year of less than \$1,000,000.

15 “(3) *SET-ASIDE FOR ADMINISTRATIVE EX-*
16 *PENSES.*—Before apportioning under this subsection
17 amounts made available to carry out this section for
18 a fiscal year, the Secretary shall set aside not more
19 than \$3,000,000 of those amounts for the administra-
20 tive expenses of the Secretary in carrying out this sec-
21 tion.

22 “(4) *DETERMINATION OF STUDENT ENROLL-*
23 *MENTS.*—Determinations under this subsection relat-
24 ing to student enrollments shall be made by the Sec-
25 retary.

1 “(e) *ADMINISTRATION OF AMOUNTS.*—Amounts appor-
 2 tioned to a State under this section shall be administered
 3 by the State department of transportation.

4 “(f) *ELIGIBLE RECIPIENTS.*—Amounts apportioned to
 5 a State under this section shall be used by the State to pro-
 6 vide financial assistance to State, local, Tribal, and re-
 7 gional agencies, including nonprofit organizations, that
 8 demonstrate an ability to meet the requirements of this sec-
 9 tion.

10 “(g) *ELIGIBLE PROJECTS AND ACTIVITIES.*—

11 “(1) *INFRASTRUCTURE-RELATED PROJECTS.*—

12 “(A) *IN GENERAL.*—Amounts apportioned
 13 to a State under this section may be used for the
 14 planning, design, and construction of infrastruc-
 15 ture-related projects that will substantially im-
 16 prove the ability of students to walk and bicycle
 17 to school, including sidewalk improvements, traf-
 18 fic calming and speed reduction improvements,
 19 pedestrian and bicycle crossing improvements,
 20 on-street bicycle facilities, off-street bicycle and
 21 pedestrian facilities, secure bicycle parking fa-
 22 cilities, and traffic diversion improvements in
 23 the vicinity of schools.

24 “(B) *LOCATION OF PROJECTS.*—Infrastruc-
 25 ture-related projects under subparagraph (A)

1 *may be carried out on any public road or any*
2 *bicycle or pedestrian pathway or trail in the vi-*
3 *cinity of schools.*

4 “(2) *NONINFRASTRUCTURE-RELATED ACTIVITIES.—*
5

6 “(A) *IN GENERAL.—In addition to projects*
7 *described in paragraph (1), amounts appor-*
8 *tioned to a State under this section may be used*
9 *for noninfrastructure-related activities to encour-*
10 *age walking and bicycling to school, including*
11 *public awareness campaigns and outreach to*
12 *press and community leaders, traffic education*
13 *and enforcement in the vicinity of schools, stu-*
14 *dent sessions on bicycle and pedestrian safety,*
15 *health, and environment, and funding for train-*
16 *ing, volunteers, and managers of safe routes to*
17 *school programs.*

18 “(B) *ALLOCATION.—Not less than 10 per-*
19 *cent and not more than 30 percent of the amount*
20 *apportioned to a State under this section for a*
21 *fiscal year shall be used for noninfrastructure-re-*
22 *lated activities under this paragraph.*

23 “(3) *SAFE ROUTES TO SCHOOL COORDINATOR.—*
24 *Each State shall use a sufficient amount of the appor-*
25 *tionment of the State for each fiscal year to fund a*

1 *full-time position of coordinator of the safe routes to*
2 *school program of the State.*

3 “(h) *CLEARINGHOUSE.*—

4 “(1) *IN GENERAL.*—*The Secretary shall make*
5 *grants to a national nonprofit organization engaged*
6 *in promoting safe routes to schools—*

7 “(A) *to operate a national safe routes to*
8 *school clearinghouse;*

9 “(B) *to develop information and edu-*
10 *cational programs on safe routes to school; and*

11 “(C) *to provide technical assistance and*
12 *disseminate techniques and strategies used for*
13 *successful safe routes to school programs.*

14 “(2) *FUNDING.*—*The Secretary shall carry out*
15 *this subsection using amounts set aside for adminis-*
16 *trative expenses under subsection (d)(3).*

17 “(i) *TREATMENT OF PROJECTS.*—*Notwithstanding*
18 *any other provision of law, a project assisted under this*
19 *section shall be treated as a project on a Federal-aid high-*
20 *way under chapter 1.”.*

21 (b) *CONFORMING AMENDMENTS.*—

22 (1) *The analysis for chapter 2 of title 23, United*
23 *States Code, is amended by inserting after the item*
24 *relating to section 207 the following:*

“208. *Safe routes to school.*”.

1 (2) *Section 1404 of SAFETEA-LU (23 U.S.C.*
2 *402 note; Public Law 109–59) is repealed.*

3 (3) *The table of contents in section 1(b) of*
4 *SAFETEA-LU (Public Law 109–59; 119 Stat. 1144)*
5 *is amended by striking the item relating to section*
6 *1404.*

7 **SEC. 11120. HIGHWAY USE TAX EVASION PROJECTS.**

8 *Section 143(b)(2)(A) of title 23, United States Code,*
9 *is amended by striking “fiscal years 2016 through 2020”*
10 *and inserting “fiscal years 2022 through 2026”.*

11 **SEC. 11121. CONSTRUCTION OF FERRY BOATS AND FERRY**
12 **TERMINAL FACILITIES.**

13 *Section 147 of title 23, United States Code, is amended*
14 *by striking subsection (h) and inserting the following:*

15 “(h) *AUTHORIZATION OF APPROPRIATIONS.—There*
16 *are authorized to be appropriated out of the Highway Trust*
17 *Fund (other than the Mass Transit Account) to carry out*
18 *this section—*

19 “(1) \$110,000,000 for fiscal year 2022;

20 “(2) \$112,000,000 for fiscal year 2023;

21 “(3) \$114,000,000 for fiscal year 2024;

22 “(4) \$116,000,000 for fiscal year 2025; and

23 “(5) \$118,000,000 for fiscal year 2026.”.

24 **SEC. 11122. VULNERABLE ROAD USER RESEARCH.**

25 (a) *DEFINITIONS.—In this subsection:*

1 (1) *ADMINISTRATOR.*—*The term “Adminis-*
2 *trator” means the Secretary, acting through the Ad-*
3 *ministrator of the Federal Highway Administration.*

4 (2) *VULNERABLE ROAD USER.*—*The term “vul-*
5 *nerable road user” has the meaning given the term in*
6 *section 148(a) of title 23, United States Code.*

7 (b) *ESTABLISHMENT OF RESEARCH PLAN.*—*The Ad-*
8 *ministrator shall establish a research plan to prioritize re-*
9 *search on roadway designs, the development of safety coun-*
10 *termeasures to minimize fatalities and serious injuries to*
11 *vulnerable road users, and the promotion of bicycling and*
12 *walking, including research relating to—*

13 (1) *roadway safety improvements, including*
14 *traffic calming techniques and vulnerable road user*
15 *accommodations appropriate in a suburban arterial*
16 *context;*

17 (2) *the impacts of traffic speeds, and access to*
18 *low-traffic stress corridors, on safety and rates of bi-*
19 *cycling and walking;*

20 (3) *tools to evaluate the impact of transportation*
21 *improvements on projected rates and safety of bicy-*
22 *cling and walking; and*

23 (4) *other research areas to be determined by the*
24 *Administrator.*

1 (c) *VULNERABLE ROAD USER ASSESSMENTS.*—The
2 Administrator shall—

3 (1) *review each vulnerable road user safety as-*
4 *essment submitted by a State under section 148(l) of*
5 *title 23, United States Code, and other relevant*
6 *sources of data to determine what, if any, standard*
7 *definitions and methods should be developed through*
8 *guidance to enable a State to collect pedestrian injury*
9 *and fatality data; and*

10 (2) *in the first progress update under subsection*
11 *(d)(2), provide—*

12 (A) *the results of the determination de-*
13 *scribed in paragraph (1); and*

14 (B) *the recommendations of the Secretary*
15 *with respect to the collection and reporting of*
16 *data on the safety of vulnerable road users.*

17 (d) *SUBMISSION; PUBLICATION.*—

18 (1) *SUBMISSION OF PLAN.*—*Not later than 180*
19 *days after the date of enactment of this Act, the Ad-*
20 *ministrator shall submit to the Committee on Envi-*
21 *ronment and Public Works of the Senate and the*
22 *Committee on Transportation and Infrastructure of*
23 *the House of Representatives the research plan de-*
24 *scribed in subsection (b).*

1 (2) *PROGRESS UPDATES.*—Not later than 2
 2 years after the date of enactment of this Act, and bi-
 3 annually thereafter, the Administrator shall submit to
 4 the Committees described in paragraph (1)—

5 (A) updates on the progress and findings of
 6 the research conducted pursuant to the plan de-
 7 scribed in subsection (b); and

8 (B) in the first submission under this para-
 9 graph, the results and recommendations de-
 10 scribed in subsection (c)(2).

11 **SEC. 11123. WILDLIFE CROSSING SAFETY.**

12 (a) *DECLARATION OF POLICY.*—Section 101(b)(3)(D)
 13 of title 23, United States Code, is amended, in the matter
 14 preceding clause (i), by inserting “resilient,” after “effi-
 15 cient,”.

16 (b) *WILDLIFE CROSSINGS PILOT PROGRAM.*—

17 (1) *IN GENERAL.*—Chapter 1 of title 23, United
 18 States Code, is amended by adding at the end the fol-
 19 lowing:

20 **“§ 171. Wildlife crossings pilot program**

21 “(a) *FINDING.*—Congress finds that greater adoption
 22 of wildlife-vehicle collision safety countermeasures is in the
 23 public interest because—

24 “(1) according to the report of the Federal High-
 25 way Administration entitled ‘Wildlife-Vehicle Colli-

1 *sion Reduction Study*’, there are more than 1,000,000
2 *wildlife-vehicle collisions every year;*

3 “(2) *wildlife-vehicle collisions—*

4 “(A) *present a danger to—*

5 “(i) *human safety; and*

6 “(ii) *wildlife survival; and*

7 “(B) *represent a persistent concern that re-*
8 *sults in tens of thousands of serious injuries and*
9 *hundreds of fatalities on the roadways of the*
10 *United States; and*

11 “(3) *the total annual cost associated with wild-*
12 *life-vehicle collisions has been estimated to be*
13 *\$8,388,000,000; and*

14 “(4) *wildlife-vehicle collisions are a major threat*
15 *to the survival of species, including birds, reptiles,*
16 *mammals, and amphibians.*

17 “(b) *ESTABLISHMENT.—The Secretary shall establish*
18 *a competitive wildlife crossings pilot program (referred to*
19 *in this section as the ‘pilot program’) to provide grants for*
20 *projects that seek to achieve—*

21 “(1) *a reduction in the number of wildlife-vehicle*
22 *collisions; and*

23 “(2) *in carrying out the purpose described in*
24 *paragraph (1), improved habitat connectivity for ter-*
25 *restrial and aquatic species.*

1 “(c) *ELIGIBLE ENTITIES.*—An entity eligible to apply
2 for a grant under the pilot program is—

3 “(1) a State highway agency, or an equivalent
4 of that agency;

5 “(2) a metropolitan planning organization (as
6 defined in section 134(b));

7 “(3) a unit of local government;

8 “(4) a regional transportation authority;

9 “(5) a special purpose district or public author-
10 ity with a transportation function, including a port
11 authority;

12 “(6) an Indian tribe (as defined in section
13 207(m)(1)), including a Native village and a Native
14 Corporation (as those terms are defined in section 3
15 of the Alaska Native Claims Settlement Act (43
16 U.S.C. 1602));

17 “(7) a Federal land management agency; or

18 “(8) a group of any of the entities described in
19 paragraphs (1) through (7).

20 “(d) *APPLICATIONS.*—

21 “(1) *IN GENERAL.*—To be eligible to receive a
22 grant under the pilot program, an eligible entity shall
23 submit to the Secretary an application at such time,
24 in such manner, and containing such information as
25 the Secretary may require.

1 “(2) *REQUIREMENT.*—If an application under
2 paragraph (1) is submitted by an eligible entity other
3 than an eligible entity described in paragraph (1) or
4 (7) of subsection (c), the application shall include
5 documentation that the State highway agency, or an
6 equivalent of that agency, of the State in which the
7 eligible entity is located was consulted during the de-
8 velopment of the application.

9 “(3) *GUIDANCE.*—To enhance consideration of
10 current and reliable data, eligible entities may obtain
11 guidance from an agency in the State with jurisdic-
12 tion over fish and wildlife.

13 “(e) *CONSIDERATIONS.*—In selecting grant recipients
14 under the pilot program, the Secretary shall take into con-
15 sideration the following:

16 “(1) *Primarily, the extent to which the proposed*
17 *project of an eligible entity is likely to protect motor-*
18 *ists and wildlife by reducing the number of wildlife-*
19 *vehicle collisions and improve habitat connectivity for*
20 *terrestrial and aquatic species.*

21 “(2) *Secondarily, the extent to which the pro-*
22 *posed project of an eligible entity is likely to accom-*
23 *plish the following:*

24 “(A) *Leveraging Federal investment by en-*
25 *couraging non-Federal contributions to the*

1 *project, including projects from public-private*
2 *partnerships.*

3 “(B) *Supporting local economic develop-*
4 *ment and improvement of visitation opportuni-*
5 *ties.*

6 “(C) *Incorporation of innovative tech-*
7 *nologies, including advanced design techniques*
8 *and other strategies to enhance efficiency and ef-*
9 *fectiveness in reducing wildlife-vehicle collisions*
10 *and improving habitat connectivity for terres-*
11 *trial and aquatic species.*

12 “(D) *Provision of educational and outreach*
13 *opportunities.*

14 “(E) *Monitoring and research to evaluate,*
15 *compare effectiveness of, and identify best prac-*
16 *tices in, selected projects.*

17 “(F) *Any other criteria relevant to reducing*
18 *the number of wildlife-vehicle collisions and im-*
19 *proving habitat connectivity for terrestrial and*
20 *aquatic species, as the Secretary determines to be*
21 *appropriate, subject to the condition that the im-*
22 *plementation of the pilot program shall not be*
23 *delayed in the absence of action by the Secretary*
24 *to identify additional criteria under this sub-*
25 *paragraph.*

1 “(f) *USE OF FUNDS.*—

2 “(1) *IN GENERAL.*—*The Secretary shall ensure*
3 *that a grant received under the pilot program is used*
4 *for a project to reduce wildlife-vehicle collisions.*

5 “(2) *GRANT ADMINISTRATION.*—

6 “(A) *IN GENERAL.*—*A grant received under*
7 *the pilot program shall be administered by—*

8 “(i) *in the case of a grant to a Federal*
9 *land management agency or an Indian*
10 *tribe (as defined in section 207(m)(1), in-*
11 *cluding a Native village and a Native Cor-*
12 *poration (as those terms are defined in sec-*
13 *tion 3 of the Alaska Native Claims Settle-*
14 *ment Act (43 U.S.C. 1602))), the Federal*
15 *Highway Administration, through an agree-*
16 *ment; and*

17 “(ii) *in the case of a grant to an eligi-*
18 *ble entity other than an eligible entity de-*
19 *scribed in clause (i), the State highway*
20 *agency, or an equivalent of that agency, for*
21 *the State in which the project is to be car-*
22 *ried out.*

23 “(B) *PARTNERSHIPS.*—

24 “(i) *IN GENERAL.*—*A grant received*
25 *under the pilot program may be used to*

1 *provide funds to eligible partners of the*
2 *project for which the grant was received de-*
3 *scribed in clause (ii), in accordance with*
4 *the terms of the project agreement.*

5 “(ii) *ELIGIBLE PARTNERS DE-*
6 *SCRIBED.—The eligible partners referred to*
7 *in clause (i) include—*

8 “(I) *a metropolitan planning or-*
9 *ganization (as defined in section*
10 *134(b));*

11 “(II) *a unit of local government;*

12 “(III) *a regional transportation*
13 *authority;*

14 “(IV) *a special purpose district or*
15 *public authority with a transportation*
16 *function, including a port authority;*

17 “(V) *an Indian tribe (as defined*
18 *in section 207(m)(1)), including a Na-*
19 *tive village and a Native Corporation*
20 *(as those terms are defined in section 3*
21 *of the Alaska Native Claims Settlement*
22 *Act (43 U.S.C. 1602));*

23 “(VI) *a Federal land management*
24 *agency;*

1 “(VII) a foundation, nongovern-
2 mental organization, or institution of
3 higher education;

4 “(VIII) a Federal, Tribal, re-
5 gional, or State government entity;
6 and

7 “(IX) a group of any of the enti-
8 ties described in subclauses (I) through
9 (VIII).

10 “(3) COMPLIANCE.—An eligible entity that re-
11 ceives a grant under the pilot program and enters
12 into a partnership described in paragraph (2) shall
13 establish measures to verify that an eligible partner
14 that receives funds from the grant complies with the
15 conditions of the pilot program in using those funds.

16 “(g) REQUIREMENT.—The Secretary shall ensure that
17 not less than 60 percent of the amounts made available for
18 grants under the pilot program each fiscal year are for
19 projects located in rural areas.

20 “(h) ANNUAL REPORT TO CONGRESS.—

21 “(1) IN GENERAL.—Not later than December 31
22 of each calendar year, the Secretary shall submit to
23 Congress, and make publicly available, a report de-
24 scribing the activities under the pilot program for the
25 fiscal year that ends during that calendar year.

1 “(2) *CONTENTS.*—*The report under paragraph*
2 *(1) shall include—*

3 “(A) *a detailed description of the activities*
4 *carried out under the pilot program;*

5 “(B) *an evaluation of the effectiveness of the*
6 *pilot program in meeting the purposes described*
7 *in subsection (b); and*

8 “(C) *policy recommendations to improve the*
9 *effectiveness of the pilot program.*

10 “(i) *TREATMENT OF PROJECTS.*—*Notwithstanding*
11 *any other provision of law, a project assisted under this*
12 *section shall be treated as a project on a Federal-aid high-*
13 *way under this chapter.”.*

14 (2) *CLERICAL AMENDMENT.*—*The analysis for*
15 *chapter 1 of title 23, United States Code, is amended*
16 *by inserting after the item relating to section 170 the*
17 *following:*

 “171. *Wildlife crossings pilot program.”.*

18 (c) *WILDLIFE VEHICLE COLLISION REDUCTION AND*
19 *HABITAT CONNECTIVITY IMPROVEMENT.*—

20 (1) *IN GENERAL.*—*Chapter 1 of title 23, United*
21 *States Code (as amended by subsection (b)(1)), is*
22 *amended by adding at the end the following:*

23 “**§ 172. *Wildlife-vehicle collision reduction and habi-***
24 ***tat connectivity improvement***

25 “(a) *STUDY.*—

1 “(1) *IN GENERAL.*—*The Secretary shall conduct*
2 *a study (referred to in this subsection as the ‘study’)*
3 *of the state, as of the date of the study, of the practice*
4 *of methods to reduce collisions between motorists and*
5 *wildlife (referred to in this section as ‘wildlife-vehicle*
6 *collisions’).*

7 “(2) *CONTENTS.*—

8 “(A) *AREAS OF STUDY.*—*The study shall—*

9 “(i) *update and expand on, as appro-*
10 *priate—*

11 “(I) *the report entitled ‘Wildlife*
12 *Vehicle Collision Reduction Study:*
13 *2008 Report to Congress’; and*

14 “(II) *the document entitled ‘Wild-*
15 *life Vehicle Collision Reduction Study:*
16 *Best Practices Manual’ and dated Oc-*
17 *tober 2008; and*

18 “(ii) *include—*

19 “(I) *an assessment, as of the date*
20 *of the study, of—*

21 “(aa) *the causes of wildlife-*
22 *vehicle collisions;*

23 “(bb) *the impact of wildlife-*
24 *vehicle collisions on motorists and*
25 *wildlife; and*

1 “(cc) the impacts of roads
2 and traffic on habitat
3 connectivity for terrestrial and
4 aquatic species; and

5 “(II) solutions and best practices
6 for—

7 “(aa) reducing wildlife-vehi-
8 cle collisions; and

9 “(bb) improving habitat
10 connectivity for terrestrial and
11 aquatic species.

12 “(B) *METHODS.*—In carrying out the
13 study, the Secretary shall—

14 “(i) conduct a thorough review of re-
15 search and data relating to—

16 “(I) wildlife-vehicle collisions; and

17 “(II) habitat fragmentation that
18 results from transportation infrastruc-
19 ture;

20 “(ii) survey current practices of the
21 Department of Transportation and State
22 departments of transportation to reduce
23 wildlife-vehicle collisions; and

24 “(iii) consult with—

1 “(I) appropriate experts in the
2 *field of wildlife-vehicle collisions; and*

3 “(II) appropriate experts on the
4 *effects of roads and traffic on habitat*
5 *connectivity for terrestrial and aquatic*
6 *species.*

7 “(3) *REPORT.—*

8 “(A) *IN GENERAL.—Not later than 18*
9 *months after the date of enactment of the Surface*
10 *Transportation Reauthorization Act of 2021, the*
11 *Secretary shall submit to Congress a report on*
12 *the results of the study.*

13 “(B) *CONTENTS.—The report under sub-*
14 *paragraph (A) shall include—*

15 “(i) a description of—

16 “(I) *the causes of wildlife-vehicle*
17 *collisions;*

18 “(II) *the impacts of wildlife-vehi-*
19 *cle collisions; and*

20 “(III) *the impacts of roads and*
21 *traffic on—*

22 “(aa) *species listed as threat-*
23 *ened species or endangered species*
24 *under the Endangered Species Act*
25 *of 1973 (16 U.S.C. 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 mitigate
11 damage to terrestrial and aquatic species,
12 including the effect on jobs, property values,
13 and economic growth to society, adjacent
14 communities, and landowners;

15 “(iii) recommendations for preventing
16 wildlife-vehicle collisions, including rec-
17 ommended best practices, funding resources,
18 or other recommendations for addressing
19 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 col-*
5 *lisions; 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 after*
12 *the date of enactment of the Surface Transportation*
13 *Reauthorization Act of 2021, the Secretary shall,*
14 *based on the study conducted under subsection (a), de-*
15 *velop a series of in-person and online workforce devel-*
16 *opment 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 transportation*
24 *and fish and wildlife professionals; and*

1 “(B) update the series of courses not less fre-
2 quently than once every 2 years.

3 “(c) STANDARDIZATION OF WILDLIFE COLLISION AND
4 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 method-
14 ology 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 Fa-
20 tality Analysis Reporting System, the Gen-
21 eral Estimates System of the National Auto-
22 motive Sampling System, and the Highway
23 Safety Information System; and

1 “(ii) to the extent practicable, identify
2 and correct limitations of those existing
3 methodologies and sources of data collection.

4 “(C) CONSULTATION.—In developing the
5 standardized methodology under subparagraph
6 (A), the Secretary shall consult with—

7 “(i) the Secretary of the Interior;

8 “(ii) the Secretary of Agriculture, act-
9 ing through the Chief of the Forest Service;

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 Associa-
15 tion of State Highway Transportation Offi-
16 cials;

17 “(vi) members of the Association of
18 Fish and Wildlife Agencies;

19 “(vii) experts in the field of wildlife-ve-
20 hicle 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.*—*The*
3 *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 para-*
9 *graph (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 stand-*
16 *ardized methodology developed under paragraph*
17 *(1) not later than the later of—*

18 “(i) *the date that is 18 months after*
19 *the date of enactment of the Surface Trans-*
20 *portation Reauthorization Act of 2021; and*

21 “(ii) *the date that is 180 days after the*
22 *date on which the Secretary completes the*
23 *development of the standardized method-*
24 *ology.*

1 “(B) *IMPLEMENTATION.*—Not later than 4
2 years after the date of enactment of the Surface
3 Transportation Reauthorization Act of 2021, the
4 Secretary shall submit to Congress a report de-
5 scribing—

6 “(i) *the status of the voluntary imple-*
7 *mentation of the standardized methodology*
8 *developed under paragraph (1) and the tem-*
9 *plate developed under paragraph (2)(A);*

10 “(ii) *whether the implementation of the*
11 *standardized methodology developed under*
12 *paragraph (1) and the template developed*
13 *under paragraph (2)(A) has impacted ef-*
14 *forts by States, units of local government,*
15 *and other entities—*

16 “(I) *to reduce the number of wild-*
17 *life-vehicle collisions; and*

18 “(II) *to improve habitat*
19 *connectivity;*

20 “(iii) *the degree of the impact de-*
21 *scribed in clause (i); and*

22 “(iv) *the recommendations of the Sec-*
23 *retary, including recommendations for fur-*
24 *ther study aimed at reducing motorist colli-*
25 *sions involving wildlife and improving*

1 *habitat connectivity for terrestrial and*
2 *aquatic species on the National Highway*
3 *System, if any.*

4 “(d) *NATIONAL THRESHOLD GUIDANCE.—The Sec-*
5 *retary shall—*

6 “(1) *establish guidance, to be carried out by*
7 *States on a voluntary basis, that contains a threshold*
8 *for determining whether a highway shall be evaluated*
9 *for potential mitigation measures to reduce wildlife-*
10 *vehicle collisions and increase habitat connectivity for*
11 *terrestrial and aquatic species, taking into consider-*
12 *ation—*

13 “(A) *the number of wildlife-vehicle collisions*
14 *on the highway that pose a human safety risk;*

15 “(B) *highway-related mortality and the ef-*
16 *fects of traffic on the highway on—*

17 “(i) *species listed as endangered species*
18 *or threatened species under the Endangered*
19 *Species Act of 1973 (16 U.S.C. 1531 et*
20 *seq.);*

21 “(ii) *species identified by a State as*
22 *species of greatest conservation need;*

23 “(iii) *species identified in State wild-*
24 *life plans; and*

1 “(iv) medium and small terrestrial
2 and aquatic species; and

3 “(C) habitat connectivity values for terres-
4 trial and aquatic species and the barrier effect of
5 the highway on the movements and migrations of
6 those species.”.

7 (2) *CLERICAL AMENDMENT.*—*The analysis for*
8 *chapter 1 of title 23, United States Code (as amended*
9 *by subsection (b)(2)) is amended by inserting after*
10 *the item relating to section 171 the following:*

“172. Wildlife-vehicle collision reduction and habitat connectivity improvement.”.

11 (d) *WILDLIFE CROSSINGS STANDARDS.*—*Section*
12 *109(c)(2) of title 23, United States Code, is amended—*

13 (1) *in subparagraph (E), by striking “and” at*
14 *the end;*

15 (2) *by redesignating subparagraph (F) as sub-*
16 *paragraph (G); and*

17 (3) *by inserting after subparagraph (E) the fol-*
18 *lowing:*

19 “(F) the publication of the Federal High-
20 way Administration entitled ‘Wildlife Crossing
21 Structure Handbook: Design and Evaluation in
22 North America’ and dated March 2011; and”.

23 (e) *WILDLIFE HABITAT CONNECTIVITY AND NATIONAL*
24 *BRIDGE AND TUNNEL INVENTORY AND INSPECTION STAND-*

1 ARDS.—Section 144 of title 23, United States Code, is
2 amended—

3 (1) in subsection (a)(2)—

4 (A) in subparagraph (B), by inserting “, re-
5 siliance,” after “safety”;

6 (B) in subparagraph (D), by striking “and”
7 at the end;

8 (C) in subparagraph (E), by striking the
9 period at the end and inserting “; and”; and

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

11 “(F) to ensure adequate passage of aquatic
12 and terrestrial species, where appropriate.”;

13 (2) in subsection (b)—

14 (A) in paragraph (4), by striking “and” at
15 the end;

16 (B) in paragraph (5), by striking the period
17 at the end and inserting “; and”; and

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

19 “(6) determine if the replacement or rehabilita-
20 tion of bridges and tunnels should include measures
21 to enable safe and unimpeded movement for terres-
22 trial and aquatic species.”; and

23 (3) in subsection (i), by adding at the end the
24 following:

1 “(3) *REQUIREMENT.*—*The first revision under*
2 *paragraph (2) after the date of enactment of the Sur-*
3 *face Transportation Reauthorization Act of 2021 shall*
4 *include techniques to assess passage of aquatic and*
5 *terrestrial species and habitat restoration potential.”.*

6 **SEC. 11124. CONSOLIDATION OF PROGRAMS.**

7 *Section 1519(a) of MAP–21 (Public Law 112–141; 126*
8 *Stat. 574; 129 Stat. 1423) is amended, in the matter pre-*
9 *ceding paragraph (1), by striking “fiscal years 2016*
10 *through 2020” and inserting “fiscal years 2022 through*
11 *2026”.*

12 **SEC. 11125. GAO REPORT.**

13 *(a) IN GENERAL.*—*Section 1433 of the FAST Act (23*
14 *U.S.C. 101 note; Public Law 114–94) is repealed.*

15 *(b) CLERICAL AMENDMENT.*—*The table of contents in*
16 *section 1(b) of the FAST Act (Public Law 114–94; 129 Stat.*
17 *1312) is amended by striking the item relating to section*
18 *1433.*

19 **SEC. 11126. TERRITORIAL AND PUERTO RICO HIGHWAY**
20 **PROGRAM.**

21 *Section 165 of title 23, United States Code, is amend-*
22 *ed—*

23 *(1) in subsection (a), by striking paragraphs (1)*
24 *and (2) and inserting the following:*

1 “(1) for the Puerto Rico highway program under
2 subsection (b)—

3 “(A) \$173,010,000 shall be for fiscal year
4 2022;

5 “(B) \$176,960,000 shall be for fiscal year
6 2023;

7 “(C) \$180,120,000 shall be for fiscal year
8 2024;

9 “(D) \$183,675,000 shall be for fiscal year
10 2025; and

11 “(E) \$187,230,000 shall be for fiscal year
12 2026; and

13 “(2) for the territorial highway program under
14 subsection (c)—

15 “(A) \$45,990,000 shall be for fiscal year
16 2022;

17 “(B) \$47,040,000 shall be for fiscal year
18 2023;

19 “(C) \$47,880,000 shall be for fiscal year
20 2024;

21 “(D) \$48,825,000 shall be for fiscal year
22 2025; and

23 “(E) \$49,770,000 shall be for fiscal year
24 2026.”;

1 (2) in subsection (b)(2)(C)(iii), by inserting
2 “and preventative maintenance on the National
3 Highway System” after “chapter 1”; and

4 (3) in subsection (c)(7), by striking “paragraphs
5 (1) through (4) of section 133(c) and section
6 133(b)(12)” and inserting “paragraphs (1), (2), (3),
7 and (5) of section 133(c) and section 133(b)(13)”.

8 **SEC. 11127. NATIONALLY SIGNIFICANT FEDERAL LANDS**
9 **AND TRIBAL PROJECTS PROGRAM.**

10 Section 1123 of the FAST Act (23 U.S.C. 201 note;
11 Public Law 114–94) is amended—

12 (1) in subsection (c)(3), by striking
13 “\$25,000,000” and all that follows through the period
14 at the end and inserting “\$12,500,000.”;

15 (2) in subsection (g)—

16 (A) by striking the subsection designation
17 and heading and all that follows through “The
18 Federal” in paragraph (1) and inserting the fol-
19 lowing:

20 “(g) *COST SHARE.*—

21 “(1) *FEDERAL SHARE.*—

22 “(A) *IN GENERAL.*—Except as provided in
23 subparagraph (B), the Federal”;

24 (B) in paragraph (1), by adding at the end
25 the following:

1 “(B) *TRIBAL PROJECTS.*—*In the case of a*
2 *project on a tribal transportation facility (as de-*
3 *defined in section 101(a) of title 23, United States*
4 *Code), the Federal share of the cost of the project*
5 *shall be 100 percent.”; and*

6 (C) *in paragraph (2), by striking “other*
7 *than those made available under title 23 or title*
8 *49, United States Code,”; and*

9 (3) *by striking subsection (h) and inserting the*
10 *following:*

11 “(h) *USE OF FUNDS.*—

12 “(1) *IN GENERAL.*—*For each fiscal year, of the*
13 *amounts made available to carry out this section—*

14 (A) *50 percent shall be used for eligible*
15 *projects on Federal lands transportation facili-*
16 *ties and Federal lands access transportation fa-*
17 *ilities (as those terms are defined in section*
18 *101(a) of title 23, United States Code); and*

19 (B) *50 percent shall be used for eligible*
20 *projects on tribal transportation facilities (as de-*
21 *defined in section 101(a) of title 23, United States*
22 *Code).*

23 “(2) *REQUIREMENT.*—*Not less than 1 eligible*
24 *project carried out using the amount described in*
25 *paragraph (1)(A) shall be in a unit of the National*

1 *Park System with not less than 3,000,000 annual*
2 *visitors.*

3 “(3) *AVAILABILITY.*—Amounts made available to
4 *carry out this section shall remain available for a pe-*
5 *riod of 3 fiscal years following the fiscal year for*
6 *which the amounts are appropriated.”.*

7 **SEC. 11128. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

8 *Section 1123(h) of MAP–21 (23 U.S.C. 202 note; Pub-*
9 *lic Law 112–141) is amended—*

10 (1) *by redesignating paragraph (2) as para-*
11 *graph (3);*

12 (2) *in paragraph (3) (as so redesignated), in the*
13 *matter preceding subparagraph (A), by striking*
14 *“paragraph (1)” and inserting “paragraphs (1) and*
15 *(2)”;* and

16 (3) *by striking the subsection designation and*
17 *heading and all that follows through the period at the*
18 *end of paragraph (1) and inserting the following:*

19 “(h) *FUNDING.*—

20 “(1) *SET-ASIDE.*—For each of fiscal years 2022
21 *through 2026, of the amounts made available to carry*
22 *out the tribal transportation program under section*
23 *202 of title 23, United States Code, for that fiscal*
24 *year, the Secretary shall use \$9,000,000 to carry out*
25 *the program.*

1 “(2) *AUTHORIZATION OF APPROPRIATIONS.*—*In*
2 *addition to amounts made available under paragraph*
3 *(1), there is authorized to be appropriated*
4 *\$30,000,000 out of the general fund of the Treasury*
5 *to carry out the program for each of fiscal years 2022*
6 *through 2026.*”.

7 **SEC. 11129. STANDARDS.**

8 *Section 109 of title 23, United States Code, is amend-*
9 *ed—*

10 *(1) in subsection (d)—*

11 *(A) by striking “(d) On any” and inserting*
12 *the following:*

13 *“(d) MANUAL ON UNIFORM TRAFFIC CONTROL DE-*
14 *VICES.—*

15 *“(1) IN GENERAL.—On any”;*

16 *(B) in paragraph (1) (as so designated), by*
17 *striking “promote the safe” and inserting “pro-*
18 *mote the safety, inclusion, and mobility of all*
19 *users”;* and

20 *(C) by adding at the end the following:*

21 *“(2) UPDATES.—Not later than 18 months after*
22 *the date of enactment of the Surface Transportation*
23 *Reauthorization Act of 2021 and not less frequently*
24 *than every 4 years thereafter, the Secretary shall up-*

1 *date the Manual on Uniform Traffic Control De-*
2 *vices.”;*

3 (2) *in subsection (o)—*

4 (A) *by striking “Projects” and inserting:*

5 “(A) *IN GENERAL.—Projects*”; *and*

6 (B) *by inserting at the end the following:*

7 “(B) *LOCAL JURISDICTIONS.—Notwith-*
8 *standing subparagraph (A), a local jurisdiction*
9 *may use a roadway design guide recognized by*
10 *the Federal Highway Administration and adopt-*
11 *ed by the local jurisdiction that is different from*
12 *the roadway design guide used by the State in*
13 *which the local jurisdiction is located for the de-*
14 *sign of projects on all roadways under the own-*
15 *ership of the local jurisdiction (other than a*
16 *highway on the National Highway System) for*
17 *which the local jurisdiction is the project spon-*
18 *sor, provided that the design complies with all*
19 *other applicable Federal laws.”; and*

20 (3) *by adding at the end the following:*

21 “(s) *ELECTRIC VEHICLE CHARGING STATIONS.—*

22 “(1) *STANDARDS.—Electric vehicle charging in-*
23 *frastructure installed using funds provided under this*
24 *title shall provide, at a minimum—*

1 “(A) *non-proprietary charging connectors*
2 *that meet applicable industry safety standards;*
3 *and*

4 “(B) *open access to payment methods that*
5 *are available to all members of the public to en-*
6 *sure secure, convenient, and equal access to the*
7 *electric vehicle charging infrastructure that shall*
8 *not be limited by membership to a particular*
9 *payment provider.*

10 “(2) *TREATMENT OF PROJECTS.—Notwith-*
11 *standing any other provision of law, a project to in-*
12 *stall electric vehicle charging infrastructure using*
13 *funds provided under this title shall be treated as if*
14 *the project is located on a Federal-aid highway.”.*

15 **SEC. 11130. PUBLIC TRANSPORTATION.**

16 “(a) *IN GENERAL.—Section 142(a) of title 23, United*
17 *States Code, is amended by adding at the end the following:*

18 “(3) *BUS CORRIDORS.—In addition to the*
19 *projects described in paragraphs (1) and (2), the Sec-*
20 *retary may approve payment from sums apportioned*
21 *under paragraph (2) or (7) of section 104(b) for car-*
22 *rying out a capital project for the construction of a*
23 *bus rapid transit corridor or dedicated bus lanes, in-*
24 *cluding the construction or installation of—*

1 “(A) traffic signaling and prioritization
2 systems;

3 “(B) redesigned intersections that are nec-
4 essary for the establishment of a bus rapid tran-
5 sit corridor;

6 “(C) on-street stations;

7 “(D) fare collection systems;

8 “(E) information and wayfinding systems;
9 and

10 “(F) depots.”

11 (b) *TECHNICAL CORRECTION*.—Section 142 of title 23,
12 *United States Code*, is amended by striking subsection (i).

13 **SEC. 11131. RESERVATION OF CERTAIN FUNDS.**

14 (a) *OPEN CONTAINER REQUIREMENTS*.—Section
15 154(c)(2) of title 23, *United States Code*, is amended—

16 (1) in the paragraph heading, by striking
17 “2012” and inserting “2022”;

18 (2) by striking subparagraph (A) and inserting
19 the following:

20 “(A) *RESERVATION OF FUNDS*.—

21 “(i) *IN GENERAL*.—On October 1,
22 2021, and each October 1 thereafter, in the
23 case of a State described in clause (ii), the
24 Secretary shall reserve an amount equal to
25 2.5 percent of the funds to be apportioned to

1 *the State on that date under each of para-*
2 *graphs (1) and (2) of section 104(b) until*
3 *the State certifies to the Secretary the*
4 *means by which the State will use those re-*
5 *served funds in accordance with subpara-*
6 *graphs (A) and (B) of paragraph (1), and*
7 *paragraph (3).*

8 “(i) *STATES DESCRIBED.*—*A State re-*
9 *ferred to in clause (i) is a State—*

10 “(I) *that has not enacted or is not*
11 *enforcing an open container law de-*
12 *scribed in subsection (b); and*

13 “(II) *for which the Secretary de-*
14 *termined for the prior fiscal year that*
15 *the State had not enacted or was not*
16 *enforcing an open container law de-*
17 *scribed in subsection (b).”*; and

18 (3) *in subparagraph (B), in the matter pre-*
19 *ceding clause (i), by striking “subparagraph (A)” and*
20 *inserting “subparagraph (A)(i)”.*

21 (b) *REPEAT INTOXICATED DRIVER LAWS.*—*Section*
22 *164(b)(2) of title 23, United States Code, is amended—*

23 (1) *in the paragraph heading, by striking*
24 *“2012” and inserting “2022”;*

1 (2) *by striking subparagraph (A) and inserting*
2 *the following:*

3 “(A) *RESERVATION OF FUNDS.—*

4 “(i) *IN GENERAL.—On October 1,*
5 *2021, and each October 1 thereafter, in the*
6 *case of a State described in clause (ii), the*
7 *Secretary shall reserve an amount equal to*
8 *2.5 percent of the funds to be apportioned to*
9 *the State on that date under each of para-*
10 *graphs (1) and (2) of section 104(b) until*
11 *the State certifies to the Secretary the*
12 *means by which the State will use those re-*
13 *served funds in accordance with subpara-*
14 *graphs (A) and (B) of paragraph (1), and*
15 *paragraph (3).*

16 “(ii) *STATES DESCRIBED.—A State re-*
17 *ferred to in clause (i) is a State—*

18 “(I) *that has not enacted or is not*
19 *enforcing a repeat intoxicated driver*
20 *law; and*

21 “(II) *for which the Secretary de-*
22 *termined for the prior fiscal year that*
23 *the State had not enacted or was not*
24 *enforcing a repeat intoxicated driver*
25 *law.”; and*

1 (3) in subparagraph (B), in the matter pre-
2 ceding clause (i), by striking “subparagraph (A)” and
3 inserting “subparagraph (A)(i)”.

4 **SEC. 11132. RURAL SURFACE TRANSPORTATION GRANT**
5 **PROGRAM.**

6 (a) *IN GENERAL.*—Chapter 1 of title 23, United States
7 Code (as amended by section 11123(c)(1)), is amended by
8 adding at the end the following:

9 **“§ 173. Rural surface transportation grant program**

10 “(a) *DEFINITIONS.*—In this section:

11 “(1) *PROGRAM.*—The term ‘program’ means the
12 program established under subsection (b)(1).

13 “(2) *RURAL AREA.*—The term ‘rural area’ means
14 an area that is outside an urbanized area with a pop-
15 ulation of over 200,000.

16 “(b) *ESTABLISHMENT.*—

17 “(1) *IN GENERAL.*—The Secretary shall establish
18 a rural surface transportation grant program to pro-
19 vide grants, on a competitive basis, to eligible entities
20 to improve and expand the surface transportation in-
21 frastructure in rural areas.

22 “(2) *GOALS.*—The goals of the program shall
23 be—

24 “(A) to increase connectivity;

1 “(B) to improve the safety and reliability of
2 the movement of people and freight; and

3 “(C) to generate regional economic growth
4 and improve quality of life.

5 “(3) *GRANT ADMINISTRATION.*—The Secretary
6 may—

7 “(A) retain not more than a total of 2 per-
8 cent of the funds made available to carry out the
9 program and to review applications for grants
10 under the program; and

11 “(B) transfer portions of the funds retained
12 under subparagraph (A) to the relevant Admin-
13 istrators to fund the award and oversight of
14 grants provided under the program.

15 “(c) *ELIGIBLE ENTITIES.*—The Secretary may make
16 a grant under the program to—

17 “(1) a State;

18 “(2) a regional transportation planning organi-
19 zation;

20 “(3) a unit of local government;

21 “(4) a Tribal government or a consortium of
22 Tribal governments; and

23 “(5) a multijurisdictional group of entities de-
24 scribed in paragraphs (1) through (4).

1 “(d) *APPLICATIONS.*—*To be eligible to receive a grant*
2 *under the program, an eligible entity shall submit to the*
3 *Secretary an application in such form, at such time, and*
4 *containing such information as the Secretary may require.*

5 “(e) *ELIGIBLE PROJECTS.*—

6 “(1) *IN GENERAL.*—*Except as provided in para-*
7 *graph (2), the Secretary may make a grant under the*
8 *program only for a project that is—*

9 “(A) *a highway, bridge, or tunnel project el-*
10 *igible under section 119(d);*

11 “(B) *a highway, bridge, or tunnel project el-*
12 *igible under section 133(b);*

13 “(C) *a project eligible under section 202(a);*

14 “(D) *a highway freight project eligible*
15 *under section 167(h)(5);*

16 “(E) *a highway safety improvement project,*
17 *including a project to improve a high risk rural*
18 *road (as those terms are defined in section*
19 *148(a));*

20 “(F) *a project on a publicly-owned highway*
21 *or bridge that provides or increases access to an*
22 *agricultural, commercial, energy, or intermodal*
23 *facility that supports the economy of a rural*
24 *area; or*

1 “(G) a project to develop, establish, or
2 maintain an integrated mobility management
3 system, a transportation demand management
4 system, or on-demand mobility services.

5 “(2) *BUNDLING OF ELIGIBLE PROJECTS.*—

6 “(A) *IN GENERAL.*—An eligible entity may
7 bundle 2 or more similar eligible projects under
8 the program that are—

9 “(i) included as a bundled project in a
10 statewide transportation improvement pro-
11 gram under section 135; and

12 “(ii) awarded to a single contractor or
13 consultant pursuant to a contract for engi-
14 neering and design or construction between
15 the contractor and the eligible entity.

16 “(B) *ITEMIZATION.*—Notwithstanding any
17 other provision of law (including regulations), a
18 bundling of eligible projects under this para-
19 graph may be considered to be a single project,
20 including for purposes of section 135.

21 “(f) *ELIGIBLE PROJECT COSTS.*—An eligible entity
22 may use funds from a grant under the program for—

23 “(1) development phase activities, including
24 planning, feasibility analysis, revenue forecasting, en-

1 *vironmental review, preliminary engineering and de-*
2 *sign work, and other preconstruction activities; and*

3 *“(2) construction, reconstruction, rehabilitation,*
4 *acquisition of real property (including land related to*
5 *the project and improvements to the land), environ-*
6 *mental mitigation, construction contingencies, acqui-*
7 *sition of equipment, and operational improvements.*

8 *“(g) PROJECT REQUIREMENTS.—The Secretary may*
9 *provide a grant under the program to an eligible project*
10 *only if the Secretary determines that the project—*

11 *“(1) will generate regional economic, mobility, or*
12 *safety benefits;*

13 *“(2) will be cost effective;*

14 *“(3) will contribute to the accomplishment of 1*
15 *or more of the national goals under section 150;*

16 *“(4) is based on the results of preliminary engi-*
17 *neering; and*

18 *“(5) is reasonably expected to begin construction*
19 *not later than 18 months after the date of obligation*
20 *of funds for the project.*

21 *“(h) ADDITIONAL CONSIDERATIONS.—In providing*
22 *grants under the program, the Secretary shall consider the*
23 *extent to which an eligible project will—*

24 *“(1) improve the state of good repair of existing*
25 *highway, bridge, and tunnel facilities;*

1 “(2) increase the capacity or connectivity of the
2 surface transportation system and improve mobility
3 for residents of rural areas;

4 “(3) address economic development and job cre-
5 ation challenges, including energy sector job losses in
6 energy communities as identified in the report re-
7 leased in April 2021 by the interagency working
8 group established by section 218 of Executive Order
9 14008 (86 Fed. Reg. 7628 (February 1, 2021));

10 “(4) enhance recreational and tourism opportu-
11 nities by providing access to Federal land, national
12 parks, national forests, national recreation areas, na-
13 tional wildlife refuges, wilderness areas, or State
14 parks;

15 “(5) contribute to geographic diversity among
16 grant recipients;

17 “(6) utilize innovative project delivery ap-
18 proaches or incorporate transportation technologies;

19 “(7) coordinate with projects to address
20 broadband infrastructure needs; or

21 “(8) improve access to emergency care, essential
22 services, healthcare providers, or drug and alcohol
23 treatment and rehabilitation resources.

1 “(i) *GRANT AMOUNT.*—*Except as provided in sub-*
2 *section (k)(1), a grant under the program shall be in an*
3 *amount that is not less than \$25,000,000.*

4 “(j) *FEDERAL SHARE.*—

5 “(1) *IN GENERAL.*—*Except as provided in para-*
6 *graph (2), the Federal share of the cost of a project*
7 *carried out with a grant under the program may not*
8 *exceed 80 percent.*

9 “(2) *FEDERAL SHARE FOR CERTAIN*
10 *PROJECTS.*—*The Federal share of the cost of an eligi-*
11 *ble project that furthers the completion of a des-*
12 *ignated segment of the Appalachian Development*
13 *Highway System under section 14501 of title 40, or*
14 *addresses a surface transportation infrastructure need*
15 *identified for the Denali access system program under*
16 *section 309 of the Denali Commission Act of 1998 (42*
17 *U.S.C. 3121 note; Public Law 105–277) shall be up*
18 *to 100 percent, as determined by the State.*

19 “(3) *USE OF OTHER FEDERAL ASSISTANCE.*—
20 *Federal assistance other than a grant under the pro-*
21 *gram may be used to satisfy the non-Federal share of*
22 *the cost of a project carried out with a grant under*
23 *the program.*

24 “(k) *SET ASIDES.*—

1 “(1) *SMALL PROJECTS.*—*The Secretary shall use*
2 *not more than 10 percent of the amounts made avail-*
3 *able for the program for each fiscal year to provide*
4 *grants for eligible projects in an amount that is less*
5 *than \$25,000,000.*

6 “(2) *APPALACHIAN DEVELOPMENT HIGHWAY SYS-*
7 *TEM.*—*The Secretary shall reserve 25 percent of the*
8 *amounts made available for the program for each fis-*
9 *cal year for eligible projects that further the comple-*
10 *tion of designated routes of the Appalachian Develop-*
11 *ment Highway System under section 14501 of title*
12 *40.*

13 “(3) *RURAL ROADWAY LANE DEPARTURES.*—*The*
14 *Secretary shall reserve 15 percent of the amounts*
15 *made available for the program for each fiscal year*
16 *to provide grants for eligible projects located in States*
17 *that have rural roadway fatalities as a result of lane*
18 *departures that are greater than the average of rural*
19 *roadway fatalities as a result of lane departures in*
20 *the United States, based on the latest available data*
21 *from the Secretary.*

22 “(4) *EXCESS FUNDING.*—*In any fiscal year in*
23 *which qualified applications for grants under this*
24 *subsection do not allow for the amounts reserved*
25 *under paragraphs (1), (2), or (3) to be fully utilized,*

1 *the Secretary shall use the unutilized amounts to*
2 *make other grants under the program.*

3 “(l) *CONGRESSIONAL REVIEW.*—

4 “(1) *NOTIFICATION.*—*Not less than 60 days be-*
5 *fore providing a grant under the program, the Sec-*
6 *retary shall submit to the Committee on Environment*
7 *and Public Works of the Senate and the Committee on*
8 *Transportation and Infrastructure of the House of*
9 *Representatives—*

10 “(A) *a list of all applications determined to*
11 *be eligible for a grant by the Secretary;*

12 “(B) *each application proposed to be se-*
13 *lected for a grant, including a justification for*
14 *the selection; and*

15 “(C) *proposed grant amounts.*

16 “(2) *COMMITTEE REVIEW.*—*Before the last day*
17 *of the 60-day period described in paragraph (1), each*
18 *Committee described in paragraph (1) shall review*
19 *the list of proposed projects submitted by the Sec-*
20 *retary.*

21 “(3) *CONGRESSIONAL DISAPPROVAL.*—*The Sec-*
22 *retary may not make a grant or any other obligation*
23 *or commitment to fund a project under the program*
24 *if a joint resolution is enacted disapproving funding*

1 *for the project before the last day of the 60-day period*
2 *described in paragraph (1).*

3 “(m) *TRANSPARENCY.—*

4 “(1) *IN GENERAL.—Not later than 30 days after*
5 *providing a grant for a project under the program,*
6 *the Secretary shall provide to all applicants, and*
7 *publish on the website of the Department of Transpor-*
8 *tation, the information described in subsection (l)(1).*

9 “(2) *BRIEFING.—The Secretary shall provide, on*
10 *the request of an eligible entity, the opportunity to re-*
11 *ceive a briefing to explain any reasons the eligible en-*
12 *tity was not selected to receive a grant under the pro-*
13 *gram.*

14 “(n) *REPORTS.—*

15 “(1) *ANNUAL REPORT.—The Secretary shall*
16 *make available on the website of the Department of*
17 *Transportation at the end of each fiscal year an an-*
18 *nual report that lists each project for which a grant*
19 *has been provided under the program during that fis-*
20 *cal year.*

21 “(2) *COMPTROLLER GENERAL.—*

22 “(A) *ASSESSMENT.—The Comptroller Gen-*
23 *eral of the United States shall conduct an assess-*
24 *ment of the administrative establishment, solici-*
25 *tation, selection, and justification process with*

1 *respect to the awarding of grants under the pro-*
2 *gram for each fiscal year.*

3 “(B) *REPORT.*—*Each fiscal year, the Comp-*
4 *troller General shall submit to the Committee on*
5 *Environment and Public Works of the Senate*
6 *and the Committee on Transportation and Infra-*
7 *structure of the House of Representatives a re-*
8 *port that describes, for the fiscal year—*

9 “(i) *the adequacy and fairness of the*
10 *process by which each project was selected,*
11 *if applicable; and*

12 “(ii) *the justification and criteria used*
13 *for the selection of each project, if applica-*
14 *ble.*

15 “(o) *TREATMENT OF PROJECTS.*—*Notwithstanding*
16 *any other provision of law, a project assisted under this*
17 *section shall be treated as a project on a Federal-aid high-*
18 *way under this chapter.”.*

19 “(b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
20 *1 of title 23, United States Code (as amended by section*
21 *11123(c)(2)), is amended by inserting after the item relat-*
22 *ing to section 172 the following:*

 “173. *Rural surface transportation grant program.*”.

1 **SEC. 11133. BICYCLE TRANSPORTATION AND PEDESTRIAN**
2 **WALKWAYS.**

3 *Section 217 of title 23, United States Code, is amend-*
4 *ed—*

5 *(1) in subsection (a)—*

6 *(A) by striking “pedestrian walkways and*
7 *bicycle” and inserting “pedestrian walkways and*
8 *bicycle and shared micromobility”; and*

9 *(B) by striking “safe bicycle use” and in-*
10 *serting “safe access for bicyclists and pedes-*
11 *trians”;*

12 *(2) in subsection (d), by striking “a position”*
13 *and inserting “up to 2 positions”;*

14 *(3) in subsection (e), by striking “bicycles” each*
15 *place it appears and inserting “pedestrians or*
16 *bicyclists”;*

17 *(4) in subsection (f), by striking “and a bicycle”*
18 *and inserting “or a bicycle or shared micromobility”;*
19 *and*

20 *(5) in subsection (j), by striking paragraph (2)*
21 *and inserting the following:*

22 *“(2) ELECTRIC BICYCLE.—*

23 *“(A) IN GENERAL.—The term ‘electric bicy-*
24 *cle’ means a bicycle—*

1 “(i) equipped with fully operable ped-
2 als, a saddle or seat for the rider, and an
3 electric motor of less than 750 watts;

4 “(ii) that can safely share a bicycle
5 transportation facility with other users of
6 such facility; and

7 “(iii) that is a class 1 electric bicycle,
8 class 2 electric bicycle, or class 3 electric bi-
9 cycle.

10 “(B) CLASSES OF ELECTRIC BICYCLES.—

11 “(i) CLASS 1 ELECTRIC BICYCLE.—For
12 purposes of subparagraph (A)(iii), the term
13 ‘class 1 electric bicycle’ means an electric
14 bicycle, other than a class 3 electric bicycle,
15 equipped with a motor that—

16 “(I) provides assistance only when
17 the rider is pedaling; and

18 “(II) ceases to provide assistance
19 when the speed of the bicycle reaches or
20 exceeds 20 miles per hour.

21 “(ii) CLASS 2 ELECTRIC BICYCLE.—
22 For purposes of subparagraph (A)(iii), the
23 term ‘class 2 electric bicycle’ means an elec-
24 tric bicycle equipped with a motor that—

1 “(I) may be used exclusively to
2 propel the bicycle; and

3 “(II) is not capable of providing
4 assistance when the speed of the bicycle
5 reaches or exceeds 20 miles per hour.

6 “(iii) *CLASS 3 ELECTRIC BICYCLE.*—
7 For purposes of subparagraph (A)(iii), the
8 term ‘class 3 electric bicycle’ means an elec-
9 tric bicycle equipped with a motor that—

10 “(I) provides assistance only when
11 the rider is pedaling; and

12 “(II) ceases to provide assistance
13 when the speed of the bicycle reaches or
14 exceeds 28 miles per hour.”.

15 **SEC. 11134. RECREATIONAL TRAILS PROGRAM.**

16 Section 206 of title 23, United States Code, is amended
17 by adding at the end the following:

18 “(j) *USE OF OTHER APPORTIONED FUNDS.*—Funds
19 apportioned to a State under section 104(b) that are obli-
20 gated for a recreational trail or a related project shall be
21 administered as if the funds were made available to carry
22 out this section.”.

1 **SEC. 11135. UPDATES TO MANUAL ON UNIFORM TRAFFIC**
2 **CONTROL DEVICES.**

3 *In carrying out the first update to the Manual on Uni-*
4 *form Traffic Control Devices under section 109(d)(2) of title*
5 *23, United States Code, to the greatest extent practicable,*
6 *the Secretary shall include updates necessary to provide*
7 *for—*

8 *(1) the protection of vulnerable road users (as de-*
9 *finied in section 148(a) of title 23, United States*
10 *Code);*

11 *(2) supporting the safe testing of automated vehi-*
12 *cle technology and any preparation necessary for the*
13 *safe integration of automated vehicles onto public*
14 *streets;*

15 *(3) appropriate use of variable message signs to*
16 *enhance public safety;*

17 *(4) the minimum retroreflectivity of traffic con-*
18 *trol devices and pavement markings; and*

19 *(5) any additional recommendations made by*
20 *the National Committee on Uniform Traffic Control*
21 *Devices that have not been incorporated into the Man-*
22 *ual on Uniform Traffic Control Devices.*

1 ***Subtitle B—Planning and***
2 ***Performance Management***

3 **SEC. 11201. TRANSPORTATION PLANNING.**

4 (a) *METROPOLITAN TRANSPORTATION PLANNING.*—

5 *Section 134 of title 23, United States Code, is amended—*

6 (1) *in subsection (d)—*

7 (A) *in paragraph (3), by adding at the end*
8 *the following:*

9 “(D) *CONSIDERATIONS.*—*In designating of-*
10 *ficials or representatives under paragraph (2) for*
11 *the first time, subject to the bylaws or enabling*
12 *statute of the metropolitan planning organiza-*
13 *tion, the metropolitan planning organization*
14 *shall consider the equitable and proportional*
15 *representation of the population of the metropoli-*
16 *tan planning area.”; and*

17 (B) *in paragraph (7)—*

18 (i) *by striking “an existing metropoli-*
19 *tan planning area” and inserting “an exist-*
20 *ing urbanized area (as defined by the Bu-*
21 *reau of the Census)”;* and

22 (ii) *by striking “the existing metropoli-*
23 *tan planning area” and inserting “the*
24 *area”;*

25 (2) *in subsection (g)—*

1 (A) in paragraph (1), by striking “a metro-
2 politan area” and inserting “an urbanized area
3 (as defined by the Bureau of the Census)”; and

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

5 “(4) *COORDINATION BETWEEN MPOS.*—If more
6 than 1 metropolitan planning organization is des-
7 ignated within an urbanized area (as defined by the
8 Bureau of the Census) under subsection (d)(7), the
9 metropolitan planning organizations designated with-
10 in the area shall ensure, to the maximum extent prac-
11 ticable, the consistency of any data used in the plan-
12 ning process, including information used in fore-
13 casting travel demand.

14 “(5) *SAVINGS CLAUSE.*—Nothing in this sub-
15 section requires metropolitan planning organizations
16 designated within a single urbanized area to jointly
17 develop planning documents, including a unified
18 long-range transportation plan or unified TIP.”;

19 (3) in subsection (i)(6), by adding at the end the
20 following:

21 “(D) *USE OF TECHNOLOGY.*—A metropoli-
22 tan planning organization may use social media
23 and other web-based tools—

24 “(i) to further encourage public par-
25 ticipation; and

1 “(i) to solicit public feedback during
2 the transportation planning process.”; and
3 (4) in subsection (p), by striking “paragraphs
4 (5)(D) and (6) of section 104(b) of this title” and in-
5 serting “section 104(b)(6)”.

6 (b) *STATEWIDE AND NONMETROPOLITAN TRANSPOR-*
7 *TATION PLANNING.*—Section 135(f)(3) of title 23, United
8 States Code, is amended by adding at the end the following:

9 “(C) *USE OF TECHNOLOGY.*—A State may
10 use social media 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.”.

15 (c) *CONFORMING AMENDMENT.*—Section 135(i) of title
16 23, United States Code, is amended by striking “para-
17 graphs (5)(D) and (6) of section 104(b) of this title” and
18 inserting “section 104(b)(6)”.

19 (d) *HOUSING COORDINATION.*—Section 134 of title 23,
20 United States Code, is amended—

21 (1) in subsection (a)(1), by inserting “better con-
22 nect housing and employment,” after “urbanized
23 areas”;

24 (2) in subsection (g)(3)(A), by inserting “hous-
25 ing,” after “economic development,”;

1 (3) in subsection (h)(1)(E), by inserting “, hous-
2 ing,” 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 fol-
19 lowing:

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 of
25 housing, transportation, and economic develop-

1 *ment strategies through a process that provides*
2 *for effective integration, based on a cooperatively*
3 *developed and implemented strategy, of new and*
4 *existing transportation facilities eligible for*
5 *funding under this title and chapter 53 of title*
6 *49.*

7 *“(B) COORDINATION IN INTEGRATED PLAN-*
8 *NING PROCESS.—In carrying out the process de-*
9 *scribed in subparagraph (A), a metropolitan*
10 *planning organization may—*

11 *“(i) consult with—*

12 *“(I) State and local entities re-*
13 *sponsible for land use, economic devel-*
14 *opment, housing, management of road*
15 *networks, or public transportation; and*

16 *“(II) other appropriate public or*
17 *private entities; and*

18 *“(ii) coordinate, to the extent prac-*
19 *ticable, with applicable State and local en-*
20 *tities to align the goals of the process with*
21 *the goals of any comprehensive housing af-*
22 *fordability strategies established within the*
23 *metropolitan planning area pursuant to*
24 *section 105 of the Cranston-Gonzalez Na-*
25 *tional Affordable Housing Act (42 U.S.C.*

1 12705) and plans developed under section
2 5A of the United States Housing Act of
3 1937 (42 U.S.C. 1437c-1).

4 “(C) HOUSING COORDINATION PLAN.—

5 “(i) IN GENERAL.—A metropolitan
6 planning organization serving a transpor-
7 tation management area may develop a
8 housing coordination plan that includes
9 projects and strategies that may be consid-
10 ered in the metropolitan transportation
11 plan of the metropolitan planning organiza-
12 tion.

13 “(ii) CONTENTS.—A plan described in
14 clause (i) may—

15 “(I) develop regional goals for the
16 integration of housing, transportation,
17 and economic development strategies
18 to—

19 “(aa) better connect housing
20 and employment while mitigating
21 commuting times;

22 “(bb) align transportation
23 improvements with housing needs,
24 such as housing supply shortages,

1 *and proposed housing develop-*
2 *ment;*

3 *“(cc) align planning for*
4 *housing and transportation to ad-*
5 *dress needs in relationship to*
6 *household incomes within the met-*
7 *ropolitan planning area;*

8 *“(dd) expand housing and*
9 *economic development within the*
10 *catchment areas of existing trans-*
11 *portation facilities and public*
12 *transportation services when ap-*
13 *propriate, including higher-den-*
14 *sity development, as locally deter-*
15 *mined;*

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 house-*
23 *holds with sufficient and afford-*
24 *able access to the transportation*

1 *networks of the metropolitan*
2 *planning area;*

3 *“(II) identify the location of exist-*
4 *ing and planned housing and employ-*
5 *ment, and transportation options that*
6 *connect housing and employment; and*

7 *“(III) include a comparison of*
8 *transportation plans to land use man-*
9 *agement plans, including zoning plans,*
10 *that may affect road use, public trans-*
11 *portation ridership, and housing devel-*
12 *opment.”.*

13 **SEC. 11202. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**
14 **PORTATION PLANS.**

15 *Not later than 1 year after the date of enactment of*
16 *this Act, the Secretary shall amend section*
17 *450.324(f)(11)(v) of title 23, Code of Federal Regulations,*
18 *to ensure that the outer years of a metropolitan transpor-*
19 *tation plan are defined as “beyond the first 4 years”.*

20 **SEC. 11203. STATE HUMAN CAPITAL PLANS.**

21 *(a) IN GENERAL.—Chapter 1 of title 23, United States*
22 *Code (as amended by section 11132(a)), is amended by add-*
23 *ing at the end the following:*

1 **“§ 174. State human capital plans**

2 “(a) *IN GENERAL.*—Not later than 18 months after the
3 date of enactment of this section, the Secretary shall encour-
4 age each State to develop a voluntary plan, to be known
5 as a ‘human capital plan’, that provides for the immediate
6 and long-term personnel and workforce needs of the State
7 with respect to the capacity of the State to deliver transpor-
8 tation and public infrastructure eligible under this title.

9 “(b) *PLAN CONTENTS.*—

10 “(1) *IN GENERAL.*—A human capital plan devel-
11 oped by a State under subsection (a) shall, to the
12 maximum extent practicable, take into consider-
13 ation—

14 “(A) significant transportation workforce
15 trends, needs, issues, and challenges with respect
16 to the State;

17 “(B) the human capital policies, strategies,
18 and performance measures that will guide the
19 transportation-related workforce investment deci-
20 sions of the State;

21 “(C) coordination with educational institu-
22 tions, industry, organized labor, workforce
23 boards, and other agencies or organizations to
24 address the human capital transportation needs
25 of the State;

1 “(D) a workforce planning strategy that
2 identifies current and future human capital
3 needs, including the knowledge, skills, and abili-
4 ties needed to recruit and retain skilled workers
5 in the transportation industry;

6 “(E) a human capital management strategy
7 that is aligned with the transportation mission,
8 goals, and organizational objectives of the State;

9 “(F) an implementation system for work-
10 force goals focused on addressing continuity of
11 leadership and knowledge sharing across the
12 State;

13 “(G) an implementation system that ad-
14 dresses workforce competency gaps, particularly
15 in mission-critical occupations;

16 “(H) in the case of public-private partner-
17 ships or other alternative project delivery meth-
18 ods to carry out the transportation program of
19 the State, a description of workforce needs—

20 “(i) to ensure that the transportation
21 mission, goals, and organizational objectives
22 of the State are fully carried out; and

23 “(ii) to ensure that procurement meth-
24 ods provide the best public value;

1 “(I) a system for analyzing and evaluating
2 the performance of the State department of
3 transportation with respect to all aspects of
4 human capital management policies, programs,
5 and activities; and

6 “(J) the manner in which the plan will im-
7 prove the ability of the State to meet the na-
8 tional policy in support of performance manage-
9 ment established under section 150.

10 “(2) *PLANNING PERIOD.*—If a State develops a
11 human capital plan under subsection (a), the plan
12 shall address a 5-year forecast period.

13 “(c) *PLAN UPDATES.*—If a State develops a human
14 capital plan under subsection (a), the State shall update
15 the plan not less frequently than once every 5 years.

16 “(d) *RELATIONSHIP TO LONG-RANGE PLAN.*—

17 “(1) *IN GENERAL.*—Subject to paragraph (2), a
18 human capital plan developed by a State under sub-
19 section (a) may be developed separately from, or in-
20 corporated into, the long-range statewide transpor-
21 tation plan required under section 135.

22 “(2) *EFFECT OF SECTION.*—Nothing in this sec-
23 tion requires a State, or authorizes the Secretary to
24 require a State, to incorporate a human capital plan

1 *into the long-range statewide transportation plan re-*
 2 *quired under section 135.*

3 “(e) *PUBLIC AVAILABILITY.*—*Each State that develops*
 4 *a human capital plan under subsection (a) shall make a*
 5 *copy of the plan available to the public in a user-friendly*
 6 *format on the website of the State department of transpor-*
 7 *tation.*

8 “(f) *SAVINGS PROVISION.*—*Nothing in this section pre-*
 9 *vents a State from carrying out transportation workforce*
 10 *planning—*

11 *“(1) not described in this section; or*

12 *“(2) not in accordance with this section.”.*

13 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 14 *1 of title 23, United States Code (as amended by section*
 15 *11132(b)), is amended by inserting after the item relating*
 16 *to section 173 the following:*

“174. State human capital plans.”.

17 **SEC. 11204. PRIORITIZATION PROCESS PILOT PROGRAM.**

18 (a) *DEFINITIONS.*—*In this section:*

19 (1) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
 20 *ty” means any of the following:*

21 (A) *A metropolitan planning organization*
 22 *that serves an area with a population of over*
 23 *200,000.*

24 (B) *A State.*

1 (2) *METROPOLITAN PLANNING ORGANIZATION.*—
2 *The term “metropolitan planning organization” has*
3 *the meaning given the term in section 134(b) of title*
4 *23, United States Code.*

5 (3) *PRIORITIZATION PROCESS PILOT PRO-*
6 *GRAM.*—*The term “prioritization process pilot pro-*
7 *gram” means the pilot program established under*
8 *subsection (b)(1).*

9 (b) *ESTABLISHMENT.*—

10 (1) *IN GENERAL.*—*The Secretary shall establish*
11 *and solicit applications for a prioritization process*
12 *pilot program.*

13 (2) *PURPOSE.*—*The purpose of the prioritization*
14 *process pilot program shall be to support data-driven*
15 *approaches to planning that, on completion, can be*
16 *evaluated for public benefit.*

17 (c) *PILOT PROGRAM ADMINISTRATION.*—

18 (1) *IN GENERAL.*—*An eligible entity partici-*
19 *parting in the prioritization process pilot program*
20 *shall—*

21 (A) *use priority objectives that are devel-*
22 *oped—*

23 (i) *in the case of an urbanized area*
24 *with a population of over 200,000, by the*
25 *metropolitan planning organization that*

1 *serves the area, in consultation with the*
2 *State;*

3 *(ii) in the case of an urbanized area*
4 *with a population of 200,000 or fewer, by*
5 *the State in consultation with all metropoli-*
6 *tan planning organizations in the State;*
7 *and*

8 *(iii) through a public process that pro-*
9 *vides an opportunity for public input;*

10 *(B) assess and score projects and strategies*
11 *on the basis of—*

12 *(i) the contribution and benefits of the*
13 *project or strategy to each priority objective*
14 *developed under subparagraph (A);*

15 *(ii) the cost of the project or strategy*
16 *relative to the contribution and benefits as-*
17 *essed and scored under clause (i); and*

18 *(iii) public support;*

19 *(C) use the scores assigned under subpara-*
20 *graph (B) to guide project selection in the devel-*
21 *opment of the transportation plan and transpor-*
22 *tation improvement program; and*

23 *(D) ensure that the public—*

24 *(i) has opportunities to provide public*
25 *comment on projects before decisions are*

1 *made on the transportation plan and the*
2 *transportation improvement program; and*
3 *(ii) has access to clear reasons why*
4 *each project or strategy was selected or not*
5 *selected.*

6 (2) *REQUIREMENTS.—An eligible entity that re-*
7 *ceives a grant under the prioritization process pilot*
8 *program shall use the funds as described in each of*
9 *the following, as applicable:*

10 (A) *METROPOLITAN TRANSPORTATION PLAN-*
11 *NING.—In the case of a metropolitan planning*
12 *organization that serves an area with a popu-*
13 *lation of over 200,000, the entity shall—*

14 *(i) develop and implement a publicly*
15 *accessible, transparent prioritization proc-*
16 *ess for the selection of projects for inclusion*
17 *on the transportation plan for the metro-*
18 *politan planning area under section 134(i)*
19 *of title 23, United States Code, and section*
20 *5303(i) of title 49, United States Code,*
21 *which shall—*

22 *(I) include criteria identified by*
23 *the metropolitan planning organiza-*
24 *tion, which may be weighted to reflect*
25 *the priority objectives developed under*

1 paragraph (1)(A), that the metropoli-
2 tan planning organization has deter-
3 mined support—

4 (aa) factors described in sec-
5 tion 134(h) of title 23, United
6 States Code, and section 5303(h)
7 of title 49, United States Code;

8 (bb) targets for national per-
9 formance measures under section
10 150(b) of title 23, United States
11 Code;

12 (cc) applicable transpor-
13 tation goals in the metropolitan
14 planning area or State set by the
15 applicable transportation agency;
16 and

17 (dd) priority objectives devel-
18 oped under paragraph (1)(A);

19 (II) evaluate the outcomes for each
20 proposed project on the basis of the
21 benefits of the proposed project with re-
22 spect to each of the criteria described
23 in subclause (I) relative to the cost of
24 the proposed project; and

1 (III) use the evaluation under
2 subclause (II) to create a ranked list of
3 proposed projects; and

4 (ii) with respect to the priority list
5 under section 134(j)(2)(A) of title 23 and
6 section 5303(j)(2)(A) of title 49, United
7 States Code, include projects according to
8 the rank of the project under clause (i)(III),
9 except as provided in subparagraph (D).

10 (B) STATEWIDE TRANSPORTATION PLAN-
11 NING.—In the case of a State, the State shall—

12 (i) develop and implement a publicly
13 accessible, transparent process for the selec-
14 tion of projects for inclusion on the long-
15 range statewide transportation plan under
16 section 135(f) of title 23, United States
17 Code, which shall—

18 (I) include criteria identified by
19 the State, which may be weighted to re-
20 flect statewide priorities, that the State
21 has determined support—

22 (aa) factors described in sec-
23 tion 135(d) of title 23, United
24 States Code, and section 5304(d)
25 of title 49, United States Code;

1 *(bb) national transportation*
2 *goals under section 150(b) of title*
3 *23, United States Code;*
4 *(cc) applicable transpor-*
5 *tation goals in the State; and*
6 *(dd) the priority objectives*
7 *developed under paragraph*
8 *(1)(A);*
9 *(II) evaluate the outcomes for each*
10 *proposed project on the basis of the*
11 *benefits of the proposed project with re-*
12 *spect to each of the criteria described*
13 *in subclause (I) relative to the cost of*
14 *the proposed project; and*
15 *(III) use the evaluation under*
16 *subclause (II) to create a ranked list of*
17 *proposed projects; and*
18 *(ii) with respect to the statewide trans-*
19 *portation improvement program under sec-*
20 *tion 135(g) of title 23, United States Code,*
21 *and section 5304(g) of title 49, United*
22 *States Code, include projects according to*
23 *the rank of the project under clause (i)(III),*
24 *except as provided in subparagraph (D).*

1 (C) *ADDITIONAL TRANSPORTATION PLAN-*
2 *NING.—If the eligible entity has implemented,*
3 *and has in effect, the requirements under sub-*
4 *paragraph (A) or (B), as applicable, the eligible*
5 *entity may use any remaining funds from a*
6 *grant provided under the pilot program for any*
7 *transportation planning purpose.*

8 (D) *EXCEPTIONS TO PRIORITY RANKING.—*
9 *In the case of any project that the eligible entity*
10 *chooses to include or not include in the transpor-*
11 *tation improvement program under section*
12 *134(j) of title 23, United States Code, or the*
13 *statewide transportation improvement program*
14 *under section 135(g) of title 23, United States*
15 *Code, as applicable, in a manner that is con-*
16 *trary to the priority ranking for that project es-*
17 *tablished under subparagraph (A)(i)(III) or*
18 *(B)(i)(III), the eligible entity shall make publicly*
19 *available an explanation for the decision, includ-*
20 *ing—*

21 (i) *a review of public comments re-*
22 *garding the project;*

23 (ii) *an evaluation of public support for*
24 *the project;*

1 (iii) an assessment of geographic bal-
2 ance of projects of the eligible entity; and

3 (iv) the number of projects of the eligi-
4 ble entity in economically distressed areas.

5 (3) *MAXIMUM AMOUNT.*—The maximum amount
6 of a grant under the prioritization process pilot pro-
7 gram is \$2,000,000.

8 (d) *APPLICATIONS.*—To be eligible to participate in
9 the prioritization process pilot program, an eligible entity
10 shall submit to the Secretary an application at such time,
11 in such manner, and containing such information as the
12 Secretary may require.

13 **SEC. 11205. TRAVEL DEMAND DATA AND MODELING.**

14 (a) *DEFINITION OF METROPOLITAN PLANNING ORGA-*
15 *NIZATION.*—In this section, the term “metropolitan plan-
16 ning organization” has the meaning given the term in sec-
17 tion 134(b) of title 23, United States Code.

18 (b) *STUDY.*—

19 (1) *IN GENERAL.*—Not later than 2 years after
20 the date of enactment of this Act, and not less fre-
21 quently than once every 5 years thereafter, the Sec-
22 retary shall carry out a study that—

23 (A) gathers travel data and travel demand
24 forecasts from a representative sample of States
25 and metropolitan planning organizations;

1 (B) uses the data and forecasts gathered
2 under subparagraph (A) to compare travel de-
3 mand forecasts with the observed data, includ-
4 ing—

5 (i) traffic counts;

6 (ii) travel mode share and public tran-
7 sit ridership; and

8 (iii) vehicle occupancy measures; and

9 (C) uses the information described in sub-
10 paragraphs (A) and (B)—

11 (i) to develop best practices or guid-
12 ance for States and metropolitan planning
13 organizations to use in forecasting travel
14 demand for future investments in transpor-
15 tation improvements;

16 (ii) to evaluate the impact of transpor-
17 tation investments, including new roadway
18 capacity, on travel behavior and travel de-
19 mand, including public transportation rid-
20 ership, induced highway travel, and conges-
21 tion;

22 (iii) to support more accurate travel
23 demand forecasting by States and metro-
24 politan planning organizations; and

1 (iv) to enhance the capacity of States
2 and metropolitan planning organizations—

3 (I) to forecast travel demand; and

4 (II) to track observed travel be-
5 havior responses, including induced
6 travel, to changes in transportation ca-
7 pacity, pricing, and land use patterns.

8 (2) *SECRETARIAL SUPPORT.*—The Secretary
9 shall seek opportunities to support the transportation
10 planning processes under sections 134 and 135 of title
11 23, United States Code, through the provision of data
12 to States and metropolitan planning organizations to
13 improve the quality of plans, models, and forecasts
14 described in this subsection.

15 (3) *EVALUATION TOOL.*—The Secretary shall de-
16 velop a publicly available multimodal web-based tool
17 for the purpose of enabling States and metropolitan
18 planning organizations to evaluate the effect of invest-
19 ments in highway and public transportation projects
20 on the use and conditions of all transportation assets
21 within the State or area served by the metropolitan
22 planning organization, as applicable.

1 **SEC. 11206. INCREASING SAFE AND ACCESSIBLE TRANSPOR-**
2 **TATION OPTIONS.**

3 (a) *DEFINITION OF COMPLETE STREETS STANDARDS*
4 *OR POLICIES.*—*In this section, the term “Complete Streets*
5 *standards or policies” means standards or policies that en-*
6 *sure the safe and adequate accommodation of all users of*
7 *the transportation system, including pedestrians, bicyclists,*
8 *public transportation users, children, older individuals, in-*
9 *dividuals with disabilities, motorists, and freight vehicles.*

10 (b) *FUNDING REQUIREMENT.*—*Notwithstanding any*
11 *other provision of law, each State and metropolitan plan-*
12 *ning organization shall use to carry out 1 or more activities*
13 *described in subsection (c)—*

14 (1) *in the case of a State, not less than 2.5 per-*
15 *cent of the amounts made available to the State to*
16 *carry out section 505 of title 23, United States Code;*
17 *and*

18 (2) *in the case of a metropolitan planning orga-*
19 *nization, not less than 2.5 percent of the amounts*
20 *made available to the metropolitan planning organi-*
21 *zation under section 104(d) of title 23, United States*
22 *Code.*

23 (c) *ACTIVITIES DESCRIBED.*—*An activity referred to*
24 *in subsection (b) is an activity to increase safe and acces-*
25 *sible options for multiple travel modes for people of all ages*

1 *and abilities, which, if permissible under applicable State*
2 *and local laws, may include—*

3 *(1) adoption of Complete Streets standards or*
4 *policies;*

5 *(2) development of a Complete Streets*
6 *prioritization plan that identifies a specific list of*
7 *Complete Streets projects to improve the safety, mobil-*
8 *ity, or accessibility of a street;*

9 *(3) development of transportation plans—*

10 *(A) to create a network of active transpor-*
11 *tation facilities, including sidewalks, bikeways,*
12 *or pedestrian and bicycle trails, to connect*
13 *neighborhoods with destinations such as work-*
14 *places, schools, residences, businesses, recreation*
15 *areas, healthcare and child care services, or other*
16 *community activity centers;*

17 *(B) to integrate active transportation facili-*
18 *ties with public transportation service or im-*
19 *prove access to public transportation;*

20 *(C) to create multiuse active transportation*
21 *infrastructure facilities, including bikeways or*
22 *pedestrian and bicycle trails, that make connec-*
23 *tions within or between communities;*

24 *(D) to increase public transportation rider-*
25 *ship; and*

1 (E) to improve the safety of bicyclists and
2 pedestrians;

3 (4) regional and megaregional planning to ad-
4 dress travel demand and capacity constraints through
5 alternatives to new highway capacity, including
6 through intercity passenger rail; and

7 (5) development of transportation plans and
8 policies that support transit-oriented development.

9 (d) *FEDERAL SHARE*.—The Federal share of the cost
10 of an activity carried out under this section shall be 80
11 percent, unless the Secretary determines that the interests
12 of the Federal-aid highway program would be best served
13 by decreasing or eliminating the non-Federal share.

14 (e) *STATE FLEXIBILITY*.—A State or metropolitan
15 planning organization, with the approval of the Secretary,
16 may opt out of the requirements of this section if the State
17 or metropolitan planning organization demonstrates to the
18 Secretary, by not later than 30 days before the Secretary
19 apportions funds for a fiscal year under section 104, that
20 the State or metropolitan planning organization—

21 (1) has Complete Streets standards and policies
22 in place; and

23 (2) has developed an up-to-date Complete Streets
24 prioritization plan as described in subsection (c)(2).

1 **Subtitle C—Project Delivery and**
2 **Process Improvement**

3 **SEC. 11301. CODIFICATION OF ONE FEDERAL DECISION.**

4 (a) *IN GENERAL.*—Section 139 of title 23, United
5 *States Code, is amended—*

6 (1) *in the section heading, by striking “**deci-***
7 ***sionmaking*” and inserting “**decisionmaking**
8 ***and One Federal Decision*”;****

9 (2) *in subsection (a)—*

10 (A) *by redesignating paragraphs (2)*
11 *through (8) as paragraphs (4), (5), (6), (8), (9),*
12 *(10), and (11), respectively;*

13 (B) *by inserting after paragraph (1) the fol-*
14 *lowing:*

15 “(2) *AUTHORIZATION.*—*The term ‘authorization’*
16 *means any environmental license, permit, approval,*
17 *finding, or other administrative decision related to*
18 *the environmental review process that is required*
19 *under Federal law to site, construct, or reconstruct a*
20 *project.*

21 “(3) *ENVIRONMENTAL DOCUMENT.*—*The term*
22 *‘environmental document’ includes an environmental*
23 *assessment, finding of no significant impact, notice of*
24 *intent, environmental impact statement, or record of*

1 *decision under the National Environmental Policy*
2 *Act of 1969 (42 U.S.C. 4321 et seq.).”;*

3 *(C) in subparagraph (B) of paragraph (5)*
4 *(as so redesignated), by striking “process for and*
5 *completion of any environmental permit” and*
6 *inserting “process and schedule, including a*
7 *timetable for and completion of any environ-*
8 *mental permit”;* and

9 *(D) by inserting after paragraph (6) (as so*
10 *redesignated) the following:*

11 *“(7) MAJOR PROJECT.—*

12 *“(A) IN GENERAL.—The term ‘major*
13 *project’ means a project for which—*

14 *“(i) multiple permits, approvals, re-*
15 *views, or studies are required under a Fed-*
16 *eral law other than the National Environ-*
17 *mental Policy Act of 1969 (42 U.S.C. 4321*
18 *et seq.);*

19 *“(ii) the project sponsor has identified*
20 *the reasonable availability of funds suffi-*
21 *cient to complete the project;*

22 *“(iii) the project is not a covered*
23 *project (as defined in section 41001 of the*
24 *FAST Act (42 U.S.C. 4370m)); and*

1 “(iv)(I) the head of the lead agency has
2 determined that an environmental impact
3 statement is required; or

4 “(II) the head of the lead agency has
5 determined that an environmental assess-
6 ment is required, and the project sponsor re-
7 quests that the project be treated as a major
8 project.

9 “(B) CLARIFICATION.—In this section, the
10 term ‘major project’ does not have the same
11 meaning as the term ‘major project’ as described
12 in section 106(h).”;

13 (3) in subsection (b)(1)—

14 (A) by inserting “, including major
15 projects,” after “all projects”; and

16 (B) by inserting “as requested by a project
17 sponsor and” after “applied,”;

18 (4) in subsection (c)—

19 (A) in paragraph (6)—

20 (i) in subparagraph (B), by striking
21 “and” at the end;

22 (ii) in subparagraph (C), by striking
23 the period at the end and inserting “; and”;
24 and

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

3 “(D) to calculate annually the average time
4 taken by the lead agency to complete all environ-
5 mental documents for each project during the
6 previous fiscal year.”; and

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

8 “(7) *PROCESS IMPROVEMENTS FOR PROJECTS.*—

9 “(A) *IN GENERAL.*—The Secretary shall re-
10 view—

11 “(i) existing practices, procedures,
12 rules, regulations, and applicable laws to
13 identify impediments to meeting the re-
14 quirements applicable to projects under this
15 section; and

16 “(ii) best practices, programmatic
17 agreements, and potential changes to inter-
18 nal departmental procedures that would fa-
19 cilitate an efficient environmental review
20 process for projects.

21 “(B) *CONSULTATION.*—In conducting the
22 review under subparagraph (A), the Secretary
23 shall consult, as appropriate, with the heads of
24 other Federal agencies that participate in the en-
25 vironmental review process.

1 “(C) *REPORT.*—Not later than 2 years after
2 the date of enactment of the Surface Transpor-
3 tation Reauthorization Act of 2021, the Sec-
4 retary shall submit to the Committee on Envi-
5 ronment and Public Works of the Senate and the
6 Committee on Transportation and Infrastructure
7 of the House of Representatives a report that in-
8 cludes—

9 “(i) the results of the review under sub-
10 paragraph (A); and

11 “(ii) an analysis of whether additional
12 funding would help the Secretary meet the
13 requirements applicable to projects under
14 this section.”;

15 (5) in subsection (d)—

16 (A) in paragraph (8)—

17 (i) in the paragraph heading, by strik-
18 ing “NEPA” and inserting “ENVIRON-
19 MENTAL”;

20 (ii) in subparagraph (A)—

21 (I) by inserting “and except as
22 provided in subparagraph (D)” after
23 “paragraph (7)”;

24 (II) by striking “permits” and in-
25 serting “authorizations”; and

1 (III) by striking “single environ-
2 ment document” and inserting “single
3 environmental document for each kind
4 of environmental document”;

5 (iii) in subparagraph (B)(i)—

6 (I) by striking “an environmental
7 document” and inserting “environ-
8 mental documents”; and

9 (II) by striking “permits issued”
10 and inserting “authorizations”; and

11 (iv) by adding at the end the following:

12 “(D) EXCEPTIONS.—The lead agency may
13 waive the application of subparagraph (A) with
14 respect to a project if—

15 “(i) the project sponsor requests that
16 agencies issue separate environmental docu-
17 ments;

18 “(ii) the obligations of a cooperating
19 agency or participating agency under the
20 National Environmental Policy Act of 1969
21 (42 U.S.C. 4321 et seq.) have already been
22 satisfied with respect to the project; or

23 “(iii) the lead agency determines that
24 reliance on a single environmental docu-
25 ment (as described in subparagraph (A))

1 *would not facilitate timely completion of the*
2 *environmental review process for the*
3 *project.”; and*

4 *(B) by adding at the end the following:*

5 “(10) *TIMELY AUTHORIZATIONS FOR MAJOR*
6 *PROJECTS.—*

7 “(A) *DEADLINE.—Except as provided in*
8 *subparagraph (C), all authorization decisions*
9 *necessary for the construction of a major project*
10 *shall be completed by not later than 90 days*
11 *after the date of the issuance of a record of deci-*
12 *sion for the major project.*

13 “(B) *DETAIL.—The final environmental*
14 *impact statement for a major project shall in-*
15 *clude an adequate level of detail to inform deci-*
16 *sions necessary for the role of the participating*
17 *agencies and cooperating agencies in the envi-*
18 *ronmental review process.*

19 “(C) *EXTENSION OF DEADLINE.—The head*
20 *of the lead agency may extend the deadline under*
21 *subparagraph (A) if—*

22 “(i) *Federal law prohibits the lead*
23 *agency or another agency from issuing an*
24 *approval or permit within the period de-*
25 *scribed in that subparagraph;*

1 “(ii) the project sponsor requests that
2 the permit or approval follow a different
3 timeline; or

4 “(iii) an extension would facilitate
5 completion of the environmental review and
6 authorization process of the major project.”;

7 (6) in subsection (g)(1)—

8 (A) in subparagraph (B)—

9 (i) in clause (ii)(IV), by striking
10 “schedule for and cost of” and inserting
11 “time required by an agency to conduct an
12 environmental review and make decisions
13 under applicable Federal law relating to a
14 project (including the issuance or denial of
15 a permit or license) and the cost of”; and

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

17 “(iii) MAJOR PROJECT SCHEDULE.—
18 To the maximum extent practicable and
19 consistent with applicable Federal law, in
20 the case of a major project, the lead agency
21 shall develop, in concurrence with the
22 project sponsor, a schedule for the major
23 project that is consistent with an agency av-
24 erage of not more than 2 years for the com-
25 pletion of the environmental review process

1 for major projects, as measured from, as ap-
2 plicable—

3 “(I) the date of publication of a
4 notice of intent to prepare an environ-
5 mental impact statement to the record
6 of decision; or

7 “(II) the date on which the head
8 of the lead agency determines that an
9 environmental assessment is required
10 to a finding of no significant impact.”;

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

13 “(D) MODIFICATION.—

14 “(i) IN GENERAL.—Except as provided
15 in clause (ii), the lead agency may lengthen
16 or shorten a schedule established under sub-
17 paragraph (B) for good cause.

18 “(ii) EXCEPTIONS.—

19 “(I) MAJOR PROJECTS.—In the
20 case of a major project, the lead agency
21 may lengthen a schedule under clause
22 (i) for a cooperating Federal agency by
23 not more than 1 year after the latest
24 deadline established for the major
25 project by the lead agency.

1 “(II) *SHORTENED SCHEDULES.*—
2 *The lead agency may not shorten a*
3 *schedule under clause (i) if doing so*
4 *would impair the ability of a cooper-*
5 *ating Federal agency to conduct nec-*
6 *essary analyses or otherwise carry out*
7 *relevant obligations of the Federal*
8 *agency for the project.”;*

9 (C) *by redesignating subparagraph (E) as*
10 *subparagraph (F); and*

11 (D) *by inserting after subparagraph (D) the*
12 *following:*

13 “(E) *FAILURE TO MEET DEADLINE.*—*If a*
14 *cooperating Federal agency fails to meet a dead-*
15 *line established under subparagraph (D)(ii)(I)—*

16 “(i) *the cooperating Federal agency*
17 *shall submit to the Secretary a report that*
18 *describes the reasons why the deadline was*
19 *not met; and*

20 “(ii) *the Secretary shall—*

21 “(I) *transmit to the Committee on*
22 *Environment and Public Works of the*
23 *Senate and the Committee on Trans-*
24 *portation and Infrastructure of the*

1 *House of Representatives a copy of the*
2 *report under clause (i); and*

3 *“(II) make the report under clause*
4 *(i) publicly available on the internet.”;*

5 *(7) in subsection (n), by adding at the end the*
6 *following:*

7 *“(3) LENGTH OF ENVIRONMENTAL DOCUMENT.—*

8 *“(A) IN GENERAL.—Notwithstanding any*
9 *other provision of law and except as provided in*
10 *subparagraph (B), to the maximum extent prac-*
11 *ticable, the text of the items described in para-*
12 *graphs (4) through (6) of section 1502.10(a) of*
13 *title 40, Code of Federal Regulations (or suc-*
14 *cessor regulations), of an environmental impact*
15 *statement for a project shall be 200 pages or*
16 *fewer.*

17 *“(B) EXEMPTION.—An environmental im-*
18 *pact statement for a project may exceed 200*
19 *pages, if the lead agency establishes a new page*
20 *limit for the environmental impact statement for*
21 *that project.”; and*

22 *(8) by adding at the end the following:*

23 *“(p) ACCOUNTABILITY AND REPORTING FOR MAJOR*
24 *PROJECTS.—*

1 “(1) *IN GENERAL.*—*The Secretary shall establish*
2 *a performance accountability system to track each*
3 *major project.*

4 “(2) *REQUIREMENTS.*—*The performance ac-*
5 *countability system under paragraph (1) shall, for*
6 *each major project, track, at a minimum—*

7 “(A) *the environmental review process for*
8 *the major project, including the project schedule;*

9 “(B) *whether the lead agency, cooperating*
10 *agencies, and participating agencies are meeting*
11 *the schedule established for the environmental re-*
12 *view process; and*

13 “(C) *the time taken to complete the environ-*
14 *mental review process.*

15 “(q) *DEVELOPMENT OF CATEGORICAL EXCLUSIONS.*—

16 “(1) *IN GENERAL.*—*Not later than 60 days after*
17 *the date of enactment of this subsection, and every 4*
18 *years thereafter, the Secretary shall—*

19 “(A) *in consultation with the agencies de-*
20 *scribed in paragraph (2), identify the categorical*
21 *exclusions described in section 771.117 of title*
22 *23, Code of Federal Regulations (or successor*
23 *regulations), that would accelerate delivery of a*
24 *project if those categorical exclusions were avail-*
25 *able to those agencies;*

1 “(B) collect existing documentation and
2 substantiating information on the categorical ex-
3 clusions 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 EXCLUSIONS.—

23 “(A) IN GENERAL.—Not later than 1 year
24 after the date on which the Secretary provides a
25 list under paragraph (1)(C), an agency described

1 *in paragraph (2) shall publish a notice of pro-*
2 *posed rulemaking to propose any categorical ex-*
3 *clusions from the list applicable to the agency,*
4 *subject to the condition that the categorical ex-*
5 *clusion identified under paragraph (1)(A) meets*
6 *the criteria for a categorical exclusion under sec-*
7 *tion 1508.1 of title 40, Code of Federal Regula-*
8 *tions (or successor regulations).*

9 “(B) *PUBLIC COMMENT.*—*In a notice of*
10 *proposed rulemaking under subparagraph (A),*
11 *the applicable agency may solicit comments on*
12 *whether any of the proposed new categorical ex-*
13 *clusions meet the criteria for a categorical exclu-*
14 *sion under section 1508.1 of title 40, Code of*
15 *Federal Regulations (or successor regulations).”.*

16 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
17 *1 of title 23, United States Code, is amended by striking*
18 *the item relating to section 139 and inserting the following:*

 “139. *Efficient environmental reviews for project decisionmaking and One Federal*
 Decision.”.

19 **SEC. 11302. WORK ZONE PROCESS REVIEWS.**

20 *The Secretary shall amend section 630.1008(e) of title*
21 *23, Code of Federal Regulations, to ensure that the work*
22 *zone process review under that subsection is required not*
23 *more frequently than once every 5 years.*

1 **SEC. 11303. TRANSPORTATION MANAGEMENT PLANS.**

2 (a) *IN GENERAL.*—*The Secretary shall amend section*
3 *630.1010(c) of title 23, Code of Federal Regulations, to en-*
4 *sure that only a project described in that subsection with*
5 *a lane closure for 3 or more consecutive days shall be con-*
6 *sidered to be a significant project for purposes of that sec-*
7 *tion.*

8 (b) *NON-INTERSTATE PROJECTS.*—*Notwithstanding*
9 *any other provision of law, a State shall not be required*
10 *to develop or implement a transportation management plan*
11 *(as described in section 630.1012 of title 23, Code of Federal*
12 *Regulations (or successor regulations)) for a highway*
13 *project not on the Interstate System if the project requires*
14 *not more than 3 consecutive days of lane closures.*

15 **SEC. 11304. INTELLIGENT TRANSPORTATION SYSTEMS.**

16 (a) *IN GENERAL.*—*The Secretary shall develop guid-*
17 *ance for using existing flexibilities with respect to the sys-*
18 *tems engineering analysis described in part 940 of title 23,*
19 *Code of Federal Regulations (or successor regulations).*

20 (b) *IMPLEMENTATION.*—*The Secretary shall ensure*
21 *that any guidance developed under subsection (a)—*

22 (1) *clearly identifies criteria for low-risk and ex-*
23 *empt intelligent transportation systems projects, with*
24 *a goal of minimizing unnecessary delay or paperwork*
25 *burden;*

1 (2) is consistently implemented by the Depart-
2 ment nationwide; and

3 (3) is disseminated to Federal-aid recipients.

4 (c) SAVINGS PROVISION.—Nothing in this section pre-
5 vents the Secretary from amending part 940 of title 23,
6 Code of Federal Regulations (or successor regulations), to
7 reduce State administrative burdens.

8 **SEC. 11305. ALTERNATIVE CONTRACTING METHODS.**

9 (a) ALTERNATIVE CONTRACTING METHODS FOR FED-
10 ERAL LAND MANAGEMENT AGENCIES AND TRIBAL GOVERN-
11 MENTS.—Section 201 of title 23, United States Code, is
12 amended by adding at the end the following:

13 “(f) ALTERNATIVE CONTRACTING METHODS.—

14 “(1) IN GENERAL.—Notwithstanding any other
15 provision of law (including the Federal Acquisition
16 Regulation), a contracting method available to a
17 State under this title may be used by the Secretary,
18 on behalf of—

19 “(A) a Federal land management agency,
20 in using any funds pursuant to section 203, 204,
21 or 308;

22 “(B) a Federal land management agency,
23 in using any funds pursuant to section 1535 of
24 title 31 for any of the eligible uses described in

1 *sections 203(a)(1) and 204(a)(1) and paragraphs*
2 *(1) and (2) of section 308(a); or*

3 *“(C) a Tribal government, in using funds*
4 *pursuant to section 202(b)(7)(D).*

5 *“(2) METHODS DESCRIBED.—The contracting*
6 *methods referred to in paragraph (1) shall include, at*
7 *a minimum—*

8 *“(A) project bundling;*

9 *“(B) bridge bundling;*

10 *“(C) design-build contracting;*

11 *“(D) 2-phase contracting;*

12 *“(E) long-term concession agreements; and*

13 *“(F) any method tested, or that could be*
14 *tested, under an experimental program relating*
15 *to contracting methods carried out by the Sec-*
16 *retary.*

17 *“(3) EFFECT.—Nothing in this subsection—*

18 *“(A) affects the application of the Federal*
19 *share for the project carried out with a con-*
20 *tracting method under this subsection; or*

21 *“(B) modifies the point of obligation of Fed-*
22 *eral salaries and expenses.”.*

23 *(b) COOPERATION WITH FEDERAL AND STATE AGEN-*
24 *CIES AND FOREIGN COUNTRIES.—Section 308(a) of title 23,*

1 *United States Code, is amended by adding at the end the*
2 *following:*

3 “(4) *ALTERNATIVE CONTRACTING METHODS.*—

4 “(A) *IN GENERAL.*—*Notwithstanding any*
5 *other provision of law (including the Federal Ac-*
6 *quisition Regulation), in performing services*
7 *under paragraph (1), the Secretary may use any*
8 *contracting method available to a State under*
9 *this title.*

10 “(B) *METHODS DESCRIBED.*—*The con-*
11 *tracting methods referred to in subparagraph (A)*
12 *shall include, at a minimum—*

13 “(i) *project bundling;*

14 “(ii) *bridge bundling;*

15 “(iii) *design-build contracting;*

16 “(iv) *2-phase contracting;*

17 “(v) *long-term concession agreements;*

18 *and*

19 “(vi) *any method tested, or that could*
20 *be tested, under an experimental program*
21 *relating to contracting methods carried out*
22 *by the Secretary.”.*

23 “(c) *USE OF ALTERNATIVE CONTRACTING METHODS.*—

24 *In carrying out an alternative contracting method under*

1 *section 201(f) or 308(a)(4) of title 23, United States Code,*
2 *the Secretary shall—*

3 *(1) in consultation with the applicable Federal*
4 *land management agencies, establish clear procedures*
5 *that are—*

6 *(A) applicable to the alternative contracting*
7 *method; and*

8 *(B) to the maximum extent practicable,*
9 *consistent with the requirements applicable to*
10 *Federal procurement transactions;*

11 *(2) solicit input on the use of the alternative con-*
12 *tracting method from the affected industry prior to*
13 *using the method; and*

14 *(3) analyze and prepare an evaluation of the use*
15 *of the alternative contracting method.*

16 **SEC. 11306. FLEXIBILITY FOR PROJECTS.**

17 *Section 1420 of the FAST Act (23 U.S.C. 101 note;*
18 *Public Law 114–94) is amended—*

19 *(1) in subsection (a), by striking “and on request*
20 *by a State, the Secretary may” in the matter pre-*
21 *ceding paragraph (1) and all that follows through the*
22 *period at the end of paragraph (2) and inserting the*
23 *following: “, on request by a State, and if in the pub-*
24 *lic interest (as determined by the Secretary), the Sec-*
25 *retary shall exercise all existing flexibilities under—*

1 “(1) the requirements of title 23, United States
2 Code; and

3 “(2) other requirements administered by the Sec-
4 retary, in whole or in part.”; and

5 (2) in subsection (b)(2)(A), by inserting “(in-
6 cluding regulations)” after “environmental law”.

7 **SEC. 11307. IMPROVED FEDERAL-STATE STEWARDSHIP AND**
8 **OVERSIGHT AGREEMENTS.**

9 (a) *DEFINITION OF TEMPLATE.*—In this section, the
10 term “template” means a template created by the Secretary
11 for Federal-State stewardship and oversight agreements
12 that—

13 (1) includes all standard terms found in stew-
14 ardship and oversight agreements, including any
15 terms in an attachment to the agreement;

16 (2) is developed in accordance with section 106
17 of title 23, United States Code, or any other applica-
18 ble authority; and

19 (3) may be developed with consideration of rel-
20 evant regulations, guidance, or policies.

21 (b) *REQUEST FOR COMMENT.*—

22 (1) *IN GENERAL.*—Not later than 60 days after
23 the date of enactment of this Act, the Secretary shall
24 publish in the Federal Register the template and a

1 *notice requesting public comment on ways to improve*
2 *the template.*

3 (2) *COMMENT PERIOD.*—*The Secretary shall pro-*
4 *vide a period of not less than 60 days for public com-*
5 *ment on the notice under paragraph (1).*

6 (3) *CERTAIN ISSUES.*—*The notice under para-*
7 *graph (1) shall allow comment on any aspect of the*
8 *template and shall specifically request public com-*
9 *ment on—*

10 (A) *whether the template should be revised*
11 *to delete standard terms requiring approval by*
12 *the Secretary of the policies, procedures, proc-*
13 *esses, or manuals of the States, or other State ac-*
14 *tions, if Federal law (including regulations) does*
15 *not specifically require an approval;*

16 (B) *opportunities to modify the template to*
17 *allow adjustments to the review schedules for*
18 *State practices or actions, including through*
19 *risk-based approaches, program reviews, process*
20 *reviews, or other means; and*

21 (C) *any other matters that the Secretary de-*
22 *termines to be appropriate.*

23 (c) *NOTICE OF ACTION; UPDATES.*—

24 (1) *IN GENERAL.*—*Not later than 1 year after*
25 *the date of enactment of this Act, after considering the*

1 *comments received in response to the Federal Register*
2 *notice under subsection (b), the Secretary shall pub-*
3 *lish in the Federal Register a notice that—*

4 *(A) describes any proposed changes to be*
5 *made, and any alternatives to such changes, to*
6 *the template;*

7 *(B) addresses comments in response to*
8 *which changes were not made to the template;*
9 *and*

10 *(C) prescribes a schedule and a plan to exe-*
11 *cute a process for implementing the changes re-*
12 *ferred to in subparagraph (A).*

13 *(2) APPROVAL REQUIREMENTS.—In addressing*
14 *comments under paragraph (1)(B), the Secretary*
15 *shall include an explanation of the basis for retaining*
16 *any requirement for approval of State policies, proce-*
17 *dures, processes, or manuals, or other State actions,*
18 *if Federal law (including regulations) does not spe-*
19 *cifically require the approval.*

20 *(3) IMPLEMENTATION.—*

21 *(A) IN GENERAL.—Not later than 60 days*
22 *after the date on which the notice under para-*
23 *graph (1) is published, the Secretary shall make*
24 *changes to the template in accordance with—*

1 (i) the changes described in the notice
2 under paragraph (1)(A); and

3 (ii) the schedule and plan described in
4 the notice under paragraph (1)(C).

5 (B) *UPDATES.*—Not later than 1 year after
6 the date on which the revised template under
7 subparagraph (A) is published, the Secretary
8 shall update existing agreements with States ac-
9 cording to the template updated under subpara-
10 graph (A).

11 (d) *INCLUSION OF NON-STANDARD TERMS.*—Nothing
12 in this section precludes the inclusion in a Federal-State
13 stewardship and oversight agreement of non-standard terms
14 to address a State-specific matter, including risk-based
15 stewardship and Department oversight involvement in indi-
16 vidual projects of division interest.

17 (e) *COMPLIANCE WITH NON-STATUTORY TERMS.*—

18 (1) *IN GENERAL.*—The Secretary shall not en-
19 force or otherwise require a State to comply with ap-
20 proval requirements that are not required by Federal
21 law (including regulations) in a Federal-State stew-
22 ardship and oversight agreement.

23 (2) *APPROVAL AUTHORITY.*—Notwithstanding
24 any other provision of law, the Secretary shall not as-
25 sert approval authority over any matter in a Federal-

1 *State stewardship and oversight agreement reserved to*
2 *States.*

3 (f) *FREQUENCY OF REVIEWS.*—*Section 106(g)(3) of*
4 *title 23, United States Code, is amended—*

5 (1) *by striking “annual”;*

6 (2) *by striking “The Secretary” and inserting*
7 *the following:*

8 “(A) *IN GENERAL.*—*The Secretary*”; and

9 (3) *by adding at the end the following:*

10 “(B) *FREQUENCY.*—

11 “(i) *IN GENERAL.*—*Except as provided*
12 *in clauses (ii) and (iii), the Secretary shall*
13 *carry out a review under subparagraph (A)*
14 *not less frequently than once every 2 years.*

15 “(ii) *CONSULTATION WITH STATE.*—
16 *The Secretary, after consultation with a*
17 *State, may make a determination to carry*
18 *out a review under subparagraph (A) for*
19 *that State less frequently than provided*
20 *under clause (i).*

21 “(iii) *CAUSE.*—*If the Secretary deter-*
22 *mines that there is a specific reason to re-*
23 *quire a review more frequently than pro-*
24 *vided under clause (i) with respect to a*
25 *State, the Secretary may carry out a review*

1 *more frequently than provided under that*
2 *clause.”.*

3 **SEC. 11308. GEOMATIC DATA.**

4 *(a) IN GENERAL.—The Secretary shall develop guid-*
5 *ance for the acceptance and use of information obtained*
6 *from a non-Federal entity through geomatic techniques, in-*
7 *cluding remote sensing and land surveying, cartography,*
8 *geographic information systems, global navigation satellite*
9 *systems, photogrammetry, or other remote means.*

10 *(b) CONSIDERATIONS.—In carrying out this section,*
11 *the Secretary shall ensure that acceptance or use of infor-*
12 *mation described in subsection (a) meets the data quality*
13 *and operational requirements of the Secretary.*

14 *(c) PUBLIC COMMENT.—Before issuing any final guid-*
15 *ance under subsection (a), the Secretary shall provide to*
16 *the public—*

17 *(1) notice of the proposed guidance; and*
18 *(2) an opportunity to comment on the proposed*
19 *guidance.*

20 *(d) SAVINGS CLAUSE.—Nothing in this section—*

21 *(1) requires the Secretary to accept or use infor-*
22 *mation that the Secretary determines does not meet*
23 *the guidance developed under this section; or*

24 *(2) changes the current statutory or regulatory*
25 *requirements of the Department.*

1 **SEC. 11309. EVALUATION OF PROJECTS WITHIN AN OPER-**
2 **ATIONAL RIGHT-OF-WAY.**

3 (a) *IN GENERAL.*—Chapter 3 of title 23, United States
4 Code, is amended by adding at the end the following:

5 **“§ 331. Evaluation of projects within an operational**
6 **right-of-way**

7 “(a) *DEFINITIONS.*—

8 “(1) *ELIGIBLE PROJECT OR ACTIVITY.*—

9 “(A) *IN GENERAL.*—In this section, the
10 term ‘eligible project or activity’ means a project
11 or activity within an existing operational right-
12 of-way (as defined in section 771.117(c)(22) of
13 title 23, Code of Federal Regulations (or suc-
14 cessor regulations))—

15 “(i)(I) eligible for assistance under this
16 title; or

17 “(II) administered as if made avail-
18 able under this title;

19 “(ii) that is—

20 “(I) a preventive maintenance,
21 preservation, or highway safety im-
22 provement project (as defined in sec-
23 tion 148(a)); or

24 “(II) a new turn lane that the
25 State advises in writing to the Sec-
26 retary would assist public safety; and

1 “(iii) that—

2 “(I) is classified as a categorical
3 exclusion under section 771.117 of title
4 23, Code of Federal Regulations (or
5 successor regulations); or

6 “(II) if the project or activity does
7 not receive assistance described in
8 clause (i) would be considered a cat-
9 egorical exclusion if the project or ac-
10 tivity received assistance described in
11 clause (i).

12 “(B) EXCLUSION.—The term ‘eligible
13 project or activity’ does not include a project to
14 create a new travel lane.

15 “(2) PRELIMINARY EVALUATION.—The term ‘pre-
16 liminary evaluation’, with respect to an application
17 described in subsection (b)(1), means an evaluation
18 that is customary or practicable for the relevant agen-
19 cy to complete within a 45-day period for similar ap-
20 plications.

21 “(3) RELEVANT AGENCY.—The term ‘relevant
22 agency’ means a Federal agency, other than the Fed-
23 eral Highway Administration, with responsibility for
24 review of an application from a State for a permit,

1 *approval, or jurisdictional determination for an eligi-*
2 *ble project or activity.*

3 “(b) *ACTION REQUIRED.*—

4 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
5 *not later than 45 days after the date of receipt of an*
6 *application by a State for a permit, approval, or ju-*
7 *risdictional determination for an eligible project or*
8 *activity, the head of the relevant agency shall—*

9 “(A) *make at least a preliminary evalua-*
10 *tion of the application; and*

11 “(B) *notify the State of the results of the*
12 *preliminary evaluation under subparagraph (A).*

13 “(2) *EXTENSION.*—*The head of the relevant*
14 *agency may extend the review period under para-*
15 *graph (1) by not more than 30 days if the head of*
16 *the relevant agency provides to the State written no-*
17 *tice that includes an explanation of the need for the*
18 *extension.*

19 “(3) *FAILURE TO ACT.*—*If the head of the rel-*
20 *evant agency fails to meet a deadline under para-*
21 *graph (1) or (2), as applicable, the head of the rel-*
22 *evant agency shall—*

23 “(A) *not later than 30 days after the date*
24 *of the missed deadline, submit to the State, the*
25 *Committee on Environment and Public Works of*

1 *the Senate, and the Committee on Transpor-*
2 *tation and Infrastructure of the House of Rep-*
3 *resentatives a report that describes why the dead-*
4 *line was missed; and*

5 *“(B) not later than 14 days after the date*
6 *on which a report is submitted under subpara-*
7 *graph (A), make publicly available, including on*
8 *the internet, a copy of that report.”.*

9 **(b) CLERICAL AMENDMENT.**—*The analysis for chapter*
10 *3 of title 23, United States Code, is amended by adding*
11 *at the end the following:*

“331. Evaluation of projects within an operational right-of-way.”.

12 **SEC. 11310. PRELIMINARY ENGINEERING.**

13 **(a) IN GENERAL.**—*Section 102 of title 23, United*
14 *States Code, is amended—*

15 *(1) by striking subsection (b); and*

16 *(2) in subsection (a), in the second sentence, by*
17 *striking “Nothing in this subsection” and inserting*
18 *the following:*

19 *“(b) SAVINGS PROVISION.—Nothing in this section”.*

20 **(b) CONFORMING AMENDMENT.**—*Section 144(j) of title*
21 *23, United States Code, is amended by striking paragraph*
22 *(6).*

1 **SEC. 11311. EFFICIENT IMPLEMENTATION OF NEPA FOR**
2 **FEDERAL LAND MANAGEMENT PROJECTS.**

3 *Section 203 of title 23, United States Code, is amended*
4 *by adding at the end the following:*

5 “(e) *EFFICIENT IMPLEMENTATION OF NEPA.*—

6 “(1) *DEFINITIONS.*—*In this subsection:*

7 “(A) *ENVIRONMENTAL DOCUMENT.*—*The*
8 *term ‘environmental document’ means an envi-*
9 *ronmental impact statement, environmental as-*
10 *essment, categorical exclusion, or other docu-*
11 *ment prepared under the National Environ-*
12 *mental Policy Act of 1969 (42 U.S.C. 4321 et*
13 *seq.).*

14 “(B) *PROJECT.*—*The term ‘project’ means a*
15 *highway project, public transportation capital*
16 *project, or multimodal project that—*

17 “(i) *receives funds under this title; and*

18 “(ii) *is authorized under this section or*
19 *section 204.*

20 “(C) *PROJECT SPONSOR.*—*The term ‘project*
21 *sponsor’ means the Federal land management*
22 *agency that seeks or receives funds under this*
23 *title for a project.*

24 “(2) *ENVIRONMENTAL REVIEW TO BE COM-*
25 *PLETED BY FEDERAL HIGHWAY ADMINISTRATION.*—

26 *The Federal Highway Administration may prepare*

1 *an environmental document pursuant to the imple-*
2 *menting procedures of the Federal Highway Adminis-*
3 *tration to comply with the requirements of the Na-*
4 *tional Environmental Policy Act of 1969 (42 U.S.C.*
5 *4321 et seq.) if—*

6 *“(A) requested by a project sponsor; and*

7 *“(B) all areas of analysis required by the*
8 *project sponsor can be addressed.*

9 *“(3) FEDERAL LAND MANAGEMENT AGENCIES*
10 *ADOPTION OF EXISTING ENVIRONMENTAL REVIEW*
11 *DOCUMENTS.—*

12 *“(A) IN GENERAL.—To the maximum ex-*
13 *tent practicable, if the Federal Highway Admin-*
14 *istration prepares an environmental document*
15 *pursuant to paragraph (2), that environmental*
16 *document shall address all areas of analysis re-*
17 *quired by a Federal land management agency.*

18 *“(B) INDEPENDENT EVALUATION.—Notwith-*
19 *standing any other provision of law, a Federal*
20 *land management agency shall not be required to*
21 *conduct an independent evaluation to determine*
22 *the adequacy of an environmental document pre-*
23 *pared by the Federal Highway Administration*
24 *pursuant to paragraph (2).*

1 “(C) *USE OF SAME DOCUMENT.*—*In author-*
2 *izing or implementing a project, a Federal land*
3 *management agency may use an environmental*
4 *document previously prepared by the Federal*
5 *Highway Administration for a project address-*
6 *ing the same or substantially the same action to*
7 *the same extent that the Federal land manage-*
8 *ment agency could adopt or use a document pre-*
9 *viously prepared by another Federal agency.*

10 “(4) *APPLICATION BY FEDERAL LAND MANAGE-*
11 *MENT AGENCIES OF CATEGORICAL EXCLUSIONS ES-*
12 *TABLISHED BY FEDERAL HIGHWAY ADMINISTRA-*
13 *TION.*—*In carrying out requirements under the Na-*
14 *tional Environmental Policy Act of 1969 (42 U.S.C.*
15 *4321 et seq.) for a project, the project sponsor may*
16 *use categorical exclusions designated under that Act*
17 *in the implementing regulations of the Federal High-*
18 *way Administration, subject to the conditions that—*

19 “(A) *the project sponsor makes a determina-*
20 *tion, in consultation with the Federal Highway*
21 *Administration, that the categorical exclusion*
22 *applies to the project;*

23 “(B) *the project satisfies the conditions for*
24 *a categorical exclusion under the National Envi-*

1 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et*
2 *seq.); and*

3 *“(C) the use of the categorical exclusion does*
4 *not otherwise conflict with the implementing reg-*
5 *ulations of the project sponsor, except any list of*
6 *the project sponsor that designates categorical ex-*
7 *clusions.*

8 *“(5) MITIGATION COMMITMENTS.—The Secretary*
9 *shall assist the Federal land management agency with*
10 *all design and mitigation commitments made jointly*
11 *by the Secretary and the project sponsor in any envi-*
12 *ronmental document prepared by the Secretary in ac-*
13 *cordance with this subsection.”.*

14 **SEC. 11312. NATIONAL ENVIRONMENTAL POLICY ACT OF**
15 **1969 REPORTING PROGRAM.**

16 *(a) IN GENERAL.—Chapter 1 of title 23, United States*
17 *Code, is amended by inserting after section 156 the fol-*
18 *lowing:*

19 **“§ 157. National Environmental Policy Act of 1969 re-**
20 **porting program**

21 *“(a) DEFINITIONS.—In this section:*

22 *“(1) CATEGORICAL EXCLUSION.—The term ‘cat-*
23 *egorical exclusion’ has the meaning given the term in*
24 *section 771.117(c) of title 23, Code of Federal Regula-*
25 *tions (or a successor regulation).*

1 “(2) *DOCUMENTED CATEGORICAL EXCLUSION.*—
2 *The term ‘documented categorical exclusion’ has the*
3 *meaning given the term in section 771.117(d) of title*
4 *23, Code of Federal Regulations (or a successor regu-*
5 *lation).*

6 “(3) *ENVIRONMENTAL ASSESSMENT.*—*The term*
7 *‘environmental assessment’ has the meaning given the*
8 *term in section 1508.1 of title 40, Code of Federal*
9 *Regulations (or a successor regulation).*

10 “(4) *ENVIRONMENTAL IMPACT STATEMENT.*—*The*
11 *term ‘environmental impact statement’ means a de-*
12 *tailed statement required under section 102(2)(C) of*
13 *the National Environmental Policy Act of 1969 (42*
14 *U.S.C. 4332(2)(C)).*

15 “(5) *FEDERAL AGENCY.*—*The term ‘Federal*
16 *agency’ includes a State that has assumed responsi-*
17 *bility under section 327.*

18 “(6) *NEPA PROCESS.*—*The term ‘NEPA process’*
19 *means the entirety of the development and docu-*
20 *mentation of the analysis required under the National*
21 *Environmental Policy Act of 1969 (42 U.S.C. 4321 et*
22 *seq.), including the assessment and analysis of any*
23 *impacts, alternatives, and mitigation of a proposed*
24 *action, and any interagency participation and public*

1 *involvement required to be carried out before the Sec-*
2 *retary undertakes a proposed action.*

3 “(7) *PROPOSED ACTION.*—*The term ‘proposed ac-*
4 *tion’ means an action (within the meaning of the Na-*
5 *tional Environmental Policy Act of 1969 (42 U.S.C.*
6 *4321 et seq.)) under this title that the Secretary pro-*
7 *poses to carry out.*

8 “(8) *REPORTING PERIOD.*—*The term ‘reporting*
9 *period’ means the fiscal year prior to the fiscal year*
10 *in which a report is issued under subsection (b).*

11 “(9) *SECRETARY.*—*The term ‘Secretary’ includes*
12 *the governor or head of an applicable State agency of*
13 *a State that has assumed responsibility under section*
14 *327.*

15 “(b) *REPORT ON NEPA DATA.*—

16 “(1) *IN GENERAL.*—*The Secretary shall carry*
17 *out a process to track, and annually submit to the*
18 *Committee on Environment and Public Works of the*
19 *Senate and the Committee on Transportation and In-*
20 *frastructure of the House of Representatives a report*
21 *containing, the information described in paragraph*
22 *(3).*

23 “(2) *TIME TO COMPLETE.*—*For purposes of*
24 *paragraph (3), the NEPA process—*

1 “(A) for an environmental impact state-
2 ment—

3 “(i) begins on the date on which the
4 Notice of Intent is published in the Federal
5 Register; and

6 “(ii) ends on the date on which the
7 Secretary issues a record of decision, in-
8 cluding, if necessary, a revised record of de-
9 cision; and

10 “(B) for an environmental assessment—

11 “(i) begins on the date on which the
12 Secretary makes a determination to prepare
13 an environmental assessment; and

14 “(ii) ends on the date on which the
15 Secretary issues a finding of no significant
16 impact or determines that preparation of
17 an environmental impact statement is nec-
18 essary.

19 “(3) INFORMATION DESCRIBED.—The informa-
20 tion referred to in paragraph (1) is, with respect to
21 the Department of Transportation—

22 “(A) the number of proposed actions for
23 which a categorical exclusion was issued during
24 the reporting period;

1 “(B) the number of proposed actions for
2 which a documented categorical exclusion was
3 issued by the Department of Transportation dur-
4 ing the reporting period;

5 “(C) the number of proposed actions pend-
6 ing on the date on which the report is submitted
7 for which the issuance of a documented categor-
8 ical exclusion by the Department of Transpor-
9 tation is pending;

10 “(D) the number of proposed actions for
11 which an environmental assessment was issued
12 by the Department of Transportation during the
13 reporting period;

14 “(E) the length of time the Department of
15 Transportation took to complete each environ-
16 mental assessment described in subparagraph
17 (D);

18 “(F) the number of proposed actions pend-
19 ing on the date on which the report is submitted
20 for which an environmental assessment is being
21 drafted by the Department of Transportation;

22 “(G) the number of proposed actions for
23 which an environmental impact statement was
24 completed by the Department of Transportation
25 during the reporting period;

1 “(H) the length of time that the Department
2 of Transportation took to complete each environ-
3 mental impact statement described in subpara-
4 graph (G);

5 “(I) the number of proposed actions pend-
6 ing on the date on which the report is submitted
7 for which an environmental impact statement is
8 being drafted; and

9 “(J) for the proposed actions reported under
10 subparagraphs (F) and (I), the percentage of
11 those proposed actions for which—

12 “(i) funding has been identified; and

13 “(ii) all other Federal, State, and local
14 activities that are required to allow the pro-
15 posed action to proceed are completed.”.

16 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
17 1 of title 23, United States Code, is amended by inserting
18 after the item relating to section 156 the following:

“157. National Environmental Policy Act of 1969 reporting program.”.

19 **SEC. 11313. SURFACE TRANSPORTATION PROJECT DELIV-**
20 **ERY PROGRAM WRITTEN AGREEMENTS.**

21 Section 327 of title 23, United States Code, is amend-
22 ed—

23 (1) in subsection (a)(2)(G), by inserting “, in-
24 cluding the payment of fees awarded under section
25 2412 of title 28” before the period at the end;

1 (2) *in subsection (c)—*

2 (A) *by striking paragraph (5) and inserting*
3 *the following:*

4 “(5) *except as provided under paragraph (7),*
5 *have a term of not more than 5 years;”;*

6 (B) *in paragraph (6), by striking the period*
7 *at the end and inserting “; and”; and*

8 (C) *by adding at the end the following:*

9 “(7) *for any State that has participated in a*
10 *program under this section (or under a predecessor*
11 *program) for at least 10 years, have a term of 10*
12 *years.”;*

13 (3) *in subsection (g)(1)—*

14 (A) *in subparagraph (B), by striking “and”*
15 *at the end;*

16 (B) *in subparagraph (C), by striking “an-*
17 *nual”;*

18 (C) *by redesignating subparagraph (C) as*
19 *subparagraph (D); and*

20 (D) *by inserting after subparagraph (B) the*
21 *following:*

22 “(C) *in the case of an agreement period of*
23 *greater than 5 years pursuant to subsection*
24 *(c)(7), conduct an audit covering the first 5*
25 *years of the agreement period; and”;* and

1 (4) *by adding at the end the following:*

2 “(m) *AGENCY DEEMED TO BE FEDERAL AGENCY.—*
3 *A State agency that is assigned a responsibility under an*
4 *agreement under this section shall be deemed to be an agen-*
5 *cy for the purposes of section 2412 of title 28.”.*

6 **SEC. 11314. STATE ASSUMPTION OF RESPONSIBILITY FOR**
7 **CATEGORICAL EXCLUSIONS.**

8 *Section 326(c)(3) of title 23, United States Code, is*
9 *amended—*

10 (1) *by striking subparagraph (A) and inserting*
11 *the following:*

12 “(A) *except as provided under subpara-*
13 *graph (C), shall have a term of not more than*
14 *3 years;”;*

15 (2) *in subparagraph (B), by striking the period*
16 *at the end and inserting “; and”; and*

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

18 “(C) *shall have a term of 5 years, in the*
19 *case of a State that has assumed the responsi-*
20 *bility for categorical exclusions under this sec-*
21 *tion for not fewer than 10 years.”.*

1 **SEC. 11315. EARLY UTILITY RELOCATION PRIOR TO TRANS-**
2 **PORTATION PROJECT ENVIRONMENTAL RE-**
3 **VIEW.**

4 *Section 123 of title 23, United States Code, is amended*
5 *to read as follows:*

6 **“§ 123. Relocation of utility facilities**

7 *“(a) DEFINITIONS.—In this section:*

8 *“(1) COST OF RELOCATION.—The term ‘cost of*
9 *relocation’ includes the entire amount paid by a util-*
10 *ity properly attributable to the relocation of a utility*
11 *facility, minus any increase in the value of the new*
12 *facility and any salvage value derived from the old*
13 *facility.*

14 *“(2) EARLY UTILITY RELOCATION PROJECT.—*
15 *The term ‘early utility relocation project’ means util-*
16 *ity relocation activities identified by the State for*
17 *performance before completion of the environmental*
18 *review process for the transportation project.*

19 *“(3) ENVIRONMENTAL REVIEW PROCESS.—The*
20 *term ‘environmental review process’ has the meaning*
21 *given the term in section 139(a).*

22 *“(4) TRANSPORTATION PROJECT.—The term*
23 *‘transportation project’ means a project.*

24 *“(5) UTILITY FACILITY.—The term ‘utility facil-*
25 *ity’ means any privately, publicly, or cooperatively*
26 *owned line, facility, or system for producing, trans-*

1 *mitting, or distributing communications, power, elec-*
2 *tricity, light, heat, gas, oil, crude products, water,*
3 *steam, waste, stormwater not connected with highway*
4 *drainage, or any other similar commodity, including*
5 *any fire or police signal system or street lighting sys-*
6 *tem, that directly or indirectly serves the public.*

7 “(6) *UTILITY RELOCATION ACTIVITY.*—*The term*
8 *‘utility relocation activity’ means an activity nec-*
9 *essary for the relocation of a utility facility, includ-*
10 *ing preliminary and final design, surveys, real prop-*
11 *erty acquisition, materials acquisition, and construc-*
12 *tion.*

13 “(b) *REIMBURSEMENT TO STATES.*—

14 “(1) *IN GENERAL.*—*If a State pays for the cost*
15 *of relocation of a utility facility necessitated by the*
16 *construction of a transportation project, Federal*
17 *funds may be used to reimburse the State for the cost*
18 *of relocation in the same proportion as Federal funds*
19 *are expended on the transportation project.*

20 “(2) *LIMITATION.*—*Federal funds shall not be*
21 *used to reimburse a State under this section if the*
22 *payment to the utility—*

23 “(A) *violates the law of the State; or*

24 “(B) *violates a legal contract between the*
25 *utility and the State.*

1 “(3) *REQUIREMENT.*—A reimbursement under
2 *paragraph (1) shall be made only if the State dem-*
3 *onstrates to the satisfaction of the Secretary that the*
4 *State paid the cost of the utility relocation activity*
5 *from funds of the State with respect to transportation*
6 *projects for which Federal funds are obligated subse-*
7 *quent to April 16, 1958, for work, including utility*
8 *relocation activities.*

9 “(4) *REIMBURSEMENT ELIGIBILITY FOR EARLY*
10 *RELOCATION PRIOR TO TRANSPORTATION PROJECT*
11 *ENVIRONMENTAL REVIEW PROCESS.*—

12 “(A) *IN GENERAL.*—In addition to the re-
13 *quirements under paragraphs (1) through (3), a*
14 *State may carry out, at the expense of the State,*
15 *an early utility relocation project for a transpor-*
16 *tation project before completion of the environ-*
17 *mental review process for the transportation*
18 *project.*

19 “(B) *REQUIREMENTS FOR REIMBURSE-*
20 *MENT.*—Funds apportioned to a State under this
21 *title may be used to pay the costs incurred by the*
22 *State for an early utility relocation project only*
23 *if the State demonstrates to the Secretary, and*
24 *the Secretary finds that—*

1 “(i) the early utility relocation project
2 is necessary to accommodate a transpor-
3 tation project;

4 “(ii) the State provides adequate docu-
5 mentation to the Secretary of eligible costs
6 incurred by the State for the early utility
7 relocation project;

8 “(iii) before the commencement of the
9 utility relocation activities, an environ-
10 mental review process was completed for the
11 early utility relocation project that resulted
12 in a finding that the early utility relocation
13 project—

14 “(I) would not result in signifi-
15 cant adverse environmental impacts;
16 and

17 “(II) would comply with other ap-
18 plicable Federal environmental re-
19 quirements;

20 “(iv) the early utility relocation project
21 did not influence—

22 “(I) the environmental review
23 process for the transportation project;

1 “(II) the decision relating to the
2 need to construct the transportation
3 project; or

4 “(III) the selection of the trans-
5 portation project design or location;

6 “(v) the early utility relocation project
7 complies with all applicable provisions of
8 law, including regulations issued pursuant
9 to this title;

10 “(vi) the early utility relocation project
11 follows applicable financial procedures and
12 requirements, including documentation of
13 eligible costs and the requirements under
14 section 109(l), but not including require-
15 ments applicable to authorization and obli-
16 gation of Federal funds;

17 “(vii) the transportation project for
18 which the early utility relocation project
19 was necessitated was included in the appli-
20 cable transportation improvement program
21 under section 134 or 135;

22 “(viii) before the cost incurred by a
23 State is approved for Federal participation,
24 environmental compliance pursuant to the
25 National Environmental Policy Act of 1969

1 (42 U.S.C. 4321 et seq.) has been completed
2 for the transportation project for which the
3 early utility relocation project was neces-
4 sitated; and

5 “(ix) the transportation project that
6 necessitated the utility relocation activity is
7 approved for construction.

8 “(C) SAVINGS PROVISION.—Nothing in this
9 paragraph affects other eligibility requirements
10 or authorities for Federal participation in pay-
11 ment of costs incurred for utility relocation ac-
12 tivities.

13 “(c) APPLICABILITY OF OTHER PROVISIONS.—Nothing
14 in this section affects the applicability of other requirements
15 that would otherwise apply to an early utility relocation
16 project, including any applicable requirements under—

17 “(1) section 138;

18 “(2) the Uniform Relocation Assistance and Real
19 Property Acquisition Policies Act of 1970 (42 U.S.C.
20 4601 et seq.), including regulations under part 24 of
21 title 49, Code of Federal Regulations (or successor reg-
22 ulations);

23 “(3) title VI of the Civil Rights Act of 1964 (42
24 U.S.C. 2000d et seq.); or

25 “(4) an environmental review process.”.

1 **SEC. 11316. STREAMLINING OF SECTION 4(F) REVIEWS.**

2 *Section 138(a) of title 23, United States Code, is*
3 *amended—*

4 *(1) in the fourth sentence, by striking “In car-*
5 *rying out” and inserting the following:*

6 *“(4) STUDIES.—In carrying out”;*

7 *(2) in the third sentence—*

8 *(A) by striking “such land, and (2) such*
9 *program” and inserting the following: “the land;*
10 *and*

11 *“(B) the program”;*

12 *(B) by striking “unless (1) there is” and in-*
13 *serting the following: “unless—*

14 *“(A) there is”;* and

15 *(C) by striking “After the” and inserting*
16 *the following:*

17 *“(3) REQUIREMENT.—After the”;*

18 *(3) in the second sentence—*

19 *(A) by striking “The Secretary of Transpor-*
20 *tation” and inserting the following:*

21 *“(2) COOPERATION AND CONSULTATION.—*

22 *“(A) IN GENERAL.—The Secretary”;* and

23 *(B) by adding at the end the following:*

24 *“(B) TIMELINE FOR APPROVALS.—*

25 *“(i) IN GENERAL.—The Secretary*
26 *shall—*

1 “(I) provide an evaluation under
2 this section to the Secretaries described
3 in subparagraph (A); and

4 “(II) provide a period of 30 days
5 for receipt of comments.

6 “(ii) ASSUMED ACCEPTANCE.—If the
7 Secretary does not receive comments by 15
8 days after the deadline under clause (i)(II),
9 the Secretary shall assume a lack of objec-
10 tion and proceed with the action.

11 “(C) EFFECT.—Nothing in subparagraph
12 (B) affects—

13 “(i) the requirements under—

14 “(I) subsections (b) through (f); or

15 “(II) the consultation process
16 under section 306108 of title 54; or

17 “(ii) programmatic section 4(f) evalua-
18 tions, as described in regulations issued by
19 the Secretary.”; and

20 (4) in the first sentence, by striking “It is de-
21 clared to be” and inserting the following:

22 “(1) IN GENERAL.—It is”.

1 **SEC. 11317. CATEGORICAL EXCLUSION FOR PROJECTS OF**
 2 **LIMITED FEDERAL ASSISTANCE.**

3 *Section 1317(1) of MAP-21 (23 U.S.C. 109 note; Pub-*
 4 *lic Law 112-141) is amended—*

5 (1) *in subparagraph (A), by striking*
 6 *“\$5,000,000” and inserting “\$6,000,000”; and*

7 (2) *in subparagraph (B), by striking*
 8 *“\$30,000,000” and inserting “\$35,000,000”.*

9 **SEC. 11318. CERTAIN GATHERING LINES LOCATED ON FED-**
 10 **ERAL LAND AND INDIAN LAND.**

11 (a) *DEFINITIONS.—In this section:*

12 (1) *FEDERAL LAND.—*

13 (A) *IN GENERAL.—The term “Federal land”*
 14 *means land the title to which is held by the*
 15 *United States.*

16 (B) *EXCLUSIONS.—The term “Federal*
 17 *land” does not include—*

18 (i) *a unit of the National Park Sys-*
 19 *tem;*

20 (ii) *a unit of the National Wildlife*
 21 *Refuge System;*

22 (iii) *a component of the National Wil-*
 23 *derness Preservation System;*

24 (iv) *a wilderness study area within the*
 25 *National Forest System; or*

26 (v) *Indian land.*

1 (2) *GATHERING LINE AND ASSOCIATED FIELD*
2 *COMPRESSION OR PUMPING UNIT.—*

3 (A) *IN GENERAL.—The term “gathering line*
4 *and associated field compression or pumping*
5 *unit” means—*

6 (i) *a pipeline that is installed to trans-*
7 *port oil, natural gas and related constitu-*
8 *ents, or produced water from 1 or more*
9 *wells drilled and completed to produce oil or*
10 *gas; and*

11 (ii) *if necessary, 1 or more compressors*
12 *or pumps to raise the pressure of the trans-*
13 *ported oil, natural gas and related constitu-*
14 *ents, or produced water to higher pressures*
15 *necessary to enable the oil, natural gas and*
16 *related constituents, or produced water to*
17 *flow into pipelines and other facilities.*

18 (B) *INCLUSIONS.—The term “gathering line*
19 *and associated field compression or pumping*
20 *unit” includes a pipeline or associated compres-*
21 *sion or pumping unit that is installed to trans-*
22 *port oil or natural gas from a processing plant*
23 *to a common carrier pipeline or facility.*

24 (C) *EXCLUSIONS.—The term “gathering*
25 *line and associated field compression or pump-*

1 *ing unit” does not include a common carrier*
2 *pipeline.*

3 (3) *INDIAN LAND.*—*The term “Indian land”*
4 *means land the title to which is held by—*

5 (A) *the United States in trust for an In-*
6 *dian Tribe or an individual Indian; or*

7 (B) *an Indian Tribe or an individual In-*
8 *dian subject to a restriction by the United States*
9 *against alienation.*

10 (4) *PRODUCED WATER.*—*The term “produced*
11 *water” means water produced from an oil or gas well*
12 *bore that is not a fluid prepared at, or transported*
13 *to, the well site to resolve a specific oil or gas well*
14 *bore or reservoir condition.*

15 (5) *SECRETARY.*—*The term “Secretary” means*
16 *the Secretary of the Interior.*

17 (b) *CERTAIN GATHERING LINES.*—

18 (1) *IN GENERAL.*—*Subject to paragraph (2), the*
19 *issuance of a sundry notice or right-of-way for a*
20 *gathering line and associated field compression or*
21 *pumping unit that is located on Federal land or In-*
22 *dian land and that services any oil or gas well may*
23 *be considered by the Secretary to be an action that is*
24 *categorically excluded (as defined in section 1508.1 of*
25 *title 40, Code of Federal Regulations (as in effect on*

1 *the date of enactment of this Act)) for purposes of the*
2 *National Environmental Policy Act of 1969 (42*
3 *U.S.C. 4321 et seq.) if the gathering line and associ-*
4 *ated field compression or pumping unit—*

5 *(A) are within a field or unit for which an*
6 *approved land use plan or an environmental*
7 *document prepared pursuant to the National*
8 *Environmental Policy Act of 1969 (42 U.S.C.*
9 *4321 et seq.) analyzed transportation of oil, nat-*
10 *ural gas, or produced water from 1 or more oil*
11 *or gas wells in the field or unit as a reasonably*
12 *foreseeable activity;*

13 *(B) are located adjacent to or within—*

14 *(i) any existing disturbed area; or*

15 *(ii) an existing corridor for a right-of-*

16 *way; and*

17 *(C) would reduce—*

18 *(i) in the case of a gathering line and*
19 *associated field compression or pumping*
20 *unit transporting methane, the total quan-*
21 *tity of methane that would otherwise be*
22 *vented, flared, or unintentionally emitted*
23 *from the field or unit; or*

24 *(ii) in the case of a gathering line and*
25 *associated field compression or pumping*

1 unit not transporting methane, the vehi-
2 cular traffic that would otherwise service the
3 field or unit.

4 (2) *APPLICABILITY.*—Paragraph (1) shall apply
5 to Indian land, or a portion of Indian land—

6 (A) to which the National Environmental
7 Policy Act of 1969 (42 U.S.C. 4321 et seq.) ap-
8 plies; and

9 (B) for which the Indian Tribe with juris-
10 diction over the Indian land submits to the Sec-
11 retary a written request that paragraph (1)
12 apply to that Indian land (or portion of Indian
13 land).

14 (c) *EFFECT ON OTHER LAW.*—Nothing in this sec-
15 tion—

16 (1) affects or alters any requirement—

17 (A) relating to prior consent under—

18 (i) section 2 of the Act of February 5,
19 1948 (62 Stat. 18, chapter 45; 25 U.S.C.
20 324); or

21 (ii) section 16(e) of the Act of June 18,
22 1934 (48 Stat. 987, chapter 576; 102 Stat.
23 2939; 114 Stat. 47; 25 U.S.C. 5123(e))
24 (commonly known as the “Indian Reorga-
25 nization Act”);

1 (B) under section 306108 of title 54, United
2 States Code; or

3 (C) under any other Federal law (including
4 regulations) relating to Tribal consent for rights-
5 of-way across Indian land; or

6 (2) makes the National Environmental Policy
7 Act of 1969 (42 U.S.C. 4321 et seq.) applicable to
8 land to which that Act otherwise would not apply.

9 **SEC. 11319. ANNUAL REPORT.**

10 (a) *DEFINITION OF COVERED PROJECT.*—In this sec-
11 tion, the term “covered project” means a project or activity
12 carried out with funds provided by the Department, includ-
13 ing a project carried out under title 23 or 49, United States
14 Code—

15 (1) that is more than 5 years behind schedule; or

16 (2) for which the total amount spent on the
17 project or activity is not less than \$1,000,000,000
18 more than the original cost estimate for the project or
19 activity.

20 (b) *REQUIREMENT.*—Not later than 1 year after the
21 date of enactment of this Act, and annually thereafter, the
22 Secretary shall submit to Congress a report on covered
23 projects of the Department, which shall include, for each
24 covered project—

1 (1) a brief description of the covered project, in-
2 cluding—

3 (A) the purpose of the covered project;

4 (B) each location in which the covered
5 project is carried out;

6 (C) the contract or award number of the
7 covered project, if applicable;

8 (D) the year in which the covered project
9 was initiated;

10 (E) the Federal share of the total cost of the
11 covered project; and

12 (F) each primary contractor, subcontractor,
13 grant recipient, and subgrantee recipient of the
14 covered project;

15 (2) an explanation of any change to the original
16 scope of the covered project, including by the addition
17 or narrowing of the initial requirements of the cov-
18 ered project;

19 (3) the original expected date for completion of
20 the covered project;

21 (4) the current expected date for completion of
22 the covered project;

23 (5) the original cost estimate for the covered
24 project, as adjusted to reflect increases in the Con-

1 *sumer Price Index for All Urban Consumers, as pub-*
2 *lished by the Bureau of Labor Statistics;*

3 (6) *the current cost estimate for the covered*
4 *project, as adjusted to reflect increases in the Con-*
5 *sumer Price Index for All Urban Consumers, as pub-*
6 *lished by the Bureau of Labor Statistics;*

7 (7) *an explanation for a delay in completion or*
8 *an increase in the original cost estimate for the cov-*
9 *ered project, including, where applicable, any impact*
10 *of insufficient or delayed appropriations; and*

11 (8) *the amount of and rationale for any award,*
12 *incentive fee, or other type of bonus, if any, awarded*
13 *for the covered project.*

14 ***Subtitle D—Climate Change***

15 **SEC. 11401. GRANTS FOR CHARGING AND FUELING INFRA-** 16 **STRUCTURE.**

17 (a) *PURPOSE.—The purpose of this section is to estab-*
18 *lish a grant program to strategically deploy publicly acces-*
19 *sible electric vehicle charging infrastructure, hydrogen fuel-*
20 *ing infrastructure, propane fueling infrastructure, and nat-*
21 *ural gas fueling infrastructure along designated alternative*
22 *fuel corridors or in certain other locations that will be ac-*
23 *cessible to all drivers of electric vehicles, hydrogen vehicles,*
24 *propane vehicles, and natural gas vehicles.*

1 (b) *GRANT PROGRAM.*—Section 151 of title 23, United
2 *States Code*, is amended—

3 (1) *in subsection (a)*—

4 (A) *by striking “Not later than 1 year after*
5 *the date of enactment of the FAST Act, the Sec-*
6 *retary shall” and inserting “The Secretary shall*
7 *periodically”*; and

8 (B) *by striking “to improve the mobility”*
9 *and inserting “to support changes in the trans-*
10 *portation sector that help achieve a reduction in*
11 *greenhouse gas emissions and improve the mobil-*
12 *ity”*;

13 (2) *in subsection (b)(2)*, by inserting “*previously*
14 *designated by the Federal Highway Administration*
15 *or”* before “*designated by*”;

16 (3) *by striking subsection (d) and inserting the*
17 *following*:

18 “(d) *REDESIGNATION.*—

19 “(1) *INITIAL REDESIGNATION.*—*Not later than*
20 *180 days after the date of enactment of the Surface*
21 *Transportation Reauthorization Act of 2021, the Sec-*
22 *retary shall update and redesignate the corridors*
23 *under subsection (a).*

24 “(2) *SUBSEQUENT REDESIGNATION.*—*The Sec-*
25 *retary shall establish a recurring process to regularly*

1 *update and redesignate the corridors under subsection*
2 *(a).”;*

3 *(4) in subsection (e)—*

4 *(A) in paragraph (1), by striking “and” at*
5 *the end;*

6 *(B) in paragraph (2)—*

7 *(i) by striking “establishes an aspira-*
8 *tional goal of achieving” and inserting “de-*
9 *scribes efforts, including through funds*
10 *awarded through the grant program under*
11 *subsection (f), that will aid efforts to*
12 *achieve”; and*

13 *(ii) by striking “by the end of fiscal*
14 *year 2020.” and inserting “; and”; and*

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

16 *“(3) summarizes best practices and provides*
17 *guidance, developed through consultation with the*
18 *Secretary of Energy, for project development of elec-*
19 *tric vehicle charging infrastructure, hydrogen fueling*
20 *infrastructure, propane fueling infrastructure and*
21 *natural gas fueling infrastructure at the State, Trib-*
22 *al, and local level to allow for the predictable deploy-*
23 *ment of that infrastructure.”; and*

24 *(5) by adding at the end the following:*

25 *“(f) GRANT PROGRAM.—*

1 “(1) *DEFINITION OF PRIVATE ENTITY.*—*In this*
2 *subsection, the term ‘private entity’ means a corpora-*
3 *tion, partnership, company, or nonprofit organiza-*
4 *tion.*

5 “(2) *ESTABLISHMENT.*—*Not later than 1 year*
6 *after the date of enactment of the Surface Transpor-*
7 *tation Reauthorization Act of 2021, the Secretary*
8 *shall establish a grant program to award grants to el-*
9 *igible entities to carry out the activities described in*
10 *paragraph (6).*

11 “(3) *ELIGIBLE ENTITIES.*—*An entity eligible to*
12 *receive a grant under this subsection is—*

13 “(A) *a State or political subdivision of a*
14 *State;*

15 “(B) *a metropolitan planning organization;*

16 “(C) *a unit of local government;*

17 “(D) *a special purpose district or public*
18 *authority with a transportation function, includ-*
19 *ing a port authority;*

20 “(E) *an Indian tribe (as defined in section*
21 *4 of the Indian Self-Determination and Edu-*
22 *cation Assistance Act (25 U.S.C. 5304));*

23 “(F) *a territory of the United States;*

24 “(G) *an authority, agency, or instrumen-*
25 *tality of, or an entity owned by, 1 or more enti-*

1 *ties described in subparagraphs (A) through (F);*
2 *or*

3 *“(H) a group of entities described in sub-*
4 *paragraphs (A) through (G).*

5 *“(4) APPLICATIONS.—To be eligible to receive a*
6 *grant under this subsection, an eligible entity shall*
7 *submit to the Secretary an application at such time,*
8 *in such manner, and containing such information as*
9 *the Secretary shall require, including—*

10 *“(A) a description of how the eligible entity*
11 *has considered—*

12 *“(i) public accessibility of charging or*
13 *fueling infrastructure proposed to be funded*
14 *with a grant under this subsection, includ-*
15 *ing—*

16 *“(I) charging or fueling connector*
17 *types and publicly available informa-*
18 *tion on real-time availability; and*

19 *“(II) payment methods to ensure*
20 *secure, convenient, fair, and equal ac-*
21 *cess;*

22 *“(ii) collaborative engagement with*
23 *stakeholders (including automobile manu-*
24 *facturers, utilities, infrastructure providers,*
25 *technology providers, electric charging, hy-*

1 *drogen, propane, and natural gas fuel pro-*
2 *viders, metropolitan planning organiza-*
3 *tions, States, Indian tribes, and units of*
4 *local governments, fleet owners, fleet man-*
5 *agers, fuel station owners and operators,*
6 *labor organizations, infrastructure construc-*
7 *tion and component parts suppliers, and*
8 *multi-State and regional entities)—*

9 *“(I) to foster enhanced, coordi-*
10 *nated, public-private or private invest-*
11 *ment in electric vehicle charging infra-*
12 *structure, hydrogen fueling infrastruc-*
13 *ture, propane fueling infrastructure, or*
14 *natural gas fueling infrastructure;*

15 *“(II) to expand deployment of*
16 *electric vehicle charging infrastructure,*
17 *hydrogen fueling infrastructure, pro-*
18 *pane fueling infrastructure, or natural*
19 *gas fueling infrastructure;*

20 *“(III) to protect personal privacy*
21 *and ensure cybersecurity; and*

22 *“(IV) to ensure that a properly*
23 *trained workforce is available to con-*
24 *struct and install electric vehicle charg-*
25 *ing infrastructure, hydrogen fueling*

1 *infrastructure, propane fueling infra-*
2 *structure, or natural gas fueling infra-*
3 *structure;*

4 *“(iii) the location of the station or*
5 *fueling site, such as consideration of—*

6 *“(I) the availability of onsite*
7 *amenities for vehicle operators, such as*
8 *restrooms or food facilities;*

9 *“(II) access in compliance with*
10 *the Americans with Disabilities Act of*
11 *1990 (42 U.S.C. 12101 et seq.);*

12 *“(III) height and fueling capacity*
13 *requirements for facilities that charge*
14 *or refuel large vehicles, such as semi-*
15 *trailer trucks; and*

16 *“(IV) appropriate distribution to*
17 *avoid redundancy and fill charging or*
18 *fueling gaps;*

19 *“(iv) infrastructure installation that*
20 *can be responsive to technology advance-*
21 *ments, such as accommodating autonomous*
22 *vehicles, vehicle-to-grid technology, and fu-*
23 *ture charging methods; and*

24 *“(v) the long-term operation and*
25 *maintenance of the electric vehicle charging*

1 *infrastructure, hydrogen fueling infrastruc-*
2 *ture, propane fueling infrastructure, or nat-*
3 *ural gas fueling infrastructure, to avoid*
4 *stranded assets and protect the investment*
5 *of public funds in that infrastructure; and*

6 *“(B) an assessment of the estimated emis-*
7 *sions that will be reduced through the use of elec-*
8 *tric vehicle charging infrastructure, hydrogen*
9 *fueling infrastructure, propane fueling infra-*
10 *structure, or natural gas fueling infrastructure,*
11 *which shall be conducted using the Alternative*
12 *Fuel Life-Cycle Environmental and Economic*
13 *Transportation (AFLEET) tool developed by Ar-*
14 *gonne National Laboratory (or a successor tool).*

15 *“(5) CONSIDERATIONS.—In selecting eligible en-*
16 *tities to receive a grant under this subsection, the Sec-*
17 *retary shall—*

18 *“(A) consider the extent to which the appli-*
19 *cation of the eligible entity would—*

20 *“(i) improve alternative fueling cor-*
21 *ridor networks by—*

22 *“(I) converting corridor-pending*
23 *corridors to corridor-ready corridors;*
24 *or*

1 “(II) in the case of corridor-ready
2 corridors, providing redundancy—
3 “(aa) to meet excess demand
4 for charging or fueling infrastruc-
5 ture; or
6 “(bb) to reduce congestion at
7 existing charging or fueling infra-
8 structure in high-traffic locations;
9 “(ii) meet current or anticipated mar-
10 ket demands for charging or fueling infra-
11 structure;
12 “(iii) enable or accelerate the construc-
13 tion of charging or fueling infrastructure
14 that would be unlikely to be completed with-
15 out Federal assistance;
16 “(iv) support a long-term competitive
17 market for electric vehicle charging infra-
18 structure, hydrogen fueling infrastructure,
19 propane fueling infrastructure, or natural
20 gas fueling infrastructure that does not sig-
21 nificantly impair existing electric vehicle
22 charging infrastructure, hydrogen fueling
23 infrastructure, propane fueling infrastruc-
24 ture, or natural gas fueling infrastructure
25 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 nat-
10 ural gas fueling infrastructure for medium-
11 and heavy-duty vehicles (including along
12 the National Highway Freight Network es-
13 tablished under section 167(c)) and in prox-
14 imity to intermodal transfer stations;

15 “(B) ensure, to the maximum extent prac-
16 ticable, geographic diversity among grant recipi-
17 ents to ensure that electric vehicle charging in-
18 frastructure, hydrogen fueling infrastructure,
19 propane fueling infrastructure, or natural gas
20 fueling infrastructure is available throughout the
21 United States;

22 “(C) consider whether the private entity
23 that the eligible entity contracts with under
24 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 ex-
10 tent practicable, the eligible entity and the pri-
11 vate entity that the eligible entity contracts with
12 under paragraph (6) enter into an agreement—

13 “(i) to operate and maintain publicly
14 available electric vehicle charging infra-
15 structure, hydrogen fueling infrastructure,
16 propane fueling infrastructure, or natural
17 gas infrastructure; and

18 “(ii) that provides a remedy and an
19 opportunity to cure if the requirements de-
20 scribed in clause (i) are not met.

21 “(6) USE OF FUNDS.—

22 “(A) IN GENERAL.—An eligible entity re-
23 ceiving a grant under this subsection shall only
24 use the funds in accordance with this paragraph
25 to contract with a private entity for acquisition

1 *and installation of publicly accessible electric ve-*
2 *hicle charging infrastructure, hydrogen fueling*
3 *infrastructure, propane fueling infrastructure, or*
4 *natural gas fueling infrastructure that is directly*
5 *related to the charging or fueling of a vehicle.*

6 “(B) *LOCATION OF INFRASTRUCTURE.*—*Any*
7 *publicly accessible electric vehicle charging infra-*
8 *structure, hydrogen fueling infrastructure, pro-*
9 *pane fueling infrastructure, or natural gas fuel-*
10 *ing infrastructure acquired and installed with a*
11 *grant under this subsection shall be located along*
12 *an alternative fuel corridor designated under*
13 *this section, on the condition that any affected*
14 *Indian tribes are consulted before the designa-*
15 *tion.*

16 “(C) *OPERATING ASSISTANCE.*—

17 “(i) *IN GENERAL.*—*Subject to clauses*
18 *(ii) and (iii), an eligible entity that receives*
19 *a grant under this subsection may use a*
20 *portion of the funds to provide to a private*
21 *entity operating assistance for the first 5*
22 *years of operations after the installation of*
23 *publicly available electric vehicle charging*
24 *infrastructure, hydrogen fueling infrastruc-*
25 *ture, propane fueling infrastructure, or nat-*

1 *ural gas fueling infrastructure while the fa-*
2 *cility transitions to independent system op-*
3 *erations.*

4 “(ii) *INCLUSIONS.—Operating assist-*
5 *ance under this subparagraph shall be lim-*
6 *ited to costs allocable to operating and*
7 *maintaining the electric vehicle charging*
8 *infrastructure, hydrogen fueling infrastruc-*
9 *ture, propane fueling infrastructure, or nat-*
10 *ural gas fueling infrastructure and service.*

11 “(iii) *LIMITATION.—Operating assist-*
12 *ance under this subparagraph may not ex-*
13 *ceed the amount of a contract under sub-*
14 *paragraph (A) to acquire and install pub-*
15 *licly accessible electric vehicle charging in-*
16 *frastructure, hydrogen fueling infrastruc-*
17 *ture, propane fueling infrastructure, or nat-*
18 *ural gas fueling infrastructure.*

19 “(D) *TRAFFIC CONTROL DEVICES.—*

20 “(i) *IN GENERAL.—Subject to this*
21 *paragraph, an eligible entity that receives a*
22 *grant under this subsection may use a por-*
23 *tion of the funds to acquire and install traf-*
24 *fic control devices located in the right-of-*
25 *way to provide directional information to*

1 *publicly accessible electric vehicle charging*
2 *infrastructure, hydrogen fueling infrastruc-*
3 *ture, propane fueling infrastructure, or nat-*
4 *ural gas fueling infrastructure acquired, in-*
5 *stalled, or operated with the grant.*

6 “(ii) *APPLICABILITY.*—*Clause (i) shall*
7 *apply only to an eligible entity that—*

8 “(I) *receives a grant under this*
9 *subsection; and*

10 “(II) *is using that grant for the*
11 *acquisition and installation of publicly*
12 *accessible electric vehicle charging in-*
13 *frastructure, hydrogen fueling infra-*
14 *structure, propane fueling infrastruc-*
15 *ture, or natural gas fueling infrastruc-*
16 *ture.*

17 “(iii) *LIMITATION ON AMOUNT.*—*The*
18 *amount of funds used to acquire and install*
19 *traffic control devices under clause (i) may*
20 *not exceed the amount of a contract under*
21 *subparagraph (A) to acquire and install*
22 *publicly accessible charging or fueling in-*
23 *frastructure.*

24 “(iv) *NO NEW AUTHORITY CREATED.*—
25 *Nothing in this subparagraph authorizes an*

1 *eligible entity that receives a grant under*
2 *this subsection to acquire and install traffic*
3 *control devices if the entity is not otherwise*
4 *authorized to do so.*

5 “(E) REVENUE.—

6 “(i) IN GENERAL.—*An eligible entity*
7 *receiving a grant under this subsection and*
8 *a private entity referred to in subparagraph*
9 *(A) may enter into a cost-sharing agree-*
10 *ment under which the private entity sub-*
11 *mits to the eligible entity a portion of the*
12 *revenue from the electric vehicle charging*
13 *infrastructure, hydrogen fueling infrastruc-*
14 *ture, propane fueling infrastructure, or nat-*
15 *ural gas fueling infrastructure.*

16 “(ii) USES OF REVENUE.—*An eligible*
17 *entity that receives revenue from a cost-*
18 *sharing agreement under clause (i) may*
19 *only use that revenue for a project that is*
20 *eligible under this title.*

21 “(7) CERTAIN FUELS.—*The use of grants for*
22 *propane fueling infrastructure under this subsection*
23 *shall be limited to infrastructure for medium- and*
24 *heavy-duty vehicles.*

25 “(8) COMMUNITY GRANTS.—

1 “(A) *IN GENERAL.*—Notwithstanding para-
2 graphs (4), (5), and (6), the Secretary shall re-
3 serve 50 percent of the amounts made available
4 each fiscal year to carry out this section to pro-
5 vide grants to eligible entities in accordance with
6 this paragraph.

7 “(B) *APPLICATIONS.*—To be eligible to re-
8 ceive a grant under this paragraph, an eligible
9 entity shall submit to the Secretary an applica-
10 tion at such time, in such manner, and con-
11 taining such information as the Secretary may
12 require.

13 “(C) *ELIGIBLE ENTITIES.*—An entity eligi-
14 ble to receive a grant under this paragraph is—

15 “(i) an entity described in paragraph
16 (3); and

17 “(ii) a State or local authority with
18 ownership of publicly accessible transpor-
19 tation facilities.

20 “(D) *ELIGIBLE PROJECTS.*—The Secretary
21 may provide a grant under this paragraph for
22 a project that is expected to reduce greenhouse
23 gas emissions and to expand or fill gaps in ac-
24 cess to publicly accessible electric vehicle charg-
25 ing infrastructure, hydrogen fueling infrastruc-

1 *ture, propane fueling infrastructure, or natural*
2 *gas fueling infrastructure, including—*

3 *“(i) development phase activities, in-*
4 *cluding planning, feasibility analysis, rev-*
5 *enue forecasting, environmental review, pre-*
6 *liminary engineering and design work, and*
7 *other preconstruction activities; and*

8 *“(ii) the acquisition and installation of*
9 *electric vehicle charging infrastructure, hy-*
10 *drogen fueling infrastructure, propane fuel-*
11 *ing infrastructure, or natural gas fueling*
12 *infrastructure that is directly related to the*
13 *charging or fueling of a vehicle, including*
14 *any related construction or reconstruction*
15 *and the acquisition of real property directly*
16 *related to the project, such as locations de-*
17 *scribed in subparagraph (E), to expand ac-*
18 *cess to electric vehicle charging infrastruc-*
19 *ture, hydrogen fueling infrastructure, pro-*
20 *pane fueling infrastructure, or natural gas*
21 *fueling infrastructure.*

22 *“(E) PROJECT LOCATIONS.—A project re-*
23 *ceiving a grant under this paragraph may be lo-*
24 *cated on any public road or in other publicly ac-*
25 *cessible locations, such as parking facilities at*

1 *public buildings, public schools, and public*
2 *parks, or in publicly accessible parking facilities*
3 *owned or managed by a private entity.*

4 “(F) *PRIORITY.*—*In providing grants under*
5 *this paragraph, the Secretary shall give priority*
6 *to projects that expand access to electric vehicle*
7 *charging infrastructure, hydrogen fueling infra-*
8 *structure, propane fueling infrastructure, or nat-*
9 *ural gas fueling infrastructure within—*

10 “(i) *rural areas;*

11 “(ii) *low- and moderate-income neigh-*
12 *borhoods; and*

13 “(iii) *communities with a low ratio of*
14 *private parking spaces to households or a*
15 *high ratio of multiunit dwellings to single*
16 *family homes, as determined by the Sec-*
17 *retary.*

18 “(G) *ADDITIONAL CONSIDERATIONS.*—*In*
19 *providing grants under this paragraph, the Sec-*
20 *retary shall consider the extent to which the*
21 *project—*

22 “(i) *contributes to geographic diversity*
23 *among eligible entities, including achieving*
24 *a balance between urban and rural commu-*
25 *nities; and*

1 “(ii) meets current or anticipated mar-
2 ket demands for charging or fueling infra-
3 structure, including faster charging speeds
4 with high-powered capabilities necessary to
5 minimize the time to charge or refuel cur-
6 rent and anticipated vehicles.

7 “(H) *PARTNERING WITH PRIVATE ENTI-*
8 *TIES.*—An eligible entity that receives a grant
9 under this paragraph may use the grant funds
10 to contract with a private entity for the acquisi-
11 tion, construction, installation, maintenance, or
12 operation of electric vehicle charging infrastruc-
13 ture, hydrogen fueling infrastructure, propane
14 fueling infrastructure, or natural gas fueling in-
15 frastructure that is directly related to the charg-
16 ing or fueling of a vehicle.

17 “(I) *MAXIMUM GRANT AMOUNT.*—The
18 amount of a grant under this paragraph shall
19 not be more than \$15,000,000.

20 “(J) *TECHNICAL ASSISTANCE.*—Of the
21 amounts reserved under subparagraph (A), the
22 Secretary may use not more than 1 percent to
23 provide technical assistance to eligible entities.

24 “(K) *ADDITIONAL ACTIVITIES.*—The recipi-
25 ent of a grant under this paragraph may use not

1 *more than 5 percent of the grant funds on edu-*
2 *catinal and community engagement activities*
3 *to develop and implement education programs*
4 *through partnerships with schools, community*
5 *organizations, and vehicle dealerships to support*
6 *the use of zero-emission vehicles and associated*
7 *infrastructure.*

8 “(9) *REQUIREMENTS.*—

9 “(A) *PROJECT TREATMENT.*—*Notwith-*
10 *standing any other provision of law, any project*
11 *funded by a grant under this subsection shall be*
12 *treated as a project on a Federal-aid highway*
13 *under this chapter.*

14 “(B) *SIGNS.*—*Any traffic control device or*
15 *on-premises sign acquired, installed, or operated*
16 *with a grant under this subsection shall comply*
17 *with—*

18 “(i) *the Manual on Uniform Traffic*
19 *Control Devices, if located in the right-of-*
20 *way; and*

21 “(ii) *other provisions of Federal, State,*
22 *and local law, as applicable.*

23 “(10) *FEDERAL SHARE.*—

24 “(A) *IN GENERAL.*—*The Federal share of*
25 *the cost of a project carried out with a grant*

1 *under this subsection shall not exceed 80 percent*
2 *of the total project cost.*

3 “(B) *RESPONSIBILITY OF PRIVATE ENTI-*
4 *TY.—As a condition of contracting with an eligi-*
5 *ble entity under paragraph (6) or (8), a private*
6 *entity shall agree to pay the share of the cost of*
7 *a project carried out with a grant under this*
8 *subsection that is not paid by the Federal Gov-*
9 *ernment under subparagraph (A).*

10 “(11) *REPORT.—Not later than 3 years after the*
11 *date of enactment of this subsection, the Secretary*
12 *shall submit to the Committee on Environment and*
13 *Public Works of the Senate and the Committee on*
14 *Transportation and Infrastructure of the House of*
15 *Representatives and make publicly available a report*
16 *on the progress and implementation of this sub-*
17 *section.”.*

18 **SEC. 11402. REDUCTION OF TRUCK EMISSIONS AT PORT FA-**
19 **CILITIES.**

20 (a) *ESTABLISHMENT OF PROGRAM.—*

21 (1) *IN GENERAL.—The Secretary shall establish*
22 *a program to reduce idling at port facilities, under*
23 *which the Secretary shall—*

24 (A) *study how ports and intermodal port*
25 *transfer facilities would benefit from increased*

1 *opportunities to reduce emissions at ports, in-*
2 *cluding through the electrification of port oper-*
3 *ations;*

4 *(B) study emerging technologies and strate-*
5 *gies that may help reduce port-related emissions*
6 *from idling trucks; and*

7 *(C) coordinate and provide funding to test,*
8 *evaluate, and deploy projects that reduce port-re-*
9 *lated emissions from idling trucks, including*
10 *through the advancement of port electrification*
11 *and improvements in efficiency, focusing on port*
12 *operations, including heavy-duty commercial ve-*
13 *hicles, and other related projects.*

14 *(2) CONSULTATION.—In carrying out the pro-*
15 *gram under this subsection, the Secretary may con-*
16 *sult with the Secretary of Energy and the Adminis-*
17 *trator of the Environmental Protection Agency.*

18 *(b) GRANTS.—*

19 *(1) IN GENERAL.—In carrying out subsection*
20 *(a)(1)(C), the Secretary shall award grants to fund*
21 *projects that reduce emissions at ports, including*
22 *through the advancement of port electrification.*

23 *(2) COST SHARE.—A grant awarded under para-*
24 *graph (1) shall not exceed 80 percent of the total cost*
25 *of the project funded by the grant.*

1 (3) *COORDINATION.*—*In carrying out the grant*
2 *program under this subsection, the Secretary shall—*

3 (A) *to the maximum extent practicable, le-*
4 *verage existing resources and programs of the*
5 *Department and other relevant Federal agencies;*
6 *and*

7 (B) *coordinate with other Federal agencies,*
8 *as the Secretary determines to be appropriate.*

9 (4) *APPLICATION; SELECTION.*—

10 (A) *APPLICATION.*—*The Secretary shall so-*
11 *licit applications for grants under paragraph (1)*
12 *at such time, in such manner, and containing*
13 *such information as the Secretary determines to*
14 *be necessary.*

15 (B) *SELECTION.*—*The Secretary shall make*
16 *grants under paragraph (1) by not later than*
17 *April 1 of each fiscal year for which funding is*
18 *made available.*

19 (5) *REQUIREMENT.*—*Notwithstanding any other*
20 *provision of law, any project funded by a grant under*
21 *this subsection shall be treated as a project on a Fed-*
22 *eral-aid highway under chapter 1 of title 23, United*
23 *States Code.*

24 (c) *REPORT.*—*Not later than 1 year after the date on*
25 *which all of the projects funded with a grant under sub-*

1 *section (b) are completed, the Secretary shall submit to Con-*
 2 *gress a report that includes—*

3 *(1) the findings of the studies described in sub-*
 4 *paragraphs (A) and (B) of subsection (a)(1);*

5 *(2) the results of the projects that received a*
 6 *grant under subsection (b);*

7 *(3) any recommendations for workforce develop-*
 8 *ment and training opportunities with respect to port*
 9 *electrification; and*

10 *(4) any policy recommendations based on the*
 11 *findings and results described in paragraphs (1) and*
 12 *(2).*

13 **SEC. 11403. CARBON REDUCTION PROGRAM.**

14 *(a) IN GENERAL.—Chapter 1 of title 23, United States*
 15 *Code (as amended by section 11203(a)), is amended by add-*
 16 *ing at the end the following:*

17 **“§ 175. Carbon reduction program**

18 *“(a) DEFINITIONS.—In this section:*

19 *“(1) METROPOLITAN PLANNING ORGANIZATION;*
 20 *URBANIZED AREA.—The terms ‘metropolitan plan-*
 21 *ning organization’ and ‘urbanized area’ have the*
 22 *meaning given those terms in section 134(b).*

23 *“(2) TRANSPORTATION EMISSIONS.—The term*
 24 *‘transportation emissions’ means carbon dioxide emis-*

1 *sions from on-road highway sources of those emissions*
2 *within a State.*

3 “(3) *TRANSPORTATION MANAGEMENT AREA.*—
4 *The term ‘transportation management area’ means a*
5 *transportation management area identified or des-*
6 *ignated by the Secretary under section 134(k)(1).*

7 “(b) *ESTABLISHMENT.*—*The Secretary shall establish*
8 *a carbon reduction program to reduce transportation emis-*
9 *sions.*

10 “(c) *ELIGIBLE PROJECTS.*—

11 “(1) *IN GENERAL.*—*Subject to paragraph (2),*
12 *funds apportioned to a State under section 104(b)(7)*
13 *may be obligated for projects to support the reduction*
14 *of transportation emissions, including—*

15 “(A) *a project described in section 149(b)(4)*
16 *to establish or operate a traffic monitoring, man-*
17 *agement, and control facility or program, in-*
18 *cluding advanced truck stop electrification sys-*
19 *tems;*

20 “(B) *a public transportation project that is*
21 *eligible for assistance under section 142;*

22 “(C) *a project described in section*
23 *101(a)(29) (as in effect on the day before the*
24 *date of enactment of the FAST Act (Public Law*
25 *114–94; 129 Stat. 1312)), including the con-*

1 *struction, planning, and design of on-road and*
2 *off-road trail facilities for pedestrians, bicyclists,*
3 *and other nonmotorized forms of transportation;*

4 “*(D) a project described in section*
5 *503(c)(4)(E) for advanced transportation and*
6 *congestion management technologies;*

7 “*(E) a project for the deployment of infra-*
8 *structure-based intelligent transportation systems*
9 *capital improvements and the installation of ve-*
10 *hicle-to-infrastructure communications equip-*
11 *ment, including retrofitting dedicated short-*
12 *range communications (DSRC) technology de-*
13 *ployed as part of an existing pilot program to*
14 *cellular vehicle-to-everything (C-V2X) tech-*
15 *nology;*

16 “*(F) a project to replace street lighting and*
17 *traffic control devices with energy-efficient alter-*
18 *natives;*

19 “*(G) the development of a carbon reduction*
20 *strategy in accordance with subsection (d);*

21 “*(H) a project or strategy that is designed*
22 *to support congestion pricing, shifting transpor-*
23 *tation demand to nonpeak hours or other trans-*
24 *portation modes, increasing vehicle occupancy*
25 *rates, or otherwise reducing demand for roads,*

1 including electronic toll collection, and travel de-
2 mand management strategies and programs;

3 “(I) efforts to reduce the environmental and
4 community impacts of freight movement;

5 “(J) a project to support deployment of al-
6 ternative fuel vehicles, including—

7 “(i) the acquisition, installation, or op-
8 eration of publicly accessible electric vehicle
9 charging infrastructure or hydrogen, nat-
10 ural gas, or propane vehicle fueling infra-
11 structure; and

12 “(ii) the purchase or lease of zero-emis-
13 sion construction equipment and vehicles,
14 including the acquisition, construction, or
15 leasing of required supporting facilities;

16 “(K) a project described in section 149(b)(8)
17 for a diesel engine retrofit;

18 “(L) a project described in section 149(b)(5)
19 that does not result in the construction of new
20 capacity; and

21 “(M) a project that reduces transportation
22 emissions at port facilities, including through the
23 advancement of port electrification.

24 “(2) FLEXIBILITY.—In addition to the eligible
25 projects under paragraph (1), a State may use funds

1 *apportioned under section 104(b)(7) for a project eli-*
2 *gible under section 133(b) if the Secretary certifies*
3 *that the State has demonstrated a reduction in trans-*
4 *portation emissions—*

5 *“(A) as estimated on a per capita basis;*

6 *and*

7 *“(B) as estimated on a per unit of economic*
8 *output basis.*

9 *“(d) CARBON REDUCTION STRATEGY.—*

10 *“(1) IN GENERAL.—Not later than 2 years after*
11 *the date of enactment of the Surface Transportation*
12 *Reauthorization Act of 2021, a State, in consultation*
13 *with any metropolitan planning organization des-*
14 *ignated within the State, shall develop a carbon re-*
15 *duction strategy in accordance with this subsection.*

16 *“(2) REQUIREMENTS.—The carbon reduction*
17 *strategy of a State developed under paragraph (1)*
18 *shall—*

19 *“(A) support efforts to reduce transpor-*
20 *tation emissions;*

21 *“(B) identify projects and strategies to re-*
22 *duce transportation emissions, which may in-*
23 *clude projects and strategies for safe, reliable,*
24 *and cost-effective options—*

1 “(i) to reduce traffic congestion by fa-
2 cilitating the use of alternatives to single-oc-
3 cupant vehicle trips, including public trans-
4 portation facilities, pedestrian facilities, bi-
5 cycle facilities, and shared or pooled vehicle
6 trips within the State or an area served by
7 the applicable metropolitan planning orga-
8 nization, if any;

9 “(ii) to facilitate the use of vehicles or
10 modes of travel that result in lower trans-
11 portation emissions per person-mile traveled
12 as compared to existing vehicles and modes;
13 and

14 “(iii) to facilitate approaches to the
15 construction of transportation assets that
16 result in lower transportation emissions as
17 compared to existing approaches;

18 “(C) support the reduction of transportation
19 emissions of the State;

20 “(D) at the discretion of the State, quantify
21 the total carbon emissions from the production,
22 transport, and use of materials used in the con-
23 struction of transportation facilities within the
24 State; and

1 “(E) be appropriate to the population den-
2 sity and context of the State, including any met-
3 ropolitan planning organization designated
4 within the State.

5 “(3) *UPDATES.*—The carbon reduction strategy
6 of a State developed under paragraph (1) shall be up-
7 dated not less frequently than once every 4 years.

8 “(4) *REVIEW.*—Not later than 90 days after the
9 date on which a State submits a request for the ap-
10 proval of a carbon reduction strategy developed by the
11 State under paragraph (1), the Secretary shall—

12 “(A) review the process used to develop the
13 carbon reduction strategy; and

14 “(B)(i) certify that the carbon reduction
15 strategy meets the requirements of paragraph
16 (2); or

17 “(ii) deny certification of the carbon reduc-
18 tion strategy and specify the actions necessary
19 for the State to take to correct the deficiencies in
20 the process of the State in developing the carbon
21 reduction strategy.

22 “(5) *TECHNICAL ASSISTANCE.*—At the request of
23 a State, the Secretary shall provide technical assist-
24 ance in the development of the carbon reduction strat-
25 egy under paragraph (1).

1 “(e) *SUBALLOCATION.*—

2 “(1) *IN GENERAL.*—*For each fiscal year, of the*
3 *funds apportioned to the State under section*
4 *104(b)(7)—*

5 “(A) *65 percent shall be obligated, in pro-*
6 *portion to their relative shares of the population*
7 *of the State—*

8 “(i) *in urbanized areas of the State*
9 *with an urbanized area population of more*
10 *than 200,000;*

11 “(ii) *in urbanized areas of the State*
12 *with an urbanized population of not less*
13 *than 50,000 and not more than 200,000;*

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

17 “(iv) *in other areas of the State with*
18 *a population of less than 5,000; and*

19 “(B) *the remainder may be obligated in*
20 *any area of the State.*

21 “(2) *METROPOLITAN AREAS.*—*Funds attributed*
22 *to an urbanized area under paragraph (1)(A)(i) may*
23 *be obligated in the metropolitan area established*
24 *under section 134 that encompasses the urbanized*
25 *area.*

1 “(3) *DISTRIBUTION AMONG URBANIZED AREAS*
2 *OF OVER 50,000 POPULATION.*—

3 “(A) *IN GENERAL.*—*Except as provided in*
4 *subparagraph (B), the amounts that a State is*
5 *required to obligate under clauses (i) and (ii) of*
6 *paragraph (1)(A) shall be obligated in urbanized*
7 *areas described in those clauses based on the rel-*
8 *ative population of the areas.*

9 “(B) *OTHER FACTORS.*—*The State may ob-*
10 *ligate the funds described in subparagraph (A)*
11 *based on other factors if—*

12 “(i) *the State and the relevant metro-*
13 *politan planning organizations jointly*
14 *apply to the Secretary for the permission to*
15 *base the obligation on other factors; and*

16 “(ii) *the Secretary grants the request.*

17 “(4) *COORDINATION IN URBANIZED AREAS.*—*Be-*
18 *fore obligating funds for an eligible project under sub-*
19 *section (c) in an urbanized area that is not a trans-*
20 *portation management area, a State shall coordinate*
21 *with any metropolitan planning organization that*
22 *represents the urbanized area prior to determining*
23 *which activities should be carried out under the*
24 *project.*

1 “(5) *CONSULTATION IN RURAL AREAS.*—*Before*
2 *obligating funds for an eligible project under sub-*
3 *section (c) in a rural area, a State shall consult with*
4 *any regional transportation planning organization or*
5 *metropolitan planning organization that represents*
6 *the rural area prior to determining which activities*
7 *should be carried out under the project.*

8 “(6) *OBLIGATION AUTHORITY.*—

9 “(A) *IN GENERAL.*—*A State that is required*
10 *to obligate in an urbanized area with an urban-*
11 *ized area population of 50,000 or more under*
12 *this subsection funds apportioned to the State*
13 *under section 104(b)(7) shall make available*
14 *during the period of fiscal years 2022 through*
15 *2026 an amount of obligation authority distrib-*
16 *uted to the State for Federal-aid highways and*
17 *highway safety construction programs for use in*
18 *the area that is equal to the amount obtained by*
19 *multiplying—*

20 “(i) *the aggregate amount of funds that*
21 *the State is required to obligate in the area*
22 *under this subsection during the period; and*

23 “(ii) *the ratio that—*

24 “(I) *the aggregate amount of obli-*
25 *gation authority distributed to the*

1 *State for Federal-aid highways and*
2 *highway safety construction programs*
3 *during the period; bears to*

4 “(II) *the total of the sums appor-*
5 *tioned to the State for Federal-aid*
6 *highways and highway safety construc-*
7 *tion programs (excluding sums not*
8 *subject to an obligation limitation)*
9 *during the period.*

10 “(B) *JOINT RESPONSIBILITY.—Each State,*
11 *each affected metropolitan planning organiza-*
12 *tion, and the Secretary shall jointly ensure com-*
13 *pliance with subparagraph (A).*

14 “(f) *FEDERAL SHARE.—The Federal share of the cost*
15 *of a project carried out using funds apportioned to a State*
16 *under section 104(b)(7) shall be determined in accordance*
17 *with section 120.*

18 “(g) *TREATMENT OF PROJECTS.—Notwithstanding*
19 *any other provision of law, a project assisted under this*
20 *section shall be treated as a project on a Federal-aid high-*
21 *way under this chapter.”.*

22 “(b) *CLERICAL AMENDMENT.—The analysis for chapter*
23 *1 of title 23, United States Code (as amended by section*
24 *11203(b)) is amended by inserting after the item relating*
25 *to section 174 the following:*

 “175. *Carbon reduction program.*”.

1 **SEC. 11404. CONGESTION RELIEF PROGRAM.**

2 (a) *IN GENERAL.*—Section 129 of title 23, United
3 States Code, is amended by adding at the end the following:

4 “(d) *CONGESTION RELIEF PROGRAM.*—

5 “(1) *DEFINITIONS.*—In this subsection:

6 “(A) *ELIGIBLE ENTITY.*—The term ‘eligible
7 entity’ means any of the following:

8 “(i) A State, for the purpose of car-
9 rying out a project in an urbanized area
10 with a population of more than 1,000,000.

11 “(ii) A metropolitan planning organi-
12 zation, city, or municipality, for the pur-
13 pose of carrying out a project in an urban-
14 ized area with a population of more than
15 1,000,000.

16 “(B) *INTEGRATED CONGESTION MANAGE-*
17 *MENT SYSTEM.*—The term ‘integrated congestion
18 management system’ means a system for the in-
19 tegration of management and operations of a re-
20 gional transportation system that includes, at a
21 minimum, traffic incident management, work
22 zone management, traffic signal timing, man-
23 aged lanes, real-time traveler information, and
24 active traffic management, in order to maximize
25 the capacity of all facilities and modes across the
26 applicable region.

1 “(C) *PROGRAM.*—The term ‘program’
2 means the congestion relief program established
3 under paragraph (2).

4 “(2) *ESTABLISHMENT.*—The Secretary shall es-
5 tablish a congestion relief program to provide discre-
6 tionary grants to eligible entities to advance innova-
7 tive, integrated, and multimodal solutions to conges-
8 tion relief in the most congested metropolitan areas of
9 the United States.

10 “(3) *PROGRAM GOALS.*—The goals of the pro-
11 gram are to reduce highway congestion, reduce eco-
12 nomic and environmental costs associated with that
13 congestion, including transportation emissions, and
14 optimize existing highway capacity and usage of
15 highway and transit systems through—

16 “(A) *improving intermodal integration with*
17 *highways, highway operations, and highway per-*
18 *formance;*

19 “(B) *reducing or shifting highway users to*
20 *off-peak travel times or to nonhighway travel*
21 *modes during peak travel times; and*

22 “(C) *pricing of, or based on, as applica-*
23 *ble—*

24 “(i) *parking;*

1 “(ii) use of roadways, including in
2 designated geographic zones; or

3 “(iii) congestion.

4 “(4) *ELIGIBLE PROJECTS.*—Funds from a grant
5 under the program may be used for a project or an
6 integrated collection of projects, including planning,
7 design, implementation, and construction activities,
8 to achieve the program goals under paragraph (3), in-
9 cluding—

10 “(A) deployment and operation of an inte-
11 grated congestion management system;

12 “(B) deployment and operation of a system
13 that implements or enforces high occupancy vehi-
14 cle toll lanes, cordon pricing, parking pricing, or
15 congestion pricing;

16 “(C) deployment and operation of mobility
17 services, including establishing account-based fi-
18 nancial systems, commuter buses, commuter
19 vans, express operations, paratransit, and on-de-
20 mand microtransit; and

21 “(D) incentive programs that encourage
22 travelers to carpool, use nonhighway travel
23 modes during peak period, or travel during
24 nonpeak periods.

25 “(5) *APPLICATION; SELECTION.*—

1 “(A) *APPLICATION.*—To be eligible to re-
2 ceive a grant under the program, an eligible en-
3 tity shall submit to the Secretary an application
4 at such time, in such manner, and containing
5 such information as the Secretary may require.

6 “(B) *PRIORITY.*—In providing grants under
7 the program, the Secretary shall give priority to
8 projects in urbanized areas that are experiencing
9 a high degree of recurrent congestion.

10 “(C) *FEDERAL SHARE.*—The Federal share
11 of the cost of a project carried out with a grant
12 under the program shall not exceed 80 percent of
13 the total project cost.

14 “(D) *MINIMUM AWARD.*—A grant provided
15 under the program shall be not less than
16 \$10,000,000.

17 “(6) *USE OF TOLLING.*—

18 “(A) *IN GENERAL.*—Notwithstanding sub-
19 section (a)(1) and section 301 and subject to sub-
20 paragraphs (B) and (C), the Secretary shall
21 allow the use of tolls on the Interstate System as
22 part of a project carried out with a grant under
23 the program.

1 “(B) *REQUIREMENTS.*—*The Secretary may*
2 *only approve the use of tolls under subparagraph*
3 *(A) if—*

4 “(i) *the eligible entity has authority*
5 *under State, and if applicable, local, law to*
6 *assess the applicable toll;*

7 “(ii) *the maximum toll rate for any*
8 *vehicle class is not greater than the product*
9 *obtained by multiplying—*

10 “(I) *the toll rate for any other ve-*
11 *hicle class; and*

12 “(II) *5;*

13 “(iii) *the toll rates are not charged or*
14 *varied on the basis of State residency;*

15 “(iv) *the Secretary determines that the*
16 *use of tolls will enable the eligible entity to*
17 *achieve the program goals under paragraph*
18 *(3) without a significant impact to safety*
19 *or mobility within the urbanized area in*
20 *which the project is located; and*

21 “(v) *the use of toll revenues complies*
22 *with subsection (a)(3).*

23 “(C) *LIMITATION.*—*The Secretary may not*
24 *approve the use of tolls on the Interstate System*

1 under the program in more than 10 urbanized
2 areas.

3 “(7) *FINANCIAL EFFECTS ON LOW-INCOME DRIV-*
4 *ERS.*—A project under the program—

5 “(A) shall include, if appropriate, an anal-
6 ysis of the potential effects of the project on low-
7 income drivers; and

8 “(B) may include mitigation measures to
9 deal with any potential adverse financial effects
10 on low-income drivers.”.

11 (b) *HIGH OCCUPANCY VEHICLE USE OF CERTAIN*
12 *TOLL FACILITIES.*—Section 129(a) of title 23, United
13 *States Code, is amended—*

14 (1) by redesignating paragraph (10) as para-
15 graph (11); and

16 (2) by inserting after paragraph (9) the fol-
17 lowing:

18 “(10) *HIGH OCCUPANCY VEHICLE USE OF CER-*
19 *TAIN TOLL FACILITIES.*—Notwithstanding section
20 102(a), in the case of a toll facility that is on the
21 Interstate System and that is constructed or converted
22 after the date of enactment of the Surface Transpor-
23 tation Reauthorization Act of 2021, the public author-
24 ity with jurisdiction over the toll facility shall allow
25 high occupancy vehicles, transit, and paratransit ve-

1 *hicles to use the facility at a discount rate or without*
 2 *charge, unless the public authority, in consultation*
 3 *with the Secretary, determines that the number of*
 4 *those vehicles using the facility reduces the travel time*
 5 *reliability of the facility.”.*

6 **SEC. 11405. PROMOTING RESILIENT OPERATIONS FOR**
 7 **TRANSFORMATIVE, EFFICIENT, AND COST-**
 8 **SAVING TRANSPORTATION (PROTECT) PRO-**
 9 **GRAM.**

10 *(a) IN GENERAL.—Chapter 1 of title 23, United States*
 11 *Code (as amended by section 11403(a)), is amended by add-*
 12 *ing at the end the following:*

13 **“§176. Promoting Resilient Operations for Trans-**
 14 **formative, Efficient, and Cost-saving**
 15 **Transportation (PROTECT) program**

16 *“(a) DEFINITIONS.—In this section:*

17 *“(1) EMERGENCY EVENT.—The term ‘emergency*
 18 *event’ means a natural disaster or catastrophic fail-*
 19 *ure resulting in—*

20 *“(A) an emergency declared by the Governor*
 21 *of the State in which the disaster or failure oc-*
 22 *curred; or*

23 *“(B) an emergency or disaster declared by*
 24 *the President.*

1 “(2) *EVACUATION ROUTE.*—*The term ‘evacuation*
2 *route’ means a transportation route or system that—*

3 “(A) *is owned, operated, or maintained by*
4 *a Federal, State, Tribal, or local government;*

5 “(B) *is used—*

6 “(i) *to transport the public away from*
7 *emergency events; or*

8 “(ii) *to transport emergency responders*
9 *and recovery resources; and*

10 “(C) *is designated by the eligible entity*
11 *with jurisdiction over the area in which the*
12 *route is located for the purposes described in sub-*
13 *paragraph (B).*

14 “(3) *PROGRAM.*—*The term ‘program’ means the*
15 *program established under subsection (b)(1).*

16 “(4) *RESILIENCE IMPROVEMENT.*—*The term ‘re-*
17 *silience improvement’ means the use of materials or*
18 *structural or nonstructural techniques, including nat-*
19 *ural infrastructure—*

20 “(A) *that allow a project—*

21 “(i) *to better anticipate, prepare for,*
22 *and adapt to changing conditions and to*
23 *withstand and respond to disruptions; and*

24 “(ii) *to be better able to continue to*
25 *serve the primary function of the project*

1 *during and after weather events and nat-*
2 *ural disasters for the expected life of the*
3 *project; or*

4 “(B) that—

5 “(i) *reduce the magnitude and dura-*
6 *tion of impacts of current and future weath-*
7 *er events and natural disasters to a project;*
8 *or*

9 “(ii) *have the absorptive capacity,*
10 *adaptive capacity, and recoverability to de-*
11 *crease project vulnerability to current and*
12 *future weather events or natural disasters.*

13 “(b) *ESTABLISHMENT.—*

14 “(1) *IN GENERAL.—The Secretary shall establish*
15 *a program, to be known as the ‘Promoting Resilient*
16 *Operations for Transformative, Efficient, and Cost-*
17 *saving Transportation program’ or the ‘PROTECT*
18 *program’.*

19 “(2) *PURPOSE.—The purpose of the program is*
20 *to provide grants for resilience improvements*
21 *through—*

22 “(A) *formula funding distributed to States*
23 *to carry out subsection (c);*

24 “(B) *competitive planning grants to enable*
25 *communities to assess vulnerabilities to current*

1 *and future weather events and natural disasters*
2 *and changing conditions, including sea level rise,*
3 *and plan transportation improvements and*
4 *emergency response strategies to address those*
5 *vulnerabilities; and*

6 “(C) *competitive resilience improvement*
7 *grants to protect—*

8 “(i) *surface transportation assets by*
9 *making the assets more resilient to current*
10 *and future weather events and natural dis-*
11 *asters, such as severe storms, flooding,*
12 *drought, levee and dam failures, wildfire,*
13 *rockslides, mudslides, sea level rise, extreme*
14 *weather, including extreme temperature,*
15 *and earthquakes;*

16 “(ii) *communities through resilience*
17 *improvements and strategies that allow for*
18 *the continued operation or rapid recovery of*
19 *surface transportation systems that—*

20 “(I) *serve critical local, regional,*
21 *and national needs, including evacu-*
22 *ation routes; and*

23 “(II) *provide access or service to*
24 *hospitals and other medical or emer-*
25 *gency service facilities, major employ-*

1 *ers, critical manufacturing centers,*
 2 *ports and intermodal facilities, utili-*
 3 *ties, and Federal facilities;*

4 *“(iii) coastal infrastructure, such as a*
 5 *tide gate to protect highways, that is at*
 6 *long-term risk to sea level rise; and*

7 *“(iv) natural infrastructure that pro-*
 8 *TECTS and enhances surface transportation*
 9 *assets while improving ecosystem condi-*
 10 *tions, including culverts that ensure ade-*
 11 *quate flows in rivers and estuarine systems.*

12 *“(c) ELIGIBLE ACTIVITIES FOR APPORTIONED FUND-*
 13 *ING.—*

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 eligible*
 17 *under subparagraph (A), (B), or (C) of subsection*
 18 *(d)(4).*

19 *“(2) PLANNING SET-ASIDE.—Of the funds appor-*
 20 *tioned to a State under section 104(b)(8) for each fis-*
 21 *cal year, not less than 2 percent shall be for activities*
 22 *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; and*

6 “(ii) *indicate to the Secretary whether*
7 *the State plans to implement 1 or more*
8 *components of the risk mitigation plan*
9 *under section 322 of the Robert T. Stafford*
10 *Disaster Relief and Emergency Assistance*
11 *Act (42 U.S.C. 5165) with respect to the*
12 *area.*

13 “(B) *ELIGIBILITIES.—A State shall use*
14 *funds apportioned to the State under section*
15 *104(b)(8) for—*

16 “(i) *a highway project eligible for as-*
17 *sistance under this title;*

18 “(ii) *a public transportation facility*
19 *or service eligible for assistance under chap-*
20 *ter 53 of title 49; or*

21 “(iii) *a port facility, including a facil-*
22 *ity that—*

23 “(I) *connects a port to other*
24 *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 construc-
8 tion or modification of storm surge, flood protec-
9 tion, or aquatic ecosystem restoration elements
10 that are functionally connected to a transpor-
11 tation 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; and

22 “(v) improving functionality and resil-
23 iency of stormwater controls, including in-
24 ventory inspections, upgrades to, and pres-
25 ervation of best management practices to

1 *protect surface transportation infrastruc-*
2 *ture.*

3 “(D) *FEDERAL COST SHARE.*—

4 “(i) *IN GENERAL.*—*Except as provided*
5 *in subsection (e)(1), the Federal share of the*
6 *cost of a project carried out using funds ap-*
7 *portioned to the State under section*
8 *104(b)(8) shall not exceed 80 percent of the*
9 *total project cost.*

10 “(ii) *NON-FEDERAL SHARE.*—*A State*
11 *may use Federal funds other than Federal*
12 *funds apportioned to the State under sec-*
13 *tion 104(b)(8) to meet the non-Federal cost*
14 *share requirement for a project under this*
15 *subsection.*

16 “(E) *ELIGIBLE PROJECT COSTS.*—

17 “(i) *IN GENERAL.*—*Except as provided*
18 *in clause (ii), eligible project costs for ac-*
19 *tivities carried out by a State with funds*
20 *apportioned to the State under section*
21 *104(b)(8) may include the costs of—*

22 “(I) *development phase activities,*
23 *including planning, feasibility anal-*
24 *ysis, revenue forecasting, environ-*
25 *mental review, preliminary engineer-*

1 *ing and design work, and other*
2 *preconstruction activities; and*

3 *“(II) construction, reconstruction,*
4 *rehabilitation, and acquisition of real*
5 *property (including land related to the*
6 *project and improvements to land), en-*
7 *vironmental mitigation, construction*
8 *contingencies, acquisition of equipment*
9 *directly related to improving system*
10 *performance, and operational improve-*
11 *ments.*

12 *“(ii) ELIGIBLE PLANNING COSTS.—In*
13 *the case of a planning activity described in*
14 *subsection (d)(3) that is carried out by a*
15 *State with funds apportioned to the State*
16 *under section 104(b)(8), eligible costs may*
17 *include development phase activities, in-*
18 *cluding planning, feasibility analysis, rev-*
19 *enue forecasting, environmental review, pre-*
20 *liminary engineering and design work,*
21 *other preconstruction activities, and other*
22 *activities consistent with carrying out the*
23 *purposes of subsection (d)(3).*

24 *“(F) LIMITATIONS.—A State—*

1 “(i) may use not more than 40 percent
2 of the amounts apportioned to the State
3 under section 104(b)(8) for the construction
4 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 (2).

15 “(2) *ELIGIBLE ENTITIES.*—Except as provided
16 in paragraph (4)(C), the Secretary may make a grant
17 under this subsection to any of the following:

18 “(A) A State or political subdivision of a
19 State.

20 “(B) A metropolitan planning organization.

21 “(C) A unit of local government.

22 “(D) A special purpose district or public
23 authority with a transportation function, includ-
24 ing a port authority.

1 “(E) *An Indian tribe (as defined in section*
2 *207(m)(1)).*

3 “(F) *A Federal land management agency*
4 *that applies jointly with a State or group of*
5 *States.*

6 “(G) *A multi-State or multijurisdictional*
7 *group of entities described in subparagraphs (A)*
8 *through (F).*

9 “(3) *PLANNING GRANTS.—Using funds made*
10 *available under this subsection, the Secretary shall*
11 *provide planning grants to eligible entities for the*
12 *purpose of—*

13 “(A) *in the case of a State or metropolitan*
14 *planning organization, developing a resilience*
15 *improvement plan under subsection (e)(2);*

16 “(B) *resilience planning, predesign, design,*
17 *or the development of data tools to simulate*
18 *transportation disruption scenarios, including*
19 *vulnerability assessments;*

20 “(C) *technical capacity building by the eli-*
21 *gible entity to facilitate the ability of the eligible*
22 *entity to assess the vulnerabilities of the surface*
23 *transportation assets and community response*
24 *strategies of the eligible entity under current con-*

1 *ditions and a range of potential future condi-*
2 *tions; or*

3 “(D) *evacuation planning and preparation.*

4 “(4) *RESILIENCE GRANTS.—*

5 “(A) *RESILIENCE IMPROVEMENT GRANTS.—*

6 “(i) *IN GENERAL.—Using funds made*
7 *available under this subsection, the Sec-*
8 *retary shall provide resilience improvement*
9 *grants to eligible entities to carry out 1 or*
10 *more eligible activities under clause (ii).*

11 “(ii) *ELIGIBLE ACTIVITIES.—*

12 “(I) *IN GENERAL.—An eligible en-*
13 *tity may use a resilience improvement*
14 *grant under this subparagraph for 1 or*
15 *more construction activities to improve*
16 *the ability of an existing surface trans-*
17 *portation asset to withstand 1 or more*
18 *elements of a weather event or natural*
19 *disaster, or to increase the resilience of*
20 *surface transportation infrastructure*
21 *from the impacts of changing condi-*
22 *tions, such as sea level rise, flooding,*
23 *wildfires, extreme weather events, and*
24 *other natural disasters.*

1 “(II) *INCLUSIONS.*—*An activity*
2 *eligible to be carried out under this*
3 *subparagraph includes—*

4 “(aa) *resurfacing, restora-*
5 *tion, rehabilitation, reconstruc-*
6 *tion, replacement, improvement,*
7 *or realignment of an existing sur-*
8 *face transportation facility eligi-*
9 *ble for assistance under this title;*

10 “(bb) *the incorporation of*
11 *natural infrastructure;*

12 “(cc) *the upgrade of an exist-*
13 *ing surface transportation facility*
14 *to meet or exceed a design stand-*
15 *ard adopted by the Federal High-*
16 *way Administration;*

17 “(dd) *the installation of*
18 *mitigation measures that prevent*
19 *the intrusion of floodwaters into*
20 *surface transportation systems;*

21 “(ee) *strengthening systems*
22 *that remove rainwater from sur-*
23 *face transportation facilities;*

1 “(ff) upgrades to and instal-
2 lation of structural stormwater
3 controls;

4 “(gg) a resilience project that
5 addresses identified vulnerabilities
6 described in the resilience im-
7 provement plan of the eligible en-
8 tity, if applicable;

9 “(hh) relocating roadways in
10 a base floodplain to higher ground
11 above projected flood elevation lev-
12 els, or away from slide prone
13 areas;

14 “(ii) stabilizing slide areas
15 or slopes;

16 “(jj) installing riprap;

17 “(kk) lengthening or raising
18 bridges to increase waterway
19 openings, including to respond to
20 extreme weather;

21 “(ll) increasing the size or
22 number of drainage structures;

23 “(mm) installing seismic ret-
24 rofits on bridges;

1 “(nn) adding scour protec-
2 tion at bridges;

3 “(oo) adding scour, stream
4 stability, coastal, and other hy-
5 draulic countermeasures, includ-
6 ing spur dikes;

7 “(pp) vegetation manage-
8 ment practices in transportation
9 rights-of-way to improve roadway
10 safety, prevent against invasive
11 species, facilitate wildfire control,
12 and provide erosion control; and

13 “(qq) any other protective
14 features, including natural infra-
15 structure, as determined by the
16 Secretary.

17 “(iii) *PRIORITY.*—The Secretary shall
18 prioritize a resilience improvement grant to
19 an eligible entity if—

20 “(I) the Secretary determines—

21 “(aa) the benefits of the eligi-
22 ble activity proposed to be carried
23 out by the eligible entity exceed
24 the costs of the activity; and

1 “(bb) there is a need to ad-
2 dress the vulnerabilities of surface
3 transportation assets of the eligi-
4 ble entity with a high risk of, and
5 impacts associated with, failure
6 due to the impacts of weather
7 events, natural disasters, or
8 changing conditions, such as sea
9 level rise, wildfires, and increased
10 flood risk; or

11 “(II) the eligible activity proposed
12 to be carried out by the eligible entity
13 is included in the applicable resilience
14 improvement plan under subsection
15 (e)(2).

16 “(B) COMMUNITY RESILIENCE AND EVACU-
17 ATION ROUTE GRANTS.—

18 “(i) IN GENERAL.—Using funds made
19 available under this subsection, the Sec-
20 retary shall provide community resilience
21 and evacuation route grants to eligible enti-
22 ties to carry out 1 or more eligible activities
23 under clause (ii).

24 “(ii) ELIGIBLE ACTIVITIES.—An eligi-
25 ble entity may use a community resilience

1 *and evacuation route grant under this sub-*
2 *paragraph for 1 or more projects that*
3 *strengthen and protect evacuation routes*
4 *that are essential for providing and sup-*
5 *porting evacuations caused by emergency*
6 *events, including a project that—*

7 “(I) *is an eligible activity under*
8 *subparagraph (A)(i), if that eligible*
9 *activity will improve an evacuation*
10 *route;*

11 “(II) *ensures the ability of the*
12 *evacuation route to provide safe pas-*
13 *sage during an evacuation and reduces*
14 *the risk of damage to evacuation routes*
15 *as a result of future emergency events,*
16 *including restoring or replacing exist-*
17 *ing evacuation routes that are in poor*
18 *condition or not designed to meet the*
19 *anticipated demand during an emer-*
20 *gency event, and including steps to*
21 *protect routes from mud, rock, or other*
22 *debris slides;*

23 “(III) *if the eligible entity notifies*
24 *the Secretary that existing evacuation*
25 *routes are not sufficient to adequately*

1 *facilitate evacuations, including the*
2 *transportation of emergency responders*
3 *and recovery resources, expands the ca-*
4 *capacity of evacuation routes to swiftly*
5 *and safely accommodate evacuations,*
6 *including installation of—*

7 *“(aa) communications and*
8 *intelligent transportation system*
9 *equipment and infrastructure;*

10 *“(bb) counterflow measures;*

11 *or*

12 *“(cc) shoulders;*

13 *“(IV) is for the construction of*
14 *new or redundant evacuation routes, if*
15 *the eligible entity notifies the Secretary*
16 *that existing evacuation routes are not*
17 *sufficient to adequately facilitate evac-*
18 *uations, including the transportation*
19 *of emergency responders and recovery*
20 *resources;*

21 *“(V) is for the acquisition of evac-*
22 *uation route or traffic incident man-*
23 *agement equipment or signage; or*

24 *“(VI) will ensure access or service*
25 *to critical destinations, including hos-*

1 *pitals and other medical or emergency*
2 *service facilities, major employers, crit-*
3 *ical manufacturing centers, ports and*
4 *intermodal facilities, utilities, and*
5 *Federal facilities.*

6 “(iii) *PRIORITY.*—*The Secretary shall*
7 *prioritize community resilience and evacu-*
8 *ation route grants under this subparagraph*
9 *for eligible activities that are cost-effective,*
10 *as determined by the Secretary, taking into*
11 *account—*

12 “(I) *current and future*
13 *vulnerabilities to an evacuation route*
14 *due to future occurrence or recurrence*
15 *of emergency events that are likely to*
16 *occur in the geographic area in which*
17 *the evacuation route is located; and*

18 “(II) *projected changes in develop-*
19 *ment patterns, demographics, and ex-*
20 *treme weather events based on the best*
21 *available evidence and analysis.*

22 “(iv) *CONSULTATION.*—*In providing*
23 *grants for community resilience and evacu-*
24 *ation routes under this subparagraph, the*
25 *Secretary may consult with the Adminis-*

1 *trator of the Federal Emergency Manage-*
2 *ment Agency, who may provide technical*
3 *assistance to the Secretary and to eligible*
4 *entities.*

5 “(C) *AT-RISK COASTAL INFRASTRUCTURE*
6 *GRANTS.—*

7 “(i) *DEFINITION OF ELIGIBLE ENTI-*
8 *TY.—In this subparagraph, the term ‘eligi-*
9 *ble entity’ means any of the following:*

10 “(I) *A State (including the*
11 *United States Virgin Islands, Guam,*
12 *American Samoa, and the Common-*
13 *wealth of the Northern Mariana Is-*
14 *lands) in, or bordering on, the Atlan-*
15 *tic, Pacific, or Arctic Ocean, the Gulf*
16 *of Mexico, Long Island Sound, or 1 or*
17 *more of the Great Lakes.*

18 “(II) *A political subdivision of a*
19 *State described in subclause (I).*

20 “(III) *A metropolitan planning*
21 *organization in a State described in*
22 *subclause (I).*

23 “(IV) *A unit of local government*
24 *in a State described in subclause (I).*

1 “(V) *A special purpose district or*
2 *public authority with a transportation*
3 *function, including a port authority,*
4 *in a State described in subclause (I).*

5 “(VI) *An Indian tribe in a State*
6 *described in subclause (I).*

7 “(VII) *A Federal land manage-*
8 *ment agency that applies jointly with*
9 *a State or group of States described in*
10 *subclause (I).*

11 “(VIII) *A multi-State or multi-*
12 *jurisdictional group of entities de-*
13 *scribed in subclauses (I) through (VII).*

14 “(ii) *GRANTS.—Using funds made*
15 *available under this subsection, the Sec-*
16 *retary shall provide at-risk coastal infra-*
17 *structure grants to eligible entities to carry*
18 *out 1 or more eligible activities under clause*
19 *(iii).*

20 “(iii) *ELIGIBLE ACTIVITIES.—An eligi-*
21 *ble entity may use an at-risk coastal infra-*
22 *structure grant under this subparagraph for*
23 *strengthening, stabilizing, hardening, ele-*
24 *vating, relocating, or otherwise enhancing*
25 *the resilience of highway and non-rail in-*

1 *frastructure, including bridges, roads, pe-*
2 *destrian walkways, and bicycle lanes, and*
3 *associated infrastructure, such as culverts*
4 *and tide gates to protect highways, that are*
5 *subject to, or face increased long-term future*
6 *risks of, a weather event, a natural disaster,*
7 *or changing conditions, including coastal*
8 *flooding, coastal erosion, wave action, storm*
9 *surge, or sea level rise, in order to improve*
10 *transportation and public safety and to re-*
11 *duce costs by avoiding larger future mainte-*
12 *nance or rebuilding costs.*

13 “(iv) *CRITERIA.—The Secretary shall*
14 *provide at-risk coastal infrastructure grants*
15 *under this subparagraph for a project—*

16 *“(I) that addresses the risks from*
17 *a current or future weather event or*
18 *natural disaster, including coastal*
19 *flooding, coastal erosion, wave action,*
20 *storm surge, or sea level change; and*

21 *“(II) that reduces long-term infra-*
22 *structure costs by avoiding larger fu-*
23 *ture maintenance or rebuilding costs.*

24 “(v) *COASTAL BENEFITS.—In addition*
25 *to the criteria under clause (iv), for the pur-*

1 *pose of providing at-risk coastal infrastruc-*
2 *ture grants under this subparagraph, the*
3 *Secretary shall evaluate the extent to which*
4 *a project will provide—*

5 *“(I) access to coastal homes, busi-*
6 *nesses, communities, and other critical*
7 *infrastructure, including access by first*
8 *responders and other emergency per-*
9 *sonnel; or*

10 *“(II) access to a designated evacu-*
11 *ation route.*

12 *“(5) GRANT REQUIREMENTS.—*

13 *“(A) SOLICITATIONS FOR GRANTS.—In pro-*
14 *viding grants under this subsection, the Sec-*
15 *retary shall conduct a transparent and competi-*
16 *tive national solicitation process to select eligible*
17 *projects to receive grants under paragraph (3)*
18 *and subparagraphs (A), (B), and (C) of para-*
19 *graph (4).*

20 *“(B) APPLICATIONS.—*

21 *“(i) IN GENERAL.—To be eligible to re-*
22 *ceive a grant under paragraph (3) or sub-*
23 *paragraph (A), (B), or (C) of paragraph*
24 *(4), an eligible entity shall submit to the*
25 *Secretary an application in such form, at*

1 *such time, and containing such information*
2 *as the Secretary determines to be necessary.*

3 “(ii) *PROJECTS IN CERTAIN AREAS.—*

4 *If a project is proposed to be carried out by*
5 *the eligible entity, in whole or in part,*
6 *within a base floodplain, the eligible entity*
7 *shall—*

8 “(I) *as part of the application,*
9 *identify the floodplain in which the*
10 *project is to be located and disclose*
11 *that information to the Secretary; and*

12 “(II) *indicate in the application*
13 *whether, if selected, the eligible entity*
14 *will implement 1 or more components*
15 *of the risk mitigation plan under sec-*
16 *tion 322 of the Robert T. Stafford Dis-*
17 *aster Relief and Emergency Assistance*
18 *Act (42 U.S.C. 5165) with respect to*
19 *the area.*

20 “(C) *ELIGIBILITIES.—The Secretary may*
21 *make a grant under paragraph (3) or subpara-*
22 *graph (A), (B), or (C) of paragraph (4) only*
23 *for—*

24 “(i) *a highway project eligible for as-*
25 *sistance under this title;*

1 “(ii) a public transportation facility
2 or service eligible for assistance under chap-
3 ter 53 of title 49;

4 “(iii) a facility or service for intercity
5 rail passenger transportation (as defined in
6 section 24102 of title 49); or

7 “(iv) a port facility, including a facil-
8 ity that—

9 “(I) connects a port to other
10 modes of transportation;

11 “(II) improves the efficiency of
12 evacuations and disaster relief; or

13 “(III) aids transportation.

14 “(D) *SYSTEM RESILIENCE*.—A project for
15 which a grant is provided under paragraph (3)
16 or subparagraph (A), (B), or (C) of paragraph
17 (4) may include the use of natural infrastructure
18 or the construction or modification of storm
19 surge, flood protection, or aquatic ecosystem res-
20 toration elements that the Secretary determines
21 are functionally connected to a transportation
22 improvement, such as—

23 “(i) increasing marsh health and total
24 area adjacent to a highway right-of-way to
25 promote additional flood storage;

1 “(ii) upgrades to and installing of cul-
2 verts designed to withstand 100-year flood
3 events;

4 “(iii) upgrades to and installation of
5 tide gates to protect highways; and

6 “(iv) upgrades to and installation of
7 flood gates to protect tunnel entrances.

8 “(E) FEDERAL COST SHARE.—

9 “(i) PLANNING GRANT.—The Federal
10 share of the cost of a planning activity car-
11 ried out using a planning grant under
12 paragraph (3) shall be 100 percent.

13 “(ii) RESILIENCE GRANTS.—

14 “(I) IN GENERAL.—Except as pro-
15 vided in subclause (II) and subsection
16 (e)(1), the Federal share of the cost of
17 a project carried out using a grant
18 under subparagraph (A), (B), or (C) of
19 paragraph (4) shall not exceed 80 per-
20 cent of the total project cost.

21 “(II) TRIBAL PROJECTS.—On the
22 determination of the Secretary, the
23 Federal share of the cost of a project
24 carried out using a grant under sub-
25 paragraph (A), (B), or (C) of para-

1 *graph (4) by an Indian tribe (as de-*
2 *defined in section 207(m)(1)) may be up*
3 *to 100 percent.*

4 “(iii) *NON-FEDERAL SHARE.—The eli-*
5 *gible entity may use Federal funds other*
6 *than Federal funds provided under this sub-*
7 *section to meet the non-Federal cost share*
8 *requirement for a project carried out with a*
9 *grant under this subsection.*

10 “(F) *ELIGIBLE PROJECT COSTS.—*

11 “(i) *RESILIENCE GRANT PROJECTS.—*
12 *Eligible project costs for activities funded*
13 *with a grant under subparagraph (A), (B),*
14 *or (C) of paragraph (4) may include the*
15 *costs of—*

16 “(I) *development phase activities,*
17 *including planning, feasibility anal-*
18 *ysis, revenue forecasting, environ-*
19 *mental review, preliminary engineer-*
20 *ing and design work, and other*
21 *preconstruction activities; and*

22 “(II) *construction, reconstruction,*
23 *rehabilitation, and acquisition of real*
24 *property (including land related to the*
25 *project and improvements to land), en-*

1 *vironmental mitigation, construction*
2 *contingencies, acquisition of equipment*
3 *directly related to improving system*
4 *performance, and operational improve-*
5 *ments.*

6 “(ii) *PLANNING GRANTS.—Eligible*
7 *project costs for activities funded with a*
8 *grant under paragraph (3) may include the*
9 *costs of development phase activities, in-*
10 *cluding planning, feasibility analysis, rev-*
11 *enue forecasting, environmental review, pre-*
12 *liminary engineering and design work,*
13 *other preconstruction activities, and other*
14 *activities consistent with carrying out the*
15 *purposes of that paragraph.*

16 “(G) *LIMITATIONS.—*

17 “(i) *IN GENERAL.—An eligible entity*
18 *that receives a grant under subparagraph*
19 *(A), (B), or (C) of paragraph (4)—*

20 *“(I) may use not more than 40*
21 *percent of the amount of the grant for*
22 *the construction of new capacity; and*

23 *“(II) may use not more than 10*
24 *percent of the amount of the grant for*

1 *activities described in subparagraph*
2 *(F)(i)(I).*

3 “(ii) *LIMIT ON CERTAIN ACTIVITIES.—*

4 *For each fiscal year, not more than 25 per-*
5 *cent of the total amount provided under this*
6 *subsection may be used for projects de-*
7 *scribed in subparagraph (C)(iii).*

8 “(H) *DISTRIBUTION OF GRANTS.—*

9 “(i) *IN GENERAL.—Subject to the*
10 *availability of funds, an eligible entity may*
11 *request and the Secretary may distribute*
12 *funds for a grant under this subsection on*
13 *a multiyear basis, as the Secretary deter-*
14 *mines to be necessary.*

15 “(ii) *RURAL SET-ASIDE.—Of the*
16 *amounts made available to carry out this*
17 *subsection for each fiscal year, the Secretary*
18 *shall use not less than 25 percent for grants*
19 *for projects located in areas that are outside*
20 *an urbanized area with a population of*
21 *over 200,000.*

22 “(iii) *TRIBAL SET-ASIDE.—Of the*
23 *amounts made available to carry out this*
24 *subsection for each fiscal year, the Secretary*
25 *shall use not less than 2 percent for grants*

1 to Indian tribes (as defined in section
2 207(m)(1)).

3 “(iv) *REALLOCATION.*—For any fiscal
4 year, if the Secretary determines that the
5 amount described in clause (ii) or (iii) will
6 not be fully utilized for the grant described
7 in that clause, the Secretary may reallocate
8 the unutilized funds to provide grants to
9 other eligible entities under this subsection.

10 “(6) *CONSULTATION.*—In carrying out this sub-
11 section, the Secretary shall—

12 “(A) consult with the Assistant Secretary of
13 the Army for Civil Works, the Administrator of
14 the Environmental Protection Agency, the Sec-
15 retary of the Interior, and the Secretary of Com-
16 merce; and

17 “(B) solicit technical support from the Ad-
18 ministrator of the Federal Emergency Manage-
19 ment Agency.

20 “(7) *GRANT ADMINISTRATION.*—The Secretary
21 may—

22 “(A) retain not more than a total of 5 per-
23 cent of the funds made available to carry out
24 this subsection and to review applications for
25 grants under this subsection; and

1 “(B) transfer portions of the funds retained
2 under subparagraph (A) to the relevant Admin-
3 istrators to fund the award and oversight of
4 grants provided under this subsection.

5 “(e) *RESILIENCE IMPROVEMENT PLAN AND LOWER*
6 *NON-FEDERAL SHARE.*—

7 “(1) *FEDERAL SHARE REDUCTIONS.*—

8 “(A) *IN GENERAL.*—A State that receives
9 funds apportioned to the State under section
10 104(b)(8) or an eligible entity that receives a
11 grant under subsection (d) shall have the non-
12 Federal share of a project carried out with the
13 funds or grant, as applicable, reduced by an
14 amount described in subparagraph (B) if the
15 State or eligible entity meets the applicable re-
16 quirements under that subparagraph.

17 “(B) *AMOUNT OF REDUCTIONS.*—

18 “(i) *RESILIENCE IMPROVEMENT*
19 *PLAN.*—Subject to clause (iii), the amount
20 of the non-Federal share of the costs of a
21 project carried out with funds apportioned
22 to a State under section 104(b)(8) or a
23 grant under subsection (d) shall be reduced
24 by 7 percentage points if—

1 “(I) in the case of a State or an
2 eligible entity that is a State or a met-
3 ropolitan planning organization, the
4 State or eligible entity has—

5 “(aa) developed a resilience
6 improvement plan in accordance
7 with this subsection; and

8 “(bb) prioritized the project
9 on that resilience improvement
10 plan; and

11 “(II) in the case of an eligible en-
12 tity not described in subclause (I), the
13 eligible entity is located in a State or
14 an area served by a metropolitan plan-
15 ning organization that has—

16 “(aa) developed a resilience
17 improvement plan in accordance
18 with this subsection; and

19 “(bb) prioritized the project
20 on that resilience improvement
21 plan.

22 “(i) *INCORPORATION OF RESILIENCE*
23 *IMPROVEMENT PLAN IN OTHER PLANNING.—*
24 *Subject to clause (iii), the amount of the*
25 *non-Federal share of the cost of a project*

1 *carried out with funds under subsection (c)*
2 *or a grant under subsection (d) shall be re-*
3 *duced by 3 percentage points if—*

4 “(I) *in the case of a State or an*
5 *eligible entity that is a State or a met-*
6 *ropolitan planning organization, the*
7 *resilience improvement plan developed*
8 *in accordance with this subsection has*
9 *been incorporated into the metropoli-*
10 *tan transportation plan under section*
11 *134 or the long-range statewide trans-*
12 *portation plan under section 135, as*
13 *applicable; and*

14 “(II) *in the case of an eligible en-*
15 *tity not described in subclause (I), the*
16 *eligible entity is located in a State or*
17 *an area served by a metropolitan plan-*
18 *ning organization that incorporated a*
19 *resilience improvement plan into the*
20 *metropolitan transportation plan*
21 *under section 134 or the long-range*
22 *statewide transportation plan under*
23 *section 135, as applicable.*

24 “(iii) *LIMITATIONS.—*

1 “(I) *MAXIMUM REDUCTION.*—A
2 *State or eligible entity may not receive*
3 *a reduction under this paragraph of*
4 *more than 10 percentage points for*
5 *any single project carried out with*
6 *funds under subsection (c) or a grant*
7 *under subsection (d).*

8 “(II) *NO NEGATIVE NON-FEDERAL*
9 *SHARE.*—A reduction under this para-
10 *graph shall not reduce the non-Federal*
11 *share of the costs of a project carried*
12 *out with funds under subsection (c) or*
13 *a grant under subsection (d) to an*
14 *amount that is less than zero.*

15 “(2) *PLAN CONTENTS.*—A resilience improve-
16 *ment plan referred to in paragraph (1)—*

17 “(A) *shall be for the immediate and long-*
18 *range planning activities and investments of the*
19 *State or metropolitan planning organization*
20 *with respect to resilience of the surface transpor-*
21 *tation system within the boundaries of the State*
22 *or metropolitan planning organization, as appli-*
23 *cable;*

24 “(B) *shall demonstrate a systemic approach*
25 *to surface transportation system resilience and*

1 *be consistent with and complementary of the*
2 *State and local mitigation plans required under*
3 *section 322 of the Robert T. Stafford Disaster*
4 *Relief and Emergency Assistance Act (42 U.S.C.*
5 *5165);*

6 “(C) *shall include a risk-based assessment of*
7 *vulnerabilities of transportation assets and sys-*
8 *tems to current and future weather events and*
9 *natural disasters, such as severe storms, flooding,*
10 *drought, levee and dam failures, wildfire, rock-*
11 *slides, mudslides, sea level rise, extreme weather,*
12 *including extreme temperatures, and earth-*
13 *quakes;*

14 “(D) *may—*

15 “(i) *designate evacuation routes and*
16 *strategies, including multimodal facilities,*
17 *designated with consideration for individ-*
18 *uals without access to personal vehicles;*

19 “(ii) *plan for response to anticipated*
20 *emergencies, including plans for the mobil-*
21 *ity of—*

22 “(I) *emergency response personnel*
23 *and equipment; and*

1 “(II) access to emergency services,
2 including for vulnerable or disadvan-
3 taged populations;

4 “(iii) describe the resilience improve-
5 ment policies, including strategies, land-use
6 and zoning changes, investments in natural
7 infrastructure, or performance measures
8 that will inform the transportation invest-
9 ment decisions of the State or metropolitan
10 planning organization with the goal of in-
11 creasing resilience;

12 “(iv) include an investment plan
13 that—

14 “(I) includes a list of priority
15 projects; and

16 “(II) describes how funds appor-
17 tioned to the State under section
18 104(b)(8) or provided by a grant under
19 the program would be invested and
20 matched, which shall not be subject to
21 fiscal constraint requirements; and

22 “(v) use science and data and indicate
23 the source of data and methodologies; and

24 “(E) shall, as appropriate—

1 “(i) include a description of how the
2 plan will improve the ability of the State or
3 metropolitan planning organization—

4 “(I) to respond promptly to the
5 impacts of weather events and natural
6 disasters; and

7 “(II) to be prepared for changing
8 conditions, such as sea level rise and
9 increased flood risk;

10 “(ii) describe the codes, standards, and
11 regulatory framework, if any, adopted and
12 enforced to ensure resilience improvements
13 within the impacted area of proposed
14 projects included in the resilience improve-
15 ment plan;

16 “(iii) consider the benefits of com-
17 bining hard surface transportation assets,
18 and natural infrastructure, through coordi-
19 nated efforts by the Federal Government
20 and the States;

21 “(iv) assess the resilience of other com-
22 munity assets, including buildings and
23 housing, emergency management assets, and
24 energy, water, and communication infra-
25 structure;

1 “(v) use a long-term planning period;

2 and

3 “(vi) include such other information as
4 the State or metropolitan planning organi-
5 zation considers appropriate.

6 “(3) NO NEW PLANNING REQUIREMENTS.—*Not-*
7 *ing in this section requires a metropolitan planning*
8 *organization or a State to develop a resilience im-*
9 *provement plan or to include a resilience improve-*
10 *ment plan under the metropolitan transportation*
11 *plan under section 134 or the long-range statewide*
12 *transportation plan under section 135, as applicable,*
13 *of the metropolitan planning organization or State.*

14 “(f) MONITORING.—

15 “(1) IN GENERAL.—*Not later than 18 months*
16 *after the date of enactment of this section, the Sec-*
17 *retary shall—*

18 “(A) establish, for the purpose of evaluating
19 the effectiveness and impacts of projects carried
20 out with a grant under subsection (d)—

21 “(i) subject to paragraph (2), transpor-
22 tation and any other metrics as the Sec-
23 retary determines to be necessary; and

1 “(ii) procedures for monitoring and
2 evaluating projects based on those metrics;
3 and

4 “(B) select a representative sample of
5 projects to evaluate based on the metrics and
6 procedures established under subparagraph (A).

7 “(2) NOTICE.—Before adopting any metrics de-
8 scribed in paragraph (1), the Secretary shall—

9 “(A) publish the proposed metrics in the
10 Federal Register; and

11 “(B) provide to the public an opportunity
12 for comment on the proposed metrics.

13 “(g) REPORTS.—

14 “(1) REPORTS FROM ELIGIBLE ENTITIES.—Not
15 later than 1 year after the date on which a project
16 carried out with a grant under subsection (d) is com-
17 pleted, the eligible entity that carried out the project
18 shall submit to the Secretary a report on the results
19 of the project and the use of the funds awarded.

20 “(2) REPORTS TO CONGRESS.—

21 “(A) ANNUAL REPORTS.—The Secretary
22 shall submit to the Committee on Environment
23 and Public Works of the Senate and the Com-
24 mittee on Transportation and Infrastructure of
25 the House of Representatives, and publish on the

1 *website of the Department of Transportation, an*
2 *annual report that describes the implementation*
3 *of the program during the preceding calendar*
4 *year, including—*

5 “(i) *each project for which a grant was*
6 *provided under subsection (d);*

7 “(ii) *information relating to project*
8 *applications received;*

9 “(iii) *the manner in which the con-*
10 *sultation requirements were implemented*
11 *under subsection (d);*

12 “(iv) *recommendations to improve the*
13 *administration of subsection (d), including*
14 *whether assistance from additional or fewer*
15 *agencies to carry out the program is appro-*
16 *priate;*

17 “(v) *the period required to disburse*
18 *grant funds to eligible entities based on ap-*
19 *plicable Federal coordination requirements;*
20 *and*

21 “(vi) *a list of facilities that repeatedly*
22 *require repair or reconstruction due to*
23 *emergency events.*

24 “(B) *FINAL REPORT.—Not later than 5*
25 *years after the date of enactment of the Surface*

1 *Transportation Reauthorization Act of 2021, the*
2 *Secretary shall submit to Congress a report that*
3 *includes the results of the reports submitted*
4 *under subparagraph (A).*

5 “(h) *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 this chapter.”.*

9 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
10 *1 of title 23, United States Code (as amended by section*
11 *11403(b)), is amended by inserting after the item relating*
12 *to section 175 the following:*

“176. Promoting Resilient Operations for Transformative, Efficient, and Cost-sav-
ing Transportation (PROTECT) program.”.

13 **SEC. 11406. HEALTHY STREETS PROGRAM.**

14 (a) *DEFINITIONS.*—*In this section:*

15 (1) *COOL PAVEMENT.*—*The term “cool pave-*
16 *ment” means a pavement with reflective surfaces with*
17 *higher albedo to decrease the surface temperature of*
18 *that pavement.*

19 (2) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
20 *ty” means—*

21 (A) *a State;*

22 (B) *a metropolitan planning organization;*

23 (C) *a unit of local government;*

24 (D) *a Tribal government; and*

1 (E) a nonprofit organization working in co-
2 ordination with an entity described in subpara-
3 graphs (A) through (D).

4 (3) *LOW-INCOME COMMUNITY*.—The term “low-
5 income community” means a census block group in
6 which not less than 30 percent of the population lives
7 below the poverty line (as defined in section 673 of
8 the Community Services Block Grant Act (42 U.S.C.
9 9902)).

10 (4) *POROUS PAVEMENT*.—The term “porous
11 pavement” means a paved surface with a higher than
12 normal percentage of air voids to allow water to pass
13 through the surface and infiltrate into the subsoil.

14 (5) *PROGRAM*.—The term “program” means the
15 Healthy Streets program established under subsection
16 (b).

17 (6) *STATE*.—The term “State” has the meaning
18 given the term in section 101(a) of title 23, United
19 States Code.

20 (7) *TRIBAL GOVERNMENT*.—The term “Tribal
21 government” means the recognized governing body of
22 any Indian or Alaska Native tribe, band, nation,
23 pueblo, village, community, component band, or com-
24 ponent reservation, individually identified (including
25 parenthetically) in the list published most recently as

1 of the date of enactment of this Act pursuant to sec-
2 tion 104 of the Federally Recognized Indian Tribe
3 List Act of 1994 (25 U.S.C. 5131).

4 (b) *ESTABLISHMENT.*—The Secretary shall establish a
5 discretionary grant program, to be known as the “Healthy
6 Streets program”, to provide grants to eligible entities—

7 (1) to deploy cool pavements and porous pave-
8 ments; and

9 (2) to expand tree cover.

10 (c) *GOALS.*—The goals of the program are—

11 (1) to mitigate urban heat islands;

12 (2) to improve air quality; and

13 (3) to reduce—

14 (A) the extent of impervious surfaces;

15 (B) stormwater runoff and flood risks; and

16 (C) heat impacts to infrastructure and road
17 users.

18 (d) *APPLICATION.*—

19 (1) *IN GENERAL.*—To be eligible to receive a
20 grant under the program, an eligible entity shall sub-
21 mit to the Secretary an application at such time, in
22 such manner, and containing such information as the
23 Secretary may require.

1 (2) *REQUIREMENTS.*—*The application submitted*
2 *by an eligible entity under paragraph (1) shall in-*
3 *clude a description of—*

4 (A) *how the eligible entity would use the*
5 *grant funds; and*

6 (B) *the contribution that the projects in-*
7 *tended to be carried out with grant funds would*
8 *make to improving the safety, health outcomes,*
9 *natural environment, and quality of life in low-*
10 *income communities and disadvantaged commu-*
11 *nities.*

12 (e) *USE OF FUNDS.*—*An eligible entity that receives*
13 *a grant under the program may use the grant funds for*
14 *1 or more of the following activities:*

15 (1) *Conducting an assessment of urban heat is-*
16 *lands to identify hot spot areas of extreme heat or ele-*
17 *vated air pollution.*

18 (2) *Conducting a comprehensive tree canopy as-*
19 *essment, which shall assess the current tree locations*
20 *and canopy, including—*

21 (A) *an inventory of the location, species,*
22 *condition, and health of existing tree canopies*
23 *and trees on public facilities; and*

24 (B) *an identification of—*

1 (i) the locations where trees need to be
2 replaced;

3 (ii) empty tree boxes or other locations
4 where trees could be added; and

5 (iii) flood-prone locations where trees
6 or other natural infrastructure could miti-
7 gate flooding.

8 (3) Conducting an equity assessment by map-
9 ping tree canopy gaps, flood-prone locations, and
10 urban heat island hot spots as compared to—

11 (A) pedestrian walkways and public trans-
12 portation stop locations;

13 (B) low-income communities; and

14 (C) disadvantaged communities.

15 (4) Planning activities, including developing an
16 investment plan based on the results of the assess-
17 ments carried out under paragraphs (1), (2), and (3).

18 (5) Purchasing and deploying cool pavements to
19 mitigate urban heat island hot spots.

20 (6) Purchasing and deploying porous pavement
21 to mitigate flooding and stormwater runoff in—

22 (A) pedestrian-only areas; and

23 (B) areas of low-volume, low-speed vehicular
24 use.

1 (7) *Purchasing of trees, site preparation, plant-*
2 *ing of trees, ongoing maintenance and monitoring of*
3 *trees, and repairing of storm damage to trees, with*
4 *priority given to—*

5 (A) *to the extent practicable, the planting of*
6 *native species; and*

7 (B) *projects located in a neighborhood with*
8 *lower tree cover or higher maximum daytime*
9 *summer temperatures compared to surrounding*
10 *neighborhoods.*

11 (8) *Assessing underground infrastructure and co-*
12 *ordinating with local transportation and utility pro-*
13 *viders.*

14 (9) *Hiring staff to conduct any of the activities*
15 *described in paragraphs (1) through (8).*

16 (f) *PRIORITY.—In awarding grants to eligible entities*
17 *under the program, the Secretary shall give priority to an*
18 *eligible entity—*

19 (1) *proposing to carry out an activity or project*
20 *in a low-income community or a disadvantaged com-*
21 *munity;*

22 (2) *that has entered into a community benefits*
23 *agreement with representatives of the community; or*

1 (3) *that is partnering with a qualified youth or*
2 *conservation corps (as defined in section 203 of the*
3 *Public Lands Corps Act of 1993 (16 U.S.C. 1722)).*

4 (g) *DISTRIBUTION REQUIREMENT.—Of the amounts*
5 *made available to carry out the program for each fiscal*
6 *year, not less than 80 percent shall be provided for projects*
7 *in urbanized areas (as defined in section 101(a) of title 23,*
8 *United States Code).*

9 (h) *FEDERAL SHARE.—*

10 (1) *IN GENERAL.—Except as provided under*
11 *paragraph (2), the Federal share of the cost of a*
12 *project carried out under the program shall be 80 per-*
13 *cent.*

14 (2) *WAIVER.—The Secretary may increase the*
15 *Federal share requirement under paragraph (1) to*
16 *100 percent for projects carried out by an eligible en-*
17 *tity that demonstrates economic hardship, as deter-*
18 *mined by the Secretary.*

19 (i) *MAXIMUM GRANT AMOUNT.—An individual grant*
20 *under this section shall not exceed \$15,000,000.*

21 (j) *TREATMENT OF PROJECTS.—Notwithstanding any*
22 *other provision of law, a project assisted under this section*
23 *shall be treated as a project on a Federal-aid highway under*
24 *chapter 1 of title 23, United States Code.*

1 **Subtitle E—Miscellaneous**

2 **SEC. 11501. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**

3 **FUND.**

4 (a) *IN GENERAL.*—Section 105 of title 23, United
5 States Code, is repealed.

6 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
7 1 of title 23, United States Code, is amended by striking
8 the item relating to section 105.

9 **SEC. 11502. STOPPING THREATS ON PEDESTRIANS.**

10 (a) *DEFINITION OF BOLLARD INSTALLATION*
11 *PROJECT.*—In this section, the term “bollard installation
12 project” means a project to install raised concrete or metal
13 posts on a sidewalk adjacent to a roadway that are designed
14 to slow or stop a motor vehicle.

15 (b) *ESTABLISHMENT.*—Not later than 1 year after the
16 date of enactment of this Act and subject to the availability
17 of appropriations, the Secretary shall establish and carry
18 out a competitive grant pilot program to provide assistance
19 to State departments of transportation and local govern-
20 ment entities for bollard installation projects designed to
21 prevent pedestrian injuries and acts of terrorism in areas
22 used by large numbers of pedestrians.

23 (c) *APPLICATION.*—To be eligible to receive a grant
24 under this section, a State department of transportation or
25 local government entity shall submit to the Secretary an

1 *application at such time, in such form, and containing such*
2 *information as the Secretary determines to be appropriate,*
3 *which shall include, at a minimum—*

4 (1) *a description of the proposed bollard installa-*
5 *tion project to be carried out;*

6 (2) *a description of the pedestrian injury or ter-*
7 *rorism risks with respect to the proposed installation*
8 *area; and*

9 (3) *an analysis of how the proposed bollard in-*
10 *stallation project will mitigate those risks.*

11 (d) *USE OF FUNDS.—A recipient of a grant under this*
12 *section may only use the grant funds for a bollard installa-*
13 *tion project.*

14 (e) *FEDERAL SHARE.—The Federal share of the costs*
15 *of a bollard installation project carried out with a grant*
16 *under this section may be up to 100 percent.*

17 (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
18 *authorized to be appropriated to the Secretary to carry out*
19 *this section \$5,000,000 for each of fiscal years 2022 through*
20 *2026.*

21 (g) *TREATMENT OF PROJECTS.—Notwithstanding any*
22 *other provision of law, a project assisted under this section*
23 *shall be treated as a project on a Federal-aid highway under*
24 *chapter 1 of title 23, United States Code.*

1 **SEC. 11503. TRANSFER AND SALE OF TOLL CREDITS.**

2 (a) *DEFINITIONS.—In this section:*

3 (1) *ORIGINATING STATE.—The term “originating*
4 *State” means a State that—*

5 (A) *is eligible to use a credit under section*
6 *120(i) of title 23, United States Code; and*

7 (B) *has been selected by the Secretary under*
8 *subsection (d)(2).*

9 (2) *PILOT PROGRAM.—The term “pilot program”*
10 *means the pilot program established under subsection*
11 *(b).*

12 (3) *RECIPIENT STATE.—The term “recipient*
13 *State” means a State that receives a credit by trans-*
14 *fer or by sale under this section from an originating*
15 *State.*

16 (4) *STATE.—The term “State” has the meaning*
17 *given the term in section 101(a) of title 23, United*
18 *States Code.*

19 (b) *ESTABLISHMENT OF PILOT PROGRAM.—The Sec-*
20 *retary shall establish and implement a toll credit exchange*
21 *pilot program in accordance with this section.*

22 (c) *PURPOSES.—The purposes of the pilot program*
23 *are—*

24 (1) *to identify the extent of the demand to pur-*
25 *chase toll credits;*

1 (2) to identify the cash price of toll credits
2 through bilateral transactions between States;

3 (3) to analyze the impact of the purchase or sale
4 of toll credits on transportation expenditures;

5 (4) to test the feasibility of expanding the pilot
6 program to allow all States to participate on a per-
7 manent basis; and

8 (5) to identify any other repercussions of the toll
9 credit exchange.

10 (d) *SELECTION OF ORIGINATING STATES.*—

11 (1) *APPLICATION.*—In order to participate in the
12 pilot program as an originating State, a State shall
13 submit to the Secretary an application at such time,
14 in such manner, and containing such information as
15 the Secretary may require, including, at a minimum,
16 such information as is required for the Secretary to
17 verify—

18 (A) the amount of unused toll credits for
19 which the State has submitted certification to the
20 Secretary that are available to be sold or trans-
21 ferred under the pilot program, including—

22 (i) toll revenue generated and the
23 sources of that revenue;

24 (ii) toll revenue used by public, quasi-
25 public, and private agencies to build, im-

1 *prove, or maintain highways, bridges, or*
2 *tunnels that serve the public purpose of*
3 *interstate commerce; and*

4 *(iii) an accounting of any Federal*
5 *funds used by the public, quasi-public, or*
6 *private agency to build, improve, or main-*
7 *tain the toll facility, to validate that the*
8 *credit has been reduced by a percentage*
9 *equal to the percentage of the total cost of*
10 *building, improving, or maintaining the fa-*
11 *cility that was derived from Federal funds;*

12 *(B) the documentation of maintenance of ef-*
13 *fort for toll credits earned by the originating*
14 *State; and*

15 *(C) the accuracy of the accounting system of*
16 *the State to earn and track toll credits.*

17 *(2) SELECTION.—Of the States that submit an*
18 *application under paragraph (1), the Secretary may*
19 *select not more than 10 States to be designated as an*
20 *originating State.*

21 *(3) LIMITATION ON SALES.—At any time, the*
22 *Secretary may limit the amount of unused toll credits*
23 *that may be offered for sale under the pilot program.*

24 *(e) TRANSFER OR SALE OF CREDITS.—*

1 (1) *IN GENERAL.*—*In carrying out the pilot pro-*
2 *gram, the Secretary shall provide that an originating*
3 *State may transfer or sell to a recipient State a cred-*
4 *it not previously used by the originating State under*
5 *section 120(i) of title 23, United States Code.*

6 (2) *WEBSITE SUPPORT.*—*The Secretary shall*
7 *make available a publicly accessible website on which*
8 *originating States shall post the amount of toll cred-*
9 *its, verified under subsection (d)(1)(A), that are*
10 *available for sale or transfer to a recipient State.*

11 (3) *BILATERAL TRANSACTIONS.*—*An originating*
12 *State and a recipient State may enter into a bilateral*
13 *transaction to sell or transfer verified toll credits.*

14 (4) *NOTIFICATION.*—*Not later than 30 days after*
15 *the date on which a credit is transferred or sold, the*
16 *originating State and the recipient State shall jointly*
17 *submit to the Secretary a written notification of the*
18 *transfer or sale, including details on—*

19 (A) *the amount of toll credits that have been*
20 *sold or transferred;*

21 (B) *the price paid or other value transferred*
22 *in exchange for the toll credits;*

23 (C) *the intended use by the recipient State*
24 *of the toll credits, if known;*

1 (D) *the intended use by the originating*
2 *State of the cash or other value transferred;*

3 (E) *an update on the toll credit balance of*
4 *the originating State and the recipient State;*
5 *and*

6 (F) *any other information about the trans-*
7 *action that the Secretary may require.*

8 (5) *USE OF CREDITS BY TRANSFEREE OR PUR-*
9 *CHASER.—A recipient State may use a credit received*
10 *under paragraph (1) toward the non-Federal share*
11 *requirement for any funds made available to carry*
12 *out title 23 or chapter 53 of title 49, United States*
13 *Code, in accordance with section 120(i) of title 23,*
14 *United States Code.*

15 (6) *USE OF PROCEEDS FROM SALE OF CRED-*
16 *ITS.—An originating State shall use the proceeds*
17 *from the sale of a credit under paragraph (1) for the*
18 *construction costs of any project in the originating*
19 *State that is eligible under title 23, United States*
20 *Code.*

21 (f) *REPORTING REQUIREMENTS.—*

22 (1) *INITIAL REPORT.—Not later than 1 year*
23 *after the date on which the pilot program is estab-*
24 *lished, the Secretary shall submit to the Committee on*
25 *Environment and Public Works of the Senate and the*

1 *Committee on Transportation and Infrastructure of*
2 *the House of Representatives a report on the progress*
3 *of the pilot program.*

4 (2) *FINAL REPORT.*—*Not later than 3 years after*
5 *the date on which the pilot program is established, the*
6 *Secretary shall—*

7 (A) *submit to the Committee on Environ-*
8 *ment and Public Works of the Senate and the*
9 *Committee on Transportation and Infrastructure*
10 *of the House of Representatives a report that—*

11 (i) *determines whether a toll credit*
12 *marketplace is viable and cost-effective;*

13 (ii) *describes the buying and selling ac-*
14 *tivities under the pilot program;*

15 (iii) *describes the average sale price of*
16 *toll credits;*

17 (iv) *determines whether the pilot pro-*
18 *gram could be expanded to more States or*
19 *all States or to non-State operators of toll*
20 *facilities;*

21 (v) *provides updated information on*
22 *the toll credit balance accumulated by each*
23 *State; and*

24 (vi) *describes the list of projects that*
25 *were assisted by the pilot program; and*

1 (B) make the report under subparagraph
2 (A) publicly available on the website of the De-
3 partment.

4 (g) *TERMINATION.*—

5 (1) *IN GENERAL.*—*The Secretary may terminate*
6 *the pilot program or the participation of any State*
7 *in the pilot program if the Secretary determines*
8 *that—*

9 (A) *the pilot program is not serving a pub-*
10 *lic benefit; or*

11 (B) *it is not cost effective to carry out the*
12 *pilot program.*

13 (2) *PROCEDURES.*—*The termination of the pilot*
14 *program or the participation of a State in the pilot*
15 *program shall be carried out consistent with Federal*
16 *requirements for project closeout, adjustment, and*
17 *continuing responsibilities.*

18 **SEC. 11504. STUDY OF IMPACTS ON ROADS FROM SELF-**
19 **DRIVING VEHICLES.**

20 (a) *IN GENERAL.*—*Not later than 60 days after the*
21 *date of enactment of this Act, the Secretary shall initiate*
22 *a study on the existing and future impacts of self-driving*
23 *vehicles to transportation infrastructure, mobility, the envi-*
24 *ronment, and safety, including impacts on—*

1 (1) *the Interstate System (as defined in section*
2 *101(a) of title 23, United States Code);*

3 (2) *urban roads;*

4 (3) *rural roads;*

5 (4) *corridors with heavy traffic congestion;*

6 (5) *transportation systems optimization; and*

7 (6) *any other areas or issues relevant to oper-*
8 *ations of the Federal Highway Administration that*
9 *the Secretary determines to be appropriate.*

10 (b) *CONTENTS OF STUDY.—The study under subsection*
11 *(a) shall include specific recommendations for both rural*
12 *and urban communities regarding the impacts of self-driv-*
13 *ing vehicles on existing transportation system capacity.*

14 (c) *CONSIDERATIONS.—In carrying out the study*
15 *under subsection (a), the Secretary shall—*

16 (1) *consider the need for and recommend any*
17 *policy changes to be undertaken by the Federal High-*
18 *way Administration on the impacts of self-driving ve-*
19 *hicles as identified under paragraph (2); and*

20 (2) *for both rural and urban communities, in-*
21 *clude a discussion of—*

22 (A) *the impacts that self-driving vehicles*
23 *will have on existing transportation infrastruc-*
24 *ture, such as signage and markings, traffic*
25 *lights, and highway capacity and design;*

1 (B) *the impact on commercial and private*
2 *traffic flows;*

3 (C) *infrastructure improvement needs that*
4 *may be necessary for transportation infrastruc-*
5 *ture to accommodate self-driving vehicles;*

6 (D) *the impact of self-driving vehicles on*
7 *the environment, congestion, and vehicle miles*
8 *traveled; and*

9 (E) *the impact of self-driving vehicles on*
10 *mobility.*

11 (d) *COORDINATION.*—*In carrying out the study under*
12 *subsection (a), the Secretary shall consider and incorporate*
13 *relevant current and ongoing research of the Department.*

14 (e) *CONSULTATION.*—*In carrying out the study under*
15 *subsection (a), the Secretary shall convene and consult with*
16 *a panel of national experts in both rural and urban trans-*
17 *portation, including—*

18 (1) *operators and users of the Interstate System*
19 *(as defined in section 101(a) of title 23, United States*
20 *Code), including private sector stakeholders;*

21 (2) *States and State departments of transpor-*
22 *tation;*

23 (3) *metropolitan planning organizations;*

24 (4) *the motor carrier industry;*

1 (5) *representatives of public transportation agen-*
2 *cies or organizations;*

3 (6) *highway safety and academic groups;*

4 (7) *nonprofit entities with experience in trans-*
5 *portation policy;*

6 (8) *National Laboratories (as defined in section*
7 *2 of the Energy Policy Act of 2005 (42 U.S.C.*
8 *15801));*

9 (9) *environmental stakeholders; and*

10 (10) *self-driving vehicle producers, manufactur-*
11 *ers, and technology developers.*

12 (f) *REPORT.*—*Not later than 1 year after the date on*
13 *which the study under subsection (a) is initiated, the Sec-*
14 *retary shall submit a report on the results of the study to—*

15 (1) *the Committee on Environment and Public*
16 *Works of the Senate; and*

17 (2) *the Committee on Transportation and Infra-*
18 *structure of the House of Representatives.*

19 **SEC. 11505. DISASTER RELIEF MOBILIZATION STUDY.**

20 (a) *DEFINITION OF LOCAL COMMUNITY.*—*In this sec-*
21 *tion, the term “local community” means—*

22 (1) *a unit of local government;*

23 (2) *a political subdivision of a State or local*
24 *government;*

1 (3) a metropolitan planning organization (as de-
2 fined in section 134(b) of title 23, United States
3 Code);

4 (4) a rural planning organization; or

5 (5) a Tribal government.

6 (b) *STUDY*.—

7 (1) *IN GENERAL*.—The Secretary shall carry out
8 a study to determine the utility of incorporating the
9 use of bicycles into the disaster preparedness and dis-
10 aster response plans of local communities.

11 (2) *REQUIREMENTS*.—The study carried out
12 under paragraph (1) shall include—

13 (A) a vulnerability assessment of the infra-
14 structure in local communities as of the date of
15 enactment of this Act that supports active trans-
16 portation, including bicycling, walking, and per-
17 sonal mobility devices, with a particular focus
18 on areas in local communities that—

19 (i) have low levels of vehicle ownership;

20 and

21 (ii) lack sufficient active transpor-
22 tation infrastructure routes to public trans-
23 portation;

24 (B) an evaluation of whether disaster pre-
25 paredness and disaster response plans should in-

1 *clude the use of bicycles by first responders,*
2 *emergency workers, and community organization*
3 *representatives—*

4 *(i) during a mandatory or voluntary*
5 *evacuation ordered by a Federal, State,*
6 *Tribal, or local government entity—*

7 *(I) to notify residents of the need*
8 *to evacuate;*

9 *(II) to evacuate individuals and*
10 *goods; and*

11 *(III) to reach individuals who are*
12 *in need of first aid and medical assist-*
13 *ance; and*

14 *(ii) after a disaster or emergency de-*
15 *clared by a Federal, State, Tribal, or local*
16 *government entity—*

17 *(I) to participate in search and*
18 *rescue activities;*

19 *(II) to carry commodities to be*
20 *used for life-saving or life-sustaining*
21 *purposes, including—*

22 *(aa) water;*

23 *(bb) food;*

24 *(cc) first aid and other med-*
25 *ical supplies; and*

1 *(dd) power sources and elec-*
2 *tric supplies, such as cell phones,*
3 *radios, lights, and batteries;*

4 *(III) to reach individuals who are*
5 *in need of the commodities described in*
6 *subclause (II); and*

7 *(IV) to assist with other disaster*
8 *relief tasks, as appropriate; and*

9 *(C) a review of training programs for first*
10 *responders, emergency workers, and community*
11 *organization representatives relating to—*

12 *(i) competent bicycle skills, including*
13 *the use of cargo bicycles and electric bicy-*
14 *cles, as applicable;*

15 *(ii) basic bicycle maintenance;*

16 *(iii) compliance with relevant traffic*
17 *safety laws;*

18 *(iv) methods to use bicycles to carry*
19 *out the activities described in clauses (i)*
20 *and (ii) of subparagraph (2)(B); and*

21 *(v) exercises conducted for the purpose*
22 *of—*

23 *(I) exercising the skills described*
24 *in clause (i); and*

1 (II) maintaining bicycles and re-
2 lated equipment.

3 (c) *REPORT.*—Not later than 2 years after the date of
4 enactment of this Act, the Secretary shall submit to the
5 Committee on Environment and Public Works of the Senate
6 and the Committee on Transportation and Infrastructure
7 of the House of Representatives a report that—

8 (1) describes the results of the study carried out
9 under subsection (b); and

10 (2) provides recommendations, if any, relating
11 to—

12 (A) the methods by which to incorporate bi-
13 cycles into disaster preparedness and disaster re-
14 sponse plans of local communities; and

15 (B) improvements to training programs de-
16 scribed in subsection (b)(2)(C).

17 **SEC. 11506. APPALACHIAN REGIONAL COMMISSION.**

18 (a) *DEFINITIONS.*—Section 14102(a)(1) of title 40,
19 United States Code, is amended—

20 (1) in subparagraph (G)—

21 (A) by inserting “Catawba,” after
22 “Caldwell,”; and

23 (B) by inserting “Cleveland,” after “Clay,”;

1 (2) *in subparagraph (J), by striking “and*
 2 *Spartanburg” and inserting “Spartanburg, and*
 3 *Union”; and*

4 (3) *in subparagraph (M), by inserting “, of*
 5 *which the counties of Brooke, Hancock, Marshall, and*
 6 *Ohio shall be considered to be located in the North*
 7 *Central subregion” after “West Virginia”.*

8 (b) *FUNCTIONS.—Section 14303(a) of title 40, United*
 9 *States Code, is amended—*

10 (1) *in paragraph (9), by striking “and” at the*
 11 *end;*

12 (2) *in paragraph (10), by striking the period at*
 13 *the end and inserting “; and”; and*

14 (3) *by adding at the end the following:*

15 “*(11) support broadband access in the Appa-*
 16 *lachian region.”.*

17 (c) *CONGRESSIONAL NOTIFICATION.—*

18 (1) *IN GENERAL.—Subchapter II of chapter 143*
 19 *of subtitle IV of title 40, United States Code, is*
 20 *amended by adding at the end the following:*

21 **“§ 14323. Congressional notification**

22 “(a) *IN GENERAL.—In the case of a project described*
 23 *in subsection (b), the Appalachian Regional Commission*
 24 *shall provide to the Committee on Transportation and In-*
 25 *frastructure of the House of Representatives and the Com-*

1 *mittee on Environment and Public Works of the Senate no-*
 2 *tice of the award of a grant or other financial assistance*
 3 *not less than 3 full business days before awarding the grant*
 4 *or other financial assistance.*

5 “(b) *PROJECTS DESCRIBED.*—*A project referred to in*
 6 *subsection (a) is a project that the Appalachian Regional*
 7 *Commission has selected to receive a grant or other finan-*
 8 *cial assistance under this subtitle in an amount not less*
 9 *than \$50,000.”.*

10 (2) *CLERICAL AMENDMENT.*—*The analysis for*
 11 *subchapter II of chapter 143 of subtitle IV of title 40,*
 12 *United States Code, is amended by adding at the end*
 13 *the following:*

“14323. *Congressional notification.*”.

14 (d) *HIGH-SPEED BROADBAND DEPLOYMENT INITIA-*
 15 *TIVE.*—*Section 14509 of title 40, United States Code, is*
 16 *amended—*

17 (1) *by striking subsection (a) and inserting the*
 18 *following:*

19 “(a) *IN GENERAL.*—*The Appalachian Regional Com-*
 20 *mission may provide technical assistance, make grants,*
 21 *enter into contracts, or otherwise provide amounts to indi-*
 22 *viduals or entities in the Appalachian region for projects*
 23 *and activities to increase affordable access to broadband*
 24 *networks throughout the Appalachian region.”;*

1 (2) *by redesignating subsections (b) through (d)*
2 *as subsections (c) through (e), respectively;*

3 (3) *by inserting after subsection (a) the fol-*
4 *lowing:*

5 “(b) *ELIGIBLE PROJECTS AND ACTIVITIES.*—*A project*
6 *or activity eligible to be carried out under this section is*
7 *a project or activity—*

8 *“(1) to conduct research, analysis, and training*
9 *to increase broadband adoption efforts in the Appa-*
10 *lachian region; or*

11 *“(2) for the construction and deployment of*
12 *broadband service-related infrastructure in the Appa-*
13 *lachian region.”;*

14 (4) *in subsection (d) (as so redesignated), in the*
15 *matter preceding paragraph (1), by striking “sub-*
16 *section (b)” and inserting “subsection (c)”;* and

17 (5) *by adding at the end the following:*

18 “(f) *REQUEST FOR DATA.*—*Before making a grant for*
19 *a project or activity described in subsection (b)(2), the Ap-*
20 *palachian Regional Commission shall request from the Fed-*
21 *eral Communications Commission, the National Tele-*
22 *communications and Information Administration, the Eco-*
23 *nomics Development Administration, and the Department of*
24 *Agriculture data on—*

1 “(1) *the level and extent of broadband service*
2 *that exists in the area proposed to be served by the*
3 *broadband service-related infrastructure; and*

4 “(2) *the level and extent of broadband service*
5 *that will be deployed in the area proposed to be served*
6 *by the broadband service-related infrastructure pursu-*
7 *ant to another Federal program.*

8 “(g) *REQUIREMENT.—For each fiscal year, not less*
9 *than 65 percent of the amounts made available to carry*
10 *out this section shall be used for grants for projects and*
11 *activities described in subsection (b)(2).”.*

12 (e) *APPALACHIAN REGIONAL ENERGY HUB INITIA-*
13 *TIVE.—*

14 (1) *IN GENERAL.—Subchapter I of chapter 145*
15 *of subtitle IV of title 40, United States Code, is*
16 *amended by adding at the end the following:*

17 “**§ 14511. Appalachian regional energy hub initiative**

18 “(a) *IN GENERAL.—The Appalachian Regional Com-*
19 *mission may provide technical assistance to, make grants*
20 *to, enter into contracts with, or otherwise provide amounts*
21 *to individuals or entities in the Appalachian region for*
22 *projects and activities—*

23 “(1) *to conduct research and analysis regarding*
24 *the economic impact of an ethane storage hub in the*
25 *Appalachian region that supports a more-effective en-*

1 *ergy market performance due to the scale of the*
2 *project, such as a project with the capacity to store*
3 *and distribute more than 100,000 barrels per day of*
4 *hydrocarbon feedstock with a minimum gross heating*
5 *value of 1,700 Btu per standard cubic foot;*

6 *“(2) with the potential to significantly con-*
7 *tribute to the economic resilience of the area in which*
8 *the project is located; and*

9 *“(3) that will help establish a regional energy*
10 *hub in the Appalachian region for natural gas and*
11 *natural gas liquids, including hydrogen produced*
12 *from the steam methane reforming of natural gas*
13 *feedstocks.*

14 *“(b) LIMITATION ON AVAILABLE AMOUNTS.—Of the*
15 *cost of any project or activity eligible for a grant under*
16 *this section—*

17 *“(1) except as provided in paragraphs (2) and*
18 *(3), not more than 50 percent may be provided from*
19 *amounts made available to carry out this section;*

20 *“(2) in the case of a project or activity to be car-*
21 *ried out in a county for which a distressed county*
22 *designation is in effect under section 14526, not more*
23 *than 80 percent may be provided from amounts made*
24 *available to carry out this section; and*

1 “(3) *in the case of a project or activity to be car-*
2 *ried out in a county for which an at-risk county des-*
3 *ignation is in effect under section 14526, not more*
4 *than 70 percent may be provided from amounts made*
5 *available to carry out this section.*

6 “(c) *SOURCES OF ASSISTANCE.—Subject to subsection*
7 *(b), a grant provided under this section may be provided*
8 *from amounts made available to carry out this section, in*
9 *combination with amounts made available—*

10 *“(1) under any other Federal program; or*

11 *“(2) from any other source.*

12 “(d) *FEDERAL SHARE.—Notwithstanding any provi-*
13 *sion of law limiting the Federal share under any other Fed-*
14 *eral program, amounts made available to carry out this sec-*
15 *tion may be used to increase that Federal share, as the Ap-*
16 *palachian Regional Commission determines to be appro-*
17 *priate.”.*

18 (2) *CLERICAL AMENDMENT.—The analysis for*
19 *subchapter I of chapter 145 of title 40, United States*
20 *Code, is amended by adding at the end the following:*
 “14511. Appalachian regional energy hub initiative.”.

21 (f) *AUTHORIZATION OF APPROPRIATIONS.—Section*
22 *14703 of title 40, United States Code, is amended—*

23 (1) *in subsection (a)—*

24 (A) *in paragraph (4), by striking “and” at*
25 *the end;*

1 (B) in paragraph (5), by striking the period
2 at the end and inserting “; and”; and

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

4 “(6) \$200,000,000 for each of fiscal years 2022
5 through 2026.”;

6 (2) in subsection (c), by striking “\$10,000,000
7 may be used to carry out section 14509 for each of
8 fiscal years 2016 through 2021” and inserting
9 “\$20,000,000 may be used to carry out section 14509
10 for each of fiscal years 2022 through 2026”;

11 (3) by redesignating subsections (d) and (e) as
12 subsections (e) and (f), respectively; and

13 (4) by inserting after subsection (c) the fol-
14 lowing:

15 “(d) *APPALACHIAN REGIONAL ENERGY HUB INITIA-*
16 *TIVE.—Of the amounts made available under subsection*
17 *(a), \$5,000,000 shall be used to carry out section 14511 for*
18 *each of fiscal years 2022 through 2026.”.*

19 (g) *TERMINATION.—Section 14704 of title 40, United*
20 *States Code, is amended by striking “2021” and inserting*
21 *“2026”.*

22 **SEC. 11507. DENALI COMMISSION.**

23 (a) *DENALI ACCESS SYSTEM PROGRAM.—Notwith-*
24 *standing subsection (j) of section 309 of the Denali Commis-*
25 *sion Act of 1998 (42 U.S.C. 3121 note; Public Law 105–*

1 277), there is authorized to be appropriated \$20,000,000 for
2 each of fiscal years 2022 through 2026 to carry out that
3 section.

4 (b) *TRANSFERS OF FUNDS.*—Section 311(c) of the
5 *Denali Commission Act of 1998 (42 U.S.C. 3121 note; Pub-*
6 *lic Law 105–277)* is amended—

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

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

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

12 “(3) notwithstanding any other provision of law,
13 shall—

14 “(A) be treated as if directly appropriated
15 to the Commission and subject to applicable pro-
16 visions of this Act; and

17 “(B) not be subject to any requirements that
18 applied to the funds before the transfer, includ-
19 ing a requirement in an appropriations Act or
20 a requirement or regulation of the Federal agen-
21 cy from which the funds are transferred.”.

22 **SEC. 11508. REQUIREMENTS FOR TRANSPORTATION**
23 **PROJECTS CARRIED OUT THROUGH PUBLIC-**
24 **PRIVATE PARTNERSHIPS.**

25 (a) *DEFINITIONS.*—In this section:

1 (1) *PROJECT.*—*The term “project” means a*
2 *project (as defined in section 101 of title 23, United*
3 *States Code) that—*

4 (A) *is carried out, in whole or in part,*
5 *using Federal financial assistance; and*

6 (B) *has an estimated total cost of*
7 *\$100,000,000 or more.*

8 (2) *PUBLIC-PRIVATE PARTNERSHIP.*—*The term*
9 *“public-private partnership” means an agreement be-*
10 *tween a public agency and a private entity to fi-*
11 *nance, build, and maintain or operate a project.*

12 (b) *REQUIREMENTS FOR PROJECTS CARRIED OUT*
13 *THROUGH PUBLIC-PRIVATE PARTNERSHIPS.*—*With respect*
14 *to a public-private partnership, as a condition of receiving*
15 *Federal financial assistance for a project, the Secretary*
16 *shall require the public partner, not later than 3 years after*
17 *the date of opening of the project to traffic—*

18 (1) *to conduct a review of the project, including*
19 *a review of the compliance of the private partner with*
20 *the terms of the public-private partnership agreement;*

21 (2)(A) *to certify to the Secretary that the private*
22 *partner of the public-private partnership is meeting*
23 *the terms of the public-private partnership agreement*
24 *for the project; or*

1 (B) to notify the Secretary that the private part-
2 ner of the public-private partnership has not met 1
3 or more of the terms of the public-private partnership
4 agreement for the project, including a brief descrip-
5 tion of each violation of the public-private partner-
6 ship agreement; and

7 (3) to make publicly available the certification or
8 notification, as applicable, under paragraph (2) in a
9 form that does not disclose any proprietary or con-
10 fidential business information.

11 (c) NOTIFICATION.—If the Secretary provides Federal
12 financial assistance to a project carried out through a pub-
13 lic-private partnership, not later than 30 days after the
14 date on which the Federal financial assistance is first obli-
15 gated, the Secretary shall submit to the Committee on Envi-
16 ronment and Public Works of the Senate and the Committee
17 on Transportation and Infrastructure of the House of Rep-
18 resentatives a notification of the Federal financial assist-
19 ance made available for the project.

20 (d) VALUE FOR MONEY ANALYSIS.—

21 (1) PROJECT APPROVAL AND OVERSIGHT.—Sec-
22 tion 106(h)(3) of title 23, United States Code, is
23 amended—

24 (A) in subparagraph (C), by striking “and”
25 at the end;

1 (B) by redesignating subparagraph (D) as
2 subparagraph (E); and

3 (C) by inserting after subparagraph (C) the
4 following:

5 “(D) for a project in which the project spon-
6 sor intends to carry out the project through a
7 public-private partnership agreement, shall in-
8 clude a detailed value for money analysis or
9 similar comparative analysis for the project;
10 and”.

11 (2) *SURFACE TRANSPORTATION BLOCK GRANT*
12 *PROGRAM.*—Paragraph (21) of section 133(b) of title
13 23, *United States Code* (as redesignated by section
14 1109(a)(1)(C)), is amended by inserting “, including
15 conducting value for money analyses or similar com-
16 parative analyses,” after “oversight”.

17 (3) *TIFIA.*—Section 602(a) of title 23, *United*
18 *States Code*, is amended by adding at the end the fol-
19 lowing:

20 “(11) *PUBLIC-PRIVATE PARTNERSHIPS.*—In the
21 case of a project to be carried out through a public-
22 private partnership, the public partner shall have—

23 “(A) conducted a value for money analysis
24 or similar comparative analysis; and

1 “(B) determined the appropriateness of the
2 public-private partnership agreement.”.

3 (e) *APPLICABILITY.*—*This section and the amendments*
4 *made by this section shall only apply to a public-private*
5 *partnership agreement entered into on or after the date of*
6 *enactment of this Act.*

7 **SEC. 11509. RECONNECTING COMMUNITIES PILOT PRO-**
8 **GRAM.**

9 (a) *DEFINITION OF ELIGIBLE FACILITY.*—

10 (1) *IN GENERAL.*—*In this section, the term “eli-*
11 *gible facility” means a highway or other transpor-*
12 *tation facility that creates a barrier to community*
13 *connectivity, including barriers to mobility, access, or*
14 *economic development, due to high speeds, grade sepa-*
15 *rations, or other design factors.*

16 (2) *INCLUSIONS.*—*In this section, the term “eli-*
17 *gible facility” may include—*

18 (A) *a limited access highway;*

19 (B) *a viaduct; and*

20 (C) *any other principal arterial facility.*

21 (b) *ESTABLISHMENT.*—*The Secretary shall establish a*
22 *pilot program through which an eligible entity may apply*
23 *for funding, in order to restore community connectivity—*

1 (1) *to study the feasibility and impacts of re-*
2 *moving, retrofitting, or mitigating an existing eligible*
3 *facility;*

4 (2) *to conduct planning activities necessary to*
5 *design a project to remove, retrofit, or mitigate an ex-*
6 *isting eligible facility; and*

7 (3) *to conduct construction activities necessary*
8 *to carry out a project to remove, retrofit, or mitigate*
9 *an existing eligible facility.*

10 (c) *PLANNING GRANTS.—*

11 (1) *ELIGIBLE ENTITIES.—The Secretary may*
12 *award a grant (referred to in this section as a “plan-*
13 *ning grant”)* *to carry out planning activities de-*
14 *scribed in paragraph (2) to—*

15 (A) *a State;*

16 (B) *a unit of local government;*

17 (C) *a Tribal government;*

18 (D) *a metropolitan planning organization;*

19 *and*

20 (E) *a nonprofit organization.*

21 (2) *ELIGIBLE ACTIVITIES DESCRIBED.—The*
22 *planning activities referred to in paragraph (1) are—*

23 (A) *planning studies to evaluate the feasi-*
24 *bility of removing, retrofitting, or mitigating an*

1 *existing eligible facility to restore community*
2 *connectivity, including evaluations of—*

3 *(i) current traffic patterns on the eligi-*
4 *ble facility proposed for removal, retrofit, or*
5 *mitigation and the surrounding street net-*
6 *work;*

7 *(ii) the capacity of existing transpor-*
8 *tation networks to maintain mobility needs;*

9 *(iii) an analysis of alternative road-*
10 *way designs or other uses for the right-of-*
11 *way of the eligible facility, including an*
12 *analysis of whether the available right-of-*
13 *way would suffice to create an alternative*
14 *roadway design;*

15 *(iv) the effect of the removal, retrofit,*
16 *or mitigation of the eligible facility on the*
17 *mobility of freight and people;*

18 *(v) the effect of the removal, retrofit, or*
19 *mitigation of the eligible facility on the*
20 *safety of the traveling public;*

21 *(vi) the cost to remove, retrofit, or*
22 *mitigate the eligible facility—*

23 *(I) to restore community*
24 *connectivity; and*

1 (II) to convert the eligible facility
2 to a different roadway design or use,
3 compared to any expected costs for nec-
4 essary maintenance or reconstruction
5 of the eligible facility;

6 (vii) the anticipated economic impact
7 of removing, retrofitting, or mitigating and
8 converting the eligible facility and any eco-
9 nomic development opportunities that would
10 be created by removing, retrofitting, or
11 mitigating and converting the eligible facil-
12 ity; and

13 (viii) the environmental impacts of re-
14 taining or reconstructing the eligible facil-
15 ity and the anticipated effect of the pro-
16 posed alternative use or roadway design;

17 (B) public engagement activities to provide
18 opportunities for public input into a plan to re-
19 move and convert an eligible facility; and

20 (C) other transportation planning activities
21 required in advance of a project to remove, ret-
22 rofit, or mitigate an existing eligible facility to
23 restore community connectivity, as determined
24 by the Secretary.

25 (3) TECHNICAL ASSISTANCE PROGRAM.—

1 (A) *IN GENERAL.*—*The Secretary may pro-*
2 *vide technical assistance described in subpara-*
3 *graph (B) to an eligible entity.*

4 (B) *TECHNICAL ASSISTANCE DESCRIBED.*—
5 *The technical assistance referred to in subpara-*
6 *graph (A) is technical assistance in building or-*
7 *ganizational or community capacity—*

8 (i) *to engage in transportation plan-*
9 *ning; and*

10 (ii) *to identify innovative solutions to*
11 *infrastructure challenges, including recon-*
12 *necting communities that—*

13 (I) *are bifurcated by eligible fa-*
14 *cilities; or*

15 (II) *lack safe, reliable, and afford-*
16 *able transportation choices.*

17 (C) *PRIORITIES.*—*In selecting recipients of*
18 *technical assistance under subparagraph (A), the*
19 *Secretary shall give priority to an application*
20 *from a community that is economically dis-*
21 *advantaged.*

22 (4) *SELECTION.*—*The Secretary shall—*

23 (A) *solicit applications for—*

24 (i) *planning grants; and*

1 (ii) technical assistance under para-
2 graph (3); and

3 (B) evaluate applications for a planning
4 grant on the basis of the demonstration by the
5 applicant that—

6 (i) the eligible facility is aged and is
7 likely to need replacement or significant re-
8 construction within the 20-year period be-
9 ginning on the date of the submission of the
10 application;

11 (ii) the eligible facility—

12 (I) creates barriers to mobility,
13 access, or economic development; or

14 (II) is not justified by current
15 and forecast future travel demand; and

16 (iii) on the basis of preliminary inves-
17 tigations into the feasibility of removing,
18 retrofitting, or mitigating the eligible facil-
19 ity to restore community connectivity, fur-
20 ther investigation is necessary and likely to
21 be productive.

22 (5) AWARD AMOUNTS.—A planning grant may
23 not exceed \$2,000,000 per recipient.

1 (6) *FEDERAL SHARE*.—*The total Federal share*
2 *of the cost of a planning activity for which a plan-*
3 *ning grant is used shall not exceed 80 percent.*

4 (d) *CAPITAL CONSTRUCTION GRANTS*.—

5 (1) *ELIGIBLE ENTITIES*.—*The Secretary may*
6 *award a grant (referred to in this section as a “cap-*
7 *ital construction grant”)* *to the owner of an eligible*
8 *facility to carry out an eligible project described in*
9 *paragraph (3) for which all necessary feasibility stud-*
10 *ies and other planning activities have been completed.*

11 (2) *PARTNERSHIPS*.—*An owner of an eligible fa-*
12 *cility may, for the purposes of submitting an applica-*
13 *tion for a capital construction grant, if applicable,*
14 *partner with—*

15 (A) *a State;*

16 (B) *a unit of local government;*

17 (C) *a Tribal government;*

18 (D) *a metropolitan planning organization;*

19 or

20 (E) *a nonprofit organization.*

21 (3) *ELIGIBLE PROJECTS*.—*A project eligible to be*
22 *carried out with a capital construction grant in-*
23 *cludes—*

24 (A) *the removal, retrofit, or mitigation of*
25 *an eligible facility; and*

1 (B) *the replacement of an eligible facility*
2 *with a new facility that—*

3 (i) *restores community connectivity;*

4 *and*

5 (ii) *is—*

6 (I) *sensitive to the context of the*
7 *surrounding community; and*

8 (II) *otherwise eligible for funding*
9 *under title 23, United States Code.*

10 (4) *SELECTION.—The Secretary shall—*

11 (A) *solicit applications for capital construc-*
12 *tion grants; and*

13 (B) *evaluate applications on the basis of—*

14 (i) *the degree to which the project will*
15 *improve mobility and access through the re-*
16 *moval of barriers;*

17 (ii) *the appropriateness of removing,*
18 *retrofitting, or mitigating the eligible facil-*
19 *ity, based on current traffic patterns and*
20 *the ability of the replacement facility and*
21 *the regional transportation network to ab-*
22 *sorb transportation demand and provide*
23 *safe mobility and access;*

24 (iii) *the impact of the project on*
25 *freight movement;*

1 (iv) the results of a cost-benefit anal-
2 ysis of the project;

3 (v) the opportunities for inclusive eco-
4 nomic development;

5 (vi) the degree to which the eligible fa-
6 cility is out of context with the current or
7 planned land use;

8 (vii) the results of any feasibility study
9 completed for the project; and

10 (viii) the plan of the applicant for—

11 (I) employing residents in the
12 area impacted by the project through
13 targeted hiring programs, in partner-
14 ship with registered apprenticeship
15 programs, if applicable; and

16 (II) contracting and subcon-
17 tracting with disadvantaged business
18 enterprises.

19 (5) *MINIMUM AWARD AMOUNTS.*—A capital con-
20 struction grant shall be in an amount not less than
21 \$5,000,000 per recipient.

22 (6) *FEDERAL SHARE.*—

23 (A) *IN GENERAL.*—Subject to subparagraph
24 (B), a capital construction grant may not exceed

1 50 percent of the total cost of the project for
2 which the grant is awarded.

3 (B) *MAXIMUM FEDERAL INVOLVEMENT.*—

4 Federal assistance other than a capital construc-
5 tion grant may be used to satisfy the non-Fed-
6 eral share of the cost of a project for which the
7 grant is awarded, except that the total Federal
8 assistance provided for a project for which the
9 grant is awarded may not exceed 80 percent of
10 the total cost of the project.

11 (7) *COMMUNITY ADVISORY BOARD.*—

12 (A) *IN GENERAL.*—To help achieve inclusive
13 economic development benefits with respect to the
14 project for which a grant is awarded, a grant re-
15 cipient may form a community advisory board,
16 which shall—

17 (i) *facilitate community engagement*
18 *with respect to the project; and*

19 (ii) *track progress with respect to com-*
20 *mitments of the grant recipient to inclusive*
21 *employment, contracting, and economic de-*
22 *velopment under the project.*

23 (B) *MEMBERSHIP.*—If a grant recipient
24 forms a community advisory board under sub-

1 *paragraph (A), the community advisory board*
2 *shall be composed of representatives of—*

3 *(i) the community;*

4 *(ii) owners of businesses that serve the*
5 *community;*

6 *(iii) labor organizations that represent*
7 *workers that serve the community; and*

8 *(iv) State and local government.*

9 *(e) REPORTS.—*

10 *(1) USDOT REPORT ON PROGRAM.—Not later*
11 *than January 1, 2026, the Secretary shall submit to*
12 *the Committee on Environment and Public Works of*
13 *the Senate and the Committee on Transportation and*
14 *Infrastructure of the House of Representatives a re-*
15 *port that evaluates the program under this section,*
16 *including—*

17 *(A) information about the level of applicant*
18 *interest in planning grants, technical assistance*
19 *under subsection (c)(3), and capital construction*
20 *grants, including the extent to which overall de-*
21 *mand exceeded available funds; and*

22 *(B) for recipients of capital construction*
23 *grants, the outcomes and impacts of the highway*
24 *removal project, including—*

1 (i) any changes in the overall level of
2 mobility, congestion, access, and safety in
3 the project area; and

4 (ii) environmental impacts and eco-
5 nomic development opportunities in the
6 project area.

7 (2) GAO REPORT ON HIGHWAY REMOVALS.—Not
8 later than 2 years after the date of enactment of this
9 Act, the Comptroller General of the United States
10 shall issue a report that—

11 (A) identifies examples of projects to remove
12 highways using Federal highway funds;

13 (B) evaluates the effect of highway removal
14 projects on the surrounding area, including im-
15 pacts to the local economy, congestion effects,
16 safety outcomes, and impacts on the movement of
17 freight and people;

18 (C) evaluates the existing Federal-aid pro-
19 gram eligibility under title 23, United States
20 Code, for highway removal projects;

21 (D) analyzes the costs and benefits of and
22 barriers to removing underutilized highways that
23 are nearing the end of their useful life compared
24 to replacing or reconstructing the highway; and

1 (E) provides recommendations for inte-
2 grating those assessments into transportation
3 planning and decision-making processes.

4 (f) *TECHNICAL ASSISTANCE.*—Of the funds made
5 available to carry out this section for planning grants, the
6 Secretary may use not more than \$15,000,000 during the
7 period of fiscal years 2022 through 2026 to provide tech-
8 nical assistance under subsection (c)(3).

9 (g) *TREATMENT OF PROJECTS.*—Notwithstanding any
10 other provision of law, a project assisted under this section
11 shall be treated as a project on a Federal-aid highway under
12 chapter 1 of title 23, United States Code.

13 **SEC. 11510. CYBERSECURITY TOOL; CYBER COORDINATOR.**

14 (a) *DEFINITIONS.*—In this section:

15 (1) *ADMINISTRATOR.*—The term “Adminis-
16 trator” means the Administrator of the Federal High-
17 way Administration.

18 (2) *CYBER INCIDENT.*—The term “cyber inci-
19 dent” has the meaning given the term “incident” in
20 section 3552 of title 44, United States Code.

21 (3) *TRANSPORTATION AUTHORITY.*—The term
22 “transportation authority” means—

23 (A) a public authority (as defined in section
24 101(a) of title 23, United States Code);

1 (B) an owner or operator of a highway (as
2 defined in section 101(a) of title 23, United
3 States Code);

4 (C) a manufacturer that manufactures a
5 product related to transportation; and

6 (D) a division office of the Federal High-
7 way Administration.

8 (b) *CYBERSECURITY TOOL*.—

9 (1) *IN GENERAL*.—Not later than 2 years after
10 the date of enactment of this Act, the Administrator
11 shall develop a tool to assist transportation authori-
12 ties in identifying, detecting, protecting against, re-
13 sponding to, and recovering from cyber incidents.

14 (2) *REQUIREMENTS*.—In developing the tool
15 under paragraph (1), the Administrator shall—

16 (A) use the cybersecurity framework estab-
17 lished by the National Institute of Standards
18 and Technology and required by Executive Order
19 13636 of February 12, 2013 (78 Fed. Reg.
20 11739; relating to improving critical infrastruc-
21 ture cybersecurity);

22 (B) establish a structured cybersecurity as-
23 sessment and development program;

1 (C) coordinate with the Transportation Se-
2 curity Administration and the Cybersecurity
3 and Infrastructure Security Agency;

4 (D) consult with appropriate transportation
5 authorities, operating agencies, industry stake-
6 holders, and cybersecurity experts; and

7 (E) provide for a period of public comment
8 and review on the tool.

9 (c) *DESIGNATION OF CYBER COORDINATOR.*—

10 (1) *IN GENERAL.*—Not later than 2 years after
11 the date of enactment of this Act, the Administrator
12 shall designate an office as a “cyber coordinator”,
13 which shall be responsible for monitoring, alerting,
14 and advising transportation authorities of cyber inci-
15 dents.

16 (2) *REQUIREMENTS.*—The office designated
17 under paragraph (1) shall, in coordination with the
18 Transportation Security Administration and the Cy-
19 bersecurity and Infrastructure Security Agency—

20 (A) provide to transportation authorities a
21 secure method of notifying the Federal Highway
22 Administration of cyber incidents;

23 (B) share the information collected under
24 subparagraph (A) with the Transportation Secu-

1 *rity Administration and the Cybersecurity and*
 2 *Infrastructure Security Agency;*

3 *(C) monitor cyber incidents that affect*
 4 *transportation authorities;*

5 *(D) alert transportation authorities to cyber*
 6 *incidents that affect those transportation au-*
 7 *thorities;*

8 *(E) investigate unaddressed cyber incidents*
 9 *that affect transportation authorities; and*

10 *(F) provide to transportation authorities*
 11 *educational resources, outreach, and awareness*
 12 *on fundamental principles and best practices in*
 13 *cybersecurity for transportation systems.*

14 **SEC. 11511. REPORT ON EMERGING ALTERNATIVE FUEL VE-**
 15 **HICLES AND INFRASTRUCTURE.**

16 *(a) DEFINITIONS.—In this section:*

17 *(1) EMERGING ALTERNATIVE FUEL VEHICLE.—*
 18 *The term “emerging alternative fuel vehicle” means a*
 19 *vehicle fueled by hydrogen, natural gas, or propane.*

20 *(2) EMERGING ALTERNATIVE FUELING INFRA-*
 21 *STRUCTURE.—The term “emerging alternative fueling*
 22 *infrastructure” means infrastructure for fueling an*
 23 *emerging alternative fuel vehicle.*

24 *(b) REPORT.—Not later than 1 year after the date of*
 25 *enactment of this Act, to help guide future investments for*

1 *emerging alternative fueling infrastructure, the Secretary*
2 *shall submit to Congress and make publicly available a re-*
3 *port that—*

4 (1) *includes an evaluation of emerging alter-*
5 *native fuel vehicles and projections for potential loca-*
6 *tions of emerging alternative fuel vehicle owners dur-*
7 *ing the 5-year period beginning on the date of sub-*
8 *mission of the report;*

9 (2) *identifies areas where emerging alternative*
10 *fueling infrastructure will be needed to meet the cur-*
11 *rent and future needs of drivers during the 5-year pe-*
12 *riod beginning on the date of submission of the report;*

13 (3) *identifies specific areas, such as a lack of*
14 *pipeline infrastructure, that may impede deployment*
15 *and adoption of emerging alternative fuel vehicles;*

16 (4) *includes a map that identifies concentrations*
17 *of emerging alternative fuel vehicles to meet the needs*
18 *of current and future emerging alternative fueling in-*
19 *frastructure;*

20 (5) *estimates the future need for emerging alter-*
21 *native fueling infrastructure to support the adoption*
22 *and use of emerging alternative fuel vehicles; and*

23 (6) *includes a tool to allow States to compare*
24 *and evaluate different adoption and use scenarios for*
25 *emerging alternative fuel vehicles, with the ability to*

1 *adjust factors to account for regionally specific char-*
2 *acteristics.*

3 **SEC. 11512. NONHIGHWAY RECREATIONAL FUEL STUDY.**

4 *(a) DEFINITIONS.—In this section:*

5 (1) *HIGHWAY TRUST FUND.—The term “High-*
6 *way Trust Fund” means the Highway Trust Fund es-*
7 *tablished by section 9503(a) of the Internal Revenue*
8 *Code of 1986.*

9 (2) *NONHIGHWAY RECREATIONAL FUEL TAXES.—*
10 *The term “nonhighway recreational fuel taxes” means*
11 *taxes under section 4041 and 4081 of the Internal*
12 *Revenue Code of 1986 with respect to fuel used in ve-*
13 *hicles on recreational trails or back country terrain*
14 *(including vehicles registered for highway use when*
15 *used on recreational trails, trail access roads not eli-*
16 *gible for funding under title 23, United States Code,*
17 *or back country terrain).*

18 (3) *RECREATIONAL TRAILS PROGRAM.—The term*
19 *“recreational trails program” means the recreational*
20 *trails program under section 206 of title 23, United*
21 *States Code.*

22 *(b) ASSESSMENT; REPORT.—*

23 (1) *ASSESSMENT.—Not later than 1 year after*
24 *the date of enactment of this Act and not less fre-*
25 *quently than once every 5 years thereafter, as deter-*

1 *mined by the Secretary, the Secretary shall carry out*
2 *an assessment of the best available estimate of the*
3 *total amount of nonhighway recreational fuel taxes*
4 *received by the Secretary of the Treasury and trans-*
5 *ferred to the Highway Trust Fund for the period cov-*
6 *ered by the assessment.*

7 (2) *REPORT.—After carrying out each assess-*
8 *ment under paragraph (1), the Secretary shall submit*
9 *to the Committees on Finance and Environment and*
10 *Public Works of the Senate and the Committees on*
11 *Ways and Means and Transportation and Infrastruc-*
12 *ture of the House of Representatives a report that in-*
13 *cludes—*

14 (A) *to assist Congress in determining an*
15 *appropriate funding level for the recreational*
16 *trails program—*

17 (i) *a description of the results of the*
18 *assessment; and*

19 (ii) *an evaluation of whether the cur-*
20 *rent recreational trails program funding*
21 *level reflects the amount of nonhighway rec-*
22 *reational fuel taxes collected and transferred*
23 *to the Highway Trust Fund; and*

24 (B) *in the case of the first report submitted*
25 *under this paragraph, an estimate of the fre-*

1 *quency with which the Secretary anticipates car-*
2 *rying out the assessment under paragraph (1),*
3 *subject to the condition that such an assessment*
4 *shall be carried out not less frequently than once*
5 *every 5 years.*

6 *(c) CONSULTATION.—In carrying out an assessment*
7 *under subsection (b)(1), the Secretary may consult with, as*
8 *the Secretary determines to be appropriate—*

9 *(1) the heads of—*

10 *(A) State agencies designated by Governors*
11 *pursuant to section 206(c)(1) of title 23, United*
12 *States Code, to administer the recreational trails*
13 *program; and*

14 *(B) division offices of the Department;*

15 *(2) the Secretary of the Treasury;*

16 *(3) the Administrator of the Federal Highway*
17 *Administration; and*

18 *(4) groups representing recreational activities*
19 *and interests, including hiking, biking and mountain*
20 *biking, horseback riding, water trails, snowshoeing,*
21 *cross-country skiing, snowmobiling, off-highway*
22 *motorcycling, all-terrain vehicles and other offroad*
23 *motorized vehicle activities, and recreational trail ad-*
24 *vocates.*

1 **SEC. 11513. BUY AMERICA.**

2 *Section 313 of title 23, United States Code, is amend-*
 3 *ed—*

4 *(1) by redesignating subsection (g) as subsection*
 5 *(h); and*

6 *(2) by inserting after subsection (f) the following:*

7 *“(g) WAIVERS.—*

8 *“(1) IN GENERAL.—Not less than 15 days before*
 9 *issuing a waiver under this section, the Secretary*
 10 *shall provide to the public—*

11 *“(A) notice of the proposed waiver;*

12 *“(B) an opportunity for comment on the*
 13 *proposed waiver; and*

14 *“(C) the reasons for the proposed waiver.*

15 *“(2) REPORT.—Not less frequently than annu-*
 16 *ally, the Secretary shall submit to the Committee on*
 17 *Environment and Public Works of the Senate and the*
 18 *Committee on Transportation and Infrastructure of*
 19 *the House of Representatives a report on the waivers*
 20 *provided under this section.”.*

21 **SEC. 11514. HIGH PRIORITY CORRIDORS ON THE NATIONAL**
 22 **HIGHWAY SYSTEM.**

23 *(a) HIGH PRIORITY CORRIDORS.—Section 1105(c) of*
 24 *the Intermodal Surface Transportation Efficiency Act of*
 25 *1991 (Public Law 102–240; 105 Stat. 2032; 133 Stat. 3018)*
 26 *is amended—*

1 (1) by striking paragraph (84) and inserting the
2 following:

3 “(84) *The Central Texas Corridor, including the*
4 *route—*

5 “(A) *commencing in the vicinity of Texas*
6 *Highway 338 in Odessa, Texas, running east-*
7 *ward generally following Interstate Route 20,*
8 *connecting to Texas Highway 158 in the vicinity*
9 *of Midland, Texas, then following Texas High-*
10 *way 158 eastward to United States Route 87*
11 *and then following United States Route 87*
12 *southeastward, passing in the vicinity of San*
13 *Angelo, Texas, and connecting to United States*
14 *Route 190 in the vicinity of Brady, Texas;*

15 “(B) *commencing at the intersection of*
16 *Interstate Route 10 and United States Route 190*
17 *in Pecos County, Texas, and following United*
18 *States Route 190 to Brady, Texas;*

19 “(C) *following portions of United States*
20 *Route 190 eastward, passing in the vicinity of*
21 *Fort Hood, Killeen, Belton, Temple, Bryan, Col-*
22 *lege Station, Huntsville, Livingston, Woodville,*
23 *and Jasper, to the logical terminus of Texas*
24 *Highway 63 at the Sabine River Bridge at*

1 *Burrs Crossing and including a loop generally*
2 *encircling Bryan/College Station, Texas;*

3 “(D) *following United States Route 83*
4 *southward from the vicinity of Eden, Texas, to*
5 *a logical connection to Interstate Route 10 at*
6 *Junction, Texas;*

7 “(E) *following United States Route 69 from*
8 *Interstate Route 10 in Beaumont, Texas, north*
9 *to United States Route 190 in the vicinity of*
10 *Woodville, Texas;*

11 “(F) *following United States Route 96 from*
12 *Interstate Route 10 in Beaumont, Texas, north*
13 *to United States Route 190 in the vicinity of*
14 *Jasper, Texas; and*

15 “(G) *following United States Route 190,*
16 *State Highway 305, and United States Route*
17 *385 from Interstate Route 10 in Pecos County,*
18 *Texas, to Interstate 20 at Odessa, Texas.”; and*
19 (2) *by adding at the end the following:*

20 “(92) *United States Route 421 from the inter-*
21 *change with Interstate Route 85 in Greensboro, North*
22 *Carolina, to the interchange with Interstate Route 95*
23 *in Dunn, North Carolina.*

24 “(93) *The South Mississippi Corridor from the*
25 *Louisiana and Mississippi border near Natchez, Mis-*

1 *Mississippi, to Gulfport, Mississippi, shall generally fol-*
2 *low—*

3 *“(A) United States Route 84 from the Lou-*
4 *isiana border at the Mississippi River passing in*
5 *the vicinity of Natchez, Brookhaven, Monticello,*
6 *Prentiss, and Collins, Mississippi, to the logical*
7 *terminus with Interstate Route 59 in the vicin-*
8 *ity of Laurel, Mississippi, and continuing on*
9 *Interstate Route 59 south to the vicinity of Hat-*
10 *tiesburg, Mississippi; and*

11 *“(B) United States Route 49 from the vicin-*
12 *ity of Hattiesburg, Mississippi, south to Inter-*
13 *state Route 10 in the vicinity of Gulfport, Mis-*
14 *issippi, following Mississippi Route 601 south*
15 *and terminating near the Mississippi State Port*
16 *at Gulfport.*

17 *“(94) The Kosciusko to Gulf Coast corridor com-*
18 *mencing at the logical terminus of Interstate Route*
19 *55 near Vaiden, Mississippi, running south and pass-*
20 *ing east of the vicinity of the Jackson Urbanized*
21 *Area, connecting to United States Route 49 north of*
22 *Hattiesburg, Mississippi, and generally following*
23 *United States Route 49 to a logical connection with*
24 *Interstate Route 10 in the vicinity of Gulfport, Mis-*
25 *issippi.*

1 “(95) *The Interstate Route 22 spur from the vi-*
2 *cinity of Tupelo, Mississippi, running south generally*
3 *along United States Route 45 to the vicinity of Shan-*
4 *non, Mississippi.*

5 “(96) *The route that generally follows United*
6 *States Route 412 from its intersection with Interstate*
7 *Route 35 in Noble County, Oklahoma, passing*
8 *through Tulsa, Oklahoma, to its intersection with*
9 *Interstate Route 49 in Springdale, Arkansas.*

10 “(97) *The Louie B. Nunn Cumberland Express-*
11 *way from the interchange with Interstate Route 65 in*
12 *Barren County, Kentucky, east to the interchange*
13 *with United States Highway 27 in Somerset, Ken-*
14 *tucky.*

15 “(98) *The route that generally follows State*
16 *Route 7 from Grenada, Mississippi, to Holly Springs,*
17 *Mississippi, passing in the vicinity of Coffeerville,*
18 *Water Valley, Oxford, and Abbeville, Mississippi, to*
19 *its logical connection with Interstate Route 22 in the*
20 *vicinity of Holly Springs, Mississippi.*

21 “(99) *The Central Louisiana Corridor com-*
22 *mencing at the logical terminus of Louisiana High-*
23 *way 8 at the Sabine River Bridge at Burrs Crossing*
24 *and generally following portions of Louisiana High-*
25 *way 8 to Leesville, Louisiana, and then eastward on*

1 *Louisiana Highway 28, passing in the vicinity of Al-*
2 *exandria, Pineville, Walters, and Archie, to the log-*
3 *ical terminus of United States Route 84 at the Mis-*
4 *issippi River Bridge at Vidalia, Louisiana.*

5 *“(100) The Central Mississippi Corridor, includ-*
6 *ing the route—*

7 *“(A) commencing at the logical terminus of*
8 *United States Route 84 at the Mississippi River*
9 *and then generally following portions of United*
10 *States Route 84 passing in the vicinity of Natch-*
11 *ez, Brookhaven, Monticello, Prentiss, and Collins,*
12 *to Interstate Route 59 in the vicinity of Laurel,*
13 *Mississippi, and continuing on Interstate Route*
14 *59 north to Interstate Route 20 and on Interstate*
15 *Route 20 to the Mississippi–Alabama State bor-*
16 *der; and*

17 *“(B) commencing in the vicinity of Laurel,*
18 *Mississippi, running south on Interstate Route*
19 *59 to United States Route 98 in the vicinity of*
20 *Hattiesburg, connecting to United States Route*
21 *49 south then following United States Route 49*
22 *south to Interstate Route 10 in the vicinity of*
23 *Gulfport and following Mississippi Route 601*
24 *southerly terminating near the Mississippi State*
25 *Port at Gulfport.*

1 “(101) *The Middle Alabama Corridor including*
2 *the route—*

3 “(A) *beginning at the Alabama–Mississippi*
4 *border generally following portions of I–20 until*
5 *following a new interstate extension paralleling*
6 *United States Highway 80, specifically—*

7 “(B) *crossing Alabama Route 28 near*
8 *Coatopa, Alabama, traveling eastward crossing*
9 *United States Highway 43 and Alabama Route*
10 *69 near Selma, Alabama, traveling eastwards*
11 *closely paralleling United States Highway 80 to*
12 *the south crossing over Alabama Routes 22, 41,*
13 *and 21, until its intersection with I–65 near*
14 *Hope Hull, Alabama;*

15 “(C) *continuing east along the proposed*
16 *Montgomery Outer Loop south of Montgomery,*
17 *Alabama where it would next join with I–85 east*
18 *of Montgomery, Alabama;*

19 “(D) *continuing along I–85 east bound*
20 *until its intersection with United States High-*
21 *way 280 near Opelika, Alabama or United*
22 *States Highway 80 near Tuskegee, Alabama;*

23 “(E) *generally following the most expedient*
24 *route until intersecting with existing United*
25 *States Highway 80 (JR Allen Parkway) through*

1 *Phenix City until continuing into Columbus,*
2 *Georgia.*

3 “(102) *The Middle Georgia Corridor including*
4 *the route—*

5 “(A) *beginning at the Alabama–Georgia*
6 *Border generally following the Fall Line Free-*
7 *way from Columbus, Georgia to Augusta, Geor-*
8 *gia, specifically—*

9 “(B) *travelling along United States Route*
10 *80 (JR Allen Parkway) through Columbus, Geor-*
11 *gia and near Fort Benning, Georgia, east to Tal-*
12 *bot County, Georgia where it would follow Geor-*
13 *gia Route 96, then commencing on Georgia*
14 *Route 49C (Fort Valley Bypass) to Georgia*
15 *Route 49 (Peach Parkway) to its intersection*
16 *with Interstate Route 75 in Byron, Georgia;*

17 “(C) *continuing north along Interstate*
18 *Route 75 through Warner Robins and Macon,*
19 *Georgia where it would meet Interstate Route 16,*
20 *then following Interstate Route 16 east it would*
21 *next join United States Route 80 and then onto*
22 *State Route 57;*

23 “(D) *commencing with State Route 57*
24 *which turns into State Route 24 near*
25 *Milledgeville, Georgia would then bypass Wrens,*

1 *Georgia with a newly constructed bypass, and*
2 *after the bypass it would join United States*
3 *Route 1 near Fort Gordon into Augusta, Georgia*
4 *where it will terminate at Interstate Route*
5 *520.”.*

6 **(b) DESIGNATION AS FUTURE INTERSTATES.**—*Section*
7 *1105(e)(5)(A) of the Intermodal Surface Transportation Ef-*
8 *iciency Act of 1991 (Public Law 102–240; 109 Stat. 597;*
9 *133 Stat. 3018) is amended in the first sentence—*

10 (1) *by inserting “subsection (c)(84),” after “sub-*
11 *section (c)(83),”;* and

12 (2) *by striking “and subsection (c)(91)” and in-*
13 *serting “subsection (c)(91), subsection (c)(92), sub-*
14 *section (c)(93)(A), subsection (c)(94), subsection*
15 *(c)(95), subsection (c)(96), subsection (c)(97), sub-*
16 *section (c)(99), subsection (c)(100), subsection*
17 *(c)(101), and subsection (c)(102)”.*

18 **(c) NUMBERING OF PARKWAY.**—*Section*
19 *1105(e)(5)(C)(i) of the Intermodal Surface Transportation*
20 *Efficiency Act of 1991 (Public Law 102–240; 109 Stat. 598;*
21 *133 Stat. 3018) is amended—*

22 (1) *by striking the fifteenth sentence and insert-*
23 *ing the following: “The route referred to in subsection*
24 *(c)(84)(A) is designated as Interstate Route I–14*
25 *North. The route referred to in subsection (c)(84)(B)*

1 *is designated as Interstate Route I-14 South. The*
2 *Bryan/College Station, Texas loop referred to in sub-*
3 *section (c)(84)(C) is designated as Interstate Route I-*
4 *214.”; and*

5 (2) *by adding at the end the following: “The*
6 *route referred to in subsection (c)(97) is designated as*
7 *Interstate Route I-365. The routes referred to in sub-*
8 *sections (c)(84)(C), (c)(99), (c)(100), (c)(101), and*
9 *(c)(102) are designated as Interstate Route I-14. The*
10 *routes referred to in subparagraphs (D), (E), (F), and*
11 *(G) of subsection (c)(84) and subparagraph (B) of*
12 *subsection (c)(100) shall each be given separate Inter-*
13 *state route numbers.”.*

14 (d) *GAO REPORT ON DESIGNATION OF SEGMENTS AS*
15 *PART OF INTERSTATE SYSTEM.—*

16 (1) *DEFINITION OF APPLICABLE SEGMENT.—In*
17 *this subsection, the term “applicable segment” means*
18 *the route described in paragraph (92) of section*
19 *1105(c) of the Intermodal Surface Transportation Ef-*
20 *iciency Act of 1991 (Public Law 102-240; 105 Stat.*
21 *2032).*

22 (2) *REPORT.—*

23 (A) *IN GENERAL.—Not later than 2 years*
24 *after the date on which the applicable segment is*
25 *open for operations as part of the Interstate Sys-*

1 *tem, the Comptroller General of the United*
2 *States shall submit to Congress a report on the*
3 *impact, if any, during that 2-year period of al-*
4 *lowing the continuation of weight limits that ap-*
5 *plied before the designation of the applicable seg-*
6 *ment as a route on the Interstate System.*

7 *(B) REQUIREMENTS.—The report under*
8 *subparagraph (A) shall—*

9 *(i) be informed by the views and docu-*
10 *mentation provided by the State highway*
11 *agency (or equivalent agency) in the State*
12 *in which the applicable segment is located;*

13 *(ii) describe any impacts on safety and*
14 *infrastructure on the applicable segment;*

15 *(iii) describe any view of the State*
16 *highway agency (or equivalent agency) in*
17 *the State in which the applicable segment is*
18 *located on the impact of the applicable seg-*
19 *ment; and*

20 *(iv) focus only on the applicable seg-*
21 *ment.*

22 **SEC. 11515. INTERSTATE WEIGHT LIMITS.**

23 *Section 127 of title 23, United States Code, is amend-*
24 *ed—*

25 *(1) in subsection (l)(3)(A)—*

1 (A) in the matter preceding clause (i), in
2 the first sentence, by striking “clauses (i) through
3 (iv) of this subparagraph” and inserting
4 “clauses (i) through (v)”; and

5 (B) by adding at the end the following:

6 “(v) *The Louie B. Nunn Cumberland*
7 *Expressway (to be designated as a spur of*
8 *Interstate Route 65) from the interchange*
9 *with Interstate Route 65 in Barren County,*
10 *Kentucky, east to the interchange with*
11 *United States Highway 27 in Somerset,*
12 *Kentucky.”; and*

13 (2) by adding at the end the following:

14 “(v) *OPERATION OF VEHICLES ON CERTAIN NORTH*
15 *CAROLINA HIGHWAYS.—If any segment in the State of*
16 *North Carolina of United States Route 17, United States*
17 *Route 29, United States Route 52, United States Route 64,*
18 *United States Route 70, United States Route 74, United*
19 *States Route 117, United States Route 220, United States*
20 *Route 264, or United States Route 421 is designated as a*
21 *route on the Interstate System, a vehicle that could operate*
22 *legally on that segment before the date of such designation*
23 *may continue to operate on that segment, without regard*
24 *to any requirement under subsection (a).*

1 “(w) *OPERATION OF VEHICLES ON CERTAIN OKLA-*
 2 *HOMA HIGHWAYS.*—*If any segment of the highway referred*
 3 *to in paragraph (96) of section 1105(c) of the Intermodal*
 4 *Surface Transportation Efficiency Act of 1991 (Public Law*
 5 *102–240; 105 Stat. 2032) is designated as a route on the*
 6 *Interstate System, a vehicle that could operate legally on*
 7 *that segment before the date of such designation may con-*
 8 *tinue to operate on that segment, without any regard to*
 9 *any requirement under this section.”.*

10 **SEC. 11516. REPORT ON AIR QUALITY IMPROVEMENTS.**

11 (a) *IN GENERAL.*—*Not later than 3 years after the*
 12 *date of enactment of this Act, the Comptroller General of*
 13 *the United States shall submit a report that evaluates the*
 14 *congestion mitigation and air quality improvement pro-*
 15 *gram under section 149 of title 23, United States Code (re-*
 16 *ferred to in this section as the “program”), to—*

17 (1) *the Committee on Environment and Public*
 18 *Works of the Senate; and*

19 (2) *the Committee on Transportation and Infra-*
 20 *structure of the House of Representatives.*

21 (b) *CONTENTS.*—*The evaluation under subsection (a)*
 22 *shall include an evaluation of—*

23 (1) *the reductions of ozone, carbon monoxide,*
 24 *and particulate matter that result from projects under*
 25 *the program;*

1 (2) *the cost-effectiveness of the reductions de-*
2 *scribed in paragraph (1);*

3 (3) *the result of investments of funding under the*
4 *program in minority and low-income communities*
5 *that are disproportionately affected by ozone, carbon*
6 *monoxide, and particulate matter;*

7 (4) *the effectiveness, with respect to the attain-*
8 *ment or maintenance of national ambient air quality*
9 *standards under section 109 of the Clean Air Act (42*
10 *U.S.C. 7409) for ozone, carbon monoxide, and partic-*
11 *ulate matter, of performance measures established*
12 *under section 150(c)(5) of title 23, United States*
13 *Code, and performance targets established under sub-*
14 *section (d) of that section for traffic congestion and*
15 *on-road mobile source emissions;*

16 (5) *the extent to which there are any types of*
17 *projects that are not eligible funding under the pro-*
18 *gram that would be likely to contribute to the attain-*
19 *ment or maintenance of the national ambient air*
20 *quality standards described in paragraph (4); and*

21 (6) *the extent to which projects under the pro-*
22 *gram reduce sulfur dioxide, nitrogen dioxide, and*
23 *lead.*

1 **SEC. 11517. ROADSIDE HIGHWAY SAFETY HARDWARE.**

2 (a) *IN GENERAL.*—*To the maximum extent prac-*
3 *ticable, the Secretary shall develop a process for third party*
4 *verification of full-scale crash testing results from crash test*
5 *labs, including a method for formally verifying the testing*
6 *outcomes and providing for an independent pass/fail deter-*
7 *mination. In establishing such a process, the Secretary shall*
8 *seek to ensure the independence of crash test labs by ensur-*
9 *ing that those labs have a clear separation between device*
10 *development and testing in cases in which lab employees*
11 *test devices that were developed within the parent organiza-*
12 *tion of the employee.*

13 (b) *CONTINUED ISSUANCE OF ELIGIBILITY LET-*
14 *TERS.*—*Until the implementation of the process described*
15 *in subsection (a) is complete, the Secretary may, and is*
16 *encouraged to, ensure that the Administrator of the Federal*
17 *Highway Administration continues to issue Federal-aid re-*
18 *imbursement eligibility letters for roadside safety hardware*
19 *as a service to States.*

20 (c) *REPORT TO CONGRESS.*—

21 (1) *IN GENERAL.*—*If the Secretary seeks to dis-*
22 *continue issuing the letters described in subsection*
23 *(b), the Secretary shall submit to the Committee on*
24 *Environment and Public Works of the Senate and the*
25 *Committee on Transportation and Infrastructure of*

1 *the House of Representatives a report at least 1 year*
2 *before discontinuing the letters.*

3 (2) *INCLUSIONS.*—*The report described in para-*
4 *graph (1) shall include a summary of the third-party*
5 *verification process described in subsection (a) that*
6 *will replace the Federal Highway Administration*
7 *issuance of eligibility letters and any other relevant*
8 *information that the Secretary deems necessary.*

9 **SEC. 11518. PERMEABLE PAVEMENTS STUDY.**

10 (a) *IN GENERAL.*—*Not later than 1 year after the date*
11 *of enactment of this Act, the Secretary shall carry out a*
12 *study—*

13 (1) *to gather existing information on the effects*
14 *of permeable pavements on flood control in different*
15 *contexts, including in urban areas, and over the life-*
16 *time of the permeable pavement;*

17 (2) *to perform research to fill gaps in the exist-*
18 *ing information gathered under paragraph (1); and*

19 (3) *to develop—*

20 (A) *models for the performance of permeable*
21 *pavements in flood control; and*

22 (B) *best practices for designing permeable*
23 *pavement to meet flood control requirements.*

24 (b) *DATA SURVEY.*—*In carrying out the study under*
25 *subsection (a), the Secretary shall develop—*

1 (1) *a summary, based on available literature*
2 *and models, of localized flood control capabilities of*
3 *permeable pavement that considers long-term per-*
4 *formance and cost information; and*

5 (2) *best practices for the design of localized flood*
6 *control using permeable pavement that considers long-*
7 *term performance and cost information.*

8 (c) *PUBLICATION.*—*The Secretary shall make a report*
9 *describing the results of the study under subsection (a) pub-*
10 *licly available.*

11 **SEC. 11519. EMERGENCY RELIEF PROJECTS.**

12 (a) *DEFINITION OF EMERGENCY RELIEF PROJECT.*—
13 *In this section, the term “emergency relief project” means*
14 *a project carried out under the emergency relief program*
15 *under section 125 of title 23, United States Code.*

16 (b) *IMPROVING THE EMERGENCY RELIEF PROGRAM.*—
17 *Not later than 90 days after the date of enactment of this*
18 *Act, the Secretary shall—*

19 (1) *revise the emergency relief manual of the*
20 *Federal Highway Administration—*

21 (A) *to include and reflect the definition of*
22 *the term “resilience” (as defined in section*
23 *101(a) of title 23, United States Code);*

1 (B) to identify procedures that States may
2 use to incorporate resilience into emergency relief
3 projects; and

4 (C) to encourage the use of Complete Streets
5 design principles and consideration of access for
6 moderate- and low-income families impacted by
7 a declared disaster;

8 (2) develop best practices for improving the use
9 of resilience in—

10 (A) the emergency relief program under sec-
11 tion 125 of title 23, United States Code; and

12 (B) emergency relief efforts;

13 (3) provide to division offices of the Federal
14 Highway Administration and State departments of
15 transportation information on the best practices de-
16 veloped under paragraph (2); and

17 (4) develop and implement a process to track—

18 (A) the consideration of resilience as part of
19 the emergency relief program under section 125
20 of title 23, United States Code; and

21 (B) the costs of emergency relief projects.

22 **SEC. 11520. STUDY ON STORMWATER BEST MANAGEMENT**
23 **PRACTICES.**

24 (a) *STUDY.*—Not later than 180 days after the date
25 of enactment of this Act, the Secretary and the Adminis-

1 *trator of the Environment Protection Agency shall offer to*
2 *enter into an agreement with the Transportation Research*
3 *Board of the National Academy of Sciences to conduct a*
4 *study—*

5 (1) *to estimate pollutant loads from stormwater*
6 *runoff from highways and pedestrian facilities eligible*
7 *for assistance under title 23, United States Code, to*
8 *inform the development of appropriate total max-*
9 *imum daily load (as defined in section 130.2 of title*
10 *40, Code of Federal Regulations (or successor regula-*
11 *tions)) requirements;*

12 (2) *to provide recommendations regarding the*
13 *evaluation and selection by State departments of*
14 *transportation of potential stormwater management*
15 *and total maximum daily load compliance strategies*
16 *within a watershed, including environmental restora-*
17 *tion and pollution abatement carried out under sec-*
18 *tion 328 of title 23, United States Code (including*
19 *any revisions to law (including regulations) that the*
20 *Transportation Research Board determines to be ap-*
21 *propriate); and*

22 (3) *to examine the potential for the Secretary to*
23 *assist State departments of transportation in car-*
24 *rying out and communicating stormwater manage-*
25 *ment practices for highways and pedestrian facilities*

1 that are eligible for assistance under title 23, United
2 States Code, through information-sharing agreements,
3 database assistance, or an administrative platform to
4 provide the information described in paragraphs (1)
5 and (2) to entities issued permits under the Federal
6 Water Pollution Control Act (33 U.S.C. 1251 et seq.).

7 **(b) REQUIREMENTS.**—If the Transportation Research
8 Board enters into an agreement under subsection (a), in
9 conducting the study under that subsection, the Transpor-
10 tation Research Board shall—

11 (1) review and supplement, as appropriate, the
12 methodologies examined and recommended in the re-
13 port of the National Academies of Sciences, Engineer-
14 ing, and Medicine entitled “Approaches for Deter-
15 mining and Complying with TMDL Requirements
16 Related to Roadway Stormwater Runoff” and dated
17 2019;

18 (2) consult with—

19 (A) the Secretary;

20 (B) the Administrator of the Environmental
21 Protection Agency;

22 (C) the Secretary of the Army, acting
23 through the Chief of Engineers; and

24 (D) State departments of transportation;

25 and

1 (3) *solicit input from—*

2 (A) *stakeholders with experience in imple-*
3 *menting stormwater management practices for*
4 *projects; and*

5 (B) *educational and technical stormwater*
6 *management groups.*

7 (c) *REPORT.—If the Transportation Research Board*
8 *enters into an agreement under subsection (a), not later*
9 *than 18 months after the date of enactment of this Act, the*
10 *Transportation Research Board shall submit to the Sec-*
11 *retary, the Committee on Environment and Public Works*
12 *of the Senate, and the Committee on Transportation and*
13 *Infrastructure of the House of Representatives a report de-*
14 *scribing the results of the study.*

15 **SEC. 11521. STORMWATER BEST MANAGEMENT PRACTICES**

16 **REPORTS.**

17 (a) *DEFINITIONS.—In this section:*

18 (1) *ADMINISTRATOR.—The term “Adminis-*
19 *trator” means the Administrator of the Federal High-*
20 *way Administration.*

21 (2) *BEST MANAGEMENT PRACTICES REPORT.—*
22 *The term “best management practices report”*
23 *means—*

24 (A) *the 2014 report sponsored by the Ad-*
25 *ministrator entitled “Determining the State of*

1 *the Practice in Data Collection and Performance*
2 *Measurement of Stormwater Best Management*
3 *Practices”*; and

4 (B) *the 1997 report sponsored by the Ad-*
5 *ministrator entitled “Stormwater Best Manage-*
6 *ment Practices in an Ultra-Urban Setting: Se-*
7 *lection and Monitoring”*.

8 (b) *REISSUANCE.*—*Not later than 1 year after the date*
9 *of enactment of this Act, the Administrator shall update*
10 *and reissue each best management practices report to reflect*
11 *new information and advancements in stormwater manage-*
12 *ment.*

13 (c) *UPDATES.*—*Not less frequently than once every 5*
14 *years after the date on which the Administrator reissues*
15 *a best management practices report described in subsection*
16 *(b), the Administrator shall update and reissue the best*
17 *management practices report until the earlier of the date*
18 *on which—*

19 (1) *the best management practices report is with-*
20 *drawn; or*

21 (2) *the contents of the best management practices*
22 *report are incorporated (including by reference) into*
23 *applicable regulations of the Administrator.*

24 **SEC. 11522. INVASIVE PLANT ELIMINATION PROGRAM.**

25 (a) *DEFINITIONS.*—*In this section:*

1 (1) *INVASIVE PLANT*.—The term “invasive plant”
2 means a nonnative plant, tree, grass, or weed species,
3 including, at a minimum, cheatgrass, *Ventenata*
4 *dubia*, medusahead, bulbous bluegrass, Japanese
5 brome, rattail fescue, Japanese honeysuckle,
6 phragmites, autumn olive, Bradford pear, wild pars-
7 nip, sericea lespedeza, spotted knapweed, garlic mus-
8 tard, and palmer amaranth.

9 (2) *PROGRAM*.—The term “program” means the
10 grant program established under subsection (b).

11 (3) *TRANSPORTATION CORRIDOR*.—The term
12 “transportation corridor” means a road, highway,
13 railroad, or other surface transportation route.

14 (b) *ESTABLISHMENT*.—The Secretary shall carry out
15 a program to provide grants to States to eliminate or con-
16 trol existing invasive plants or prevent introduction of or
17 encroachment by new invasive plants along and in areas
18 adjacent to transportation corridor rights-of-way.

19 (c) *APPLICATION*.—To be eligible to receive a grant
20 under the program, a State shall submit to the Secretary
21 an application at such time, in such manner, and con-
22 taining such information as the Secretary may require.

23 (d) *ELIGIBLE ACTIVITIES*.—

24 (1) *IN GENERAL*.—Subject to this subsection, a
25 State that receives a grant under the program may

1 *use the grant funds to carry out activities to elimi-*
2 *nate or control existing invasive plants or prevent in-*
3 *troduction of or encroachment by new invasive plants*
4 *along and in areas adjacent to transportation cor-*
5 *ridor rights-of-way.*

6 (2) *PRIORITIZATION OF PROJECTS.—In carrying*
7 *out the program, the Secretary shall give priority to*
8 *projects that utilize revegetation with native plants*
9 *and wildflowers, including those that are pollinator-*
10 *friendly.*

11 (3) *PROHIBITION ON CERTAIN USES OF*
12 *FUNDS.—Amounts provided to a State under the pro-*
13 *gram may not be used for costs relating to mowing*
14 *a transportation corridor right-of-way or the adjacent*
15 *area unless—*

16 (A) *mowing is identified as the best means*
17 *of treatment according to best management prac-*
18 *tices; or*

19 (B) *mowing is used in conjunction with an-*
20 *other treatment.*

21 (4) *LIMITATION.—Not more than 10 percent of*
22 *the amounts provided to a State under the program*
23 *may be used for the purchase of equipment.*

24 (5) *ADMINISTRATIVE AND INDIRECT COSTS.—Not*
25 *more than 5 percent of the amounts provided to a*

1 *State under the program may be used for the admin-*
2 *istrative and other indirect costs (such as full time*
3 *employee salaries, rent, insurance, subscriptions, util-*
4 *ities, and office supplies) of carrying out eligible ac-*
5 *tivities.*

6 *(e) REQUIREMENTS.—*

7 *(1) COORDINATION.—In carrying out eligible ac-*
8 *tivities with a grant under the program, a State shall*
9 *coordinate with—*

10 *(A) units of local government, political sub-*
11 *divisions of the State, and Tribal authorities*
12 *that are carrying out eligible activities in the*
13 *areas to be treated;*

14 *(B) local regulatory authorities, in the case*
15 *of a treatment along or adjacent to a railroad*
16 *right-of-way; and*

17 *(C) with respect to the most effective road-*
18 *side control methods, State and Federal land*
19 *management agencies and any relevant Tribal*
20 *authorities.*

21 *(2) ANNUAL REPORT.—Not later than 1 year*
22 *after the date on which a State receives a grant under*
23 *the program, and annually thereafter, that State shall*
24 *provide to the Secretary an annual report on the*
25 *treatments carried out using funds from the grant.*

1 (f) *FEDERAL SHARE.*—

2 (1) *IN GENERAL.*—*The Federal share of the cost*
3 *of an eligible activity carried out using funds from a*
4 *grant under the program shall be—*

5 (A) *in the case of a project that utilizes re-*
6 *vegetation with native plants and wildflowers,*
7 *including those that are pollinator-friendly, 75*
8 *percent; and*

9 (B) *in the case of any other project not de-*
10 *scribed in subparagraph (A), 50 percent.*

11 (2) *CERTAIN FUNDS COUNTED TOWARD NON-FED-*
12 *ERAL SHARE.*—*A State may include amounts ex-*
13 *pended by the State or a unit of local government in*
14 *the State to address current invasive plant popu-*
15 *lations and prevent future infestation along or in*
16 *areas adjacent to transportation corridor rights-of-*
17 *way in calculating the non-Federal share required*
18 *under the program.*

19 (g) *FUNDING.*—*There is authorized to be appropriated*
20 *to carry out the program \$50,000,000 for each of fiscal*
21 *years 2022 through 2026.*

22 **SEC. 11523. OVER-THE-ROAD BUS TOLLING EQUITY.**

23 *Section 129(a) of title 23, United States Code, is*
24 *amended—*

1 (1) in paragraph (3)(B)(i), by inserting “, to-
2 gether with the results of the audit under paragraph
3 (9)(C),” after “the audits”; and

4 (2) in paragraph (9)—

5 (A) by striking “An over-the-road” and in-
6 serting the following:

7 “(A) *IN GENERAL.*—An over-the-road”;

8 (B) in subparagraph (A) (as so designated),
9 by striking “public transportation buses” and
10 inserting “public transportation vehicles”; and

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

12 “(B) *REPORTS.*—

13 “(i) *IN GENERAL.*—Not later than 90
14 days after the date of enactment of this sub-
15 paragraph, a public authority that operates
16 a toll facility shall report to the Secretary
17 any rates, terms, or conditions for access to
18 the toll facility by public transportation ve-
19 hicles that differ from the rates, terms, or
20 conditions applicable to over-the-road buses.

21 “(ii) *UPDATES.*—A public authority
22 that operates a toll facility shall report to
23 the Secretary any change to the rates,
24 terms, or conditions for access to the toll fa-
25 cility by public transportation vehicles that

1 *differ from the rates, terms, or conditions*
2 *applicable to over-the-road buses by not*
3 *later than 30 days after the date on which*
4 *the change takes effect.*

5 “(iii) *PUBLICATION.*—*The Secretary*
6 *shall publish information reported to the*
7 *Secretary under clauses (i) and (ii) on a*
8 *publicly accessible internet website.*

9 “(C) *ANNUAL AUDIT.*—

10 “(i) *IN GENERAL.*—*A public authority*
11 *(as defined in section 101(a)) with jurisdic-*
12 *tion over a toll facility shall—*

13 “(I) *conduct or have an inde-*
14 *pendent auditor conduct an annual*
15 *audit of toll facility records to verify*
16 *compliance with this paragraph; and*

17 “(II) *report the results of the*
18 *audit, together with the results of the*
19 *audit under paragraph (3)(B), to the*
20 *Secretary.*

21 “(ii) *RECORDS.*—*After providing rea-*
22 *sonable notice, a public authority described*
23 *in clause (i) shall make all records of the*
24 *public authority pertaining to the toll facil-*
25 *ity available for audit by the Secretary.*

1 “(iii) *NONCOMPLIANCE.*—*If the Sec-*
2 *retary determines that a public authority*
3 *described in clause (i) has not complied*
4 *with this paragraph, the Secretary may re-*
5 *quire the public authority to discontinue*
6 *collecting tolls until an agreement with the*
7 *Secretary is reached to achieve compli-*
8 *ance.*”.

9 **SEC. 11524. BRIDGE TERMINOLOGY.**

10 (a) *CONDITION OF NHS BRIDGES.*—*Section 119(f)(2)*
11 *of title 23, United States Code, is amended by striking*
12 *“structurally deficient” each place it appears and inserting*
13 *“in poor condition”.*

14 (b) *NATIONAL BRIDGE AND TUNNEL INVENTORIES.*—
15 *Section 144(b)(5) of title 23, United States Code, is amend-*
16 *ed by striking “structurally deficient bridge” and inserting*
17 *“bridge classified as in poor condition”.*

18 (c) *TRIBAL TRANSPORTATION FACILITY BRIDGES.*—
19 *Section 202(d) of title 23, United States Code, is amend-*
20 *ed—*

21 (1) *in paragraph (1), by striking “deficient*
22 *bridges eligible for the tribal transportation program”*
23 *and inserting “bridges eligible for the tribal transpor-*
24 *tation program classified as in poor condition, hav-*

1 *ing low load capacity, or needing geometric improve-*
2 *ments”;* and

3 (2) *in paragraph (3)(C), by striking “struc-*
4 *turally deficient or functionally obsolete” and insert-*
5 *ing “classified as in poor condition, having a low*
6 *load capacity, or needing geometric improvements”.*

7 **SEC. 11525. TECHNICAL CORRECTIONS.**

8 (a) *Section 101(b)(1) of title 23, United States Code,*
9 *is amended by inserting “Highways” after “and Defense”.*

10 (b) *Section 104(f)(3) of title 23, United States Code,*
11 *is amended—*

12 (1) *in the paragraph heading, by striking “FED-*
13 *ERAL HIGHWAY ADMINISTRATION” and inserting “AN*
14 *OPERATING ADMINISTRATION OF THE DEPARTMENT*
15 *OF TRANSPORTATION”;* and

16 (2) *in subparagraph (A), by striking “the Fed-*
17 *eral Highway Administration” and inserting “an op-*
18 *erating administration of the Department of Trans-*
19 *portation”.*

20 (c) *Section 108(c)(3)(F) of title 23, United States*
21 *Code, is amended—*

22 (1) *by inserting “of 1969 (42 U.S.C. 4321 et*
23 *seq.)” after “Policy Act”;* and

24 (2) *by striking “this Act” and inserting “this*
25 *title”.*

1 (d) Section 112(b)(2) of title 23, United States Code,
2 is amended by striking “(F) (F) Subparagraphs” and in-
3 serting the following:

4 “(F) EXCLUSION.—Subparagraphs”.

5 (e) Section 115(c) of title 23, United States Code, is
6 amended by striking “section 135(f)” and inserting “section
7 135(g)”.

8 (f) Section 130(g) of title 23, United States Code, is
9 amended—

10 (1) in the third sentence—

11 (A) by striking “and Transportation,” and
12 inserting “and Transportation”; and

13 (B) by striking “thereafter,,” and inserting
14 “thereafter,,”; and

15 (2) in the fifth sentence, by striking “railroad
16 highway” and inserting “railway-highway”.

17 (g) Section 135(g) of title 23, United States Code, is
18 amended—

19 (1) in paragraph (3), by striking “operators),,”
20 and inserting “operators),,”; and

21 (2) in paragraph (6)(B), by striking “5310,
22 5311, 5316, and 5317” and inserting “5310 and
23 5311”.

24 (h) Section 139 of title 23, United States Code (as
25 amended by section 11301), is amended—

1 (1) in subsection (b)(1), by inserting “(42 U.S.C.
2 4321 et seq.)” after “of 1969”;

3 (2) in subsection (c), by inserting “(42 U.S.C.
4 4321 et seq.)” after “of 1969” each place it appears;
5 and

6 (3) in subsection (k)(2), by inserting “(42 U.S.C.
7 4321 et seq.)” after “of 1969”.

8 (i) Section 140(a) of title 23, United States Code, is
9 amended, in the third sentence, by inserting a comma after
10 “Secretary”.

11 (j) Section 148(i)(2)(D) of title 23, United States Code,
12 is amended by striking “safety safety” and inserting “safe-
13 ty”.

14 (k) Section 166(a)(1) of title 23, United States Code,
15 is amended by striking the paragraph designation and
16 heading and all that follows through “A public authority”
17 and inserting the following:

18 “(1) *AUTHORITY OF PUBLIC AUTHORITIES.—A*
19 *public authority*”.

20 (l) Section 201(c)(6)(A)(ii) of title 23, United States
21 Code, is amended by striking “(25 U.S.C. 450 et seq.)” and
22 inserting “(25 U.S.C. 5301 et seq.)”.

23 (m) Section 202 of title 23, United States Code, is
24 amended—

1 (1) *by striking “(25 U.S.C. 450 et seq.)” each*
2 *place it appears and inserting “(25 U.S.C. 5301 et*
3 *seq.)”;*

4 (2) *in subsection (a)(10)(B), by striking “(25*
5 *U.S.C. 450e(b))” and inserting “(25 U.S.C.*
6 *5307(b))”;* and

7 (3) *in subsection (b)(5), in the matter preceding*
8 *subparagraph (A), by inserting “the” after “agree-*
9 *ment under”.*

10 (n) *Section 206(d)(2)(G) of title 23, United States*
11 *Code, is amended by striking “use of recreational trails”*
12 *and inserting “uses of recreational trails”.*

13 (o) *Section 207 of title 23, United States Code, is*
14 *amended—*

15 (1) *in subsection (g)—*

16 (A) *by striking “(25 U.S.C. 450j-1)” and*
17 *inserting “(25 U.S.C. 5325)”;* and

18 (B) *by striking “(25 U.S.C. 450j-1(f))” and*
19 *inserting “(25 U.S.C. 5325(f))”;*

20 (2) *in subsection (l)—*

21 (A) *in paragraph (1), by striking “(25*
22 *U.S.C. 458aaa-5)” and inserting “(25 U.S.C.*
23 *5386)”;*

1 (B) in paragraph (2), by striking “(25
2 U.S.C. 458aaa-6)” and inserting “(25 U.S.C.
3 5387)”;

4 (C) in paragraph (3), by striking “(25
5 U.S.C. 458aaa-7)” and inserting “(25 U.S.C.
6 5388)”;

7 (D) in paragraph (4), by striking “(25
8 U.S.C. 458aaa-9)” and inserting “(25 U.S.C.
9 5390)”;

10 (E) in paragraph (5), by striking “(25
11 U.S.C. 458aaa-10)” and inserting “(25 U.S.C.
12 5391)”;

13 (F) in paragraph (6), by striking “(25
14 U.S.C. 458aaa-11)” and inserting “(25 U.S.C.
15 5392)”;

16 (G) in paragraph (7), by striking “(25
17 U.S.C. 458aaa-14)” and inserting “(25 U.S.C.
18 5395)”;

19 (H) in paragraph (8), by striking “(25
20 U.S.C. 458aaa-15)” and inserting “(25 U.S.C.
21 5396)”;

22 (I) in paragraph (9), by striking “(25
23 U.S.C. 458aaa-17)” and inserting “(25 U.S.C.
24 5398)”;

25 (3) in subsection (m)(2)—

1 (A) by striking “505” and inserting “501”;

2 and

3 (B) by striking “(25 U.S.C. 450b; 458aaa)”

4 and inserting “(25 U.S.C. 5304; 5381)”.

5 (p) Section 217(d) of title 23, United States Code, is

6 amended by striking “104(b)(3)” and inserting

7 “104(b)(4)”.

8 (q) Section 323(d) of title 23, United States Code, is

9 amended in the matter preceding paragraph (1), in the sec-

10 ond sentence, by inserting “(42 U.S.C. 4321 et seq.)” after

11 “of 1969”.

12 (r) Section 325 of title 23, United States Code, is re-

13 pealed.

14 (s) Section 504(g)(6) of title 23, United States Code,

15 is amended by striking “make grants or to” and inserting

16 “make grants to”.

17 (t) The analysis for chapter 3 of title 23, United States

18 Code, is amended by striking the item relating to section

19 325.

20 **SEC. 11526. WORKING GROUP ON COVERED RESOURCES.**

21 (a) *DEFINITIONS.*—In this section:

22 (1) *COVERED RESOURCE.*—The term “covered re-

23 source” means a common variety material used in

24 transportation infrastructure construction and main-

25 tenance, including stone, sand, and gravel.

1 (2) *STATE.*—The term “State” means each of the
2 several States, the District of Columbia, and each ter-
3 ritory or possession of the United States.

4 (3) *WORKING GROUP.*—The term “Working
5 Group” means the working group established under
6 subsection (b).

7 (b) *ESTABLISHMENT.*—Not later than 120 days after
8 the date of enactment of this Act, the Secretary shall estab-
9 lish a working group to conduct a study on access to covered
10 resources for infrastructure projects.

11 (c) *MEMBERSHIP.*—

12 (1) *APPOINTMENT.*—The Secretary shall appoint
13 to the Working Group individuals with knowledge
14 and expertise in the production and transportation of
15 covered resources.

16 (2) *REPRESENTATION.*—The Working Group
17 shall include not less than 1 representative of each of
18 the following:

19 (A) State departments of transportation.

20 (B) State agencies associated with covered
21 resources protection.

22 (C) State planning and geologic survey and
23 mapping agencies.

1 (D) *Commercial motor vehicle operators, in-*
2 *cluding small business operators and operators*
3 *who transport covered resources.*

4 (E) *Covered resources producers.*

5 (F) *Construction contractors.*

6 (G) *Labor organizations.*

7 (H) *Metropolitan planning organizations*
8 *and regional planning organizations.*

9 (I) *Indian Tribes, including Tribal elected*
10 *leadership or Tribal transportation officials.*

11 (J) *Any other stakeholders that the Sec-*
12 *retary determines appropriate.*

13 (3) *TERMINATION.—The Working Group shall*
14 *terminate 180 days after the date on which the Sec-*
15 *retary receives the report under subsection (f)(1).*

16 (d) *DUTIES.—In carrying out the study required*
17 *under subsection (b), the Working Group shall analyze—*

18 (1) *the use of covered resources in transportation*
19 *projects funded with Federal dollars;*

20 (2) *how the proximity of covered resources to*
21 *such projects affects the cost and environmental im-*
22 *pect of those projects;*

23 (3) *whether and how State, Tribal, and local*
24 *transportation and planning agencies consider cov-*

1 *ered resources when developing transportation*
2 *projects; and*

3 (4) *any challenges for transportation project*
4 *sponsors regarding access and proximity to covered*
5 *resources.*

6 (e) *CONSULTATION.—In carrying out the study re-*
7 *quired under subsection (b), the Working Group shall con-*
8 *sult with, as appropriate—*

9 (1) *chief executive officers of States;*

10 (2) *State, Tribal, and local transportation and*
11 *planning agencies;*

12 (3) *other relevant State, Tribal, and local agen-*
13 *cies, including State agencies associated with covered*
14 *resources protection;*

15 (4) *members of the public with industry experi-*
16 *ence with respect to covered resources;*

17 (5) *other Federal entities that provide funding*
18 *for transportation projects; and*

19 (6) *any other stakeholder the Working Group de-*
20 *termines appropriate.*

21 (f) *REPORTS.—*

22 (1) *WORKING GROUP REPORT.—Not later than 2*
23 *years after the date on which the Working Group is*
24 *established, the Working Group shall submit to the*
25 *Secretary a report that includes—*

1 (A) the findings of the study required under
2 subsection (b), including a summary of com-
3 ments received during the consultation process
4 under subsection (e); and

5 (B) any recommendations to preserve access
6 to and reduce the costs and environmental im-
7 pacts of covered resources for infrastructure
8 projects.

9 (2) *DEPARTMENTAL REPORT.*—Not later than 90
10 days after the date on which the Secretary receives the
11 report under paragraph (1), the Secretary shall sub-
12 mit to the Committee on Transportation and Infra-
13 structure of the House of Representatives and the
14 Committee on Environment and Public Works of the
15 Senate a summary of the findings under the report
16 and any recommendations, as appropriate.

17 **SEC. 11527. BLOOD TRANSPORT VEHICLES.**

18 Section 166(b) of title 23, United States Code, is
19 amended by adding at the end the following:

20 “(6) *BLOOD TRANSPORT VEHICLES.*—The public
21 authority may allow blood transport vehicles that are
22 transporting blood between a collection point and a
23 hospital or storage center to use the HOV facility if
24 the public authority establishes requirements for clear-
25 ly 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 States
4 Code (as amended by section 11309(a)), is amended by add-
5 ing 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 native,
12 locally-appropriate grasses and wildflowers, including
13 milkweed.

14 “(b) *ELIGIBLE ENTITIES.*—An entity eligible to receive
15 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 Sec-
21 retary an application at such time, in such manner, and
22 containing such information as the Secretary may require,
23 including a pollinator-friendly practices plan described in
24 subsection (d).

25 “(d) *POLLINATOR-FRIENDLY PRACTICES PLAN.*—

1 “(1) *IN GENERAL.*—*An eligible entity shall in-*
2 *clude in the application under subsection (c) a plan*
3 *that describes the pollinator-friendly practices that*
4 *the eligible entity has implemented or plans to imple-*
5 *ment, including—*

6 “(A) *practices relating to mowing strategies*
7 *that promote early successional vegetation and*
8 *limit disturbance during periods of highest use*
9 *by target pollinator species on roadsides and*
10 *highway rights-of-way, such as—*

11 “(i) *reducing the mowing swath out-*
12 *side of the State-designated safety zone;*

13 “(ii) *increasing the mowing height;*

14 “(iii) *reducing the mowing frequency;*

15 “(iv) *refraining from mowing monarch*
16 *and other pollinator habitat during periods*
17 *in which monarchs or other pollinators are*
18 *present;*

19 “(v) *use of a flushing bar and cutting*
20 *at reduced speeds to reduce pollinator*
21 *deaths due to mowing; or*

22 “(vi) *reducing raking along roadsides*
23 *and highway rights-of-way;*

24 “(B) *implementation of an integrated vege-*
25 *tation management plan that includes ap-*

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 roadsides*
4 *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 assistance*
14 *on pollinator-friendly practices, including—*

15 “(i) *native plant identification;*

16 “(ii) *establishment and management of*
17 *locally-appropriate native plants that ben-*
18 *efit pollinators;*

19 “(iii) *land management practices that*
20 *benefit pollinators; and*

21 “(iv) *pollinator-focused integrated*
22 *vegetation management; or*

23 “(F) *any other pollinator-friendly practices*
24 *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 land*
4 *management agency shall coordinate with applicable*
5 *State agencies, including State agencies with jurisdic-*
6 *tion 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 sat-*
22 *isfactory.*

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 imple-
7 mentation, improvement, or further development of the plan
8 under subsection (d).

9 “(g) *FEDERAL SHARE.*—The Federal share of the cost
10 of an activity carried out with a grant under this section
11 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 eligi-
17 ble entity that receives a grant under this section, the Sec-
18 retary shall provide technical assistance with the implemen-
19 tation, 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, the
3 Secretary shall submit to the Committee on Environment
4 and Public Works of the Senate and the Committee on
5 Transportation and Infrastructure of the House of Rep-
6 resentatives a report on the implementation of the program
7 under this section.

8 “(l) *AUTHORIZATION OF APPROPRIATIONS.*—

9 “(1) *IN GENERAL.*—There is authorized to be ap-
10 propriated 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 chapter
17 3 of title 23, United States Code (as amended by section
18 11309(b)), is amended by adding at the end the following:

“332. Pollinator-friendly practices on roadsides and highway rights-of-way.”.

19 **SEC. 11529. ACTIVE TRANSPORTATION INFRASTRUCTURE**
20 **INVESTMENT PROGRAM.**

21 “(a) *IN GENERAL.*—Subject to the availability of appro-
22 priations, the Secretary shall carry out an active transpor-
23 tation infrastructure investment program to make grants,
24 on a competitive basis, to eligible organizations to construct
25 eligible projects to provide safe and connected active trans-

1 *portation facilities in an active transportation network or*
2 *active transportation spine.*

3 *(b) APPLICATION.—*

4 *(1) IN GENERAL.—To be eligible to receive a*
5 *grant under this section, an eligible organization*
6 *shall submit to the Secretary an application in such*
7 *manner and containing such information as the Sec-*
8 *retary may require.*

9 *(2) ELIGIBLE PROJECTS PARTIALLY ON FEDERAL*
10 *LAND.—With respect to an application for an eligible*
11 *project that is located in part on Federal land, an eli-*
12 *gible organization shall enter into a cooperative*
13 *agreement with the appropriate Federal agency with*
14 *jurisdiction over such land to submit an application*
15 *described in paragraph (1).*

16 *(c) APPLICATION CONSIDERATIONS.—In making a*
17 *grant for construction of an active transportation network*
18 *or active transportation spine under this section, the Sec-*
19 *retary shall consider the following:*

20 *(1) Whether the eligible organization submitted a*
21 *plan for an eligible project for the development of*
22 *walking and bicycling infrastructure that is likely to*
23 *provide substantial additional opportunities for walk-*
24 *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, resi-
4 dences, businesses, recreation areas, and other
5 community areas, or create an active transpor-
6 tation spine connecting two or more commu-
7 nities, metropolitan regions, or States; and

8 (B) to integrate active transportation facili-
9 ties with transit services, where available, to im-
10 prove access to public transportation.

11 (2) Whether the eligible organization dem-
12 onstrates broad community support through—

13 (A) the use of public input in the develop-
14 ment of transportation plans; and

15 (B) the commitment of community leaders
16 to the success and timely implementation of an
17 eligible project.

18 (3) Whether the eligible organization provides
19 evidence of commitment to traffic safety, regulations,
20 financial incentives, or community design policies
21 that facilitate significant increases in walking and
22 bicycling.

23 (4) The extent to which the eligible organization
24 demonstrates commitment of State, local, or eligible
25 Federal matching funds, and land or in-kind con-

1 *tributions, in addition to the local match required*
2 *under subsection (f)(1), unless the applicant qualifies*
3 *for an exception under subsection (f)(2).*

4 (5) *The extent to which the eligible organization*
5 *demonstrates that the grant will address existing dis-*
6 *parities in bicyclist and pedestrian fatality rates*
7 *based on race or income level or provide access to jobs*
8 *and services for low-income communities and dis-*
9 *advantaged communities.*

10 (6) *Whether the eligible organization dem-*
11 *onstrates how investment in active transportation*
12 *will advance safety for pedestrians and cyclists, acces-*
13 *sibility to jobs and key destinations, economic com-*
14 *petitiveness, environmental protection, and quality of*
15 *life.*

16 (d) *USE OF FUNDS.—*

17 (1) *IN GENERAL.—Of the amounts made avail-*
18 *able to carry out this section and subject to para-*
19 *graphs (2) and (3), the Secretary shall obligate—*

20 (A) *not less than 30 percent to eligible*
21 *projects that construct active transportation net-*
22 *works that connect people with public transpor-*
23 *tation, businesses, workplaces, schools, residences,*
24 *recreation areas, and other community activity*
25 *centers; and*

1 (B) not less than 30 percent to eligible
2 projects that construct active transportation
3 spines.

4 (2) *PLANNING AND DESIGN GRANTS.*—Each fiscal
5 year, the Secretary shall set aside not less than
6 \$3,000,000 of the funds made available to carry out
7 this section to provide planning grants for eligible or-
8 ganizations to develop plans for active transportation
9 networks and active transportation spines.

10 (3) *ADMINISTRATIVE COSTS.*—Each fiscal year,
11 the Secretary shall set aside not more than \$2,000,000
12 of the funds made available to carry out this section
13 to cover the costs of administration, research, tech-
14 nical assistance, communications, and training ac-
15 tivities under the program.

16 (4) *LIMITATION ON STATUTORY CONSTRUCC-*
17 *TION.*—Nothing in this subsection prohibits an eligi-
18 ble organization from receiving research or other
19 funds under title 23 or 49, United States Code.

20 (e) *GRANT TIMING.*—

21 (1) *REQUEST FOR APPLICATION.*—Not later than
22 30 days after funds are made available to carry out
23 this section for a fiscal year, the Secretary shall pub-
24 lish in the Federal Register a request for applications
25 for grants under this section for that fiscal year.

1 (2) *SELECTION OF GRANT RECIPIENTS.*—Not
2 *later than 150 days after funds are made available to*
3 *carry out this section for a fiscal year, the Secretary*
4 *shall select grant recipients of grants under this sec-*
5 *tion for that fiscal year.*

6 (f) *FEDERAL SHARE.*—

7 (1) *IN GENERAL.*—*Except as provided in para-*
8 *graph (2), the Federal share of the cost of an eligible*
9 *project carried out using a grant under this section*
10 *shall not exceed 80 percent of the total project cost.*

11 (2) *EXCEPTION FOR DISADVANTAGED COMMU-*
12 *NITIES.*—*For eligible projects serving communities*
13 *with a poverty rate of over 40 percent based on the*
14 *majority of census tracts served by the eligible project,*
15 *the Secretary may increase the Federal share of the*
16 *cost of the eligible project up to 100 percent of the*
17 *total project cost.*

18 (g) *ASSISTANCE TO INDIAN TRIBES.*—*In carrying out*
19 *this section, the Secretary may enter into grant agreements,*
20 *self-determination contracts, and self-governance compacts*
21 *under the Indian Self-Determination and Education Assist-*
22 *ance Act (25 U.S.C. 5301 et seq.) with Indian tribes that*
23 *are eligible organizations, and such agreements, contracts,*
24 *and compacts shall be administered in accordance with that*
25 *Act.*

1 (h) *REPORTS.*—

2 (1) *INTERIM REPORT.*—Not later than September
3 30, 2024, the Secretary shall submit to Congress a re-
4 port containing the information described in para-
5 graph (3).

6 (2) *FINAL REPORT.*—Not later than September
7 30, 2026, the Secretary shall submit to Congress a re-
8 port containing the information described in para-
9 graph (3).

10 (3) *REPORT INFORMATION.*—A report submitted
11 under this subsection shall contain the following, with
12 respect to the period covered by the applicable report:

13 (A) *A list of grants made under this section.*

14 (B) *Best practices of eligible organizations*
15 *that receive grants under this section in imple-*
16 *menting eligible projects.*

17 (C) *Impediments experienced by eligible or-*
18 *ganizations that receive grants under this section*
19 *in developing and shifting to active transpor-*
20 *tation.*

21 (i) *RULE REQUIRED.*—Not later than 1 year after the
22 date of enactment of this Act, the Secretary shall issue a
23 final rule that encourages the use of the programmatic cat-
24 egorical exclusion, expedited procurement techniques, and
25 other best practices to facilitate productive and timely ex-

1 *penditures for eligible projects that are small, low-impact,*
2 *and constructed within an existing built environment.*

3 *(j) AUTHORIZATION OF APPROPRIATIONS.—*

4 *(1) IN GENERAL.—There is authorized to be ap-*
5 *propriated to the Secretary to carry out this section*
6 *\$200,000,000 for each of fiscal years 2022 through*
7 *2026.*

8 *(2) AVAILABILITY.—The amounts made available*
9 *to carry out this section shall remain available until*
10 *expended.*

11 *(k) TREATMENT OF PROJECTS.—Notwithstanding any*
12 *other provision of law, a project assisted under this section*
13 *shall be treated as a project on a Federal-aid highway under*
14 *chapter 1 of title 23, United States Code.*

15 *(l) DEFINITIONS.—In this section:*

16 *(1) ACTIVE TRANSPORTATION.—The term “active*
17 *transportation” means mobility options powered pri-*
18 *marily by human energy, including bicycling and*
19 *walking.*

20 *(2) ACTIVE TRANSPORTATION NETWORK.—The*
21 *term “active transportation network” means facilities*
22 *built for active transportation, including sidewalks,*
23 *bikeways, and pedestrian and bicycle trails, that con-*
24 *nect between destinations within a community or*
25 *metropolitan region.*

1 (3) *ACTIVE TRANSPORTATION SPINE.*—*The term*
2 *“active transportation spine” means facilities built*
3 *for active transportation, including sidewalks, bike-*
4 *ways, and pedestrian and bicycle trails that connect*
5 *between communities, metropolitan regions, or States.*

6 (4) *COMMUNITY.*—*The term “community” means*
7 *a geographic area that is socioeconomically inter-*
8 *dependent and may include rural, suburban, and*
9 *urban jurisdictions.*

10 (5) *ELIGIBLE ORGANIZATION.*—*The term “eligi-*
11 *ble organization” means—*

12 (A) *a local or regional governmental orga-*
13 *nization, including a metropolitan planning or-*
14 *ganization or regional planning organization or*
15 *council;*

16 (B) *a multicounty special district;*

17 (C) *a State;*

18 (D) *a multistate group of governments; or*

19 (E) *an Indian tribe.*

20 (6) *ELIGIBLE PROJECT.*—*The term “eligible*
21 *project” means an active transportation project or*
22 *group of projects—*

23 (A) *within or between a community or*
24 *group of communities, at least one of which falls*
25 *within the jurisdiction of an eligible organiza-*

1 *tion, which has submitted an application under*
2 *this section; and*

3 *(B) that has—*

4 *(i) a total cost of not less than*
5 *\$15,000,000; or*

6 *(ii) with respect to planning and de-*
7 *sign grants, planning and design costs of*
8 *not less than \$100,000.*

9 *(7) INDIAN TRIBE.—The term “Indian tribe” has*
10 *the meaning given the term in section 4 of the Indian*
11 *Self-Determination and Education Assistance Act (25*
12 *U.S.C. 5304).*

13 *(8) TOTAL PROJECT COST.—The term “total*
14 *project cost” means the sum total of all costs incurred*
15 *in the development of an eligible project that are ap-*
16 *proved by the Secretary as reasonable and necessary,*
17 *including—*

18 *(A) the cost of acquiring real property;*

19 *(B) the cost of site preparation, demolition,*
20 *and development;*

21 *(C) expenses related to the issuance of bonds*
22 *or notes;*

23 *(D) fees in connection with the planning,*
24 *execution, and financing of the eligible project;*

1 (E) the cost of studies, surveys, plans, per-
2 mits, insurance, interest, financing, tax, and as-
3 sessments;

4 (F) the cost of construction, rehabilitation,
5 reconstruction, and equipping the eligible
6 project;

7 (G) the cost of land improvements;

8 (H) contractor fees;

9 (I) the cost of training and education re-
10 lated to the safety of users of any bicycle or pe-
11 destrian network or spine constructed as part of
12 an eligible project; and

13 (J) any other cost that the Secretary deter-
14 mines is necessary and reasonable.

15 **SEC. 11530. HIGHWAY COST ALLOCATION STUDY.**

16 (a) *IN GENERAL.*—Not later than 4 years after the
17 date of enactment of this Act, the Secretary, in coordination
18 with State departments of transportation, shall carry out
19 a highway cost allocation study to determine the direct costs
20 of highway use by various types of users.

21 (b) *INCLUSIONS.*—The study under subsection (a) shall
22 include an examination of—

23 (1) the Federal costs occasioned in the design,
24 construction, rehabilitation, and maintenance of Fed-
25 eral-aid highways by—

1 (A) the use of vehicles of different dimen-
2 sions, weights, number of axles, and other speci-
3 fications; and

4 (B) the frequency of those vehicles in the
5 traffic stream;

6 (2) the safety-, emissions-, congestion-, and
7 noise-related costs of highway use by various types of
8 users, and other costs as determined by the Secretary;
9 and

10 (3) the proportionate share of the costs described
11 in paragraph (1) that are attributable to each class
12 of highway users.

13 (c) *REQUIREMENTS.*—In carrying out the study under
14 subsection (a), the Secretary shall—

15 (1) ensure that the study examines only direct
16 costs of highway use;

17 (2) capture the various driving conditions in dif-
18 ferent geographic areas of the United States;

19 (3) to the maximum extent practicable, distin-
20 guish between costs directly occasioned by a highway
21 user class and costs occasioned by all highway user
22 classes; and

23 (4) compare the costs occasioned by various high-
24 way user classes with the user fee revenue contributed

1 to the Highway Trust Fund by those highway user
2 classes.

3 (d) *REPORTS.*—

4 (1) *INTERIM REPORTS.*—Not less frequently than
5 annually during the period during which the Sec-
6 retary is carrying out the study under subsection (a),
7 the Secretary shall submit to Congress an interim re-
8 port on the progress of the study.

9 (2) *FINAL REPORT.*—On completion of the study
10 under subsection (a), the Secretary shall submit to
11 Congress a final report on the results of the study, in-
12 cluding the recommendations under subsection (e).

13 (e) *RECOMMENDATIONS.*—On completion of the study
14 under subsection (a), the Secretary, in coordination with
15 the Secretary of the Treasury, shall develop recommenda-
16 tions for a set of revenue options to fully cover the costs
17 occasioned by highway users, including recommendations
18 for—

19 (1) changes to existing revenue streams; and

20 (2) new revenue streams based on user fees.

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 pub-
14 lic 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 “(II) is a project for economic de-
2 velopment, including commercial and
3 residential development, and related
4 infrastructure and activities—

5 “(aa) that incorporates pri-
6 vate investment;

7 “(bb) that is physically or
8 functionally related to a passenger
9 rail station or multimodal station
10 that includes rail service;

11 “(cc) for which the project
12 sponsor has a high probability of
13 commencing the contracting proc-
14 ess for construction by not later
15 than 90 days after the date on
16 which credit assistance under the
17 TIFIA program is provided for
18 the project; and

19 “(dd) that has a high prob-
20 ability of reducing the need for fi-
21 nancial assistance under any
22 other Federal program for the rel-
23 evant passenger rail station or
24 service by increasing ridership,
25 tenant lease payments, or other

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; and*

11 *(C) by adding at the end the following:*

12 *“(G) an eligible airport-related project (as*
13 *defined in section 40117(a) of title 49) for which,*
14 *not later than September 30, 2025, the Secretary*
15 *has—*

16 *“(i) received a letter of interest; and*

17 *“(ii) determined that the project is eli-*
18 *gible for assistance; and*

19 *“(H) a project for the acquisition of plant*
20 *and wildlife habitat pursuant to a conservation*
21 *plan that—*

22 *“(i) has been approved by the Sec-*
23 *retary of the Interior pursuant to section 10*
24 *of the Endangered Species Act of 1973 (16*
25 *U.S.C. 1539); and*

1 “(i) in the judgment of the Secretary,
2 would mitigate the environmental impacts
3 of transportation infrastructure projects
4 otherwise eligible for assistance under this
5 title.”.

6 (b) *ELIGIBILITY*.—Section 602(a)(2) of title 23,
7 *United States Code*, is amended—

8 (1) in subparagraph (A)(iv)—

9 (A) by striking “a rating” and inserting
10 “an investment-grade rating”; and

11 (B) by striking “\$75,000,000” and inserting
12 “\$150,000,000”; and

13 (2) in subparagraph (B)—

14 (A) by striking “the senior debt” and insert-
15 ing “senior debt”; and

16 (B) by striking “credit instrument is for an
17 amount less than \$75,000,000” and inserting
18 “total amount of other senior debt and the Fed-
19 eral credit instrument is less than
20 \$150,000,000”.

21 (c) *FEDERAL REQUIREMENTS*.—Section 602(c)(1) of
22 *title 23, United States Code*, is amended in the matter pre-
23 *ceding subparagraph (A)* by striking “and the requirements
24 *of section 5333(a) of title 49 for rail projects,*” and inserting
25 “*the requirements of section 5333(a) of title 49 for rail*

1 *projects, and the requirements of sections 47112(b) and*
2 *50101 of title 49 for airport-related projects.”.*

3 *(d) PROCESSING TIMELINES.—Section 602(d) of title*
4 *23, United States Code, is amended—*

5 *(1) by redesignating paragraphs (1) and (2) as*
6 *paragraphs (2) and (3), respectively;*

7 *(2) in paragraph (3) (as so redesignated), by*
8 *striking “paragraph (1)” and inserting “paragraph*
9 *(2)”;* and

10 *(3) by inserting before paragraph (2) (as so re-*
11 *designated) the following:*

12 *“(1) PROCESSING TIMELINES.—Except in the*
13 *case of an application described in subsection (a)(8)*
14 *and to the maximum extent practicable, the Secretary*
15 *shall provide an applicant with a specific estimate of*
16 *the timeline for the approval or disapproval of the*
17 *application of the applicant, which, to the maximum*
18 *extent practicable, the Secretary shall endeavor to*
19 *complete by not later than 150 days after the date on*
20 *which the applicant submits a letter of interest to the*
21 *Secretary.”.*

22 *(e) MATURITY DATE OF CERTAIN SECURED LOANS.—*
23 *Section 603(b)(5) of title 23, United States Code, is amend-*
24 *ed—*

1 (1) *in subparagraph (A), in the matter preceding*
2 *clause (i), by striking “subparagraph (B)” and in-*
3 *serting “subparagraphs (B) and (C)”;* and

4 (2) *by adding at the end the following:*

5 “(C) *LONG LIVED ASSETS.—In the case of a*
6 *capital asset with an estimated life of more than*
7 *50 years, the final maturity date of the secured*
8 *loan shall be the lesser of—*

9 “(i) *75 years after the date of substan-*
10 *tial completion of the project; or*

11 “(ii) *75 percent of the estimated useful*
12 *life of the capital asset.”.*

13 (f) *SECURED LOANS.—Section 603(c)(4)(A) of title 23,*
14 *United States Code, is amended—*

15 (1) *by striking “Any excess” and inserting the*
16 *following:*

17 “(i) *IN GENERAL.—Except as provided*
18 *in clause (ii), any excess”;* and

19 (2) *by adding at the end the following:*

20 “(ii) *CERTAIN APPLICANTS.—In the*
21 *case of a secured loan or other secured Fed-*
22 *eral credit instrument provided after the*
23 *date of enactment of the Surface Transpor-*
24 *tation Reauthorization Act of 2021, if the*
25 *obligor is a governmental entity, agency, or*

1 *instrumentality, the obligor shall not be re-*
2 *quired to prepay the secured loan or other*
3 *secured Federal credit instrument with any*
4 *excess revenues described in clause (i) if the*
5 *obligor enters into an agreement to use those*
6 *excess revenues only for purposes authorized*
7 *under this title or title 49.”.*

8 *(g) TECHNICAL AMENDMENT.—Section 602(e) of title*
9 *23, United States Code, is amended by striking “section*
10 *601(a)(1)(A)” and inserting “section 601(a)(2)(A)”.*

11 *(h) STREAMLINED APPLICATION PROCESS.—Section*
12 *603(f) of title 23, United States Code, is amended by adding*
13 *at the end the following:*

14 *“(3) ADDITIONAL TERMS FOR EXPEDITED DECI-*
15 *SIONS.—*

16 *“(A) IN GENERAL.—Not later than 120*
17 *days after the date of enactment of this para-*
18 *graph, the Secretary shall implement an expe-*
19 *ditated decision timeline for public agency bor-*
20 *rowers seeking secured loans that meet—*

21 *“(i) the terms under paragraph (2);*

22 *and*

23 *“(ii) the additional criteria described*
24 *in subparagraph (B).*

1 “(B) *ADDITIONAL CRITERIA.*—*The addi-*
2 *tional criteria referred to in subparagraph*
3 *(A)(i) are the following:*

4 “(i) *The secured loan is made on terms*
5 *and conditions that substantially conform*
6 *to the conventional terms and conditions es-*
7 *tablished by the National Surface Transpor-*
8 *tation Innovative Finance Bureau.*

9 “(ii) *The secured loan is rated in the*
10 *A category or higher.*

11 “(iii) *The TIFIA program share of eli-*
12 *gible project costs is 33 percent or less.*

13 “(iv) *The applicant demonstrates a*
14 *reasonable expectation that the contracting*
15 *process for the project can commence by not*
16 *later than 90 days after the date on which*
17 *a Federal credit instrument is obligated for*
18 *the project under the TIFIA program.*

19 “(v) *The project has received a categor-*
20 *ical exclusion, a finding of no significant*
21 *impact, or a record of decision under the*
22 *National Environmental Policy Act of 1969*
23 *(42 U.S.C. 4321 et seq.).*

24 “(C) *WRITTEN NOTICE.*—*The Secretary*
25 *shall provide to an applicant seeking a secured*

1 loan under the expedited decision process under
2 this paragraph a written notice informing the
3 applicant whether the Secretary has approved or
4 disapproved the application by not later than
5 180 days after the date on which the Secretary
6 submits to the applicant a letter indicating that
7 the National Surface Transportation Innovative
8 Finance Bureau has commenced the credit-
9 worthiness review of the project.”.

10 (i) *FUNDING.*—

11 (1) *IN GENERAL.*—Section 608(a) of title 23,
12 *United States Code, is amended—*

13 (A) *by redesignating paragraphs (4) and*
14 *(5) as paragraphs (5) and (6), respectively;*

15 (B) *by inserting after paragraph (3) the fol-*
16 *lowing:*

17 “(4) *LIMITATION FOR CERTAIN PROJECTS.*—

18 “(A) *TRANSIT-ORIENTED DEVELOPMENT*
19 *PROJECTS.*—*For each fiscal year, the Secretary*
20 *may use to carry out projects described in sec-*
21 *tion 601(a)(12)(E) not more than 15 percent of*
22 *the amounts made available to carry out the*
23 *TIFIA program for that fiscal year.*

1 “(B) *AIRPORT-RELATED PROJECTS.*—*The*
2 *Secretary may use to carry out projects described*
3 *in section 601(a)(12)(G)*—

4 “(i) *for each fiscal year, not more than*
5 *15 percent of the amounts made available to*
6 *carry out the TIFIA program under the*
7 *Surface Transportation Reauthorization*
8 *Act of 2021 for that fiscal year; and*

9 “(ii) *for the period of fiscal years 2022*
10 *through 2026, not more than 15 percent of*
11 *the unobligated carryover balances (as of*
12 *October 1, 2021).*”; and

13 (C) *by striking paragraph (6) (as so redес-*
14 *ignated) and inserting the following:*

15 “(6) *ADMINISTRATIVE COSTS.*—*Of the amounts*
16 *made available to carry out the TIFIA program, the*
17 *Secretary may use not more than \$10,000,000 for*
18 *each of fiscal years 2022 through 2026 for the admin-*
19 *istration of the TIFIA program.*”.

20 (2) *CONFORMING AMENDMENT.*—*Section*
21 *605(f)(1) of title 23, United States Code, is amended*
22 *by striking “section 608(a)(5)” and inserting “section*
23 *608(a)(6)”.*

24 (j) *STATUS REPORTS.*—*Section 609 of title 23, United*
25 *States Code, is amended by adding at the end the following:*

1 “(c) *STATUS REPORTS.*—

2 “(1) *IN GENERAL.*—*The Secretary shall publish*
3 *on the website for the TIFIA program—*

4 “(A) *on a monthly basis, a current status*
5 *report on all submitted letters of interest and ap-*
6 *plications received for assistance under the*
7 *TIFIA program; and*

8 “(B) *on a quarterly basis, a current status*
9 *report on all approved applications for assist-*
10 *ance under the TIFIA program.*

11 “(2) *INCLUSIONS.*—*Each monthly and quarterly*
12 *status report under paragraph (1) shall include, at a*
13 *minimum, with respect to each project included in the*
14 *status report—*

15 “(A) *the name of the party submitting the*
16 *letter of interest or application;*

17 “(B) *the name of the project;*

18 “(C) *the date on which the letter of interest*
19 *or application was received;*

20 “(D) *the estimated project eligible costs;*

21 “(E) *the type of credit assistance sought;*

22 *and*

23 “(F) *the anticipated fiscal year and quarter*
24 *for closing of the credit assistance.”.*

1 (k) *STATE INFRASTRUCTURE BANK PROGRAM*.—*Sec-*
2 *tion 610 of title 23, United States Code, is amended—*

3 (1) *in subsection (d)—*

4 (A) *in paragraph (1)(A), by striking “fiscal*
5 *years 2016 through 2020” and inserting “fiscal*
6 *years 2022 through 2026”;*

7 (B) *in paragraph (2), by striking “fiscal*
8 *years 2016 through 2020” and inserting “fiscal*
9 *years 2022 through 2026”; and*

10 (C) *in paragraph (3), by striking “fiscal*
11 *years 2016 through 2020” and inserting “fiscal*
12 *years 2022 through 2026”; and*

13 (2) *in subsection (k), by striking “fiscal years*
14 *2016 through 2020” and inserting “fiscal years 2022*
15 *through 2026”.*

16 (l) *REPORT*.—*Not later than September 30, 2025, the*
17 *Secretary shall submit to the Committee on Environment*
18 *and Public Works of the Senate and the Committee on*
19 *Transportation and Infrastructure of the House of Rep-*
20 *resentatives a report on the impact of the amendment relat-*
21 *ing to airport-related projects under subsection (a)(2)(C)*
22 *and subsection (i)(1)(B), including—*

23 (1) *information on the use of TIFIA program (as*
24 *defined in section 601(a) of title 23, United States*
25 *Code) funds for eligible airport-related projects (as de-*

1 *fined in section 40117(a) of title 49, United States*
2 *Code); and*

3 *(2) recommendations for modifications to the*
4 *TIFIA program.*

5 **SEC. 12002. FEDERAL REQUIREMENTS FOR TIFIA ELIGI-**
6 **BILITY AND PROJECT SELECTION.**

7 *(a) IN GENERAL.—Section 602(c) of title 23, United*
8 *States Code, is amended by adding at the end the following:*

9 *“(3) PAYMENT AND PERFORMANCE SECURITY.—*

10 *“(A) IN GENERAL.—The Secretary shall en-*
11 *sure that the design and construction of a project*
12 *carried out with assistance under the TIFIA pro-*
13 *gram shall have appropriate payment and per-*
14 *formance security, regardless of whether the obli-*
15 *gor is a State, local government, agency or in-*
16 *strumentality of a State or local government,*
17 *public authority, or private party.*

18 *“(B) WRITTEN DETERMINATION.—If pay-*
19 *ment and performance security is required to be*
20 *furnished by applicable State or local statute or*
21 *regulation, the Secretary may accept such pay-*
22 *ment and performance security requirements ap-*
23 *plicable to the obligor if the Federal interest with*
24 *respect to Federal funds and other project risk*

1 *related to design and construction is adequately*
 2 *protected.*

3 “(C) *NO DETERMINATION OR APPLICABLE*
 4 *REQUIREMENTS.—If there are no payment and*
 5 *performance security requirements applicable to*
 6 *the obligor, the security under section 3131(b) of*
 7 *title 40 or an equivalent State or local require-*
 8 *ment, as determined by the Secretary, shall be*
 9 *required.”.*

10 **(b) APPLICABILITY.**—*The amendments made by this*
 11 *section shall apply with respect to any agreement for credit*
 12 *assistance entered into on or after the date of enactment*
 13 *of this Act.*

14 **TITLE III—RESEARCH,**
 15 **TECHNOLOGY, AND EDUCATION**

16 **SEC. 13001. STRATEGIC INNOVATION FOR REVENUE COL-**
 17 **LECTION.**

18 **(a) IN GENERAL.**—*The Secretary shall establish a pro-*
 19 *gram to test the feasibility of a road usage fee and other*
 20 *user-based alternative revenue mechanisms (referred to in*
 21 *this section as “user-based alternative revenue mecha-*
 22 *nisms”)* to help maintain the long-term solvency of the
 23 *Highway Trust Fund, through pilot projects at the State,*
 24 *local, and regional level.*

25 **(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, including
2 the use of independent and private third-party
3 vendors, for the collection of data and fees from
4 user-based alternative revenue mechanisms, in-
5 cluding the reliability and security of those solu-
6 tions 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 the
13 need for user-based alternative revenue mecha-
14 nisms for surface transportation programs.

15 (G) To evaluate the ease of compliance and
16 enforcement of a variety of implementation ap-
17 proaches for different users of the surface trans-
18 portation system.

19 (H) To ensure, to the greatest extent prac-
20 ticable, the use of innovation.

21 (I) To consider, to the greatest extent prac-
22 ticable, the potential for revenue collection along
23 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 the*
11 *cost of a pilot project carried out under this section*
12 *may not exceed—*

13 (A) *80 percent of the total cost of a project*
14 *carried out by an eligible entity that has not oth-*
15 *erwise received a grant under this section; and*

16 (B) *70 percent of the total cost of a project*
17 *carried out by an eligible entity that has received*
18 *at least 1 grant under this section.*

19 (c) *LIMITATION ON REVENUE COLLECTED.*—*Any rev-*
20 *enue collected through a user-based alternative revenue*
21 *mechanism established using funds provided under this sec-*
22 *tion shall not be considered a toll under section 301 of title*
23 *23, United States Code.*

24 (d) *RECOMMENDATIONS AND REPORT.*—*Not later than*
25 *3 years after the date of enactment of this Act, the Sec-*

1 *retary, in coordination with the Secretary of the Treasury*
2 *and the Federal System Funding Alternative Advisory*
3 *Board established under section 13002(g)(1), shall submit*
4 *to the Committee on Environment and Public Works of the*
5 *Senate and the Committee on Transportation and Infra-*
6 *structure of the House of Representatives a report that—*

7 (1) *summarizes the results of the pilot projects*
8 *under this section and the national pilot program*
9 *under section 13002; and*

10 (2) *provides recommendations, if applicable, to*
11 *enable potential implementation of a nationwide*
12 *user-based alternative revenue mechanism.*

13 (e) *FUNDING.—*

14 (1) *IN GENERAL.—Of the funds made available*
15 *to carry out section 503(b) of title 23, United States*
16 *Code, for each of fiscal years 2022 through 2026*
17 *\$15,000,000 shall be used for pilot projects under this*
18 *section.*

19 (2) *FLEXIBILITY.—If, by August 1 of each fiscal*
20 *year, the Secretary determines that there are not*
21 *enough grant applications to meet the requirements of*
22 *this section for that fiscal year, the Secretary shall*
23 *transfer to the national pilot program under section*
24 *13002 or to the highway research and development*

1 *program under section 503(b) of title 23, United*
2 *States Code—*

3 *(A) any funds reserved for a fiscal year*
4 *under paragraph (1) that the Secretary has not*
5 *yet awarded under this section; and*

6 *(B) an amount of obligation limitation*
7 *equal to the amount of funds that the Secretary*
8 *transfers under subparagraph (A).*

9 *(f) REPEAL.—*

10 *(1) IN GENERAL.—Section 6020 of the FAST Act*
11 *(23 U.S.C. 503 note; Public Law 114–94) is repealed.*

12 *(2) CLERICAL AMENDMENT.—The table of con-*
13 *tents in section 1(b) of the FAST Act (Public Law*
14 *114–94; 129 Stat. 1312) is amended by striking the*
15 *item relating to section 6020.*

16 **SEC. 13002. NATIONAL MOTOR VEHICLE PER-MILE USER**
17 **FEE PILOT.**

18 *(a) DEFINITIONS.—In this section:*

19 *(1) ADVISORY BOARD.—The term “advisory*
20 *board” means the Federal System Funding Alter-*
21 *native Advisory Board established under subsection*
22 *(g)(1).*

23 *(2) COMMERCIAL VEHICLE.—The term “commer-*
24 *cial vehicle” has the meaning given the term commer-*

1 *cial motor vehicle in section 31101 of title 49, United*
2 *States Code.*

3 (3) *HIGHWAY TRUST FUND.*—*The term “High-*
4 *way Trust Fund” means the Highway Trust Fund es-*
5 *tablished under section 9503 of the Internal Revenue*
6 *Code of 1986.*

7 (4) *LIGHT TRUCK.*—*The term “light truck” has*
8 *the meaning given the term in section 523.2 of title*
9 *49, Code of Federal Regulations (or successor regula-*
10 *tions).*

11 (5) *MEDIUM- AND HEAVY-DUTY TRUCK.*—*The*
12 *term “medium- and heavy-duty truck” has the mean-*
13 *ing given the term “commercial medium- and heavy-*
14 *duty on-highway vehicle” in section 32901(a) of title*
15 *49, United States Code.*

16 (6) *PASSENGER MOTOR VEHICLE.*—*The term*
17 *“passenger motor vehicle” has the meaning given the*
18 *term in section 32101 of title 49, United States Code.*

19 (7) *PER-MILE USER FEE.*—*The term “per-mile*
20 *user fee” means a revenue mechanism that—*

21 (A) *is applied to road users operating*
22 *motor vehicles on the surface transportation sys-*
23 *tem; and*

24 (B) *is based on the number of vehicle miles*
25 *traveled by an individual road user.*

1 (8) *PILOT PROGRAM.*—*The term “pilot program”*
2 *means the pilot program established under subsection*
3 *(b)(1).*

4 (9) *VOLUNTEER PARTICIPANT.*—*The term “vol-*
5 *unteer participant” means—*

6 (A) *an owner or lessee of a private, personal*
7 *motor vehicle who volunteers to participate in*
8 *the pilot program;*

9 (B) *a commercial vehicle operator who vol-*
10 *unteers to participate in the pilot program; or*

11 (C) *an owner of a motor vehicle fleet who*
12 *volunteers to participate in the pilot program.*

13 (b) *ESTABLISHMENT.*—

14 (1) *IN GENERAL.*—*The Secretary, in coordina-*
15 *tion with the Secretary of the Treasury, and con-*
16 *sistent with the recommendations of the advisory*
17 *board, shall establish a pilot program to demonstrate*
18 *a national motor vehicle per-mile user fee—*

19 (A) *to restore and maintain the long-term*
20 *solvency of the Highway Trust Fund; and*

21 (B) *to improve and maintain the surface*
22 *transportation system.*

23 (2) *OBJECTIVES.*—*The objectives of the pilot pro-*
24 *gram are—*

1 (A) to test the design, acceptance, imple-
2 mentation, and financial sustainability of a na-
3 tional motor vehicle per-mile user fee;

4 (B) to address the need for additional rev-
5 enue for surface transportation infrastructure
6 and a national motor vehicle per-mile user fee;
7 and

8 (C) to provide recommendations relating to
9 the adoption and implementation of a national
10 motor vehicle per-mile user fee.

11 (c) *PARAMETERS.*—In carrying out the pilot program,
12 the Secretary, in coordination with the Secretary of the
13 Treasury, shall—

14 (1) provide different methods that volunteer par-
15 ticipants can choose from to track motor vehicle miles
16 traveled;

17 (2) solicit volunteer participants from all 50
18 States, the District of Columbia, and the Common-
19 wealth of Puerto Rico;

20 (3) ensure an equitable geographic distribution
21 by population among volunteer participants;

22 (4) include commercial vehicles and passenger
23 motor vehicles; and

24 (5) use components of and, where appropriate,
25 coordinate with—

1 (A) *the States that received a grant under*
2 *section 6020 of the FAST Act (23 U.S.C. 503*
3 *note; Public Law 114–94) (as in effect on the*
4 *day before the date of enactment of this Act); and*

5 (B) *eligible entities that received a grant*
6 *under section 13001.*

7 (d) *METHODS.—*

8 (1) *TOOLS.—In selecting the methods described*
9 *in subsection (c)(1), the Secretary shall coordinate*
10 *with entities that voluntarily provide to the Secretary*
11 *for use under the pilot program any of the following*
12 *vehicle-miles-traveled collection tools:*

13 (A) *Third-party on-board diagnostic (OBD-*
14 *II) devices.*

15 (B) *Smart phone applications.*

16 (C) *Telemetric data collected by automakers.*

17 (D) *Motor vehicle data obtained by car in-*
18 *surance companies.*

19 (E) *Data from the States that received a*
20 *grant under section 6020 of the FAST Act (23*
21 *U.S.C. 503 note; Public Law 114–94) (as in ef-*
22 *fect on the day before the date of enactment of*
23 *this Act).*

24 (F) *Motor vehicle data obtained from fuel-*
25 *ing stations.*

1 (G) *Any other method that the Secretary*
2 *considers appropriate.*

3 (2) *COORDINATION.*—

4 (A) *SELECTION.*—*The Secretary shall deter-*
5 *mine which collection tools under paragraph (1)*
6 *are selected for the pilot program.*

7 (B) *VOLUNTEER PARTICIPANTS.*—*In a man-*
8 *ner that the Secretary considers appropriate, the*
9 *Secretary shall enable each volunteer participant*
10 *to choose 1 of the selected collection tools under*
11 *paragraph (1).*

12 (e) *MOTOR VEHICLE PER-MILE USER FEES.*—*For the*
13 *purposes of the pilot program, the Secretary of the Treasury*
14 *shall establish, on an annual basis, per-mile user fees for*
15 *passenger motor vehicles, light trucks, and medium- and*
16 *heavy-duty trucks, which amount may vary between vehicle*
17 *types and weight classes to reflect estimated impacts on in-*
18 *frastructure, safety, congestion, the environment, or other*
19 *related social impacts.*

20 (f) *VOLUNTEER PARTICIPANTS.*—*The Secretary, in co-*
21 *ordination with the Secretary of the Treasury, shall—*

22 (1)(A) *ensure, to the extent practicable, that the*
23 *greatest number of volunteer participants participate*
24 *in the pilot program; and*

1 (B) ensure that such volunteer participants rep-
2 resent geographically diverse regions of the United
3 States, including from urban and rural areas; and

4 (2) issue policies relating to the protection of vol-
5 unteer participants, including policies that—

6 (A) protect the privacy of volunteer partici-
7 pants; and

8 (B) secure the data provided by volunteer
9 participants.

10 (g) *FEDERAL SYSTEM FUNDING ALTERNATIVE ADVI-*
11 *SORY BOARD.*—

12 (1) *IN GENERAL.*—Not later than 90 days after
13 the date of enactment of this Act, the Secretary shall
14 establish an advisory board, to be known as the “Fed-
15 eral System Funding Alternative Advisory Board”, to
16 assist with—

17 (A) providing the Secretary with rec-
18 ommendations related to the structure, scope,
19 and methodology for developing and imple-
20 menting the pilot program;

21 (B) carrying out the public awareness cam-
22 paign under subsection (h); and

23 (C) developing the report under subsection
24 (n).

1 (2) *MEMBERSHIP.*—*The advisory board shall in-*
2 *clude, at a minimum, the following representatives*
3 *and entities, to be appointed by the Secretary:*

4 (A) *State departments of transportation.*

5 (B) *Any public or nonprofit entity that led*
6 *a surface transportation system funding alter-*
7 *natives pilot project under section 6020 of the*
8 *FAST Act (23 U.S.C. 503 note; Public Law 114–*
9 *94) (as in effect on the day before the date of en-*
10 *actment of this Act).*

11 (C) *Representatives of the trucking indus-*
12 *try, including owner-operator independent driv-*
13 *ers.*

14 (D) *Data security experts with expertise in*
15 *personal privacy.*

16 (E) *Academic experts on surface transpor-*
17 *tation systems.*

18 (F) *Consumer advocates, including privacy*
19 *experts.*

20 (G) *Advocacy groups focused on equity.*

21 (H) *Owners of motor vehicle fleets.*

22 (I) *Owners and operators of toll facilities.*

23 (J) *Tribal groups or representatives.*

24 (K) *Any other representatives or entities, as*
25 *determined appropriate by the Secretary.*

1 (3) *RECOMMENDATIONS.*—*Not later than 1 year*
2 *after the date on which the advisory board is estab-*
3 *lished under paragraph (1), the advisory board shall*
4 *provide the Secretary with the recommendations de-*
5 *scribed in subparagraph (A) of that paragraph, which*
6 *the Secretary shall use in implementing the pilot pro-*
7 *gram.*

8 (h) *PUBLIC AWARENESS CAMPAIGN.*—

9 (1) *IN GENERAL.*—*The Secretary, with guidance*
10 *from the advisory board, may carry out a public*
11 *awareness campaign to increase public awareness re-*
12 *garding a national motor vehicle per-mile user fee,*
13 *including distributing information—*

14 (A) *related to the pilot program;*

15 (B) *from the State surface transportation*
16 *system funding alternatives pilot program under*
17 *section 6020 of the FAST Act (23 U.S.C. 503*
18 *note; Public Law 114–94) (as in effect on the*
19 *day before the date of enactment of this Act); and*

20 (C) *related to consumer privacy.*

21 (2) *CONSIDERATIONS.*—*In carrying out the pub-*
22 *lic awareness campaign under this subsection, the*
23 *Secretary shall consider issues unique to each State.*

24 (i) *REVENUE COLLECTION.*—*The Secretary of the*
25 *Treasury, in coordination with the Secretary, shall estab-*

1 *lish a mechanism to collect motor vehicle per-mile user fees*
2 *established under subsection (e) from volunteer partici-*
3 *pants, which—*

4 (1) *may be adjusted as needed to address tech-*
5 *nical challenges; and*

6 (2) *may allow independent and private third-*
7 *party vendors to collect the motor vehicle per-mile*
8 *user fees and forward such fees to the Treasury.*

9 (j) *AGREEMENT.—The Secretary may enter into an*
10 *agreement with a volunteer participant containing such*
11 *terms and conditions as the Secretary considers necessary*
12 *for participation in the pilot program.*

13 (k) *LIMITATION.—Any revenue collected through the*
14 *mechanism established under subsection (i) shall not be con-*
15 *sidered a toll under section 301 of title 23, United States*
16 *Code.*

17 (l) *HIGHWAY TRUST FUND.—The Secretary of the*
18 *Treasury shall ensure that any revenue collected under sub-*
19 *section (i) is deposited into the Highway Trust Fund.*

20 (m) *PAYMENT.—Not more than 60 days after the end*
21 *of each calendar quarter in which a volunteer participant*
22 *has participated in the pilot program, the Secretary of the*
23 *Treasury, in consultation with the Secretary of Transpor-*
24 *tation, shall estimate an amount of payment for each volun-*
25 *teer based on the vehicle miles submitted by the volunteer*

1 *for the calendar quarter and issue such payment to such*
2 *volunteer participant.*

3 (n) *REPORT TO CONGRESS.*—*Not later than 1 year*
4 *after the date on which volunteer participants begin par-*
5 *ticipating in the pilot program, and each year thereafter*
6 *for the duration of the pilot program, the Secretary and*
7 *the Secretary of the Treasury shall submit to the Committee*
8 *on Environment and Public Works of the Senate and the*
9 *Committee on Transportation and Infrastructure of the*
10 *House of Representatives a report that includes an analysis*
11 *of—*

12 (1) *whether the objectives described in subsection*
13 *(b)(2) were achieved;*

14 (2) *how volunteer participant protections in sub-*
15 *section (f)(2) were complied with;*

16 (3) *whether motor vehicle per-mile user fees can*
17 *maintain the long-term solvency of the Highway*
18 *Trust Fund and improve and maintain the surface*
19 *transportation system, which shall include estimates*
20 *of administrative costs related to collecting such*
21 *motor vehicle per mile user fees;*

22 (4) *how the privacy of volunteers was main-*
23 *tained; and*

1 (5) *equity impacts of the pilot program, includ-*
2 *ing the impacts of the pilot program on low-income*
3 *commuters.*

4 (6) *FUNDING.—*

5 (1) *IN GENERAL.—Of the funds made available*
6 *to carry out section 503(b) of title 23, United States*
7 *Code, for each of fiscal years 2022 through 2026*
8 *\$10,000,000 shall be used to carry out the pilot pro-*
9 *gram under this section.*

10 (2) *EXCESS FUNDS.—Any excess funds remain-*
11 *ing after carrying out the pilot program under this*
12 *section shall be available to make grants for pilot*
13 *projects under section 13001.*

14 **SEC. 13003. PERFORMANCE MANAGEMENT DATA SUPPORT**
15 **PROGRAM.**

16 *Section 6028(c) of the FAST Act (23 U.S.C. 150 note;*
17 *Public Law 114–94) is amended by striking “fiscal years*
18 *2016 through 2020” and inserting “fiscal years 2022*
19 *through 2026”.*

20 **SEC. 13004. DATA INTEGRATION PILOT PROGRAM.**

21 (1) *ESTABLISHMENT.—The Secretary shall establish a*
22 *pilot program—*

23 (1) *to provide research and develop models that*
24 *integrate, in near-real-time, data from multiple*
25 *sources, including geolocated—*

- 1 (A) *weather conditions;*
- 2 (B) *roadway conditions;*
- 3 (C) *incidents, work zones, and other non-*
4 *recurring events related to emergency planning;*
5 *and*
- 6 (D) *information from emergency responders;*
7 *and*
- 8 (2) *to facilitate data integration between the De-*
9 *partment, the National Weather Service, and other*
10 *sources of data that provide real-time data with re-*
11 *spect to roadway conditions during or as a result of*
12 *severe weather events, including, at a minimum—*
- 13 (A) *winter weather;*
- 14 (B) *heavy rainfall; and*
- 15 (C) *tropical weather events.*
- 16 (b) *REQUIREMENTS.—In carrying out subsection*
17 *(a)(1), the Secretary shall—*
- 18 (1) *address the safety, resiliency, and vulner-*
19 *ability of the transportation system to disasters; and*
- 20 (2) *develop tools for decisionmakers and other*
21 *end-users who could use or benefit from the integrated*
22 *data described in that subsection to improve public*
23 *safety and mobility.*

1 (c) *TREATMENT.*—*Except as otherwise provided in this*
2 *section, the Secretary shall carry out activities under the*
3 *pilot program under this section as if—*

4 (1) *those activities were authorized under chap-*
5 *ter 5 of title 23, United States Code; and*

6 (2) *the funds made available to carry out the*
7 *pilot program were made available under that chap-*
8 *ter.*

9 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
10 *authorized to be appropriated to carry out this section*
11 *\$2,500,000 for each of fiscal years 2022 through 2026, to*
12 *remain available until expended.*

13 **SEC. 13005. EMERGING TECHNOLOGY RESEARCH PILOT**
14 **PROGRAM.**

15 (a) *ESTABLISHMENT.*—*The Secretary shall establish a*
16 *pilot program to conduct emerging technology research in*
17 *accordance with this section.*

18 (b) *ACTIVITIES.*—*The pilot program under this section*
19 *shall include—*

20 (1) *research and development activities relating*
21 *to leveraging advanced and additive manufacturing*
22 *technologies to increase the structural integrity and*
23 *cost-effectiveness of surface transportation infrastruc-*
24 *ture; and*

1 (2) *research and development activities (including*
2 *laboratory and test track supported accelerated*
3 *pavement testing research regarding the impacts of*
4 *connected, autonomous, and platooned vehicles on*
5 *pavement and infrastructure performance)*—

6 (A) *to reduce the impact of automated and*
7 *connected driving systems and advanced driver-*
8 *assistance systems on pavement and infrastruc-*
9 *ture performance; and*

10 (B) *to improve transportation infrastruc-*
11 *ture design in anticipation of increased usage of*
12 *automated driving systems and advanced driver-*
13 *assistance systems.*

14 (c) *TREATMENT.*—*Except as otherwise provided in this*
15 *section, the Secretary shall carry out activities under the*
16 *pilot program under this section as if—*

17 (1) *those activities were authorized under chap-*
18 *ter 5 of title 23, United States Code; and*

19 (2) *the funds made available to carry out the*
20 *pilot program were made available under that chap-*
21 *ter.*

22 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
23 *authorized to be appropriated to carry out this section*
24 *\$5,000,000 for each of fiscal years 2022 through 2026, to*
25 *remain available until expended.*

1 **SEC. 13006. RESEARCH AND TECHNOLOGY DEVELOPMENT**
2 **AND DEPLOYMENT.**

3 (a) *IN GENERAL.*—Section 503 of title 23, United
4 States Code, is amended—

5 (1) in subsection (a)(2), by striking “section
6 508” and inserting “section 6503 of title 49”;

7 (2) in subsection (b)—

8 (A) in paragraph (1)—

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

11 (ii) in subparagraph (D), by striking
12 the period at the end and inserting a semi-
13 colon; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(E) engage with public and private enti-
17 ties to spur advancement of emerging trans-
18 formative innovations through accelerated mar-
19 ket readiness; and

20 “(F) consult frequently with public and pri-
21 vate entities on new transportation tech-
22 nologies.”;

23 (B) in paragraph (2)(C)—

24 (i) by redesignating clauses (x) through
25 (xv) as clauses (xi) through (xvi), respec-
26 tively; and

1 (ii) by inserting after clause (ix) the
2 following:

3 “(x) safety measures to reduce the
4 number of wildlife-vehicle collisions;”;

5 (C) in paragraph (3)—

6 (i) in subparagraph (B)(viii), by in-
7 serting “, including weather,” after
8 “events”; and

9 (ii) in subparagraph (C)—

10 (I) in clause (xv), by inserting
11 “extreme weather events and” after
12 “withstand”;

13 (II) in clause (xviii), by striking
14 “and” at the end;

15 (III) in clause (xix), by striking
16 the period at the end and inserting “;
17 and”;

18 (IV) by adding at the end the fol-
19 lowing:

20 “(xx) studies on the deployment and
21 revenue potential of the deployment of en-
22 ergy and broadband infrastructure in high-
23 way rights-of-way, including potential ad-
24 verse impacts of the use or nonuse of those
25 rights-of-way.”;

1 (D) in paragraph (6)—

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

4 (ii) in subparagraph (B), by striking
5 the period at the end and inserting “; and”;
6 and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(C) to support research on non-market-
10 ready technologies in consultation with public
11 and private entities.”;

12 (E) in paragraph (7)(B)—

13 (i) in the matter preceding clause (i),
14 by inserting “innovations by leading” after
15 “support”;

16 (ii) in clause (iii), by striking “and”
17 at the end;

18 (iii) in clause (iv), by striking the pe-
19 riod at the end and inserting “; and”; and

20 (iv) by adding at the end the following:

21 “(v) the evaluation of information
22 from accelerated market readiness efforts,
23 including non-market-ready technologies, in
24 consultation with other offices of the Federal
25 Highway Administration, the National

1 *Highway Traffic Safety Administration,*
2 *and other key partners.”;*

3 *(F) in paragraph (8)(A), by striking “fu-*
4 *ture highway” and all that follows through*
5 *“needs.” and inserting the following: “current*
6 *conditions and future needs of highways, bridges,*
7 *and tunnels of the United States, including—*

8 *“(i) the conditions and performance of*
9 *the highway network for freight movement;*

10 *“(ii) intelligent transportation systems;*

11 *“(iii) resilience needs; and*

12 *“(iv) the backlog of current highway,*
13 *bridge, and tunnel needs.”; and*

14 *(G) by adding at the end the following:*

15 *“(9) ANALYSIS TOOLS.—The Secretary may de-*
16 *velop interactive modeling tools and databases that—*

17 *“(A) track the full condition of highway as-*
18 *sets, including interchanges, and the reconstruc-*
19 *tion history of those assets;*

20 *“(B) can be used to assess transportation*
21 *options;*

22 *“(C) allow for the monitoring and modeling*
23 *of network-level traffic flows on highways; and*

24 *“(D) further Federal and State under-*
25 *standing of the importance of national and re-*

1 *gional connectivity and the need for long-dis-*
2 *tance and interregional passenger and freight*
3 *travel by highway and other surface transpor-*
4 *tation modes.”; and*

5 *(3) in subsection (c)—*

6 *(A) in paragraph (1)—*

7 *(i) in the matter preceding subpara-*
8 *graph (A), by inserting “use of rights-of-*
9 *way permissible under applicable law,”*
10 *after “structures,”;*

11 *(ii) in subparagraph (D), by striking*
12 *“and” at the end;*

13 *(iii) in subparagraph (E), by striking*
14 *the period at the end and inserting “; and”;*
15 *and*

16 *(iv) by adding at the end the following:*
17 *“(F) disseminating and evaluating infor-*
18 *mation from accelerated market readiness efforts,*
19 *including non-market-ready technologies, to pub-*
20 *lic and private entities.”;*

21 *(B) in paragraph (2)—*

22 *(i) in subparagraph (B)(iii), by strik-*
23 *ing “improved tools and methods to accel-*
24 *erate the adoption” and inserting “and de-*
25 *ploy improved tools and methods to accel-*

1 *erate the adoption of early-stage and proven*
2 *innovative practices and technologies and,*
3 *as the Secretary determines to be appro-*
4 *priate, support continued implementation”;*
5 *and*

6 *(ii) by adding at the end the following:*

7 *“(D) REPORT.—Not later than 2 years after*
8 *the date of enactment of this subparagraph and*
9 *every 2 years thereafter, the Secretary shall sub-*
10 *mit to the Committee on Environment and Pub-*
11 *lic Works of the Senate and the Committee on*
12 *Transportation and Infrastructure of the House*
13 *of Representatives and make publicly available*
14 *on an internet website a report that describes—*

15 *“(i) the activities the Secretary has un-*
16 *dertaken to carry out the program estab-*
17 *lished under paragraph (1); and*

18 *“(ii) how and to what extent the Sec-*
19 *retary has worked to disseminate non-mar-*
20 *ket-ready technologies to public and private*
21 *entities.”;*

22 *(C) in paragraph (3)—*

23 *(i) by redesignating subparagraphs (C)*
24 *and (D) as subparagraphs (D) and (E), re-*
25 *spectively;*

1 (ii) by inserting after subparagraph
2 (B) the following:

3 “(C) *HIGH-FRICTION SURFACE TREATMENT*
4 *APPLICATION STUDY.*—

5 “(i) *DEFINITION OF INSTITUTION.*—*In*
6 *this subparagraph, the term ‘institution’*
7 *means a private sector entity, public agen-*
8 *cy, research university or other research in-*
9 *stitution, or organization representing*
10 *transportation and technology leaders or*
11 *other transportation stakeholders that, as*
12 *determined by the Secretary, is capable of*
13 *working with State highway agencies, the*
14 *Federal Highway Administration, and the*
15 *highway construction industry to develop*
16 *and evaluate new products, design tech-*
17 *nologies, and construction methods that*
18 *quickly lead to pavement improvements.*

19 “(ii) *STUDY.*—*The Secretary shall seek*
20 *to enter into an agreement with an institu-*
21 *tion to carry out a study on the use of nat-*
22 *ural and synthetic calcined bauxite as a*
23 *high-friction surface treatment application*
24 *on pavement.*

1 “(iii) *REPORT*.—Not later than 18
2 months after the date of enactment of the
3 *Surface Transportation Reauthorization*
4 *Act of 2021*, the Secretary shall submit a re-
5 port on the results of the study under clause
6 (i) to—

7 “(I) the Committee on Environ-
8 ment and Public Works of the Senate;

9 “(II) the Committee on Transpor-
10 tation and Infrastructure of the House
11 of Representatives;

12 “(III) the Federal Highway Ad-
13 ministration; and

14 “(IV) the American Association of
15 State Highway and Transportation
16 Officials.”;

17 (iii) in subparagraph (D) (as so reded-
18 ignated), by striking “fiscal years 2016
19 through 2020” and inserting “fiscal years
20 2022 through 2026”; and

21 (iv) in subparagraph (E) (as so reded-
22 ignated)—

23 (I) in clause (i), by striking “an-
24 nually” and inserting “once every 3
25 years”; and

1 (II) in clause (ii)—

2 (aa) in subclause (III), by
3 striking “and” at the end;

4 (bb) in subclause (IV), by
5 striking the period at the end and
6 inserting a semicolon; and

7 (cc) by adding at the end the
8 following:

9 “(V) pavement monitoring and
10 data collection practices;

11 “(VI) pavement durability and re-
12 siliience;

13 “(VII) stormwater management;

14 “(VIII) impacts on vehicle effi-
15 ciency;

16 “(IX) the energy efficiency of the
17 production of paving materials and the
18 ability of paving materials to enhance
19 the environment and promote sustain-
20 ability; and

21 “(X) integration of renewable en-
22 ergy in pavement designs.”; and

23 (D) by adding at the end the following:

1 “(5) *ACCELERATED IMPLEMENTATION AND DE-*
2 *PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION*
3 *MANAGEMENT SYSTEMS.—*

4 “(A) *IN GENERAL.—The Secretary shall es-*
5 *tablish and implement a program under the*
6 *technology and innovation deployment program*
7 *established under paragraph (1) to promote, im-*
8 *plement, deploy, demonstrate, showcase, support,*
9 *and document the application of advanced dig-*
10 *ital construction management systems, practices,*
11 *performance, and benefits.*

12 “(B) *GOALS.—The goals of the accelerated*
13 *implementation and deployment of advanced*
14 *digital construction management systems pro-*
15 *gram established under subparagraph (A) shall*
16 *include—*

17 “(i) *accelerated State adoption of ad-*
18 *vanced digital construction management*
19 *systems applied throughout the construction*
20 *lifecycle (including through the design and*
21 *engineering, construction, and operations*
22 *phases) that—*

23 “(I) *maximize interoperability*
24 *with other systems, products, tools, or*
25 *applications;*

- 1 “(II) boost productivity;
- 2 “(III) manage complexity;
- 3 “(IV) reduce project delays and
- 4 cost overruns; and
- 5 “(V) enhance safety and quality;
- 6 “(ii) more timely and productive infor-
- 7 mation-sharing among stakeholders through
- 8 reduced reliance on paper to manage con-
- 9 struction processes and deliverables such as
- 10 blueprints, design drawings, procurement
- 11 and supply-chain orders, equipment logs,
- 12 daily progress reports, and punch lists;
- 13 “(iii) deployment of digital manage-
- 14 ment systems that enable and leverage the
- 15 use of digital technologies on construction
- 16 sites by contractors, such as state-of-the-art
- 17 automated and connected machinery and
- 18 optimized routing software that allows con-
- 19 struction workers to perform tasks faster,
- 20 safer, more accurately, and with minimal
- 21 supervision;
- 22 “(iv) the development and deployment
- 23 of best practices for use in digital construc-
- 24 tion management;

1 “(v) increased technology adoption and
2 deployment by States and units of local
3 government that enables project sponsors—

4 “(I) to integrate the adoption of
5 digital management systems and tech-
6 nologies in contracts; and

7 “(II) to weigh the cost of
8 digitization and technology in setting
9 project budgets;

10 “(vi) technology training and work-
11 force development to build the capabilities of
12 project managers and sponsors that enables
13 States and units of local government—

14 “(I) to better manage projects
15 using advanced construction manage-
16 ment technologies; and

17 “(II) to properly measure and re-
18 ward technology adoption across
19 projects of the State or unit of local
20 government;

21 “(vii) development of guidance to assist
22 States in updating regulations of the State
23 to allow project sponsors and contractors—

24 “(I) to report data relating to the
25 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; and

10 “(ix) enhanced worker and pedestrian
11 safety resulting from increased trans-
12 parency.

13 “(C) FUNDING.—For each of fiscal years
14 2022 through 2026, the Secretary shall obligate
15 from funds made available to carry out this sub-
16 section \$20,000,000 to accelerate the deployment
17 and implementation of advanced digital con-
18 struction management systems.

19 “(D) PUBLICATION.—

20 “(i) IN GENERAL.—Not less frequently
21 than annually, the Secretary shall issue and
22 make available to the public on a website a
23 report on—

1 “(I) progress made in the imple-
2 mentation of advanced digital manage-
3 ment systems by States; and

4 “(II) the costs and benefits of the
5 deployment of new technology and in-
6 novations that substantially and di-
7 rectly resulted from the program estab-
8 lished under this paragraph.

9 “(ii) *INCLUSIONS*.—The report under
10 clause (i) may include an analysis of—

11 “(I) Federal, State, and local cost
12 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 AND*
20 *INNOVATIVE MOBILITY DEPLOYMENT*.—Section 503(c)(4) of
21 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, paratransit,”;*
13 *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 re-*
22 *designated) the following:*

23 “(i) *improve the mobility of people and*
24 *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 services
11 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-pedestrian,”
17 after “vehicle-to-infrastructure,”; and

18 (ii) by striking the period at the end
19 and inserting “; or”; and

20 (I) by adding at the end the following:

21 “(xii) incentivize travelers—

22 “(I) to share trips during periods
23 in which travel demand exceeds system
24 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 in-
7 serting “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”; and

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

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 in-

1 serting “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 following:

10 “(II) RURAL SET-ASIDE.—Not less
11 than 20 percent of the amounts made
12 available to carry out this paragraph
13 shall be reserved for projects serving
14 rural areas.”;

15 (6) in subparagraph (E)—

16 (A) by redesignating clauses (iii) through
17 (ix) as clauses (iv), (v), (vi), (vii), (viii), (xi),
18 and (xiv), respectively;

19 (B) by inserting after clause (ii) the fol-
20 lowing:

21 “(iii) advanced transportation tech-
22 nologies to improve emergency evacuation
23 and response by Federal, State, and local
24 authorities;”;

1 (C) by inserting after clause (viii) (as so re-
2 designated) 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,” after
9 “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 pricing,
15 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-range*
5 *communications (DSRC) technology de-*
6 *ployed as part of an existing pilot program*
7 *to cellular vehicle-to-everything (C-V2X)*
8 *technology, subject to the condition that the*
9 *retrofitted technology operates only within*
10 *the existing spectrum allocations for con-*
11 *nected vehicle systems; or*

12 “*(xvi) advanced transportation tech-*
13 *nologies, in accordance with the research*
14 *areas described in section 6503 of title 49.*”;

15 (7) in subparagraph (F)(ii)(IV), by striking “*ef-*
16 *iciency and multimodal system performance*” and
17 inserting “*mobility, efficiency, multimodal system*
18 *performance, and payment system performance*”;

19 (8) in subparagraph (G)—

20 (A) by redesignating clauses (vi) through
21 (viii) as clauses (vii) through (ix), respectively;

22 and

23 (B) by inserting after clause (v) the fol-
24 lowing:

1 “(vi) improved integration of payment
2 systems;”;

3 (9) in subparagraph (I)(i), by striking “fiscal
4 years 2016 through 2020” and inserting “fiscal years
5 2022 through 2026”;

6 (10) in subparagraph (J), by striking “50” and
7 inserting “80”; and

8 (11) in subparagraph (N)—

9 (A) in the matter preceding clause (i), by
10 striking “, the following definitions apply”;

11 (B) in clause (i), by striking “representing
12 a population of over 200,000”; and

13 (C) in clause (iii), in the matter preceding
14 subclause (I), by striking “a any” and inserting
15 “any”.

16 (c) *CENTER OF EXCELLENCE ON NEW MOBILITY AND*
17 *AUTOMATED VEHICLES.*—Section 503(c) of title 23, United
18 States Code (as amended by subsection (a)(3)(D)), is
19 amended by adding at the end the following:

20 “(6) *CENTER OF EXCELLENCE.*—

21 “(A) *DEFINITIONS.*—In this paragraph:

22 “(i) *HIGHLY AUTOMATED VEHICLE.*—
23 The term ‘highly automated vehicle’ means
24 a motor vehicle that—

1 “(I) has a taxable gross weight (as
2 defined in section 41.4482(b)–1 of title
3 26, Code of Federal Regulations (or
4 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, 2018
11 (or a subsequent standard adopted by
12 the Secretary)).

13 “(ii) *NEW MOBILITY*.—The term ‘new
14 mobility’ includes shared services such as—

15 “(I) docked and dockless bicycles;

16 “(II) docked and dockless electric
17 scooters; and

18 “(III) transportation network
19 companies.

20 “(B) *ESTABLISHMENT*.—Not later than 1
21 year after the date of enactment of the Surface
22 Transportation Reauthorization Act of 2021, the
23 Secretary shall establish a Center of Excellence
24 to collect, conduct, and fund research on the im-
25 pacts of new mobility and highly automated ve-

1 *hicles on land use, urban design, transportation,*
2 *real estate, equity, and municipal budgets.*

3 “(C) *REPORT.*—*Not later than 1 year after*
4 *the date on which the Center of Excellence is es-*
5 *tablished, the Secretary shall submit a report*
6 *that describes the results of the research regard-*
7 *ing the impacts of new mobility and highly*
8 *automated vehicles to the Committees on Envi-*
9 *ronment and Public Works and Commerce,*
10 *Science, and Transportation of the Senate and*
11 *the Committees on Transportation and Infra-*
12 *structure and Energy and Commerce of the*
13 *House of Representatives.*

14 “(D) *PARTNERSHIPS.*—*In establishing the*
15 *Center of Excellence under subparagraph (B),*
16 *the Secretary shall enter into appropriate part-*
17 *nerships with any institution of higher education*
18 *(as defined in section 101 of the Higher Edu-*
19 *cation Act of 1965 (20 U.S.C. 1001)) or public*
20 *or private research entity.”.*

21 (d) *ACCELERATED IMPLEMENTATION AND DEPLOY-*
22 *MENT OF ADVANCED DIGITAL CONSTRUCTION MANAGE-*
23 *MENT SYSTEMS.*—*Not later than 1 year after the date of*
24 *enactment of this Act, the Secretary shall submit to the*
25 *Committee on Environment and Public Works of the Senate*

1 *and the Committee on Transportation and Infrastructure*
2 *of the House of Representatives a report that includes—*

3 *(1) a description of—*

4 *(A) the current status of the use of advanced*
5 *digital construction management systems in each*
6 *State; and*

7 *(B) the progress of each State toward accel-*
8 *erating the adoption of advanced digital con-*
9 *struction management systems; and*

10 *(2) an analysis of the savings in project delivery*
11 *time and project costs that can be achieved through*
12 *the use of advanced digital construction management*
13 *systems.*

14 *(e) OPEN CHALLENGE AND RESEARCH PROPOSAL*
15 *PILOT PROGRAM.—*

16 *(1) IN GENERAL.—The Secretary shall establish*
17 *an open challenge and research proposal pilot pro-*
18 *gram under which eligible entities may propose open*
19 *highway challenges and research proposals that are*
20 *linked to identified or potential research needs.*

21 *(2) REQUIREMENTS.—A research proposal sub-*
22 *mitted to the Secretary by an eligible entity shall ad-*
23 *dress—*

1 (A) a research need identified by the Sec-
2 retary or the Administrator of the Federal High-
3 way Administration; or

4 (B) an issue or challenge that the Secretary
5 determines to be important.

6 (3) *ELIGIBLE ENTITIES*.—An entity eligible to
7 submit a research proposal under the pilot program
8 under paragraph (1) is—

9 (A) a State;

10 (B) a unit of local government;

11 (C) a university transportation center
12 under section 5505 of title 49, United States
13 Code;

14 (D) a private nonprofit organization;

15 (E) a private sector organization working
16 in collaboration with an entity described in sub-
17 paragraphs (A) through (D); and

18 (F) any other individual or entity that the
19 Secretary determines to be appropriate.

20 (4) *PROJECT REVIEW*.—The Secretary shall—

21 (A) review each research proposal submitted
22 under the pilot program under paragraph (1);
23 and

24 (B) provide to the eligible entity a written
25 notice that—

1 (i) if the research proposal is not se-
2 lected—

3 (I) notifies the eligible entity that
4 the research proposal has not been se-
5 lected for funding;

6 (II) provides an explanation as to
7 why the research proposal was not se-
8 lected, including if the research pro-
9 posal does not cover an area of need;
10 and

11 (III) if applicable, recommend
12 that the research proposal be submitted
13 to another research program and pro-
14 vide guidance and direction to the eli-
15 gible entity and the proposed research
16 program office; and

17 (ii) if the research proposal is selected,
18 notifies the eligible entity that the research
19 proposal has been selected for funding.

20 (5) *FEDERAL SHARE.*—

21 (A) *IN GENERAL.*—The Federal share of the
22 cost of an activity carried out under this sub-
23 section shall not exceed 80 percent.

24 (B) *NON-FEDERAL SHARE.*—All costs di-
25 rectly incurred by the non-Federal partners, in-

1 cluding personnel, travel, facility, and hardware
2 development costs, shall be credited toward the
3 non-Federal share of the cost of an activity car-
4 ried out under this subsection.

5 (f) *CONFORMING AMENDMENT*.—Section 167 of title
6 23, *United States Code*, is amended—

7 (1) by striking subsection (h); and

8 (2) by redesignating subsections (i) through (l)
9 as subsections (h) through (k), respectively.

10 **SEC. 13007. WORKFORCE DEVELOPMENT, TRAINING, AND**
11 **EDUCATION.**

12 (a) *SURFACE TRANSPORTATION WORKFORCE DEVEL-*
13 *OPMENT, TRAINING, AND EDUCATION*.—Section 504(e) of
14 *title 23, United States Code*, is amended—

15 (1) in paragraph (1)—

16 (A) by redesignating subparagraphs (D)
17 through (G) as subparagraphs (E), (F), (H), and
18 (I), respectively;

19 (B) by inserting after subparagraph (C) the
20 following:

21 “(D) pre-apprenticeships, apprenticeships,
22 and career opportunities for on-the-job train-
23 ing;”;

24 (C) in subparagraph (E) (as so redesign-
25 ated), by striking “or community college” and

1 inserting “, college, community college, or voca-
2 tional school”; and

3 (D) by inserting after subparagraph (F) (as
4 so redesignated) the following:

5 “(G) activities associated with workforce
6 training and employment services, such as tar-
7 geted outreach and partnerships with industry,
8 economic development organizations, workforce
9 development boards, and labor organizations;”;

10 (2) in paragraph (2), by striking “paragraph
11 (1)(G)” and inserting “paragraph (1)(I)”; and

12 (3) in paragraph (3)—

13 (A) by striking the period at the end and
14 inserting a semicolon;

15 (B) by striking “including activities” and
16 inserting the following: “including—

17 “(A) activities”; and

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

19 “(B) activities that address current work-
20 force gaps, such as work on construction projects,
21 of State and local transportation agencies;

22 “(C) activities to develop a robust surface
23 transportation workforce with new skills result-
24 ing from emerging transportation technologies;
25 and

1 “(D) activities to attract new sources of job-
2 creating investment.”.

3 (b) *TRANSPORTATION EDUCATION AND TRAINING DE-*
4 *VELOPMENT AND DEPLOYMENT PROGRAM.*—Section 504(f)
5 *of title 23, United States Code, is amended—*

6 (1) *in the subsection heading, by striking “DE-*
7 *VELOPMENT” and inserting “AND TRAINING DEVEL-*
8 *OPMENT AND DEPLOYMENT”;*

9 (2) *by striking paragraph (1) and inserting the*
10 *following:*

11 “(1) *ESTABLISHMENT.*—*The Secretary shall es-*
12 *tablish a program to make grants to educational in-*
13 *stitutions or State departments of transportation, in*
14 *partnership with industry and relevant Federal de-*
15 *partments and agencies—*

16 “(A) *to develop, test, and review new cur-*
17 *ricula and education programs to train individ-*
18 *uals at all levels of the transportation workforce;*
19 *or*

20 “(B) *to implement the new curricula and*
21 *education programs to provide for hands-on ca-*
22 *reer opportunities to meet current and future*
23 *needs.”;*

24 (3) *in paragraph (2)—*

1 (A) in the matter preceding subparagraph
2 (A), by striking “shall” and inserting “may”;

3 (B) in subparagraph (A), by inserting “cur-
4 rent or future” after “specific”; and

5 (C) in subparagraph (E)—

6 (i) by striking “in nontraditional de-
7 partments”;

8 (ii) by inserting “construction,” after
9 “such as”; and

10 (iii) by inserting “or emerging” after
11 “industrial”;

12 (4) by redesignating paragraph (3) as para-
13 graph (4); and

14 (5) by inserting after paragraph (2) the fol-
15 lowing:

16 “(3) *REPORTING.*—The Secretary shall establish
17 minimum reporting requirements for grant recipients
18 under this subsection, which may include, with re-
19 spect to a program carried out with a grant under
20 this subsection—

21 “(A) the percentage or number of program
22 participants that are employed during the sec-
23 ond quarter after exiting the program;

1 “(B) the percentage or number of program
2 participants that are employed during the fourth
3 quarter after exiting the program;

4 “(C) the median earnings of program par-
5 ticipants that are employed during the second
6 quarter after exiting the program;

7 “(D) the percentage or number of program
8 participants that obtain a recognized postsec-
9 ondary credential or a secondary school diploma
10 (or a recognized equivalent) during participation
11 in the program or by not later than 1 year after
12 exiting the program; and

13 “(E) the percentage or number of program
14 participants that, during a program year—

15 “(i) are in an education or training
16 program that leads to a recognized postsec-
17 ondary credential or employment; and

18 “(ii) are achieving measurable skill
19 gains toward such a credential or employ-
20 ment.”.

21 (c) *USE OF FUNDS.*—Section 504 of title 23, United
22 States Code, is amended by adding at the end the following:

23 “(i) *USE OF FUNDS.*—The Secretary may use funds
24 made available to carry out this section to carry out activi-

1 *ties related to workforce development and technical assist-*
 2 *ance and training if—*

3 “(1) *the activities are authorized by another pro-*
 4 *vision of this title; and*

5 “(2) *the activities are for entities other than em-*
 6 *ployees of the Secretary, such as States, units of local*
 7 *government, Federal land management agencies, and*
 8 *Tribal governments.”.*

9 **SEC. 13008. WILDLIFE-VEHICLE COLLISION RESEARCH.**

10 (a) *GENERAL AUTHORITIES AND REQUIREMENTS RE-*
 11 *GARDING WILDLIFE AND HABITAT.—Section 515(h)(2) of*
 12 *title 23, United States Code, is amended—*

13 (1) *in subparagraph (K), by striking “and” at*
 14 *the end;*

15 (2) *by redesignating subparagraphs (D), (E),*
 16 *(F), (G), (H), (I), (J), (K), and (L) as subparagraphs*
 17 *(E), (F), (G), (H), (I), (K), (L), (M), and (O), respec-*
 18 *tively;*

19 (3) *by inserting after subparagraph (C) the fol-*
 20 *lowing:*

21 “(D) *a representative from a State, local, or*
 22 *regional wildlife, land use, or resource manage-*
 23 *ment agency;”;*

24 (4) *by inserting after subparagraph (I) (as so re-*
 25 *designated) the following:*

1 “(J) an academic researcher who is a bio-
2 logical or ecological scientist with expertise in
3 transportation issues;” and

4 (5) by inserting after subparagraph (M) (as so
5 redesignated) the following:

6 “(N) a representative from a public interest
7 group concerned with the impact of the transpor-
8 tation system on terrestrial and aquatic species
9 and the habitat of those species; and”.

10 (b) **ANIMAL DETECTION SYSTEMS RESEARCH AND DE-**
11 **VELOPMENT.**—Section 516(b)(6) of title 23, United States
12 Code, is amended by inserting “, including animal detec-
13 tion systems to reduce the number of wildlife-vehicle colli-
14 sions” after “systems”.

15 **SEC. 13009. TRANSPORTATION RESILIENCE AND ADAPTA-**
16 **TION CENTERS OF EXCELLENCE.**

17 (a) **IN GENERAL.**—Chapter 5 of title 23, United States
18 Code, is amended by adding at the end the following:

19 **“§ 520. Transportation Resilience and Adaptation**
20 **Centers of Excellence**

21 “(a) **DEFINITION OF CENTER OF EXCELLENCE.**—In
22 this section, the term ‘Center of Excellence’ means a Center
23 of Excellence for Resilience and Adaptation designated
24 under subsection (b).

1 “(b) *DESIGNATION.*—*The Secretary shall designate 10*
2 *regional Centers of Excellence for Resilience and Adapta-*
3 *tion and 1 national Center of Excellence for Resilience and*
4 *Adaptation, which shall serve as a coordinator for the re-*
5 *gional Centers, to receive grants to advance research and*
6 *development that improves the resilience of regions of the*
7 *United States to natural disasters and extreme weather by*
8 *promoting the resilience of surface transportation infra-*
9 *structure and infrastructure dependent on surface transpor-*
10 *tation.*

11 “(c) *ELIGIBILITY.*—*An entity eligible to be designated*
12 *as a Center of Excellence is—*

13 “(1) *an institution of higher education (as de-*
14 *finied in section 102 of the Higher Education Act of*
15 *1965 (20 U.S.C. 1002)); or*

16 “(2) *a consortium of nonprofit organizations led*
17 *by an institution of higher education.*

18 “(d) *APPLICATION.*—*To be eligible to be designated as*
19 *a Center of Excellence, an eligible entity shall submit to*
20 *the Secretary an application at such time, in such manner,*
21 *and containing such information as the Secretary may re-*
22 *quire, including a proposal that includes a description of*
23 *the activities to be carried out with a grant under this sec-*
24 *tion.*

25 “(e) *SELECTION.*—

1 “(1) *REGIONAL CENTERS OF EXCELLENCE.*—The
2 *Secretary shall designate 1 regional Center of Excel-*
3 *lence in each of the 10 Federal regions that comprise*
4 *the Standard Federal Regions established by the Of-*
5 *fice of Management and Budget in the document enti-*
6 *tled ‘Standard Federal Regions’ and dated April 1974*
7 *(circular A–105).*

8 “(2) *NATIONAL CENTER OF EXCELLENCE.*—The
9 *Secretary shall designate 1 national Center of Excel-*
10 *lence to coordinate the activities of all 10 regional*
11 *Centers of Excellence to minimize duplication and*
12 *promote coordination and dissemination of research*
13 *among the Centers.*

14 “(3) *CRITERIA.*—In selecting eligible entities to
15 *designate as a Center of Excellence, the Secretary*
16 *shall consider—*

17 “(A) *the past experience and performance of*
18 *the eligible entity in carrying out activities de-*
19 *scribed in subsection (g);*

20 “(B) *the merits of the proposal of an eligible*
21 *entity and the extent to which the proposal*
22 *would—*

23 “(i) *advance the state of practice in re-*
24 *silience planning and identify innovative*

1 *resilience solutions for transportation assets*
2 *and systems;*

3 *“(ii) support activities carried out*
4 *under the PROTECT program under sec-*
5 *tion 176;*

6 *“(iii) support and build on work being*
7 *carried out by another Federal agency relat-*
8 *ing to resilience;*

9 *“(iv) inform transportation decision-*
10 *making at all levels of government;*

11 *“(v) engage local, regional, Tribal,*
12 *State, and national stakeholders, including,*
13 *if applicable, stakeholders representing*
14 *transportation, transit, urban, and land use*
15 *planning, natural resources, environmental*
16 *protection, hazard mitigation, and emer-*
17 *gency management; and*

18 *“(vi) engage community groups and*
19 *other stakeholders that will be affected by*
20 *transportation decisions, including under-*
21 *served, economically disadvantaged, rural,*
22 *and predominantly minority communities;*
23 *and*

1 “(C) *the local, regional, Tribal, State, and*
2 *national impacts of the proposal of the eligible*
3 *entity.*

4 “(f) *GRANTS.—Subject to the availability of appro-*
5 *priations, the Secretary shall provide to each Center of Ex-*
6 *cellence a grant of not less than \$5,000,000 for each of fiscal*
7 *years 2022 through 2031 to carry out the activities de-*
8 *scribed in subsection (g).*

9 “(g) *ACTIVITIES.—In carrying out this section, the*
10 *Secretary shall ensure that a Center of Excellence uses the*
11 *funds from a grant under subsection (f) to promote resilient*
12 *transportation infrastructure, including through—*

13 “(1) *supporting climate vulnerability assess-*
14 *ments informed by climate change science, including*
15 *national climate assessments produced by the United*
16 *States Global Change Research Program under sec-*
17 *tion 106 of the Global Change Research Act of 1990*
18 *(15 U.S.C. 2936), relevant feasibility analyses of re-*
19 *silient transportation improvements, and transpor-*
20 *tation resilience planning;*

21 “(2) *development of new design, operations, and*
22 *maintenance standards for transportation infrastruc-*
23 *ture that can inform Federal and State decision-*
24 *making;*

1 “(3) research and development of new materials
2 and technologies that could be integrated into existing
3 and new transportation infrastructure;

4 “(4) development, refinement, and piloting of
5 new and emerging resilience improvements and strat-
6 egies, including natural infrastructure approaches
7 and relocation;

8 “(5) development of and investment in new ap-
9 proaches for facilitating meaningful engagement in
10 transportation decisionmaking by local, Tribal, re-
11 gional, or national stakeholders and communities;

12 “(6) technical capacity building to facilitate the
13 ability of local, regional, Tribal, State, and national
14 stakeholders—

15 “(A) to assess the vulnerability of transpor-
16 tation infrastructure assets and systems;

17 “(B) to develop community response strate-
18 gies;

19 “(C) to meaningfully engage with commu-
20 nity stakeholders; and

21 “(D) to develop strategies and improve-
22 ments for enhancing transportation infrastruc-
23 ture resilience under current conditions and a
24 range of potential future conditions;

25 “(7) workforce development and training;

1 “(8) *development and dissemination of data,*
 2 *tools, techniques, assessments, and information that*
 3 *informs Federal, State, Tribal, and local government*
 4 *decisionmaking, policies, planning, and investments;*

5 “(9) *education and outreach regarding transpor-*
 6 *tation infrastructure resilience; and*

7 “(10) *technology transfer and commercialization.*

8 “(h) *FEDERAL SHARE.—The Federal share of the cost*
 9 *of an activity under this section, including the costs of es-*
 10 *tablishing and operating a Center of Excellence, shall be*
 11 *50 percent.”.*

12 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
 13 *5 of title 23, United States Code, is amended by adding*
 14 *at the end the following:*

 “520. *Transportation Resilience and Adaptation Centers of Excellence.”.*

15 **SEC. 13010. TRANSPORTATION ACCESS PILOT PROGRAM.**

16 (a) *DEFINITIONS.—In this section:*

17 (1) *METROPOLITAN PLANNING ORGANIZATION.—*
 18 *The term “metropolitan planning organization” has*
 19 *the meaning given the term in section 134(b) of title*
 20 *23, United States Code.*

21 (2) *STATE.—The term “State” has the meaning*
 22 *given the term in section 101(a) of title 23, United*
 23 *States Code.*

24 (3) *SURFACE TRANSPORTATION MODES.—The*
 25 *term “surface transportation modes” means—*

- 1 (A) *driving;*
2 (B) *public transportation;*
3 (C) *walking;*
4 (D) *cycling; and*
5 (E) *a combination of any of the modes of*
6 *transportation described in subparagraphs (A)*
7 *through (D).*

8 (4) *PILOT PROGRAM.*—*The term “pilot program”*
9 *means the transportation pilot program established*
10 *under subsection (b).*

11 (5) *REGIONAL TRANSPORTATION PLANNING OR-*
12 *GANIZATION.*—*The term “regional transportation*
13 *planning organization” has the meaning given the*
14 *term in section 134(b) of title 23, United States Code.*

15 (b) *ESTABLISHMENT.*—*Not later than 1 year after the*
16 *date of enactment of this Act, the Secretary shall establish*
17 *a transportation pilot program.*

18 (c) *PURPOSE.*—*The purpose of the pilot program is to*
19 *develop or procure an accessibility data set and make that*
20 *data set available to each eligible entity selected to partici-*
21 *pate in the pilot program—*

22 (1) *to improve the transportation planning of*
23 *those eligible entities by—*

1 (A) measuring the level of access by surface
2 transportation modes to important destinations,
3 which may include—

- 4 (i) jobs;
5 (ii) health care facilities;
6 (iii) child care services;
7 (iv) educational and workforce train-
8 ing facilities;
9 (v) housing;
10 (vi) food sources;
11 (vii) points within the supply chain
12 for freight commodities;
13 (viii) domestic or international mar-
14 kets; and
15 (ix) connections between surface trans-
16 portation modes; and

17 (B) disaggregating the level of access by sur-
18 face transportation modes by a variety of—

- 19 (i) population categories, which may
20 include—
21 (I) low-income populations;
22 (II) minority populations;
23 (III) age;
24 (IV) disability; and
25 (V) geographical location; or

1 (ii) *freight commodities, which may*
2 *include—*

3 (I) *agricultural commodities;*

4 (II) *raw materials;*

5 (III) *finished products; and*

6 (IV) *energy commodities; and*

7 (2) *to assess the change in accessibility that*
8 *would result from new transportation investments.*

9 (d) *ELIGIBLE ENTITIES.—An entity eligible to partici-*
10 *pate in the pilot program is—*

11 (1) *a State;*

12 (2) *a metropolitan planning organization; or*

13 (3) *a regional transportation planning organiza-*
14 *tion.*

15 (e) *APPLICATION.—To be eligible to participate in the*
16 *pilot program, an eligible entity shall submit to the Sec-*
17 *retary an application at such time, in such manner, and*
18 *containing such information as the Secretary may require,*
19 *including information relating to—*

20 (1) *previous experience of the eligible entity*
21 *measuring transportation access or other performance*
22 *management experience, if applicable;*

23 (2) *the types of important destinations to which*
24 *the eligible entity intends to measure access;*

1 (3) *the types of data disaggregation the eligible*
2 *entity intends to pursue;*

3 (4) *a general description of the methodology the*
4 *eligible entity intends to apply; and*

5 (5) *if the applicant does not intend the pilot pro-*
6 *gram to apply to the full area under the jurisdiction*
7 *of the applicant, a description of the geographic area*
8 *in which the applicant intends the pilot program to*
9 *apply.*

10 (f) *SELECTION.—*

11 (1) *IN GENERAL.—The Secretary shall seek to*
12 *achieve diversity of participants in the pilot program*
13 *by selecting a range of eligible entities that shall in-*
14 *clude—*

15 (A) *States;*

16 (B) *metropolitan planning organizations*
17 *that serve an area with a population of 200,000*
18 *people or fewer;*

19 (C) *metropolitan planning organizations*
20 *that serve an area with a population of over*
21 *200,000 people; and*

22 (D) *regional transportation planning orga-*
23 *nizations.*

1 (2) *INCLUSIONS.*—*The Secretary shall seek to en-*
2 *sure that, among the eligible entities selected under*
3 *paragraph (1), there is—*

4 (A) *a range of capacity and previous expe-*
5 *rience with measuring transportation access; and*

6 (B) *a variety of proposed methodologies and*
7 *focus areas for measuring level of access.*

8 (g) *DUTIES.*—*For each eligible entity participating in*
9 *the pilot program, the Secretary shall—*

10 (1) *develop or acquire an accessibility data set*
11 *described in subsection (c); and*

12 (2) *submit the data set to the eligible entity.*

13 (h) *METHODOLOGY.*—*In calculating the measures for*
14 *the data set under the pilot program, the Secretary shall*
15 *ensure that methodology is open source.*

16 (i) *AVAILABILITY.*—*The Secretary shall make an acces-*
17 *sibility data set under the pilot program available to—*

18 (1) *units of local government within the jurisdic-*
19 *tion of the eligible entity participating in the pilot*
20 *program; and*

21 (2) *researchers.*

22 (j) *REPORT.*—*Not later than 2 years after the date of*
23 *enactment of this Act, and every 2 years thereafter, the Sec-*
24 *retary shall submit to the Committee on Environment and*
25 *Public Works of the Senate and the Committee on Transpor-*

1 *tation and Infrastructure of the House of Representatives*
2 *a report on the results of the pilot program, including the*
3 *feasibility of developing and providing periodic accessi-*
4 *bility data sets for all States, regions, and localities.*

5 *(k) TRANSPORTATION SYSTEM ACCESS.—*

6 *(1) IN GENERAL.—The Secretary shall establish*
7 *consistent measures that States, metropolitan plan-*
8 *ning organizations, and regional transportation plan-*
9 *ning organizations may choose to adopt to assess the*
10 *level of safe and convenient access by surface trans-*
11 *portation modes to important destinations as de-*
12 *scribed in subsection (c)(1)(A).*

13 *(2) SAVINGS PROVISION.—Nothing in this section*
14 *provides the Secretary the authority—*

15 *(A) to establish a performance measure or*
16 *require States or metropolitan planning organi-*
17 *zations to set a performance target for access as*
18 *described in paragraph (1); or*

19 *(B) to establish any other Federal require-*
20 *ment.*

21 *(l) FUNDING.—The Secretary shall carry out the pilot*
22 *program using amounts made available to the Secretary for*
23 *administrative expenses to carry out programs under the*
24 *authority of the Secretary.*

1 of another Federal agency responsible for a decision
2 related to a tribal transportation safety project shall
3 complete any approval or decision for the review of
4 the tribal transportation safety project required under
5 the National Environmental Policy Act of 1969 (42
6 U.S.C. 4321 *et seq.*) or any other applicable Federal
7 law on an expeditious basis using the shortest existing
8 applicable process.

9 (2) *REVIEW OF APPLICATIONS.*—Not later than
10 45 days after the date of receipt of a complete appli-
11 cation by an Indian tribe for approval of a tribal
12 transportation safety project, the Secretary or the
13 Secretary of Transportation, as applicable, shall—

14 (A) take final action on the application; or

15 (B) provide the Indian tribe a schedule for
16 completion of the review described in paragraph
17 (1), including the identification of any other
18 Federal agency that has jurisdiction with respect
19 to the project.

20 (3) *DECISIONS UNDER OTHER FEDERAL LAWS.*—
21 In any case in which a decision under any other Fed-
22 eral law relating to a tribal transportation safety
23 project (including the issuance or denial of a permit
24 or license) is required, not later than 45 days after
25 the Secretary or the Secretary of Transportation, as

1 *applicable, has made all decisions of the lead agency*
2 *under the National Environmental Policy Act of 1969*
3 *(42 U.S.C. 4321 et seq.) with respect to the project,*
4 *the head of the Federal agency responsible for the de-*
5 *cision shall—*

6 *(A) make the applicable decision; or*

7 *(B) provide the Indian tribe a schedule for*
8 *making the decision.*

9 *(4) EXTENSIONS.—The Secretary or the Sec-*
10 *retary of Transportation, as applicable, or the head*
11 *of the Federal agency may extend the period under*
12 *paragraph (2) or (3), as applicable, by an additional*
13 *30 days by providing the Indian tribe notice of the*
14 *extension, including a statement of the need for the*
15 *extension.*

16 *(5) NOTIFICATION AND EXPLANATION.—In any*
17 *case in which a required action is not completed by*
18 *the deadline under paragraph (2), (3), or (4), as ap-*
19 *licable, the Secretary, the Secretary of Transpor-*
20 *tation, or the head of a Federal agency, as applicable,*
21 *shall—*

22 *(A) notify the Committees on Indian Affairs*
23 *and Environment and Public Works of the Sen-*
24 *ate and the Committee on Natural Resources of*

1 *the House of Representatives of the failure to*
2 *comply with the deadline; and*

3 *(B) provide to the Committees described in*
4 *subparagraph (A) a detailed explanation of the*
5 *reasons for the failure to comply with the dead-*
6 *line.*

7 **SEC. 14003. PROGRAMMATIC AGREEMENTS FOR TRIBAL**
8 **CATEGORICAL EXCLUSIONS.**

9 *(a) IN GENERAL.—The Secretary and the Secretary of*
10 *Transportation shall enter into programmatic agreements*
11 *with Indian tribes that establish efficient administrative*
12 *procedures for carrying out environmental reviews for*
13 *projects eligible for assistance under section 202 of title 23,*
14 *United States Code.*

15 *(b) INCLUSIONS.—A programmatic agreement under*
16 *subsection (a)—*

17 *(1) may include an agreement that allows an In-*
18 *dian tribe to determine, on behalf of the Secretary*
19 *and the Secretary of Transportation, whether a*
20 *project is categorically excluded from the preparation*
21 *of an environmental assessment or environmental im-*
22 *pact statement under the National Environmental*
23 *Policy Act of 1969 (42 U.S.C. 4321 et seq.); and*

24 *(2) shall—*

1 (A) require that the Indian tribe maintain
2 adequate capability in terms of personnel and
3 other resources to carry out applicable agency re-
4 sponsibilities pursuant to section 1507.2 of title
5 40, Code of Federal Regulations (or successor
6 regulations);

7 (B) set forth the responsibilities of the In-
8 dian tribe for making categorical exclusion deter-
9 minations, documenting the determinations, and
10 achieving acceptable quality control and quality
11 assurance;

12 (C) allow—

13 (i) the Secretary and the Secretary of
14 Transportation to monitor compliance of
15 the Indian tribe with the terms of the agree-
16 ment; and

17 (ii) the Indian tribe to execute any
18 needed corrective action;

19 (D) contain stipulations for amendments,
20 termination, and public availability of the agree-
21 ment once the agreement has been executed; and

22 (E) have a term of not more than 5 years,
23 with an option for renewal based on a review by
24 the Secretary and the Secretary of Transpor-
25 tation of the performance of the Indian tribe.

1 **SEC. 14004. USE OF CERTAIN TRIBAL TRANSPORTATION**
2 **FUNDS.**

3 *Section 202(d) of title 23, United States Code, is*
4 *amended by striking paragraph (2) and inserting the fol-*
5 *lowing:*

6 “(2) *USE OF FUNDS.—Funds made available to*
7 *carry out this subsection shall be used—*

8 “(A) *to carry out any planning, design, en-*
9 *gineering, preconstruction, construction, and in-*
10 *spection of new or replacement tribal transpor-*
11 *tation facility bridges;*

12 “(B) *to replace, rehabilitate, seismically ret-*
13 *rofit, paint, apply calcium magnesium acetate,*
14 *sodium acetate/formate, or other environmentally*
15 *acceptable, minimally corrosive anti-icing and*
16 *deicing composition; or*

17 “(C) *to implement any countermeasure for*
18 *tribal transportation facility bridges classified as*
19 *in poor condition, having a low load capacity,*
20 *or needing geometric improvements, including*
21 *multiple-pipe culverts.”.*

22 **SEC. 14005. BUREAU OF INDIAN AFFAIRS ROAD MAINTEN-**
23 **NANCE PROGRAM.**

24 *There are authorized to be appropriated to the Director*
25 *of the Bureau of Indian Affairs to carry out the road main-*
26 *tenance program of the Bureau—*

- 1 (1) \$50,000,000 for fiscal year 2022;
- 2 (2) \$52,000,000 for fiscal year 2023;
- 3 (3) \$54,000,000 for fiscal year 2024;
- 4 (4) \$56,000,000 for fiscal year 2025; and
- 5 (5) \$58,000,000 for fiscal year 2026.

6 **SEC. 14006. STUDY OF ROAD MAINTENANCE ON INDIAN**
7 **LAND.**

8 (a) *DEFINITIONS.*—*In this section:*

9 (1) *INDIAN LAND.*—*The term “Indian land” has*
10 *the meaning given the term “Indian lands” in section*
11 *3 of the Native American Business Development,*
12 *Trade Promotion, and Tourism Act of 2000 (25*
13 *U.S.C. 4302).*

14 (2) *INDIAN TRIBE.*—*The term “Indian tribe” has*
15 *the meaning given the term in section 4 of the Indian*
16 *Self-Determination and Education Assistance Act (25*
17 *U.S.C. 5304).*

18 (3) *ROAD.*—*The term “road” means a road*
19 *managed in whole or in part by the Bureau of Indian*
20 *Affairs.*

21 (4) *SECRETARY.*—*The term “Secretary” means*
22 *the Secretary, acting through the Assistant Secretary*
23 *for Indian Affairs.*

24 (b) *STUDY.*—*Not later than 2 years after the date of*
25 *enactment of this Act, the Secretary, in consultation with*

1 *the Secretary of Transportation, shall carry out a study*
2 *to evaluate—*

3 (1) *the long-term viability and useful life of ex-*
4 *isting roads on Indian land;*

5 (2) *any steps necessary to achieve the goal of ad-*
6 *dressing the deferred maintenance backlog of existing*
7 *roads on Indian land;*

8 (3) *programmatic reforms and performance en-*
9 *hancements necessary to achieve the goal of restruc-*
10 *turing and streamlining road maintenance programs*
11 *on existing or future roads located on Indian land;*
12 *and*

13 (4) *recommendations on how to implement ef-*
14 *forts to coordinate with States, counties, municipali-*
15 *ties, and other units of local government to maintain*
16 *roads on Indian land.*

17 (c) *TRIBAL CONSULTATION AND INPUT.—Before begin-*
18 *ning the study under subsection (b), the Secretary shall—*

19 (1) *consult with any Indian tribes that have ju-*
20 *risdiction over roads eligible for funding under the*
21 *road maintenance program of the Bureau of Indian*
22 *Affairs; and*

23 (2) *solicit and consider the input, comments, and*
24 *recommendations of the Indian tribes described in*
25 *paragraph (1).*

1 (d) *REPORT.*—On completion of the study under sub-
2 section (b), the Secretary, in consultation with the Sec-
3 retary of Transportation, shall submit to the Committees
4 on Indian Affairs and Environment and Public Works of
5 the Senate and the Committees on Natural Resources and
6 Transportation and Infrastructure of the House of Rep-
7 resentatives a report on the results and findings of the
8 study.

9 (e) *STATUS REPORT.*—Not later than 2 years after the
10 date of enactment of this Act, and not less frequently than
11 every 2 years thereafter, the Secretary, in consultation with
12 the Secretary of Transportation, shall submit to the Com-
13 mittees on Indian Affairs and Environment and Public
14 Works of the Senate and the Committees on Natural Re-
15 sources and Transportation and Infrastructure of the House
16 of Representatives a report that includes a description of—

17 (1) the progress made toward addressing the de-
18 ferred maintenance needs of the roads on Indian land,
19 including a list of projects funded during the fiscal
20 period covered by the report;

21 (2) the outstanding needs of the roads that have
22 been provided funding to address the deferred mainte-
23 nance needs;

24 (3) the remaining needs of any of the projects re-
25 ferred to in paragraph (1);

1 (4) *how the goals described in subsection (b) have*
2 *been met, including—*

3 (A) *an identification and assessment of any*
4 *deficiencies or shortfalls in meeting the goals;*
5 *and*

6 (B) *a plan to address the deficiencies or*
7 *shortfalls in meeting the goals; and*

8 (5) *any other issues or recommendations pro-*
9 *vided by an Indian tribe under the consultation and*
10 *input process under subsection (c) that the Secretary*
11 *determines to be appropriate.*

12 **SEC. 14007. MAINTENANCE OF CERTAIN INDIAN RESERVA-**
13 **TION ROADS.**

14 *The Commissioner of U.S. Customs and Border Protec-*
15 *tion may transfer funds to the Director of the Bureau of*
16 *Indian Affairs to maintain, repair, or reconstruct roads*
17 *under the jurisdiction of the Director, subject to the condi-*
18 *tion that the Commissioner and the Director shall mutually*
19 *agree that the primary user of the subject road is U.S. Cus-*
20 *toms and Border Protection.*

21 **SEC. 14008. TRIBAL TRANSPORTATION SAFETY NEEDS.**

22 (a) *DEFINITIONS.—In this section:*

23 (1) *ALASKA NATIVE.—The term “Alaska Native”*
24 *has the meaning given the term “Native” in section*

1 3 of the Alaska Native Claims Settlement Act (43
2 U.S.C. 1602).

3 (2) *ALASKA NATIVE VILLAGE*.—The term “Alaska
4 Native village” has the meaning given the term “Na-
5 tive village” in section 3 of the Alaska Native Claims
6 Settlement Act (43 U.S.C. 1602).

7 (3) *INDIAN TRIBE*.—The term “Indian tribe” has
8 the meaning given the term in section 4 of the Indian
9 Self-Determination and Education Assistance Act (25
10 U.S.C. 5304).

11 (b) *BEST PRACTICES, STANDARDIZED CRASH REPORT*
12 *FORM*.—

13 (1) *IN GENERAL*.—Not later than 1 year after
14 the date of enactment of this Act, the Secretary of
15 Transportation, in consultation with the Secretary,
16 Indian tribes, Alaska Native villages, and State de-
17 partments of transportation shall develop—

18 (A) best practices for the compiling, anal-
19 ysis, and sharing of motor vehicle crash data for
20 crashes occurring on Indian reservations and in
21 Alaska Native communities; and

22 (B) a standardized form for use by Indian
23 tribes and Alaska Native communities to carry
24 out those best practices.

1 (2) *PURPOSE.*—*The purpose of the best practices*
2 *and standardized form developed under paragraph*
3 *(1) shall be to improve the quality and quantity of*
4 *crash data available to and used by the Federal High-*
5 *way Administration, State departments of transpor-*
6 *tation, Indian tribes, and Alaska Native villages.*

7 (3) *REPORT.*—*On completion of the development*
8 *of the best practices and standardized form under*
9 *paragraph (1), the Secretary of Transportation shall*
10 *submit to the Committees on Indian Affairs and En-*
11 *vironment and Public Works of the Senate and the*
12 *Committees on Natural Resources and Transportation*
13 *and Infrastructure of the House of Representatives a*
14 *report describing the best practices and standardized*
15 *form.*

16 (c) *USE OF IMARS.*—*The Director of the Bureau of*
17 *Indian Affairs shall require all law enforcement offices of*
18 *the Bureau, for the purpose of reporting motor vehicle crash*
19 *data for crashes occurring on Indian reservations and in*
20 *Alaska Native communities—*

21 (1) *to use the crash report form of the applicable*
22 *State; and*

23 (2) *to upload the information on that form to the*
24 *Incident Management Analysis and Reporting Sys-*
25 *tem (IMARS) of the Department of the Interior.*

1 (d) *TRIBAL TRANSPORTATION PROGRAM SAFETY*
2 *FUNDING.*—Section 202(e)(1) of title 23, United States
3 Code, is amended by striking “2 percent” and inserting “4
4 percent”.

5 **SEC. 14009. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

6 Section 102 of title 49, United States Code, is amend-
7 ed—

8 (1) in subsection (e)(1)—

9 (A) in the matter preceding subparagraph
10 (A), by striking “6 Assistant” and inserting “7
11 Assistant”;

12 (B) in subparagraph (C), by striking “and”
13 after the semicolon;

14 (C) by redesignating subparagraph (D) as
15 subparagraph (E); and

16 (D) by inserting after subparagraph (C) the
17 following:

18 “(D) an Assistant Secretary for Tribal Gov-
19 ernment Affairs, who shall be appointed by the
20 President; and”;

21 (2) in subsection (f), by striking the subsection
22 designation and heading and all that follows through
23 the end of paragraph (1) and inserting the following:

24 “(f) *OFFICE OF TRIBAL GOVERNMENT AFFAIRS.*—

1 “(1) *ESTABLISHMENT.*—*There is established in*
2 *the Department an Office of Tribal Government Af-*
3 *fairs, under the Assistant Secretary for Tribal Gov-*
4 *ernment Affairs—*

5 “(A) *to oversee the tribal self-governance*
6 *program under section 207 of title 23;*

7 “(B) *to plan, coordinate, and implement*
8 *policies and programs serving Indian Tribes and*
9 *Tribal organizations;*

10 “(C) *to coordinate Tribal transportation*
11 *programs and activities in all offices and ad-*
12 *ministrations of the Department; and*

13 “(D) *to be a participant in any negotiated*
14 *rulemakings relating to, or having an impact on,*
15 *projects, programs, or funding associated with*
16 *the Tribal transportation program under section*
17 *202 of title 23.”.*

18 ***DIVISION B—SURFACE TRANS-***
19 ***PORTATION INVESTMENT ACT***
20 ***OF 2021***

21 ***SEC. 20001. SHORT TITLE.***

22 *This division may be cited as the “Surface Transpor-*
23 *tation Investment Act of 2021”.*

24 ***SEC. 20002. DEFINITIONS.***

25 *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 **TITLE I—MULTIMODAL AND**
6 **FREIGHT TRANSPORTATION**
7 **Subtitle A—Multimodal Freight**
8 **Policy**

9 **SEC. 21101. OFFICE OF MULTIMODAL FREIGHT INFRA-**
10 **STRUCTURE AND POLICY.**

11 (a) *IN GENERAL.*—Chapter 1 of title 49, United States
12 Code, is amended by adding at the end the following:

13 **“§118. Office of Multimodal Freight Infrastructure**
14 **and Policy**

15 “(a) *DEFINITIONS.*—In this section:

16 “(1) *DEPARTMENT.*—The term ‘Department’
17 means the Department of Transportation.

18 “(2) *FREIGHT OFFICE.*—The term ‘Freight Of-
19 fice’ means the Office of Multimodal Freight Infra-
20 structure and Policy established under subsection (b).

21 “(3) *SECRETARY.*—The term ‘Secretary’ means
22 the Secretary of Transportation.

23 “(b) *ESTABLISHMENT.*—The Secretary shall establish
24 within the Department an Office of Multimodal Freight In-
25 frastructure and Policy.

1 “(c) *PURPOSES.*—*The purposes of the Freight Office*
2 *shall be—*

3 “(1) *to carry out the national multimodal freight*
4 *policy described in section 70101;*

5 “(2) *to administer and oversee certain*
6 *multimodal freight grant programs within the De-*
7 *partment in accordance with subsection (d);*

8 “(3) *to promote and facilitate the sharing of in-*
9 *formation between the private and public sectors with*
10 *respect to freight issues;*

11 “(4) *to conduct research on improving*
12 *multimodal freight mobility, and to oversee the freight*
13 *research activities of the various agencies within the*
14 *Department;*

15 “(5) *to assist cities and States in developing*
16 *freight mobility and supply chain expertise;*

17 “(6) *to liaise and coordinate with other Federal*
18 *departments and agencies; and*

19 “(7) *to carry out other duties, as prescribed by*
20 *the Secretary.*

21 “(d) *ADMINISTRATION OF POLICIES AND PROGRAMS.*—
22 *The Freight Office shall—*

23 “(1) *develop and manage—*

24 “(A) *the national freight strategic plan de-*
25 *scribed in section 70102; and*

1 “(B) *the National Multimodal Freight Net-*
2 *work established under section 70103;*

3 “(2)(A) *oversee the development and updating of*
4 *the State freight plans described in section 70202;*
5 *and*

6 “(B) *provide guidance or best practices relating*
7 *to the development and updating of State freight*
8 *plans under that section;*

9 “(3)(A) *administer multimodal freight grant*
10 *programs, including multimodal freight grants estab-*
11 *lished under section 117 of title 23; and*

12 “(B) *establish procedures for analyzing and eval-*
13 *uating applications for grants under those programs;*

14 “(4) *assist States in the establishment of—*

15 “(A) *State freight advisory committees*
16 *under section 70201; and*

17 “(B) *multi-State freight mobility compacts*
18 *under section 70204; and*

19 “(5) *provide to the Bureau of Transportation*
20 *Statistics input regarding freight data and planning*
21 *tools.*

22 “(e) *ASSISTANT SECRETARY.—*

23 “(1) *IN GENERAL.—The Freight Office shall be*
24 *headed by an Assistant Secretary for Multimodal*
25 *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 trans-
5 portation.

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 and
10 oversight of the activities, decisions, operations,
11 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 the
16 Secretary may prescribe.

17 “(f) CONSOLIDATION AND ELIMINATION OF DUPLICA-
18 TIVE OFFICES.—

19 “(1) CONSOLIDATION OF OFFICES AND OFFICE
20 FUNCTIONS.—The Secretary may consolidate into the
21 Freight Office any office or office function within the
22 Department that the Secretary determines has duties,
23 responsibilities, resources, or expertise that support
24 the purposes of the Freight Office.

1 “(2) *ELIMINATION OF OFFICES.*—*The Secretary*
2 *may eliminate any office within the Department if*
3 *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 office*
7 *have been substantially consolidated with the*
8 *Freight Office pursuant to paragraph (1);*

9 “(C) *the elimination of the office will not*
10 *adversely affect the requirements of the Secretary*
11 *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 fund-*
18 *ed.*

19 “(2) *STAFFING.*—

20 “(A) *TRANSFER OF POSITIONS TO FREIGHT*
21 *OFFICE.*—*Subject to subparagraph (B), the Sec-*
22 *retary may transfer to the Freight Office any po-*
23 *sition within any other office of the Department*
24 *if the Secretary determines that the position is*

1 *necessary to carry out the purposes of the*
2 *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 affect*
9 *the requirements of the modal administration*
10 *under any Federal law.*

11 “(3) *BUDGETARY RESOURCES.*—

12 “(A) *TRANSFER OF FUNDS FROM CONSOLI-*
13 *DATED OR ELIMINATED OFFICES.*—

14 “(i) *IN GENERAL.*—*To carry out the*
15 *purposes of the Freight Office, the Secretary*
16 *may transfer to the Freight Office from any*
17 *office or office function that is consolidated*
18 *or eliminated under subsection (f) any*
19 *funds allocated for the consolidated or*
20 *eliminated office or office function.*

21 “(ii) *RETRANSFER.*—*Any portion of*
22 *any funds or limitations of obligations*
23 *transferred to the Freight Office pursuant to*
24 *clause (i) may be transferred back to, and*
25 *merged with, the original account.*

1 “(B) *TRANSFER OF FUNDS ALLOCATED FOR*
2 *ADMINISTRATIVE COSTS.*—

3 “(i) *IN GENERAL.*—*The Secretary may*
4 *transfer to the Freight Office any funds al-*
5 *located for the administrative costs of the*
6 *programs referred to in subsection (d)(3).*

7 “(ii) *RETRANSFER.*—*Any portion of*
8 *any funds or limitations of obligations*
9 *transferred to the Freight Office pursuant to*
10 *clause (i) may be transferred back to, and*
11 *merged with, the original account.*

12 “(h) *WEBSITE.*—

13 “(1) *DESCRIPTION OF FREIGHT OFFICE.*—*The*
14 *Secretary shall make publicly available on the website*
15 *of the Department a description of the Freight Office,*
16 *including a description of—*

17 “(A) *the programs managed or made avail-*
18 *able by the Freight Office; and*

19 “(B) *the eligibility requirements for those*
20 *programs.*

21 “(2) *CLEARINGHOUSE.*—*The Secretary may es-*
22 *tablish a clearinghouse for tools, templates, guidance,*
23 *and best practices on a page of the website of the De-*
24 *partment that supports the purposes of this section.*

1 “(i) *NOTIFICATION TO CONGRESS.*—Not later than 1
2 *year after the date of enactment of this section, and not*
3 *less frequently than once every 180 days thereafter until the*
4 *date on which the Secretary determines that the require-*
5 *ments of this section have been met, the Secretary shall sub-*
6 *mit to the Committee on Commerce, Science, and Transpor-*
7 *tation of the Senate and the Committee on Transportation*
8 *and Infrastructure of the House of Representatives a notifi-*
9 *cation that—*

10 “(1) *describes—*

11 “(A) *the programs and activities adminis-*
12 *tered or overseen by the Freight Office; and*

13 “(B) *the status of those programs and ac-*
14 *tivities;*

15 “(2) *identifies—*

16 “(A) *the number of employees working in*
17 *the Freight Office as of the date of the notifica-*
18 *tion;*

19 “(B) *the total number of employees expected*
20 *to join the Freight Office to support the pro-*
21 *grams and activities described in paragraph (1);*
22 *and*

23 “(C) *the total number of positions that, as*
24 *a result of the consolidation of offices under this*
25 *section, were—*

1 “(i) eliminated; or

2 “(ii) transferred, assigned, or joined to
3 the Freight Office;

4 “(3)(A) indicates whether the Secretary has con-
5 solidated into the Freight Office any office or office
6 function pursuant to subsection (f)(1); and

7 “(B) if the Secretary has consolidated such an
8 office or function, describes the rationale for the con-
9 solidation;

10 “(4)(A) indicates whether the Secretary has
11 eliminated any office pursuant to subsection (f)(2);
12 and

13 “(B) if the Secretary has eliminated such an of-
14 fice, describes the rationale for the elimination;

15 “(5) describes any other actions carried out by
16 the Secretary to implement this section; and

17 “(6) describes any recommendations of the Sec-
18 retary for legislation that may be needed to further
19 implement this section.

20 “(j) SAVINGS PROVISIONS.—

21 “(1) EFFECT ON OTHER LAW.—Except as other-
22 wise provided in this section, nothing in this section
23 alters or affects any law (including regulations) with
24 respect to a program referred to in subsection (d).

1 “(2) *EFFECT ON RESPONSIBILITIES OF OTHER*
2 *AGENCIES.—Except as otherwise provided in this sec-*
3 *tion, nothing in this section abrogates the responsibil-*
4 *ities of any agency, operating administration, or of-*
5 *ice within the Department that is otherwise charged*
6 *by law (including regulations) with any aspect of*
7 *program administration, oversight, or project ap-*
8 *proval or implementation with respect to a program*
9 *or project subject to the responsibilities of the Freight*
10 *Office under this section.*

11 “(3) *EFFECT ON PENDING APPLICATIONS.—Noth-*
12 *ing in this section affects any pending application*
13 *under a program referred to in subsection (d) that*
14 *was received by the Secretary on or before the date of*
15 *enactment of the Surface Transportation Investment*
16 *Act of 2021.*

17 “(k) *AUTHORIZATION OF APPROPRIATIONS.—*

18 “(1) *IN GENERAL.—There are authorized to be*
19 *appropriated to the Secretary such sums as are nec-*
20 *essary to carry out this section.*

21 “(2) *CERTAIN ACTIVITIES.—Authorizations*
22 *under subsections (f) and (g) are subject to appro-*
23 *priations.”.*

24 “(b) *GAO REVIEW.—The Comptroller General of the*
25 *United States shall—*

1 (1) *conduct a review of the activities carried out*
2 *by the Secretary pursuant to section 118 of title 49,*
3 *United States Code; and*

4 (2) *develop recommendations regarding addi-*
5 *tional activities—*

6 (A) *to improve the consolidation of duplica-*
7 *tive functions within the Department; and*

8 (B) *to promote increased staff efficiency for*
9 *program management within the Department.*

10 (c) *CLERICAL AMENDMENT.—The analysis for chapter*
11 *1 of title 49, United States Code, is amended by inserting*
12 *after the item relating to section 117 the following:*

“118. Office of Multimodal Freight Infrastructure and Policy.”.

13 (d) *CONFORMING AMENDMENTS.—*

14 (1) *Section 70101(c) of title 49, United States*
15 *Code, is amended, in the matter preceding paragraph*
16 *(1), by striking “Under Secretary of Transportation*
17 *for Policy” and inserting “Assistant Secretary for*
18 *Multimodal Freight”.*

19 (2) *Section 70102 of title 49, United States*
20 *Code, is amended—*

21 (A) *in subsection (a), in the matter pre-*
22 *ceding paragraph (1), by striking “Not later”*
23 *and all that follows through “the Under Sec-*
24 *retary of Transportation for Policy” and insert-*
25 *ing “The Assistant Secretary for Multimodal*

1 *Freight (referred to in this section as the ‘Assist-*
2 *ant Secretary’)’;*

3 *(B) in subsection (b)(4), in the matter pre-*
4 *ceding subparagraph (A), by striking “Under*
5 *Secretary” and inserting “Assistant Secretary”;*

6 *(C) in subsection (c), by striking “Under*
7 *Secretary” and inserting “Assistant Secretary”;*
8 *and*

9 *(D) in subsection (d), in the matter pre-*
10 *ceding paragraph (1), by striking “Under Sec-*
11 *retary” and inserting “Assistant Secretary”.*

12 *(3) Section 70103 of title 49, United States*
13 *Code, is amended—*

14 *(A) in subsection (a), in the matter pre-*
15 *ceding paragraph (1), by striking “Under Sec-*
16 *retary of Transportation for Policy” and insert-*
17 *ing “Assistant Secretary for Multimodal Freight*
18 *(referred to in this section as the ‘Assistant Sec-*
19 *retary’)’;*

20 *(B) by striking subsection (b);*

21 *(C) by redesignating subsections (c) and (d)*
22 *as subsections (b) and (c), respectively;*

23 *(D) in subsection (b) (as so redesignated)—*

24 *(i) in the subsection heading, by strik-*
25 *ing “FINAL NETWORK” and inserting*

1 “DESIGNATION OF NATIONAL MULTIMODAL
2 FREIGHT NETWORK”;

3 (ii) in paragraph (1), in the matter
4 preceding subparagraph (A), by striking
5 “Not later” and all that follows through
6 “Under Secretary” and inserting “The As-
7 sistant Secretary”;

8 (iii) in paragraph (2), in the matter
9 preceding subparagraph (A), by striking
10 “Under Secretary” and inserting “Assistant
11 Secretary”; and

12 (iv) in paragraph (3), in the matter
13 preceding subparagraph (A), by striking
14 “Under Secretary” and inserting “Assistant
15 Secretary”; and

16 (E) in subsection (c) (as so redesignated)—

17 (i) by striking “subsection (c)” each
18 place it appears and inserting “subsection
19 (b)”; and

20 (ii) by striking “Under Secretary” and
21 inserting “Assistant Secretary”.

22 (4) Section 116(d)(1) of title 49, United States
23 Code, is amended by striking subparagraph (D).

1 **SEC. 21102. UPDATES TO NATIONAL FREIGHT PLAN.**

2 *Section 70102(b) of title 49, United States Code, is*
3 *amended—*

4 *(1) in paragraph (10), by striking “and” at the*
5 *end;*

6 *(2) in paragraph (11), by striking the period at*
7 *the end and inserting a semicolon; and*

8 *(3) by adding at the end the following:*

9 *“(12) best practices for reducing environmental*
10 *impacts of freight movement (including reducing local*
11 *air pollution from freight movement, stormwater run-*
12 *off, and wildlife habitat loss resulting from freight fa-*
13 *cilities, freight vehicles, or freight activity);*

14 *“(13) possible strategies to increase the resilience*
15 *of the freight system, including the ability to antici-*
16 *pate, prepare for, or adapt to conditions, or with-*
17 *stand, respond to, or recover rapidly from disrup-*
18 *tions, including extreme weather and natural disas-*
19 *ters;*

20 *“(14) strategies to promote United States eco-*
21 *nomi c growth and international competitiveness;*

22 *“(15) consideration of any potential unique im-*
23 *pacts of the national freight system on rural and*
24 *other underserved and historically disadvantaged*
25 *communities;*

1 “(16) strategies for decarbonizing freight move-
2 ment, as appropriate; and

3 “(17) consideration of the impacts of e-commerce
4 on the national multimodal freight system.”.

5 **SEC. 21103. STATE COLLABORATION WITH NATIONAL**
6 **MULTIMODAL FREIGHT NETWORK.**

7 Subsection (b) of section 70103 of title 49, United
8 States Code (as redesignated by section 21101(d)(3)(C)), is
9 amended—

10 (1) in paragraph (3), by striking subparagraph
11 (C) and inserting the following:

12 “(C) provide to the States an opportunity
13 to submit proposed designations from the States
14 in accordance with paragraph (4).”; and

15 (2) in paragraph (4)—

16 (A) in subparagraph (C)(i), by striking “20
17 percent” and inserting “30 percent”; and

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

19 “(E) **CONDITION FOR ACCEPTANCE.**—The
20 Secretary shall accept from a State a designa-
21 tion under subparagraph (D) only if the Sec-
22 retary determines that the designation meets the
23 applicable requirements of subparagraph (A).”.

1 **SEC. 21104. IMPROVING STATE FREIGHT PLANS.**

2 (a) *IN GENERAL.*—Section 70202 of title 49, United
3 States Code, is amended—

4 (1) *in subsection (b)*—

5 (A) *in paragraph (9), by striking “and” at*
6 *the end;*

7 (B) *by redesignating paragraph (10) as*
8 *paragraph (17); and*

9 (C) *by inserting after paragraph (9) the fol-*
10 *lowing:*

11 “(10) *the most recent commercial motor vehicle*
12 *parking facilities assessment conducted by the State*
13 *under subsection (f);*

14 “(11) *the most recent supply chain cargo flows*
15 *in the State, expressed by mode of transportation;*

16 “(12) *an inventory of commercial ports in the*
17 *State;*

18 “(13) *if applicable, consideration of the findings*
19 *or recommendations made by any multi-State freight*
20 *compact to which the State is a party under section*
21 *70204;*

22 “(14) *the impacts of e-commerce on freight infra-*
23 *structure in the State;*

24 “(15) *considerations of military freight;*

25 “(16) *strategies and goals to decrease—*

1 “(A) the severity of impacts of extreme
2 weather and natural disasters on freight mobil-
3 ity;

4 “(B) the impacts of freight movement on
5 local air pollution;

6 “(C) the impacts of freight movement on
7 flooding and stormwater runoff; and

8 “(D) the impacts of freight movement on
9 wildlife habitat loss; and”;

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

11 “(f) *COMMERCIAL MOTOR VEHICLE PARKING FACILI-*
12 *TIES ASSESSMENTS.—As part of the development or updat-*
13 *ing, as applicable, of a State freight plan under this section,*
14 *each State that receives funding under section 167 of title*
15 *23, in consultation with relevant State motor carrier safety*
16 *personnel, shall conduct an assessment of—*

17 “(1) the capability of the State, together with the
18 private sector in the State, to provide adequate park-
19 ing facilities and rest facilities for commercial motor
20 vehicles engaged in interstate transportation;

21 “(2) the volume of commercial motor vehicle traf-
22 fic in the State; and

23 “(3) whether there exist any areas within the
24 State with a shortage of adequate commercial motor
25 vehicle parking facilities, including an analysis (eco-

1 *conomic or otherwise, as the State determines to be ap-*
2 *propriate) of the underlying causes of such a shortage.*

3 “(g) *PRIORITY.—Each State freight plan under this*
4 *section shall include a requirement that the State, in car-*
5 *rying out activities under the State freight plan—*

6 “(1) *enhance reliability or redundancy of freight*
7 *transportation; or*

8 “(2) *incorporate the ability to rapidly restore ac-*
9 *cess and reliability with respect to freight transpor-*
10 *tation.*

11 “(h) *APPROVAL.—*

12 “(1) *IN GENERAL.—The Secretary of Transpor-*
13 *tation shall approve a State freight plan described in*
14 *subsection (a) if the plan achieves compliance with*
15 *the requirements of this section.*

16 “(2) *SAVINGS PROVISION.—Nothing in this sub-*
17 *section establishes new procedural requirements for*
18 *the approval of a State freight plan described in sub-*
19 *section (a).”.*

20 (b) *STUDIES.—For the purpose of facilitating the inte-*
21 *gration of intelligent transportation systems into the freight*
22 *transportation network powered by electricity, the Sec-*
23 *retary, acting through the Assistant Secretary for*
24 *Multimodal Freight, shall conduct a study relating to—*

1 (1) *preparing to supply power to applicable elec-*
2 *trical freight infrastructure; and*

3 (2) *safely integrating freight into intelligent*
4 *transportation systems.*

5 (c) *ALIGNMENT OF TRANSPORTATION PLANNING.—*
6 *Section 70202 of title 49, United States Code, is amended—*

7 (1) *in subsection (d), by striking “5-year” and*
8 *inserting “8-year”; and*

9 (2) *in subsection (e)(1), by striking “5 years”*
10 *and inserting “4 years”.*

11 **SEC. 21105. IMPLEMENTATION OF NATIONAL MULTIMODAL**
12 **FREIGHT NETWORK.**

13 *Not later than 30 days after the date of enactment of*
14 *this Act, the Secretary shall submit to the Committee on*
15 *Commerce, Science, and Transportation of the Senate and*
16 *the Committee on Transportation and Infrastructure of the*
17 *House of Representatives a report that—*

18 (1) *describes the status of the designation of the*
19 *final National Multimodal Freight Network required*
20 *under section 70103 of title 49, United States Code;*

21 (2) *explains the reasons why the designation of*
22 *the network referred to in paragraph (1) has not been*
23 *finalized, if applicable; and*

24 (3) *estimates the date by which that network will*
25 *be designated.*

1 **SEC. 21106. MULTI-STATE FREIGHT CORRIDOR PLANNING.**

2 (a) *IN GENERAL.*—Chapter 702 of title 49, United
3 States Code, is amended—

4 (1) *by redesignating section 70204 as section*
5 *70206; and*

6 (2) *by inserting after section 70203 the fol-*
7 *lowing:*

8 **“§ 70204. Multi-State freight corridor planning**

9 “(a) *CONSENT TO MULTI-STATE FREIGHT MOBILITY*
10 *COMPACTS.*—Congress recognizes the right of States, cities,
11 regional planning organizations, federally recognized In-
12 dian Tribes, and local public authorities (including public
13 port authorities) that are regionally linked with an interest
14 in a specific nationally or regionally significant multi-
15 State freight corridor to enter into multi-State compacts to
16 promote the improved mobility of goods, including—

17 “(1) *identifying projects along the corridor that*
18 *benefit multiple States;*

19 “(2) *assembling rights-of-way; and*

20 “(3) *performing capital improvements.*

21 “(b) *FINANCING.*—A multi-State freight compact es-
22 tablished by entities under subsection (a) may provide that,
23 in order to carry out the compact, the relevant States or
24 other entities may—

25 “(1) *accept contributions from a unit of State or*
26 *local government;*

1 “(2) use any Federal or State funds made avail-
2 able for freight mobility infrastructure planning or
3 construction, including applying for grants;

4 “(3) subject to such terms and conditions as the
5 States consider to be advisable—

6 “(A) borrow money on a short-term basis;

7 and

8 “(B) issue—

9 “(i) notes for borrowing under sub-
10 paragraph (A); and

11 “(ii) bonds; and

12 “(4) obtain financing by other means permitted
13 under applicable Federal or State law.

14 “(c) *ADVISORY COMMITTEES.*—

15 “(1) *IN GENERAL.*—A multi-State freight com-
16 pact under this section may establish a multi-State
17 freight corridor advisory committee, which shall in-
18 clude representatives of State departments of trans-
19 portation and other public and private sector entities
20 with an interest in freight mobility, such as—

21 “(A) ports;

22 “(B) freight railroads;

23 “(C) shippers;

24 “(D) carriers;

25 “(E) freight-related associations;

1 “(F) *third-party logistics providers;*

2 “(G) *the freight industry workforce;*

3 “(H) *environmental organizations;*

4 “(I) *community organizations; and*

5 “(J) *units of local government.*

6 “(2) *ACTIVITIES.—An advisory committee estab-*
7 *lished under paragraph (1) may—*

8 “(A) *advise the parties to the applicable*
9 *multi-State freight compact with respect to*
10 *freight-related priorities, issues, projects, and*
11 *funding needs that impact multi-State—*

12 “(i) *freight mobility; and*

13 “(ii) *supply chains;*

14 “(B) *serve as a forum for States, Indian*
15 *Tribes, and other public entities to discuss deci-*
16 *sions affecting freight mobility;*

17 “(C) *communicate and coordinate multi-*
18 *State freight priorities with other organizations;*

19 “(D) *promote the sharing of information be-*
20 *tween the private and public sectors with respect*
21 *to freight issues; and*

22 “(E) *provide information for consideration*
23 *in the development of State freight plans under*
24 *section 70202.*

25 “(d) *GRANTS.—*

1 “(1) *ESTABLISHMENT.*—*The Secretary of Trans-*
2 *portation (referred to in this section as the ‘Sec-*
3 *retary’) shall establish a program under which the*
4 *Secretary shall provide grants to multi-State freight*
5 *compacts, or States seeking to form a multi-State*
6 *freight compact, that seek to improve a route or cor-*
7 *ridor that is a part of the National Multimodal*
8 *Freight Network established under section 70103.*

9 “(2) *NEW COMPACTS.*—

10 “(A) *IN GENERAL.*—*To incentivize the es-*
11 *tablishment of multi-State freight compacts, the*
12 *Secretary may award a grant for operations*
13 *costs in an amount of not more than \$2,000,000*
14 *to—*

15 “(i) *a multi-State freight compact es-*
16 *tablished under subsection (a) during the 2-*
17 *year period beginning on the date of estab-*
18 *lishment of the multi-State freight compact;*
19 *or*

20 “(ii) *States seeking to form a multi-*
21 *State freight compact described in that sub-*
22 *section.*

23 “(B) *ELIGIBILITY.*—

24 “(i) *NEW MULTI-STATE FREIGHT COM-*
25 *PACTS.*—*A multi-State freight compact*

1 *shall be eligible for a grant under this para-*
2 *graph only during the initial 2 years of op-*
3 *eration of the compact.*

4 “(i) *STATES SEEKING TO FORM A*
5 *COMPACT.—States seeking to form a multi-*
6 *State freight compact shall be eligible for a*
7 *grant under this paragraph during—*

8 “(I) *the 2-year period beginning*
9 *on the date on which an application*
10 *for a grant under this paragraph with*
11 *respect to the proposed compact is sub-*
12 *mitted to the Secretary; or*

13 “(II) *if the compact is formed be-*
14 *fore the date on which a grant under*
15 *this paragraph is awarded in accord-*
16 *ance with subclause (I), the initial 2*
17 *years of operation of the compact.*

18 “(C) *REQUIREMENTS.—To be eligible to re-*
19 *ceive a grant under this paragraph, a multi-*
20 *State freight compact or the applicable States*
21 *seeking to form a multi-State freight compact*
22 *shall—*

23 “(i) *submit to the Secretary an appli-*
24 *cation at such time, in such manner, and*

1 *containing such information as the Sec-*
2 *retary may require;*

3 “(ii) *provide a non-Federal match*
4 *equal to not less than 25 percent of the op-*
5 *erating costs of the multi-State freight com-*
6 *pact; and*

7 “(iii) *commit to establishing a multi-*
8 *State freight corridor advisory committee*
9 *under subsection (c)(1) during the initial 2-*
10 *year period of operation of the compact.*

11 “(3) *EXISTING COMPACTS.—*

12 “(A) *IN GENERAL.—The Secretary may*
13 *award a grant to multi-State freight compacts*
14 *that are not eligible to receive a grant under*
15 *paragraph (2) for operations costs in an amount*
16 *of not more than \$1,000,000.*

17 “(B) *REQUIREMENTS.—To be eligible to re-*
18 *ceive a grant under this paragraph, a multi-*
19 *State freight compact shall—*

20 “(i) *submit to the Secretary an appli-*
21 *cation at such time, in such manner, and*
22 *containing such information as the Sec-*
23 *retary may require;*

1 “(ii) provide a non-Federal match of
2 not less than 50 percent of the operating
3 costs of the compact; and

4 “(iii) demonstrate that the compact
5 has established a multi-State freight cor-
6 ridor advisory committee under subsection
7 (c)(1).

8 “(4) *AUTHORIZATION OF APPROPRIATIONS.*—
9 *There is authorized to be appropriated to the Sec-*
10 *retary \$5,000,000 for each fiscal year to carry out*
11 *this subsection.”.*

12 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
13 *702 of title 49, United States Code, is amended by striking*
14 *the item relating to section 70204 and inserting the fol-*
15 *lowing:*

 “70204. *Multi-State freight corridor planning.*
 “70206. *Savings provision.*”.

16 **SEC. 21107. STATE FREIGHT ADVISORY COMMITTEES.**

17 Section 70201 of title 49, United States Code, is
18 amended—

19 (1) in subsection (a), by striking “representatives
20 of ports, freight railroads,” and all that follows
21 through the period at the end and inserting the fol-
22 lowing: “representatives of—

23 “(1) ports, if applicable;

24 “(2) freight railroads, if applicable;

1 “(3) shippers;

2 “(4) carriers;

3 “(5) freight-related associations;

4 “(6) third-party logistics providers;

5 “(7) the freight industry workforce;

6 “(8) the transportation department of the State;

7 “(9) metropolitan planning organizations;

8 “(10) local governments;

9 “(11) the environmental protection department
10 of the State, if applicable;

11 “(12) the air resources board of the State, if ap-
12 plicable;

13 “(13) economic development agencies of the
14 State; and

15 “(14) not-for-profit organizations or community
16 organizations.”;

17 (2) in subsection (b)(5), by striking “70202.”
18 and inserting “70202, including by providing advice
19 regarding the development of the freight investment
20 plan.”;

21 (3) by redesignating subsection (b) as subsection
22 (c); and

23 (4) by inserting after subsection (a) the fol-
24 lowing:

1 “(b) *QUALIFICATIONS.*—Each member of a freight ad-
 2 visory committee established under subsection (a) shall have
 3 qualifications sufficient to serve on a freight advisory com-
 4 mittee, including, as applicable—

5 “(1) *general business and financial experience;*

6 “(2) *experience or qualifications in the areas of*
 7 *freight transportation and logistics;*

8 “(3) *experience in transportation planning;*

9 “(4) *experience representing employees of the*
 10 *freight industry;*

11 “(5) *experience representing a State, local gov-*
 12 *ernment, or metropolitan planning organization; or*

13 “(6) *experience representing the views of a com-*
 14 *munity group or not-for-profit organization.”.*

15 ***Subtitle B—Multimodal Investment***

16 ***SEC. 21201. NATIONAL INFRASTRUCTURE PROJECT ASSIST-*** 17 ***ANCE.***

18 *Subtitle III of title 49, United States Code, is amended*
 19 *by adding at the end the following:*

20 ***“CHAPTER 67—MULTIMODAL*** 21 ***INFRASTRUCTURE INVESTMENTS***

“6701. National infrastructure project assistance.

“6702. Local and regional project assistance.

22 ***“§ 6701. National infrastructure project assistance***

23 “(a) *DEFINITIONS.*—*In this section:*

1 “(1) *DEPARTMENT.*—*The term ‘Department’*
2 *means the Department of Transportation.*

3 “(2) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
4 *ty’ means—*

5 “(A) *a State or a group of States;*

6 “(B) *a metropolitan planning organization;*

7 “(C) *a unit of local government;*

8 “(D) *a political subdivision of a State;*

9 “(E) *a special purpose district or public*
10 *authority with a transportation function, includ-*
11 *ing a port authority;*

12 “(F) *a Tribal government or a consortium*
13 *of Tribal governments;*

14 “(G) *a partnership between Amtrak and 1*
15 *or more entities described in subparagraphs (A)*
16 *through (F); and*

17 “(H) *a group of entities described in any of*
18 *subparagraphs (A) through (G).*

19 “(3) *PROGRAM.*—*The term ‘program’ means the*
20 *program established by subsection (b).*

21 “(4) *SECRETARY.*—*The term ‘Secretary’ means*
22 *the Secretary of Transportation.*

23 “(5) *STATE.*—*The term ‘State’ means—*

24 “(A) *any of the several States;*

25 “(B) *the District of Columbia;*

1 “(C) *the Commonwealth of Puerto Rico;*

2 “(D) *the Commonwealth of the Northern*
3 *Mariana Islands;*

4 “(E) *the United States Virgin Islands;*

5 “(F) *Guam;*

6 “(G) *American Samoa; and*

7 “(H) *any other territory or possession of the*
8 *United States.*

9 “(b) *ESTABLISHMENT.—There is established a pro-*
10 *gram under which the Secretary shall provide to eligible*
11 *entities grants, on a competitive basis pursuant to single-*
12 *year or multiyear grant agreements, for projects described*
13 *in subsection (d).*

14 “(c) *APPLICATIONS.—*

15 “(1) *IN GENERAL.—To be eligible for a grant*
16 *under the program, an eligible entity shall submit to*
17 *the Secretary an application at such time, in such*
18 *manner, and containing such information as the Sec-*
19 *retary determines to be appropriate.*

20 “(2) *PLAN FOR DATA COLLECTION.—An applica-*
21 *tion under paragraph (1) shall include a plan for*
22 *data collection and analysis described in subsection*
23 *(g).*

24 “(d) *ELIGIBLE PROJECTS.—The Secretary may pro-*
25 *vide a grant under the program only for a project—*

1 “(1) that is—

2 “(A) a highway or bridge project carried
3 out on—

4 “(i) the National Multimodal Freight
5 Network established under section 70103;

6 “(ii) the National Highway Freight
7 Network established under section 167 of
8 title 23; or

9 “(iii) the National Highway System
10 (as defined in section 101(a) of title 23);

11 “(B) a freight intermodal (including public
12 ports) or freight rail project that provides a pub-
13 lic benefit;

14 “(C) a railway-highway grade separation
15 or elimination project;

16 “(D) an intercity passenger rail project;

17 “(E) a public transportation project that
18 is—

19 “(i) eligible for assistance under chap-
20 ter 53; and

21 “(ii) part of a project described in any
22 of subparagraphs (A) through (D); or

23 “(F) a grouping, combination, or program
24 of interrelated, connected, or dependent projects

1 *of any of the projects described in subparagraphs*
2 *(A) through (E); and*

3 “(2) *the eligible project costs of which are—*

4 “(A) *reasonably anticipated to equal or ex-*
5 *ceed \$500,000,000; or*

6 “(B) *for any project funded by the set-aside*
7 *under subsection (m)(2)—*

8 “(i) *more than \$100,000,000; but*

9 “(ii) *less than \$500,000,000.*

10 “(e) *GEOGRAPHICAL DISTRIBUTION.—In providing*
11 *grants under this section, the Secretary shall ensure among*
12 *grant recipients—*

13 “(1) *geographical diversity; and*

14 “(2) *a balance between rural and urban commu-*
15 *nities.*

16 “(f) *PROJECT EVALUATION AND SELECTION.—*

17 “(1) *REQUIREMENTS.—The Secretary may select*
18 *a project described in subsection (d) to receive a grant*
19 *under the program only if the Secretary determines*
20 *that—*

21 “(A) *the project is likely to generate na-*
22 *tional or regional economic, mobility, or safety*
23 *benefits;*

24 “(B) *the project is in need of significant*
25 *Federal funding;*

1 “(C) the project will be cost-effective;

2 “(D) with respect to related non-Federal fi-
3 nancial commitments, 1 or more stable and de-
4 pendable sources of funding and financing are
5 available—

6 “(i) to construct, operate, and main-
7 tain the project; and

8 “(ii) to cover cost increases; and

9 “(E) the applicant has, or will have, suffi-
10 cient legal, financial, and technical capacity to
11 carry out the project.

12 “(2) *EVALUATION CRITERIA.*—In awarding a
13 grant under the program, the Secretary shall evalu-
14 ate—

15 “(A) the extent to which a project supports
16 achieving a state of good repair for each existing
17 asset to be improved by the project;

18 “(B) the level of benefits a project is ex-
19 pected to generate, including—

20 “(i) the costs avoided by the prevention
21 of closure or reduced use of the asset to be
22 improved by the project;

23 “(ii) reductions in maintenance costs
24 over the life of the applicable asset;

1 “(iii) safety benefits, including the re-
2 duction of serious injuries and fatalities
3 and related costs;

4 “(iv) improved person or freight
5 throughput, including improved mobility
6 and reliability; and

7 “(v) environmental benefits and health
8 impacts, such as—

9 “(I) reductions in greenhouse gas
10 emissions;

11 “(II) air quality benefits;

12 “(III) preventing stormwater run-
13 off that would be a detriment to aquat-
14 ic species; and

15 “(IV) improved infrastructure re-
16 silience;

17 “(C) the benefits of the project, as compared
18 to the costs of the project;

19 “(D) the number of persons or volume of
20 freight, as applicable, supported by the project;
21 and

22 “(E) national and regional economic bene-
23 fits of the project, including with respect to
24 short- and long-term job access, growth, or cre-
25 ation.

1 “(3) *ADDITIONAL CONSIDERATIONS.—In selecting*
2 *projects to receive grants under the program, the Sec-*
3 *retary shall take into consideration—*

4 “(A) *contributions to geographical diversity*
5 *among grant recipients, including a balance be-*
6 *tween the needs of rural and urban communities;*

7 “(B) *whether multiple States would benefit*
8 *from a project;*

9 “(C) *whether, and the degree to which, a*
10 *project uses—*

11 “(i) *construction materials or ap-*
12 *proaches that have—*

13 “(I) *demonstrated reductions in*
14 *greenhouse gas emissions; or*

15 “(II) *reduced the need for mainte-*
16 *nance of other projects; or*

17 “(ii) *technologies that will allow for fu-*
18 *ture connectivity and automation;*

19 “(D) *whether a project would benefit—*

20 “(i) *a historically disadvantaged com-*
21 *munity or population; or*

22 “(ii) *an area of persistent poverty;*

23 “(E) *whether a project benefits users of mul-*
24 *tiple modes of transportation, including—*

25 “(i) *pedestrians;*

1 “(ii) bicyclists; and

2 “(iii) users of nonvehicular rail and
3 public transportation, including intercity
4 and commuter rail; and

5 “(F) whether a project improves
6 connectivity between modes of transportation
7 moving persons or goods nationally or region-
8 ally.

9 “(4) RATINGS.—

10 “(A) IN GENERAL.—In evaluating applica-
11 tions for a grant under the program, the Sec-
12 retary shall assign the project proposed in the
13 application a rating described in subparagraph
14 (B), based on the information contained in the
15 applicable notice published under paragraph (5).

16 “(B) RATINGS.—

17 “(i) HIGHLY RECOMMENDED.—The
18 Secretary shall assign a rating of ‘highly
19 recommended’ to projects that, in the deter-
20 mination of the Secretary—

21 “(I) are exemplary projects of na-
22 tional or regional significance; and

23 “(II) would provide significant
24 public benefit, as determined based on
25 the applicable criteria described in this

1 subsection, if funded under the pro-
2 gram.

3 “(ii) *RECOMMENDED.*—The Secretary
4 shall assign a rating of ‘recommended’ to
5 projects that, in the determination of the
6 Secretary—

7 “(I) are of national or regional
8 significance; and

9 “(II) would provide public benefit,
10 as determined based on the applicable
11 criteria described in this subsection, if
12 funded under the program.

13 “(iii) *NOT RECOMMENDED.*—The Sec-
14 retary shall assign a rating of ‘not rec-
15 ommended’ to projects that, in the deter-
16 mination of the Secretary, should not re-
17 ceive a grant under the program, based on
18 the applicable criteria described in this sub-
19 section.

20 “(C) *TECHNICAL ASSISTANCE.*—

21 “(i) *IN GENERAL.*—On request of an
22 eligible entity that submitted an application
23 under subsection (c) for a project that is not
24 selected to receive a grant under the pro-
25 gram, the Secretary shall provide to the eli-

1 *gible entity technical assistance and brief-*
2 *ings relating to the project.*

3 “(ii) *TREATMENT.—Technical assist-*
4 *ance provided under this subparagraph*
5 *shall not be considered a guarantee of future*
6 *selection of the applicable project under the*
7 *program.*

8 “(5) *PUBLICATION OF PROJECT EVALUATION AND*
9 *SELECTION CRITERIA.—Not later than 90 days after*
10 *the date of enactment of this chapter, the Secretary*
11 *shall publish and make publicly available on the*
12 *website of the Department a notice that contains a de-*
13 *tailed explanation of—*

14 “(A) *the method by which the Secretary will*
15 *determine whether a project satisfies the applica-*
16 *ble requirements described in paragraph (1);*

17 “(B) *any additional ratings the Secretary*
18 *may assign to determine the means by which a*
19 *project addresses the selection criteria and addi-*
20 *tional considerations described in paragraphs (2)*
21 *and (3); and*

22 “(C) *the means by which the project re-*
23 *quirements and ratings referred to in subpara-*
24 *graphs (A) and (B) will be used to assign an*

1 *overall rating for the project under paragraph*
2 *(4).*

3 “(6) *PROJECT SELECTION PRIORITY.*—*In award-*
4 *ing grants under the program, the Secretary shall*
5 *give priority to projects to which the Secretary has*
6 *assigned a rating of ‘highly recommended’ under*
7 *paragraph (4)(B)(i).*

8 “(g) *DATA COLLECTION AND ANALYSIS.*—

9 “(1) *PLAN.*—

10 “(A) *IN GENERAL.*—*An eligible entity seek-*
11 *ing a grant under the program shall submit to*
12 *the Secretary, together with the grant applica-*
13 *tion, a plan for the collection and analysis of*
14 *data to identify in accordance with the frame-*
15 *work established under paragraph (2)—*

16 “(i) *the impacts of the project; and*

17 “(ii) *the accuracy of any forecast pre-*
18 *pared during the development phase of the*
19 *project and included in the grant applica-*
20 *tion.*

21 “(B) *CONTENTS.*—*A plan under subpara-*
22 *graph (A) shall include—*

23 “(i) *an approach to measuring—*

24 “(I) *the criteria described in sub-*
25 *section (f)(2); and*

1 “(II) if applicable, the additional
2 requirements described in subsection
3 (f)(3);

4 “(ii) an approach for analyzing the
5 consistency of predicted project characteris-
6 tics with actual outcomes; and

7 “(iii) any other elements that the Sec-
8 retary determines to be necessary.

9 “(2) *FRAMEWORK.*—The Secretary may publish
10 a standardized framework for the contents of the
11 plans under paragraph (1), which may include, as
12 appropriate—

13 “(A) standardized forecasting and measure-
14 ment approaches;

15 “(B) data storage system requirements; and

16 “(C) any other requirements the Secretary
17 determines to be necessary to carry out this sec-
18 tion.

19 “(3) *MULTIYEAR GRANT AGREEMENTS.*—The
20 Secretary shall require an eligible entity, as a condi-
21 tion of receiving funding pursuant to a multiyear
22 grant agreement under the program, to collect addi-
23 tional data to measure the impacts of the project and
24 to accurately track improvements made by the project,

1 *in accordance with a plan described in paragraph*
2 *(1).*

3 *“(4) REPORTS.—*

4 *“(A) PROJECT BASELINE.—Before the date*
5 *of completion of a project for which a grant is*
6 *provided under the program, the eligible entity*
7 *carrying out the project shall submit to the Sec-*
8 *retary a report providing baseline data for the*
9 *purpose of analyzing the long-term impact of the*
10 *project in accordance with the framework estab-*
11 *lished under paragraph (2).*

12 *“(B) UPDATED REPORT.—Not later than 6*
13 *years after the date of completion of a project for*
14 *which a grant is provided under the program,*
15 *the eligible entity carrying out the project shall*
16 *submit to the Secretary a report that compares*
17 *the baseline data included in the report under*
18 *subparagraph (A) to project data collected dur-*
19 *ing the period—*

20 *“(i) beginning on the date that is 5*
21 *years after the date of completion of the*
22 *project; and*

23 *“(ii) ending on the date on which the*
24 *updated report is submitted.*

25 *“(h) ELIGIBLE PROJECT COSTS.—*

1 “(1) *IN GENERAL.*—*An eligible entity may use a*
2 *grant provided under the program for—*

3 “(A) *development-phase activities and costs,*
4 *including planning, feasibility analysis, revenue*
5 *forecasting, alternatives analysis, data collection*
6 *and analysis, environmental review and activi-*
7 *ties to support environmental review, prelimi-*
8 *nary engineering and design work, and other*
9 *preconstruction activities, including the prepara-*
10 *tion of a data collection and post-construction*
11 *analysis plan under subsection (g); and*

12 “(B) *construction, reconstruction, rehabili-*
13 *tation, acquisition of real property (including*
14 *land relating to the project and improvements to*
15 *that land), environmental mitigation (including*
16 *projects to replace or rehabilitate culverts or re-*
17 *duce stormwater runoff for the purpose of im-*
18 *proving habitat for aquatic species), construction*
19 *contingencies, acquisition of equipment, protec-*
20 *tion, and operational improvements directly re-*
21 *lating to the project.*

22 “(2) *INTEREST AND OTHER FINANCING COSTS.*—
23 *The interest and other financing costs of carrying out*
24 *any part of a project under a multiyear grant agree-*
25 *ment within a reasonable period of time shall be con-*

1 *sidered to be an eligible project cost only if the appli-*
2 *cable eligible entity certifies to the Secretary that the*
3 *eligible entity has demonstrated reasonable diligence*
4 *in seeking the most favorable financing 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 grant*
13 *awarded under the program may be provided for*
14 *a project for which a grant is awarded under the*
15 *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 the*
20 *project.*

21 “(C) *NON-FEDERAL SHARE.*—*Secured loans*
22 *or financing provided under section 603 of title*
23 *23 or section 22402 of this title and repaid with*
24 *local funds or revenues shall be considered to be*
25 *part of the local share of the cost of a project.*

1 “(3) *APPLICATION TO MULTIYEAR AGREEMENTS.*—Notwithstanding any other provision of this
2 title, in any case in which amounts are provided
3 under the program pursuant to a multiyear agree-
4 ment, the disbursed Federal share of the cost of the
5 project may exceed the limitations described in para-
6 graphs (1) and (2)(B) for 1 or more years if the total
7 amount of the Federal share of the cost of the project,
8 once completed, does not exceed those limitations.

9 “(j) *GRANT AGREEMENTS.*—

10 “(1) *IN GENERAL.*—A project for which an eligi-
11 ble entity receives a multiyear grant under the pro-
12 gram shall be carried out in accordance with this sub-
13 section.

14 “(2) *TERMS.*—A multiyear grant agreement
15 under this subsection shall—

16 “(A) establish the terms of Federal partici-
17 pation in the applicable project;

18 “(B) establish the maximum amount of
19 Federal financial assistance for the project;

20 “(C) establish a schedule of anticipated Fed-
21 eral obligations for the project that provides for
22 obligation of the full grant amount;

23 “(D) describe the period of time for com-
24 pleting the project, regardless of whether that pe-
25

1 *riod extends beyond the period of an authoriza-*
2 *tion; and*

3 “(E) *facilitate timely and efficient manage-*
4 *ment of the applicable project by the eligible en-*
5 *tity carrying out the project, in accordance with*
6 *applicable law.*

7 “(3) *SPECIAL RULES.—*

8 “(A) *IN GENERAL.—A multiyear grant*
9 *agreement under this subsection—*

10 “(i) *shall provide for the obligation of*
11 *an amount of available budget authority*
12 *specified in law;*

13 “(ii) *may include a commitment, con-*
14 *tingent on amounts to be specified in law in*
15 *advance for commitments under this para-*
16 *graph, to obligate an additional amount*
17 *from future available budget authority spec-*
18 *ified in law; and*

19 “(iii) *shall provide that any funds dis-*
20 *bursed under the program for the project be-*
21 *fore the completion of any review required*
22 *under the National Environmental Policy*
23 *Act of 1969 (42 U.S.C. 4321 et seq.) may*
24 *only cover costs associated with develop-*

1 *ment-phase activities described in subsection*
2 *(h)(1)(A).*

3 “(B) *CONTINGENT COMMITMENT.*—*A contin-*
4 *gent commitment under this paragraph is not an*
5 *obligation of the Federal Government, including*
6 *for purposes of section 1501 of title 31.*

7 “(4) *SINGLE-YEAR GRANTS.*—*The Secretary may*
8 *only provide to an eligible entity a full grant under*
9 *the program in a single year if all reviews required*
10 *under the National Environmental Policy Act of 1969*
11 *(42 U.S.C. 4321 et seq.) with respect to the applicable*
12 *project have been completed before the receipt of any*
13 *program funds.*

14 “(k) *CONGRESSIONAL NOTIFICATION.*—

15 “(1) *IN GENERAL.*—*Not later than 30 days be-*
16 *fore the date on which the Secretary publishes the se-*
17 *lection of projects to receive grants under the pro-*
18 *gram, the Secretary shall submit to the Committee on*
19 *Commerce, Science, and Transportation of the Senate*
20 *and the Committee on Transportation and Infrastruc-*
21 *ture of the House of Representatives a written notice*
22 *that includes—*

23 “(A) *a list of all project applications re-*
24 *viewed by the Secretary as part of the selection*
25 *process;*

1 “(B) the rating assigned to each project
2 under subsection (f)(4);

3 “(C) an evaluation and justification with
4 respect to each project for which the Secretary
5 will—

6 “(i) provide a grant under the pro-
7 gram; and

8 “(ii) enter into a multiyear grant
9 agreement under the program;

10 “(D) a description of the means by which
11 the Secretary anticipates allocating among se-
12 lected projects the amounts made available to the
13 Secretary to carry out the program; and

14 “(E) anticipated funding levels required for
15 the 3 fiscal years beginning after the date of sub-
16 mission of the notice for projects selected for
17 grants under the program, based on information
18 available to the Secretary as of that date.

19 “(2) CONGRESSIONAL DISAPPROVAL.—The Sec-
20 retary may not provide a grant or any other obliga-
21 tion or commitment to fund a project under the pro-
22 gram if a joint resolution is enacted disapproving
23 funding for the project before the last day of the 30-
24 day period described in paragraph (1).

25 “(l) REPORTS.—

1 “(1) *TRANSPARENCY.*—Not later than 60 days
2 after the date on which the grants are announced
3 under the program, the Secretary shall publish on the
4 website of the Department a report that includes—

5 “(A) a list of all project applications re-
6 viewed by the Secretary as part of the selection
7 process under the program;

8 “(B) the rating assigned to each project
9 under subsection (f)(4); and

10 “(C) a description of each project for which
11 a grant has been provided under the program.

12 “(2) *COMPTROLLER GENERAL.*—

13 “(A) *ASSESSMENT.*—The Comptroller Gen-
14 eral of the United States shall conduct an assess-
15 ment of the administrative establishment, solici-
16 tation, selection, and justification process with
17 respect to the funding of grants under the pro-
18 gram.

19 “(B) *REPORT.*—Not later than 18 months
20 after the date on which the initial grants are
21 awarded for projects under the program, the
22 Comptroller General shall submit to the Com-
23 mittee on Commerce, Science, and Transpor-
24 tation of the Senate and the Committee on
25 Transportation and Infrastructure of the House

1 *of Representatives a report that describes, as ap-*
2 *plicable—*

3 “(i) *the adequacy and fairness of the*
4 *process by which the projects were selected;*
5 *and*

6 “(ii) *the justification and criteria used*
7 *for the selection of the projects.*

8 “(m) *AUTHORIZATION OF APPROPRIATIONS.—*

9 “(1) *IN GENERAL.—There is authorized to be ap-*
10 *propriated to the Secretary to carry out the program*
11 *\$2,000,000,000 for each of fiscal years 2022 through*
12 *2026.*

13 “(2) *OTHER PROJECTS.—Of the amounts made*
14 *available under paragraph (1), 50 percent shall be set*
15 *aside for projects that have a project cost of—*

16 “(A) *more than \$100,000,000; but*

17 “(B) *less than \$500,000,000.*

18 “(3) *ADMINISTRATIVE EXPENSES.—Of the*
19 *amounts made available to carry out the program for*
20 *each fiscal year, the Secretary may reserve not more*
21 *than 2 percent for the costs of—*

22 “(A) *administering and overseeing the pro-*
23 *gram; and*

1 “(B) hiring personnel for the program, in-
2 cluding personnel dedicated to processing permit-
3 ting and environmental review issues.

4 “(4) *TRANSFER OF AUTHORITY.*—*The Secretary*
5 *may transfer any portion of the amounts reserved*
6 *under paragraph (3) for a fiscal year to the Adminis-*
7 *trator of any of the Federal Highway Administration,*
8 *the Federal Transit Administration, the Federal Rail-*
9 *road Administration, or the Maritime Administration*
10 *to award and oversee grants in accordance with this*
11 *section.*

12 “(n) *ADDITIONAL REQUIREMENTS.*—

13 “(1) *IN GENERAL.*—*Each project that receives a*
14 *grant under this chapter shall achieve compliance*
15 *with the applicable requirements of—*

16 “(A) *subchapter IV of chapter 31 of title 40;*

17 “(B) *title VI of the Civil Rights Act of 1964*
18 *(42 U.S.C. 2000d et seq.); and*

19 “(C) *the National Environmental Policy*
20 *Act of 1969 (42 U.S.C. 4321 et seq.).*

21 “(2) *MODAL REQUIREMENTS.*—*The Secretary*
22 *shall, with respect to a project funded by a grant*
23 *under this section, apply—*

24 “(A) *the requirements of title 23 to a high-*
25 *way, road, or bridge project;*

1 “(B) the requirements of chapter 53 to a
2 transit project; and

3 “(C) the requirements of section 22905 to a
4 rail project.

5 “(3) MULTIMODAL PROJECTS.—

6 “(A) IN GENERAL.—Except as otherwise
7 provided in this paragraph, if an eligible project
8 is a multimodal project, the Secretary shall—

9 “(i) determine the predominant modal
10 component of the project; and

11 “(ii) apply the applicable requirements
12 described in paragraph (2) of the predomi-
13 nant modal component to the project.

14 “(B) EXCEPTIONS.—

15 “(i) PASSENGER OR FREIGHT RAIL
16 COMPONENT.—The requirements of section
17 22905 shall apply to any passenger or
18 freight rail component of a project.

19 “(ii) PUBLIC TRANSPORTATION COMPO-
20 NENT.—The requirements of section 5333
21 shall apply to any public transportation
22 component of a project.”.

1 **SEC. 21202. LOCAL AND REGIONAL PROJECT ASSISTANCE.**

2 (a) *IN GENERAL.*—Chapter 67 of subtitle III of title
3 49, United States Code (as added by section 21201), is
4 amended by adding at the end the following:

5 **“§ 6702. Local and regional project assistance**

6 “(a) *DEFINITIONS.*—In this section:

7 “(1) *AREA OF PERSISTENT POVERTY.*—The term
8 ‘area of persistent poverty’ means—

9 “(A) any county (or equivalent jurisdiction)
10 in which, during the 30-year period ending on
11 the date of enactment of this chapter, 20 percent
12 or more of the population continually lived in
13 poverty, as measured by—

14 “(i) the 1990 decennial census;

15 “(ii) the 2000 decennial census; and

16 “(iii) the most recent annual small
17 area income and poverty estimate of the
18 Bureau of the Census;

19 “(B) any census tract with a poverty rate
20 of not less than 20 percent, as measured by the
21 5-year data series available from the American
22 Community Survey of the Bureau of the Census
23 for the period of 2014 through 2018; and

24 “(C) any territory or possession of the
25 United States.

1 “(2) *ELIGIBLE ENTITY*.—The term ‘eligible enti-
2 ty’ means—

3 “(A) a State;

4 “(B) the District of Columbia;

5 “(C) any territory or possession of the
6 United States;

7 “(D) a unit of local government;

8 “(E) a public agency or publicly chartered
9 authority established by 1 or more States;

10 “(F) a special purpose district or public au-
11 thority with a transportation function, including
12 a port authority;

13 “(G) a federally recognized Indian Tribe or
14 a consortium of such Indian Tribes;

15 “(H) a transit agency; and

16 “(I) a multi-State or multijurisdictional
17 group of entities described in any of subpara-
18 graphs (A) through (H).

19 “(3) *ELIGIBLE PROJECT*.—The term ‘eligible
20 project’ means—

21 “(A) a highway or bridge project eligible for
22 assistance under title 23;

23 “(B) a public transportation project eligible
24 for assistance under chapter 53;

1 “(C) a passenger rail or freight rail trans-
2 portation project eligible for assistance under
3 this title;

4 “(D) a port infrastructure investment, in-
5 cluding—

6 “(i) inland port infrastructure; and

7 “(ii) a land port-of-entry;

8 “(E) the surface transportation components
9 of an airport project eligible for assistance under
10 part B of subtitle VII;

11 “(F) a project for investment in a surface
12 transportation facility located on Tribal land,
13 the title or maintenance responsibility of which
14 is vested in the Federal Government;

15 “(G) a project to replace or rehabilitate a
16 culvert or prevent stormwater runoff for the pur-
17 pose of improving habitat for aquatic species
18 that will advance the goal of the program de-
19 scribed in subsection (b)(2); and

20 “(H) any other surface transportation in-
21 frastructure project that the Secretary considers
22 to be necessary to advance the goal of the pro-
23 gram.

1 “(4) *PROGRAM.*—*The term ‘program’ means the*
2 *Local and Regional Project Assistance Program estab-*
3 *lished under subsection (b)(1).*

4 “(5) *RURAL AREA.*—*The term ‘rural area’ means*
5 *an area that is located outside of an urbanized area.*

6 “(6) *SECRETARY.*—*The term ‘Secretary’ means*
7 *the Secretary of Transportation.*

8 “(7) *URBANIZED AREA.*—*The term ‘urbanized*
9 *area’ means an area with a population of more than*
10 *200,000 residents, based on the most recent decennial*
11 *census.*

12 “(b) *ESTABLISHMENT.*—

13 “(1) *IN GENERAL.*—*The Secretary shall establish*
14 *and carry out a program, to be known as the ‘Local*
15 *and Regional Project Assistance Program’, to provide*
16 *for capital investments in surface transportation in-*
17 *frastructure.*

18 “(2) *GOAL.*—*The goal of the program shall be to*
19 *fund eligible projects that will have a significant local*
20 *or regional impact and improve transportation infra-*
21 *structure.*

22 “(c) *GRANTS.*—

23 “(1) *IN GENERAL.*—*In carrying out the pro-*
24 *gram, the Secretary may make grants to eligible enti-*

1 *ties, on a competitive basis, in accordance with this*
2 *section.*

3 “(2) *AMOUNT.—Except as otherwise provided in*
4 *this section, each grant made under the program shall*
5 *be in an amount equal to—*

6 “(A) *not less than \$5,000,000 for an urban-*
7 *ized area;*

8 “(B) *not less than \$1,000,000 for a rural*
9 *area; and*

10 “(C) *not more than \$25,000,000.*

11 “(3) *LIMITATION.—Not more than 15 percent of*
12 *the funds made available to carry out the program for*
13 *a fiscal year may be awarded to eligible projects in*
14 *a single State during that fiscal year.*

15 “(d) *SELECTION OF ELIGIBLE PROJECTS.—*

16 “(1) *NOTICE OF FUNDING OPPORTUNITY.—Not*
17 *later than 60 days after the date on which funds are*
18 *made available to carry out the program, the Sec-*
19 *retary shall publish a notice of funding opportunity*
20 *for the funds.*

21 “(2) *APPLICATIONS.—To be eligible to receive a*
22 *grant under the program, an eligible entity shall sub-*
23 *mit to the Secretary an application—*

1 “(A) in such form and containing such in-
2 formation as the Secretary considers to be appro-
3 priate; and

4 “(B) by such date as the Secretary may es-
5 tablish, subject to the condition that the date
6 shall be not later than 90 days after the date on
7 which the Secretary issues the solicitation under
8 paragraph (1).

9 “(3) *PRIMARY SELECTION CRITERIA.*—In award-
10 ing grants under the program, the Secretary shall
11 evaluate the extent to which a project—

12 “(A) improves safety;

13 “(B) improves environmental sustain-
14 ability;

15 “(C) improves the quality of life of rural
16 areas or urbanized areas;

17 “(D) increases economic competitiveness
18 and opportunity, including increasing tourism
19 opportunities;

20 “(E) contributes to a state of good repair;
21 and

22 “(F) improves mobility and community
23 connectivity.

24 “(4) *ADDITIONAL SELECTION CRITERIA.*—In se-
25 lecting projects to receive grants under the program,

1 *the Secretary shall take into consideration the extent*
2 *to which—*

3 *“(A) the project sponsors collaborated with*
4 *other public and private entities;*

5 *“(B) the project adopts innovative tech-*
6 *nologies or techniques, including—*

7 *“(i) innovative technology;*

8 *“(ii) innovative project delivery tech-*
9 *niques; and*

10 *“(iii) innovative project financing;*

11 *“(C) the project has demonstrated readiness;*

12 *and*

13 *“(D) the project is cost effective.*

14 *“(5) TRANSPARENCY.—*

15 *“(A) IN GENERAL.—The Secretary, shall*
16 *evaluate, through a methodology that is discern-*
17 *ible and transparent to the public, the means by*
18 *which each application submitted under para-*
19 *graph (2) addresses the criteria under para-*
20 *graphs (3) and (4) or otherwise established by*
21 *the Secretary.*

22 *“(B) PUBLICATION.—The methodology*
23 *under subparagraph (A) shall be published by*
24 *the Secretary as part of the notice of funding op-*
25 *portunity under the program.*

1 “(6) *AWARDS.*—*Not later than 270 days after the*
2 *date on which amounts are made available to provide*
3 *grants under the program for a fiscal year, the Sec-*
4 *retary shall announce the selection by the Secretary*
5 *of eligible projects to receive the grants in accordance*
6 *with this section.*

7 “(7) *TECHNICAL ASSISTANCE.*—

8 “(A) *IN GENERAL.*—*On request of an eligi-*
9 *ble entity that submitted an application under*
10 *paragraph (2) for a project that is not selected*
11 *to receive a grant under the program, the Sec-*
12 *retary shall provide to the eligible entity tech-*
13 *nical assistance and briefings relating to the*
14 *project.*

15 “(B) *TREATMENT.*—*Technical assistance*
16 *provided under this paragraph shall not be con-*
17 *sidered a guarantee of future selection of the ap-*
18 *plicable project under the program.*

19 “(e) *FEDERAL SHARE.*—

20 “(1) *IN GENERAL.*—*Except as provided in para-*
21 *graph (2), the Federal share of the cost of an eligible*
22 *project carried out using a grant provided under the*
23 *program shall not exceed 80 percent.*

24 “(2) *EXCEPTION.*—*The Federal share of the cost*
25 *of an eligible project carried out in a rural area, a*

1 *historically disadvantaged community, or an area of*
2 *persistent poverty using a grant under this subsection*
3 *may exceed 80 percent, at the discretion of the Sec-*
4 *retary.*

5 “(3) *TREATMENT OF OTHER FEDERAL FUNDS.—*
6 *Amounts provided under any of the following pro-*
7 *grams shall be considered to be a part of the non-Fed-*
8 *eral share for purposes of this subsection:*

9 “(A) *The tribal transportation program*
10 *under section 202 of title 23.*

11 “(B) *The Federal lands transportation pro-*
12 *gram under section 203 of title 23.*

13 “(C) *The TIFIA program (as defined in sec-*
14 *tion 601(a) of title 23).*

15 “(D) *The Railroad Rehabilitation and Im-*
16 *provement Financing Program under chapter*
17 *224.*

18 “(f) *OTHER CONSIDERATIONS.—*

19 “(1) *IN GENERAL.—Of the total amount made*
20 *available to carry out the program for each fiscal*
21 *year—*

22 “(A) *not more than 50 percent shall be allo-*
23 *cated for eligible projects located in rural areas;*
24 *and*

1 “(B) not more than 50 percent shall be allo-
2 cated for eligible projects located in urbanized
3 areas.

4 “(2) *HISTORICALLY DISADVANTAGED COMMU-*
5 *NITIES AND AREAS OF PERSISTENT POVERTY.*—Of the
6 total amount made available to carry out the pro-
7 gram for each fiscal year, not less than 1 percent
8 shall be awarded for projects in historically disadvan-
9 taged communities or areas of persistent poverty.

10 “(3) *MULTIMODAL AND GEOGRAPHICAL CONSID-*
11 *ERATIONS.*—In selecting projects to receive grants
12 under the program, the Secretary shall take into con-
13 sideration geographical and modal diversity.

14 “(g) *PROJECT PLANNING.*—Of the amounts made
15 available to carry out the program for each fiscal year, not
16 less than 5 percent shall be made available for the planning,
17 preparation, or design of eligible projects.

18 “(h) *TRANSFER OF AUTHORITY.*—Of the amounts
19 made available to carry out the program for each fiscal
20 year, the Secretary may transfer not more than 2 percent
21 for a fiscal year to the Administrator of any of the Federal
22 Highway Administration, the Federal Transit Administra-
23 tion, the Federal Railroad Administration, or the Maritime
24 Administration to award and oversee grants and credit as-
25 sistance in accordance with this section.

1 “(i) *CREDIT PROGRAM COSTS.*—

2 “(1) *IN GENERAL.*—Subject to paragraph (2), at
3 the request of an eligible entity, the Secretary may
4 use a grant provided to the eligible entity under the
5 program to pay the subsidy or credit risk premium,
6 and the administrative costs, of an eligible project
7 that is eligible for Federal credit assistance under—

8 “(A) chapter 224; or

9 “(B) chapter 6 of title 23.

10 “(2) *LIMITATION.*—Not more than 20 percent of
11 the funds made available to carry out the program for
12 a fiscal year may be used to carry out paragraph (1).

13 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—There is
14 authorized to be appropriated to carry out this section
15 \$1,500,000,000 for each of fiscal years 2022 through 2026,
16 to remain available for a period of 3 fiscal years following
17 the fiscal year for which the amounts are appropriated.

18 “(k) *REPORTS.*—

19 “(1) *ANNUAL REPORT.*—The Secretary shall
20 make available on the website of the Department of
21 Transportation at the end of each fiscal year an an-
22 nual report that describes each eligible project for
23 which a grant was provided under the program dur-
24 ing that fiscal year.

1 “(2) *COMPTROLLER GENERAL.*—Not later than 1
2 *year after the date on which the initial grants are*
3 *awarded for eligible projects under the program, the*
4 *Comptroller General of the United States shall—*

5 “(A) *review the administration of the pro-*
6 *gram, including—*

7 “(i) *the solicitation process; and*

8 “(ii) *the selection process, including—*

9 “(I) *the adequacy and fairness of*
10 *the process; and*

11 “(II) *the selection criteria; and*

12 “(B) *submit to the Committee on Com-*
13 *merce, Science, and Transportation of the Senate*
14 *and the Committee on Transportation and Infra-*
15 *structure of the House of Representatives a re-*
16 *port describing the findings of the review under*
17 *subparagraph (A), including recommendations*
18 *for improving the administration of the pro-*
19 *gram, if any.”.*

20 (b) *STUDY.*—Not later than 1 year after the date of
21 *enactment of this Act, the Comptroller General of the United*
22 *States shall conduct, and submit to the Committee on Com-*
23 *merce, Science, and Transportation of the Senate and the*
24 *Committee on Transportation and Infrastructure of the*
25 *House of Representatives a report describing the results of,*

1 *a study of how changes to Federal share matching require-*
 2 *ments and selection criteria, such as using State population*
 3 *data in Department discretionary programs, may impact*
 4 *the allocations made to States.*

5 *(c) CLERICAL AMENDMENT.—The analysis for subtitle*
 6 *III of title 49, United States Code, is amended by adding*
 7 *at the end the following:*

“CHAPTER 67—MULTIMODAL INFRASTRUCTURE INVESTMENTS

“6701. National infrastructure project assistance.

“6702. Local and regional project assistance.”.

8 ***SEC. 21203. NATIONAL CULVERT REMOVAL, REPLACEMENT,***
 9 ***AND RESTORATION GRANT PROGRAM.***

10 *(a) IN GENERAL.—Chapter 67 of title 49, United*
 11 *States Code (as amended by section 21202(a)), is amended*
 12 *by adding at the end the following:*

13 ***“§6703. National culvert removal, replacement, and***
 14 ***restoration grant program***

15 *“(a) DEFINITIONS.—In this section:*

16 *“(1) DIRECTOR.—The term ‘Director’ means the*
 17 *Director of the United States Fish and Wildlife Serv-*
 18 *ice.*

19 *“(2) INDIAN TRIBE.—The term ‘Indian Tribe’*
 20 *has the meaning given the term in section 4 of the In-*
 21 *Indian Self-Determination and Education Assistance*
 22 *Act (25 U.S.C. 5304).*

1 “(3) *PROGRAM*.—The term ‘program’ means the
2 annual competitive grant program established under
3 subsection (b).

4 “(4) *SECRETARY*.—The term ‘Secretary’ means
5 the Secretary of Transportation.

6 “(5) *UNDERSECRETARY*.—The term ‘Undersecre-
7 tary’ means the Undersecretary of Commerce for
8 Oceans and Atmosphere.

9 “(b) *ESTABLISHMENT*.—The Secretary, in consulta-
10 tion with the Undersecretary, shall establish an annual
11 competitive grant program to award grants to eligible enti-
12 ties for projects for the replacement, removal, and repair
13 of culverts or weirs that—

14 “(1) would meaningfully improve or restore fish
15 passage for anadromous fish; and

16 “(2) with respect to weirs, may include—

17 “(A) infrastructure to facilitate fish passage
18 around or over the weir; and

19 “(B) weir improvements.

20 “(c) *ELIGIBLE ENTITIES*.—An entity eligible to receive
21 a grant under the program is—

22 “(1) a State;

23 “(2) a unit of local government; or

24 “(3) an Indian Tribe.

1 “(d) *GRANT SELECTION PROCESS.*—*The Secretary, in*
2 *consultation with the Undersecretary and the Director, shall*
3 *establish a process for determining criteria for awarding*
4 *grants under the program, subject to subsection (e).*

5 “(e) *PRIORITIZATION.*—*The Secretary, in consultation*
6 *with the Undersecretary and the Director, shall establish*
7 *procedures to prioritize awarding grants under the program*
8 *to—*

9 “(1) *projects that would improve fish passage*
10 *for—*

11 “(A) *anadromous fish stocks listed as an en-*
12 *dangered species or a threatened species under*
13 *section 4 of the Endangered Species Act of 1973*
14 *(16 U.S.C. 1533);*

15 “(B) *anadromous fish stocks identified by*
16 *the Undersecretary or the Director that could*
17 *reasonably become listed as an endangered spe-*
18 *cies or a threatened species under that section;*

19 “(C) *anadromous fish stocks identified by*
20 *the Undersecretary or the Director as prey for*
21 *endangered species, threatened species, or pro-*
22 *ected species, including Southern resident orcas*
23 *(*Orcinus orcas*); or*

1 “(D) *anadromous fish stocks identified by*
2 *the Undersecretary or the Director as climate re-*
3 *silient stocks; and*

4 “(2) *projects that would open up more than 200*
5 *meters of upstream habitat before the end of the nat-*
6 *ural habitat.*

7 “(f) *FEDERAL SHARE.—The Federal share of the cost*
8 *of a project carried out with a grant to a State or a unit*
9 *of local government under the program shall be not more*
10 *than 80 percent.*

11 “(g) *TECHNICAL ASSISTANCE.—The Secretary, in con-*
12 *sultation with the Undersecretary and the Director, shall*
13 *develop a process to provide technical assistance to Indian*
14 *Tribes and underserved communities to assist in the project*
15 *design and grant process and procedures.*

16 “(h) *ADMINISTRATIVE EXPENSES.—Of the amounts*
17 *made available for each fiscal year to carry out the pro-*
18 *gram, the Secretary, the Undersecretary, and the Director*
19 *may use not more than 2 percent to pay the administrative*
20 *expenses necessary to carry out this section.*

21 “(i) *AUTHORIZATION OF APPROPRIATIONS.—There is*
22 *authorized to be appropriated to carry out the program*
23 *\$800,000,000 for each of fiscal years 2022 through 2026.”.*

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 2 *67 of title 49, United States Code (as added by section*
 3 *21202(c)), is amended by adding at the end the following:*
 “6703. *National culvert removal, replacement, and restoration grant program.*”.

4 **SEC. 21204. NATIONAL MULTIMODAL COOPERATIVE**
 5 **FREIGHT RESEARCH PROGRAM.**

6 (a) *IN GENERAL.*—*Chapter 702 of title 49, United*
 7 *States Code (as amended by section 21106(a)), is amended*
 8 *by inserting after section 70204 the following:*

9 **“§ 70205. National multimodal cooperative freight re-**
 10 **search program**

11 “(a) *ESTABLISHMENT.*—*Not later than 1 year after the*
 12 *date of enactment of this section, the Secretary of Transpor-*
 13 *tation (referred to in this section as the ‘Secretary’) shall*
 14 *establish and support a national cooperative freight trans-*
 15 *portation research program.*”

16 “(b) *ADMINISTRATION BY NATIONAL ACADEMY OF*
 17 *SCIENCES.*—

18 “(1) *IN GENERAL.*—*The Secretary shall enter*
 19 *into an agreement with the National Academy of*
 20 *Sciences to support and carry out administrative and*
 21 *management activities under the program established*
 22 *under subsection (a).*”

23 “(2) *ADVISORY COMMITTEE.*—*To assist the Na-*
 24 *tional Academy of Sciences in carrying out this sub-*
 25 *section, the National Academy shall establish an advi-*

1 *sory committee, the members of which represent a*
2 *cross-section of multimodal freight stakeholders, in-*
3 *cluding—*

4 *“(A) the Department of Transportation and*
5 *other relevant Federal departments and agencies;*

6 *“(B) State (including the District of Colum-*
7 *bia) departments of transportation;*

8 *“(C) units of local government, including*
9 *public port authorities;*

10 *“(D) nonprofit entities;*

11 *“(E) institutions of higher education;*

12 *“(F) labor organizations representing em-*
13 *ployees in freight industries; and*

14 *“(G) private sector entities representing*
15 *various transportation modes.*

16 *“(c) ACTIVITIES.—*

17 *“(1) NATIONAL RESEARCH AGENDA.—*

18 *“(A) IN GENERAL.—The advisory committee*
19 *established under subsection (b)(2), in consulta-*
20 *tion with interested parties, shall recommend a*
21 *national research agenda for the program in ac-*
22 *cordance with subsection (d), which shall include*
23 *a multiyear strategic plan.*

1 “(B) *ACTION BY INTERESTED PARTIES.*—

2 *For purposes of subparagraph (A), an interested*
3 *party may—*

4 “(i) *submit to the advisory committee*
5 *research proposals;*

6 “(ii) *participate in merit reviews of*
7 *research proposals and peer reviews of re-*
8 *search products; and*

9 “(iii) *receive research results.*

10 “(2) *RESEARCH CONTRACTS AND GRANTS.*—

11 “(A) *IN GENERAL.*—*The National Academy*
12 *of Sciences may award research contracts and*
13 *grants under the program established under sub-*
14 *section (a) through—*

15 “(i) *open competition; and*

16 “(ii) *merit review, conducted on a reg-*
17 *ular basis.*

18 “(B) *EVALUATION.*—

19 “(i) *PEER REVIEW.*—*A contract or*
20 *grant for research under subparagraph (A)*
21 *may allow peer review of the research re-*
22 *sults.*

23 “(ii) *PROGRAMMATIC EVALUATIONS.*—

24 *The National Academy of Sciences may*
25 *conduct periodic programmatic evaluations*

1 on a regular basis of a contract or grant for
2 research under subparagraph (A).

3 “(C) *DISSEMINATION OF FINDINGS.*—*The*
4 *National Academy of Sciences shall disseminate*
5 *the findings of any research conducted under this*
6 *paragraph to relevant researchers, practitioners,*
7 *and decisionmakers through—*

8 “(i) *conferences and seminars;*

9 “(ii) *field demonstrations;*

10 “(iii) *workshops;*

11 “(iv) *training programs;*

12 “(v) *presentations;*

13 “(vi) *testimony to government officials;*

14 “(vii) *publicly accessible websites;*

15 “(viii) *publications for the general*
16 *public; and*

17 “(ix) *other appropriate means.*

18 “(3) *REPORT.*—*Not later than 1 year after the*
19 *date of establishment of the program under subsection*
20 *(a), and annually thereafter, the Secretary shall make*
21 *available on a public website a report that describes*
22 *the ongoing research and findings under the program.*

23 “(d) *AREAS FOR RESEARCH.*—*The national research*
24 *agenda under subsection (c)(1) shall consider research in*
25 *the following areas:*

1 “(1) Improving the efficiency and resiliency of
2 *freight movement, including—*

3 “(A) improving the connections between
4 *rural areas and domestic and foreign markets;*

5 “(B) maximizing infrastructure utility, in-
6 *cluding improving urban curb-use efficiency;*

7 “(C) quantifying the national impact of
8 *blocked railroad crossings;*

9 “(D) improved techniques for estimating
10 *and quantifying public benefits derived from*
11 *freight transportation projects; and*

12 “(E) low-cost methods to reduce congestion
13 *at bottlenecks.*

14 “(2) Adapting to future trends in freight, includ-
15 *ing—*

16 “(A) considering the impacts of e-commerce;

17 “(B) automation; and

18 “(C) zero-emissions transportation.

19 “(3) Workforce considerations in freight, includ-
20 *ing—*

21 “(A) diversifying the freight transportation
22 *industry workforce; and*

23 “(B) creating and transitioning a workforce
24 *capable of designing, deploying, and operating*
25 *emerging technologies.*

1 “(e) *FEDERAL SHARE.*—

2 “(1) *IN GENERAL.*—*The Federal share of the cost*
3 *of an activity carried out under this section shall be*
4 *up to 100 percent.*

5 “(2) *USE OF NON-FEDERAL FUNDS.*—*In addition*
6 *to using funds made available to carry out this sec-*
7 *tion, the National Academy of Sciences may seek and*
8 *accept additional funding from public and private*
9 *entities capable of accepting funding from the Depart-*
10 *ment of Transportation, States, units of local govern-*
11 *ment, nonprofit entities, and the private sector.*

12 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
13 *authorized to be appropriated to the Secretary \$3,750,000*
14 *for each fiscal year to carry out the program established*
15 *under subsection (a), to remain available until expended.*

16 “(g) *SUNSET.*—*The program established under sub-*
17 *section (a) shall terminate 5 years after the date of enact-*
18 *ment of this section.”.*

19 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
20 *702 of title 49, United States Code (as amended by section*
21 *21106(b)), is amended by inserting after the item relating*
22 *to section 70204 the following:*

“70205. *National multimodal cooperative freight research program.*”.

23 **SEC. 21205. RURAL AND TRIBAL INFRASTRUCTURE AD-**
24 **VANCEMENT.**

25 (a) *DEFINITIONS.*—*In this section:*

1 (1) *BUILD AMERICA BUREAU*.—The term “*Build*
2 *America Bureau*” means the National Surface Trans-
3 *portation and Innovative Finance Bureau* established
4 *under section 116 of title 49, United States Code.*

5 (2) *ELIGIBLE ENTITY*.—The term “*eligible enti-*
6 *ty*” means—

7 (A) *a unit of local government or political*
8 *subdivision that is located outside of an urban-*
9 *ized area with a population of more than*
10 *150,000 residents, as determined by the Bureau*
11 *of the Census;*

12 (B) *a State seeking to advance a project lo-*
13 *cated in an area described in subparagraph (A);*

14 (C) *a federally recognized Indian Tribe;*
15 *and*

16 (D) *the Department of Hawaiian Home*
17 *Lands.*

18 (3) *ELIGIBLE PROGRAM*.—The term “*eligible*
19 *program*” means any program described in—

20 (A) *subparagraph (A) or (B) of section*
21 *116(d)(1) of title 49, United States Code;*

22 (B) *section 118(d)(3)(A) of that title (as*
23 *added by section 21101(a)); or*

24 (C) *chapter 67 of that title (as added by*
25 *section 21201).*

1 (4) *PILOT PROGRAM.*—The term “pilot program”
2 means the Rural and Tribal Assistance Pilot Pro-
3 gram established under subsection (b)(1).

4 (b) *ESTABLISHMENT.*—

5 (1) *IN GENERAL.*—The Secretary shall establish
6 within the Build America Bureau a pilot program, to
7 be known as the “Rural and Tribal Assistance Pilot
8 Program”, to provide to eligible entities the assistance
9 and information described in paragraph (2).

10 (2) *ASSISTANCE AND INFORMATION.*—In car-
11 rying out the pilot program, the Secretary may pro-
12 vide to an eligible entity the following:

13 (A) *Financial, technical, and legal assist-*
14 *ance to evaluate potential projects reasonably ex-*
15 *pected to be eligible to receive funding or financ-*
16 *ing assistance under an eligible program.*

17 (B) *Assistance with development-phase ac-*
18 *tivities, including—*

19 (i) *project planning;*

20 (ii) *feasibility studies;*

21 (iii) *revenue forecasting and funding*
22 *and financing options analyses;*

23 (iv) *environmental review;*

24 (v) *preliminary engineering and de-*
25 *sign work;*

1 (vi) economic assessments and cost-ben-
2 efit analyses;

3 (vii) public benefit studies;

4 (viii) statutory and regulatory frame-
5 work analyses;

6 (ix) value for money studies;

7 (x) evaluations of costs to sustain the
8 project;

9 (xi) evaluating opportunities for pri-
10 vate financing and project bundling; and

11 (xii) any other activity determined to
12 be appropriate by the Secretary.

13 (C) Information regarding innovative fi-
14 nancing best practices and case studies, if the el-
15 igible entity is interested in using innovative fi-
16 nancing methods.

17 (c) ASSISTANCE FROM EXPERT FIRMS.—The Sec-
18 retary may retain the services of expert firms, including
19 counsel, in the field of municipal and project finance to
20 assist in providing financial, technical, and legal assistance
21 to eligible entities under the pilot program.

22 (d) WEBSITE.—

23 (1) DESCRIPTION OF PILOT PROGRAM.—

24 (A) IN GENERAL.—The Secretary shall
25 make publicly available on the website of the De-

1 *partment a description of the pilot program, in-*
2 *cluding—*

3 *(i) the resources available to eligible*
4 *entities under the pilot program; and*

5 *(ii) the application process established*
6 *under paragraph (2)(A).*

7 *(B) CLEARINGHOUSE.—The Secretary may*
8 *establish a clearinghouse for tools, templates, and*
9 *best practices on the page of the website of the*
10 *Department that contains the information de-*
11 *scribed in subparagraph (A).*

12 *(2) APPLICATIONS.—*

13 *(A) IN GENERAL.—Not later than 180 days*
14 *after the date of enactment of this Act, the Sec-*
15 *retary shall establish a process by which an eli-*
16 *gible entity may submit to the Secretary an ap-*
17 *plication under the pilot program, in such form*
18 *and containing such information as the Sec-*
19 *retary may require.*

20 *(B) ONLINE PORTAL.—The Secretary shall*
21 *develop and make available to the public an on-*
22 *line portal through which the Secretary may re-*
23 *ceive applications under subparagraph (A), on a*
24 *rolling basis.*

25 *(C) APPROVAL.—*

1 (i) *IN GENERAL.*—Not later than 60
2 days after the date on which the Secretary
3 receives a complete application under sub-
4 paragraph (A), the Secretary shall provide
5 to each eligible entity that submitted the ap-
6 plication a notice describing whether the
7 application is approved or disapproved.

8 (ii) *ADDITIONAL WRITTEN NOTIFICA-*
9 *TION.*—

10 (I) *IN GENERAL.*—Not later than
11 30 days after the date on which the
12 Secretary provides to an eligible entity
13 a notification under clause (i), the Sec-
14 retary shall provide to the eligible enti-
15 ty an additional written notification of
16 the approval or disapproval of the ap-
17 plication.

18 (II) *DISAPPROVED APPLICA-*
19 *TIONS.*—If the application of an eligi-
20 ble entity is disapproved under this
21 subparagraph, the additional written
22 notification provided to the eligible en-
23 tity under subclause (I) shall include
24 an offer for a written or telephonic de-
25 brief by the Secretary that will provide

1 *an explanation of, and guidance re-*
2 *garding, the reasons why the applica-*
3 *tion was disapproved.*

4 *(iii) INSUFFICIENT APPLICATIONS.—*
5 *The Secretary shall not approve an applica-*
6 *tion under this subparagraph if the appli-*
7 *cation fails to meet the applicable criteria*
8 *established under this section.*

9 *(3) DASHBOARD.—The Secretary shall publish*
10 *on the website of the Department a monthly report*
11 *that includes, for each application received under the*
12 *pilot program—*

13 *(A) the type of eligible entity that submitted*
14 *the application;*

15 *(B) the location of each potential project de-*
16 *scribed in the application;*

17 *(C) a brief description of the assistance re-*
18 *quested;*

19 *(D) the date on which the Secretary received*
20 *the application; and*

21 *(E) the date on which the Secretary pro-*
22 *vided the notice of approval or disapproval*
23 *under paragraph (2)(C)(i).*

24 *(e) EXPERTS.—An eligible entity that receives assist-*
25 *ance under the pilot program may retain the services of*

1 *an expert for any phase of a project carried out using the*
2 *assistance, including project development, regardless of*
3 *whether the expert is retained by the Secretary under sub-*
4 *section (c).*

5 (f) *FUNDING.*—

6 (1) *IN GENERAL.*—*For each of fiscal years 2022*
7 *through 2026, the Secretary may use to carry out the*
8 *pilot program, including to retain the services of ex-*
9 *pert firms under subsection (c), any amount made*
10 *available to the Secretary to provide credit assistance*
11 *under an eligible program that is not otherwise obli-*
12 *gated, subject to paragraph (2).*

13 (2) *LIMITATION.*—*The amount used under para-*
14 *graph (1) to carry out the pilot program shall be not*
15 *more than—*

16 (A) *\$1,600,000 for fiscal year 2022;*

17 (B) *\$1,800,000 for fiscal year 2023;*

18 (C) *\$2,000,000 for fiscal year 2024;*

19 (D) *\$2,200,000 for fiscal year 2025; and*

20 (E) *\$2,400,000 for fiscal year 2026.*

21 (3) *GEOGRAPHICAL DISTRIBUTION.*—*Not more*
22 *than 20 percent of the funds made available to carry*
23 *out the pilot program for a fiscal year may be used*
24 *for projects in a single State during that fiscal year.*

1 (g) *SUNSET.*—*The pilot program shall terminate on*
 2 *the date that is 5 years after the date of enactment of this*
 3 *Act.*

4 (h) *NONAPPLICABILITY.*—*Nothing in this section lim-*
 5 *its the ability of the Build America Bureau or the Secretary*
 6 *to establish or carry out any other assistance program*
 7 *under title 23 or title 49, United States Code.*

8 (i) *ADMINISTRATION BY BUILD AMERICA BUREAU.*—
 9 *Section 116(d)(1) of title 49, United States Code (as amend-*
 10 *ed by section 21101(d)(4)), is amended by adding at the*
 11 *end the following:*

12 “(D) *The Rural and Tribal Assistance Pilot*
 13 *Program established under section 21205(b)(1) of*
 14 *the Surface Transportation Investment Act of*
 15 *2021.*”.

16 ***Subtitle C—Railroad Rehabilita-***
 17 ***tion and Improvement Financ-***
 18 ***ing Reforms***

19 ***SEC. 21301. RRIF CODIFICATION AND REFORMS.***

20 (a) *CODIFICATION OF TITLE V OF THE RAILROAD RE-*
 21 *VITALIZATION AND REGULATORY REFORM ACT OF 1976.*—
 22 *Part B of subtitle V of title 49, United States Code, is*
 23 *amended—*

24 (1) *by inserting after chapter 223 the following*
 25 *chapter analysis:*

“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 sec-
9 tion 22401, as added by paragraph (2), the text of
10 section 501 of the *Railroad Revitalization and Regu-*
11 *latory Reform Act of 1976 (45 U.S.C. 821);*

12 (4) by inserting after the section heading for sec-
13 tion 22402, as added by paragraph (2), the text of
14 section 502 of the *Railroad Revitalization and Regu-*
15 *latory Reform Act of 1976 (45 U.S.C. 822);*

16 (5) by inserting after the section heading for sec-
17 tion 22403, as added by paragraph (2), the text of
18 section 503 of the *Railroad Revitalization and Regu-*
19 *latory Reform Act of 1976 (45 U.S.C. 823); and*

20 (6) by inserting after the section heading for sec-
21 tion 22404, as added by paragraph (2), the text of

1 *section 504 of the Railroad Revitalization and Regu-*
2 *latory Reform Act of 1976 (45 U.S.C. 836).*

3 *(b) CONFORMING REPEALS.—*

4 *(1) REPEALS.—*

5 *(A) Sections 501, 502, 503, and 504 of the*
6 *Railroad Revitalization and Regulatory Reform*
7 *Act of 1976 (45 U.S.C. 821, 822, 823, and 836)*
8 *are repealed.*

9 *(B) Section 9003(j) of the Safe, Account-*
10 *able, Flexible, Efficient Transportation Equity*
11 *Act: A Legacy for Users (45 U.S.C. 822 note) is*
12 *repealed.*

13 *(2) SAVINGS PROVISION.—The repeals under*
14 *paragraph (1) shall not affect the rights and duties*
15 *that matured under the repealed sections, the pen-*
16 *alties that were incurred under such sections, or any*
17 *proceeding authorized under any such section that*
18 *commenced before the date of enactment of this Act.*

19 *(c) DEFINITIONS.—*

20 *(1) HEADINGS.—Section 22401 of title 49,*
21 *United States Code, as added by subsection (a)(2),*
22 *and amended by subsection (a)(3), is further amend-*
23 *ed—*

24 *(A) in paragraph (1)—*

1 (i) by striking “(1)(A) The” and in-
2 serting the following:

3 “(1) COST.—

4 “(A) The”; and

5 (ii) by indenting subparagraphs (B)
6 through (F) appropriately; and

7 (B) in each of paragraphs (2) through (14),
8 by inserting a paragraph heading, the text of
9 which is comprised of the term defined in the
10 paragraph.

11 (2) OTHER TECHNICAL AMENDMENTS.—Section
12 22401 of title 49, United States Code, as added by
13 subsection (a)(2), and amended by subsection (a)(3)
14 and paragraph (1) of this subsection, is further
15 amended—

16 (A) in the matter preceding paragraph (1),
17 by striking “For purposes of this title:” and in-
18 serting “In this chapter:”;

19 (B) in paragraph (11), by striking “under
20 this title” and inserting “under this chapter”;

21 (C) by amending paragraph (12) to read as
22 follows:

23 “(12) RAILROAD.—The term ‘railroad’ in-
24 cludes—

1 “(A) any railroad or railroad carrier (as
2 such terms are defined in section 20102); and

3 “(B) any rail carrier (as defined in section
4 24102).”;

5 (D) by redesignating paragraph (14) as
6 paragraph (15); and

7 (E) by inserting after paragraph (13) the
8 following:

9 “(14) SECRETARY.—The term ‘Secretary’ means
10 the Secretary of Transportation.”.

11 (d) DIRECT LOANS AND LOAN GUARANTEES.—Section
12 22402 of title 49, United States Code, as added by sub-
13 section (a)(2), and amended by subsection (a)(4), is further
14 amended—

15 (1) in subsection (a)—

16 (A) in paragraph (2), by inserting “entities
17 implementing” before “interstate compacts”;

18 (B) in paragraph (5)—

19 (i) by inserting “entities participating
20 in” before “joint ventures”; and

21 (ii) by striking “and” at the end; and

22 (C) by striking paragraph (6) and inserting
23 the following:

24 “(6) limited option freight shippers that own or
25 operate a plant or other facility, solely for the pur-

1 *pose of constructing a rail connection between a plant*
2 *or facility and a railroad; and*

3 *“(7) private entities with controlling ownership*
4 *in 1 or more freight railroads other than Class I car-*
5 *riers.”;*

6 *(2) in subsection (b)—*

7 *(A) by amending paragraph (1) to read as*
8 *follows:*

9 *“(1) IN GENERAL.—Direct loans and loan guar-*
10 *antees authorized under this section shall be used—*

11 *“(A) to acquire, improve, or rehabilitate*
12 *intermodal or rail equipment or facilities, in-*
13 *cluding track, components of track, cuts and*
14 *fills, stations, tunnels, bridges, yards, buildings,*
15 *and shops, and to finance costs related to those*
16 *activities, including pre-construction costs;*

17 *“(B) to develop or establish new intermodal*
18 *or railroad facilities;*

19 *“(C) to develop landside port infrastructure*
20 *for seaports serviced by rail;*

21 *“(D) to refinance outstanding debt incurred*
22 *for the purposes described in subparagraph (A)*
23 *, (B), or (C);*

1 “(E) to reimburse planning, permitting,
2 and design expenses relating to activities de-
3 scribed in subparagraph (A), (B), or (C); or

4 “(F) to finance economic development, in-
5 cluding commercial and residential development,
6 and related infrastructure and activities, that—

7 “(i) incorporates private investment of
8 greater than 20 percent of total project
9 costs;

10 “(ii) is physically connected to, or is
11 within 1/2 mile of, a fixed guideway transit
12 station, an intercity bus station, a pas-
13 senger rail station, or a multimodal station,
14 provided that the location includes service
15 by a railroad;

16 “(iii) demonstrates the ability of the
17 applicant to commence the contracting
18 process for construction not later than 90
19 days after the date on which the direct loan
20 or loan guarantee is obligated for the project
21 under this chapter; and

22 “(iv) demonstrates the ability to gen-
23 erate new revenue for the relevant passenger
24 rail station or service by increasing rider-
25 ship, increasing tenant lease payments, or

1 carrying out other activities that generate
2 revenue exceeding costs.”; and

3 (B) by striking paragraph (3);

4 (3) in subsection (c)—

5 (A) in paragraph (1), by striking “of title
6 49, United States Code”; and

7 (B) in paragraph (5), by striking “title 49,
8 United States Code,” and inserting “this title”;

9 (4) in subsection (e), by amending paragraph (1)
10 to read as follows:

11 “(1) *DIRECT LOANS*.—The interest rate on a di-
12 rect loan under this section shall be not less than the
13 yield on United States Treasury securities of a simi-
14 lar maturity to the maturity of the secured loan on
15 the date of execution of the loan agreement.”;

16 (5) in subsection (f)—

17 (A) in paragraph (3)—

18 (i) in the matter preceding subpara-
19 graph (A)—

20 (I) by striking “An applicant
21 may propose and” and inserting
22 “Upon receipt of a proposal from an
23 applicant under this section,”; and

1 (II) by striking “tangible asset”
2 and inserting “collateral described in
3 paragraph (6)”;

4 (ii) in subparagraph (B)(ii), by insert-
5 ing “, including operating or tenant
6 charges, facility rents, or other fees paid by
7 transportation service providers or opera-
8 tors for access to, or the use of, infrastruc-
9 ture, including rail lines, bridges, tunnels,
10 yards, or stations” after “user fees”;

11 (iii) in subparagraph (C), by striking
12 “\$75,000,000” and inserting
13 “\$150,000,000”; and

14 (iv) by adding at the end the following:
15 “(D) Revenue from projected freight or pas-
16 senger demand for the project based on region-
17 ally developed economic forecasts, including pro-
18 jections of any modal diversion resulting from
19 the project.”; and

20 (B) by adding at the end the following:

21 “(5) COHORTS OF LOANS.—Subject to the avail-
22 ability of funds appropriated by Congress under sec-
23 tion 22406(a)(2), for any direct loan issued before the
24 date of enactment of the Fixing America’s Surface
25 Transportation Act (Public Law 114–94) pursuant to

1 *sections 501 through 504 of the Railroad Revitaliza-*
2 *tion and Regulatory Reform Act of 1976 (Public Law*
3 *94-210), the Secretary shall repay the credit risk pre-*
4 *miums of such loan, with interest accrued thereon,*
5 *not later than—*

6 *“(A) 60 days after the date of enactment of*
7 *the Surface Transportation Investment Act of*
8 *2021 if the borrower has satisfied all obligations*
9 *attached to such loan; or*

10 *“(B) if the borrower has not yet satisfied all*
11 *obligations attached to such loan, 60 days after*
12 *the date on which all obligations attached to such*
13 *loan have been satisfied.*

14 *“(6) COLLATERAL.—*

15 *“(A) TYPES OF COLLATERAL.—An appli-*
16 *cant or infrastructure partner may propose tan-*
17 *gible and intangible assets as collateral, exclusive*
18 *of goodwill. The Secretary, after evaluating each*
19 *such asset—*

20 *“(i) shall accept a net liquidation*
21 *value of collateral; and*

22 *“(ii) shall consider and may accept—*

23 *“(I) the market value of collateral;*

24 *or*

1 “(II) in the case of a blanket
2 pledge or assignment of an entire oper-
3 ating asset or basket of assets as collat-
4 eral, the market value of assets, or, the
5 market value of the going concern, con-
6 sidering—

7 “(aa) inclusion in the pledge
8 of all the assets necessary for inde-
9 pendent operational utility of the
10 collateral, including tangible as-
11 sets such as real property, track
12 and structure, motive power,
13 equipment and rolling stock, sta-
14 tions, systems and maintenance
15 facilities and intangible assets
16 such as long-term shipping agree-
17 ments, easements, leases and ac-
18 cess rights such as for trackage
19 and haulage;

20 “(bb) interchange commit-
21 ments; and

22 “(cc) the value of the asset as
23 determined through the cost or
24 market approaches, or the market
25 value of the going concern, with

1 *the latter considering discounted*
2 *cash flows for a period not to ex-*
3 *ceed the term of the direct loan or*
4 *loan guarantee.*

5 “(B) *APPRAISAL STANDARDS.—In evalu-*
6 *ating appraisals of collateral under subpara-*
7 *graph (A), the Secretary shall consider—*

8 “(i) *adherence to the substance and*
9 *principles of the Uniform Standards of Pro-*
10 *fessional Appraisal Practice, as developed*
11 *by the Appraisal Standards Board of the*
12 *Appraisal Foundation; and*

13 “(ii) *the qualifications of the apprais-*
14 *ers to value the type of collateral offered.*

15 “(7) *REPAYMENT OF CREDIT RISK PREMIUMS.—*
16 *The Secretary shall return credit risk premiums paid,*
17 *and interest accrued on such premiums, to the origi-*
18 *nal source when all obligations of a loan or loan*
19 *guarantee have been satisfied. This paragraph applies*
20 *to any project that has been granted assistance under*
21 *this section after the date of enactment of the Surface*
22 *Transportation Investment Act of 2021.”;*

23 (6) *in subsection (g), by amending paragraph*
24 (1) *the read as follows:*

1 “(1) repayment of the obligation is required to be
2 made within a term that is not longer than the short-
3 er of—

4 “(A) 75 years after the date of substantial
5 completion of the project;

6 “(B) the estimated useful life of the rail
7 equipment or facilities to be acquired, rehabili-
8 tated, improved, developed, or established, subject
9 to an adequate determination of long-term risk;
10 or

11 “(C) for projects determined to have an esti-
12 mated useful life that is longer than 35 years, the
13 period that is equal to the sum of—

14 “(i) 35 years; and

15 “(ii) the product of—

16 “(I) the difference between the es-
17 timated useful life and 35 years; multi-
18 plied by

19 “(II) 75 percent.”;

20 (7) in subsection (h)—

21 (A) in paragraph (3)—

22 (i) in subparagraph (A)—

23 (I) by striking “of title 49, United
24 States Code”;

1 (II) by striking “the National
2 *Railroad Passenger Corporation*” and
3 inserting “Amtrak”; and

4 (III) by striking “of that title”;
5 and

6 (ii) in subparagraph (B), by striking
7 “section 504 of this Act” and inserting “sec-
8 tion 22404”; and

9 (B) in paragraph (4), by striking
10 “(b)(1)(E)” and inserting “(b)(1)(F)”;

11 (8) in subsection (i)—

12 (A) by amending paragraph (4) to read as
13 follows:

14 “(4) *STREAMLINED APPLICATION REVIEW PROC-*
15 *ESS.—*

16 “(A) *IN GENERAL.—*Not later than 180
17 days after the date of enactment of the *Surface*
18 *Transportation Investment Act of 2021*, the *Sec-*
19 *retary shall implement procedures and measures*
20 *to economize and make available an streamlined*
21 *application process or processes at the request of*
22 *applicants seeking loans or loan guarantees.*

23 “(B) *CRITERIA.—*Applicants seeking loans
24 and loan guarantees under this section shall—

1 “(i) seek a total loan or loan guarantee
2 value not exceeding \$150,000,000;

3 “(ii) meet eligible project purposes de-
4 scribed in subparagraphs (A) and (B) of
5 subsection (b)(1); and

6 “(iii) meet other criteria considered
7 appropriate by the Secretary, in consulta-
8 tion with the Council on Credit and Fi-
9 nance of the Department of Transportation.

10 “(C) *EXPEDITED CREDIT REVIEW.*—The
11 total period between the submission of an appli-
12 cation and the approval or disapproval of an
13 application for a direct loan or loan guarantee
14 under this paragraph may not exceed 90 days.
15 If an application review conducted under this
16 paragraph exceeds 90 days, the Secretary 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 stream-
6 lined application process under paragraph (4).”;
7 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 the
23 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 proposed,*
6 *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 National*
17 *Environmental Policy Act of 1969 (42*
18 *U.S.C. 4321 et seq.) and any waivers under*
19 *section 5323(j) (commonly known as the*
20 *‘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 that*
24 *the Secretary considers to be fundamental to*
25 *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 determine
12 risk for the proposed application;

13 “(II) an adjectival risk rating for
14 each identified factor, ranked as either
15 low, moderate, or high;

16 “(xiv) a nonbinding estimate of the
17 credit risk premium, which may be in the
18 form of—

19 “(I) a range, based on the assess-
20 ment of risk factors described in clause
21 (xiii); or

22 “(II) a justification for why the
23 estimate of the credit risk premium
24 cannot be determined based on avail-
25 able information; and

1 “(xv) a description of the key informa-
2 tion the Secretary needs from the applicant
3 to complete the credit review process and
4 make a final determination of the credit
5 risk premium.

6 “(B) *REPORT UPON REQUEST.*—The Sec-
7 retary shall provide the information described in
8 subparagraph (A) not later than 30 days after a
9 request from the applicant.

10 “(C) *EXCEPTION.*—Applications processed
11 using the streamlined application review process
12 under paragraph (4) are not subject to the re-
13 quirements under this paragraph.”;

14 (9) in subsection (l)(2)(A)(iii), by striking
15 “under this title” and inserting “under this chapter”;

16 (10) in subsection (m)(1), by striking “under
17 this title” and inserting “under this chapter”; and

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

19 “(n) *NON-FEDERAL SHARE.*—The proceeds of a loan
20 provided under this section may be used as the non-Federal
21 share of project costs for any grant program administered
22 by the Secretary if such loan is repayable from non-Federal
23 funds.”.

24 (e) *ADMINISTRATION OF DIRECT LOANS AND LOAN*
25 *GUARANTEES.*—Section 22403 of title 49, United States

1 Code, as added by subsection (a)(2), and amended by sub-
2 section (a)(5), is further amended—

3 (1) in subsection (a)—

4 (A) by striking “The Secretary shall” and
5 inserting the following:

6 “(1) IN GENERAL.—The Secretary shall”;

7 (B) in paragraph (1), as designated by sub-
8 paragraph (A), by striking “section 502” and
9 inserting “section 22402”; and

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

11 “(2) DOCUMENTATION.—An applicant meeting
12 the size standard for small business concerns estab-
13 lished under section 3(a)(2) of the Small Business Act
14 (15 U.S.C. 632(a)(2)) may provide unaudited finan-
15 cial statements as documentation of historical finan-
16 cial information if such statements are accompanied
17 by the applicant’s Federal tax returns and Internal
18 Revenue Service tax verifications for the cor-
19 responding years.”;

20 (2) in subsection (d)(3), by striking “section
21 502(f)” and inserting “section 22402(f)”;

22 (3) in subsection (l)(3)(B), by striking “serving
23 a direct loan” and inserting “servicing a direct
24 loan”; and

1 (4) in each of subsections (b) through (m), as ap-
2 plicable—

3 (A) by striking “section 502” each place it
4 appears and inserting “section 22402”; and

5 (B) by striking “this title” each place it ap-
6 pears and inserting “this chapter”.

7 (f) *EMPLOYEE PROTECTION*.—Section 22404 of title
8 49, United States Code, as added by subsection (a)(2), and
9 amended by subsection (a)(6), is further amended—

10 (1) in subsection (a)—

11 (A) by striking “not otherwise protected
12 under title V of the Regional Rail Reorganiza-
13 tion Act of 1973 (45 U.S.C. 771 et seq.)”;

14 (B) by striking “under this title” and in-
15 serting “under this chapter”;

16 (C) by striking “within 120 days after the
17 date of enactment of this title” and inserting
18 “not later than 120 days after February 5,
19 1976”; and

20 (D) by striking “within 150 days after the
21 date of enactment of this title” and inserting
22 “not later than 150 days after February 5,
23 1976”;

24 (2) in subsection (b)—

1 (A) in the matter preceding paragraph

2 (1)—

3 (i) by striking “applicable financial
4 assistance under this title” and inserting
5 “applicable financial assistance under this
6 chapter”; and

7 (ii) by striking “from financial assist-
8 ance under this title” and inserting “from
9 financial assistance under this chapter”;

10 (B) in paragraph (3), by striking “under
11 this title” and inserting “under this chapter”;
12 and

13 (C) in paragraph (4), by striking “to this
14 title” and inserting “to this chapter”; and

15 (3) in subsection (c), by striking “to this title”
16 and inserting “to this chapter”.

17 (g) *SUBSTANTIVE CRITERIA AND STANDARDS.*—Chap-
18 *ter 224 of title 49, United States Code, as added by sub-*
19 *section (a), and amended by subsections (c) through (f), is*
20 *further amended by adding at the end the following:*

21 **“§22405. Substantive criteria and standards**

22 “The Secretary shall—

23 “(1) publish in the Federal Register and post on
24 a website of the Department of Transportation the
25 substantive criteria and standards used by the Sec-

1 *retary to determine whether to approve or disapprove*
2 *applications submitted under section 22402; and*

3 *“(2) ensure that adequate procedures and guide-*
4 *lines are in place to permit the filing of complete ap-*
5 *plications not later than 30 days after the publication*
6 *referred to in paragraph (1).”.*

7 *(h) AUTHORIZATION OF APPROPRIATIONS.—Chapter*
8 *224 of title 49, United States Code, as added by subsection*
9 *(a), and amended by subsections (c) through (g), is further*
10 *amended by adding at the end the following:*

11 **“§ 22406. Authorization of appropriations.**

12 *“(a) AUTHORIZATION.—*

13 *“(1) IN GENERAL.—There is authorized to be ap-*
14 *propriated for credit assistance under this chapter,*
15 *which shall be provided at the discretion of the Sec-*
16 *retary, \$50,000,000 for each of fiscal years 2022*
17 *through 2026.*

18 *“(2) REFUND OF PREMIUM.—There is authorized*
19 *to be appropriated to the Secretary \$70,000,000 to*
20 *repay the credit risk premium in accordance with sec-*
21 *tion 22402(f)(5).*

22 *“(3) AVAILABILITY.—Amounts appropriated*
23 *pursuant to this subsection shall remain available*
24 *until expended.*

25 *“(b) USE OF FUNDS.—*

1 “(1) *IN GENERAL.*—Credit assistance provided
2 under subsection (a) may not exceed \$20,000,000 for
3 any loan or loan guarantee.

4 “(2) *ADMINISTRATIVE COSTS.*—Not less than 3
5 percent of the amounts appropriated pursuant to sub-
6 section (a) in each fiscal year shall be made available
7 to the Secretary for use in place of charges collected
8 under section 22403(l)(1) for passenger railroads and
9 freight railroads other than Class I carriers.

10 “(3) *SHORT LINE SET-ASIDE.*—Not less than 50
11 percent of the amounts appropriated pursuant to sub-
12 section (a)(1) for each fiscal year shall be set aside for
13 freight railroads other than Class I carriers.”.

14 (i) *CLERICAL AMENDMENT.*—The analysis for title 49,
15 United States Code, is amended by inserting after the item
16 relating to chapter 223 the following:

 “**224 . Railroad rehabilitation and improvement financ-**
 ing22401”.

17 (j) *TECHNICAL AND CONFORMING AMENDMENTS.*—

18 (1) *NATIONAL TRAILS SYSTEM ACT.*—Section
19 8(d) of the National Trails System Act (16 U.S.C.
20 1247(d)) is amended by inserting “(45 U.S.C. 801 et
21 seq.) and chapter 224 of title 49, United States Code”
22 after “1976”.

23 (2) *PASSENGER RAIL REFORM AND INVESTMENT*
24 *ACT.*—Section 11315(c) of the Passenger Rail Reform

1 *and Investment Act of 2015 (23 U.S.C. 322 note;*
2 *Public Law 114–94) is amended by striking “sections*
3 *502 and 503 of the Railroad Revitalization and Reg-*
4 *ulatory Reform Act of 1976” and inserting “sections*
5 *22402 and 22403 of title 49, United States Code”.*

6 (3) *PROVISIONS CLASSIFIED IN TITLE 45, UNITED*
7 *STATES CODE.—*

8 (A) *RAILROAD REVITALIZATION AND REGU-*
9 *LATORY REFORM ACT OF 1976.—Section 101 of*
10 *the Railroad Revitalization and Regulatory Re-*
11 *form Act of 1976 (45 U.S.C. 801) is amended—*

12 (i) *in subsection (a), in the matter pre-*
13 *ceding paragraph (1), by striking “It is the*
14 *purpose of the Congress in this Act to” and*
15 *inserting “The purpose of this Act and*
16 *chapter 224 of title 49, United States Code,*
17 *is to”;* and

18 (ii) *in subsection (b), in the matter*
19 *preceding paragraph (1), by striking “It is*
20 *declared to be the policy of the Congress in*
21 *this Act” and inserting “The policy of this*
22 *Act and chapter 224 of title 49, United*
23 *States Code, is”.*

24 (B) *RAILROAD INFRASTRUCTURE FINANCING*
25 *IMPROVEMENT ACT.—The Railroad Infrastruc-*

1 *ture Financing Improvement Act (subtitle F of*
2 *title XI of Public Law 114–94) is amended—*

3 *(i) in section 11607(b) (45 U.S.C. 821*
4 *note), by striking “All provisions under sec-*
5 *tions 502 through 504 of the Railroad Revi-*
6 *talization and Regulatory Reform Act of*
7 *1976 (45 U.S.C. 801 et seq.)” and inserting*
8 *“All provisions under section 22402 through*
9 *22404 of title 49, United States Code,”; and*

10 *(ii) in section 11610(b) (45 U.S.C. 821*
11 *note), by striking “section 502(f) of the*
12 *Railroad Revitalization and Regulatory Re-*
13 *form Act of 1976 (45 U.S.C. 822(f)), as*
14 *amended by section 11607 of this Act” and*
15 *inserting “section 22402(f) of title 49,*
16 *United States Code”.*

17 (C) *TRANSPORTATION EQUITY ACT FOR THE*
18 *21ST CENTURY.—Section 7203(b)(2) of the*
19 *Transportation Equity Act for the 21st Century*
20 *(Public Law 105–178; 45 U.S.C. 821 note) is*
21 *amended by striking “title V of the Railroad Re-*
22 *vitalization and Regulatory Reform Act of 1976*
23 *(45 U.S.C. 821 et seq.)” and inserting “chapter*
24 *224 of title 49, United States Code,”.*

1 (D) *HAMM ALERT MARITIME SAFETY ACT*
2 *OF 2018.*—Section 212(d)(1) of *Hamm Alert*
3 *Maritime Safety Act of 2018 (title II of Public*
4 *Law 115–265; 45 U.S.C. 822 note)* is amended,
5 *in the matter preceding subparagraph (A), by*
6 *striking “for purposes of section 502(f)(4) of the*
7 *Railroad Revitalization and Regulatory Reform*
8 *Act of 1976 (45 U.S.C. 822(f)(4))” and inserting*
9 *“for purposes of section 22402 of title 49, United*
10 *States Code”.*

11 (E) *MILWAUKEE RAILROAD RESTRUC-*
12 *TURING ACT.*—Section 15(f) of the *Milwaukee*
13 *Railroad Restructuring Act (45 U.S.C. 914(f))* is
14 *amended by striking “Section 516 of the Rail-*
15 *road Revitalization and Regulatory Reform Act*
16 *of 1976 (45 U.S.C. 836)” and inserting “Section*
17 *22404 of title 49, United States Code,”.*

18 (F) *ROCK ISLAND RAILROAD TRANSITION*
19 *AND EMPLOYEE ASSISTANCE ACT.*—Section
20 *104(b) of the Rock Island Railroad Transition*
21 *and Employee Assistance Act (45 U.S.C.*
22 *1003(b))* is amended—

23 (i) *in paragraph (1)*—

24 (I) *by striking “title V of the*
25 *Railroad Revitalization and Regu-*

1 *latory Reform Act of 1976 (45 U.S.C.*
2 *821 et seq.)” and inserting “chapter*
3 *224 of title 49, United States Code,”;*
4 *and*

5 *(II) by striking “and section*
6 *18(b) of the Milwaukee Railroad Re-*
7 *structuring Act”;* *and*

8 *(ii) in paragraph (2), by striking*
9 *“title V of the Railroad Revitalization and*
10 *Regulatory Reform Act of 1976, and section*
11 *516 of such Act (45 U.S.C. 836)” and in-*
12 *serting “chapter 224 of title 49, United*
13 *States Code, including section 22404 of such*
14 *title,”.*

15 *(4) TITLE 49.—*

16 *(A) NATIONAL SURFACE TRANSPORTATION*
17 *AND INNOVATIVE FINANCE BUREAU.—Section*
18 *116(d)(1)(B) of title 49, United States Code, is*
19 *amended by striking “sections 501 through 503*
20 *of the Railroad Revitalization and Regulatory*
21 *Reform Act of 1976 (45 U.S.C. 821–823)” and*
22 *inserting “sections 22401 through 22403”.*

23 *(B) PROHIBITED DISCRIMINATION.—Section*
24 *306(b) of title 49, United States Code, is amend-*
25 *ed—*

1 (i) by striking “chapter 221 or 249 of
2 this title,” and inserting “chapter 221, 224,
3 or 249 of this title, or”; and

4 (ii) by striking “, or title V of the
5 Railroad Revitalization and Regulatory Re-
6 form Act of 1976 (45 U.S.C. 821 et seq.)”.

7 (C) *PASSENGER RAIL REFORM AND INVEST-*
8 *MENT ACT OF 2015.*—Section 11311(d) of the *Pas-*
9 *senger Rail Reform and Investment Act of 2015*
10 *(Public Law 114–94; 49 U.S.C. 20101 note)* is
11 amended by striking “, and section 502 of the
12 *Railroad Revitalization and Regulatory Reform*
13 *Act of 1976 (45 U.S.C. 822)”*.

14 (D) *GRANT CONDITIONS.*—Section
15 22905(c)(2)(B) of title 49, *United States Code*, is
16 amended by striking “section 504 of the *Railroad*
17 *Revitalization and Regulatory Reform Act of*
18 *1976 (45 U.S.C. 836)”* and inserting “section
19 22404”.

20 (E) *PASSENGER RAIL INVESTMENT AND IM-*
21 *PROVEMENT ACT OF 2008.*—Section 205(g) of the
22 *Passenger Rail Investment and Improvement Act*
23 *of 2008 (division B of Public Law 110–432; 49*
24 *U.S.C. 24101 note)* is amended by striking “title
25 V of the *Railroad Revitalization and Regulatory*

1 *Reform Act of 1976 (45 U.S.C. 821 et seq.)” and*
2 *inserting “chapter 224 of title 49, United States*
3 *Code”.*

4 (F) *AMTRAK AUTHORITY.—Section 24903 of*
5 *title 49, United States Code, is amended—*

6 (i) *in subsection (a)(6), by striking*
7 *“and the Railroad Revitalization and Regu-*
8 *latory Reform Act of 1976 (45 U.S.C. 801*
9 *et seq.)” and inserting “, the Railroad Revi-*
10 *talization and Regulatory Reform Act of*
11 *1976 (45 U.S.C. 801 et seq.), and chapter*
12 *224 of this title”; and*

13 (ii) *in subsection (c)(2), by striking*
14 *“and the Railroad Revitalization and Regu-*
15 *latory Reform Act of 1976 (45 U.S.C. 801*
16 *et seq.)” and inserting “, the Railroad Revi-*
17 *talization and Regulatory Reform Act of*
18 *1976 (45 U.S.C. 801 et seq.), and chapter*
19 *224 of this title”.*

20 **SEC. 21302. SUBSTANTIVE CRITERIA AND STANDARDS.**

21 *Not later than 180 days after the date of enactment*
22 *of this Act, the Secretary shall update the publicly available*
23 *credit program guide in accordance with the provisions of*
24 *chapter 224 of title 49, United States Code, as added by*
25 *section 21301.*

1 **SEC. 21303. SEMIANNUAL REPORT ON TRANSIT-ORIENTED**
 2 **DEVELOPMENT ELIGIBILITY.**

3 *Not later than 6 months after the date of enactment*
 4 *of this Act, and every 6 months thereafter, the Secretary*
 5 *shall submit a report to the Committee on Commerce,*
 6 *Science, and Transportation of the Senate and the Com-*
 7 *mittee on Transportation and Infrastructure of the House*
 8 *of Representatives that identifies—*

9 *(1) the number of applications submitted to the*
 10 *Department for a direct loan or loan guarantee under*
 11 *section 22402(b)(1)(E) of title 49, United States Code,*
 12 *as amended by section 21301;*

13 *(2) the number of such loans or loan guarantees*
 14 *that were provided to the applicants; and*

15 *(3) for each such application, the reasons for*
 16 *providing or declining to provide the requested loan*
 17 *or loan guarantee.*

18 **TITLE II—RAIL**

19 **SEC. 22001. SHORT TITLE.**

20 *This title may be cited as the “Passenger Rail Expan-*
 21 *sion and Rail Safety Act of 2021”.*

22 **Subtitle A—Authorization of**
 23 **Appropriations**

24 **SEC. 22101. GRANTS TO AMTRAK.**

25 *(a) NORTHEAST CORRIDOR.—There are authorized to*
 26 *be appropriated to the Secretary for grants to Amtrak for*

1 *activities associated with the Northeast Corridor the fol-*
2 *lowing amounts:*

3 (1) *For fiscal year 2022, \$1,570,000,000.*

4 (2) *For fiscal year 2023, \$1,100,000,000.*

5 (3) *For fiscal year 2024, \$1,200,000,000.*

6 (4) *For fiscal year 2025, \$1,300,000,000.*

7 (5) *For fiscal year 2026, \$1,400,000,000.*

8 (b) *NATIONAL NETWORK.—There are authorized to be*
9 *appropriated to the Secretary for grants to Amtrak for ac-*
10 *tivities associated with the National Network the following*
11 *amounts:*

12 (1) *For fiscal year 2022, \$2,300,000,000.*

13 (2) *For fiscal year 2023, \$2,200,000,000.*

14 (3) *For fiscal year 2024, \$2,450,000,000.*

15 (4) *For fiscal year 2025, \$2,700,000,000.*

16 (5) *For fiscal year 2026, \$3,000,000,000.*

17 (c) *OVERSIGHT.—The Secretary may withhold up to*
18 *0.5 percent from the amount appropriated for each fiscal*
19 *year pursuant to subsections (a) and (b) for the costs of*
20 *oversight of Amtrak.*

21 (d) *STATE-SUPPORTED ROUTE COMMITTEE.—The*
22 *Secretary may withhold up to \$3,000,000 from the amount*
23 *appropriated for each fiscal year pursuant to subsection (b)*
24 *for use by the State-Supported Route Committee established*
25 *under section 24712(a) of title 49, United States Code.*

1 (e) *NORTHEAST CORRIDOR COMMISSION.*—*The Sec-*
2 *retary may withhold up to \$6,000,000 from the amount ap-*
3 *propriated for each fiscal year pursuant to subsection (a)*
4 *for use by the Northeast Corridor Commission established*
5 *under section 24905(a) of title 49, United States Code.*

6 (f) *INTERSTATE RAIL COMPACTS.*—*The Secretary may*
7 *withhold up to \$3,000,000 from the amount appropriated*
8 *for each fiscal year pursuant to subsection (b) for grants*
9 *authorized under section 22910 of title 49, United States*
10 *Code.*

11 (g) *ACCESSIBILITY UPGRADES.*—

12 (1) *IN GENERAL.*—*The Secretary shall withhold*
13 *\$50,000,000 from the amount appropriated for each*
14 *fiscal year pursuant to subsections (a) and (b) for*
15 *grants to assist Amtrak in financing capital projects*
16 *to upgrade the accessibility of the national rail pas-*
17 *senger transportation system by increasing the num-*
18 *ber of existing facilities that are compliant with the*
19 *requirements under the Americans with Disabilities*
20 *Act of 1990 (42 U.S.C. 12101 et seq.) until the Sec-*
21 *retary determines Amtrak’s existing facilities are in*
22 *compliance with such requirements.*

23 (2) *SAVINGS PROVISION.*—*Nothing in paragraph*
24 *(1) may be construed to prevent Amtrak from using*
25 *additional funds appropriated pursuant to this sec-*

1 *tion to carry out the activities authorized under such*
2 *paragraph.*

3 *(h) CORRIDOR DEVELOPMENT.—In addition to the ac-*
4 *tivities authorized under subsection (b), Amtrak may use*
5 *up to 10 percent of the amounts appropriated under sub-*
6 *section (b) in each fiscal year to support Amtrak-operated*
7 *corridors selected under section 22306 for—*

8 *(1) planning and capital costs; and*

9 *(2) operating assistance consistent with the Fed-*
10 *eral funding limitations under section 22908 of title*
11 *49, United States Code.*

12 **SEC. 22102. FEDERAL RAILROAD ADMINISTRATION.**

13 *(a) SAFETY AND OPERATIONS.—There are authorized*
14 *to be appropriated to the Secretary for the operations of*
15 *the Federal Railroad Administration and to carry out rail-*
16 *road safety activities the following amounts:*

17 *(1) For fiscal year 2022, \$248,000,000.*

18 *(2) For fiscal year 2023, \$254,000,000.*

19 *(3) For fiscal year 2024, \$263,000,000.*

20 *(4) For fiscal year 2025, \$271,000,000.*

21 *(5) For fiscal year 2026, \$279,000,000.*

22 *(b) RAILROAD RESEARCH AND DEVELOPMENT.—There*
23 *are authorized to be appropriated to the Secretary for the*
24 *use of the Federal Railroad Administration for activities*

1 *associated with railroad research and development the fol-*
2 *lowing amounts:*

3 (1) *For fiscal year 2022, \$43,000,000.*

4 (2) *For fiscal year 2023, \$44,000,000.*

5 (3) *For fiscal year 2024, \$45,000,000.*

6 (4) *For fiscal year 2025, \$46,000,000.*

7 (5) *For fiscal year 2026, \$47,000,000.*

8 (c) *TRANSPORTATION TECHNOLOGY CENTER.—The*
9 *Secretary may withhold up to \$3,000,000 from the amount*
10 *appropriated for each fiscal year pursuant to subsection (b)*
11 *for activities authorized under section 20108(d) of title 49,*
12 *United States Code.*

13 (d) *RAIL RESEARCH AND DEVELOPMENT CENTER OF*
14 *EXCELLENCE.—The Secretary may withhold up to 10 per-*
15 *cent of the amount appropriated for each fiscal year under*
16 *subsection (b) for grants authorized under section 20108(j)*
17 *of title 49, United States Code.*

18 **SEC. 22103. CONSOLIDATED RAIL INFRASTRUCTURE AND**
19 **SAFETY IMPROVEMENTS GRANTS.**

20 (a) *IN GENERAL.—There is authorized to be appro-*
21 *priated to the Secretary for grants under section 22907 of*
22 *title 49, United States Code, \$1,000,000,000 for each of fis-*
23 *cal years 2022 through 2026.*

24 (b) *OVERSIGHT.—The Secretary may withhold up to*
25 *2 percent from the amount appropriated for each fiscal year*

1 *pursuant to subsection (a) for the costs of project manage-*
2 *ment oversight of grants authorized under title 49, United*
3 *States Code.*

4 **SEC. 22104. RAILROAD CROSSING ELIMINATION PROGRAM.**

5 *(a) IN GENERAL.—There is authorized to be appro-*
6 *priated to the Secretary for grants under section 22909 of*
7 *title 49, United States Code, as added by section 22305,*
8 *\$500,000,000 for each of fiscal years 2022 through 2026.*

9 *(b) PLANNING PROJECTS.—Not less than 3 percent of*
10 *the amount appropriated in each fiscal year pursuant to*
11 *subsection (a) year shall be used for planning projects de-*
12 *scribed in section 22909(d)(6) of title 49, United States*
13 *Code.*

14 *(c) HIGHWAY-RAIL GRADE CROSSING SAFETY INFOR-*
15 *MATION AND EDUCATION PROGRAM.—Of the amount appro-*
16 *priated under subsection (a) in each fiscal year, 0.25 per-*
17 *cent shall be used for contracts or grants to carry out a*
18 *highway-rail grade crossing safety information and edu-*
19 *cation program—*

20 *(1) to help prevent and reduce pedestrian, motor*
21 *vehicle, and other accidents, incidents, injuries, and*
22 *fatalities; and*

23 *(2) to improve awareness along railroad rights-*
24 *of-way and at highway-rail grade crossings.*

1 (d) *OVERSIGHT.*—*The Secretary may withhold up to*
2 *2 percent from the amount appropriated for each fiscal year*
3 *pursuant to subsection (a) for the costs of project manage-*
4 *ment oversight of grants authorized under title 49, United*
5 *States Code.*

6 **SEC. 22105. RESTORATION AND ENHANCEMENT GRANTS.**

7 (a) *IN GENERAL.*—*There is authorized to be appro-*
8 *priated to the Secretary for grants under section 22908 of*
9 *title 49, United States Code, \$50,000,000 for each of fiscal*
10 *years 2022 through 2026.*

11 (b) *OVERSIGHT.*—*The Secretary may withhold up to*
12 *1 percent of the amount appropriated for each fiscal year*
13 *pursuant to subsection (a) for the costs of project manage-*
14 *ment oversight of grants authorized under title 49, United*
15 *States Code.*

16 **SEC. 22106. FEDERAL-STATE PARTNERSHIP FOR INTERCITY**
17 **PASSENGER RAIL GRANTS.**

18 (a) *IN GENERAL.*—*There is authorized to be appro-*
19 *priated to the Secretary for grants under section 24911 of*
20 *title 49, United States Code, \$1,500,000,000 for each of fis-*
21 *cal years 2022 through 2026.*

22 (b) *OVERSIGHT.*—*The Secretary may withhold up to*
23 *2 percent of the amount appropriated under subsection (a)*
24 *for the costs of project management oversight of grants au-*
25 *thorized under title 49, United States Code.*

1 **SEC. 22107. AMTRAK OFFICE OF INSPECTOR GENERAL.**

2 *There are authorized to be appropriated to the Office*
3 *of Inspector General of Amtrak the following amounts:*

4 *(1) For fiscal year 2022, \$26,500,000.*

5 *(2) For fiscal year 2023, \$27,000,000.*

6 *(3) For fiscal year 2024, \$27,500,000.*

7 *(4) For fiscal year 2025, \$28,000,000.*

8 *(5) For fiscal year 2026, \$28,500,000.*

9 ***Subtitle B—Amtrak Reforms***

10 **SEC. 22201. AMTRAK FINDINGS, MISSION, AND GOALS.**

11 *(a) FINDINGS.—Section 24101(a) of title 49, United*
12 *States Code, is amended—*

13 *(1) in paragraph (1), by striking “between*
14 *crowded urban areas and in other areas of” and in-*
15 *serting “throughout”;*

16 *(2) in paragraph (4), by striking “to Amtrak to*
17 *achieve a performance level sufficient to justify ex-*
18 *pending public money” and inserting “in order to*
19 *meet the intercity passenger rail needs of the United*
20 *States”;*

21 *(3) in paragraph (5)—*

22 *(A) by inserting “intercity passenger and”*
23 *before “commuter”; and*

24 *(B) by inserting “and rural” after “major*
25 *urban;” and*

26 *(4) by adding at the end the following:*

1 “(9) *Long-distance routes are valuable resources of the*
2 *United States that are used by rural and urban commu-*
3 *nities.*”.

4 (b) *GOALS.*—Section 24101(c) of title 49, *United*
5 *States Code, is amended—*

6 (1) *by amending paragraph (1) to read as fol-*
7 *lows:*

8 “(1) *use its best business judgment in acting to*
9 *maximize the benefits of Federal investments, includ-*
10 *ing—*

11 “(A) *offering competitive fares;*

12 “(B) *increasing revenue from the transpor-*
13 *tation of mail and express;*

14 “(C) *offering food service that meets the*
15 *needs of its customers;*

16 “(D) *improving its contracts with rail car-*
17 *riers over whose tracks Amtrak operates;*

18 “(E) *controlling or reducing management*
19 *and operating costs; and*

20 “(F) *providing economic benefits to the*
21 *communities it serves;*”;

22 (2) *in paragraph (11), by striking “and” at the*
23 *end;*

24 (3) *in paragraph (12), by striking the period at*
25 *the end and inserting “; and”; and*

1 *experience with, accessibility, mobility, and in-*
2 *clusive transportation in passenger rail or com-*
3 *muter rail” before the period at the end;*

4 (2) *in paragraph (2), by striking “and try to*
5 *provide adequate and balanced representation of the*
6 *major geographic regions of the United States served*
7 *by Amtrak”;*

8 (3) *by redesignating paragraph (5) as para-*
9 *graph (7); and*

10 (4) *by striking paragraph (4) and inserting the*
11 *following:*

12 “(4) *Of the individuals appointed pursuant to*
13 *paragraph (1)(C)—*

14 “(A) *2 individuals shall reside in or near a*
15 *location served by a regularly scheduled Amtrak*
16 *service along the Northeast Corridor;*

17 “(B) *4 individuals shall reside in or near*
18 *regions of the United States that are geographi-*
19 *cally distributed outside of the Northeast Cor-*
20 *ridor, of whom—*

21 “(i) *2 individuals shall reside in*
22 *States served by a long-distance route oper-*
23 *ated by Amtrak;*

1 “(ii) 2 individuals shall reside in
2 States served by a State-supported route op-
3 erated by Amtrak; and

4 “(iii) an individual who resides in a
5 State that is served by a State-supported
6 route and a long-distance route may be ap-
7 pointed to serve either position referred to
8 in clauses (i) and (ii);

9 “(C) 2 individuals shall reside either—

10 “(i) in or near a location served by a
11 regularly scheduled Amtrak service on the
12 Northeast Corridor; or

13 “(ii) in a State served by long-distance
14 or a State-supported route; and

15 “(D) each individual appointed to the
16 Board pursuant to this paragraph may only fill
17 1 of the allocations set forth in subparagraphs
18 (A) through (C).

19 “(5) The Board shall elect a chairperson and
20 vice chairperson, other than the Chief Executive Offi-
21 cer of Amtrak, from among its membership. The vice
22 chairperson shall act as chairperson in the absence of
23 the chairperson.

24 “(6) The Board shall meet at least annually
25 with—

1 “(A) representatives of Amtrak employees;
2 “(B) representatives of persons with disabili-
3 ities; and
4 “(C) the general public, in an open meeting
5 with a virtual attendance option, to discuss fi-
6 nancial performance and service results.”.

7 (b) *RULE OF CONSTRUCTION.*—None of the amend-
8 ments made by subsection (a) may be construed as affecting
9 the term of any director serving on the Amtrak Board of
10 Directors under section 24302(a)(1)(C) of title 49, United
11 States Code, as of the date of enactment of this Act.

12 **SEC. 22203. STATION AGENTS.**

13 Section 24312 of title 49, United States Code, is
14 amended by adding at the end the following:

15 “(c) *AVAILABILITY OF STATION AGENTS.*—

16 “(1) *IN GENERAL.*—Except as provided in para-
17 graph (2), beginning on the date that is 1 year after
18 the date of enactment of the Passenger Rail Expan-
19 sion and Rail Safety Act of 2021, Amtrak shall en-
20 sure that at least 1 Amtrak ticket agent is employed
21 at each station building—

22 “(A) that Amtrak owns, or operates service
23 through, as part of a long-distance or Northeast
24 Corridor passenger service route;

1 “(B) where at least 1 Amtrak ticket agent
2 was employed on or after October 1, 2017; and

3 “(C) for which an average of 40 passengers
4 boarded or deboarded an Amtrak train per day
5 during all of the days in fiscal year 2017 when
6 the station was serviced by Amtrak, regardless of
7 the number of Amtrak trains servicing the sta-
8 tion per day.

9 “(2) *EXCEPTION.*—Paragraph (1) shall not
10 apply to any station building in which a commuter
11 rail ticket agent has the authority to sell Amtrak tick-
12 ets.”.

13 **SEC. 22204. INCREASING OVERSIGHT OF CHANGES TO AM-**
14 **TRAK LONG-DISTANCE ROUTES AND OTHER**
15 **INTERCITY SERVICES.**

16 (a) *AMTRAK ANNUAL OPERATIONS REPORT.*—Section
17 24315(a)(1) of title 49, United States Code, is amended—

18 (1) in subparagraph (G), by striking “and” at
19 the end;

20 (2) in subparagraph (H), by adding “and” at
21 the end; and

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

23 “(I) any change made to a route’s or serv-
24 ice’s frequency or station stops;”.

1 (b) *5-YEAR BUSINESS LINE PLANS.*—Section
2 *24320(b)(2) of title 49, United States Code, is amended—*

3 (1) *by redesignating subparagraphs (B) through*
4 *(L) as subparagraphs (C) through (M), respectively;*
5 *and*

6 (2) *by inserting after subparagraph (A) the fol-*
7 *lowing:*

8 *“(B) a detailed description of any plans to*
9 *permanently change a route’s or service’s fre-*
10 *quency or station stops for the service line;”.*

11 **SEC. 22205. IMPROVED OVERSIGHT OF AMTRAK ACCOUNT-**
12 **ING.**

13 Section 24317 of title 49, United States Code, is
14 *amended—*

15 (1) *in subsection (a)(2), by striking “and costs*
16 *among Amtrak business lines” and inserting “, in-*
17 *cluding Federal grant funds, and costs among Amtrak*
18 *service lines”;*

19 (2) *by amending subsection (b) to read as fol-*
20 *lows:*

21 “(b) **ACCOUNT STRUCTURE.**—

22 “(1) **IN GENERAL.**—*The Secretary of Transpor-*
23 *tation, in consultation with Amtrak, shall define,*
24 *maintain, and periodically update an account struc-*
25 *ture and improvements to accounting methodologies,*

1 *as necessary, to support the Northeast Corridor and*
2 *the National Network.*

3 “(2) NOTIFICATION OF SUBSTANTIVE
4 CHANGES.—The Secretary shall notify the Committee
5 on Commerce, Science, and Transportation of the
6 Senate, the Committee on Appropriations of the Sen-
7 ate, the Committee on Transportation and Infrastruc-
8 ture of the House of Representatives, and the Com-
9 mittee on Appropriations of the House of Representa-
10 tives regarding any substantive changes made to the
11 account structure, including changes to—

12 “(A) the service lines described in section
13 24320(b)(1); and

14 “(B) the asset lines described in section
15 24320(c)(1).”;

16 (3) in subsection (c), in the matter preceding
17 paragraph (1), by inserting “, maintaining, and up-
18 dating” after “defining”;

19 (4) in subsection (d), in the matter preceding
20 paragraph (1), by inserting “, maintaining, and up-
21 dating” after “defining”;

22 (5) by amending subsection (e) to read as fol-
23 lows:

24 “(e) IMPLEMENTATION AND REPORTING.—

1 “(1) *IN GENERAL.*—Amtrak, in consultation
2 with the Secretary of Transportation, shall maintain
3 and implement any account structures and improve-
4 ments defined under subsection (b) to enable Amtrak
5 to produce sources and uses statements for each of the
6 service lines described in section 24320(b)(1) and, as
7 appropriate, each of the asset lines described in sec-
8 tion 24320(c)(1), that identify sources and uses of
9 revenues, appropriations, and transfers between ac-
10 counts.

11 “(2) *UPDATED SOURCES AND USES STATE-*
12 *MENTS.*—Not later than 30 days after the implemen-
13 tation of subsection (b), and monthly thereafter, Am-
14 trak shall submit to the Secretary of Transportation
15 updated sources and uses statements for each of the
16 service lines and asset lines referred to in paragraph
17 (1). The Secretary and Amtrak may agree to a dif-
18 ferent frequency of reporting.”;

19 (6) by striking subsection (h); and

20 (7) by redesignating subsection (i) as subsection
21 (h).

22 **SEC. 22206. IMPROVED OVERSIGHT OF AMTRAK SPENDING.**

23 (a) *ALLOCATION OF COSTS AND REVENUES.*—Section
24 24318(a) of title 49, United States Code, is amended by
25 striking “Not later than 180 days after the date of enact-

1 *ment of the Passenger Rail Reform and Investment Act of*
2 *2015,”.*

3 (b) *GRANT PROCESS AND REPORTING.*—Section 24319
4 *of title 49, United States Code, is amended—*

5 (1) *in the section heading, by inserting “and*
6 *reporting” after “process”;*

7 (2) *by amending subsection (a) to read as fol-*
8 *lows:*

9 “(a) *PROCEDURES FOR GRANT REQUESTS.*—The Sec-
10 *retary of Transportation shall—*

11 “(1) *establish and maintain substantive and*
12 *procedural requirements, including schedules, for*
13 *grant requests under this section; and*

14 “(2) *report any changes to such procedures to—*

15 “(A) *the Committee on Commerce, Science,*
16 *and Transportation of the Senate;*

17 “(B) *the Committee on Appropriations of*
18 *the Senate;*

19 “(C) *the Committee on Transportation and*
20 *Infrastructure of the House of Representatives;*
21 *and*

22 “(D) *the Committee on Appropriations of*
23 *the House of Representatives.”;*

1 (3) *in subsection (b), by striking “grant re-*
2 *quests” and inserting “a grant request annually, or*
3 *as additionally required,”;*

4 (4) *by amending subsection (c) to read as fol-*
5 *lows:*

6 “(c) *CONTENTS.—*

7 “(1) *IN GENERAL.—Each grant request under*
8 *subsection (b) shall, as applicable—*

9 “(A) *categorize and identify, by source, the*
10 *Federal funds and program income that will be*
11 *used for the upcoming fiscal year for each of the*
12 *Northeast Corridor and National Network in 1 of*
13 *the categories or subcategories set forth in para-*
14 *graph (2);*

15 “(B) *describe the operations, services, pro-*
16 *grams, projects, and other activities to be funded*
17 *within each of the categories set forth in para-*
18 *graph (2), including—*

19 “(i) *the estimated scope, schedule, and*
20 *budget necessary to complete each project*
21 *and program; and*

22 “(ii) *the performance measures used to*
23 *quantify expected and actual project out-*
24 *comes and benefits, aggregated by fiscal*

1 *year, project milestone, and any other ap-*
2 *propriate grouping; and*

3 “(C) *describe the status of efforts to improve*
4 *Amtrak’s safety culture.*

5 “(2) *GRANT CATEGORIES.—*

6 “(A) *OPERATING EXPENSES.—Each grant*
7 *request to use Federal funds for operating ex-*
8 *penses shall—*

9 “(i) *include estimated net operating*
10 *costs not covered by other Amtrak revenue*
11 *sources;*

12 “(ii) *specify Federal funding requested*
13 *for each service line described in section*
14 *24320(b)(1); and*

15 “(iii) *be itemized by route.*

16 “(B) *DEBT SERVICE.—A grant request to*
17 *use Federal funds for expenses related to debt, in-*
18 *cluding payment of principle and interest, as al-*
19 *lowed under section 205 of the Passenger Rail*
20 *Investment and Improvement Act of 2008 (Pub-*
21 *lic Law 110–432; 49 U.S.C. 24101 note).*

22 “(C) *CAPITAL.—A grant request to use Fed-*
23 *eral funds and program income for capital ex-*
24 *penses shall include capital projects and pro-*
25 *grams primarily associated with—*

1 “(i) *normalized capital replacement*
2 *programs, including regularly recurring*
3 *work programs implemented on a system-*
4 *atic basis on classes of physical railroad as-*
5 *sets, such as track, structures, electric trac-*
6 *tion and power systems, rolling stock, and*
7 *communications and signal systems, to*
8 *maintain and sustain the condition and*
9 *performance of such assets to support con-*
10 *tinued railroad operations;*

11 “(ii) *improvement projects to support*
12 *service and safety enhancements, including*
13 *discrete projects implemented in accordance*
14 *with a fixed scope, schedule, and budget*
15 *that result in enhanced or new infrastruc-*
16 *ture, equipment, or facilities;*

17 “(iii) *backlog capital replacement*
18 *projects, including discrete projects imple-*
19 *mented in accordance with a fixed scope,*
20 *schedule, and budget that primarily replace*
21 *or rehabilitate major infrastructure assets,*
22 *including tunnels, bridges, stations, and*
23 *similar assets, to reduce the state of good re-*
24 *pair backlog on the Amtrak network;*

1 “(iv) *strategic initiative projects, in-*
2 *cluding discrete projects implemented in ac-*
3 *cordance with a fixed scope, schedule, and*
4 *budget that primarily improve overall oper-*
5 *ational performance, lower costs, or other-*
6 *wise improve Amtrak’s corporate efficiency;*
7 *and*

8 “(v) *statutory, regulatory, or other le-*
9 *gally mandated projects, including discrete*
10 *projects implemented in accordance with a*
11 *fixed scope, schedule, and budget that enable*
12 *Amtrak to fulfill specific legal or regulatory*
13 *mandates.*

14 “(D) *CONTINGENCY.—A grant request to use*
15 *Federal funds for operating and capital expense*
16 *contingency shall include—*

17 “(i) *contingency levels for specified ac-*
18 *tivities and operations; and*

19 “(ii) *a process for the utilization of*
20 *such contingency.*

21 “(3) *MODIFICATION OF CATEGORIES.—The Sec-*
22 *retary of Transportation and Amtrak may jointly*
23 *agree to modify the categories set forth in paragraph*
24 *(2) if such modifications are necessary to improve the*

1 *transparency, oversight, or delivery of projects funded*
2 *through grant requests under this section.”;*

3 *(5) in subsection (d)(1)(A)—*

4 *(A) by inserting “complete” after “submits*
5 *a”;*

6 *(B) by striking “shall complete” and insert-*
7 *ing “shall finish”; and*

8 *(C) in clause (ii), by striking “incomplete*
9 *or”;*

10 *(6) in subsection (e)—*

11 *(A) in paragraph (1)—*

12 *(i) by striking “and other activities to*
13 *be funded by the grant” and inserting “pro-*
14 *grams, projects, and other activities to be*
15 *funded by the grant, consistent with the cat-*
16 *egories required for Amtrak in a grant re-*
17 *quest under subsection (c)(1)(A)”;* and

18 *(ii) by striking “or activities” and in-*
19 *serting “programs, projects, and other ac-*
20 *tivities”;* and

21 *(B) in paragraph (3)—*

22 *(i) by redesignating subparagraphs (A)*
23 *and (B) as subparagraphs (B) and (C), re-*
24 *spectively; and*

1 (ii) by inserting before subparagraph
2 (B), as redesignated, the following:

3 “(A) using an otherwise allowable approach
4 to the method prescribed for a specific project or
5 category of projects under paragraph (2) if the
6 Secretary and Amtrak agree that a different
7 payment method is necessary to more success-
8 fully implement and report on an operation,
9 service, program, project, or other activity;”;

10 (7) by redesignating subsection (h) as subsection
11 (j); and

12 (8) by inserting after subsection (g) the fol-
13 lowing:

14 “(h) *APPLICABLE LAWS AND REGULATIONS.*—

15 “(1) *SINGLE AUDIT ACT OF 1984.*—Notwith-
16 standing section 24301(a)(3) of this title and section
17 7501(a)(13) of title 31, Amtrak shall be deemed a
18 ‘non-Federal entity’ for purposes of chapter 75 of title
19 31.

20 “(2) *REGULATIONS AND GUIDANCE.*—The Sec-
21 retary of Transportation may apply some or all of
22 the requirements set forth in the regulations and
23 guidance promulgated by the Secretary relating to the
24 management, administration, cost principles, and
25 audit requirements for Federal awards.

1 “(i) *AMTRAK GRANT REPORTING.*—*The Secretary of*
 2 *Transportation shall determine the varying levels of detail*
 3 *and information that will be included in reports for oper-*
 4 *ations, services, program, projects, program income, cash*
 5 *on hand, and other activities within each of the grant cat-*
 6 *egories described in subsection (c)(2).”.*

7 (c) *CONFORMING AMENDMENTS.*—

8 (1) *REPORTS AND AUDITS.*—*Section 24315(b)(1)*
 9 *of title 49, United States Code, is amended—*

10 (A) *in subparagraph (A), by striking “the*
 11 *goal of section 24902(b) of this title; and” and*
 12 *inserting “the goal described in section*
 13 *24902(a);”;*

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) shall incorporate the category de-*
 18 *scribed in section 24319(c)(2)(C).”.*

19 (2) *CLERICAL AMENDMENT.*—*The analysis for*
 20 *chapter 243 of title 49, United States Code, is amend-*
 21 *ed by striking the item relating to section 24319 and*
 22 *inserting the following:*

“*24319. Grant process and reporting.*”.

1 **SEC. 22207. INCREASING SERVICE LINE AND ASSET LINE**
2 **PLAN TRANSPARENCY.**

3 (a) *IN GENERAL.*—Section 24320 of title 49, United
4 States Code, is amended—

5 (1) *in the section heading, by striking “business line and asset plans” and inserting*
6 **“service line and asset line plans”**;

7
8 (2) *in subsection (a)—*

9 (A) *in paragraph (1)—*

10 (i) *by striking “of each year” and in-*
11 *serting “, 2020, and biennially thereafter”;*

12 (ii) *by striking “5-year business line*
13 *plans and 5-year asset plans” and inserting*
14 *“5-year service line plans and 5-year asset*
15 *line plans”;* and

16 (iii) *by adding at the end the fol-*
17 *lowing: “During each year in which Am-*
18 *trak is not required to submit a plan under*
19 *this paragraph, Amtrak shall submit to*
20 *Congress updated financial sources and uses*
21 *statements and forecasts with the annual re-*
22 *port required under section 24315(b).”;* and

23 (B) *in paragraph (2), by striking “asset*
24 *plan required in” and inserting “asset line plan*
25 *required under”;*

26 (3) *in subsection (b)—*

1 (A) in the subsection heading, by striking
2 “BUSINESS” and inserting “SERVICE”;

3 (B) in paragraph (1)—

4 (i) in the paragraph heading, by strik-
5 ing “BUSINESS” and inserting “SERVICE”;

6 (ii) by striking “business” each place
7 such term appears and inserting “service”;

8 (iii) by amending subparagraph (B) to
9 read as follows:

10 “(B) Amtrak State-supported train serv-
11 ices.”;

12 (iv) in subparagraph (C), by striking
13 “routes” and inserting “train services”; and

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

15 “(E) Infrastructure access services for use of
16 Amtrak-owned or Amtrak-controlled infrastruc-
17 ture and facilities.”;

18 (C) in paragraph (2)—

19 (i) in the paragraph heading, by strik-
20 ing “BUSINESS” and inserting “SERVICE”;

21 (ii) by striking “business” each place
22 such term appears and inserting “service”;

23 (iii) in subparagraph (A), by striking
24 “Strategic Plan and 5-year asset plans”

25 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 section
9 22204(b)(1)) as subparagraphs (G) through
10 (L), respectively; and

11 (vii) by amending subparagraph (I)
12 (as so redesignated) to read as follows:

13 “(I) financial performance for each route, if
14 deemed applicable by the Secretary, within each
15 service line, including descriptions of the cash
16 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 re-*
8 *quires Amtrak to—”;*

9 *(v) in subparagraph (A), as amended*
10 *by clause (iv)—*

11 *(I) in clause (iii), as redesignated,*
12 *by inserting “and submit the final*
13 *service line plan required under sub-*
14 *section (a)(1) to the State-Supported*
15 *Route Committee” before the semicolon*
16 *at the end;*

17 *(II) in clause (iv), as redesign-*
18 *ated, by inserting “and” after the*
19 *semicolon at the end; and*

20 *(III) by adding at the end the fol-*
21 *lowing:*

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 (C),*
5 *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 the*
12 *service line plans described in paragraph (1), upon*
13 *the approval of the Secretary, if the Secretary deter-*
14 *mines that such modifications are necessary to im-*
15 *prove the transparency, oversight, and delivery of*
16 *Amtrak services and the use of Federal funds by Am-*
17 *trak.”*; 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 insert-
2 ing “asset line plan for each of the following
3 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 serting “LINE” after “ASSET”;

22 (ii) in the matter preceding subpara-
23 graph (A), by inserting “line” after “asset”;

24 (iii) in subparagraph (A), by striking
25 “category” and inserting “line”;

1 (iv) in subparagraph (C)(iii)(III), by
2 striking “and” at the end;

3 (v) by amending subparagraph (D) to
4 read as follows:

5 “(D) annual sources and uses statements
6 and forecasts for each asset line; and”;

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

8 “(E) other elements that Amtrak elects to
9 include.”;

10 (D) in paragraph (3)—

11 (i) in the paragraph heading, by in-
12 serting “LINE” after “ASSET”;

13 (ii) by redesignating subparagraphs
14 (A) and (B) as clauses (i) and (ii) and
15 moving such clauses 2 ems to the right;

16 (iii) by inserting before clause (i), as
17 redesignated, the following:

18 “(A) not later than 180 days after the date
19 of enactment of the Passenger Rail Expansion
20 and Rail Safety Act of 2021, submit to the Sec-
21 retary, for approval, a consultation process for
22 the development of each asset line plan that re-
23 quires Amtrak to—”;

24 (iv) in subparagraph (A), as added by
25 clause (iii)—

1 (I) in clause (i), as redesign-
2 nated—

3 (aa) by striking “business”
4 each place such term appears and
5 inserting “service”;

6 (bb) by inserting “line” after
7 “asset” each place such term ap-
8 pears; and

9 (cc) by adding “and” at the
10 end; and

11 (II) in clause (ii), as redesign-
12 nated—

13 (aa) by inserting “consult
14 with the Secretary of Transpor-
15 tation in the development of asset
16 line plans and,” before “as appli-
17 cable”; and

18 (bb) by inserting “line” after
19 “5-year asset”;

20 (v) by redesignating subparagraph (C)
21 as subparagraph (B); and

22 (vi) in subparagraph (B), as redesign-
23 nated, by striking “category” and inserting
24 “line”;

1 (E) by redesignating paragraphs (4), (5),
2 (6), and (7) as paragraphs (5), (6), (7), and (8),
3 respectively;

4 (F) by inserting after paragraph (3) the fol-
5 lowing:

6 “(4) 5-YEAR ASSET LINE PLAN UPDATES.—Am-
7 trak may modify the content to be included in the
8 asset line plans described in paragraph (1), on ap-
9 proval of the Secretary, if the Secretary determines
10 that such modifications are necessary to improve the
11 transparency, oversight, and delivery of Amtrak serv-
12 ices and the use of Federal funds by Amtrak.”;

13 (G) in paragraph (5)(A), as redesignated,
14 by inserting “, but shall not include corporate
15 services (as defined pursuant to section
16 24317(b))” after “national assets”; and

17 (H) in paragraph (7), as redesignated, by
18 striking “paragraph (4)” and inserting “para-
19 graph (5)”.

20 (b) CLERICAL AMENDMENT.—The analysis for chapter
21 243 of title 49, United States Code, is amended by striking
22 the item relating to section 24320 and inserting the fol-
23 lowing:

“24320. Amtrak 5-year service line and asset line plans.”.

1 (c) *EFFECTIVE DATES.*—Section 11203(b) of the Pas-
 2 senger Rail Reform and Investment Act of 2015 (49 U.S.C.
 3 24320 note) is amended—

4 (1) by striking “business” each place such term
 5 appears and inserting “service”; and

6 (2) by inserting “line” after “asset” each place
 7 such term appears.

8 **SEC. 22208. PASSENGER EXPERIENCE ENHANCEMENT.**

9 (a) *IN GENERAL.*—Section 24305(c)(4) of title 49,
 10 United States Code, is amended by striking “only if reve-
 11 nues from the services each year at least equal the cost of
 12 providing the services”.

13 (b) *FOOD AND BEVERAGE SERVICE WORKING*
 14 *GROUP.*—

15 (1) *IN GENERAL.*—Section 24321 of title 49,
 16 United States Code, is amended to read as follows:

17 **“§24321. Food and beverage service**

18 “(a) *WORKING GROUP.*—

19 “(1) *ESTABLISHMENT.*—Not later than 180 days
 20 after enactment of the Passenger Rail Expansion and
 21 Rail Safety Act of 2021, Amtrak shall establish a
 22 working group to provide recommendations to im-
 23 prove Amtrak’s onboard food and beverage service.

24 “(2) *MEMBERSHIP.*—The working group shall
 25 consist of individuals representing—

1 “(A) Amtrak;

2 “(B) the labor organizations representing
3 Amtrak employees who prepare or provide on-
4 board food and beverage service;

5 “(C) nonprofit organizations representing
6 Amtrak passengers; and

7 “(D) States that are providing funding for
8 State-supported routes.

9 “(b) REPORT.—Not later than 1 year after the estab-
10 lishment of the working group pursuant to subsection (a),
11 the working group shall submit a report to the Committee
12 on Commerce, Science, and Transportation of the Senate
13 and the Committee on Transportation and Infrastructure
14 of the House of Representatives containing recommenda-
15 tions for improving Amtrak’s food and beverage service, in-
16 cluding—

17 “(1) ways to improve the financial performance
18 of Amtrak;

19 “(2) ways to increase and retain ridership;

20 “(3) the differing needs of passengers traveling
21 on long-distance routes, State supported routes, and
22 the Northeast Corridor;

23 “(4) Amtrak passenger survey data about the
24 food and beverages offered on Amtrak trains;

1 “(5) ways to incorporate local food and beverage
2 items on State-supported routes; and

3 “(6) any other issue that the working group de-
4 termines to be appropriate.

5 “(c) *IMPLEMENTATION*.—Not later than 180 days after
6 the submission of the report pursuant to subsection (b), Am-
7 trak shall submit a plan for implementing the recommenda-
8 tions of the working group, and an explanation for any of
9 the working group’s recommendations it does not agree with
10 and does not plan on implementing to the Committee on
11 Commerce, Science, and Transportation of the Senate and
12 the Committee on Transportation and Infrastructure of the
13 House of Representatives.

14 “(d) *SAVINGS CLAUSE*.—Amtrak shall ensure that no
15 Amtrak employee who held a position on a long-distance
16 or Northeast Corridor route as of the date of enactment of
17 the Passenger Rail Expansion and Rail Safety Act of 2021,
18 is involuntarily separated because of the development and
19 implementation of the plan required under this section.”.

20 (2) *CLERICAL AMENDMENT*.—The analysis for
21 chapter 243 of title 49, United States Code, is amend-
22 ed by striking the item relating to section 24321 and
23 inserting the following:

“24321. Food and beverage service.”.

1 **SEC. 22209. AMTRAK SMOKING POLICY.**

2 (a) *IN GENERAL.*—Chapter 243 of title 49, United
3 States Code, is amended by adding at the end the following:

4 **“§24323. Prohibition on smoking on Amtrak trains**

5 “(a) *PROHIBITION.*—Beginning on the date of enact-
6 ment of this section, Amtrak shall prohibit smoking, includ-
7 ing the use of electronic cigarettes, onboard all Amtrak
8 trains.

9 “(b) *ELECTRONIC CIGARETTE DEFINED.*—In this sec-
10 tion, the term ‘electronic cigarette’ means a device that de-
11 livers nicotine or other substances to a user of the device
12 in the form of a vapor that is inhaled to simulate the experi-
13 ence of smoking.”.

14 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
15 243 of title 49, United States Code, is amended by adding
16 at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

17 **SEC. 22210. PROTECTING AMTRAK ROUTES THROUGH**
18 **RURAL COMMUNITIES.**

19 Section 24706 of title 49, United States Code, is
20 amended—

21 (1) in subsection (a), by striking “subsection (b)
22 of this section, at least 180 days” and inserting “sub-
23 section (c), not later than 180 days”;

24 (2) by redesignating subsections (b) and (c) as
25 subsections (c) and (e), respectively;

1 (3) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) *DISCONTINUANCE OR SUBSTANTIAL ALTERATION*
4 *OF LONG-DISTANCE ROUTES.*—Except as provided in sub-
5 *section (c), in an emergency, or during maintenance or con-*
6 *struction outages impacting Amtrak routes, Amtrak may*
7 *not discontinue, reduce the frequency of, suspend, or sub-*
8 *stantially alter the route of rail service on any segment of*
9 *any long-distance route in any fiscal year in which Amtrak*
10 *receives adequate Federal funding for such route on the Na-*
11 *tional Network.”; and*

12 (4) by inserting after subsection (c), as redesign-
13 nated, the following:

14 “(d) *CONGRESSIONAL NOTIFICATION OF DISCONTINU-*
15 *ANCE.*—Except as provided in subsection (c), not later than
16 *210 days before discontinuing service over a route, Amtrak*
17 *shall give written notice of such discontinuance to all of*
18 *the members of Congress representing any State or district*
19 *in which the discontinuance would occur.”.*

20 **SEC. 22211. STATE-SUPPORTED ROUTE COMMITTEE.**

21 (a) *STATE-SUPPORTED ROUTE COMMITTEE.*—Section
22 *24712(a) of title 49, United States Code, is amended—*

23 (1) in paragraph (1)—

24 (A) by striking “Not later than 180 days
25 after the date of enactment of the Passenger Rail

1 *Reform and Investment Act of 2015, the Sec-*
2 *retary of Transportation shall establish” and in-*
3 *serting “There is established”; and*

4 *(B) by inserting “current and future” before*
5 *“rail operations”;*

6 *(2) by redesignating paragraphs (4), (5), and (6)*
7 *as paragraphs (5), (6), and (7), respectively;*

8 *(3) by inserting after paragraph (3) the fol-*
9 *lowing:*

10 *“(4) ABILITY TO CONDUCT CERTAIN BUSINESS.—*
11 *If all of the members of 1 voting bloc described in*
12 *paragraph (3) abstain from a Committee decision,*
13 *agreement between the other 2 voting blocs consistent*
14 *with the procedures set forth in such paragraph shall*
15 *be deemed sufficient for purpose of achieving unani-*
16 *mous consent.”;*

17 *(4) in paragraph (5), as redesignated, in the*
18 *matter preceding subparagraph (A)—*

19 *(A) by striking “convene a meeting and*
20 *shall define and implement” and inserting “de-*
21 *fine and periodically update”;* and

22 *(B) by striking “not later than 180 days*
23 *after the date of establishment of the Committee*
24 *by the Secretary”;* and

25 *(5) in paragraph (7), as redesignated—*

1 (A) in the paragraph heading, by striking
2 “ALLOCATION METHODOLOGY” and inserting
3 “METHODOLOGY POLICY”;

4 (B) in subparagraph (A), by striking “allo-
5 cation methodology” and inserting “methodology
6 policy”;

7 (C) by amending subparagraph (B) to read
8 as follows:

9 “(B) REVISIONS TO COST METHODOLOGY
10 POLICY.—

11 “(i) REQUIREMENT TO REVISE AND
12 UPDATE.—Subject to rules and procedures
13 established pursuant to clause (iii), not
14 later than March 31, 2022, the Committee
15 shall revise and update the cost methodology
16 policy required and previously approved
17 under section 209 of the Passenger Rail In-
18 vestment and Improvement Act of 2008 (49
19 U.S.C. 20901 note). The Committee shall
20 implement a revised cost methodology policy
21 during fiscal year 2023. Not later than 30
22 days after the adoption of the revised cost
23 methodology policy, the Committee shall
24 submit a report documenting and explain-
25 ing any changes to the cost methodology

1 *policy and plans for implementation of such*
2 *policy, including a description of the im-*
3 *provements to the accounting information*
4 *provided by Amtrak to the States, to the*
5 *Committee on Commerce, Science, and*
6 *Transportation of the Senate and the Com-*
7 *mittee on Transportation and Infrastruc-*
8 *ture of the House of Representatives. The re-*
9 *vised cost methodology policy shall ensure*
10 *that States will be responsible for costs at-*
11 *tributable to the provision of service for*
12 *their routes.*

13 “(i) *IMPLEMENTATION IMPACTS ON*
14 *FEDERAL FUNDING.—To the extent that a*
15 *revision developed pursuant to clause (i) as-*
16 *signs to Amtrak costs that were previously*
17 *allocated to States, Amtrak shall request*
18 *with specificity such additional funding in*
19 *the general and legislative annual report re-*
20 *quired under section 24315 or in any ap-*
21 *propriate subsequent Federal funding re-*
22 *quest for the fiscal year in which the revised*
23 *cost methodology policy will be imple-*
24 *mented.*

1 “(iii) *PROCEDURES FOR CHANGING*
2 *METHODOLOGY.*—*Notwithstanding section*
3 *209(b) of the Passenger Rail Investment*
4 *and Improvement Act of 2008 (49 U.S.C.*
5 *20901 note), the rules and procedures im-*
6 *plemented pursuant to paragraph (5) shall*
7 *include—*

8 “(I) *procedures for changing the*
9 *cost methodology policy in accordance*
10 *with clause (i); and*

11 “(II) *procedures or broad guide-*
12 *lines for conducting financial plan-*
13 *ning, including operating and capital*
14 *forecasting, reporting, data sharing,*
15 *and governance.”;*

16 (D) *in subparagraph (C)—*

17 (i) *in the matter preceding clause (i),*
18 *by striking “allocation methodology” and*
19 *inserting “methodology policy”;*

20 (ii) *in clause (i), by striking “and” at*
21 *the end;*

22 (iii) *in clause (ii)—*

23 (I) *by striking “allocate” and in-*
24 *serting “assign”;* and

1 (II) by striking the period and in-
2 serting “; and”; and

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

4 “(iii) promote increased efficiency in
5 Amtrak’s operating and capital activities.”;

6 and

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

8 “(D) *INDEPENDENT EVALUATION.*—Not
9 later than March 31 of each year, the Committee
10 shall ensure that an independent entity selected
11 by the Committee has completed an evaluation to
12 determine whether State payments for the most
13 recently concluded fiscal year are accurate and
14 comply with the applicable cost allocation meth-
15 odology.”.

16 (b) *INVOICES AND REPORTS.*—Section 24712(b) of title
17 49, United States Code, is amended to read as follows:

18 “(b) *INVOICES AND REPORTS.*—

19 “(1) *INVOICES.*—Amtrak shall provide monthly
20 invoices to the Committee and to each State that
21 sponsors a State-supported route that identify the op-
22 erating costs for such route, including fixed costs and
23 third-party costs.

24 “(2) *REPORTS.*—

1 “(A) *IN GENERAL.*—*The Committee shall*
2 *determine the frequency and contents of—*

3 “(i) *the financial and performance re-*
4 *ports that Amtrak is required to provide to*
5 *the Committee and the States; and*

6 “(ii) *the planning and demand reports*
7 *that the States are required to provide to*
8 *the Committee and Amtrak.*

9 “(B) *MONTHLY STATISTICAL REPORT.*—

10 “(i) *DEVELOPMENT.*—*Consistent with*
11 *the revisions to the policy required under*
12 *subsection (a)(7)(B), the Committee shall*
13 *develop a report that contains the general*
14 *ledger data and operating statistics from*
15 *Amtrak’s accounting systems used to cal-*
16 *culate payments to States.*

17 “(ii) *PROVISION OF NECESSARY*
18 *DATA.*—*Not later than 30 days after the last*
19 *day of each month, Amtrak shall provide to*
20 *the States and to the Committee the nec-*
21 *essary data to complete the report developed*
22 *pursuant to clause (i) for such month.”.*

23 “(c) *DISPUTE RESOLUTION.*—*Section 24712(c) of title*
24 *49, United States Code, is amended—*

25 (1) *in paragraph (1)—*

1 (A) by striking “(a)(4)” and inserting
2 “(a)(5)”; and

3 (B) by striking “(a)(6)” and inserting
4 “(a)(7)”; and

5 (2) in paragraph (4), by inserting “related to a
6 State-supported route that a State sponsors that is”
7 after “amount”.

8 (d) *PERFORMANCE METRICS*.—Section 24712(e) of
9 title 49, United States Code, is amended by inserting “,
10 including incentives to increase revenue, reduce costs, final-
11 ize contracts by the beginning of the fiscal year, and require
12 States to promptly make payments for services delivered”
13 before the period at the end.

14 (e) *STATEMENT OF GOALS AND OBJECTIVES*.—Section
15 24712(f) of title 49, United States Code, is amended—

16 (1) in paragraph (1), by inserting “, and review
17 and update, as necessary,” after “shall develop”;

18 (2) in paragraph (2), by striking “Not later than
19 2 years after the date of enactment of the Passenger
20 Rail Reform and Investment Act of 2015, the Com-
21 mittee shall transmit the statement” and inserting
22 “As applicable, based on updates, the Committee shall
23 submit an updated statement”; and

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

1 “(3) *SENSE OF CONGRESS.*—*It is the sense of*
2 *Congress that—*

3 “(A) *the Committee shall be the forum*
4 *where Amtrak and the States collaborate on the*
5 *planning, improvement, and development of cor-*
6 *ridor routes across the National Network; and*

7 “(B) *such collaboration should include reg-*
8 *ular consultation with interstate rail compact*
9 *parties and other regional planning organiza-*
10 *tions that address passenger rail.”.*

11 (f) *OTHER REFORMS RELATED TO STATE-SUPPORTED*
12 *ROUTES.*—*Section 24712 of title 49, United States Code,*
13 *as amended by subsections (a) through (e), is further*
14 *amended—*

15 (1) *by redesignating subsections (g) and (h) as*
16 *subsections (k) and (l), respectively; and*

17 (2) *by inserting after subsection (f) the following:*

18 “(g) *NEW STATE-SUPPORTED ROUTES.*—

19 “(1) *CONSULTATION.*—*In developing a new*
20 *State-supported route, Amtrak shall consult with—*

21 “(A) *the State or States and local municipi-*
22 *palities through which such new service would*
23 *operate;*

1 “(B) commuter authorities and regional
2 transportation authorities in the areas that
3 would be served by the planned route;

4 “(C) host railroads;

5 “(D) the Administrator of the Federal Rail-
6 road Administration; and

7 “(E) other stakeholders, as appropriate.

8 “(2) STATE COMMITMENTS.—Notwithstanding
9 any other provision of law, before beginning construc-
10 tion necessary for, or beginning operation of, a State-
11 supported route that is initiated on or after the date
12 of enactment of the Passenger Rail Expansion and
13 Rail Safety Act of 2021, Amtrak shall enter into a
14 memorandum of understanding, or otherwise secure
15 an agreement, with each State that would be pro-
16 viding funding for such route for sharing—

17 “(A) ongoing operating costs and capital
18 costs in accordance with the cost methodology
19 policy referred to in subsection (a)(7) then in ef-
20 fect; or

21 “(B) ongoing operating costs and capital
22 costs in accordance with the maximum funding
23 limitations described in section 22908(e).

24 “(3) APPLICATION OF TERMS.—In this sub-
25 section, the terms ‘capital costs’ and ‘operating costs’

1 *shall apply in the same manner as such terms apply*
2 *under the cost methodology policy developed pursuant*
3 *to subsection (a)(7).*

4 “(h) *COST METHODOLOGY POLICY UPDATE IMPLE-*
5 *MENTATION REPORT.*—*Not later than 18 months after the*
6 *updated cost methodology policy required under subsection*
7 *(a)(7)(B) is implemented, the Committee shall submit a re-*
8 *port to the Committee on Commerce, Science, and Trans-*
9 *portation of the Senate and the Committee on Transpor-*
10 *tation and Infrastructure of the House of Representatives*
11 *that assesses the implementation of the updated policy.*

12 “(i) *IDENTIFICATION OF STATE-SUPPORTED ROUTE*
13 *CHANGES.*—*Amtrak shall—*

14 “(1) *not later than 120 days before the submis-*
15 *sion of the general and legislative annual report re-*
16 *quired under section 24315(b), consult with the Com-*
17 *mittee and any additional States through which a*
18 *State-supported route may operate regarding any*
19 *proposed changes to such route; and*

20 “(2) *include in such report an update of any*
21 *planned or proposed changes to State-supported*
22 *routes, including the introduction of new State-sup-*
23 *ported routes, including—*

24 “(A) *the timeframe in which such changes*
25 *would take effect; and*

1 “(B) *whether Amtrak has entered into com-*
2 *mitments with the affected States pursuant sub-*
3 *section (g)(2).*”

4 “(j) *ECONOMIC ANALYSIS.—Not later than 3 years*
5 *after the date of enactment of the Passenger Rail Expansion*
6 *and Rail Safety Act of 2021, the Committee shall submit*
7 *a report to the Committee on Commerce, Science, and*
8 *Transportation of the Senate and the Committee on Trans-*
9 *portation and Infrastructure of the House of Representa-*
10 *tives that—*

11 “(1) *describes the role of the State-supported*
12 *routes in economic development; and*

13 “(2) *examines the impacts of the State-supported*
14 *routes on local station areas, job creation, transpor-*
15 *tation efficiency, State economies, and the national*
16 *economy.*”

17 **SEC. 22212. ENHANCING CROSS BORDER SERVICE.**

18 “(a) *IN GENERAL.—Not later than 1 year after the date*
19 *of enactment of this Act, Amtrak, after consultation with*
20 *the Secretary, the Secretary of Homeland Security, relevant*
21 *State departments of transportation, Canadian govern-*
22 *mental agencies and entities, and owners of the relevant rail*
23 *infrastructure and facilities, shall submit a report to the*
24 *Committee on Commerce, Science, and Transportation of*
25 *the Senate and the Committee on Transportation and In-*

1 *frastructure of the House of Representatives regarding en-*
2 *hancing Amtrak passenger rail service between the United*
3 *States and Canada that—*

4 (1) *identifies challenges to Amtrak operations in*
5 *Canada, including delays associated with custom and*
6 *immigration inspections in both the United States*
7 *and Canada; and*

8 (2) *includes recommendations to improve such*
9 *cross border service, including the feasibility of and*
10 *costs associated with a preclearance facility or facili-*
11 *ties.*

12 (b) *ASSISTANCE AND SUPPORT.—The Secretary, the*
13 *Secretary of State, and the Secretary of Homeland Security*
14 *may provide assistance and support requested by Amtrak*
15 *that is necessary to carry out this section, as determined*
16 *appropriate by the respective Secretary.*

17 **SEC. 22213. CREATING QUALITY JOBS.**

18 *Section 121 of the Amtrak Reform and Accountability*
19 *Act of 1997 (49 U.S.C. 24312 note) is amended—*

20 (1) *by redesignating subsection (d) as subsection*
21 *(f); and*

22 (2) *by inserting after subsection (c) the fol-*
23 *lowing:*

24 “(d) *FURLOUGHED WORK.—Amtrak may not contract*
25 *out work within the classification of work performed by an*

1 *employee in a bargaining unit covered by a collective bar-*
2 *gaining agreement entered into between Amtrak and an or-*
3 *ganization representing Amtrak employees during the pe-*
4 *riod such employee has been laid off and has not been re-*
5 *called to perform such work.*

6 “(e) *AGREEMENT PROHIBITIONS ON CONTRACTING*
7 *OUT.—This section does not—*

8 “(1) *supersede a prohibition or limitation on*
9 *contracting out work covered by an agreement entered*
10 *into between Amtrak and an organization rep-*
11 *resenting Amtrak employees; or*

12 “(2) *prohibit Amtrak and an organization rep-*
13 *resenting Amtrak employees from entering into an*
14 *agreement that allows for contracting out the work of*
15 *a furloughed employee that would otherwise be prohib-*
16 *ited under subsection (d).”.*

17 **SEC. 22214. AMTRAK DAILY LONG-DISTANCE SERVICE**
18 **STUDY.**

19 “(a) *IN GENERAL.—The Secretary shall conduct a*
20 *study to evaluate the restoration of daily intercity rail pas-*
21 *senger service along—*

22 “(1) *any Amtrak long-distance routes that, as of*
23 *the date of enactment of this Act, were discontinued;*
24 *and*

1 (2) *any Amtrak long-distance routes that, as of*
2 *the date of enactment of this Act, occur on a nondaily*
3 *basis.*

4 (b) *INCLUSIONS.—The study under subsection (a)*
5 *shall—*

6 (1) *evaluate all options for restoring or enhanc-*
7 *ing to daily-basis intercity rail passenger service*
8 *along each Amtrak route described in that subsection;*

9 (2) *select a preferred option for restoring or en-*
10 *hancing the service described in paragraph (1);*

11 (3) *develop a prioritized inventory of capital*
12 *projects and other actions that are required to restore*
13 *or enhance the service described in paragraph (1), in-*
14 *cluding cost estimates for those projects and actions;*

15 (4) *develop recommendations for methods by*
16 *which Amtrak could work with local communities and*
17 *organizations to develop activities and programs to*
18 *continuously improve public use of intercity pas-*
19 *senger rail service along each route; and*

20 (5) *identify Federal and non-Federal funding*
21 *sources required to restore or enhance the service de-*
22 *scribed in paragraph (1), including—*

23 (A) *increased Federal funding for Amtrak*
24 *based on applicable reductions or*
25 *discontinuations in service; and*

1 (B) options for entering into public-private
2 partnerships to restore that service.

3 (c) *OTHER FACTORS WHEN CONSIDERING EXPAN-*
4 *SIONS.—In evaluating intercity passenger rail routes under*
5 *this section, the Secretary may evaluate potential new Am-*
6 *trak long-distance routes, including with specific attention*
7 *provided to routes in service as of April 1971 but not con-*
8 *tinued by Amtrak, taking into consideration whether those*
9 *new routes would—*

10 (1) *link and serve large and small communities*
11 *as part of a regional rail network;*

12 (2) *advance the economic and social well-being of*
13 *rural areas of the United States;*

14 (3) *provide enhanced connectivity for the na-*
15 *tional long-distance passenger rail system; and*

16 (4) *reflect public engagement and local and re-*
17 *gional support for restored passenger rail service.*

18 (d) *CONSULTATION.—In conducting the study under*
19 *this section, the Secretary shall consult, through working*
20 *groups or other forums as the Secretary determines to be*
21 *appropriate, with—*

22 (1) *Amtrak;*

23 (2) *each State along a relevant route;*

24 (3) *regional transportation planning organiza-*
25 *tions and metropolitan planning organizations, mu-*

1 *municipalities, and communities along those relevant*
2 *routes, to be selected by the Secretary;*

3 *(4) host railroad carriers the tracks of which*
4 *may be used for a service described in subsection (a);*

5 *(5) organizations representing onboard Amtrak*
6 *employees;*

7 *(6) nonprofit organizations representing Amtrak*
8 *passengers;*

9 *(7) relevant regional passenger rail authorities*
10 *and federally recognized Indian Tribes; and*

11 *(8) such other entities as the Secretary may se-*
12 *lect.*

13 *(e) REPORT.—Not later than 2 years after the date of*
14 *enactment of this Act, the Secretary shall submit to the*
15 *Committee on Commerce, Science, and Transportation of*
16 *the Senate and the Committee on Transportation and In-*
17 *frastructure of the House of Representatives a report that*
18 *includes—*

19 *(1) the preferred options selected under sub-*
20 *section (b)(2), including the reasons for selecting each*
21 *option;*

22 *(2) the information described in subsection*
23 *(b)(3);*

24 *(3) the funding sources identified pursuant to*
25 *subsection (b)(5);*

1 (4) *the estimated costs and public benefits of re-*
2 *storing or enhancing intercity rail passenger trans-*
3 *portation in the region impacted for each relevant*
4 *Amtrak route; and*

5 (5) *any other information the Secretary deter-*
6 *mines to be appropriate.*

7 (f) *FUNDING.—There are authorized to be appro-*
8 *priated to the Secretary to conduct the study under this*
9 *section and to carry out the consultations required by sub-*
10 *section (d)—*

11 (1) *\$7,500,000 for fiscal year 2022; and*

12 (2) *\$7,500,000 for fiscal year 2023.*

13 ***Subtitle C—Intercity Passenger***
14 ***Rail Policy***

15 ***SEC. 22301. NORTHEAST CORRIDOR PLANNING.***

16 *Section 24904 of title 49, United States Code, is*
17 *amended—*

18 (1) *by striking subsections (a) and (d);*

19 (2) *by redesignating subsections (b) and (c) as*
20 *subsections (c) and (d), respectively;*

21 (3) *by inserting before subsection (c), as redesign-*
22 *ated, the following:*

23 “(a) *NORTHEAST CORRIDOR SERVICE DEVELOPMENT*
24 *PLAN.—*

1 “(1) *IN GENERAL.*—Not later than March 31,
2 2022, the Northeast Corridor Commission established
3 under section 24905 (referred to in this section as the
4 ‘Commission’) shall submit a service development
5 plan to Congress.

6 “(2) *CONTENTS.*—The plan required under para-
7 graph (1) shall—

8 “(A) *identify key state-of-good-repair, ca-*
9 *capacity expansion, and capital improvement*
10 *projects planned for the Northeast Corridor;*

11 “(B) *provide a coordinated and consensus-*
12 *based plan covering a 15-year period;*

13 “(C) *identify service objectives and the cap-*
14 *ital investments required to meet such objectives;*

15 “(D) *provide a delivery-constrained strategy*
16 *that identifies—*

17 “(i) *capital investment phasing;*

18 “(ii) *an evaluation of workforce needs;*

19 *and*

20 “(iii) *strategies for managing resources*
21 *and mitigating construction impacts on op-*
22 *erations; and*

23 “(E) *include a financial strategy that iden-*
24 *tifies funding needs and potential funding*
25 *sources.*

1 “(3) *UPDATES.*—*The Commission shall update*
2 *the service development plan not less frequently than*
3 *once every 5 years.*

4 “(b) *NORTHEAST CORRIDOR CAPITAL INVESTMENT*
5 *PLAN.*—

6 “(1) *IN GENERAL.*—*Not later than November 1 of*
7 *each year, the Commission shall—*

8 “(A) *develop an annual capital investment*
9 *plan for the Northeast Corridor; and*

10 “(B) *submit the capital investment plan*
11 *to—*

12 “(i) *the Secretary of Transportation;*

13 “(ii) *the Committee on Commerce,*
14 *Science, and Transportation of the Senate;*
15 *and*

16 “(iii) *the Committee on Transpor-*
17 *tation and Infrastructure of the House of*
18 *Representatives.*

19 “(2) *CONTENTS.*—*The plan required under para-*
20 *graph (1) shall—*

21 “(A) *reflect coordination across the entire*
22 *Northeast Corridor;*

23 “(B) *integrate the individual capital plans*
24 *developed by Amtrak, States, and commuter au-*
25 *thorities in accordance with the cost allocation*

1 *policy developed and approved under section*
2 *24905(c);*

3 “(C) *cover a period of 5 fiscal years, begin-*
4 *ning with the fiscal year during which the plan*
5 *is submitted;*

6 “(D) *notwithstanding section 24902(b), doc-*
7 *ument the projects and programs being under-*
8 *taken to advance the service objectives and cap-*
9 *ital investments identified in the Northeast Cor-*
10 *ridor service development plan developed under*
11 *subsection (a), and the asset condition needs*
12 *identified in the Northeast Corridor asset man-*
13 *agement plans, after considering—*

14 “(i) *the benefits and costs of capital in-*
15 *vestments in the plan;*

16 “(ii) *project and program readiness;*

17 “(iii) *the operational impacts; and*

18 “(iv) *Federal and non-Federal funding*
19 *availability;*

20 “(E) *categorize capital projects and pro-*
21 *grams as primarily associated with 1 of the cat-*
22 *egories listed under section 24319(c)(2)(C);*

23 “(F) *identify capital projects and programs*
24 *that are associated with more than 1 category*
25 *described in subparagraph (E); and*

1 “(G) include a financial plan that identi-
2 fies—

3 “(i) funding sources and financing
4 methods;

5 “(ii) the status of cost sharing agree-
6 ments pursuant to the cost allocation policy
7 developed under section 24905(c);

8 “(iii) the projects and programs that
9 the Commission expects will receive Federal
10 financial assistance; and

11 “(iv) the eligible entity or entities that
12 the Commission expects—

13 “(I) to receive the Federal finan-
14 cial assistance referred to in clause
15 (iii); and

16 “(II) to implement each capital
17 project.

18 “(3) REVIEW AND COORDINATION.—The Commis-
19 sion shall require that the information described in
20 paragraph (2) be submitted in a timely manner to
21 allow for a reasonable period of review by, and co-
22 ordination with, affected agencies before the Commis-
23 sion submits the capital investment plan pursuant to
24 paragraph (1).”;

1 (4) *in subsection (c), as redesignated, by striking*
 2 *“spent only on—” and all that follows and inserting*
 3 *“spent only on capital projects and programs con-*
 4 *tained in the Commission’s capital investment plan*
 5 *for the prior fiscal year.”; and*

6 (5) *by amending subsection (d), as redesignated,*
 7 *to read as follows:*

8 “(d) *NORTHEAST CORRIDOR CAPITAL ASSET MANAGE-*
 9 *MENT SYSTEM.—*

10 “(1) *IN GENERAL.—Amtrak and other infra-*
 11 *structure owners that provide or support intercity*
 12 *rail passenger transportation along the Northeast*
 13 *Corridor shall develop an asset management system*
 14 *and use and update such system, as necessary, to de-*
 15 *velop submissions to the Northeast Corridor capital*
 16 *investment plan described in subsection (b).*

17 “(2) *FEATURES.—The system required under*
 18 *paragraph (1) shall develop submissions that—*

19 “(A) *are consistent with the transit asset*
 20 *management system (as defined in section*
 21 *5326(a)(3)); and*

22 “(B) *include—*

23 “(i) *an inventory of all capital assets*
 24 *owned by the developer of the plan;*

1 “(ii) an assessment of condition of such
2 capital assets;

3 “(iii) a description of the resources
4 and processes that will be necessary to bring
5 or to maintain such capital assets in a state
6 of good repair; and

7 “(iv) a description of changes in the
8 condition of such capital assets since the
9 submission of the prior version of the
10 plan.”.

11 **SEC. 22302. NORTHEAST CORRIDOR COMMISSION.**

12 Section 24905 of title 49, United States Code, is
13 amended—

14 (1) in subsection (a)(1)(D), by inserting “au-
15 thorities” after “carriers”;

16 (2) in subsection (b)(3)(B)—

17 (A) in clause (i)—

18 (i) by inserting “, including ridership
19 trends,” after “transportation”; and

20 (ii) by striking “and” at the end;

21 (B) in clause (ii)—

22 (i) by inserting “first year of the” after
23 “the delivery of the”; and

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

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

2 “(iii) progress in assessing and elimi-
3 nating the state-of-good-repair backlog.”;

4 (3) in subsection (c)—

5 (A) in paragraph (1)—

6 (i) in the paragraph heading, by strik-
7 ing “DEVELOPMENT OF POLICY” and insert-
8 ing “POLICY”;

9 (ii) in subparagraph (A), by striking
10 “develop a standardized policy” and insert-
11 ing “develop and maintain the standardized
12 policy first approved on September 17,
13 2015, and update, as appropriate,”;

14 (iii) by amending subparagraph (B) to
15 read as follows:

16 “(B) develop timetables for implementing
17 and maintaining the policy;”;

18 (iv) in subparagraph (C), by striking
19 “the policy and the timetable” and insert-
20 ing “updates to the policy and timetables”;
21 and

22 (v) by amending subparagraph (D) to
23 read as follows:

24 “(D) support the efforts of the members of
25 the Commission to implement the policy in ac-

1 *cordance with the timetables developed pursuant*
2 *to subparagraph (B);”;*

3 *(B) by amending paragraph (2) to read as*
4 *follows:*

5 “(2) *IMPLEMENTATION.—*

6 “(A) *IN GENERAL.—In accordance with the*
7 *timetables developed pursuant to paragraph*
8 *(1)(B), Amtrak and commuter authorities on the*
9 *Northeast Corridor shall implement the policy*
10 *developed under paragraph (1) in their agree-*
11 *ments for usage of facilities or services.*

12 “(B) *EFFECT OF FAILURE TO IMPLEMENT*
13 *OR COMPLY WITH POLICY.—If the entities re-*
14 *ferred to in subparagraph (A) fail to implement*
15 *the policy in accordance with paragraph (1)(D)*
16 *or fail to comply with the policy thereafter, the*
17 *Surface Transportation Board shall—*

18 “(i) *determine the appropriate com-*
19 *pensation in accordance with the procedures*
20 *and procedural schedule applicable to a*
21 *proceeding under section 24903(c), after*
22 *taking into consideration the policy devel-*
23 *oped under paragraph (1); and*

24 “(ii) *enforce its determination on the*
25 *party or parties involved.”; and*

1 (C) in paragraph (4), by striking “public
2 authorities providing commuter rail passenger
3 transportation” and inserting “commuter au-
4 thorities”; and

5 (4) in subsection (d)—

6 (A) by striking “2016 through 2020” and
7 inserting “2022 through 2026”; and

8 (B) by striking “section 11101(g) of the
9 Passenger Rail Reform and Investment Act of
10 2015” and inserting “section 22101(e) of the
11 Passenger Rail Expansion and Rail Safety Act
12 of 2021”.

13 **SEC. 22303. CONSOLIDATED RAIL INFRASTRUCTURE AND**
14 **SAFETY IMPROVEMENTS.**

15 (a) *IN GENERAL.*—Section 22907 of title 49, United
16 States Code, is amended—

17 (1) in subsection (b)—

18 (A) in paragraph (1), by inserting “(in-
19 cluding the District of Columbia)” after “State”;

20 (B) in paragraph (6), by inserting “rail
21 carrier and intercity rail passenger transpor-
22 tation are” before “defined”;

23 (C) by redesignating paragraphs (8)
24 through (11) as paragraphs (10) through (13),
25 respectively; and

1 (D) by inserting after paragraph (7) the fol-
2 lowing:

3 “(8) An association representing 1 or more rail-
4 roads described in paragraph (7).”;

5 “(9) A federally recognized Indian Tribe.”;

6 (2) in subsection (c)—

7 (A) in paragraph (3), by adding “or safety”
8 after “congestion”;

9 (B) in paragraph (6), by striking “and”
10 and inserting “or”;

11 (C) by redesignating paragraphs (11) and
12 (12) as paragraphs (12) and (13), respectively;

13 (D) by inserting after paragraph (10) the
14 following:

15 “(11) The development and implementation of
16 measures to prevent trespassing and reduce associated
17 injuries and fatalities.”; and

18 (E) by inserting after paragraph (13), as
19 redesignated, the following:

20 “(14) Research, development, and testing to ad-
21 vance and facilitate innovative rail projects, includ-
22 ing projects using electromagnetic guideways in an
23 enclosure in a very low-pressure environment.

1 “(15) *The preparation of emergency plans for*
2 *communities through which hazardous materials are*
3 *transported by rail.*

4 “(16) *Rehabilitating, remanufacturing, pro-*
5 *curring, or overhauling locomotives, provided that such*
6 *activities result in a significant reduction of emis-*
7 *sions.*”; and

8 (3) *in subsection (h), by adding at the end the*
9 *following:*

10 “(4) *GRADE CROSSING AND TRESPASSING*
11 *PROJECTS.—Applicants may use costs incurred pre-*
12 *viously for preliminary engineering associated with*
13 *highway-rail grade crossing improvement projects*
14 *under subsection (c)(5) and trespassing prevention*
15 *projects under subsection (c)(11) to satisfy the non-*
16 *Federal share requirements.*”.

17 (b) *RULE OF CONSTRUCTION.—The amendments made*
18 *by subsection (a) may not be construed to affect any grant,*
19 *including any application for a grant, made under section*
20 *22907 of title 49, United States Code, before the date of*
21 *enactment of this Act.*

22 (c) *TECHNICAL CORRECTION.—*

23 (1) *IN GENERAL.—Section 22907(l)(1)(A) of title*
24 *49, United States Code, is amended by inserting “,*
25 *including highway construction over rail facilities as*

1 *an alternative to construction or improvement of a*
2 *highway-rail grade crossing,” after “under chapter*
3 *227”.*

4 (2) *APPLICABILITY.—The amendment made by*
5 *paragraph (1) shall apply to amounts remaining*
6 *under section 22907(l) of title 49, United States Code,*
7 *from appropriations for prior fiscal years.*

8 **SEC. 22304. RESTORATION AND ENHANCEMENT GRANTS.**

9 *Section 22908 of title 49, United States Code, is*
10 *amended—*

11 (1) *by amending subsection (a) to read as fol-*
12 *lows:*

13 “(a) *DEFINITIONS.—In this section:*

14 “(1) *APPLICANT.—Notwithstanding section*
15 *22901(1), the term ‘applicant’ means—*

16 “(A) *a State, including the District of Co-*
17 *lumbia;*

18 “(B) *a group of States;*

19 “(C) *an entity implementing an interstate*
20 *compact;*

21 “(D) *a public agency or publicly chartered*
22 *authority established by 1 or more States;*

23 “(E) *a political subdivision of a State;*

24 “(F) *a federally recognized Indian Tribe;*

1 “(G) Amtrak or another rail carrier that
2 provides intercity rail passenger transportation;

3 “(H) any rail carrier in partnership with
4 at least 1 of the entities described in subpara-
5 graphs (A) through (F); and

6 “(I) any combination of the entities de-
7 scribed in subparagraphs (A) through (F).

8 “(2) *OPERATING ASSISTANCE*.—The term ‘oper-
9 ating assistance’, with respect to any route subject to
10 section 209 of the Passenger Rail Investment and Im-
11 provement Act of 2008 (Public Law 110–432), means
12 any cost allocated, or that may be allocated, to a
13 route pursuant to the cost methodology established
14 under such section or under section 24712.”;

15 (2) in subsection (c)(3), by striking “3 years”
16 each place such term appears and inserting “6
17 years”;

18 (3) in subsection (d)—

19 (A) in paragraph (8), by striking “and”;

20 (B) in paragraph (9), by striking the period
21 at the end and inserting “; and”; and

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

23 “(10) for routes selected under the Corridor Iden-
24 tification and Development Program and operated by
25 Amtrak.”; and

1 (4) *in subsection (e)—*

2 (A) *in paragraph (1)—*

3 (i) *by striking “assistance”; and*

4 (ii) *by striking “3 years” and insert-*
5 *ing “6 years (including for any such routes*
6 *selected for funding before the date of enact-*
7 *ment of the Passenger Rail Expansion and*
8 *Rail Safety Act of 2021)”;* and

9 (B) *in paragraph (3), by striking subpara-*
10 *graphs (A), (B), and (C) and inserting the fol-*
11 *lowing:*

12 “(A) 90 percent of the projected net oper-

13 *ating costs for the first year of service;*

14 “(B) 80 percent of the projected net oper-

15 *ating costs for the second year of service;*

16 “(C) 70 percent of the projected net oper-

17 *ating costs for the third year of service;*

18 “(D) 60 percent of the projected net oper-

19 *ating costs for the fourth year of service;*

20 “(E) 50 percent of the projected net oper-

21 *ating costs for the fifth year of service; and*

22 “(F) 30 percent of the projected net oper-

23 *ating costs for the sixth year of service.”.*

1 **SEC. 22305. RAILROAD CROSSING ELIMINATION PROGRAM.**

2 (a) *IN GENERAL.*—Chapter 229 of title 49, United
3 States Code, is amended by adding at the end the following:

4 **“§ 22909. Railroad Crossing Elimination Program**

5 “(a) *IN GENERAL.*—The Secretary of Transportation,
6 in cooperation with the Administrator of the Federal Rail-
7 road Administration, shall establish a competitive grant
8 program (referred to in this section as the ‘Program’) under
9 which the Secretary shall award grants to eligible recipients
10 described in subsection (c) for highway-rail or pathway-rail
11 grade crossing improvement projects that focus on improv-
12 ing the safety and mobility of people and goods.

13 “(b) *GOALS.*—The goals of the Program are—

14 “(1) to eliminate highway-rail grade crossings
15 that are frequently blocked by trains;

16 “(2) to improve the health and safety of commu-
17 nities;

18 “(3) to reduce the impacts that freight movement
19 and railroad operations may have on underserved
20 communities; and

21 “(4) to improve the mobility of people and goods.

22 “(c) *ELIGIBLE RECIPIENTS.*—The following entities
23 are eligible to receive a grant under this section:

24 “(1) A State, including the District of Columbia,
25 Puerto Rico, and other United States territories and
26 possessions.

1 “(2) *A political subdivision of a State.*

2 “(3) *A federally recognized Indian Tribe.*

3 “(4) *A unit of local government or a group of*
4 *local governments.*

5 “(5) *A public port authority.*

6 “(6) *A metropolitan planning organization.*

7 “(7) *A group of entities described in any of*
8 *paragraphs (1) through (6).*

9 “(d) *ELIGIBLE PROJECTS.—The Secretary may award*
10 *a grant under the Program for a highway-rail or pathway-*
11 *rail grade crossing improvement project (including acquir-*
12 *ing real property interests) involving—*

13 “(1) *grade separation or closure, including*
14 *through the use of a bridge, embankment, tunnel, or*
15 *combination thereof;*

16 “(2) *track relocation;*

17 “(3) *the improvement or installation of protec-*
18 *tive devices, signals, signs, or other measures to im-*
19 *prove safety, provided that such activities are related*
20 *to a separation or relocation project described in*
21 *paragraph (1) or (2);*

22 “(4) *other means to improve the safety and mo-*
23 *bility of people and goods at highway-rail grade*
24 *crossings (including technological solutions);*

1 “(5) a group of related projects described in
2 paragraphs (1) through (4) that would collectively
3 improve the mobility of people and goods; or

4 “(6) the planning, environmental review, and
5 design of an eligible project described in paragraphs
6 (1) through (5).

7 “(e) *APPLICATION PROCESS.*—

8 “(1) *IN GENERAL.*—An eligible entity seeking a
9 grant under the Program shall submit an application
10 to the Secretary at such time, in such manner, and
11 containing such information as the Secretary may re-
12 quire.

13 “(2) *RAILROAD APPROVALS.*—

14 “(A) *IN GENERAL.*—Except as provided in
15 subparagraph (B), the Secretary shall require
16 applicants to obtain the necessary approvals
17 from any impacted rail carriers or real property
18 owners before proceeding with the construction of
19 a project funded by a grant under the Program.

20 “(B) *EXCEPTION.*—The requirement under
21 subparagraph (A) shall not apply to planning
22 projects described in subsection (d)(6) if the ap-
23 plicant agrees to work collaboratively with rail
24 carriers and right-of-way owners.

25 “(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, including*
12 *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 award-*
18 *ing grants under the Program, the Secretary shall*
19 *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 fa-
10 cilities; 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 identi-
15 fied in—

16 “(i) the freight investment plan compo-
17 nent 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 cross-
22 ing action plan, as required under section
23 11401(b) of the Passenger Rail Reform and
24 Investment Act of 2015 (title XI of Public
25 Law 114–94); and

1 “(E) the level of financial support provided
2 by impacted rail carriers.

3 “(3) AWARD DISTRIBUTION.—In selecting grants
4 for Program funds in any fiscal year, the Secretary
5 shall comply with the following limitations:

6 “(A) GRANT FUNDS.—Not less than 20 per-
7 cent of the grant funds available for the Program
8 in any fiscal year shall be reserved for projects
9 located in rural areas or on Tribal lands. The
10 requirement under section 22907(l), which ap-
11 plies to this section, shall not apply to grant
12 funds reserved specifically under this subpara-
13 graph. Not less than 5 percent of the grant funds
14 reserved under this subparagraph shall be re-
15 served for projects in counties with 20 or fewer
16 residents per square mile, according to the most
17 recent decennial census, provided that sufficient
18 eligible applications have been submitted.

19 “(B) PLANNING GRANTS.—Not less than 25
20 percent of the grant funds set aside for planning
21 projects in any fiscal year pursuant to section
22 22104(b) of the Passenger Rail Expansion and
23 Rail Safety Act of 2021 shall be awarded for
24 projects located in rural areas or on tribal lands.

1 “(C) *STATE LIMITATION.*—*Not more than*
2 *20 percent of the grant funds available for the*
3 *Program in any fiscal year may be selected for*
4 *projects in any single State.*

5 “(D) *MINIMUM SIZE.*—*No grant awarded*
6 *under this section shall be for less than*
7 *\$1,000,000, except for a planning grant de-*
8 *scribed in subsection (d)(6).*

9 “(g) *COST SHARE.*—*Except as provided in paragraph*
10 *(2), the Federal share of the cost of a project carried out*
11 *using a grant under the Program may not exceed 80 percent*
12 *of the total cost of the project. Applicants may count costs*
13 *incurred for preliminary engineering associated with high-*
14 *way-rail and pathway-rail grade crossing improvement*
15 *projects as part of the total project costs.*

16 “(h) *CONGRESSIONAL NOTIFICATION.*—*Not later than*
17 *3 days before awarding a grant for a project under the Pro-*
18 *gram, the Secretary shall submit written notification of the*
19 *proposed grant to the Committee on Commerce, Science,*
20 *and Transportation of the Senate and the Committee on*
21 *Transportation and Infrastructure of the House of Rep-*
22 *resentatives, which shall include—*

23 “(1) *a summary of the project; and*

24 “(2) *the amount of the proposed grant award.*

1 “(i) *ANNUAL REPORT.*—Not later than 60 days after
2 each round of award notifications, the Secretary shall post,
3 on the public website of the Department of Transpor-
4 tation—

5 “(1) a list of all eligible applicants that sub-
6 mitted an application for funding under the Program
7 during the current fiscal year;

8 “(2) a list of the grant recipients and projects
9 that received grant funding under the Program dur-
10 ing such fiscal year; and

11 “(3) a list of the proposed projects and appli-
12 cants that were determined to be ineligible.

13 “(j) *COMMUTER RAIL ELIGIBILITY AND GRANT CONDI-*
14 *TIONS.*—

15 “(1) *IN GENERAL.*—Section 22905(f) shall not
16 apply to grants awarded under this section for com-
17 muter rail passenger transportation projects.

18 “(2) *ADMINISTRATION OF FUNDS.*—The Sec-
19 retary of Transportation shall transfer amounts
20 awarded under this section for commuter rail pas-
21 senger transportation projects to the Federal Transit
22 Administration, which shall administer such funds in
23 accordance with chapter 53.

24 “(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 Retirement
6 Act of 1974 (45 U.S.C. 231 *et seq.*) who is ad-
7 versely affected by actions taken in connection
8 with the project financed in whole or in part by
9 such grant shall be covered by employee protec-
10 tive arrangements required to be established
11 under section 22905(c)(2)(B).

12 “(B) *IMPLEMENTATION.*—A grant recipient
13 under this section, and the successors, assigns,
14 and contractors of such grant recipient—

15 “(i) shall be bound by the employee
16 protective arrangements required under sub-
17 paragraph (A); and

18 “(ii) shall be responsible for the imple-
19 mentation of such arrangements and for the
20 obligations under such arrangements, but
21 may arrange for another entity to take ini-
22 tial responsibility for compliance with the
23 conditions of such arrangement.

1 “(k) *DEFINED TERM.*—*In this section, the term ‘rural*
 2 *area’ means any area that is not within an area designated*
 3 *as an urbanized area by the Bureau of the Census.’”.*

4 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 5 *229 of title 49, United States Code, is amended by adding*
 6 *at the end the following:*

 “22909. *Railroad Crossing Elimination Program.*”.

7 **SEC. 22306. INTERSTATE RAIL COMPACTS.**

8 (a) *IN GENERAL.*—*Chapter 229 of title 49, United*
 9 *States Code (as amended by section 22305(a)), is further*
 10 *amended by adding at the end the following:*

11 **“§ 22910. Interstate Rail Compacts Grant Program**

12 “(a) *GRANTS AUTHORIZED.*—*The Secretary of Trans-*
 13 *portation shall establish a competitive grant program to*
 14 *provide financial assistance to entities implementing inter-*
 15 *state rail compacts pursuant to section 410 of the Amtrak*
 16 *Reform and Accountability Act of 1997 (49 U.S.C. 24101*
 17 *note) for—*

18 “(1) *costs of administration;*

19 “(2) *systems planning, including studying the*
 20 *impacts on freight rail operations and ridership;*

21 “(3) *promotion of intercity passenger rail oper-*
 22 *ation;*

23 “(4) *preparation of applications for competitive*
 24 *Federal grant programs; and*

25 “(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 Sec-*
6 *retary 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 re-*
10 *gional 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 service*
15 *over routes formerly operated by Amtrak, including*
16 *routes described in section 11304(a) of the Passenger*
17 *Rail Reform and Investment Act of 2015 (title XI of*
18 *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 regional*
2 *rail or corridor service development plans and cor-*
3 *responding environmental analysis; and*

4 “(7) *whether the applicant has engaged with ap-*
5 *propriate government entities and transportation pro-*
6 *viders 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 inter-*
13 *state 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 provide*
20 *a non-Federal match of not less than 50 percent of the eligi-*
21 *ble expenses of carrying out the interstate rail compact*
22 *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 de-*
 5 *scribes—*

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 new,*
 13 *restored, or enhanced rail services initiated under the*
 14 *interstate rail compacts; and*

15 “(5) *any legislative recommendations.”.*

16 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
 17 *229 of title 49, United States Code (as amended by section*
 18 *22305(b)), is amended by adding at the end the following:*
 “22910. *Interstate Rail Compacts Grant Program.*”.

19 (c) *IDENTIFICATION.—Section 410 of the Amtrak Re-*
 20 *form and Accountability Act of 1997 (Public Law 105–134;*
 21 *49 U.S.C. 24101 note) is amended—*

22 (1) *in subsection (b)(2), by striking “(except*
 23 *funds made available for Amtrak)”;* and

24 (2) *by adding at the end the following:*

1 “(c) *NOTIFICATION REQUIREMENT.*—Any State that
2 enters into an interstate compact pursuant to subsection (a)
3 shall notify the Secretary of Transportation of such com-
4 pact not later than 60 days after it is formed. The failure
5 of any State to notify the Secretary under this subsection
6 shall not affect the status of the interstate compact.

7 “(d) *INTERSTATE RAIL COMPACTS PROGRAM.*—The
8 Secretary of Transportation shall—

9 “(1) make available on a publicly accessible
10 website a list of interstate rail compacts established
11 under subsection (a) before the date of enactment of
12 the Passenger Rail Expansion and Rail Safety Act of
13 2021 and interstate rail compacts established after
14 such date; and

15 “(2) make information regarding interstate rail
16 compacts available to the public, including how
17 States may establish interstate rail compacts under
18 subsection (a), and update such information, as nec-
19 essary.”.

20 **SEC. 22307. FEDERAL-STATE PARTNERSHIP FOR INTERCITY**
21 **PASSENGER RAIL GRANTS.**

22 (a) *IN GENERAL.*—Section 24911 of title 49, United
23 States Code, is amended—

1 (1) *in the section heading, by striking “**for***
2 *state of good repair” and inserting “**for inter-***
3 *city 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”;* and

14 (iv) *in subsection (H), as redesignated,*
15 *by striking “(F)” and inserting “(G)”;*

16 (B) *by striking paragraphs (2) and (5); and*

17 (C) *by redesignating paragraphs (3) and*

18 (4) *as paragraphs (2) and (3), respectively;*

19 (3) *in subsection (b), by striking “with respect to*
20 *qualified railroad assets” and inserting “, improve*
21 *performance, or expand or establish new intercity*
22 *passenger rail service, including privately operated*
23 *intercity passenger rail service if an eligible appli-*
24 *cant is involved;”;*

1 (4) *by striking subsections (c) through (e) and*
2 *inserting the following:*

3 “(c) *ELIGIBLE PROJECTS.—The following capital*
4 *projects, including acquisition of real property interests, are*
5 *eligible to receive grants under this section:*

6 “(1) *A project to replace, rehabilitate, or repair*
7 *infrastructure, equipment, or a facility used for pro-*
8 *viding intercity passenger rail service to bring such*
9 *assets into a state of good repair.*

10 “(2) *A project to improve intercity passenger*
11 *rail service performance, including reduced trip*
12 *times, increased train frequencies, higher operating*
13 *speeds, improved reliability, expanded capacity, re-*
14 *duced congestion, electrification, and other improve-*
15 *ments, as determined by the Secretary.*

16 “(3) *A project to expand or establish new inter-*
17 *city passenger rail service.*

18 “(4) *A group of related projects described in*
19 *paragraphs (1) through (3).*

20 “(5) *The planning, environmental studies, and*
21 *final design for a project or group of projects de-*
22 *scribed in paragraphs (1) through (4).*

23 “(d) *PROJECT SELECTION CRITERIA.—In selecting a*
24 *project for funding under this section—*

1 “(1) for projects located on the Northeast Cor-
2 ridor, the Secretary shall—

3 “(A) make selections consistent with the
4 Northeast Corridor Project Inventory published
5 pursuant to subsection (e)(1), unless when nec-
6 essary to address materially changed infrastruc-
7 ture or service conditions, changes in project
8 sponsor capabilities or commitments, or other
9 significant changes since the completion of the
10 most recently issued Northeast Corridor Project
11 Inventory; and

12 “(B) for projects that benefit intercity and
13 commuter rail services, only make such selections
14 when Amtrak and the public authorities pro-
15 viding commuter rail passenger transportation
16 at the eligible project location—

17 “(i) are in compliance with section
18 24905(c)(2); and

19 “(ii) identify funding for the intercity
20 passenger rail share, the commuter rail
21 share, and the local share of the eligible
22 project before the commencement of the
23 project;

24 “(2) for projects not located on the Northeast
25 Corridor, the Secretary shall—

1 “(A) give preference to eligible projects—

2 “(i) for which Amtrak is not the sole
3 applicant;

4 “(ii) that improve the financial per-
5 formance, reliability, service frequency, or
6 address the state of good repair of an Am-
7 trak route; and

8 “(iii) that are identified in, and con-
9 sistent with, a corridor inventory prepared
10 under the Corridor Identification and De-
11 velopment Program pursuant to section
12 25101; and

13 “(B) take into account—

14 “(i) the cost-benefit analysis of the pro-
15 posed project, including anticipated private
16 and public benefits relative to the costs of
17 the proposed project, including—

18 “(I) effects on system and service
19 performance, including as measured by
20 applicable metrics set forth in part 273
21 of title 49, Code of Federal Regulations
22 (or successor regulations);

23 “(II) effects on safety, competi-
24 tiveness, reliability, trip or transit

1 *time, greenhouse gas emissions, and re-*
2 *silience;*

3 “(III) *anticipated positive eco-*
4 *nomical and employment impacts, in-*
5 *cluding development in areas near pas-*
6 *senger stations, historic districts, or*
7 *other opportunity zones;*

8 “(IV) *efficiencies from improved*
9 *connections with other modes; and*

10 “(V) *ability to meet existing or*
11 *anticipated demand;*

12 “(ii) *the degree to which the proposed*
13 *project’s business plan considers potential*
14 *private sector participation in the financ-*
15 *ing, construction, or operation of the pro-*
16 *posed project;*

17 “(iii) *the applicant’s past performance*
18 *in developing and delivering similar*
19 *projects, and previous financial contribu-*
20 *tions;*

21 “(iv) *whether the applicant has, or will*
22 *have—*

23 “(I) *the legal, financial, and tech-*
24 *nical capacity to carry out the project;*

1 “(II) *satisfactory continuing ac-*
2 *cess to the equipment or facilities; and*

3 “(III) *the capability and willing-*
4 *ness to maintain the equipment or fa-*
5 *cilities;*

6 “(v) *if applicable, the consistency of*
7 *the project with planning guidance and doc-*
8 *uments set forth by the Secretary or other-*
9 *wise required by law;*

10 “(vi) *whether the proposed project*
11 *serves historically unconnected or undercon-*
12 *nected communities; and*

13 “(vii) *any other relevant factors, as de-*
14 *termined by the Secretary; and*

15 “(3) *the Secretary shall reserve—*

16 “(A) *not less than 45 percent of the*
17 *amounts appropriated for grants under this sec-*
18 *tion for projects not located along the Northeast*
19 *Corridor, of which not less than 20 percent shall*
20 *be for projects that benefit (in whole or in part)*
21 *a long-distance route; and*

22 “(B) *not less than 45 percent of the*
23 *amounts appropriated for grants under this sec-*
24 *tion for projects listed on the Northeast Corridor*

1 *project inventory published pursuant to sub-*
2 *section (e)(1).*

3 “(e) *LONG-TERM PLANNING.*—*Not later than 1 year*
4 *after the date of enactment of the Passenger Rail Expansion*
5 *and Rail Safety Act of 2021, and every 2 years thereafter,*
6 *the Secretary shall create a predictable project pipeline that*
7 *will assist Amtrak, States, and the public with long-term*
8 *capital planning by publishing a Northeast Corridor*
9 *project inventory that—*

10 “(1) *identifies capital projects for Federal invest-*
11 *ment, project applicants, and proposed Federal fund-*
12 *ing levels under this section;*

13 “(2) *specifies the order in which the Secretary*
14 *will provide grant funding to projects that have iden-*
15 *tified sponsors and are located along the Northeast*
16 *Corridor, including a method and plan for appor-*
17 *tioning funds to project sponsors for the 2-year pe-*
18 *riod, which may be altered by the Secretary, as nec-*
19 *essary, if recipients are not carrying out projects in*
20 *accordance with the anticipated schedule;*

21 “(3) *takes into consideration the appropriate se-*
22 *quence and phasing of projects described in the North-*
23 *east Corridor capital investment plan developed pur-*
24 *suant to section 24904(a);*

1 “(4) is consistent with the most recent Northeast
2 Corridor service development plan update described in
3 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 next
7 5 fiscal years based on information currently avail-
8 able to the Secretary; and

9 “(6) is developed in consultation with the North-
10 east Corridor Commission and the owners of North-
11 east Corridor infrastructure and facilities.”;

12 (5) in subsection (f)(2), by inserting “, except as
13 specified under paragraph (4)” after “80 percent”;

14 (6) in subsection (g)—

15 (A) in the subsection heading, by inserting
16 “; PHASED FUNDING AGREEMENTS” after “IN-
17 TENT”;

18 (B) in paragraph (1)—

19 (i) in the paragraph heading, by strik-
20 ing “IN GENERAL” and inserting “LETTERS
21 OF INTENT”; and

22 (ii) by striking “shall, to the maximum
23 extent practicable,” and inserting “may”;

24 (C) by redesignating paragraphs (2) and
25 (3) as paragraphs (3) and (4), respectively;

1 (D) by inserting after paragraph (1) the fol-
2 lowing:

3 “(2) *PHASED FUNDING AGREEMENTS.*—

4 “(A) *IN GENERAL.*—The Secretary may
5 enter into a phased funding agreement with an
6 applicant if—

7 “(i) the project is highly rated, based
8 on the evaluations and ratings conducted
9 pursuant to this section and the applicable
10 notice of funding opportunity; and

11 “(ii) the Federal assistance to be pro-
12 vided for the project under this section is
13 more than \$80,000,000.

14 “(B) *TERMS.*—A phased funding agreement
15 shall—

16 “(i) establish the terms of participa-
17 tion by the Federal Government in the
18 project;

19 “(ii) establish the maximum amount of
20 Federal financial assistance for the project;

21 “(iii) include the period of time for
22 completing the project, even if such period
23 extends beyond the period for which Federal
24 financial assistance is authorized;

1 “(iv) *make timely and efficient man-*
2 *agement of the project easier in accordance*
3 *with Federal law; and*

4 “(v) *if applicable, specify when the*
5 *process for complying with the National*
6 *Environmental Policy Act of 1969 (42*
7 *U.S.C. 4321 et seq.) and related environ-*
8 *mental laws will be completed for the*
9 *project.*

10 “(C) *SPECIAL FINANCIAL RULES.—*

11 “(i) *IN GENERAL.—A phased funding*
12 *agreement under this paragraph obligates*
13 *an amount of available budget authority*
14 *specified in law and may include a commit-*
15 *ment, contingent on amounts to be specified*
16 *in law in advance for commitments under*
17 *this paragraph, to obligate an additional*
18 *amount from future available budget au-*
19 *thority specified in law.*

20 “(ii) *STATEMENT OF CONTINGENT COM-*
21 *MITMENT.—The agreement shall state that*
22 *the contingent commitment is not an obli-*
23 *gation of the Government.*

24 “(iii) *INTEREST AND OTHER FINANC-*
25 *ING COSTS.—Interest and other financing*

1 *costs of efficiently carrying out a part of the*
2 *project within a reasonable time are a cost*
3 *of carrying out the project under a phased*
4 *funding agreement, except that eligible costs*
5 *may not be more than the cost of the most*
6 *favorable financing terms reasonably avail-*
7 *able for the project at the time of borrowing.*
8 *The applicant shall certify, to the satisfac-*
9 *tion of the Secretary, that the applicant has*
10 *shown reasonable diligence in seeking the*
11 *most favorable financing terms.*

12 *“(iv) FAILURE TO CARRY OUT*
13 *PROJECT.—If an applicant does not carry*
14 *out the project for reasons within the con-*
15 *trol of the applicant, the applicant shall*
16 *repay all Federal grant funds awarded for*
17 *the project from all Federal funding sources,*
18 *for all project activities, facilities, and*
19 *equipment, plus reasonable interest and*
20 *penalty charges allowable by law or estab-*
21 *lished by the Secretary in the phased fund-*
22 *ing agreement. For purposes of this clause,*
23 *a process for complying with the National*
24 *Environmental Policy Act of 1969 (42*
25 *U.S.C. 4321 et seq.) that results in the selec-*

1 *tion of the no build alternative is not with-*
2 *in the applicant's control.*

3 “(v) *CREDITING OF FUNDS RE-*
4 *CEIVED.—Any funds received by the Gov-*
5 *ernment under this paragraph, except for*
6 *interest and penalty charges, shall be cred-*
7 *ited to the appropriation account from*
8 *which the funds were originally derived.”;*

9 *(E) in paragraph (3), as redesignated—*

10 *(i) in subparagraph (A), in the matter*
11 *preceding clause (i), by inserting “a phased*
12 *funding agreement under paragraph (2) or”*
13 *after “issuing”; and*

14 *(ii) in subparagraph (B)(i), by insert-*
15 *ing “the phased funding agreement or” after*
16 *“a copy of”; and*

17 *(F) in paragraph (4), as redesignated—*

18 *(i) by striking “An obligation” and in-*
19 *serting the following:*

20 *“(B) APPROPRIATIONS REQUIRED.—An ob-*
21 *ligation”; and*

22 *(ii) by inserting before subparagraph*
23 *(B), as added by clause (i), the following:*

24 *“(A) IN GENERAL.—The Secretary may*
25 *enter into phased funding agreements under this*

1 *subsection that contain contingent commitments*
2 *to incur obligations in such amounts as the Sec-*
3 *retary determines are appropriate.”;*

4 *(7) in subsection (i), by striking “section 22905”*
5 *and inserting “sections 22903 and 22905”; and*

6 *(8) by adding at the end the following:*

7 *“(j) ANNUAL REPORT ON PHASED FUNDING AGREE-*
8 *MENTS AND LETTERS OF INTENT.—Not later than the first*
9 *Monday in February of each year, the Secretary shall sub-*
10 *mit a report to the Committee on Commerce, Science, and*
11 *Transportation of the Senate, the Committee on Appropria-*
12 *tions of the Senate, the Committee on Transportation and*
13 *Infrastructure of the House of Representatives, and the*
14 *Committee on Appropriations of the House of Representa-*
15 *tives that includes—*

16 *“(1) a proposal for the allocation of amounts to*
17 *be available to finance grants for projects under this*
18 *section among applicants for such amounts;*

19 *“(2) evaluations and ratings, as applicable, for*
20 *each project that has received a phased funding agree-*
21 *ment or a letter of intent; and*

22 *“(3) recommendations for each project that has*
23 *received a phased funding agreement or a letter of in-*
24 *tent for funding based on the evaluations and ratings,*
25 *as applicable, and on existing commitments and an-*

1 *ticipated funding levels for the next 3 fiscal years*
2 *based on information currently available to the Sec-*
3 *retary.*

4 “(k) *REGIONAL PLANNING GUIDANCE CORRIDOR*
5 *PLANNING.—The Secretary may withhold up to 5 percent*
6 *of the total amount made available for this section to carry*
7 *out planning and development activities related to section*
8 *25101, including—*

9 *“(1) providing funding to public entities for the*
10 *development of service development plans selected*
11 *under the Corridor Identification and Development*
12 *Program;*

13 *“(2) facilitating and providing guidance for*
14 *intercity passenger rail systems planning; and*

15 *“(3) providing funding for the development and*
16 *refinement of intercity passenger rail systems plan-*
17 *ning analytical tools and models.”.*

18 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
19 *249 of title 49, United States Code, is amended by striking*
20 *the item relating to section 24911 and inserting the fol-*
21 *lowing:*

“24911. Federal-State partnership for intercity passenger rail.”.

1 **SEC. 22308. CORRIDOR IDENTIFICATION AND DEVELOP-**
 2 **MENT PROGRAM.**

3 (a) *IN GENERAL.*—Part C of subtitle V of title 49,
 4 *United States Code*, is amended by adding at the end the
 5 *following*:

6 **“CHAPTER 251—PASSENGER RAIL**
 7 **PLANNING**

“Sec.

“25101. Corridor Identification and Development Program.

8 **“§25101. Corridor Identification and Development**
 9 **Program**

10 “(a) *IN GENERAL.*—Not later than 180 days after the
 11 *date of enactment of the Passenger Rail Expansion and*
 12 *Rail Safety Act of 2021, the Secretary of Transportation*
 13 *shall establish a program to facilitate the development of*
 14 *intercity passenger rail corridors. The program shall in-*
 15 *clude—*

16 “(1) *a process for eligible entities described in*
 17 *subsection (b) to submit proposals for the development*
 18 *of intercity passenger rail corridors;*

19 “(2) *a process for the Secretary to review and se-*
 20 *lect proposals in accordance with subsection (c);*

21 “(3) *criteria for determining the level of readi-*
 22 *ness for Federal financial assistance of an intercity*
 23 *passenger rail corridor, which shall include—*

1 “(A) identification of a service operator
2 which may include Amtrak or private rail car-
3 riers;

4 “(B) identification of a service sponsor or
5 sponsors;

6 “(C) identification capital project sponsors;

7 “(D) engagement with the host railroads;
8 and

9 “(E) other criteria as determined appro-
10 priate by the Secretary;

11 “(4) a process for preparing service development
12 plans in accordance with subsection (d), including the
13 identification of planning funds, such as funds made
14 available under section 24911(k) and interstate rail
15 compact grants established under section 22210;

16 “(5) the creation of a pipeline of intercity pas-
17 senger rail corridor projects under subsection (g);

18 “(6) planning guidance to achieve the purposes
19 of this section, including guidance for intercity pas-
20 senger rail corridors not selected under this section;
21 and

22 “(7) such other features as the Secretary con-
23 siders relevant to the successful development of inter-
24 city passenger rail corridors.

1 “(b) *ELIGIBLE ENTITIES.*—*The Secretary may receive*
2 *proposals under this section from Amtrak, States, groups*
3 *of States, entities implementing interstate compacts, re-*
4 *gional passenger rail authorities, regional planning organi-*
5 *zations, political subdivisions of a State, federally recog-*
6 *nized Indian Tribes, and other public entities, as deter-*
7 *mined by the Secretary.*

8 “(c) *CORRIDOR SELECTION.*—*In selecting intercity*
9 *passenger rail corridors pursuant to subsection (a), the Sec-*
10 *retary shall consider—*

11 “(1) *whether the route was identified as part of*
12 *a regional or interregional intercity passenger rail*
13 *systems planning study;*

14 “(2) *projected ridership, revenues, capital invest-*
15 *ment, and operating funding requirements;*

16 “(3) *anticipated environmental, congestion miti-*
17 *gation, and other public benefits;*

18 “(4) *projected trip times and their competitive-*
19 *ness with other transportation modes;*

20 “(5) *anticipated positive economic and employ-*
21 *ment impacts, including development in the areas*
22 *near passenger stations, historic districts, or other op-*
23 *portunity zones;*

1 “(6) committed or anticipated State, regional
2 transportation authority, or other non-Federal fund-
3 ing for operating and capital costs;

4 “(7) benefits to rural communities;

5 “(8) whether the corridor is included in a State’s
6 approved State rail plan developed pursuant to chap-
7 ter 227;

8 “(9) whether the corridor serves historically
9 unserved or underserved and low-income communities
10 or areas of persistent poverty;

11 “(10) whether the corridor would benefit or im-
12 prove connectivity with existing or planned transpor-
13 tation services of other modes;

14 “(11) whether the corridor connects at least 2 of
15 the 100 most populated metropolitan areas;

16 “(12) whether the corridor would enhance the re-
17 gional equity and geographic diversity of intercity
18 passenger rail service;

19 “(13) whether the corridor is or would be inte-
20 grated into the national rail passenger transportation
21 system and whether the corridor would create benefits
22 for other passenger rail routes and services; and

23 “(14) whether a passenger rail operator, includ-
24 ing a private rail carrier, has expressed support for
25 the corridor.

1 “(d) *SERVICE DEVELOPMENT PLANS.*—For each cor-
2 *ridor proposal selected for development under this section,*
3 *the Secretary shall partner with the entity that submitted*
4 *the proposal, relevant States, and Amtrak, as appropriate,*
5 *to prepare a service development plan (or to update an ex-*
6 *isting service development plan), which shall include—*

7 “(1) *a detailed description of the proposed inter-*
8 *city passenger rail service, including train fre-*
9 *quencies, peak and average operating speeds, and trip*
10 *times;*

11 “(2) *a corridor project inventory that—*

12 “(A) *identifies the capital projects necessary*
13 *to achieve the proposed intercity passenger rail*
14 *service, including—*

15 “(i) *the capital projects for which Fed-*
16 *eral investment will be sought;*

17 “(ii) *the likely project applicants; and*

18 “(iii) *the proposed Federal funding*
19 *levels;*

20 “(B) *specifies the order in which Federal*
21 *funding will be sought for the capital projects*
22 *identified under subparagraph (A), after consid-*
23 *ering the appropriate sequence and phasing of*
24 *projects based on the anticipated availability of*
25 *funds; and*

1 “(C) is developed in consultation with the
2 entities listed in subsection (e);

3 “(3) a schedule and any associated phasing of
4 projects and related service initiation or changes;

5 “(4) project sponsors and other entities expected
6 to participate in carrying out the plan;

7 “(5) a description of how the corridor would
8 comply with Federal rail safety and security laws, or-
9 ders, and regulations;

10 “(6) the locations of existing and proposed sta-
11 tions;

12 “(7) the needs for rolling stock and other equip-
13 ment;

14 “(8) a financial plan identifying projected—

15 “(A) annual revenues;

16 “(B) annual ridership;

17 “(C) capital investments before service could
18 be initiated;

19 “(D) capital investments required to main-
20 tain service;

21 “(E) annual operating and costs; and

22 “(F) sources of capital investment and oper-
23 ating financial support;

1 “(9) a description of how the corridor would con-
2 tribute to the development of a multi-State regional
3 network of intercity passenger rail;

4 “(10) an intermodal plan describing how the
5 new or improved corridor facilitates travel connec-
6 tions with other passenger transportation services;

7 “(11) a description of the anticipated environ-
8 mental benefits of the corridor; and

9 “(12) a description of the corridor’s impacts on
10 highway and aviation congestion, energy consump-
11 tion, land use, and economic development in the serv-
12 ice area.

13 “(e) *CONSULTATION.*—In partnering on the prepara-
14 tion of a service development plan under subsection (d), the
15 Secretary shall consult with—

16 “(1) Amtrak;

17 “(2) appropriate State and regional transpor-
18 tation authorities and local officials;

19 “(3) representatives of employee labor organiza-
20 tions representing railroad and other appropriate em-
21 ployees;

22 “(4) host railroads for the proposed corridor; and

23 “(5) other stakeholders, as determined by the Sec-
24 retary.

1 “(f) *UPDATES.*—*Every 5 years, after the initial devel-*
2 *opment of the service development plan under subsection*
3 *(d), if at least 40 percent of the work to implement a service*
4 *development plan prepared under subsection (d) has not yet*
5 *been completed, the plan’s sponsor, in consultation with the*
6 *Secretary, shall determine whether such plan should be up-*
7 *dated.*

8 “(g) *PROJECT PIPELINE.*—*Not later than 1 year after*
9 *the establishment of the program under this section, and*
10 *by February 1st of each year thereafter, the Secretary shall*
11 *submit to the Committee on Commerce, Science, and Trans-*
12 *portation of the Senate, the Committee on Appropriations*
13 *of the Senate, and the Committee on Transportation and*
14 *Infrastructure of the House of Representatives, and the*
15 *Committee on Appropriations of the House of Representa-*
16 *tives a project pipeline, in accordance with this section,*
17 *that—*

18 “(1) *identifies intercity passenger rail corridors*
19 *selected for development under this section;*

20 “(2) *identifies capital projects for Federal invest-*
21 *ment, project applicants, and proposed Federal fund-*
22 *ing levels, as applicable, consistent with the corridor*
23 *project inventory;*

24 “(3) *specifies the order in which the Secretary*
25 *would provide Federal financial assistance, subject to*

1 *the availability of funds, to projects that have identi-*
2 *fied sponsors, including a method and plan for ap-*
3 *portioning funds to project sponsors for a 5-year pe-*
4 *riod, which may be altered by the Secretary, as nec-*
5 *essary, if recipients are not carrying out projects on*
6 *the anticipated schedule;*

7 *“(4) takes into consideration the appropriate se-*
8 *quence and phasing of projects described in the cor-*
9 *ridor project inventory;*

10 *“(5) takes into consideration the existing com-*
11 *mitments and anticipated Federal, project applicant,*
12 *sponsor, and other relevant funding levels for the next*
13 *5 fiscal years based on information currently avail-*
14 *able to the Secretary;*

15 *“(6) is prioritized based on the level of readiness*
16 *of the corridor; and*

17 *“(7) reflects consultation with Amtrak.*

18 *“(h) DEFINITION.—In this section, the term ‘intercity*
19 *passenger rail corridor’ means—*

20 *“(1) a new intercity passenger rail route of less*
21 *than 750 miles;*

22 *“(2) the enhancement of an existing intercity*
23 *passenger rail route of less than 750 miles;*

1 “(3) the restoration of service over all or portions
2 of an intercity passenger rail route formerly operated
3 by Amtrak; or

4 “(4) the increase of service frequency of a long-
5 distance intercity passenger rail route.”.

6 (b) *CLERICAL AMENDMENT.*—The table of chapters for
7 subtitle V of title 49, United States Code, is amended by
8 inserting after the item relating to chapter 249 the fol-
9 lowing:

 “**Chapter 251. Passenger rail planning25101**”.

10 **SEC. 22309. SURFACE TRANSPORTATION BOARD PAS-**
11 **SENGER RAIL PROGRAM.**

12 *The Surface Transportation Board shall—*

13 (1) *establish a passenger rail program with pri-*
14 *mary responsibility for carrying out the Board’s pas-*
15 *senger rail responsibilities; and*

16 (2) *hire up to 10 additional full-time employees*
17 *to assist in carrying out the responsibilities referred*
18 *to in paragraph (1).*

19 **Subtitle D—Rail Safety**

20 **SEC. 22401. RAILWAY-HIGHWAY CROSSINGS PROGRAM EVAL-**
21 **UATION.**

22 (a) *IN GENERAL.*—Not later than 3 years after the
23 date of enactment of this Act, the Secretary shall evaluate
24 the requirements of the railway-highway crossings program

1 *authorized under section 130 of title 23, United States Code,*
2 *to determine whether—*

3 (1) *the requirements of the program provide*
4 *States sufficient flexibility to adequately address cur-*
5 *rent and emerging highway-rail grade crossing safety*
6 *issues;*

7 (2) *the structure of the program provides suffi-*
8 *cient incentives and resources to States and local*
9 *agencies to make changes at highway-rail grade cross-*
10 *ings that are most effective at reducing deaths and in-*
11 *juries;*

12 (3) *there are appropriate tools and resources to*
13 *support States in using data driven programs to de-*
14 *termine the most cost-effective use of program funds;*
15 *and*

16 (4) *any statutory changes are recommended to*
17 *improve the effectiveness of the program.*

18 (b) *REPORT.—Not later than 4 years after the date*
19 *of enactment of this Act, the Secretary shall submit a report*
20 *to the Committee on Commerce, Science, and Transpor-*
21 *tation of the Senate, the Committee on Environment and*
22 *Public Works of the Senate, and the Committee on Trans-*
23 *portation and Infrastructure of the House of Representa-*
24 *tives that summarizes and describes the results of the eval-*

1 *uation conducted pursuant to subsection (a), including any*
 2 *recommended statutory changes.*

3 **SEC. 22402. GRADE CROSSING ACCIDENT PREDICTION**
 4 **MODEL.**

5 *Not later than 2 years after the date of enactment of*
 6 *this Act, the Administrator of the Federal Railroad Admin-*
 7 *istration shall—*

8 *(1) update the grade crossing accident prediction*
 9 *and severity model used by the Federal Railroad Ad-*
 10 *ministration to analyze accident risk at highway-rail*
 11 *grade crossings; and*

12 *(2) provide training on the use of the updated*
 13 *grade crossing accident prediction and severity model.*

14 **SEC. 22403. PERIODIC UPDATES TO HIGHWAY-RAIL CROSS-**
 15 **ING REPORTS AND PLANS.**

16 *(a) HIGHWAY-RAIL GRADE CROSSING SAFETY.—Sec-*
 17 *tion 11401 of the Fixing America’s Surface Transportation*
 18 *Act (Public Law 114–94; 49 U.S.C. 22907 note) is amend-*
 19 *ed—*

20 *(1) by striking subsection (c); and*

21 *(2) by redesignating subsections (d) and (e) as*
 22 *subsections (c) and (d), respectively.*

23 *(b) REPORTS ON HIGHWAY-RAIL GRADE CROSSING*
 24 *SAFETY.—*

1 *grade crossings, including crossings with mul-*
2 *tiple accidents or incidents;*

3 “(2) *the progress of each State in implementing*
4 *its State highway-rail grade crossings action plan;*

5 “(3) *the number of highway-rail grade crossing*
6 *projects undertaken pursuant to section 130 of title*
7 *23, including the distribution of such projects by cost*
8 *range, road system, nature of treatment, and subse-*
9 *quent accident experience at improved locations;*

10 “(4) *which States are not in compliance with*
11 *their schedule of projects under section 130(d) of title*
12 *23; and*

13 “(5) *any recommendations for future implemen-*
14 *tation of the railway-highway crossings program*
15 *under section 130 of title 23.*

16 “(b) *UPDATES.—Not later than 5 years after the sub-*
17 *mission of the report required under subsection (a), the Ad-*
18 *ministrator of the Federal Railroad Administration, in*
19 *consultation with the Administrator of the Federal High-*
20 *way Administration, shall—*

21 “(1) *update the report based on the State annual*
22 *reports submitted pursuant to section 130(g) of title*
23 *23 and any other information obtained by or avail-*
24 *able to the Administrator of the Federal Railroad Ad-*
25 *ministration; and*

1 “(2) submit the updated report to the Committee
2 on Commerce, Science, and Transportation of the
3 Senate and the Committee on Transportation and In-
4 frastructure of the House of Representatives.

5 “(c) *DEFINITIONS.*—*In this section:*

6 “(1) *HIGHWAY-RAIL GRADE CROSSING.*—*The*
7 *term ‘highway-rail grade crossing’ means a location*
8 *within a State, other than a location at which 1 or*
9 *more railroad tracks cross 1 or more railroad tracks*
10 *at grade, at which—*

11 “(A) *a public highway, road, or street, or a*
12 *private roadway, including associated sidewalks*
13 *and pathways, crosses 1 or more railroad tracks,*
14 *either at grade or grade-separated; or*

15 “(B) *a pathway explicitly authorized by a*
16 *public authority or a railroad carrier that—*

17 “(i) *is dedicated for the use of non-*
18 *vehicular traffic, including pedestrians,*
19 *bicyclists, and others;*

20 “(ii) *is not associated with a public*
21 *highway, road, or street, or a private road-*
22 *way; and*

23 “(iii) *crosses 1 or more railroad tracks,*
24 *either at grade or grade-separated.*

1 “(2) *STATE*.—The term ‘State’ means a State of
2 the United States or the District of Columbia.”.

3 (2) *CLERICAL AMENDMENT*.—The analysis for
4 chapter 201 of title 49, United States Code, is amend-
5 ed by inserting after the item relating to section
6 20166 the following:

“20167. Reports on highway-rail grade crossing safety.”.

7 (c) *ANNUAL REPORT*.—Section 130(g) of title 23,
8 United States Code, is amended to read as follows:

9 “(g) *ANNUAL REPORT*.—

10 “(1) *IN GENERAL*.—Not later than August 31 of
11 each year, each State shall submit a report to the Ad-
12 ministrator of the Federal Highway Administration
13 that describes—

14 “(A) the progress being made to implement
15 the railway-highway crossings program author-
16 ized under this section; and

17 “(B) the effectiveness of the improvements
18 made as a result of such implementation.

19 “(2) *CONTENTS*.—Each report submitted pursu-
20 ant to paragraph (1) shall contain an assessment
21 of—

22 “(A) the costs of the various treatments em-
23 ployed by the State to implement the railway-
24 highway crossings program; and

1 “(B) the effectiveness of such treatments, as
2 measured by the accident experience at the loca-
3 tions that received such treatments.

4 “(3) COORDINATION.—Not later than 30 days
5 after the Federal Highway Administration’s accept-
6 ance of each report submitted pursuant to paragraph
7 (1), the Administrator of the Federal Highway Ad-
8 ministration shall make such report available to the
9 Administrator of the Federal Railroad Administra-
10 tion.”.

11 **SEC. 22404. BLOCKED CROSSING PORTAL.**

12 (a) *IN GENERAL.*—The Administrator of the Federal
13 *Railroad Administration shall establish a 3-year blocked*
14 *crossing portal, which shall include the maintenance of the*
15 *portal and corresponding database to receive, store, and re-*
16 *trieve information regarding blocked highway-rail grade*
17 *crossings.*

18 (b) *BLOCKED CROSSING PORTAL.*—The Administrator
19 *of the Federal Railroad Administration shall establish a*
20 *blocked crossing portal that—*

21 (1) *collects information from the public, includ-*
22 *ing first responders, regarding blocked highway-rail*
23 *grade crossing events;*

24 (2) *solicits the apparent cause of the blocked*
25 *crossing and provides examples of common causes of*

1 *blocked crossings, such as idling trains or instances*
2 *when lights or gates are activated when no train is*
3 *present;*

4 *(3) provides each complainant with the contact*
5 *information for reporting a blocked crossing to the*
6 *relevant railroad; and*

7 *(4) encourages each complainant to report the*
8 *blocked crossing to the relevant railroad.*

9 *(c) COMPLAINTS.—The blocked crossing portal shall be*
10 *programmed to receive complaints from the general public*
11 *about blocked highway-rail grade crossings. Any complaint*
12 *reported through the portal shall indicate whether the com-*
13 *plainant also reported the blocked crossing to the relevant*
14 *railroad.*

15 *(d) INFORMATION RECEIVED.—In reviewing com-*
16 *plaints received pursuant to subsection (c), the Federal*
17 *Railroad Administration shall review, to the extent prac-*
18 *ticable, the information received from the complainant to*
19 *account for duplicative or erroneous reporting.*

20 *(e) USE OF INFORMATION.—The information received*
21 *and maintained in the blocked crossing portal database*
22 *shall be used by the Federal Railroad Administration—*

23 *(1) to identify frequent and long-duration*
24 *blocked highway-rail grade crossings;*

1 (2) *as a basis for conducting outreach to commu-*
2 *nities, emergency responders, and railroads;*

3 (3) *to support collaboration in the prevention of*
4 *incidents at highway-rail grade crossings; and*

5 (4) *to assess the impacts of blocked crossings.*

6 (f) *SHARING INFORMATION RECEIVED.—*

7 (1) *IN GENERAL.—The Administrator of the Fed-*
8 *eral Railroad Administration shall implement and*
9 *make publicly available procedures for sharing any*
10 *nonaggregated information received through the*
11 *blocked crossing portal with the public.*

12 (2) *RULE OF CONSTRUCTION.—Nothing in this*
13 *section may be construed to authorize the Federal*
14 *Railroad Administration to make publically available*
15 *sensitive security information.*

16 (g) *ADDITIONAL INFORMATION.—If the information*
17 *submitted to the blocked crossing portal is insufficient to*
18 *determine the locations and potential impacts of blocked*
19 *highway-rail grade crossings, the Federal Railroad Admin-*
20 *istration may collect, from the general public, State and*
21 *local law enforcement personnel, and others as appropriate,*
22 *and on a voluntary basis, such additional information as*
23 *may be necessary to make such determinations.*

1 (h) *LIMITATIONS.*—*Complaints, data, and other infor-*
2 *mation received through the blocked crossing portal may not*
3 *be used—*

4 (1) *to infer or extrapolate the rate or instances*
5 *of crossings beyond the data received through the por-*
6 *tal; or*

7 (2) *for any regulatory or enforcement purposes*
8 *except those specifically described in this section.*

9 (i) *REPORTS.*—

10 (1) *ANNUAL PUBLIC REPORT.*—*The Adminis-*
11 *trator of the Federal Railroad Administration shall*
12 *publish an annual report on a public website regard-*
13 *ing the blocked crossing program, including the un-*
14 *derlying causes of blocked crossings, program chal-*
15 *lenges, and other findings.*

16 (2) *REPORT TO CONGRESS.*—*Not later than 1*
17 *year after the date of enactment of this Act, the Ad-*
18 *ministrator of the Federal Railroad Administration*
19 *shall submit a report to the Committee on Commerce,*
20 *Science, and Transportation of the Senate and the*
21 *Committee on Transportation and Infrastructure of*
22 *the House of Representatives that describes—*

23 (A) *based on the information received*
24 *through the blocked crossing portal, frequent and*
25 *long-duration blocked highway-rail grade cross-*

1 ings, including the locations, dates, durations,
2 and impacts resulting from such occurrences;

3 (B) the Federal Railroad Administration's
4 process for verifying the accuracy of the com-
5 plaints submitted to the blocked crossing portal,
6 including whether the portal continues to be ef-
7 fective in collecting such information and identi-
8 fying blocked crossings;

9 (C) the Federal Railroad Administration's
10 use of the data compiled by the blocked crossing
11 portal to assess the underlying cause and overall
12 impacts of blocked crossings;

13 (D) the engagement of the Federal Railroad
14 Administration with affected parties to identify
15 and facilitate solutions to frequent and long-du-
16 ration blocked highway-rail grade crossings iden-
17 tified by the blocked crossing portal; and

18 (E) whether the blocked crossing portal con-
19 tinues to be an effective method to collect blocked
20 crossing information and what changes could
21 improve its effectiveness.

22 (j) *SUNSET*.—This section (other than subsection (k))
23 shall have no force or effect beginning on the date that is
24 3 years after the date of enactment of this Act.

1 (k) *RULE OF CONSTRUCTION.*—Nothing in this section
2 may be construed to invalidate any authority of the Sec-
3 retary with respect to blocked highway-rail grade crossings.
4 The Secretary may continue to use any such authority after
5 the sunset date set forth in subsection (j).

6 **SEC. 22405. DATA ACCESSIBILITY.**

7 (a) *REVIEW.*—Not later than 180 days after the date
8 of enactment of this Act, the Chief Information Officer of
9 the Department shall—

10 (1) conduct a review of the website of the Office
11 of Safety Analysis of the Federal Railroad Adminis-
12 tration; and

13 (2) provide recommendations to the Secretary for
14 improving the public’s usability and accessibility of
15 the website referred to in paragraph (1).

16 (b) *UPDATES.*—Not later than 1 year after receiving
17 recommendations from the Chief Information Officer pursu-
18 ant to subsection (a)(2), the Secretary, after considering
19 such recommendations, shall update the website of the Office
20 of Safety Analysis of the Federal Railroad Administration
21 to improve the usability and accessibility of the website.

22 **SEC. 22406. EMERGENCY LIGHTING.**

23 Not later than 1 year after the date of enactment of
24 this Act, the Secretary shall initiate a rulemaking to re-
25 quire that all rail carriers providing intercity passenger

1 *rail transportation or commuter rail passenger transpor-*
2 *tation (as such terms are defined in section 24102 of title*
3 *49, United States Code), develop and implement periodic*
4 *inspection plans to ensure that passenger equipment offered*
5 *for revenue service complies with the requirements under*
6 *part 238 of title 49, Code of Federal Regulations, including*
7 *ensuring that, in the event of a loss of power, there is ade-*
8 *quate emergency lighting available to allow passengers,*
9 *crew members, and first responders—*

10 (1) *to see and orient themselves;*

11 (2) *to identify obstacles;*

12 (3) *to safely move throughout the rail car; and*

13 (4) *to evacuate safely.*

14 **SEC. 22407. COMPREHENSIVE RAIL SAFETY REVIEW OF AM-**
15 **TRAK.**

16 (a) *COMPREHENSIVE SAFETY ASSESSMENT.—Not*
17 *later than 1 year after the date of enactment of this Act,*
18 *the Secretary shall—*

19 (1) *conduct a focused review of Amtrak’s safety-*
20 *related processes and procedures, compliance with*
21 *safety regulations and requirements, and overall safe-*
22 *ty culture; and*

23 (2) *submit a report to the Committee on Com-*
24 *merce, Science, and Transportation of the Senate and*
25 *the Committee on Transportation and Infrastructure*

1 *of the House of Representatives that includes the find-*
2 *ings and recommendations resulting from such assess-*
3 *ment.*

4 **(b) PLAN.**—

5 **(1) INITIAL PLAN.**—*Not later than 6 months*
6 *after the completion of the comprehensive safety as-*
7 *essment under subsection (a)(1), Amtrak shall submit*
8 *a plan to the Committee on Commerce, Science, and*
9 *Transportation of the Senate and the Committee on*
10 *Transportation and Infrastructure of the House of*
11 *Representatives for addressing the findings and rec-*
12 *ommendations raised in the comprehensive safety as-*
13 *essment.*

14 **(2) ANNUAL UPDATES.**—*Amtrak shall submit an-*
15 *nuual updates of its progress toward implementing the*
16 *plan submitted pursuant to paragraph (1) to the*
17 *committees listed in such paragraph.*

18 **SEC. 22408. COMPLETION OF HOURS OF SERVICE AND FA-**

19 **TIGUE STUDIES.**

20 **(a) IN GENERAL.**—*Not later than 90 days after the*
21 *date of enactment of this Act, the Administrator of the Fed-*
22 *eral Railroad Administration shall commence the pilot pro-*
23 *grams required under subparagraphs (A) and (B) of section*
24 *21109(e)(1) of title 49, United States Code.*

1 (b) *CONSULTATION.*—*The Federal Railroad Adminis-*
2 *tration shall consult with the class or craft of employees*
3 *impacted by the pilot projects, including railroad carriers,*
4 *and representatives of labor organizations representing the*
5 *impacted employees when designing and conducting the*
6 *pilot programs referred to in subsection (a).*

7 (c) *REPORT.*—*If the pilot programs required under*
8 *section 21109(e)(1) of title 49, United States Code, have not*
9 *commenced on the date that is 1 year and 120 days after*
10 *the date of enactment of this Act, the Secretary, not later*
11 *than 30 days after such date, submit a report to the Com-*
12 *mittee on Commerce, Science, and Transportation of the*
13 *Senate and the Committee on Transportation and Infra-*
14 *structure of the House of Representatives that describes—*

15 (1) *the status of such pilot programs;*

16 (2) *actions that the Federal Railroad Adminis-*
17 *tration has taken to commence the pilot programs, in-*
18 *cluding efforts to recruit participant railroads;*

19 (3) *any challenges impacting the commencement*
20 *of the pilot programs; and*

21 (4) *any other details associated with the develop-*
22 *ment of the pilot programs that affect progress toward*
23 *meeting the mandate under such section 21109(e)(1).*

1 **SEC. 22409. POSITIVE TRAIN CONTROL STUDY.**

2 (a) *STUDY.*—*The Comptroller General of the United*
3 *States shall conduct a study to determine the annual posi-*
4 *tive train control system operation and maintenance costs*
5 *for public commuter railroads.*

6 (b) *REPORT.*—*Not later than 2 years after the date*
7 *of enactment of this Act, the Comptroller General of the*
8 *United States shall submit a report to the Committee on*
9 *Commerce, Science, and Transportation of the Senate and*
10 *the Committee on Transportation and Infrastructure of the*
11 *House of Representatives that summarizes the study con-*
12 *ducted pursuant to subsection (a), including the estimated*
13 *annual positive train control system operation and mainte-*
14 *nance costs for public commuter railroads.*

15 **SEC. 22410. OPERATING CREW MEMBER TRAINING, QUALI-**
16 **FICATION, AND CERTIFICATION.**

17 (a) *AUDITS.*—*Not later than 60 days after the date*
18 *of enactment of this Act, the Secretary shall initiate audits*
19 *of the training, qualification, and certification programs*
20 *of locomotive engineers and conductors of railroad carriers,*
21 *subject to the requirements of parts 240 and 242 of title*
22 *49, Code of Federal Regulations, which audits shall—*

23 (1) *be conducted in accordance with subsection*

24 (b);

25 (2) *consider whether such programs are in com-*
26 *pliance with such parts 240 and 242;*

1 (3) assess the type and content of training that
2 such programs provide locomotive engineers and con-
3 ductors, relevant to their respective roles, including
4 training related to installed technology;

5 (4) determine whether such programs provide lo-
6 comotive engineers and conductors the knowledge,
7 skill, and ability to safely operate a locomotive or
8 train, consistent with such parts 240 and 242;

9 (5) determine whether such programs reflect the
10 current operating practices of the railroad carrier;

11 (6) assess the current practice by which railroads
12 utilize simulator training, or any other technologies
13 used to train and qualify locomotive engineers and
14 conductors by examining how such technologies are
15 used;

16 (7) consider international experience and prac-
17 tice using similar technology, as appropriate, par-
18 ticularly before qualifying locomotive engineers on
19 new or unfamiliar equipment, new train control,
20 diagnostics, or other on-board technology;

21 (8) assess the current practice for familiarizing
22 locomotive engineers and conductors with new terri-
23 tory and using recurrency training to expose such
24 personnel to normal and abnormal conditions; and

1 (9) ensure that locomotive engineers and con-
2 ductor training programs are considered separately,
3 as appropriate, based on the unique requirements and
4 regulations.

5 (b) *AUDIT SCHEDULING.*—The Secretary shall—

6 (1) schedule the audits required under subsection

7 (a) to ensure that—

8 (A) each Class I railroad, including the Na-
9 tional Railroad Passenger Corporation and other
10 intercity passenger rail providers, is audited not
11 less frequently than once every 5 years; and

12 (B) a select number, as determined appro-
13 priate by the Secretary, of Class II and Class III
14 railroads, along with other railroads providing
15 passenger rail service that are not included in
16 subparagraph (A), are audited annually; and

17 (2) conduct the audits described in paragraph
18 (1)(B) in accordance with the Small Business Regu-
19 latory Enforcement Fairness Act of 1996 (5 U.S.C.
20 601 note) and appendix C of part 209 of title 49,
21 Code of Federal Regulations.

22 (c) *UPDATES TO QUALIFICATION AND CERTIFICATION*
23 PROGRAM.—If the Secretary, while conducting the audits
24 required under this section, identifies a deficiency in a rail-
25 road’s training, qualification, and certification program for

1 *locomotive engineers or conductors, the railroad shall up-*
2 *date the program to eliminate such deficiency.*

3 *(d) CONSULTATION AND COOPERATION.—*

4 *(1) CONSULTATION.—In conducting any audit*
5 *required under this section, the Secretary shall con-*
6 *sult with the railroad and its employees, including*
7 *any nonprofit employee labor organization rep-*
8 *resenting the engineers or conductors of the railroad.*

9 *(2) COOPERATION.—The railroad and its em-*
10 *ployees, including any nonprofit employee labor orga-*
11 *nization representing engineers or conductors of the*
12 *railroad, shall fully cooperate with any such audit,*
13 *including by—*

14 *(A) providing any relevant documents re-*
15 *quested; and*

16 *(B) making available any employees for*
17 *interview without undue delay or obstruction.*

18 *(3) FAILURE TO COOPERATE.—If the Secretary*
19 *determines that a railroad or any of its employees,*
20 *including any nonprofit employee labor organization*
21 *representing engineers or conductors of the railroad is*
22 *not fully cooperating with an audit, the Secretary*
23 *shall electronically notify the Committee on Com-*
24 *merce, Science, and Transportation of the Senate and*

1 *the Committee on Transportation and Infrastructure*
2 *of the House of Representatives.*

3 *(e) REVIEW OF REGULATIONS.—The Secretary shall*
4 *triennially determine whether any update to part 240 or*
5 *242 of title 49, Code of Federal Regulations, is necessary*
6 *to better prepare locomotive engineers and conductors to*
7 *safely operate trains by evaluating whether such regulations*
8 *establish appropriate Federal standards requiring rail-*
9 *roads—*

10 *(1) to provide locomotive engineers or conductors*
11 *the knowledge and skills to safely operate trains under*
12 *conditions that reflect industry practices;*

13 *(2) to adequately address locomotive engineer or*
14 *conductor route situational awareness, including en-*
15 *sureing locomotive engineers and conductors to dem-*
16 *onstrate knowledge on the physical characteristics of*
17 *a territory under various conditions and using var-*
18 *ious resources;*

19 *(3) to provide relevant and adequate hands-on*
20 *training before a locomotive engineer or conductor is*
21 *certified;*

22 *(4) to adequately prepare locomotive engineers or*
23 *conductors to understand relevant locomotive oper-*
24 *ating characteristics, to include instructions on func-*

1 *tions they are required to operate on any installed*
2 *technology; and*

3 *(5) to address any other safety issue that the*
4 *Secretary determines to be appropriate for better pre-*
5 *paring locomotive engineers or conductors.*

6 *(f) ANNUAL REPORT.—The Secretary shall publish an*
7 *annual report on the public website of the Federal Railroad*
8 *Administration that—*

9 *(1) summarizes the findings of the prior year’s*
10 *audits;*

11 *(2) summarizes any updates made pursuant to*
12 *subsection (c); and*

13 *(3) excludes and confidential business informa-*
14 *tion or sensitive security information.*

15 **SEC. 22411. TRANSPARENCY AND SAFETY.**

16 *Section 20103(d) of title 49, United States Code, is*
17 *amended to read as follows:*

18 *“(d) NONEMERGENCY WAIVERS.—*

19 *“(1) IN GENERAL.—The Secretary of Transpor-*
20 *tation may waive, or suspend the requirement to com-*
21 *ply with, any part of a regulation prescribed or an*
22 *order issued under this chapter if such waiver or sus-*
23 *pension is in the public interest and consistent with*
24 *railroad safety.*

25 *“(2) NOTICE REQUIRED.—The Secretary shall—*

1 “(A) provide timely public notice of any re-
2 quest for a waiver under this subsection or for a
3 suspension under subpart E of part 211 of title
4 49, Code of Federal Regulations, or successor reg-
5 ulations;

6 “(B) make available the application for
7 such waiver or suspension and any nonconfiden-
8 tial underlying data to interested parties;

9 “(C) provide the public with notice and a
10 reasonable opportunity to comment on a pro-
11 posed waiver or suspension under this subsection
12 before making a final decision; and

13 “(D) publish on a publicly accessible
14 website the reasons for granting each such waiver
15 or suspension.

16 “(3) INFORMATION PROTECTION.—Nothing in
17 this subsection may be construed to require the release
18 of information protected by law from public disclo-
19 sure.

20 “(4) RULEMAKING.—

21 “(A) IN GENERAL.—Not later than 1 year
22 after the first day on which a waiver under this
23 subsection or a suspension under subpart E of
24 part 211 of title 49, Code of Federal Regulations,
25 or successor regulations, has been in continuous

1 effect for a 6-year period, the Secretary shall
2 complete a review and analysis of such waiver or
3 suspension to determine whether issuing a rule
4 that is consistent with the waiver is—

5 “(i) in the public interest; and

6 “(ii) consistent with railroad safety.

7 “(B) *FACTORS.*—In conducting the review
8 and analysis under subparagraph (A), the Sec-
9 retary shall consider—

10 “(i) the relevant safety record under
11 the waiver or suspension;

12 “(ii) the likelihood that other entities
13 would have similar safety outcomes;

14 “(iii) the materials submitted in the
15 applications, including any comments re-
16 garding such materials; and

17 “(iv) related rulemaking activity.

18 “(C) *NOTICE AND COMMENT.*—

19 “(i) *IN GENERAL.*—The Secretary shall
20 publish the review and analysis required
21 under this paragraph in the *Federal Reg-*
22 *ister*, which shall include a summary of the
23 data collected and all relevant underlying
24 data, if the Secretary decides not to initiate

1 a regulatory update under subparagraph
2 (D).

3 “(ii) NOTICE OF PROPOSED RULE-
4 MAKING.—The review and analysis under
5 this paragraph shall be included as part of
6 the notice of proposed rulemaking if the
7 Secretary initiates a regulatory update
8 under subparagraph (D).

9 “(D) REGULATORY UPDATE.—The Secretary
10 may initiate a rulemaking to incorporate rel-
11 evant aspects of a waiver under this subsection
12 or a suspension under subpart E of part 211 of
13 title 49, Code of Federal Regulations, or suc-
14 cessor regulations, into the relevant regulation, to
15 the extent the Secretary considers appropriate.

16 “(5) RULE OF CONSTRUCTION.—Nothing in this
17 subsection may be construed to delay any waiver
18 granted pursuant to this subsection that is in the
19 public interest and consistent with railroad safety.”.

20 **SEC. 22412. RESEARCH AND DEVELOPMENT.**

21 Section 20108 of title 49, United States Code, is
22 amended by adding at the end the following:

23 “(d) FACILITIES.—The Secretary may erect, alter, and
24 repair buildings and make other public improvements to
25 carry out necessary railroad research, safety, and training

1 *activities at the Transportation Technology Center in Pueb-*
2 *lo, Colorado.*

3 “(e) *OFFSETTING COLLECTIONS.*—*The Secretary may*
4 *collect fees or rents from facility users to offset appropriated*
5 *amounts for the cost of providing facilities or research, de-*
6 *velopment, testing, training, or other services, including*
7 *long-term sustainment of the on-site physical plant.*

8 “(f) *REVOLVING FUND.*—*Amounts appropriated to*
9 *carry out subsection (d) and all fees and rents collected pur-*
10 *suant to subsection (e) shall be credited to a revolving fund*
11 *and remain available until expended. The Secretary may*
12 *use such fees and rents for operation, maintenance, repair,*
13 *or improvement of the Transportation Technology Center.*

14 “(g) *LEASES AND CONTRACTS.*—*Notwithstanding sec-*
15 *tion 1302 of title 40, the Secretary may lease to others or*
16 *enter into contracts for terms of up to 20 years, for such*
17 *consideration and subject to such terms and conditions as*
18 *the Secretary determines to be in the best interests of the*
19 *Government of the United States, for the operation, mainte-*
20 *nance, repair, and improvement of the Transportation*
21 *Technology Center.*

22 “(h) *PROPERTY AND CASUALTY LOSS INSURANCE.*—
23 *The Secretary may allow its lessees and contractors to pur-*
24 *chase property and casualty loss insurance for its assets*
25 *and activities at the Transportation Technology Center to*

1 *mitigate the lessee's or contractor's risk associated with op-*
 2 *erating a facility.*

3 “(i) *ENERGY PROJECTS.*—Notwithstanding section
 4 1341 of title 31, the Secretary may enter into contracts or
 5 agreements, or commit to obligations in connection with
 6 third-party contracts or agreements, including contingent
 7 liability for the purchase of electric power in connection
 8 with such contracts or agreements, for terms not to exceed
 9 20 years, to enable the use of the land at the Transportation
 10 Technology Center for projects to produce energy from re-
 11 newable sources.”.

12 **SEC. 22413. RAIL RESEARCH AND DEVELOPMENT CENTER**
 13 **OF EXCELLENCE.**

14 Section 20108 of title 49, United States Code, as
 15 amended by section 22412, is further amended by adding
 16 at the end the following:

17 “(j) *RAIL RESEARCH AND DEVELOPMENT CENTER OF*
 18 *EXCELLENCE.*—

19 “(1) *CENTER OF EXCELLENCE.*—The Secretary
 20 shall award grants to establish and maintain a center
 21 of excellence to advance research and development that
 22 improves the safety, efficiency, and reliability of pas-
 23 senger and freight rail transportation.

24 “(2) *ELIGIBILITY.*—An institution of higher edu-
 25 cation (as defined in section 101 of the Higher Edu-

1 *tion Act of 1965 (20 U.S.C. 1001)) or a consortium*
2 *of nonprofit institutions of higher education shall be*
3 *eligible to receive a grant from the center established*
4 *pursuant to paragraph (1).*

5 “(3) *SELECTION CRITERIA.—In awarding a*
6 *grant under this subsection, the Secretary shall—*

7 “(A) *give preference to applicants with*
8 *strong past performance related to rail research,*
9 *education, and workforce development activities;*

10 “(B) *consider the extent to which the appli-*
11 *cant would involve public and private sector*
12 *passenger and freight railroad operators; and*

13 “(C) *consider the regional and national im-*
14 *pacts of the applicant’s proposal.*

15 “(4) *USE OF FUNDS.—Grant funds awarded*
16 *pursuant to this subsection shall be used for basic and*
17 *applied research, evaluation, education, workforce de-*
18 *velopment, and training efforts related to safety,*
19 *project delivery, efficiency, reliability, resiliency, and*
20 *sustainability of urban commuter, intercity high-*
21 *speed, and freight rail transportation, to include ad-*
22 *vances in rolling stock, advanced positive train con-*
23 *trol, human factors, rail infrastructure, shared cor-*
24 *ridors, grade crossing safety, inspection technology,*
25 *remote sensing, rail systems maintenance, network re-*

1 *siliency, operational reliability, energy efficiency, and*
2 *other advanced technologies.*

3 “(5) *FEDERAL SHARE.*—*The Federal share of a*
4 *grant awarded under this subsection shall be 50 per-*
5 *cent of the cost of establishing and operating the cen-*
6 *ter of excellence and related research activities carried*
7 *out by the grant recipient.”.*

8 **SEC. 22414. QUARTERLY REPORT ON POSITIVE TRAIN CON-**
9 **TROL SYSTEM PERFORMANCE.**

10 *Section 20157 of title 49, United States Code, is*
11 *amended by adding at the end the following:*

12 “(m) *REPORTS ON POSITIVE TRAIN CONTROL SYSTEM*
13 *PERFORMANCE.*—

14 “(1) *IN GENERAL.*—*Each host railroad subject to*
15 *this section or subpart I of part 236 of title 49, Code*
16 *of Federal Regulations, shall electronically submit to*
17 *the Secretary of Transportation a Report of PTC Sys-*
18 *tem Performance on Form FRA F 6180.152, which*
19 *shall be submitted on or before the applicable due date*
20 *set forth in paragraph (3) and contain the informa-*
21 *tion described in paragraph (2), which shall be sepa-*
22 *rated by the host railroad, each applicable tenant*
23 *railroad, and each positive train control-governed*
24 *track segment, consistent with the railroad’s positive*

1 *train control Implementation Plan described in sub-*
2 *section (a)(1).*

3 “(2) *REQUIRED INFORMATION.—Each report*
4 *submitted pursuant to paragraph (1) shall include,*
5 *for the applicable reporting period—*

6 “(A) *the number of positive train control*
7 *system initialization failures, disaggregated by*
8 *the number of initialization failures for which*
9 *the source or cause was the onboard subsystem,*
10 *the wayside subsystem, the communications sub-*
11 *system, the back office subsystem, or a non-posi-*
12 *tive train control component;*

13 “(B) *the number of positive train control*
14 *system cut outs, disaggregated by each compo-*
15 *nent listed in subparagraph (A) that was the*
16 *source or cause of such cut outs;*

17 “(C) *the number of positive train control*
18 *system malfunctions, disaggregated by each com-*
19 *ponent listed in subparagraph (A) that was the*
20 *source or cause of such malfunctions;*

21 “(D) *the number of enforcements by the*
22 *positive train control system;*

23 “(E) *the number of enforcements by the*
24 *positive train control system in which it is rea-*

1 *sonable to assume an accident or incident was*
2 *prevented;*

3 *“(F) the number of scheduled attempts at*
4 *initialization of the positive train control sys-*
5 *tem;*

6 *“(G) the number of train miles governed by*
7 *the positive train control system; and*

8 *“(H) a summary of any actions the host*
9 *railroad and its tenant railroads are taking to*
10 *reduce the frequency and rate of initialization*
11 *failures, cut outs, and malfunctions, such as any*
12 *actions to correct or eliminate systemic issues*
13 *and specific problems.*

14 *“(3) DUE DATES.—*

15 *“(A) IN GENERAL.—Except as provided in*
16 *subparagraph (B), each host railroad shall elec-*
17 *tronically submit the report required under*
18 *paragraph (1) not later than—*

19 *“(i) April 30, for the period from Jan-*
20 *uary 1 through March 31;*

21 *“(ii) July 31, for the period from April*
22 *1 through June 30;*

23 *“(iii) October 31, for the period from*
24 *July 1 through September 30; and*

1 “(iv) *January 31, for the period from*
2 *October 1 through December 31 of the prior*
3 *calendar year.*

4 “(B) *FREQUENCY REDUCTION.*—*Beginning*
5 *on the date that is 3 years after the date of en-*
6 *actment of the Passenger Rail Expansion and*
7 *Rail Safety Act of 2021, the Secretary shall re-*
8 *duce the frequency with which host railroads are*
9 *required to submit the report described in para-*
10 *graph (1) to not less frequently than twice per*
11 *year, unless the Secretary—*

12 “(i) *determines that quarterly report-*
13 *ing is in the public interest; and*

14 “(ii) *publishes a justification for such*
15 *determination in the Federal Register.*

16 “(4) *TENANT RAILROADS.*—*Each tenant railroad*
17 *that operates on a host railroad’s positive train con-*
18 *trol-governed main line and is not currently subject*
19 *to an exception under section 236.1006(b) of title 49,*
20 *Code of Federal Regulations, shall submit the infor-*
21 *mation described in paragraph (2) to each applicable*
22 *host railroad on a continuous basis.*

23 “(5) *ENFORCEMENTS.*—*Any railroad operating*
24 *a positive train control system classified under Fed-*
25 *eral Railroad Administration Type Approval number*

1 *FRA-TA-2010-001 or FRA-TA-2013-003 shall*
2 *begin submitting the metric required under para-*
3 *graph (2)(D) not later than January 31, 2023.”.*

4 **SEC. 22415. SPEED LIMIT ACTION PLANS.**

5 *(a) CODIFICATION OF, AND AMENDMENT TO, SECTION*
6 *11406 OF THE FAST ACT.—Subchapter II of chapter 201*
7 *of subtitle V of title 49, United States Code, is amended*
8 *by inserting after section 20168 the following:*

9 **“§ 20169. Speed limit action plans**

10 *“(a) IN GENERAL.—Not later than March 3, 2016,*
11 *each railroad carrier providing intercity rail passenger*
12 *transportation or commuter rail passenger transportation,*
13 *in consultation with any applicable host railroad carrier,*
14 *shall survey its entire system and identify each main track*
15 *location where there is a reduction of more than 20 miles*
16 *per hour from the approach speed to a curve, bridge, or*
17 *tunnel and the maximum authorized operating speed for*
18 *passenger trains at that curve, bridge, or tunnel.*

19 *“(b) ACTION PLANS.—Not later than 120 days after*
20 *the date that the survey under subsection (a) is complete,*
21 *a railroad carrier described in subsection (a) shall submit*
22 *to the Secretary of Transportation an action plan that—*

23 *“(1) identifies each main track location where*
24 *there is a reduction of more than 20 miles per hour*
25 *from the approach speed to a curve, bridge, or tunnel*

1 *and the maximum authorized operating speed for*
2 *passenger trains at that curve, bridge, or tunnel;*

3 “(2) *describes appropriate actions to enable*
4 *warning and enforcement of the maximum authorized*
5 *speed for passenger trains at each location identified*
6 *under paragraph (1), including—*

7 “(A) *modification to automatic train con-*
8 *trol systems, if applicable, or other signal sys-*
9 *tems;*

10 “(B) *increased crew size;*

11 “(C) *installation of signage alerting train*
12 *crews of the maximum authorized speed for pas-*
13 *senger trains in each location identified under*
14 *paragraph (1);*

15 “(D) *installation of alerters;*

16 “(E) *increased crew communication; and*

17 “(F) *other practices;*

18 “(3) *contains milestones and target dates for im-*
19 *plementing each appropriate action described under*
20 *paragraph (2); and*

21 “(4) *ensures compliance with the maximum au-*
22 *thorized speed at each location identified under para-*
23 *graph (1).*

24 “(c) *APPROVAL.—Not later than 90 days after the date*
25 *on which an action plan is submitted under subsection (b)*

1 or (d)(2), the Secretary shall approve, approve with condi-
2 tions, or disapprove the action plan.

3 “(d) *PERIODIC REVIEWS AND UPDATES.*—Each rail-
4 road carrier that submits an action plan to the Secretary
5 pursuant to subsection (b) shall—

6 “(1) not later than 1 year after the date of enact-
7 ment of the Passenger Rail Expansion and Rail Safe-
8 ty Act of 2021, and annually thereafter, review such
9 plan to ensure the effectiveness of actions taken to en-
10 able warning and enforcement of the maximum au-
11 thorized speed for passenger trains at each location
12 identified pursuant to subsection (b)(1); and

13 “(2) not later than 90 days before implementing
14 any significant operational or territorial operating
15 change, including initiating a new service or route,
16 submit to the Secretary a revised action plan, after
17 consultation with any applicable host railroad, that
18 addresses such operational or territorial operating
19 change.

20 “(e) *NEW SERVICE.*—If a railroad carrier providing
21 intercity rail passenger transportation or commuter rail
22 passenger transportation did not exist on the date of enact-
23 ment of the FAST Act (Public Law 114–94; 129 Stat.
24 1312), such railroad carrier, in consultation with any ap-
25 plicable host railroad carrier, shall—

1 “(1) survey its routes pursuant to subsection (a)
2 not later than 90 days after the date of enactment of
3 the Passenger Rail Expansion and Rail Safety Act of
4 2021; and

5 “(2) develop an action plan pursuant to sub-
6 section (b) not later than 120 days after the date on
7 which such survey is complete.

8 “(f) *ALTERNATIVE SAFETY MEASURES.*—The Sec-
9 retary may exempt from the requirements under this section
10 each segment of track for which operations are governed by
11 a positive train control system certified under section
12 20157, or any other safety technology or practice that would
13 achieve an equivalent or greater level of safety in reducing
14 derailment risk.

15 “(g) *PROHIBITION.*—No new intercity or commuter
16 rail passenger service may begin operation unless the rail-
17 road carrier providing such service is in compliance with
18 the requirements under this section.

19 “(h) *SAVINGS CLAUSE.*—Nothing in this section may
20 be construed to prohibit the Secretary from applying the
21 requirements under this section to other segments of track
22 at high risk of overspeed derailment.”.

23 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
24 201 of subtitle V of title 49, United States Code, is amended
25 by adding at the end the following:

“20169. Speed limit action plans.”.

1 **SEC. 22416. NEW PASSENGER SERVICE PRE-REVENUE SAFE-**
2 **TY VALIDATION PLAN.**

3 (a) *IN GENERAL.*—Subchapter II of chapter 201 of
4 subtitle V of title 49, United States Code, as amended by
5 section 22415, is further amended by adding at the end the
6 following:

7 **“§ 20170. Pre-revenue service safety validation plan**

8 “(a) *PLAN SUBMISSION.*—Any railroad providing
9 new, regularly scheduled, intercity or commuter rail pas-
10 senger transportation, an extension of existing service, or
11 a renewal of service that has been discontinued for more
12 than 180 days shall develop and submit for review a com-
13 prehensive pre-revenue service safety validation plan to the
14 Secretary of Transportation not later than 60 days before
15 initiating such revenue service. Such plan shall include per-
16 tinent safety milestones and a minimum period of simu-
17 lated revenue service to ensure operational readiness and
18 that all safety sensitive personnel are properly trained and
19 qualified.

20 “(b) *COMPLIANCE.*—After submitting a plan pursuant
21 to subsection (a), the railroad shall adopt and comply with
22 such plan and may not amend the plan without first noti-
23 fying the Secretary of the proposed amendment. Revenue
24 service may not begin until the railroad has completed the
25 requirements of its plan, including the minimum simulated
26 service period required by the plan.

1 “(c) *RULEMAKING.*—*The Secretary shall promulgate*
2 *regulations to carry out this section, including—*

3 “(1) *requiring that any identified safety defi-*
4 *ciencies be addressed and corrected before the initi-*
5 *ation of revenue service; and*

6 “(2) *establishing appropriate deadlines to enable*
7 *the Secretary to review and approve the pre-revenue*
8 *service safety validation plan to ensure that service is*
9 *not unduly delayed.”.*

10 “(b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
11 *201 of title 49, United States Code, as amended by section*
12 *22415(b), is further amended by adding at the end the fol-*
13 *lowing:*

 “20170. *Pre-revenue service safety validation plan.*”.

14 **SEC. 22417. FEDERAL RAILROAD ADMINISTRATION ACCI-**
15 **DENT AND INCIDENT INVESTIGATIONS.**

16 *Section 20902 of title 49, United States Code, is*
17 *amended—*

18 (1) *in subsection (b) by striking “subpena” and*
19 *inserting “subpoena”; and*

20 (2) *by adding at the end the following:*

21 “(d) *GATHERING INFORMATION AND TECHNICAL EX-*
22 *PERTISE.*—

23 “(1) *IN GENERAL.*—*The Secretary shall create a*
24 *standard process for investigators to use during acci-*
25 *dent and incident investigations conducted under this*

1 *section for determining when it is appropriate and*
2 *the appropriate method for—*

3 *“(A) gathering information about an acci-*
4 *dent or incident under investigation from rail-*
5 *road carriers, contractors or employees of rail-*
6 *road carriers or representatives of employees of*
7 *railroad carriers, and others, as determined rel-*
8 *evant by the Secretary; and*

9 *“(B) consulting with railroad carriers, con-*
10 *tractors or employees of railroad carriers or rep-*
11 *resentatives of employees of railroad carriers,*
12 *and others, as determined relevant by the Sec-*
13 *retary, for technical expertise on the facts of the*
14 *accident or incident under investigation.*

15 *“(2) CONFIDENTIALITY.—In developing the proc-*
16 *ess required under paragraph (1), the Secretary shall*
17 *factor in ways to maintain the confidentiality of any*
18 *entity identified under paragraph (1) if—*

19 *“(A) such entity requests confidentiality;*

20 *“(B) such entity was not involved in the ac-*
21 *cident or incident; and*

22 *“(C) maintaining such entity’s confiden-*
23 *tiality does not adversely affect an investigation*
24 *of the Federal Railroad Administration.*

1 “(3) *APPLICABILITY.*—*This subsection shall not*
2 *apply to any investigation carried out by the Na-*
3 *tional Transportation Safety Board.*”.

4 **SEC. 22418. CIVIL PENALTY ENFORCEMENT AUTHORITY.**

5 *Section 21301(a) of title 49, United States Code, is*
6 *amended by striking paragraph (3) and inserting the fol-*
7 *lowing:*

8 “(3) *The Secretary may find that a person has violated*
9 *this chapter or a regulation prescribed or order, special per-*
10 *mit, or approval issued under this chapter only after notice*
11 *and an opportunity for a hearing. The Secretary shall im-*
12 *pose a penalty under this section by giving the person writ-*
13 *ten notice of the amount of the penalty. The Secretary may*
14 *compromise the amount of a civil penalty by settlement*
15 *agreement without issuance of an order. In determining the*
16 *amount of a compromise, the Secretary shall consider—*

17 “(A) *the nature, circumstances, extent, and grav-*
18 *ity of the violation;*

19 “(B) *with respect to the violator, the degree of*
20 *culpability, any history of violations, the ability to*
21 *pay, and any effect on the ability to continue to do*
22 *business; and*

23 “(C) *other matters that justice requires.*

24 “(4) *The Attorney General may bring a civil action*
25 *in an appropriate district court of the United States to col-*

1 lect a civil penalty imposed or compromise under this sec-
 2 tion and any accrued interest on the civil penalty. In the
 3 civil action, the amount and appropriateness of the civil
 4 penalty shall not be subject to review.”.

5 **SEC. 22419. ADVANCING SAFETY AND INNOVATIVE TECH-**
 6 **NOLOGY.**

7 (a) *IN GENERAL.*—Section 26103 of title 49, United
 8 States Code, is amended to read as follows:

9 **“§26103. Safety regulations and evaluation**

10 “The Secretary—

11 “(1) shall promulgate such safety regulations as
 12 may be necessary for high-speed rail services;

13 “(2) shall, before promulgating such regulations,
 14 consult with developers of new high-speed rail tech-
 15 nologies to develop a method for evaluating safety per-
 16 formance; and

17 “(3) may solicit feedback from relevant safety ex-
 18 perts or representatives of rail employees who perform
 19 work on similar technology or who may be expected
 20 to perform work on new technology, as appropriate.”.

21 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
 22 261 of title 49, United States Code, is amended by striking
 23 the item relating to section 26103 and inserting the fol-
 24 lowing:

“26103. Safety regulations and evaluation.”.

1 **SEC. 22420. PASSENGER RAIL VEHICLE OCCUPANT PROTEC-**
2 **TION SYSTEMS.**

3 (a) *STUDY.*—*The Administrator of the Federal Rail-*
4 *road Administration shall conduct a study of the potential*
5 *installation and use in new passenger rail rolling stock of*
6 *passenger rail vehicle occupant protection systems that*
7 *could materially improve passenger safety.*

8 (b) *CONSIDERATIONS.*—*In conducting the study under*
9 *subsection (a), the Administrator shall consider minimizing*
10 *the risk of secondary collisions, including estimating the*
11 *costs and benefits of the new requirements, through the use*
12 *of—*

13 (1) *occupant restraint systems;*

14 (2) *air bags;*

15 (3) *emergency window retention systems; and*

16 (4) *interior designs, including seats, baggage re-*
17 *straints, and table configurations and attachments.*

18 (c) *REPORT.*—*Not later than 2 years after the date of*
19 *enactment of this Act, the Administrator shall—*

20 (1) *submit a report summarizing the findings of*
21 *the study conducted pursuant to subsection (a) to the*
22 *Committee on Commerce, Science, and Transpor-*
23 *tation of the Senate and the Committee on Transpor-*
24 *tation and Infrastructure of the House of Representa-*
25 *tives; and*

1 (2) *publish such report on the website of the Fed-*
2 *eral Railroad Administration.*

3 (d) *RULEMAKING.—Following the completion of the*
4 *study required under subsection (a), and after considering*
5 *the costs and benefits of the proposed protection systems,*
6 *the Administrator may promulgate a rule that establishes*
7 *standards for the use of occupant protection systems in new*
8 *passenger rail rolling stock.*

9 **SEC. 22421. FEDERAL RAILROAD ADMINISTRATION REPORT-**
10 **ING REQUIREMENTS.**

11 (a) *ELIMINATION OF DUPLICATIVE OR UNNECESSARY*
12 *REPORTING OR PAPERWORK REQUIREMENTS IN THE FED-*
13 *ERAL RAILROAD ADMINISTRATION.—*

14 (1) *REVIEW.—The Administrator of the Federal*
15 *Railroad Administration (referred to in this sub-*
16 *section as the “FRA Administrator”), in consultation*
17 *with the Administrator of the Federal Transit Ad-*
18 *ministration, shall conduct a review of existing re-*
19 *porting and paperwork requirements in the Federal*
20 *Railroad Administration to determine if any such re-*
21 *quirements are duplicative or unnecessary.*

22 (2) *ELIMINATION OF CERTAIN REQUIREMENTS.—*
23 *If the FRA Administrator determines, as a result of*
24 *the review conducted pursuant to paragraph (1), that*
25 *any reporting or paperwork requirement that is not*

1 *statutorily required is duplicative or unnecessary, the*
2 *FRA Administrator, after consultation with the Ad-*
3 *ministrator of the Federal Transit Administration,*
4 *shall terminate such requirement.*

5 (3) *REPORT.*—*Not later than 1 year after the*
6 *date of enactment of this Act, the FRA Administrator*
7 *shall submit a report to the Committee on Commerce,*
8 *Science, and Transportation of the Senate and the*
9 *Committee on Transportation and Infrastructure of*
10 *the House of Representatives that—*

11 (A) *identifies all of the reporting or paper-*
12 *work requirements that were terminated pursu-*
13 *ant to paragraph (2); and*

14 (B) *identifies any statutory reporting or*
15 *paperwork requirements that are duplicative or*
16 *unnecessary and should be repealed.*

17 (b) *SAFETY REPORTING.*—*Not later than 1 year after*
18 *the date of enactment of this Act, and annually thereafter*
19 *for the following 4 years, the Secretary shall update Special*
20 *Study Block 49 on Form FRA F 6180.54 (Rail Equipment*
21 *Accident/Incident Report) to collect, with respect to trains*
22 *involved in accidents required to be reported to the Federal*
23 *Railroad Administration—*

24 (1) *the number of cars and length of the involved*
25 *trains; and*

1 (2) *the number of crew members who were*
2 *aboard a controlling locomotive involved in an acci-*
3 *dent at the time of such accident.*

4 **SEC. 22422. NATIONAL ACADEMIES STUDY ON TRAINS**
5 **LONGER THAN 7,500 FEET.**

6 (a) *STUDY.*—*The Secretary shall seek to enter into an*
7 *agreement with the National Academies to conduct a study*
8 *on the operation of freight trains that are longer than 7,500*
9 *feet.*

10 (b) *ELEMENTS.*—*The study conducted pursuant to*
11 *subsection (a) shall—*

12 (1) *examine any potential impacts to safety from*
13 *the operation of freight trains that are longer than*
14 *7,500 feet and the mitigation of any identified risks,*
15 *including—*

16 (A) *any potential changes in the risk of loss*
17 *of communications between the end of train de-*
18 *vice and the locomotive cab, including commu-*
19 *nications over differing terrains and conditions;*

20 (B) *any potential changes in the risk of loss*
21 *of radio communications between crew members*
22 *when a crew member alights from the train, in-*
23 *cluding communications over differing terrains*
24 *and conditions;*

1 (C) any potential changes in the risk of
2 derailments, including any risks associated with
3 in-train compressive forces and slack action or
4 other safety risks in the operations of such trains
5 in differing terrains and conditions;

6 (D) any potential impacts associated with
7 the deployment of multiple distributed power
8 units in the consists of such trains; and

9 (E) any potential impacts on braking and
10 locomotive performance and track wear and tear;

11 (2) evaluate any impacts on scheduling and effi-
12 ciency of passenger operations and in the shipping of
13 goods by freight as a result of longer trains;

14 (3) determine whether additional engineer and
15 conductor training is required for safely operating
16 such trains;

17 (4) assess the potential impact on the amount of
18 time and frequency of occurrence highway-rail grade
19 crossings are occupied; and

20 (5) identify any potential environmental im-
21 pacts, including greenhouse gas emissions, that have
22 resulted from the operation of longer trains.

23 (c) COMPARISON.—When evaluating the potential im-
24 pacts of the operation of trains longer than 7,500 feet under
25 subsection (b), the impacts of such trains shall be compared

1 *to the impacts of trains that are shorter than 7,500 feet,*
2 *after taking into account train frequency.*

3 (d) *REPORT.*—*Not later than 2 years after the date*
4 *of enactment of this Act, the Secretary shall submit a report*
5 *to the Committee on Commerce, Science, and Transporta-*
6 *tion of the Senate and the Committee on Transportation*
7 *and Infrastructure of the House of Representatives that con-*
8 *tains the results of the study conducted by the National*
9 *Academies under this section.*

10 (e) *FUNDING.*—*From the amounts appropriated for*
11 *fiscal year 2021 pursuant to the authorization under sec-*
12 *tion 20117(a) of title 49, United States Code, the Secretary*
13 *shall expend not less than \$1,000,000 and not more than*
14 *\$2,000,000 to carry out the study required under this sec-*
15 *tion.*

16 **SEC. 22423. HIGH-SPEED TRAIN NOISE EMISSIONS.**

17 (a) *IN GENERAL.*—*Section 17 of the Noise Control Act*
18 *of 1972 (42 U.S.C. 4916) is amended—*

19 (1) *by redesignating subsections (c) and (d) as*
20 *subsections (d) and (e), respectively; and*

21 (2) *by inserting after subsection (b) the fol-*
22 *lowing:*

23 “(c) *HIGH-SPEED TRAIN NOISE EMISSIONS.*—

24 “(1) *IN GENERAL.*—*The Secretary of Transporta-*
25 *tion, in consultation with the Administrator, may*

1 *prescribe regulations governing railroad-related noise*
2 *emission standards for trains operating on the gen-*
3 *eral railroad system of transportation at speeds ex-*
4 *ceeding 160 miles per hour, including noise related to*
5 *magnetic levitation systems and other new tech-*
6 *nologies not traditionally associated with railroads.*

7 “(2) *FACTORS IN RULEMAKING.*—*The regulations*
8 *prescribed pursuant to paragraph (1) may—*

9 “(A) *consider variances in maximum pass-*
10 *by noise with respect to the speed of the equip-*
11 *ment;*

12 “(B) *account for current engineering best*
13 *practices; and*

14 “(C) *encourage the use of noise mitigation*
15 *techniques to the extent reasonable if the benefits*
16 *exceed the costs.*

17 “(3) *CONVENTIONAL-SPEED TRAINS.*—*Railroad-*
18 *related noise regulations prescribed under subsection*
19 *(a) shall continue to govern noise emissions from the*
20 *operation of trains, including locomotives and rail*
21 *cars, when operating at speeds not exceeding 160*
22 *miles per hour.”.*

23 (b) *TECHNICAL AMENDMENT.*—*The second sentence of*
24 *section 17(b) of the Noise Control Act of 1972 (42 U.S.C.*
25 *4916(b)) is amended by striking “the Safety Appliance*

1 *Acts, the Interstate Commerce Act, and the Department of*
2 *Transportation Act” and inserting “subtitle V of title 49,*
3 *United States Code”.*

4 **SEC. 22424. CRITICAL INCIDENT STRESS PLANS.**

5 *The Secretary shall amend part 272 of title 49, Code*
6 *of Federal Regulations, to the extent necessary to ensure*
7 *that—*

8 *(1) the coverage of a critical incident stress plan*
9 *under section 272.7 of such part includes employees*
10 *of commuter railroads and intercity passenger rail-*
11 *roads (as such terms are defined in section 272.9 of*
12 *such part), including employees who directly interact*
13 *with passengers; and*

14 *(2) an assault against an employee requiring*
15 *medical attention is included in the definition of crit-*
16 *ical incident under section 272.9 of such part.*

17 **SEC. 22425. REQUIREMENTS FOR RAILROAD FREIGHT CARS**

18 **PLACED INTO SERVICE IN THE UNITED**

19 **STATES.**

20 *(a) IN GENERAL.—Subchapter II of chapter 201 of*
21 *subtitle V of title 49, United States Code (as amended by*
22 *section 22416(a)), is amended by adding at the end the fol-*
23 *lowing:*

1 **“§20171. Requirements for railroad freight cars**
2 **placed into service in the United States**

3 “(a) *DEFINITIONS.—In this section:*

4 “(1) *COMPONENT.—The term ‘component’ means*
5 *a part or subassembly of a railroad freight car.*

6 “(2) *CONTROL.—The term ‘control’ means the*
7 *power, whether direct or indirect and whether or not*
8 *exercised, through the ownership of a majority or a*
9 *dominant minority of the total outstanding voting in-*
10 *terest in an entity, representation on the board of di-*
11 *rectors of an entity, proxy voting on the board of di-*
12 *rectors of an entity, a special share in the entity, a*
13 *contractual arrangement with the entity, a formal or*
14 *informal arrangement to act in concert with an enti-*
15 *ty, or any other means, to determine, direct, make de-*
16 *isions, or cause decisions to be made for the entity.*

17 “(3) *COST OF SENSITIVE TECHNOLOGY.—The*
18 *term ‘cost of sensitive technology’ means the aggregate*
19 *cost of the sensitive technology located on a railroad*
20 *freight car.*

21 “(4) *COUNTRY OF CONCERN.—The term ‘country*
22 *of concern’ means a country that—*

23 “(A) *is identified by the Department of*
24 *Commerce as a nonmarket economy country (as*
25 *defined in section 771(18) of the Tariff Act of*
26 *1930 (19 U.S.C. 1677(18))) as of the date of en-*

1 *actment of the Passenger Rail Expansion and*
2 *Rail Safety Act of 2021;*

3 “(B) *was identified by the United States*
4 *Trade Representative in the most recent report*
5 *required by section 182 of the Trade Act of 1974*
6 *(19 U.S.C. 2242) as a foreign country included*
7 *on the priority watch list (as defined in sub-*
8 *section (g)(3) of such section); and*

9 “(C) *is subject to monitoring by the Trade*
10 *Representative under section 306 of the Trade*
11 *Act of 1974 (19 U.S.C. 2416).*

12 “(5) *NET COST.—The term ‘net cost’ has the*
13 *meaning given such term in chapter 4 of the USMCA*
14 *or any subsequent free trade agreement between the*
15 *United States, Mexico, and Canada.*

16 “(6) *QUALIFIED FACILITY.—The term ‘qualified*
17 *facility’ means a facility that is not owned or under*
18 *the control of a state-owned enterprise.*

19 “(7) *QUALIFIED MANUFACTURER.—The term*
20 *‘qualified manufacturer’ means a railroad freight car*
21 *manufacturer that is not owned or under the control*
22 *of a state-owned enterprise.*

23 “(8) *RAILROAD FREIGHT CAR.—The term ‘rail-*
24 *road freight car’ means a car designed to carry*
25 *freight or railroad personnel by rail, including—*

- 1 “(A) a box car;
2 “(B) a refrigerator car;
3 “(C) a ventilator car;
4 “(D) an intermodal well car;
5 “(E) a gondola car;
6 “(F) a hopper car;
7 “(G) an auto rack car;
8 “(H) a flat car;
9 “(I) a special car;
10 “(J) a caboose car;
11 “(K) a tank car; and
12 “(L) a yard car.

13 “(9) *SENSITIVE TECHNOLOGY*.—The term ‘sen-
14 sitive technology’ means any device embedded with
15 electronics, software, sensors, or other connectivity,
16 that enables the device to connect to, collect data from,
17 or exchange data with another device, including—

- 18 “(A) onboard telematics;
19 “(B) remote monitoring software;
20 “(C) firmware;
21 “(D) analytics;
22 “(E) global positioning system satellite and
23 cellular location tracking systems;
24 “(F) event status sensors;

1 “(G) predictive component condition and
2 performance monitoring sensors; and

3 “(H) similar sensitive technologies embed-
4 ded into freight railcar components and sub-as-
5 semblies.

6 “(10) STATE-OWNED ENTERPRISE.—The term
7 ‘state-owned enterprise’ means—

8 “(A) an entity that is owned by, or under
9 the control of, a national, provincial, or local
10 government of a country of concern, or an agen-
11 cy of such government; or

12 “(B) an individual acting under the direc-
13 tion or influence of a government or agency de-
14 scribed in subparagraph (A).

15 “(11) SUBSTANTIALLY TRANSFORMED.—The
16 term ‘substantially transformed’ means a component
17 of a railroad freight car that undergoes an applicable
18 change in tariff classification as a result of the manu-
19 facturing process, as described in chapter 4 and re-
20 lated annexes of the USMCA or any subsequent free
21 trade agreement between the United States, Mexico,
22 and Canada.

23 “(12) USMCA.—The term ‘USMCA’ has the
24 meaning given the term in section 3 of the United

1 *States-Mexico-Canada Agreement Implementation Act*
2 *(19 U.S.C. 4502).*

3 “(b) *REQUIREMENTS FOR RAILROAD FREIGHT*
4 *CARS.—*

5 “(1) *LIMITATION ON RAILROAD FREIGHT CARS.—*
6 *A railroad freight car wholly manufactured on or*
7 *after the date that is 1 year after the date of issuance*
8 *of the regulations required under subsection (c)(1)*
9 *may only operate on the United States general rail-*
10 *road system of transportation if—*

11 “(A) *the railroad freight car is manufac-*
12 *tured, assembled, and substantially transformed,*
13 *as applicable, by a qualified manufacturer in a*
14 *qualified facility;*

15 “(B) *none of the sensitive technology located*
16 *on the railroad freight car, including components*
17 *necessary to the functionality of the sensitive*
18 *technology, originates from a country of concern*
19 *or is sourced from a state-owned enterprise; and*

20 “(C) *none of the content of the railroad*
21 *freight car, excluding sensitive technology, origi-*
22 *nates from a country of concern or is sourced*
23 *from a state-owned enterprise that has been de-*
24 *termined by a recognized court or administrative*
25 *agency of competent jurisdiction and legal au-*

1 *thority to have violated or infringed valid*
2 *United States intellectual property rights of an-*
3 *other including such a finding by a Federal dis-*
4 *trict court under title 35 or the U.S. Inter-*
5 *national Trade Commission under section 337 of*
6 *the Tariff Act of 1930 (19 U.S.C. 1337).*

7 “(2) *LIMITATION ON RAILROAD FREIGHT CAR*
8 *CONTENT.—*

9 “(A) *PERCENTAGE LIMITATION.—*

10 “(i) *INITIAL LIMITATION.—Not later*
11 *than 1 year after the date of issuance of the*
12 *regulations required under subsection (c)(1),*
13 *a railroad freight car described in para-*
14 *graph (1) may operate on the United States*
15 *general railroad system of transportation*
16 *only if not more than 20 percent of the con-*
17 *tent of the railroad freight car, calculated*
18 *by the net cost of all components of the car*
19 *and excluding the cost of sensitive tech-*
20 *nology, originates from a country of concern*
21 *or is sourced from a state-owned enterprise.*

22 “(ii) *SUBSEQUENT LIMITATION.—Ef-*
23 *fective beginning on the date that is 3 years*
24 *after the date of issuance of the regulations*
25 *required under subsection (c)(1), a railroad*

1 *freight car described in paragraph (1) may*
2 *operate on the United States general rail-*
3 *road system of transportation only if not*
4 *more than 15 percent of the content of the*
5 *railroad freight car, calculated by the net*
6 *cost of all components of the car and exclud-*
7 *ing the cost of sensitive technology, origi-*
8 *nates from a country of concern or is*
9 *sourced from a state-owned enterprise.*

10 “(B) *CONFLICT.*—*The percentages specified*
11 *in clauses (i) and (ii) of subparagraph (A), as*
12 *applicable, shall apply notwithstanding any ap-*
13 *parent conflict with provisions of chapter 4 of*
14 *the USMCA.*

15 “(c) *REGULATIONS AND PENALTIES.*—

16 “(1) *REGULATIONS REQUIRED.*—*Not later than 2*
17 *years after the date of enactment of the Passenger*
18 *Rail Expansion and Rail Safety Act of 2021, the Sec-*
19 *retary of Transportation shall issue such regulations*
20 *as are necessary to carry out this section, including*
21 *for the monitoring and sensitive technology require-*
22 *ments of this section.*

23 “(2) *CERTIFICATION REQUIRED.*—*To be eligible*
24 *to provide a railroad freight car for operation on the*
25 *United States general railroad system of transpor-*

1 *tation, the manufacturer of such car shall annually*
2 *certify to the Secretary of Transportation that any*
3 *railroad freight cars to be so provided meet the re-*
4 *quirements under this section.*

5 *“(3) COMPLIANCE.—*

6 *“(A) VALID CERTIFICATION REQUIRED.—At*
7 *the time a railroad freight car begins operation*
8 *on the United States general railroad system of*
9 *transportation, the manufacturer of such rail-*
10 *road freight car shall have valid certification de-*
11 *scribed in paragraph (2) for the year in which*
12 *such car begins operation.*

13 *“(B) REGISTRATION OF NONCOMPLIANT*
14 *CARS PROHIBITED.—A railroad freight car man-*
15 *ufacturer may not register, or cause to be reg-*
16 *istered, a railroad freight car that does not com-*
17 *ply with the requirements under this section in*
18 *the Association of American Railroad’s Umler*
19 *system.*

20 *“(4) CIVIL PENALTIES.—*

21 *“(A) IN GENERAL.—Pursuant to section*
22 *21301, the Secretary of Transportation may as-*
23 *sess a civil penalty of not less than \$100,000, but*
24 *not more than \$250,000, for each violation of*
25 *this section for each railroad freight car.*

1 “(B) *PROHIBITION ON OPERATION FOR VIO-*
 2 *LATIONS.—The Secretary of Transportation may*
 3 *prohibit a railroad freight car manufacturer*
 4 *with respect to which the Secretary has assessed*
 5 *more than 3 violations under subparagraph (A)*
 6 *from providing additional railroad freight cars*
 7 *for operation on the United States general rail-*
 8 *road system of transportation until the Secretary*
 9 *determines—*

10 “(i) *such manufacturer is in compli-*
 11 *ance with this section; and*

12 “(ii) *all civil penalties assessed to such*
 13 *manufacturer pursuant to subparagraph*
 14 *(A) have been paid in full.”.*

15 (b) *CLERICAL AMENDMENT.—The analysis for chapter*
 16 *201 of subtitle V of title 49, United States Code (as amended*
 17 *by section 22416(b)), is amended by adding at the end the*
 18 *following:*

 “20171. *Requirements for railroad freight cars placed into service in the United*
 States.”.

19 **SEC. 22426. RAILROAD POINT OF CONTACT FOR PUBLIC**
 20 **SAFETY ISSUES.**

21 *All railroads shall—*

22 (1) *provide railroad contact information for*
 23 *public safety issues, including a telephone number, to*

1 *the relevant Federal, State, and local oversight agen-*
 2 *cies; and*

3 *(2) post the information described in paragraph*
 4 *(1) on a publicly accessible website.*

5 **SEC. 22427. CONTROLLED SUBSTANCES TESTING FOR ME-**
 6 **CHANICAL EMPLOYEES.**

7 *Not later than 180 days after the date of enactment*
 8 *of this Act, the Secretary shall amend the regulations under*
 9 *part 219 of title 49, Code of Federal Regulations, to require*
 10 *all mechanical employees of railroads to be subject to all*
 11 *of the breath or body fluid testing set forth in subpart C,*
 12 *D, and E of such part, including random testing, reason-*
 13 *able suspicion testing, reasonable cause testing, pre-employ-*
 14 *ment testing, return-to-duty testing, and follow-up testing.*

15 **TITLE III—MOTOR CARRIER**
 16 **SAFETY**

17 **SEC. 23001. AUTHORIZATION OF APPROPRIATIONS.**

18 *(a) ADMINISTRATIVE EXPENSES.—Section 31110 of*
 19 *title 49, United States Code, is amended by striking sub-*
 20 *section (a) and inserting the following:*

21 *“(a) ADMINISTRATIVE EXPENSES.—There are author-*
 22 *ized to be appropriated from the Highway Trust Fund*
 23 *(other than the Mass Transit Account) for the Secretary of*
 24 *Transportation to pay administrative expenses of the Fed-*
 25 *eral Motor Carrier Safety Administration—*

1 “(1) \$360,000,000 for fiscal year 2022;
2 “(2) \$367,500,000 for fiscal year 2023;
3 “(3) \$375,000,000 for fiscal year 2024;
4 “(4) \$382,500,000 for fiscal year 2025; and
5 “(5) \$390,000,000 for fiscal year 2026.”.

6 (b) *FINANCIAL ASSISTANCE PROGRAMS.*—Section
7 31104 of title 49, United States Code, is amended—

8 (1) by striking subsection (a) and inserting the
9 following:

10 “(a) *FINANCIAL ASSISTANCE PROGRAMS.*—There are
11 authorized to be appropriated from the Highway Trust
12 Fund (other than the Mass Transit Account)—

13 “(1) subject to subsection (c), to carry out the
14 motor carrier safety assistance program under section
15 31102 (other than the high priority program under
16 subsection (l) of that section)—

17 “(A) \$390,500,000 for fiscal year 2022;

18 “(B) \$398,500,000 for fiscal year 2023;

19 “(C) \$406,500,000 for fiscal year 2024;

20 “(D) \$414,500,000 for fiscal year 2025; 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 train-

1 *ing and support grant program under paragraph (5)*
2 *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; and*

7 *“(E) \$62,400,000 for fiscal year 2026;*

8 *“(3) to carry out the commercial motor vehicle*
9 *enforcement training and support grant program*
10 *under section 31102(l)(5), \$5,000,000 for each of fis-*
11 *cal years 2022 through 2026;*

12 *“(4) to carry out the commercial motor vehicle*
13 *operators grant program under section 31103—*

14 *“(A) \$1,100,000 for fiscal year 2022;*

15 *“(B) \$1,200,000 for fiscal year 2023;*

16 *“(C) \$1,300,000 for fiscal year 2024;*

17 *“(D) \$1,400,000 for fiscal year 2025; and*

18 *“(E) \$1,500,000 for fiscal year 2026; and*

19 *“(5) subject to subsection (c), to carry out the fi-*
20 *nancial assistance program for commercial driver’s*
21 *license implementation under section 31313—*

22 *“(A) \$41,800,000 for fiscal year 2022;*

23 *“(B) \$42,650,000 for fiscal year 2023;*

24 *“(C) \$43,500,000 for fiscal year 2024;*

25 *“(D) \$44,350,000 for fiscal year 2025; and*

1 “(E) \$45,200,000 for fiscal year 2026.”;

2 (2) in subsection (b)(2)—

3 (A) in the third sentence, by striking “The
4 Secretary” and inserting the following:

5 “(C) *IN-KIND CONTRIBUTIONS.*—The Sec-
6 retary”;

7 (B) in the second sentence, by striking “The
8 Secretary” and inserting the following:

9 “(B) *LIMITATION.*—The Secretary”;

10 (C) in the first sentence—

11 (i) by inserting “(except subsection
12 (l)(5) of that section)” after “section
13 31102”; and

14 (ii) by striking “The Secretary” and
15 inserting the following:

16 “(A) *REIMBURSEMENT PERCENTAGE.*—

17 “(i) *IN GENERAL.*—The Secretary”;
18 and

19 (D) in subparagraph (A) (as so designated),
20 by adding at the end the following:

21 “(ii) *COMMERCIAL MOTOR VEHICLE*
22 *ENFORCEMENT TRAINING AND SUPPORT*
23 *GRANT PROGRAM.*—The Secretary shall re-
24 imburse a recipient, in accordance with a
25 financial assistance agreement made under

1 *section 31102(l)(5), an amount that is equal*
2 *to 100 percent of the costs incurred by the*
3 *recipient in a fiscal year in developing and*
4 *implementing a training program under*
5 *that section.”;*

6 *(3) in subsection (c)—*

7 *(A) in the subsection heading, by striking*
8 *“PARTNER TRAINING AND”;*

9 *(B) in the first sentence—*

10 *(i) by striking “(4)” and inserting*
11 *“(5)”;* *and*

12 *(ii) by striking “partner training*
13 *and”;* *and*

14 *(C) by striking the second sentence; and*

15 *(4) in subsection (f)—*

16 *(A) in paragraph (1), by striking “for the*
17 *next fiscal year” and inserting “for the next 2*
18 *fiscal years”;*

19 *(B) in paragraph (4), by striking “for the*
20 *next fiscal year” and inserting “for the next 2*
21 *fiscal years”;*

22 *(C) by redesignating paragraphs (4) and*
23 *(5) as paragraphs (5) and (6), respectively; and*

24 *(D) by inserting after paragraph (3) the fol-*
25 *lowing:*

1 “(4) For grants made for carrying out section
2 31102(l)(5), for the fiscal year in which the Secretary
3 approves the financial assistance agreement and for
4 the next 4 fiscal years.”; and

5 (5) in subsection (i)—

6 (A) by striking “Amounts not expended”
7 and inserting the following:

8 “(1) *IN GENERAL.*—Except as provided in para-
9 graph (2), amounts not expended”; and

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

11 “(2) *MOTOR CARRIER SAFETY ASSISTANCE PRO-*
12 *GRAM.*—Amounts made available for the motor car-
13 rier safety assistance program established under sec-
14 tion 31102 (other than amounts made available to
15 carry out section 31102(l)) that are not expended by
16 a recipient during the period of availability shall be
17 released back to the Secretary for reallocation under
18 that program.”.

19 (c) *ENFORCEMENT DATA UPDATES.*—Section
20 31102(h)(2)(A) of title 49, United States Code, is amended
21 by striking “2004 and 2005” and inserting “2014 and
22 2015”.

1 **SEC. 23002. MOTOR CARRIER SAFETY ADVISORY COM-**
2 **MITTEE.**

3 *Section 4144 of the SAFETEA-LU (49 U.S.C. 31100*
4 *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 30,*
9 *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) the*
19 *following:*

20 *“(H) support, through the use of funds oth-*
21 *erwise 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 ve-
3 hicle;

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 ve-
3 hicle; and

4 “(v) in addition to any funds other-
5 wise made available for the recognition, pre-
6 vention, 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-CARRYING
14 COMMERCIAL MOTOR VEHICLE.—In this para-
15 graph, the term ‘passenger-carrying commercial
16 motor vehicle’ has the meaning given the term
17 ‘commercial motor vehicle’ in section 31301.

18 “(B) ESTABLISHMENT.—The Secretary
19 shall establish an immobilization grant program
20 under which the Secretary shall provide to States
21 discretionary grants for the immobilization or
22 impoundment of passenger-carrying commercial
23 motor vehicles that—

24 “(i) are determined to be unsafe; or

25 “(ii) fail inspection.

1 “(C) *LIST OF CRITERIA FOR IMMOBILIZA-*
2 *TION.—The Secretary, in consultation with State*
3 *commercial motor vehicle entities, shall develop a*
4 *list of commercial motor vehicle safety violations*
5 *and defects that the Secretary determines war-*
6 *rant the immediate immobilization of a pas-*
7 *senger-carrying commercial motor vehicle.*

8 “(D) *ELIGIBILITY.—A State shall be eligible*
9 *to receive a grant under this paragraph only if*
10 *the State has the authority to require the immo-*
11 *bilization or impoundment of a passenger-car-*
12 *rying commercial motor vehicle—*

13 “(i) *with respect to which a motor ve-*
14 *hicle safety violation included in the list de-*
15 *veloped under subparagraph (C) is deter-*
16 *mined to exist; or*

17 “(ii) *that is determined to have a de-*
18 *fect included in that list.*

19 “(E) *USE OF FUNDS.—A grant provided*
20 *under this paragraph may be used for—*

21 “(i) *the immobilization or impound-*
22 *ment of passenger-carrying commercial*
23 *motor vehicles described in subparagraph*
24 *(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 ad-
22 minister a commercial motor vehicle enforcement
23 training and support grant program funded
24 under section 31104(a)(3), under which the Sec-
25 retary shall make discretionary grants to eligible

1 *entities described in subparagraph (C) for the*
2 *purposes described in subparagraph (B).*

3 *“(B) PURPOSES.—The purposes of the grant*
4 *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 or-*
13 *ganization that has—*

14 *“(i) expertise in conducting a training*
15 *program for non-Federal employees; and*

16 *“(ii) the ability to reach and involve*
17 *in a training program a target population*
18 *of 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 study*
4 *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 collection*
11 *procedures, reports, and any other measures that can*
12 *be used to improve the ability of States and the Sec-*
13 *retary—*

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 commer-*
25 *cial 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 as-*
21 *pects of the study.*

22 (f) *REPORTS.*—*As soon as practicable after the date*
23 *on which the study is completed, the Secretary shall submit*
24 *to Congress a report describing the results of the study and*
25 *any legislative recommendations to facilitate reductions in*

1 *the matters described in paragraphs (1) through (3) of sub-*
2 *section (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 workforce*
7 *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 representing*
11 *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-driving*
18 *workforce; and*

19 *(4) women truck drivers have been shown to be*
20 *20 percent less likely than male counterparts to be in-*
21 *volved 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 and*
25 *support the pursuit and retention of careers in trucking by*

1 *women, including through programs that support recruit-*
2 *ment, driver training, and mentorship.*

3 (c) *DEFINITIONS.—In this section:*

4 (1) *ADMINISTRATOR.—The term “Adminis-*
5 *trator” means the Administrator of the Federal Motor*
6 *Carrier Safety Administration.*

7 (2) *BOARD.—The term “Board” means the*
8 *Women of Trucking Advisory Board established under*
9 *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 carrier*
16 *(as defined in section 13102 of title 49, United States*
17 *Code) with not fewer than 11 power units and not*
18 *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 (as*
24 *defined in section 13102 of title 49, United States*

1 Code) with not fewer than 1 power unit and not more
2 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 es-
6 tablish and facilitate an advisory board, to be known
7 as the “Women of Trucking Advisory Board”, to re-
8 view 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 com-
16 posed of not fewer than 8 members whose back-
17 grounds, experience, and certifications allow
18 those members to contribute balanced points of
19 view and diverse ideas regarding the matters de-
20 scribed in paragraph (3)(B).

21 (B) *APPOINTMENT.*—

22 (i) *IN GENERAL.*—Not later than 270
23 days after the date of enactment of this Act,
24 the Administrator shall appoint the mem-
25 bers of the Board, of whom—

1 (I) not fewer than 1 shall be a
2 representative of large trucking compa-
3 nies;

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 a
23 representative of an institution of high-
24 er education or trucking trade 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 that
5 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 (ii) ways in which the functions of
2 trucking companies, nonprofit organiza-
3 tions, training and education providers,
4 and trucking associations may be coordi-
5 nated to facilitate support for women pur-
6 suing careers in trucking;

7 (iii) opportunities to expand existing
8 opportunities for women in the trucking in-
9 dustry; and

10 (iv) opportunities to enhance trucking
11 training, mentorship, education, and ad-
12 vancement and outreach programs that
13 would increase the number of women in the
14 trucking industry.

15 (B) *REPORT.*—Not later than 2 years after
16 the date of enactment of this Act, the Board shall
17 submit to the Administrator a report containing
18 the findings and recommendations of the Board,
19 including recommendations that companies, as-
20 sociations, institutions, other organizations, or
21 the Administrator may adopt—

22 (i) to address any industry trends
23 identified under subparagraph (A)(i);

24 (ii) to coordinate the functions of
25 trucking companies, nonprofit organiza-

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, men-*
11 *torship, education, and outreach programs*
12 *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 for*
2 *not adopting the recommendations).*

3 *(B) PUBLIC AVAILABILITY.—The Adminis-*
4 *trator shall make the report under subparagraph*
5 *(A) publicly available—*

6 *(i) on the website of the Federal Motor*
7 *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 date*
16 *of enactment of this Act, the Secretary shall solicit addi-*
17 *tional comment on the advance notice of proposed rule-*
18 *making entitled “State Inspection Programs for Passenger-*
19 *Carrier Vehicles” (81 Fed. Reg. 24769 (April 27, 2016)).*

20 *(b) FINAL RULE.—*

21 *(1) IN GENERAL.—After reviewing all comments*
22 *received in response to the solicitation under sub-*
23 *section (a), if the Secretary determines that data and*
24 *information exist to support moving forward with a*
25 *final rulemaking action, the Secretary shall issue a*

1 *final rule relating to the advance notice of proposed*
2 *rulemaking described in that subsection.*

3 (2) *CONSIDERATIONS.*—*In determining whether*
4 *to issue a final rule under paragraph (1), the Sec-*
5 *retary shall consider the impact of continuing to*
6 *allow self-inspection as a means to satisfy periodic*
7 *inspection requirements on the safety of passenger*
8 *carrier operations.*

9 **SEC. 23009. TRUCK LEASING TASK FORCE.**

10 (a) *ESTABLISHMENT.*—*Not later than 180 days after*
11 *the date of enactment of this Act, the Secretary, in consulta-*
12 *tion with the Secretary of Labor, shall establish a task force,*
13 *to be known as the “Truck Leasing Task Force” (referred*
14 *to in this section as the “Task Force”).*

15 (b) *MEMBERSHIP.*—

16 (1) *IN GENERAL.*—*The Secretary shall select not*
17 *more than 10 individuals to serve as members of the*
18 *Task Force, including at least 1 representative from*
19 *each of the following:*

20 (A) *Labor organizations.*

21 (B) *Motor carriers that provide lease-pur-*
22 *chase agreements to owner-operators.*

23 (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 to*
8 *lease-purchase agreements in the trucking indus-*
9 *try.*

10 (2) *COMPENSATION.—A member of the Task*
11 *Force shall serve without compensation.*

12 (c) *DUTIES.—The Task Force shall examine, at a min-*
13 *imum—*

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 described*
18 *in paragraph (1);*

19 (3)(A) *the existence of inequitable leasing agree-*
20 *ments 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 driv-*
5 *ers at ports relating to the Clean Truck Program or*
6 *any similar program to decrease emissions from port*
7 *operations;*

8 (5) *the impact of truck leasing agreements on the*
9 *net compensation of commercial motor vehicle drivers,*
10 *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 Sec-*

1 *retary, the Secretary of Labor, and the appropriate commit-*
2 *tees 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 laws*
16 *(including regulations), as applicable, at the Federal,*
17 *State, or local level to promote fair leasing agree-*
18 *ments under which a commercial motor vehicle driv-*
19 *er, including a short haul driver, who is a party to*
20 *such an agreement is able to earn a rate commensu-*
21 *rate with other commercial motor vehicle drivers per-*
22 *forming similar duties.*

23 *(e) TERMINATION.—Not later than 30 days after the*
24 *date on which the report under subsection (d) is submitted,*
25 *the Task Force shall terminate.*

1 **SEC. 23010. AUTOMATIC EMERGENCY BRAKING.**

2 (a) *DEFINITIONS.—In this section:*

3 (1) *AUTOMATIC EMERGENCY BRAKING SYSTEM.—*

4 *The term “automatic emergency braking system”*
5 *means a system on a commercial motor vehicle that,*
6 *based on a predefined distance and closing rate with*
7 *respect to an obstacle in the path of the commercial*
8 *motor vehicle—*

9 (A) *alerts the driver of the obstacle; and*

10 (B) *if necessary to avoid or mitigate a colli-*
11 *sion with the obstacle, automatically applies the*
12 *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 STANDARD.—*

18 (1) *IN GENERAL.—Not later than 2 years after*
19 *the date of enactment of this Act, the Secretary*
20 *shall—*

21 (A) *prescribe a motor vehicle safety stand-*
22 *ard under section 30111 of title 49, United*
23 *States Code, that requires any commercial motor*
24 *vehicle subject to section 571.136 of title 49, Code*
25 *of Federal Regulations (relating to Federal*
26 *Motor Vehicle Safety Standard Number 136) (or*

1 *a successor regulation) that is manufactured*
2 *after the effective date of the standard prescribed*
3 *under this subparagraph to be equipped with an*
4 *automatic emergency braking system; and*

5 *(B) as part of the standard under subpara-*
6 *graph (A), establish performance requirements*
7 *for automatic emergency braking systems.*

8 (2) *CONSIDERATIONS.*—*Prior to prescribing the*
9 *motor vehicle safety standard under paragraph*
10 *(1)(A), the Secretary shall—*

11 *(A) conduct a review of automatic emer-*
12 *gency braking systems in use in applicable com-*
13 *mercial motor vehicles and address any identi-*
14 *fied deficiencies with respect to those automatic*
15 *emergency braking systems in the rulemaking*
16 *proceeding to prescribe the standard, if prac-*
17 *ticable; and*

18 *(B) consult with representatives of commer-*
19 *cial motor vehicle drivers regarding the experi-*
20 *ences of drivers with automatic emergency brak-*
21 *ing systems in use in applicable commercial*
22 *motor vehicles, including any malfunctions or*
23 *unwarranted activations of those automatic*
24 *emergency braking systems.*

1 (c) *FEDERAL MOTOR CARRIER SAFETY REGULA-*
2 *TION.—Not later than 1 year after the date of enactment*
3 *of this Act, the Secretary shall prescribe a regulation under*
4 *section 31136 of title 49, United States Code, that requires*
5 *that an automatic emergency braking system installed in*
6 *a commercial motor vehicle manufactured after the effective*
7 *date of the standard prescribed under subsection (b)(1)(A)*
8 *that is in operation on or after that date and is subject*
9 *to section 571.136 of title 49, Code of Federal Regulations*
10 *(relating to Federal Motor Vehicle Safety Standard Number*
11 *136) (or a successor regulation) be used at any time during*
12 *which the commercial motor vehicle is in operation.*

13 (d) *REPORT ON AUTOMATIC EMERGENCY BRAKING IN*
14 *OTHER COMMERCIAL MOTOR VEHICLES.—*

15 (1) *STUDY.—Not later than 2 years after the*
16 *date of enactment of this Act, the Secretary shall com-*
17 *plete a study on equipping a variety of commercial*
18 *motor vehicles not subject to section 571.136 of title*
19 *49, Code of Federal Regulations (relating to Federal*
20 *Motor Vehicle Safety Standard Number 136) (or a*
21 *successor regulation) as of that date of enactment*
22 *with automatic emergency braking systems to avoid*
23 *or mitigate a collision with an obstacle in the path*
24 *of the commercial motor vehicle, including an assess-*
25 *ment of the feasibility, benefits, and costs associated*

1 *with installing automatic emergency braking systems*
2 *on a variety of newly manufactured commercial*
3 *motor vehicles with a gross vehicle weight rating*
4 *greater than 10,001 pounds.*

5 (2) *INDEPENDENT RESEARCH.*—*If the Secretary*
6 *enters into a contract with a third party to perform*
7 *research relating to the study required under para-*
8 *graph (1), the Secretary shall ensure that the third*
9 *party does not have any financial or contractual ties*
10 *to, or relationships with—*

11 (A) *a motor carrier that transports pas-*
12 *sengers or property for compensation;*

13 (B) *the motor carrier industry; or*

14 (C) *an entity producing or supplying auto-*
15 *matic emergency braking systems.*

16 (3) *PUBLIC COMMENT.*—*Not later than 90 days*
17 *after the date on which the study under paragraph*
18 *(1) is completed, the Secretary shall—*

19 (A) *issue a notice in the Federal Register*
20 *containing the findings of the study; and*

21 (B) *provide an opportunity for public com-*
22 *ment.*

23 (4) *REPORT TO CONGRESS.*—*Not later than 90*
24 *days after the conclusion of the public comment pe-*
25 *riod under paragraph (3)(B), the Secretary shall sub-*

1 *mit to the Committee on Commerce, Science, and*
2 *Transportation of the Senate and the Committees on*
3 *Transportation and Infrastructure and Energy and*
4 *Commerce of the House of Representatives a report*
5 *that includes—*

6 *(A) the results of the study under para-*
7 *graph (1);*

8 *(B) a summary of any comments received*
9 *under paragraph (3)(B); and*

10 *(C) a determination as to whether the Sec-*
11 *retary intends to develop performance require-*
12 *ments for automatic emergency braking systems*
13 *for applicable commercial motor vehicles, includ-*
14 *ing any analysis that led to that determination.*

15 *(5) RULEMAKING.—Not later than 2 years after*
16 *the date on which the study under paragraph (1) is*
17 *completed, the Secretary shall—*

18 *(A) determine whether a motor vehicle safe-*
19 *ty standard relating to equipping the commer-*
20 *cial motor vehicles described in that paragraph*
21 *with automatic emergency braking systems*
22 *would meet the requirements and considerations*
23 *described in subsections (a) and (b) of section*
24 *30111 of title 49, United States Code; and*

1 (B) if the Secretary determines that a motor
2 vehicle safety standard described in subpara-
3 graph (A) would meet the requirements and con-
4 siderations described in that subparagraph, ini-
5 tiate a rulemaking to prescribe such a motor ve-
6 hicle safety standard.

7 **SEC. 23011. UNDERRIDE PROTECTION.**

8 (a) *DEFINITIONS.*—In this section:

9 (1) *COMMITTEE.*—The term “Committee” means
10 the Advisory Committee on Underride Protection es-
11 tablished under subsection (d)(1).

12 (2) *MOTOR CARRIER.*—The term “motor carrier”
13 has the meaning given the term in section 13102 of
14 title 49, United States Code.

15 (3) *PASSENGER MOTOR VEHICLE.*—The term
16 “passenger motor vehicle” has the meaning given the
17 term in section 32101 of title 49, United States Code.

18 (4) *UNDERRIDE CRASH.*—The term “underride
19 crash” means a crash in which a trailer or
20 semitrailer intrudes into the passenger compartment
21 of a passenger motor vehicle.

22 (b) *REAR UNDERRIDE GUARDS.*—

23 (1) *TRAILERS AND SEMITRAILERS.*—

24 (A) *IN GENERAL.*—Not later than 1 year
25 after the date of enactment of this Act, the Sec-

1 *retary shall promulgate such regulations as are*
2 *necessary to revise sections 571.223 and 571.224*
3 *of title 49, Code of Federal Regulations (relating*
4 *to Federal Motor Vehicle Safety Standard Num-*
5 *bers 223 and 224, respectively), to require trail-*
6 *ers and semitrailers manufactured after the date*
7 *on which those regulations are promulgated to be*
8 *equipped with rear impact guards that are de-*
9 *signed to prevent passenger compartment intru-*
10 *sion from a trailer or semitrailer when a pas-*
11 *senger motor vehicle traveling at 35 miles per*
12 *hour makes—*

13 *(i) an impact in which the passenger*
14 *motor vehicle impacts the center of the rear*
15 *of the trailer or semitrailer;*

16 *(ii) an impact in which 50 percent of*
17 *the width of the passenger motor vehicle*
18 *overlaps the rear of the trailer or*
19 *semitrailer; and*

20 *(iii) an impact in which 30 percent of*
21 *the width of the passenger motor vehicle*
22 *overlaps the rear of the trailer or*
23 *semitrailer, if the Secretary determines that*
24 *a revision of sections 571.223 and 571.224*
25 *of title 49, Code of Federal Regulations (re-*

1 *lating to Federal Motor Vehicle Safety*
2 *Standard Numbers 223 and 224, respec-*
3 *tively) to address such an impact would*
4 *meet the requirements and considerations*
5 *described in subsections (a) and (b) of sec-*
6 *tion 30111 of title 49, United States Code.*

7 *(B) EFFECTIVE DATE.—The regulations*
8 *promulgated under subparagraph (A) shall re-*
9 *quire full compliance with each Federal Motor*
10 *Vehicle Safety Standard revised pursuant to*
11 *those regulations not later than 2 years after the*
12 *date on which those regulations are promulgated.*

13 *(2) ADDITIONAL RESEARCH.—The Secretary*
14 *shall conduct additional research on the design and*
15 *development of rear impact guards that can—*

16 *(A) prevent underride crashes in cases in*
17 *which the passenger motor vehicle is traveling at*
18 *speeds of up to 65 miles per hour; and*

19 *(B) protect passengers in passenger motor*
20 *vehicles against severe injury in crashes in which*
21 *the passenger motor vehicle is traveling at speeds*
22 *of up to 65 miles per hour.*

23 *(3) REVIEW OF STANDARDS.—Not later than 5*
24 *years after the date on which the regulations under*

1 paragraph (1)(A) are promulgated, the Secretary
2 shall—

3 (A) review the Federal Motor Vehicle Safety
4 Standards revised pursuant to those regulations
5 and any other requirements of those regulations
6 relating to rear underride guards on trailers or
7 semitrailers to evaluate the need for changes in
8 response to advancements in technology; and

9 (B) update those Federal Motor Vehicle
10 Safety Standards and those regulations accord-
11 ingly.

12 (4) INSPECTIONS.—

13 (A) IN GENERAL.—Not later than 1 year
14 after the date of enactment of this Act, the Sec-
15 retary shall promulgate such regulations as are
16 necessary to revise the regulations relating to
17 minimum periodic inspection standards under
18 appendix G to subchapter B of chapter III of
19 title 49, Code of Federal Regulations, and the
20 regulations relating to driver vehicle inspection
21 reports under section 396.11 of that title to in-
22 clude requirements relating to rear impact
23 guards and rear end protection that are con-
24 sistent with the requirements described in section
25 393.86 of that title.

1 (B) *CONSIDERATIONS.*—*In revising the reg-*
2 *ulations described in subparagraph (A), the Sec-*
3 *retary shall consider it to be a defect or a defi-*
4 *ciency if a rear impact guard is missing an, or*
5 *has a corroded or compromised, element that af-*
6 *fects the structural integrity and protective fea-*
7 *ture of the rear impact guard.*

8 (c) *SIDE UNDERRIDE GUARDS.*—

9 (1) *IN GENERAL.*—*Not later than 1 year after*
10 *the date of enactment of this Act, the Secretary*
11 *shall—*

12 (A) *complete additional research on side*
13 *underride guards to better understand the overall*
14 *effectiveness of side underride guards;*

15 (B) *assess the feasibility, benefits, and costs*
16 *of, and any impacts on intermodal equipment,*
17 *freight mobility (including port operations), and*
18 *freight capacity associated with, installing side*
19 *underride guards on newly manufactured trail-*
20 *ers and semitrailers with a gross vehicle weight*
21 *rating of 10,000 pounds or more;*

22 (C) *consider the unique structural and oper-*
23 *ational aspects of—*

1 (i) *intermodal chassis (as defined in*
2 *section 340.2 of title 46, Code of Federal*
3 *Regulations; and*

4 (ii) *pole trailers (as defined in section*
5 *390.5 of title 49, Code of Federal Regula-*
6 *tions; and*

7 (D) *if warranted, develop performance*
8 *standards for side underride guards.*

9 (2) *INDEPENDENT RESEARCH.—If the Secretary*
10 *enters into a contract with a third party to perform*
11 *the research required under paragraph (1)(A), the*
12 *Secretary shall ensure that the third party does not*
13 *have any financial or contractual ties to, or relation-*
14 *ships with—*

15 (A) *a motor carrier that transports pas-*
16 *sengers or property for compensation;*

17 (B) *the motor carrier industry; or*

18 (C) *an entity producing or supplying*
19 *underride guards.*

20 (3) *PUBLICATION OF ASSESSMENT.—Not later*
21 *than 90 days after completion of the assessment re-*
22 *quired under paragraph (1)(B), the Secretary shall—*

23 (A) *issue a notice in the Federal Register*
24 *containing the findings of the assessment; and*

1 (B) provide an opportunity for public com-
2 ment.

3 (4) *REPORT TO CONGRESS.*—Not later than 90
4 days after the conclusion of the public comment pe-
5 riod under paragraph (3)(B), the Secretary shall sub-
6 mit to the Committee on Commerce, Science, and
7 Transportation of the Senate and the Committee on
8 Transportation and Infrastructure of the House of
9 Representatives a report that includes—

10 (A) the results of the assessment under
11 paragraph (1)(B);

12 (B) a summary of any comments received
13 by the Secretary under paragraph (3)(B); and

14 (C) a determination as to whether the Sec-
15 retary intends to develop performance require-
16 ments for side underride guards, including any
17 analysis that led to that determination.

18 (d) *ADVISORY COMMITTEE ON UNDERRIDE PROTEC-*
19 *TION.*—

20 (1) *ESTABLISHMENT.*—The Secretary shall estab-
21 lish an Advisory Committee on Underride Protection
22 to provide advice and recommendations to the Sec-
23 retary on safety regulations to reduce underride
24 crashes and fatalities relating to underride crashes.

25 (2) *MEMBERSHIP.*—

1 (A) *IN GENERAL.*—*The Committee shall be*
2 *composed of not more than 20 members, ap-*
3 *pointed by the Secretary, who—*

4 (i) *are not employees of the Depart-*
5 *ment; and*

6 (ii) *are qualified to serve on the Com-*
7 *mittee because of their expertise, training,*
8 *or experience.*

9 (B) *REPRESENTATION.*—*The Committee*
10 *shall include 2 representatives of each of the fol-*
11 *lowing:*

12 (i) *Truck and trailer manufacturers.*

13 (ii) *Motor carriers, including inde-*
14 *pendent owner-operators.*

15 (iii) *Law enforcement.*

16 (iv) *Motor vehicle engineers.*

17 (v) *Motor vehicle crash investigators.*

18 (vi) *Truck safety organizations.*

19 (vii) *The insurance industry.*

20 (viii) *Emergency medical service pro-*
21 *viders.*

22 (ix) *Families of underride crash vic-*
23 *tims.*

24 (x) *Labor organizations.*

1 (3) *COMPENSATION.*—*Members of the Committee*
2 *shall serve without compensation.*

3 (4) *MEETINGS.*—*The Committee shall meet not*
4 *less frequently than annually.*

5 (5) *SUPPORT.*—*On request of the Committee, the*
6 *Secretary shall provide information, administrative*
7 *services, and supplies necessary for the Committee to*
8 *carry out the duties of the Committee.*

9 (6) *REPORT.*—*The Committee shall submit to the*
10 *Committee on Commerce, Science, and Transpor-*
11 *tation of the Senate and the Committee on Transpor-*
12 *tation and Infrastructure of the House of Representa-*
13 *tives a biennial report that—*

14 (A) *describes the advice and recommenda-*
15 *tions made to the Secretary; and*

16 (B) *includes an assessment of progress made*
17 *by the Secretary in advancing safety regulations*
18 *relating to underride crashes.*

19 (e) *DATA COLLECTION.*—*Not later than 1 year after*
20 *the date of enactment of this Act, the Secretary shall imple-*
21 *ment the recommendations described in the report of the*
22 *Government Accountability Office entitled “Truck*
23 *Underride Guards: Improved Data Collection, Inspections,*
24 *and Research Needed”, published on March 14, 2019, and*
25 *numbered GAO–19–264.*

1 **SEC. 23012. PROVIDERS OF RECREATIONAL ACTIVITIES.**

2 *Section 13506(b) of title 49, United States Code, is*
3 *amended—*

4 *(1) in paragraph (2), by striking “or” at the*
5 *end;*

6 *(2) in paragraph (3), by striking the period at*
7 *the end and inserting “; or”; and*

8 *(3) by adding at the end the following:*

9 *“(4) transportation by a motor vehicle designed*
10 *or used to transport not fewer than 9, and not more*
11 *than 15, passengers (including the driver), whether*
12 *operated alone or with a trailer attached for the*
13 *transport of recreational equipment, if—*

14 *“(A) the motor vehicle is operated by a per-*
15 *son that provides recreational activities;*

16 *“(B) the transportation is provided within*
17 *a 150 air-mile radius of the location at which*
18 *passengers initially boarded the motor vehicle at*
19 *the outset of the trip; and*

20 *“(C) in the case of a motor vehicle trans-*
21 *porting passengers over a route between a place*
22 *in a State and a place in another State, the per-*
23 *son operating the motor vehicle is lawfully pro-*
24 *viding transportation of passengers over the en-*
25 *tire route in accordance with applicable State*
26 *law.”.*

1 **SEC. 23013. AMENDMENTS TO REGULATIONS RELATING TO**
2 **TRANSPORTATION OF HOUSEHOLD GOODS IN**
3 **INTERSTATE COMMERCE.**

4 (a) *DEFINITIONS.—In this section:*

5 (1) *ADMINISTRATION.—The term “Administra-*
6 *tion” means the Federal Motor Carrier Safety Ad-*
7 *ministration.*

8 (2) *COVERED CARRIER.—The term “covered car-*
9 *rier” means a motor carrier that is—*

10 (A) *engaged in the interstate transportation*
11 *of household goods; and*

12 (B) *subject to the requirements of part 375*
13 *of title 49, Code of Federal Regulations (as in ef-*
14 *fect on the effective date of any amendments*
15 *made pursuant to the notice of proposed rule-*
16 *making issued under subsection (b)).*

17 (b) *AMENDMENTS TO REGULATIONS.—Not later than*
18 *1 year after the date of enactment of this Act, the Secretary*
19 *shall issue a notice of proposed rulemaking to amend, as*
20 *the Secretary determines to be appropriate, regulations re-*
21 *lating to the interstate transportation of household goods.*

22 (c) *CONSIDERATIONS.—In issuing the notice of pro-*
23 *posed rulemaking under subsection (b), the Secretary shall*
24 *consider amending the following provisions of title 49, Code*
25 *of Federal Regulations, in accordance with the following*
26 *recommendations:*

1 (1) *Section 375.207(b) to require each covered*
2 *carrier to include on the website of the covered carrier*
3 *a link—*

4 (A) *to the publication of the Administration*
5 *entitled “Ready to Move—Tips for a Successful*
6 *Interstate Move” and numbered ESA–03–005 on*
7 *the website of the Administration; or*

8 (B) *to a copy of the publication referred to*
9 *in subparagraph (A) on the website of the cov-*
10 *ered carrier.*

11 (2) *Subsections (a) and (b)(1) of section 375.213*
12 *to require each covered carrier to provide to each in-*
13 *dividual shipper, together with any written estimate*
14 *provided to the shipper, a copy of the publication de-*
15 *scribed in appendix A of part 375 of that title, enti-*
16 *tled “Your Rights and Responsibilities When You*
17 *Move” and numbered ESA–03–006 (or a successor*
18 *publication), in the form of a written copy or a*
19 *hyperlink on the website of the covered carrier to the*
20 *location on the website of the Administration con-*
21 *taining that publication.*

22 (3) *Section 375.213 to repeal subsection (e) of*
23 *that section.*

24 (4) *Section 375.401(a) to require each covered*
25 *carrier—*

1 (A) to conduct a visual survey of the house-
2 hold goods to be transported by the covered car-
3 rier—

4 (i) in person; or

5 (ii) virtually, using—

6 (I) a remote camera; or

7 (II) another appropriate tech-
8 nology;

9 (B) to offer a visual survey described in
10 subparagraph (A) for all household goods ship-
11 ments, regardless of the distance between—

12 (i) the location of the household goods;

13 and

14 (ii) the location of the agent of the cov-
15 ered carrier preparing the estimate; and

16 (C) to provide to each shipper a copy of the
17 publication of the Administration entitled
18 “Ready to Move—Tips for a Successful Interstate
19 Move” and numbered ESA-03-005 on receipt
20 from the shipper of a request to schedule, or a
21 waiver of, a visual survey offered under subpara-
22 graph (B).

23 (5) Sections 375.401(b)(1), 375.403(a)(6)(ii),
24 and 375.405(b)(7)(ii), and subpart D of appendix A
25 of part 375, to require that, in any case in which a

1 *shipper tenders any additional item or requests any*
 2 *additional service prior to loading a shipment, the af-*
 3 *ected covered carrier shall—*

4 *(A) prepare a new estimate; and*

5 *(B) maintain a record of the date, time,*
 6 *and manner in which the new estimate was ac-*
 7 *cepted by the shipper.*

8 *(6) Section 375.501(a), to establish that a cov-*
 9 *ered carrier is not required to provide to a shipper*
 10 *an order for service if the covered carrier elects to pro-*
 11 *vide the information described in paragraphs (1)*
 12 *through (15) of that section in a bill of lading that*
 13 *is presented to the shipper before the covered carrier*
 14 *receives the shipment.*

15 *(7) Subpart H of part 375, to replace the replace*
 16 *the terms “freight bill” and “expense bill” with the*
 17 *term “invoice”.*

18 **SEC. 23014. IMPROVING FEDERAL-STATE MOTOR CARRIER**

19 **SAFETY ENFORCEMENT COORDINATION.**

20 *(a) DEFINITIONS.—In this section:*

21 *(1) COVERED STATE.—The term “covered State”*
 22 *means a State that receives Federal funds under the*
 23 *motor carrier safety assistance program established*
 24 *under section 31102 of title 49, United States Code.*

1 (2) *IMMINENT HAZARD.*—The term “imminent
2 hazard” has the same meaning as in section 521 of
3 title 49, United States Code.

4 (b) *REVIEW AND ENFORCEMENT OF STATE OUT-OF-*
5 *SERVICE ORDERS.*—As soon as practicable after the date
6 of enactment of this Act, the Secretary shall publish in the
7 Federal Register a process under which the Secretary shall
8 review each out-of-service order issued by a covered State
9 in accordance with section 31144(d) of title 49, United
10 States Code, by not later than 30 days after the date on
11 which the out-of-service order is submitted to the Secretary
12 by the covered State.

13 (c) *REVIEW AND ENFORCEMENT OF STATE IMMINENT*
14 *HAZARD DETERMINATIONS.*—

15 (1) *IN GENERAL.*—As soon as practicable after
16 the date of enactment of this Act, the Secretary shall
17 publish in the Federal Register a process under which
18 the Secretary shall review imminent hazard deter-
19 minations made by covered States.

20 (2) *ENFORCEMENT.*—On reviewing an imminent
21 hazard determination under paragraph (1), the Sec-
22 retary shall pursue enforcement under section 521 of
23 title 49, United States Code, as the Secretary deter-
24 mines to be appropriate.

1 **SEC. 23015. LIMOUSINE RESEARCH.**

2 (a) *DEFINITIONS.—In this section:*

3 (1) *LIMOUSINE.—The term “limousine” means a*
4 *motor vehicle—*

5 (A) *that has a seating capacity of 9 or more*
6 *persons (including the driver);*

7 (B) *with a gross vehicle weight rating great-*
8 *er than 10,000 pounds but not greater than*
9 *26,000 pounds;*

10 (C) *that the Secretary has determined by*
11 *regulation has physical characteristics resem-*
12 *bling—*

13 (i) *a passenger car;*

14 (ii) *a multipurpose passenger vehicle;*

15 *or*

16 (iii) *a truck with a gross vehicle*
17 *weight rating of 10,000 pounds or less; and*

18 (D) *that is not a taxi, nonemergency med-*
19 *ical, or paratransit motor vehicle.*

20 (2) *LIMOUSINE OPERATOR.—The term “lim-*
21 *ousine operator” means a person who owns or leases,*
22 *and uses, a limousine to transport passengers for*
23 *compensation.*

24 (3) *MOTOR VEHICLE SAFETY STANDARD.—The*
25 *term “motor vehicle safety standard” has the meaning*

1 *given the term in section 30102(a) of title 49, United*
2 *States Code.*

3 (4) *STATE.*—*The term “State” has the meaning*
4 *given such term in section 30102(a) of title 49,*
5 *United States Code.*

6 (b) *CRASHWORTHINESS.*—

7 (1) *RESEARCH.*—*Not later than 4 years after the*
8 *date of enactment of this Act, the Secretary shall com-*
9 *plete research into the development of motor vehicle*
10 *safety standards for side impact protection, roof crush*
11 *resistance, and air bag systems for the protection of*
12 *occupants in limousines with alternative seating posi-*
13 *tions, including perimeter seating arrangements.*

14 (2) *RULEMAKING OR REPORT.*—

15 (A) *CRASHWORTHINESS STANDARDS.*—

16 (i) *IN GENERAL.*—*Subject to clause*
17 *(ii), not later than 2 years after the date on*
18 *which the research under paragraph (1) is*
19 *completed, the Secretary shall prescribe, for*
20 *the protection of occupants in limousines*
21 *with alternative seating positions, a final*
22 *motor vehicle safety standard for each of the*
23 *following:*

24 (I) *Side impact protection.*

25 (II) *Roof crush resistance.*

1 (III) *Air bag systems.*

2 (ii) *REQUIREMENTS AND CONSIDER-*
3 *ATIONS.—The Secretary may only prescribe*
4 *a motor vehicle safety standard described in*
5 *clause (i) if the Secretary determines that*
6 *the standard meets the requirements and*
7 *considerations described in subsections (a)*
8 *and (b) of section 30111 of title 49, United*
9 *States Code.*

10 (B) *REPORT.—If the Secretary determines*
11 *that a motor vehicle safety standard described in*
12 *subparagraph (A)(i) would not meet the require-*
13 *ments and considerations described in sub-*
14 *sections (a) and (b) of section 30111 of title 49,*
15 *United States Code, the Secretary shall publish*
16 *in the Federal Register and submit to the Com-*
17 *mittee on Commerce, Science, and Transpor-*
18 *tation of the Senate and the Committee on En-*
19 *ergy and Commerce of the House of Representa-*
20 *tives a report describing the reasons for not pre-*
21 *scribing the standard.*

22 (c) *EVACUATION.—*

23 (1) *RESEARCH.—Not later than 2 years after the*
24 *date of enactment of this Act, the Secretary shall com-*
25 *plete research into safety features and standards that*

1 *aid evacuation in the event that an exit in the pas-*
2 *senger compartment of a limousine is blocked.*

3 (2) *RULEMAKING OR REPORT.—*

4 (A) *LIMOUSINE EVACUATION.—*

5 (i) *IN GENERAL.—Subject to clause*
6 *(ii), not later than 2 years after the date on*
7 *which the research under paragraph (1) is*
8 *completed, the Secretary shall prescribe a*
9 *final motor vehicle safety standard based on*
10 *the results of that research.*

11 (ii) *REQUIREMENTS AND CONSIDER-*
12 *ATIONS.—The Secretary may only prescribe*
13 *a motor vehicle safety standard described in*
14 *clause (i) if the Secretary determines that*
15 *the standard meets the requirements and*
16 *considerations described in subsections (a)*
17 *and (b) of section 30111 of title 49, United*
18 *States Code.*

19 (B) *REPORT.—If the Secretary determines*
20 *that a standard described in subparagraph*
21 *(A)(i) would not meet the requirements and con-*
22 *siderations described in subsections (a) and (b)*
23 *of section 30111 of title 49, United States Code,*
24 *the Secretary shall publish in the Federal Reg-*
25 *ister and submit to the Committee on Commerce,*

1 *Science, and Transportation of the Senate and*
2 *the Committee on Energy and Commerce of the*
3 *House of Representatives a report describing the*
4 *reasons for not prescribing the standard.*

5 (d) *LIMOUSINE INSPECTION DISCLOSURE.*—

6 (1) *IN GENERAL.*—*A limousine operator may not*
7 *introduce a limousine into interstate commerce unless*
8 *the limousine operator has prominently disclosed in a*
9 *clear and conspicuous notice, including on the website*
10 *of the operator if the operator has a website, the fol-*
11 *lowing:*

12 (A) *The date of the most recent inspection*
13 *of the limousine required under State or Federal*
14 *law, if applicable.*

15 (B) *The results of the inspection, if applica-*
16 *ble.*

17 (C) *Any corrective action taken by the lim-*
18 *ousine operator to ensure the limousine passed*
19 *inspection, if applicable.*

20 (2) *FEDERAL TRADE COMMISSION ENFORCE-*
21 *MENT.*—

22 (A) *IN GENERAL.*—*The Federal Trade Com-*
23 *mission shall enforce this subsection in the same*
24 *manner, by the same means, and with the same*
25 *jurisdiction, powers, and duties as though all ap-*

1 *plicable terms and provisions of the Federal*
2 *Trade Commission Act (15 U.S.C. 41 et seq.)*
3 *were incorporated into and made a part of this*
4 *subsection.*

5 (B) *TREATMENT.*—*Any person who violates*
6 *this subsection shall be subject to the penalties*
7 *and entitled to the privileges and immunities*
8 *provided in the Federal Trade Commission Act*
9 *(15 U.S.C. 41 et seq.).*

10 (3) *SAVINGS PROVISION.*—*Nothing in this sub-*
11 *section limits the authority of the Federal Trade*
12 *Commission under any other provision of law.*

13 (4) *EFFECTIVE DATE.*—*This subsection shall take*
14 *effect on the date that is 180 days after the date of*
15 *enactment of this Act.*

16 **SEC. 23016. NATIONAL CONSUMER COMPLAINT DATABASE.**

17 (a) *IN GENERAL.*—*Not later than 18 months after the*
18 *date of enactment of this Act, the Comptroller General of*
19 *the United States shall submit to the Committee on Com-*
20 *merce, Science, and Transportation of the Senate and the*
21 *Committee on Transportation and Infrastructure of the*
22 *House of Representatives a report on the National Con-*
23 *sumer Complaint Database of the Federal Motor Carrier*
24 *Safety Administration.*

1 (b) *CONTENTS.*—*The report under subsection (a) shall*
2 *include—*

3 (1) *a review of the process and effectiveness of ef-*
4 *forts to review and follow-up on complaints submitted*
5 *to the National Consumer Complaint Database;*

6 (2) *an identification of the top 5 complaint cat-*
7 *egories;*

8 (3) *an identification of—*

9 (A) *the process that the Federal Motor Car-*
10 *rier Safety Administration uses to determine*
11 *which entities to take enforcement actions*
12 *against; and*

13 (B) *the top categories of enforcement actions*
14 *taken by the Federal Motor Carrier Safety Ad-*
15 *ministration;*

16 (4) *a review of the use of the National Consumer*
17 *Complaint Database website over the 5-year period*
18 *ending on December 31, 2020, including information*
19 *obtained by conducting interviews with drivers, cus-*
20 *tomers of movers of household goods, brokers, motor*
21 *carriers, including small business motor carriers, and*
22 *other users of the website to determine the usability*
23 *of the website;*

1 (5) a review of efforts taken by the Federal Motor
2 Carrier Safety Administration to raise awareness of
3 the National Consumer Complaint Database; and

4 (6) recommendations, as appropriate, including
5 with respect to methods—

6 (A) for improving the usability of the Na-
7 tional Consumer Complaint Database website;

8 (B) for improving the review of complaints;

9 (C) for using data collected through the Na-
10 tional Consumer Complaint Database to identify
11 bad actors;

12 (D) to improve confidence and transparency
13 in the complaint process; and

14 (E) for improving stakeholder awareness of
15 and participation in the National Consumer
16 Complaint Database and the complaint system,
17 including improved communication about the
18 purpose of the National Consumer Complaint
19 Database.

20 **SEC. 23017. ELECTRONIC LOGGING DEVICE OVERSIGHT.**

21 Not later than 180 days after the date of enactment
22 of this Act, the Secretary shall submit to Congress a report
23 analyzing the cost and effectiveness of electronic logging de-
24 vices and detailing the processes—

1 (1) *used by the Federal Motor Carrier Safety Ad-*
2 *ministration—*

3 (A) *to review electronic logging device logs;*

4 *and*

5 (B) *to protect proprietary information and*
6 *personally identifiable information obtained*
7 *from electronic logging device logs; and*

8 (2) *through which an operator may challenge or*
9 *appeal a violation notice issued by the Federal Motor*
10 *Carrier Safety Administration relating to an elec-*
11 *tronic logging device.*

12 **SEC. 23018. TRANSPORTATION OF AGRICULTURAL COM-**
13 **MODITIES AND FARM SUPPLIES.**

14 Section 229(a)(1) of the Motor Carrier Safety Im-
15 provement Act of 1999 (49 U.S.C. 31136 note; Public Law
16 106–159) is amended—

17 (1) *in subparagraph (B), by striking “or” at the*
18 *end;*

19 (2) *in subparagraph (C), by striking the period*
20 *at the end and inserting “; or”; and*

21 (3) *by adding at the end the following:*

22 “(D) *drivers transporting livestock (as de-*
23 *finied in section 602 of the Emergency Livestock*
24 *Feed Assistance Act of 1988 (7 U.S.C. 1471) in-*

1 *recommendations for countering human trafficking, includ-*
2 *ing an assessment of previous best practices by transpor-*
3 *tation stakeholders.*

4 **SEC. 23021. BROKER GUIDANCE RELATING TO FEDERAL**
5 **MOTOR CARRIER SAFETY REGULATIONS.**

6 (a) *IN GENERAL.*—*Not later than 1 year after the date*
7 *of enactment of this Act, the Secretary shall issue guidance*
8 *to clarify the definitions of the terms “broker” and “bona*
9 *fide agents” in section 371.2 of title 49, Code of Federal*
10 *Regulations.*

11 (b) *CONSIDERATIONS.*—*In issuing guidance under*
12 *subsection (a), the Secretary shall take into consideration—*

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 in-*
17 *dustry.*

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 services*
23 *could be considered brokers or bona fide agents; and*

24 (3) *clarify the level of financial penalties for un-*
25 *authorized brokerage activities under section 14916 of*

1 *title 49, United States Code, applicable to a dispatch*
2 *service.*

3 **SEC. 23022. APPRENTICESHIP PILOT PROGRAM.**

4 *(a) DEFINITIONS.—In this section:*

5 *(1) APPRENTICE.—The term “apprentice” means*
6 *an individual who—*

7 *(A) is under the age of 21; and*

8 *(B) holds a commercial driver’s license.*

9 *(2) COMMERCIAL DRIVER’S LICENSE.—The term*
10 *“commercial driver’s license” has the meaning given*
11 *the term in section 31301 of title 49, United States*
12 *Code.*

13 *(3) COMMERCIAL MOTOR VEHICLE.—The term*
14 *“commercial motor vehicle” has the meaning given*
15 *the term in section 390.5 of title 49, Code of Federal*
16 *Regulations (as in effect on the date of enactment of*
17 *this Act).*

18 *(4) DRIVING TIME.—The term “driving time”*
19 *has the meaning given the term in section 395.2 of*
20 *title 49, Code of Federal Regulations (as in effect on*
21 *the date of enactment of this Act).*

22 *(5) EXPERIENCED DRIVER.—The term “experi-*
23 *enced driver” means an individual who—*

24 *(A) is not younger than 26 years of age;*

1 (B) has held a commercial driver’s license
2 for the 2-year period ending on the date on
3 which the individual serves as an experienced
4 driver under subsection (b)(2)(C)(ii);

5 (C) during the 2-year period ending on the
6 date on which the individual serves as an experi-
7 enced driver under subsection (b)(2)(C)(ii), has
8 had no—

9 (i) preventable accidents reportable to
10 the Department; or

11 (ii) pointed moving violations; and

12 (D) has a minimum of 5 years of experience
13 driving a commercial motor vehicle in interstate
14 commerce.

15 (6) *ON-DUTY TIME*.—The term “on-duty time”
16 has the meaning given the term in section 395.2 of
17 title 49, Code of Federal Regulations (as in effect on
18 the date of enactment of this Act).

19 (7) *POINTED MOVING VIOLATION*.—The term
20 “pointed moving violation” means a violation that
21 results in points being added to the license of a driv-
22 er, or a similar comparable violation, as determined
23 by the Secretary.

24 (b) *PILOT PROGRAM*.—

1 (1) *IN GENERAL.*—Not later than 60 days after
2 the date of enactment of this Act, the Secretary shall
3 establish, in accordance with section 31315(c) of title
4 49, United States Code, a pilot program allowing em-
5 ployers to establish the apprenticeship programs de-
6 scribed 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 shall
13 complete 120 hours of on-duty time, of
14 which not less than 80 hours shall be driv-
15 ing time in a commercial motor vehicle.

16 (ii) *PERFORMANCE BENCHMARKS.*—To
17 complete the 120-hour probationary period
18 under clause (i), the employer of an appren-
19 tice shall determine that the apprentice is
20 competent in each of the following areas:

21 (I) *Interstate, city traffic, rural 2-*
22 *lane, and evening driving.*

23 (II) *Safety awareness.*

24 (III) *Speed and space manage-*
25 *ment.*

1 (IV) *Lane control.*

2 (V) *Mirror scanning.*

3 (VI) *Right and left turns.*

4 (VII) *Logging and complying*
5 *with rules relating to hours of service.*

6 (B) *280-HOUR PROBATIONARY PERIOD.—*

7 (i) *IN GENERAL.—After completing the*
8 *120-hour probationary period under sub-*
9 *paragraph (A), an apprentice shall com-*
10 *plete 280 hours of on-duty time, of which*
11 *not less than 160 hours shall be driving*
12 *time in a commercial motor vehicle.*

13 (ii) *PERFORMANCE BENCHMARKS.—To*
14 *complete the 280-hour probationary period*
15 *under clause (i), the employer of an appren-*
16 *tice shall determine that the apprentice is*
17 *competent in each of the following areas:*

18 (I) *Backing and maneuvering in*
19 *close quarters.*

20 (II) *Pretrip inspections.*

21 (III) *Fueling procedures.*

22 (IV) *Weighing loads, weight dis-*
23 *tribution, and sliding tandems.*

24 (V) *Coupling and uncoupling pro-*
25 *cedures.*

1 (VI) *Trip planning, truck routes,*
2 *map reading, navigation, and permits.*

3 (C) *RESTRICTIONS FOR PROBATIONARY PE-*
4 *RIODS.—During the 120-hour probationary pe-*
5 *riod under subparagraph (A) and the 280-hour*
6 *probationary period under subparagraph (B)—*

7 (i) *an apprentice may only drive a*
8 *commercial motor vehicle that has—*

9 (I) *an automatic manual or auto-*
10 *matic transmission;*

11 (II) *an active braking collision*
12 *mitigation system;*

13 (III) *a forward-facing video event*
14 *capture system; and*

15 (IV) *a governed speed of 65 miles*
16 *per hour—*

17 (aa) *at the pedal; and*

18 (bb) *under adaptive cruise*
19 *control; and*

20 (ii) *an apprentice shall be accom-*
21 *panied in the passenger seat of the commer-*
22 *cial motor vehicle by an experienced driver.*

23 (D) *RECORDS RETENTION.—The employer*
24 *of an apprentice shall maintain records, in a*
25 *manner required by the Secretary, relating to the*

1 *satisfaction of the performance benchmarks de-*
2 *scribed in subparagraphs (A)(ii) and (B)(ii) by*
3 *the apprentice.*

4 (E) *REPORTABLE INCIDENTS.*—*If an ap-*
5 *prentice is involved in a preventable accident re-*
6 *portable to the Department or a pointed moving*
7 *violation while driving a commercial motor vehi-*
8 *cle as part of an apprenticeship program de-*
9 *scribed in this paragraph, the apprentice shall*
10 *undergo remediation and additional training*
11 *until the apprentice can demonstrate, to the sat-*
12 *isfaction of the employer, competence in each of*
13 *the performance benchmarks described in sub-*
14 *paragraphs (A)(ii) and (B)(ii).*

15 (F) *COMPLETION OF PROGRAM.*—*An ap-*
16 *prentice shall be considered to have completed an*
17 *apprenticeship program on the date on which the*
18 *apprentice completes the 280-hour probationary*
19 *period under subparagraph (B).*

20 (G) *MINIMUM REQUIREMENTS.*—

21 (i) *IN GENERAL.*—*Nothing in this sec-*
22 *tion prevents an employer from imposing*
23 *any additional requirement on an appren-*
24 *tice participating in an apprenticeship pro-*
25 *gram established under this section.*

1 (ii) *TECHNOLOGIES.*—*Nothing in this*
2 *section prevents an employer from requiring*
3 *or installing in a commercial motor vehicle*
4 *any technology in addition to the tech-*
5 *nologies described in subparagraph (C)(i).*

6 (3) *APPRENTICES.*—*An apprentice may—*

7 (A) *drive a commercial motor vehicle in*
8 *interstate commerce while participating in the*
9 *120-hour probationary period under paragraph*
10 *(2)(A) or the 280-hour probationary period*
11 *under paragraph (2)(B) pursuant to an appren-*
12 *ticeship program established by an employer in*
13 *accordance with this section; and*

14 (B) *drive a commercial motor vehicle in*
15 *interstate commerce after the apprentice com-*
16 *pletes an apprenticeship program described in*
17 *paragraph (2), unless the Secretary determines*
18 *there exists a safety concern.*

19 (4) *LIMITATION.*—*The Secretary may not allow*
20 *more than 3,000 apprentices at any 1 time to partici-*
21 *pate in the pilot program established under para-*
22 *graph (1).*

23 (c) *TERMINATION.*—*Effective beginning on the date*
24 *that is 3 years after the date of establishment of the pilot*
25 *program under subsection (b)(1)—*

1 (1) *the pilot program shall terminate; and*

2 (2) *any driver under the age of 21 who has com-*
3 *pleted an apprenticeship program described in sub-*
4 *section (b)(2) may drive a commercial motor vehicle*
5 *in interstate commerce, unless the Secretary deter-*
6 *mines there exists a safety concern.*

7 (d) *NO EFFECT ON LICENSE REQUIREMENT.—Nothing*
8 *in this section exempts an apprentice from any requirement*
9 *to hold a commercial driver’s license in order to operate*
10 *a commercial motor vehicle.*

11 (e) *DATA COLLECTION.—The Secretary shall collect*
12 *and analyze—*

13 (1) *data relating to any incident in which an*
14 *apprentice participating in the pilot program estab-*
15 *lished under subsection (b)(1) is involved;*

16 (2) *data relating to any incident in which a*
17 *driver under the age of 21 operating a commercial*
18 *motor vehicle in intrastate commerce is involved; and*

19 (3) *such other data relating to the safety of ap-*
20 *prentices aged 18 to 20 years operating in interstate*
21 *commerce as the Secretary determines to be necessary.*

22 (f) *LIMITATION.—A driver under the age of 21 partici-*
23 *pating in the pilot program under this section may not—*

24 (1) *transport—*

25 (A) *a passenger; or*

1 (B) hazardous cargo; or

2 (2) operate a commercial motor vehicle—

3 (A) in special configuration; or

4 (B) with a gross vehicle weight rating of
5 more than 80,000 pounds.

6 (g) *REPORT TO CONGRESS.*—Not later than 120 days
7 after the date of conclusion of the pilot program under sub-
8 section (b), the Secretary shall submit to Congress a report
9 including—

10 (1) the findings and conclusions resulting from
11 the pilot program, including with respect to tech-
12 nologies or training provided by commercial motor
13 carriers for apprentices as part of the pilot program
14 to successfully improve safety;

15 (2) an analysis of the safety record of appren-
16 tices participating in the pilot program, as compared
17 to other commercial motor vehicle drivers;

18 (3) the number of drivers that discontinued par-
19 ticipation in the apprenticeship program before com-
20 pletion;

21 (4) a comparison of the safety records of partici-
22 pating drivers before, during, and after the proba-
23 tionary periods under subparagraphs (A) and (B) of
24 subsection (b)(2);

1 (5) a comparison, for each participating driver,
2 of average on-duty time, driving time, and time spent
3 away from home terminal before, during, and after
4 the probationary periods referred to in paragraph (4);
5 and

6 (6) a recommendation, based on the data col-
7 lected, regarding whether the level of safety achieved
8 by the pilot program is equivalent to, or greater than,
9 the level of safety for equivalent commercial motor ve-
10 hicle drivers aged 21 years or older.

11 (h) *RULE OF CONSTRUCTION.*—Nothing in this section
12 affects the authority of the Secretary under section 31315
13 of title 49, United States Code, with respect to the pilot
14 program established under subsection (b)(1), including the
15 authority to revoke participation in, and terminate, the
16 pilot program under paragraphs (3) and (4) of subsection
17 (c) of that section.

18 (i) *DRIVER COMPENSATION STUDY.*—

19 (1) *IN GENERAL.*—Not later than 1 year after
20 the date of enactment of this Act, the Secretary, act-
21 ing through the Administrator of the Federal Motor
22 Carrier Safety Administration, shall offer to enter
23 into a contract with the Transportation Research
24 Board under which the Transportation Research
25 Board shall conduct a study of the impacts of various

1 *methods of driver compensation on safety and driver*
2 *retention, including—*

3 *(A) hourly pay;*

4 *(B) payment for detention time; and*

5 *(C) other payment methods used in the in-*
6 *dustry as of the date on which the study is con-*
7 *ducted.*

8 *(2) CONSULTATION.—In conducting the study*
9 *under paragraph (1), the Transportation Research*
10 *Board shall consult with—*

11 *(A) labor organizations representing com-*
12 *mercial motor vehicle drivers;*

13 *(B) representatives of the motor carrier in-*
14 *dustry, including owner-operators; and*

15 *(C) such other stakeholders as the Transpor-*
16 *tation Research Board determines to be relevant.*

17 **SEC. 23023. LIMOUSINE COMPLIANCE WITH FEDERAL SAFE-**
18 **TY STANDARDS.**

19 *(a) LIMOUSINE STANDARDS.—*

20 *(1) SAFETY BELT AND SEATING SYSTEM STAND-*
21 *ARDS FOR LIMOUSINES.—Not later than 2 years after*
22 *the date of enactment of this Act, the Secretary shall*
23 *prescribe a final rule that—*

24 *(A) amends Federal Motor Vehicle Safety*
25 *Standard Numbers 208, 209, and 210 to require*

1 to be installed in limousines on each designated
2 seating position, including on side-facing seats—

3 (i) an occupant restraint system con-
4 sisting of integrated lap-shoulder belts; or

5 (ii) an occupant restraint system con-
6 sisting of a lap belt, if an occupant re-
7 straint system described in clause (i) does
8 not meet the need for motor vehicle safety;
9 and

10 (B) amends Federal Motor Vehicle Safety
11 Standard Number 207 to require limousines to
12 meet standards for seats (including side-facing
13 seats), seat attachment assemblies, and seat in-
14 stallation to minimize the possibility of failure
15 by forces acting on the seats, attachment assem-
16 blies, and installations as a result of motor vehi-
17 cle impact.

18 (2) *REPORT ON RETROFIT ASSESSMENT FOR LIM-*
19 *OUSINES.*—Not later than 2 years after the date of en-
20 actment of this Act, the Secretary shall submit to the
21 Committee on Commerce, Science, and Transpor-
22 tation of the Senate and the Committee on Energy
23 and Commerce of the House of Representatives a re-
24 port that assesses the feasibility, benefits, and costs
25 with respect to the application of any requirement es-

1 (C) \$378,400,000 for fiscal year 2024;

2 (D) \$385,900,000 for fiscal year 2025; and

3 (E) \$393,400,000 for fiscal year 2026.

4 (2) *HIGHWAY SAFETY RESEARCH AND DEVELOP-*
5 *MENT.—To carry out section 403 of title 23, United*
6 *States Code—*

7 (A) \$186,000,000 for fiscal year 2022;

8 (B) \$190,000,000 for fiscal year 2023;

9 (C) \$194,000,000 for fiscal year 2024;

10 (D) \$198,000,000 for fiscal year 2025; and

11 (E) \$202,000,000 for fiscal year 2026.

12 (3) *HIGH-VISIBILITY ENFORCEMENT PROGRAM.—*
13 *To carry out section 404 of title 23, United States*
14 *Code—*

15 (A) \$36,400,000 for fiscal year 2022;

16 (B) \$38,300,000 for fiscal year 2023;

17 (C) \$40,300,000 for fiscal year 2024;

18 (D) \$42,300,000 for fiscal year 2025; and

19 (E) \$44,300,000 for fiscal year 2026.

20 (4) *NATIONAL PRIORITY SAFETY PROGRAMS.—To*
21 *carry out section 405 of title 23, United States*
22 *Code—*

23 (A) \$336,500,000 for fiscal year 2022;

24 (B) \$346,500,000 for fiscal year 2023;

25 (C) \$353,500,000 for fiscal year 2024;

1 (D) \$360,500,000 for fiscal year 2025; and

2 (E) \$367,500,000 for fiscal year 2026.

3 (5) *ADMINISTRATIVE EXPENSES.*—For adminis-
4 trative and related operating expenses of the National
5 Highway Traffic Safety Administration in carrying
6 out chapter 4 of title 23, United States Code, and this
7 title—

8 (A) \$38,000,000 for fiscal year 2022;

9 (B) \$39,520,000 for fiscal year 2023;

10 (C) \$41,100,800 for fiscal year 2024;

11 (D) \$42,744,832 for fiscal year 2025; and

12 (E) \$44,454,625 for fiscal year 2026.

13 (6) *NATIONAL DRIVER REGISTER.*—For the Na-
14 tional Highway Traffic Safety Administration to
15 carry out chapter 303 of title 49, United States
16 Code—

17 (A) \$6,800,000 for fiscal year 2022;

18 (B) \$7,000,000 for fiscal year 2023;

19 (C) \$7,200,000 for fiscal year 2024;

20 (D) \$7,400,000 for fiscal year 2025; and

21 (E) \$7,600,000 for fiscal year 2026.

22 (b) *PROHIBITION ON OTHER USES.*—Except as other-
23 wise provided in chapter 4 of title 23, and chapter 303 of
24 title 49, United States Code, the amounts made available
25 under subsection (a) or any other provision of law from

1 *the Highway Trust Fund (other than the Mass Transit Ac-*
 2 *count) for a program under those chapters—*

3 *(1) shall only be used to carry out that program;*

4 *and*

5 *(2) may not be used by a State or local govern-*
 6 *ment for construction purposes.*

7 *(c) APPLICABILITY OF TITLE 23.—Except as otherwise*
 8 *provided in chapter 4 of title 23, and chapter 303 of title*
 9 *49, United States Code, the amounts made available under*
 10 *subsection (a) for fiscal years 2022 through 2026 shall be*
 11 *available for obligation in the same manner as if those*
 12 *funds were apportioned under chapter 1 of title 23, United*
 13 *States Code.*

14 *(d) HIGHWAY SAFETY GENERAL REQUIREMENTS.—*

15 *(1) IN GENERAL.—Chapter 4 of title 23, United*
 16 *States Code, is amended—*

17 *(A) by redesignating sections 409 and 412*
 18 *and sections 407 and 408, respectively; and*

19 *(B) by inserting after section 405 the fol-*
 20 *lowing:*

21 **“§ 406. General requirements for Federal assistance**

22 *“(a) DEFINITION OF FUNDED PROJECT.—In this sec-*
 23 *tion, the term ‘funded project’ means a project funded, in*
 24 *whole or in part, by a grant provided under section 402*
 25 *or 405.*

1 “(b) *REGULATORY AUTHORITY.*—Each funded project
2 shall be carried out in accordance with applicable regula-
3 tions promulgated by the Secretary.

4 “(c) *STATE MATCHING REQUIREMENTS.*—If a grant
5 provided under this chapter requires any State to share in
6 the cost of a funded project, the aggregate of the expendi-
7 tures made by the State (including any political subdivi-
8 sion of the State) for highway safety activities during a
9 fiscal year, exclusive of Federal funds, for carrying out the
10 funded project (other than expenditures for planning or ad-
11 ministration) shall be credited toward the non-Federal
12 share of the cost of any other funded project (other than
13 planning and administration) during that fiscal year, re-
14 gardless of whether those expenditures were made in connec-
15 tion with the project.

16 “(d) *GRANT APPLICATION AND DEADLINE.*—

17 “(1) *APPLICATIONS.*—To be eligible to receive a
18 grant under this chapter, a State shall submit to the
19 Secretary an application at such time, in such man-
20 ner, and containing such information as the Sec-
21 retary may require.

22 “(2) *DEADLINE.*—The Secretary shall establish a
23 single deadline for the submission of applications
24 under paragraph (1) to enable the provision of grants

1 *under this chapter early in each applicable fiscal year*
 2 *beginning after the date of submission.*

3 “(e) *DISTRIBUTION OF FUNDS TO STATES.*—Not later
 4 *than 60 days after the later of the start of a fiscal year*
 5 *or the date of enactment of any appropriations Act making*
 6 *funds available to carry out this chapter for that fiscal year,*
 7 *the Secretary shall distribute to each State the portion of*
 8 *those funds to which the State is entitled for the applicable*
 9 *fiscal year.”.*

10 (2) *CLERICAL AMENDMENT.*—*The analysis for*
 11 *chapter 4 of title 23, United States Code, is amended*
 12 *by striking the items relating to sections 406 through*
 13 *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.”.

14 **SEC. 24102. HIGHWAY SAFETY PROGRAMS.**

15 (a) *IN GENERAL.*—*Section 402 of title 23, United*
 16 *States Code, is amended—*

17 (1) *by striking “accidents” each place it appears*
 18 *and inserting “crashes”;*

19 (2) *by striking “accident” each place it appears*
 20 *and inserting “crash”;*

21 (3) *in subsection (a)—*

22 (A) *in paragraph (1), by striking “shall*
 23 *have” and all that follows through the period at*

1 *the end and inserting the following: “shall have*
2 *in effect a highway safety program that—*

3 *“(i) is designed to reduce—*

4 *“(I) traffic crashes; and*

5 *“(II) deaths, injuries, and prop-*
6 *erty damage resulting from those*
7 *crashes;*

8 *“(ii) includes—*

9 *“(I) an approved, current, tri-*
10 *ennial highway safety plan in accord-*
11 *ance with subsection (k); and*

12 *“(II) an approved grant applica-*
13 *tion under subsection (l) for the fiscal*
14 *year;*

15 *“(iii) demonstrates compliance with*
16 *the applicable administrative requirements*
17 *of subsection (b)(1); and*

18 *“(iv) is approved by the Secretary.”;*

19 *(B) in paragraph (2)(A)—*

20 *(i) in clause (ii), by striking “occupant*
21 *protection devices (including the use of safe-*
22 *ty belts and child restraint systems)” and*
23 *inserting “safety belts”;*

24 *(ii) in clause (vii), by striking “and”*
25 *at the end;*

1 (iii) by redesignating clauses (iii)
2 through (viii) as clauses (iv) through (ix),
3 respectively;

4 (iv) by inserting after clause (ii) the
5 following:

6 “(iii) to encourage more widespread
7 and proper use of child restraints, with an
8 emphasis on underserved populations;”;

9 (v) by adding at the end the following:

10 “(x) to reduce crashes caused by driver
11 misuse or misunderstanding of new vehicle
12 technology;

13 “(xi) to increase vehicle recall aware-
14 ness;

15 “(xii) to provide to the public informa-
16 tion relating to the risks of child heatstroke
17 death when left unattended in a motor vehi-
18 cle after the motor is deactivated by the op-
19 erator;

20 “(xiii) to reduce injuries and deaths
21 resulting from the failure by drivers of
22 motor vehicles to move to another traffic
23 lane or reduce the speed of the vehicle when
24 law enforcement, fire service, emergency
25 medical services, or other emergency or first

1 *responder vehicles are stopped or parked on*
2 *or next to a roadway with emergency lights*
3 *activated; and*

4 *“(xiv) to prevent crashes, injuries, and*
5 *deaths caused by unsecured vehicle loads;”;*
6 *and*

7 *(C) by adding at the end the following:*

8 *“(3) ADDITIONAL CONSIDERATIONS.—A State*
9 *that has legalized medicinal or recreational mari-*
10 *juana shall take into consideration implementing pro-*
11 *grams in addition to the programs described in para-*
12 *graph (2)(A)—*

13 *“(A) to educate drivers regarding the risks*
14 *associated with marijuana-impaired driving;*
15 *and*

16 *“(B) to reduce injuries and deaths resulting*
17 *from individuals driving motor vehicles while*
18 *impaired by marijuana.”;*

19 *(4) in subsection (b)(1)—*

20 *(A) in the matter preceding subparagraph*
21 *(A), by striking “may” and inserting “shall”;*

22 *(B) by striking subparagraph (B) and in-*
23 *serting the following:*

24 *“(B) provide for a comprehensive, data-*
25 *driven traffic safety program that results from*

1 *meaningful public participation and engagement*
2 *from affected communities, particularly those*
3 *most significantly impacted by traffic crashes re-*
4 *sulting in injuries and fatalities;”;*

5 *(C) in subparagraph (C), by striking “au-*
6 *thorized in accordance with subparagraph (B)”;*

7 *(D) in subparagraph (D), by striking “with*
8 *disabilities, including those in wheelchairs” and*
9 *inserting “, including those with disabilities and*
10 *those in wheelchairs”;*

11 *(E) by striking subparagraph (E) and in-*
12 *serting the following:*

13 *“(E) as part of a comprehensive program,*
14 *support—*

15 *“(i) data-driven traffic safety enforce-*
16 *ment programs that foster effective commu-*
17 *nity collaboration to increase public safety;*
18 *and*

19 *“(ii) data collection and analysis to*
20 *ensure transparency, identify disparities in*
21 *traffic enforcement, and inform traffic en-*
22 *forcement policies, procedures, and activi-*
23 *ties; and”;* and

24 *(F) in subparagraph (F)—*

1 (i) in clause (i), by striking “national
2 law enforcement mobilizations and high-vis-
3 ibility” and inserting “national, high-visi-
4 bility”;

5 (ii) in clause (iv), by striking “and”
6 after the semicolon at the end;

7 (iii) in clause (v), by striking the pe-
8 riod at the end and inserting “; and”; and

9 (iv) by adding at the end the following:

10 “(vi) unless the State highway safety
11 program is developed by American Samoa,
12 Guam, the Commonwealth of the Northern
13 Mariana Islands, or the United States Vir-
14 gin Islands, participation in the Fatality
15 Analysis Reporting System.”;

16 (5) in subsection (c)—

17 (A) in paragraph (1)—

18 (i) by striking the paragraph designa-
19 tion and heading and all that follows
20 through “Funds authorized” and inserting
21 the following:

22 “(1) USE FOR STATE ACTIVITIES.—

23 “(A) IN GENERAL.—The funds authorized”;

24 and

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

1 “(B) *NEIGHBORING STATES*.—A State, act-
2 ing in cooperation with any neighboring State,
3 may use funds provided under this section for a
4 highway safety program that may confer a ben-
5 efit 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 this
10 paragraph, the term ‘public road’ means any
11 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 the
18 amounts subject to subparagraph (C), of the
19 funds made available under this section—

20 “(I) 75 percent shall be appor-
21 tioned to each State based on the ratio
22 that, as determined by the most recent
23 decennial census—

24 “(aa) the population of the
25 State; bears to

1 “(bb) the total population of
2 all States; and

3 “(II) 25 percent shall be appor-
4 tioned to each State based on the ratio
5 that, subject to clause (ii)—

6 “(aa) the public road mileage
7 in each State; bears to

8 “(bb) the total public road
9 mileage in all States.

10 “(i) CALCULATION.—For purposes of
11 clause (i)(II), public road mileage shall
12 be—

13 “(I) determined as of the end of
14 the calendar year preceding the year
15 during which the funds are appor-
16 tioned;

17 “(II) certified by the Governor of
18 the State; and

19 “(III) subject to approval by the
20 Secretary.

21 “(C) MINIMUM APPORTIONMENTS.—The an-
22 nual apportionment under this section to—

23 “(i) each State shall be not less than $\frac{3}{4}$
24 of 1 percent of the total apportionment;

1 “(ii) *the Secretary of the Interior shall*
2 *be not less than 2 percent of the total appor-*
3 *tionment; and*

4 “(iii) *the United States Virgin Islands,*
5 *Guam, American Samoa, and the Common-*
6 *wealth of the Northern Mariana Islands*
7 *shall be not less than 1/4 of 1 percent of the*
8 *total apportionment.*

9 “(D) *PENALTY.—*

10 “(i) *IN GENERAL.—The funds appor-*
11 *tioned under this section to a State that*
12 *does not have approved or in effect a high-*
13 *way safety program described in subsection*
14 *(a)(1) shall be reduced by an amount equal*
15 *to not less than 20 percent of the amount*
16 *that would otherwise be apportioned to the*
17 *State under this section, until the date on*
18 *which the Secretary, as applicable—*

19 “(I) *approves such a highway*
20 *safety program; or*

21 “(II) *determines that the State is*
22 *implementing such a program.*

23 “(ii) *FACTOR FOR CONSIDERATION.—*
24 *In determining the amount of the reduction*
25 *in funds apportioned to a State under this*

1 *subparagraph, the Secretary shall take into*
2 *consideration the gravity of the failure by*
3 *the State to secure approval, or to imple-*
4 *ment, a highway safety program described*
5 *in subsection (a)(1).*

6 *“(E) LIMITATIONS.—*

7 *“(i) IN GENERAL.—A highway safety*
8 *program approved by the Secretary shall*
9 *not include any requirement that a State*
10 *shall implement such a program by adopt-*
11 *ing or enforcing any law, rule, or regula-*
12 *tion based on a guideline promulgated by*
13 *the Secretary under this section requiring*
14 *any motorcycle operator aged 18 years or*
15 *older, or a motorcycle passenger aged 18*
16 *years or older, to wear a safety helmet when*
17 *operating or riding a motorcycle on the*
18 *streets and highways of that State.*

19 *“(ii) EFFECT OF GUIDELINES.—Noth-*
20 *ing in this section requires a State highway*
21 *safety program to require compliance with*
22 *every uniform guideline, or with every ele-*
23 *ment of every uniform guideline, in every*
24 *State.*

25 *“(3) REAPPORTIONMENT.—*

1 “(A) *IN GENERAL.*—*The Secretary shall*
2 *promptly apportion to a State any funds with-*
3 *held from the State under paragraph (2)(D) if*
4 *the Secretary makes an approval or determina-*
5 *tion, as applicable, described in that paragraph*
6 *by not later than July 31 of the fiscal year for*
7 *which the funds were withheld.*

8 “(B) *CONTINUING STATE FAILURE.*—*If the*
9 *Secretary determines that a State fails to correct*
10 *a failure to have approved or in effect a highway*
11 *safety program described in subsection (a)(1) by*
12 *the date described in subparagraph (A), the Sec-*
13 *retary shall reapportion the funds withheld from*
14 *that State under paragraph (2)(D) for the fiscal*
15 *year to the other States in accordance with the*
16 *formula described in paragraph (2)(B) by not*
17 *later than the last day of the fiscal year.”; and*

18 (C) *in paragraph (4)—*

19 (i) *by striking subparagraph (C);*

20 (ii) *by redesignating subparagraphs*
21 *(A) and (B) as subparagraphs (B) and (A),*
22 *respectively, and moving the subparagraphs*
23 *so as to appear in alphabetical order; and*

24 (iii) *by adding at the end the fol-*
25 *lowing:*

1 “(C) *SPECIAL RULE FOR SCHOOL AND*
2 *WORK ZONES.*—*Notwithstanding subparagraph*
3 *(B), a State may expend funds apportioned to*
4 *the State under this section to carry out a pro-*
5 *gram to purchase, operate, or maintain an auto-*
6 *mated traffic enforcement system in a work zone*
7 *or school zone.*

8 “(D) *AUTOMATED TRAFFIC ENFORCEMENT*
9 *SYSTEM GUIDELINES.*—*An automated traffic en-*
10 *forcement system installed pursuant to subpara-*
11 *graph (C) shall comply with such guidelines ap-*
12 *plicable to speed enforcement camera systems*
13 *and red light camera systems as are established*
14 *by the Secretary.”;*

15 *(6) in subsection (k)—*

16 *(A) by striking the subsection designation*
17 *and heading and all that follows through “there-*
18 *after” in paragraph (1) and inserting the fol-*
19 *lowing:*

20 “(k) *TRIENNIAL HIGHWAY SAFETY PLAN.*—

21 “(1) *IN GENERAL.*—*For fiscal year 2024, and*
22 *not less frequently than once every 3 fiscal years*
23 *thereafter”;*

24 *(B) in paragraph (1), by striking “for that*
25 *fiscal year, to develop and submit to the Sec-*

1 *retary for approval a highway safety plan” and*
2 *inserting “for the 3 fiscal years covered by the*
3 *plan, to develop and submit to the Secretary for*
4 *approval a triennial highway safety plan”;*

5 *(C) by striking paragraph (2) and inserting*
6 *the following:*

7 “(2) *TIMING.*—*Each State shall submit to the*
8 *Secretary a triennial highway safety plan by not*
9 *later than July 1 of the fiscal year preceding the first*
10 *fiscal year covered by the plan.”;*

11 *(D) in paragraph (3), by inserting “tri-*
12 *ennial” before “highway”;*

13 *(E) in paragraph (4)—*

14 *(i) in the matter preceding subpara-*
15 *graph (A)—*

16 *(I) by striking “State highway*
17 *safety plans” and inserting “Each*
18 *State triennial highway safety plan”;*
19 *and*

20 *(II) by inserting “, with respect to*
21 *the 3 fiscal years covered by the plan,*
22 *based on the information available on*
23 *the date of submission under para-*
24 *graph (2)” after “include”;*

1 (ii) in subparagraph (A)(ii), by strik-
2 ing “annual performance targets” and in-
3 serting “performance targets that dem-
4 onstrate constant or improved perform-
5 ance”;

6 (iii) by striking subparagraph (B) and
7 inserting the following:

8 “(B) a countermeasure strategy for pro-
9 gramming funds under this section for projects
10 that will allow the State to meet the performance
11 targets described in subparagraph (A), including
12 a description—

13 “(i) that demonstrates the link between
14 the effectiveness of each proposed counter-
15 measure strategy and those performance
16 targets; and

17 “(ii) of the manner in which each
18 countermeasure strategy is informed by uni-
19 form guidelines issued by the Secretary;”;

20 (iv) in subparagraph (D)—

21 (I) by striking “, State, local, or
22 private”; and

23 (II) by inserting “and” after the
24 semicolon at the end;

25 (v) in subparagraph (E)—

1 (I) by striking “for the fiscal year
2 preceding the fiscal year to which the
3 plan applies,”; and

4 (II) by striking “performance tar-
5 gets set forth in the previous year’s
6 highway safety plan; and” and insert-
7 ing “performance targets set forth in
8 the most recently submitted highway
9 safety plan.”; and

10 (vi) by striking subparagraph (F);

11 (F) by striking paragraph (5) and inserting
12 the following:

13 “(5) *PERFORMANCE MEASURES.*—The Secretary
14 shall develop minimum performance measures under
15 paragraph (4)(A) in consultation with the Governors
16 Highway Safety Association.”; and

17 (G) in paragraph (6)—

18 (i) in the paragraph heading, by in-
19 serting “*TRIENNIAL*” before “*HIGHWAY*”;

20 (ii) by redesignating subparagraphs
21 (B) through (E) as subparagraphs (C)
22 through (F), respectively;

23 (iii) in each of subparagraphs (C)
24 through (F) (as so redesignated), by insert-

1 ing “triennial” before “highway” each place
2 it appears; and

3 (iv) by striking subparagraph (A) and
4 inserting the following:

5 “(A) *IN GENERAL.*—Except as provided in
6 subparagraph (B), the Secretary shall review
7 and approve or disapprove a triennial highway
8 safety plan of a State by not later than 60 days
9 after the date on which the plan is received by
10 the Secretary.

11 “(B) *ADDITIONAL INFORMATION.*—

12 “(i) *IN GENERAL.*—The Secretary may
13 request a State to submit to the Secretary
14 such additional information as the Sec-
15 retary determines to be necessary for review
16 of the triennial highway safety plan of the
17 State.

18 “(ii) *EXTENSION OF DEADLINE.*—On
19 providing to a State a request for addi-
20 tional information under clause (i), the Sec-
21 retary may extend the deadline to approve
22 or disapprove the triennial highway safety
23 plan of the State under subparagraph (A)
24 for not more than an additional 90 days, as
25 the Secretary determines to be necessary to

1 accommodate that request, subject to clause
2 (iii).

3 “(iii) *TIMING.*—Any additional infor-
4 mation requested under clause (i) shall be
5 submitted to the Secretary by not later than
6 7 business days after the date of receipt by
7 the State of the request.”;

8 (7) by inserting after subsection (k) the fol-
9 lowing:

10 “(l) *ANNUAL GRANT APPLICATION AND REPORTING*
11 *REQUIREMENTS.*—

12 “(1) *ANNUAL GRANT APPLICATION.*—

13 “(A) *IN GENERAL.*—To be eligible to receive
14 grant funds under this chapter for a fiscal year,
15 each State shall submit to the Secretary an an-
16 nual grant application that, as determined by
17 the Secretary—

18 “(i) demonstrates alignment with the
19 approved triennial highway safety plan of
20 the State; and

21 “(ii) complies with the requirements
22 under this subsection.

23 “(B) *TIMING.*—The deadline for submission
24 of annual grant applications under this para-

1 *graph shall be determined by the Secretary in*
2 *accordance with section 406(d)(2).*

3 “(C) *CONTENTS.—An annual grant appli-*
4 *cation under this paragraph shall include, at a*
5 *minimum—*

6 “(i) *such updates, as necessary, to any*
7 *analysis included in the triennial highway*
8 *safety plan of the State;*

9 “(ii) *an identification of each project*
10 *and subrecipient to be funded by the State*
11 *using the grants during the upcoming grant*
12 *year, subject to the condition that the State*
13 *shall separately submit, on a date other*
14 *than the date of submission of the annual*
15 *grant application, a description of any*
16 *projects or subrecipients to be funded, as*
17 *that information becomes available;*

18 “(iii) *a description of the means by*
19 *which the strategy of the State to use grant*
20 *funds was adjusted and informed by the*
21 *previous report of the State under para-*
22 *graph (2); and*

23 “(iv) *an application for any addi-*
24 *tional grants available to the State under*
25 *this chapter.*

1 “(D) *REVIEW.*—*The Secretary shall review*
2 *and approve or disapprove an annual grant ap-*
3 *plication under this paragraph by not later than*
4 *60 days after the date of submission of the appli-*
5 *cation.*

6 “(2) *REPORTING REQUIREMENTS.*—*Not later*
7 *than 120 days after the end of each fiscal year for*
8 *which a grant is provided to a State under this chap-*
9 *ter, the State shall submit to the Secretary an annual*
10 *report that includes—*

11 “(A) *an assessment of the progress made by*
12 *the State in achieving the performance targets*
13 *identified in the triennial highway safety plan of*
14 *the State, based on the most currently available*
15 *Fatality Analysis Reporting System data; and*

16 “(B)(i) *a description of the extent to which*
17 *progress made in achieving those performance*
18 *targets is aligned with the triennial highway*
19 *safety plan of the State; and*

20 “(i) *if applicable, any plans of the State to*
21 *adjust a strategy for programming funds to*
22 *achieve the performance targets.”;*

23 (8) *in subsection (m)(1), by striking “a State’s*
24 *highway safety plan” and inserting “the applicable*
25 *triennial highway safety plan of the State”; and*

1 (9) *by striking subsection (n) and inserting the*
2 *following:*

3 “(n) *PUBLIC TRANSPARENCY.—*

4 “(1) *IN GENERAL.—The Secretary shall publicly*
5 *release on a Department of Transportation website,*
6 *by not later than 45 calendar days after the applica-*
7 *ble date of availability—*

8 “(A) *each triennial highway safety plan ap-*
9 *proved by the Secretary under subsection (k);*

10 “(B) *each State performance target under*
11 *subsection (k); and*

12 “(C) *an evaluation of State achievement of*
13 *applicable performance targets under subsection*
14 *(k).*

15 “(2) *STATE HIGHWAY SAFETY PLAN WEBSITE.—*

16 “(A) *IN GENERAL.—In carrying out para-*
17 *graph (1), the Secretary shall establish a public*
18 *website that is easily accessible, navigable, and*
19 *searchable for the information required under*
20 *that paragraph, in order to foster greater trans-*
21 *parency in approved State highway safety pro-*
22 *grams.*

23 “(B) *CONTENTS.—The website established*
24 *under subparagraph (A) shall—*

1 “(i) include the applicable triennial
2 highway safety plan, and the annual report,
3 of each State submitted to, and approved
4 by, the Secretary under subsection (k); and

5 “(ii) provide a means for the public to
6 search the website for State highway safety
7 program content required under subsection
8 (k), including—

9 “(I) performance measures re-
10 quired by the Secretary;

11 “(II) progress made toward meet-
12 ing the applicable performance targets
13 during the preceding program year;

14 “(III) program areas and expend-
15 itures; and

16 “(IV) a description of any sources
17 of funds, other than funds provided
18 under this section, that the State pro-
19 poses to use to carry out the triennial
20 highway safety plan of the State.”.

21 (b) *EFFECTIVE DATE.*—The amendments made by sub-
22 section (a) shall take effect with respect to any grant appli-
23 cation or State highway safety plan submitted under chap-
24 ter 4 of title 23, United States Code, for fiscal year 2024
25 or thereafter.

1 **SEC. 24103. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
2 **MENT.**

3 *Section 403 of title 23, United States Code, is amend-*
4 *ed—*

5 *(1) by striking “accident” each place it appears*
6 *and inserting “crash”;*

7 *(2) in subsection (b)(1), in the matter preceding*
8 *subparagraph (A), by inserting “, training, edu-*
9 *cation,” after “demonstration projects”;*

10 *(3) in subsection (f)(1)—*

11 *(A) by striking “\$2,500,000” and inserting*
12 *“\$3,500,000”; and*

13 *(B) by striking “subsection 402(c) in each*
14 *fiscal year ending before October 1, 2015, and*
15 *\$443,989 of the total amount available for ap-*
16 *portionment to the States for highway safety*
17 *programs under section 402(c) in the period be-*
18 *ginning on October 1, 2015, and ending on De-*
19 *cember 4, 2015,” and inserting “section 402(c)*
20 *in each fiscal year”;*

21 *(4) in subsection (h)—*

22 *(A) in paragraph (2), by striking “2017*
23 *through 2021 not more than \$26,560,000’ to con-*
24 *duct the research described in paragraph (1)”*
25 *and inserting “2022 through 2025, not more*

1 *than \$45,000,000 to conduct the research de-*
2 *scribed in paragraph (2)”;*

3 *(B) in paragraph (5)(A), by striking “sec-*
4 *tion 30102(a)(6)” and inserting “section*
5 *30102(a)”; and*

6 *(C) by redesignating paragraphs (1), (2),*
7 *(3), (4), and (5) as paragraphs (2), (3), (4), (5),*
8 *and (1), respectively, and moving the para-*
9 *graphs so as to appear in numerical order; and*
10 *(5) by adding at the end the following:*

11 “(k) *CHILD SAFETY CAMPAIGN.—*

12 “(1) *IN GENERAL.—The Secretary shall carry*
13 *out an education campaign to reduce the incidence of*
14 *vehicular heatstroke of children left in passenger*
15 *motor vehicles (as defined in section 30102(a) of title*
16 *49).*

17 “(2) *ADVERTISING.—The Secretary may use, or*
18 *authorize the use of, funds made available to carry*
19 *out this section to pay for the development, produc-*
20 *tion, and use of broadcast and print media adver-*
21 *tising and Internet-based outreach for the education*
22 *campaign under paragraph (1).*

23 “(3) *COORDINATION.—In carrying out the edu-*
24 *cation campaign under paragraph (1), the Secretary*
25 *shall coordinate with—*

- 1 “(A) interested State and local governments;
2 “(B) private industry; and
3 “(C) other parties, as determined by the
4 Secretary.

5 “(l) DEVELOPMENT OF STATE PROCESSES FOR IN-
6 FORMING CONSUMERS OF RECALLS.—

7 “(1) DEFINITIONS.—In this subsection:

8 “(A) MOTOR VEHICLE.—The term ‘motor
9 vehicle’ has the meaning given the term in sec-
10 tion 30102(a) of title 49.

11 “(B) OPEN RECALL.—The term ‘open recall’
12 means a motor vehicle recall—

13 “(i) for which a notification by a man-
14 ufacturer has been provided under section
15 30119 of title 49; and

16 “(ii) that has not been remedied under
17 section 30120 of that title.

18 “(C) PROGRAM.—The term ‘program’
19 means the program established under paragraph
20 (2)(A).

21 “(D) REGISTRATION.—The term ‘registra-
22 tion’ means the process for registering a motor
23 vehicle in a State (including registration re-
24 newal).

1 “(E) *STATE*.—The term ‘State’ has the
2 meaning given the term in section 101(a).

3 “(2) *GRANTS*.—

4 “(A) *ESTABLISHMENT OF PROGRAM*.—Not
5 later than 2 years after the date of enactment of
6 this subsection, the Secretary shall establish a
7 program under which the Secretary shall provide
8 grants to States for use in developing and imple-
9 menting State processes for informing each ap-
10 plicable owner and lessee of a motor vehicle of
11 any open recall on the motor vehicle at the time
12 of registration of the motor vehicle in the State,
13 in accordance with this paragraph.

14 “(B) *ELIGIBILITY*.—To be eligible to receive
15 a grant under the program, a State shall—

16 “(i) submit to the Secretary an appli-
17 cation at such time, in such manner, and
18 containing such information as the Sec-
19 retary may require; and

20 “(ii) agree—

21 “(I) to notify each owner or lessee
22 of a motor vehicle presented for reg-
23 istration in the State of any open re-
24 call on that motor vehicle; and

1 “(II) to provide to each owner or
2 lessee of a motor vehicle presented for
3 registration, at no cost—

4 “(aa) the open recall infor-
5 mation for the motor vehicle; and

6 “(bb) such other information
7 as the Secretary may require.

8 “(C) *FACTORS FOR CONSIDERATION.*—In se-
9 lecting grant recipients under the program, the
10 Secretary shall take into consideration the meth-
11 odology of a State for—

12 “(i) identifying open recalls on a
13 motor vehicle;

14 “(ii) informing each owner and lessee
15 of a motor vehicle of an open recall; and

16 “(iii) measuring performance in—

17 “(I) informing owners and lessees
18 of open recalls; and

19 “(II) remedying open recalls.

20 “(D) *PERFORMANCE PERIOD.*—A grant pro-
21 vided under the program shall require a per-
22 formance period of 2 years.

23 “(E) *REPORT.*—Not later than 90 days
24 after the date of completion of the performance
25 period under subparagraph (D), each State that

1 *receives a grant under the program shall submit*
2 *to the Secretary a report that contains such in-*
3 *formation as the Secretary considers to be nec-*
4 *essary to evaluate the extent to which open re-*
5 *calls have been remedied in the State.*

6 “(F) *NO REGULATIONS REQUIRED.*—*Not-*
7 *withstanding any other provision of law, the*
8 *Secretary shall not be required to issue any regu-*
9 *lations to carry out the program.*

10 “(3) *PAPERWORK REDUCTION ACT.*—*Chapter 35*
11 *of title 44 (commonly known as the ‘Paperwork Re-*
12 *duction Act’) shall not apply to information collected*
13 *under the program.*

14 “(4) *FUNDING.*—

15 “(A) *IN GENERAL.*—*For each of fiscal years*
16 *2022 through 2026, the Secretary shall obligate*
17 *from funds made available to carry out this sec-*
18 *tion \$1,500,000 to carry out the program.*

19 “(B) *REALLOCATION.*—*To ensure, to the*
20 *maximum extent practicable, that all amounts*
21 *described in subparagraph (A) are obligated each*
22 *fiscal year, the Secretary, before the last day of*
23 *any fiscal year, may reallocate any of those*
24 *amounts remaining available to increase the*

1 *amounts made available to carry out any other*
 2 *activities authorized under this section.*

3 “(m) *INNOVATIVE HIGHWAY SAFETY COUNTER-*
 4 *MEASURES.—*

5 “(1) *IN GENERAL.—In conducting research*
 6 *under this section, the Secretary shall evaluate the ef-*
 7 *fectiveness of innovative behavioral traffic safety*
 8 *countermeasures, other than traffic enforcement, that*
 9 *are considered promising or likely to be effective for*
 10 *the purpose of enriching revisions to the document en-*
 11 *titled ‘Countermeasures That Work: A Highway Safe-*
 12 *ty Countermeasure Guide for State Highway Safety*
 13 *Offices, Ninth Edition’ and numbered DOT HS 812*
 14 *478 (or any successor document).*

15 “(2) *TREATMENT.—The research described in*
 16 *paragraph (1) shall be in addition to any other re-*
 17 *search carried out under this section.”.*

18 **SEC. 24104. HIGH-VISIBILITY ENFORCEMENT PROGRAMS.**

19 *Section 404(a) of title 23, United States Code, is*
 20 *amended by striking “each of fiscal years 2016 through*
 21 *2020” and inserting “each of fiscal years 2022 through*
 22 *2026”.*

23 **SEC. 24105. NATIONAL PRIORITY SAFETY PROGRAMS.**

24 “(a) *IN GENERAL.—Section 405 of title 23, United*
 25 *States Code, is amended—*

1 (1) *in subsection (a)—*

2 (A) *by striking paragraphs (6) and (9);*

3 (B) *by redesignating paragraphs (1)*
4 *through (5) as paragraphs (2) through (6), re-*
5 *spectively;*

6 (C) *by striking the subsection designation*
7 *and heading and all that follows through “the*
8 *following:” in the matter preceding paragraph*
9 *(2) (as so redesignated) and inserting the fol-*
10 *lowing:*

11 “(a) *PROGRAM AUTHORITY.—*

12 “(1) *IN GENERAL.—Subject to the requirements*
13 *of this section, the Secretary shall—*

14 “(A) *manage programs to address national*
15 *priorities for reducing highway deaths and inju-*
16 *ries; and*

17 “(B) *allocate funds for the purpose de-*
18 *scribed in subparagraph (A) in accordance with*
19 *this subsection.”;*

20 (D) *in paragraph (4) (as so redesignated),*
21 *by striking “52.5 percent” and inserting “53*
22 *percent”;*

23 (E) *in paragraph (7)—*

24 (i) *by striking “5 percent” and insert-*
25 *ing “7 percent”; and*

1 (ii) by striking “subsection (h)” and
2 inserting “subsection (g)”;

3 (F) by redesignating paragraphs (8) and
4 (10) as paragraphs (10) and (11), respectively;

5 (G) by inserting after paragraph (7) the fol-
6 lowing:

7 “(8) *PREVENTING ROADSIDE DEATHS.*—In each
8 fiscal year, 1 percent of the funds provided under this
9 section shall be allocated among States that meet re-
10 quirements with respect to preventing roadside deaths
11 under subsection (h).

12 “(9) *DRIVER OFFICER SAFETY EDUCATION.*—In
13 each fiscal year, 1.5 percent of the funds provided
14 under this section shall be allocated among States
15 that meet requirements with respect to driver and of-
16 ficer safety education under subsection (i).”; and

17 (H) in paragraph (10) (as so redesign-
18 ated)—

19 (i) by striking “(1) through (7)” and
20 inserting “(2) through (9)”;

21 (ii) by striking “(b) through (h)” and
22 inserting “(b) through (i)”;

23 (2) in subsection (b)—

24 (A) in paragraph (1), by striking “of
25 Transportation”;

1 (B) in paragraph (3)(B)(ii)(VI)(aa), by
2 striking “3-year” and inserting “5-year”; and

3 (C) in paragraph (4)—

4 (i) in subparagraph (A), by striking
5 clause (v) and inserting the following:

6 “(v) implement programs—

7 “(I) to recruit and train nation-
8 ally certified child passenger safety
9 technicians among police officers, fire
10 and other first responders, emergency
11 medical personnel, and other individ-
12 uals or organizations serving low-in-
13 come and underserved populations;

14 “(II) to educate parents and care-
15 givers in low-income and underserved
16 populations regarding the importance
17 of proper use and correct installation
18 of child restraints on every trip in a
19 motor vehicle; and

20 “(III) to purchase and distribute
21 child restraints to low-income and un-
22 derserved populations; and”;

23 (ii) by striking subparagraph (B) and
24 inserting the following:

1 “(B) *REQUIREMENTS.*—*Each State that is*
2 *eligible to receive funds—*

3 “(i) *under paragraph (3)(A) shall*
4 *use—*

5 “(I) *not more than 90 percent of*
6 *those funds to carry out a project or*
7 *activity eligible for funding under sec-*
8 *tion 402; and*

9 “(II) *not less than 10 percent of*
10 *those funds to carry out subparagraph*
11 *(A)(v); and*

12 “(ii) *under paragraph (3)(B) shall use*
13 *not less than 10 percent of those funds to*
14 *carry out the activities described in sub-*
15 *paragraph (A)(v).”;*

16 (3) *in subsection (c)—*

17 (A) *in paragraph (1)—*

18 (i) *in the matter preceding subpara-*
19 *graph (A), by striking “of Transportation”;*
20 *and*

21 (ii) *in subparagraph (D), by striking*
22 *“States; and” and inserting “States, includ-*
23 *ing the National EMS Information Sys-*
24 *tem;”;*

25 (B) *in paragraph (3)—*

1 (i) by striking the paragraph designa-
2 tion and heading and all that follows
3 through “has a functioning” in subpara-
4 graph (A) and inserting the following:

5 “(3) *ELIGIBILITY*.—A State shall not be eligible
6 to receive a grant under this subsection for a fiscal
7 year unless the State—

8 “(A) has certified to the Secretary that the
9 State—

10 “(i) has a functioning”;

11 (ii) in subparagraph (B)—

12 (I) by adding “and” after the
13 semicolon at the end; and

14 (II) by redesignating the subpara-
15 graph as clause (ii) of subparagraph
16 (A) and indenting the clause appro-
17 priately;

18 (iii) in subparagraph (C)—

19 (I) by adding “and” after the
20 semicolon at the end; and

21 (II) by redesignating the subpara-
22 graph as clause (iii) of subparagraph
23 (A) and indenting the clause appro-
24 priately;

1 (iv) by redesignating subparagraph
2 (D) as subparagraph (B);

3 (v) in clause (vi) of subparagraph (B)
4 (as so redesignated), by striking “; and”
5 and inserting a period; and

6 (vi) by striking subparagraph (E);
7 (C) by striking paragraph (4) and inserting
8 the following:

9 “(4) USE OF GRANT AMOUNTS.—A State may
10 use a grant received under this subsection to make
11 data program improvements to core highway safety
12 databases relating to quantifiable, measurable
13 progress in any significant data program attribute
14 described in paragraph (3)(B), including through—

15 “(A) software or applications to identify,
16 collect, and report data to State and local gov-
17 ernment agencies, and enter data into State core
18 highway safety databases, including crash, cita-
19 tion or adjudication, driver, emergency medical
20 services or injury surveillance system, roadway,
21 and vehicle data;

22 “(B) purchasing equipment to improve a
23 process by which data are identified, collated,
24 and reported to State and local government
25 agencies, including technology for use by law en-

1 *forcement for near-real time, electronic reporting*
2 *of crash data;*

3 “(C) *improving the compatibility and inter-*
4 *operability of the core highway safety databases*
5 *of the State with national data systems and data*
6 *systems of other States, including the National*
7 *EMS Information System;*

8 “(D) *enhancing the ability of a State and*
9 *the Secretary to observe and analyze local, State,*
10 *and national trends in crash occurrences, rates,*
11 *outcomes, and circumstances;*

12 “(E) *supporting traffic records improve-*
13 *ment training and expenditures for law enforce-*
14 *ment, emergency medical, judicial, prosecutorial,*
15 *and traffic records professionals;*

16 “(F) *hiring traffic records professionals for*
17 *the purpose of improving traffic information sys-*
18 *tems (including a State Fatal Accident Report-*
19 *ing System (FARS) liaison);*

20 “(G) *adoption of the Model Minimum Uni-*
21 *form Crash Criteria, or providing to the public*
22 *information regarding why any of those criteria*
23 *will not be used, if applicable;*

24 “(H) *supporting reporting criteria relating*
25 *to emerging topics, including—*

1 “(i) impaired driving as a result of
2 drug, alcohol, or polysubstance consump-
3 tion; and

4 “(ii) advanced technologies present on
5 motor vehicles; and

6 “(I) conducting research relating to State
7 traffic safety information systems, including de-
8 veloping programs to improve core highway safe-
9 ty databases and processes by which data are
10 identified, collected, reported to State and local
11 government agencies, and entered into State core
12 safety databases.”; and

13 (D) by adding at the end the following:

14 “(6) *TECHNICAL ASSISTANCE.*—

15 “(A) *IN GENERAL.*—The Secretary shall
16 provide technical assistance to States, regardless
17 of whether a State receives a grant under this
18 subsection, with respect to improving the timeli-
19 ness, accuracy, completeness, uniformity, inte-
20 gration, and public accessibility of State safety
21 data that are needed to identify priorities for
22 Federal, State, and local highway and traffic
23 safety programs, including on adoption by a
24 State of the Model Minimum Uniform Crash
25 Criteria.

1 “(B) FUNDS.—The Secretary may use not
2 more than 3 percent of the amounts available
3 under this subsection to carry out subparagraph
4 (A).”;

5 (4) in subsection (d)—

6 (A) in paragraph (4)—

7 (i) in subparagraph (B)—

8 (I) by striking clause (iii) and in-
9 sserting the following:

10 “(iii) court support of impaired driv-
11 ing prevention efforts, including—

12 “(I) hiring criminal justice pro-
13 fessionals, including law enforcement
14 officers, prosecutors, traffic safety re-
15 source prosecutors, judges, judicial out-
16 reach liaisons, and probation officers;

17 “(II) training and education of
18 those professionals to assist the profes-
19 sionals in preventing impaired driving
20 and handling impaired driving cases,
21 including by providing compensation
22 to a law enforcement officer to carry
23 out safety grant activities to replace a
24 law enforcement officer who is receiv-
25 ing drug recognition expert training or

1 participating as an instructor in that
2 drug recognition expert training; and

3 “(III) establishing driving while
4 intoxicated courts;”;

5 (II) by striking clause (v) and in-
6 sserting the following:

7 “(v) improving blood alcohol and drug
8 concentration screening and testing, detec-
9 tion of potentially impairing drugs (includ-
10 ing through the use of oral fluid as a speci-
11 men), and reporting relating to testing and
12 detection;”;

13 (III) in clause (vi), by striking
14 “conducting standardized field sobriety
15 training, advanced roadside impaired
16 driving evaluation training, and” and
17 inserting “conducting initial and con-
18 tinuing standardized field sobriety
19 training, advanced roadside impaired
20 driving evaluation training, law en-
21 forcement phlebotomy training, and”;

22 (IV) in clause (ix), by striking
23 “and” at the end;

1 (V) in clause (x), by striking the
2 period at the end and inserting “;
3 and”; and

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

6 “(xi) testing and implementing pro-
7 grams, and purchasing technologies, to bet-
8 ter identify, monitor, or treat impaired
9 drivers, including—

10 “(I) oral fluid-screening tech-
11 nologies;

12 “(II) electronic warrant pro-
13 grams;

14 “(III) equipment to increase the
15 scope, quantity, quality, and timeliness
16 of forensic toxicology chemical testing;

17 “(IV) case management software
18 to support the management of im-
19 paired driving offenders; and

20 “(V) technology to monitor im-
21 paired-driving offenders, and equip-
22 ment and related expenditures used in
23 connection with impaired-driving en-
24 forcement in accordance with criteria

1 *established by the National Highway*
2 *Traffic Safety Administration.”; and*
3 *(ii) in subparagraph (C)—*

4 *(I) in the second sentence, by*
5 *striking “Medium-range” and insert-*
6 *ing the following:*

7 *“(ii) MEDIUM-RANGE AND HIGH-RANGE*
8 *STATES.—Subject to clause (iii), medium-*
9 *range”;*

10 *(II) in the first sentence, by strik-*
11 *ing “Low-range” and inserting the fol-*
12 *lowing:*

13 *“(i) LOW-RANGE STATES.—Subject to*
14 *clause (iii), low-range”; and*

15 *(III) by adding at the end the fol-*
16 *lowing:*

17 *“(iii) REPORTING AND IMPAIRED DRIV-*
18 *ING MEASURES.—A State may use grant*
19 *funds for any expenditure relating to—*

20 *“(I) increasing the timely and ac-*
21 *curate reporting to Federal, State, and*
22 *local databases of—*

23 *“(aa) crash information, in-*
24 *cluding electronic crash reporting*
25 *systems that allow accurate real-*

1 or near-real-time uploading of
2 crash information; and

3 “(bb) impaired driving
4 criminal justice information; or

5 “(II) researching or evaluating
6 impaired driving countermeasures.”;

7 (B) in paragraph (6)—

8 (i) by striking subparagraph (A) and
9 inserting the following:

10 “(A) GRANTS TO STATES WITH ALCOHOL-IG-
11 NITION INTERLOCK LAWS.—The Secretary shall
12 make a separate grant under this subsection to
13 each State that—

14 “(i) adopts, and is enforcing, a man-
15 datory alcohol-ignition interlock law for all
16 individuals convicted of driving under the
17 influence of alcohol or of driving while in-
18 toxicated;

19 “(ii) does not allow an individual con-
20 victed of driving under the influence of alco-
21 hol or of driving while intoxicated to receive
22 any driving privilege or driver’s license un-
23 less the individual installs on each motor
24 vehicle registered, owned, or leased for oper-
25 ation by the individual an ignition inter-

1 *lock for a period of not less than 180 days;*

2 *or*

3 “(iii) *has in effect, and is enforcing—*

4 “(I) *a State law requiring for any*
5 *individual who is convicted of, or the*
6 *driving privilege of whom is revoked or*
7 *denied for, refusing to submit to a*
8 *chemical or other appropriate test for*
9 *the purpose of determining the presence*
10 *or concentration of any intoxicating*
11 *substance, a State law requiring a pe-*
12 *riod of not less than 180 days of igni-*
13 *tion interlock installation on each*
14 *motor vehicle to be operated by the in-*
15 *dividual; and*

16 “(II) *a compliance-based removal*
17 *program, under which an individual*
18 *convicted of driving under the influ-*
19 *ence of alcohol or of driving while in-*
20 *toxicated shall—*

21 “(aa) *satisfy a period of not*
22 *less than 180 days of ignition*
23 *interlock installation on each*
24 *motor vehicle to be operated by the*
25 *individual; and*

1 “(bb) have completed a min-
2 imum consecutive period of not
3 less than 40 percent of the re-
4 quired period of ignition interlock
5 installation immediately pre-
6 ceding the date of release of the
7 individual, without a confirmed
8 violation.”; and
9 (ii) in subparagraph (D), by striking
10 “2009” and inserting “2022”; and
11 (C) in paragraph (7)(A), in the matter pre-
12 ceding clause (i), by inserting “or local” after
13 “authorizes a State”;
14 (5) in subsection (e)—
15 (A) by striking paragraphs (6) and (8);
16 (B) by redesignating paragraphs (1), (2),
17 (3), (4), (5), (7), and (9) as paragraphs (2), (4),
18 (6), (7), (8), (9), and (1), respectively, and mov-
19 ing the paragraphs so as to appear in numerical
20 order;
21 (C) in paragraph (1) (as so redesignated)—
22 (i) in the matter preceding subpara-
23 graph (A), by striking “, the following defi-
24 nitions apply”;

1 (ii) by striking subparagraph (B) and
2 inserting the following:

3 “(B) *PERSONAL WIRELESS COMMUNICA-*
4 *TIONS DEVICE.*—

5 “(i) *IN GENERAL.*—The term ‘personal
6 wireless communications device’ means—

7 “(I) a device through which per-
8 sonal wireless services (as defined in
9 section 332(c)(7)(C) of the Commu-
10 nications Act of 1934 (47 U.S.C.
11 332(c)(7)(C))) are transmitted; and

12 “(II) a mobile telephone or other
13 portable electronic communication de-
14 vice with which a user engages in a
15 call or writes, sends, or reads a text
16 message using at least 1 hand.

17 “(ii) *EXCLUSION.*—The term ‘personal
18 wireless communications device’ does not
19 include a global navigation satellite system
20 receiver used for positioning, emergency no-
21 tification, or navigation purposes.”; and

22 (iii) by striking subparagraph (E) and
23 inserting the following:

24 “(E) *TEXT.*—The term ‘text’ means—

1 “(i) to read from, or manually to enter
2 data into, a personal wireless communica-
3 tions device, including for the purpose of
4 SMS texting, emailing, instant messaging,
5 or any other form of electronic data re-
6 trieval or electronic data communication;
7 and

8 “(ii) manually to enter, send, or re-
9 trieve a text message to communicate with
10 another individual or device.

11 “(F) TEXT MESSAGE.—

12 “(i) IN GENERAL.—The term ‘text mes-
13 sage’ means—

14 “(I) a text-based message;

15 “(II) an instant message;

16 “(III) an electronic message; and

17 “(IV) email.

18 “(ii) EXCLUSIONS.—The term ‘text
19 message’ does not include—

20 “(I) an emergency, traffic, or
21 weather alert; or

22 “(II) a message relating to the op-
23 eration or navigation of a motor vehi-
24 cle.”;

1 (D) by striking paragraph (2) (as so reded-
2 signed) and inserting the following:

3 “(2) GRANT PROGRAM.—The Secretary shall pro-
4 vide a grant under this subsection to any State that
5 includes distracted driving awareness as part of the
6 driver’s license examination of the State.

7 “(3) ALLOCATION.—

8 “(A) IN GENERAL.—For each fiscal year,
9 not less than 50 percent of the amounts made
10 available to carry out this subsection shall be al-
11 located to States, based on the proportion that—

12 “(i) the apportionment of the State
13 under section 402 for fiscal year 2009; bears
14 to

15 “(ii) the apportionment of all States
16 under section 402 for that fiscal year.

17 “(B) GRANTS FOR STATES WITH DIS-
18 TRACTED DRIVING LAWS.—

19 “(i) IN GENERAL.—In addition to the
20 allocations under subparagraph (A), for
21 each fiscal year, not more than 50 percent
22 of the amounts made available to carry out
23 this subsection shall be allocated to States
24 that enact and enforce a law that meets the
25 requirements of paragraph (4), (5), or (6)—

1 “(I) based on the proportion
2 that—

3 “(aa) the apportionment of
4 the State under section 402 for
5 fiscal year 2009; bears to

6 “(bb) the apportionment of
7 all States under section 402 for
8 that fiscal year; and

9 “(II) subject to clauses (ii), (iii),
10 and (iv), as applicable.

11 “(ii) PRIMARY LAWS.—Subject to
12 clause (iv), in the case of a State that en-
13 acts and enforces a law that meets the re-
14 quirements of paragraph (4), (5), or (6) as
15 a primary offense, the allocation to the
16 State under this subparagraph shall be 100
17 percent of the amount calculated to be allo-
18 cated to the State under clause (i)(I).

19 “(iii) SECONDARY LAWS.—Subject to
20 clause (iv), in the case of a State that en-
21 acts and enforces a law that meets the re-
22 quirements of paragraph (4), (5), or (6) as
23 a secondary enforcement action, the alloca-
24 tion to the State under this subparagraph
25 shall be an amount equal to 50 percent of

1 *the amount calculated to be allocated to the*
2 *State under clause (i)(I).*

3 “(iv) *TEXTING WHILE DRIVING.*—Not-
4 *withstanding clauses (ii) and (iii), the allo-*
5 *cation under this subparagraph to a State*
6 *that enacts and enforces a law that pro-*
7 *hibits a driver from viewing a personal*
8 *wireless communications device (except for*
9 *purposes of navigation) shall be 25 percent*
10 *of the amount calculated to be allocated to*
11 *the State under clause (i)(I).”;*

12 *(E) in paragraph (4) (as so redesignated)—*

13 *(i) in the matter preceding subpara-*
14 *graph (A), by striking “set forth in this”*
15 *and inserting “of this”;*

16 *(ii) by striking subparagraph (B);*

17 *(iii) by redesignating subparagraphs*
18 *(C) and (D) as subparagraphs (B) and (C),*
19 *respectively;*

20 *(iv) in subparagraph (B) (as so redesi-*
21 *gnated), by striking “minimum”; and*

22 *(v) in subparagraph (C) (as so redesi-*
23 *gnated), by striking “text through a personal*
24 *wireless communication device” and insert-*

1 ing “use a personal wireless communica-
2 tions device for texting”;

3 (F) by inserting after paragraph (4) (as so
4 redesignated) the following:

5 “(5) *PROHIBITION ON HANDHELD PHONE USE*
6 *WHILE DRIVING.*—A State law meets the requirements
7 of this paragraph if the law—

8 “(A) prohibits a driver from holding a per-
9 sonal wireless communications device while driv-
10 ing;

11 “(B) establishes a fine for a violation of
12 that law; and

13 “(C) does not provide for an exemption that
14 specifically allows a driver to use a personal
15 wireless communications device for texting while
16 stopped in traffic.”;

17 (G) in paragraph (6) (as so redesignated)—

18 (i) in the matter preceding subpara-
19 graph (A), by striking “set forth in this”
20 and inserting “of this”;

21 (ii) in subparagraph (A)(ii), by strik-
22 ing “set forth in subsection (g)(2)(B)”;

23 (iii) by striking subparagraphs (B)
24 and (D);

1 (iv) by redesignating subparagraph (C)
2 as subparagraph (B);

3 (v) in subparagraph (B) (as so redesign-
4 ated), by striking “minimum”; and

5 (vi) by adding at the end the following:
6 “(C) does not provide for—

7 “(i) an exemption that specifically al-
8 lows a driver to use a personal wireless
9 communications device for texting while
10 stopped in traffic; or

11 “(ii) an exemption described in para-
12 graph (7)(E).”]; and

13 (H) in paragraph (7) (as so redesign-
14 ated)—

15 (i) in the matter preceding subpara-
16 graph (A), by striking “set forth in para-
17 graph (2) or (3)” and inserting “of para-
18 graph (4), (5), or (6)”];

19 (ii) by striking subparagraph (A) and
20 inserting the following:

21 “(A) a driver who uses a personal wireless
22 communications device during an emergency to
23 contact emergency services to prevent injury to
24 persons or property;”];

1 (iii) in subparagraph (C), by striking
2 “and” at the end;

3 (iv) by redesignating subparagraph
4 (D) as subparagraph (F); and

5 (v) by inserting after subparagraph
6 (C) the following:

7 “(D) a driver who uses a personal wireless
8 communications device for navigation;

9 “(E) except for a law described in para-
10 graph (6), the use of a personal wireless commu-
11 nications device—

12 “(i) in a hands-free manner;

13 “(ii) with a hands-free accessory; or

14 “(iii) with the activation or deactiva-
15 tion of a feature or function of the personal
16 wireless communications device with the
17 motion of a single swipe or tap of the finger
18 of the driver; and”;

19 (6) in subsection (f)(3)—

20 (A) in subparagraph (A)(i), by striking
21 “accident” and inserting “crash”;

22 (B) by redesignating subparagraphs (C)
23 through (F) as subparagraphs (D) through (G),
24 respectively;

1 (C) by inserting after subparagraph (B) the
2 following:

3 “(C) *HELMET LAW*.—A State law requiring
4 the use of a helmet for each motorcycle rider
5 under the age of 18.”; and

6 (D) in subparagraph (F) (as so redesign-
7 ated), in the subparagraph heading, by striking
8 “ACCIDENTS” and inserting “CRASHES”;

9 (7) by striking subsection (g);

10 (8) by redesignating subsection (h) as subsection
11 (g);

12 (9) in subsection (g) (as so redesignated)—

13 (A) by redesignating paragraphs (1)
14 through (5) as paragraphs (2) through (6), re-
15 spectively;

16 (B) by inserting before paragraph (2) (as so
17 redesignated) the following:

18 “(1) *DEFINITION OF NONMOTORIZED ROAD*
19 *USER*.—In this subsection, the term ‘nonmotorized
20 road user’ means—

21 “(A) a pedestrian;

22 “(B) an individual using a nonmotorized
23 mode of transportation, including a bicycle, a
24 scooter, or a personal conveyance; and

1 “(C) *an individual using a low-speed or*
2 *low-horsepower motorized vehicle, including an*
3 *electric bicycle, electric scooter, personal mobility*
4 *assistance device, personal transporter, or all-ter-*
5 *rain vehicle.”;*

6 (C) *in paragraph (2) (as so redesignated),*
7 *by striking “pedestrian and bicycle fatalities and*
8 *injuries that result from crashes involving a*
9 *motor vehicle” and inserting “nonmotorized road*
10 *user fatalities involving a motor vehicle in tran-*
11 *sit on a trafficway”;*

12 (D) *in paragraph (4) (as so redesignated),*
13 *by striking “pedestrian and bicycle” and insert-*
14 *ing “nonmotorized road user”;* and

15 (E) *by striking paragraph (5) (as so redesi-*
16 *gnated) and inserting the following:*

17 “(5) *USE OF GRANT AMOUNTS.—Grant funds re-*
18 *ceived by a State under this subsection may be used*
19 *for the safety of nonmotorized road users, including—*

20 “(A) *training of law enforcement officials*
21 *relating to nonmotorized road user safety, State*
22 *laws applicable to nonmotorized road user safety,*
23 *and infrastructure designed to improve non-*
24 *motorized road user safety;*

1 “(B) carrying out a program to support en-
2 forcement mobilizations and campaigns designed
3 to enforce State traffic laws applicable to non-
4 motorized road user safety;

5 “(C) public education and awareness pro-
6 grams designed to inform motorists and non-
7 motorized road users regarding—

8 “(i) nonmotorized road user safety, in-
9 cluding information relating to non-
10 motorized mobility and the importance of
11 speed management to the safety of non-
12 motorized road users;

13 “(ii) the value of the use of non-
14 motorized road user safety equipment, in-
15 cluding lighting, conspicuity equipment,
16 mirrors, helmets, and other protective
17 equipment, and compliance with any State
18 or local laws requiring the use of that
19 equipment;

20 “(iii) State traffic laws applicable to
21 nonmotorized road user safety, including
22 the responsibilities of motorists with respect
23 to nonmotorized road users; and

24 “(iv) infrastructure designed to im-
25 prove nonmotorized road user safety; and

1 “(D) the collection of data, and the estab-
2 lishment and maintenance of data systems, relat-
3 ing to nonmotorized road user traffic fatalities.”;
4 and

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

6 “(h) *PREVENTING ROADSIDE DEATHS.*—

7 “(1) *IN GENERAL.*—The Secretary shall provide
8 grants to States to prevent death and injury from
9 crashes involving motor vehicles striking other vehicles
10 and individuals stopped at the roadside.

11 “(2) *FEDERAL SHARE.*—The Federal share of the
12 cost of carrying out an activity funded through a
13 grant under this subsection may not exceed 80 per-
14 cent.

15 “(3) *ELIGIBILITY.*—A State shall receive a grant
16 under this subsection in a fiscal year if the State sub-
17 mits to the Secretary a plan that describes the method
18 by which the State will use grant funds in accordance
19 with paragraph (4).

20 “(4) *USE OF FUNDS.*—Amounts received by a
21 State under this subsection shall be used by the
22 State—

23 “(A) to purchase and deploy digital alert
24 technology that—

1 “(i) is capable of receiving alerts re-
2 garding nearby first responders; and

3 “(ii) in the case of a motor vehicle that
4 is used for emergency response activities, is
5 capable of sending alerts to civilian drivers
6 to protect first responders on the scene and
7 en route;

8 “(B) to educate the public regarding the
9 safety of vehicles and individuals stopped at the
10 roadside in the State through public information
11 campaigns for the purpose of reducing roadside
12 deaths and injury;

13 “(C) for law enforcement costs relating to
14 enforcing State laws to protect the safety of vehi-
15 cles and individuals stopped at the roadside;

16 “(D) for programs to identify, collect, and
17 report to State and local government agencies
18 data relating to crashes involving vehicles and
19 individuals stopped at the roadside; and

20 “(E) to pilot and incentivize measures, in-
21 cluding optical visibility measures, to increase
22 the visibility of stopped and disabled vehicles.

23 “(5) GRANT AMOUNT.—The allocation of grant
24 funds to a State under this subsection for a fiscal

1 *year shall be in proportion to the apportionment of*
2 *that State under section 402 for fiscal year 2022.*

3 “(i) *DRIVER AND OFFICER SAFETY EDUCATION.*—

4 “(1) *DEFINITION OF PEACE OFFICER.*—*In this*
5 *subsection, the term ‘peace officer’ includes any indi-*
6 *vidual—*

7 “(A) *who is an elected, appointed, or em-*
8 *ployed agent of a government entity;*

9 “(B) *who has the authority—*

10 “(i) *to carry firearms; and*

11 “(ii) *to make warrantless arrests; and*

12 “(C) *whose duties involve the enforcement of*
13 *criminal laws of the United States.*

14 “(2) *GRANTS.*—*Subject to the requirements of*
15 *this subsection, the Secretary shall provide grants*
16 *to—*

17 “(A) *States that enact or adopt a law or*
18 *program described in paragraph (4); and*

19 “(B) *qualifying States under paragraph*
20 *(7).*

21 “(3) *FEDERAL SHARE.*—*The Federal share of the*
22 *cost of carrying out an activity funded through a*
23 *grant under this subsection may not exceed 80 per-*
24 *cent.*

1 “(4) *DESCRIPTION OF LAW OR PROGRAM.*—A law
2 or program referred to in paragraph (2)(A) is a law
3 or program that requires 1 or more of the following:

4 “(A) *DRIVER EDUCATION AND DRIVING*
5 *SAFETY COURSES.*—The inclusion, in driver edu-
6 cation and driver safety courses provided to in-
7 dividuals by educational and motor vehicle agen-
8 cies of the State, of instruction and testing relat-
9 ing to law enforcement practices during traffic
10 stops, including information relating to—

11 “(i) the role of law enforcement and
12 the duties and responsibilities of peace offi-
13 cers;

14 “(ii) the legal rights of individuals
15 concerning interactions with peace officers;

16 “(iii) best practices for civilians and
17 peace officers during those interactions;

18 “(iv) the consequences for failure of an
19 individual or officer to comply with the law
20 or program; and

21 “(v) how and where to file a complaint
22 against, or a compliment relating to, a
23 peace officer.

24 “(B) *PEACE OFFICER TRAINING PRO-*
25 *GRAMS.*—Development and implementation of a

1 *training program, including instruction and*
2 *testing materials, for peace officers and reserve*
3 *law enforcement officers (other than officers who*
4 *have received training in a civilian course de-*
5 *scribed in subparagraph (A)) with respect to*
6 *proper interaction with civilians during traffic*
7 *stops.*

8 “(5) *USE OF FUNDS.*—*A State may use a grant*
9 *provided under this subsection for—*

10 “(A) *the production of educational mate-*
11 *rials and training of staff for driver education*
12 *and driving safety courses and peace officer*
13 *training described in paragraph (4); and*

14 “(B) *the implementation of a law or pro-*
15 *gram described in paragraph (4).*

16 “(6) *GRANT AMOUNT.*—*The allocation of grant*
17 *funds to a State under this subsection for a fiscal*
18 *year shall be in proportion to the apportionment of*
19 *that State under section 402 for fiscal year 2022.*

20 “(7) *SPECIAL RULE FOR CERTAIN STATES.*—

21 “(A) *DEFINITION OF QUALIFYING STATE.*—
22 *In this paragraph, the term ‘qualifying State’*
23 *means a State that—*

1 “(i) has received a grant under this
2 subsection for a period of not more than 5
3 years; and

4 “(ii) as determined by the Secretary—

5 “(I) has not fully enacted or
6 adopted a law or program described in
7 paragraph (4); but

8 “(II)(aa) has taken meaningful
9 steps toward the full implementation of
10 such a law or program; and

11 “(bb) has established a timetable
12 for the implementation of such a law
13 or program.

14 “(B) WITHHOLDING.—The Secretary
15 shall—

16 “(i) withhold 50 percent of the amount
17 that each qualifying State would otherwise
18 receive under this subsection if the quali-
19 fying State were a State described in para-
20 graph (2)(A); and

21 “(ii) direct any amounts withheld
22 under clause (i) for distribution among the
23 States that are enforcing and carrying out
24 a law or program described in paragraph
25 (4).”.

1 (b) *TECHNICAL AMENDMENT.*—Section 4010(2) of the
2 *FAST Act* (23 U.S.C. 405 note; Public Law 114–94) is
3 amended by inserting “all” before “deficiencies”.

4 (c) *EFFECTIVE DATE.*—The amendments made by sub-
5 section (a) shall take effect with respect to any grant appli-
6 cation or State highway safety plan submitted under chap-
7 ter 4 of title 23, United States Code, for fiscal year 2024
8 or thereafter.

9 **SEC. 24106. MULTIPLE SUBSTANCE-IMPAIRED DRIVING PRE-**
10 **VENTION.**

11 (a) *IMPAIRED DRIVING COUNTERMEASURES.*—Section
12 154(c)(1) of title 23, United States Code, is amended by
13 striking “alcohol-impaired” each place it appears and in-
14 serting “impaired”.

15 (b) *COMPTROLLER GENERAL STUDY OF NATIONAL*
16 *DUI REPORTING.*—

17 (1) *IN GENERAL.*—The Comptroller General of
18 the United States shall conduct a study of the report-
19 ing of impaired driving arrest and citation data into
20 Federal databases and the interstate sharing of infor-
21 mation relating to impaired driving-related convic-
22 tions and license suspensions to facilitate the wide-
23 spread identification of repeat impaired driving of-
24 fenders.

1 (2) *INCLUSIONS.*—*The study conducted under*
2 *paragraph (1) shall include a detailed assessment*
3 *of—*

4 (A) *the extent to which State and local*
5 *criminal justice agencies are reporting impaired*
6 *driving arrest and citation data to Federal data-*
7 *bases;*

8 (B) *barriers—*

9 (i) *at the Federal, State, and local lev-*
10 *els, to the reporting of impaired driving ar-*
11 *rest and citation data to Federal databases;*
12 *and*

13 (ii) *to the use of those databases by*
14 *criminal justice agencies;*

15 (C) *Federal, State, and local resources*
16 *available to improve the reporting and sharing*
17 *of impaired driving data; and*

18 (D) *any options or recommendations for ac-*
19 *tions that Federal agencies or Congress could*
20 *take to further improve the reporting and shar-*
21 *ing of impaired driving data.*

22 (3) *REPORT.*—*Not later than 1 year after the*
23 *date of enactment of this Act, the Comptroller General*
24 *shall submit to the appropriate committees of Con-*

1 *gress a report describing the results of the study con-*
2 *ducted under this subsection.*

3 **SEC. 24107. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
4 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
5 **ING UNDER THE INFLUENCE.**

6 *Section 164(b)(1) of title 23, United States Code, is*
7 *amended—*

8 (1) *in subparagraph (A), by striking “alcohol-*
9 *impaired” and inserting “alcohol- or multiple sub-*
10 *stance-impaired”; and*

11 (2) *in subparagraph (B)—*

12 (A) *by striking “intoxicated or driving”*
13 *and inserting “intoxicated, driving while mul-*
14 *tiple substance-impaired, or driving”; and*

15 (B) *by striking “alcohol-impaired” and in-*
16 *serting “alcohol- or multiple substance-im-*
17 *paired”.*

18 **SEC. 24108. CRASH DATA.**

19 (a) *IN GENERAL.—Not later than 3 years after the*
20 *date of enactment of this Act, the Secretary shall revise the*
21 *crash data collection system to include the collection of*
22 *crash report data elements that distinguish individual per-*
23 *sonal conveyance vehicles, such as electric scooters and bicy-*
24 *cles, from other vehicles involved in a crash.*

1 (b) *COORDINATION.*—*In carrying out subsection (a),*
2 *the Secretary may coordinate with States to update the*
3 *Model Minimum Uniform Crash Criteria to provide guid-*
4 *ance to States regarding the collection of information and*
5 *data elements for the crash data collection system.*

6 (c) *VULNERABLE ROAD USERS.*—

7 (1) *UPDATE.*—*Based on the information con-*
8 *tained in the vulnerable road user safety assessments*
9 *required by subsection (f) of section 32302 of title 49,*
10 *United States Code (as added by section 24213(b)(2)),*
11 *the Secretary shall modify existing crash data collec-*
12 *tion systems to include the collection of additional*
13 *crash report data elements relating to vulnerable road*
14 *user safety.*

15 (2) *INJURY HEALTH DATA.*—*The Secretary shall*
16 *coordinate with the Director of the Centers for Disease*
17 *Control and Prevention to develop and implement a*
18 *plan for States to combine highway crash data and*
19 *injury health data to produce a national database of*
20 *pedestrian injuries and fatalities, disaggregated by*
21 *demographic characteristics.*

22 (d) *STATE ELECTRONIC DATA COLLECTION.*—

23 (1) *DEFINITIONS.*—*In this subsection:*

24 (A) *ELECTRONIC DATA TRANSFER.*—*The*
25 *term “electronic data transfer” means a protocol*

1 *for automated electronic transfer of State crash*
2 *data to the National Highway Traffic Safety*
3 *Administration.*

4 (B) *STATE.*—*The term “State” means—*

5 (i) *each of the 50 States;*

6 (ii) *the District of Columbia;*

7 (iii) *the Commonwealth of Puerto*
8 *Rico;*

9 (iv) *the United States Virgin Islands;*

10 (v) *Guam;*

11 (vi) *American Samoa;*

12 (vii) *the Commonwealth of the North-*
13 *ern Mariana Islands; and*

14 (viii) *the Secretary of the Interior, act-*
15 *ing on behalf of an Indian Tribe.*

16 (2) *ESTABLISHMENT OF PROGRAM.*—*The Sec-*
17 *retary shall establish a program under which the Sec-*
18 *retary shall—*

19 (A) *provide grants for the modernization of*
20 *State data collection systems to enable full elec-*
21 *tronic data transfer under paragraph (3); and*

22 (B) *upgrade the National Highway Traffic*
23 *Safety Administration system to manage and*
24 *support State electronic data transfers relating*
25 *to crashes under paragraph (4).*

1 (3) *STATE GRANTS.*—

2 (A) *IN GENERAL.*—*The Secretary shall pro-*
3 *vide grants to States to upgrade and standardize*
4 *State crash data systems to enable electronic*
5 *data collection, intrastate data sharing, and elec-*
6 *tronic data transfers to the National Highway*
7 *Traffic Safety Administration to increase the ac-*
8 *curacy, timeliness, and accessibility of the data,*
9 *including data relating to fatalities involving*
10 *vulnerable road users.*

11 (B) *ELIGIBILITY.*—*A State shall be eligible*
12 *to receive a grant under this paragraph if the*
13 *State submits to the Secretary an application, at*
14 *such time, in such manner, and containing such*
15 *information as the Secretary may require, that*
16 *includes a plan to implement full electronic data*
17 *transfer to the National Highway Traffic Safety*
18 *Administration by not later than 5 years after*
19 *the date on which the grant is provided.*

20 (C) *USE OF FUNDS.*—*A grant provided*
21 *under this paragraph may be used for the costs*
22 *of—*

23 (i) *equipment to upgrade a statewide*
24 *crash data repository;*

1 (ii) adoption of electronic crash report-
2 ing by law enforcement agencies; and

3 (iii) increasing alignment of State
4 crash data with the latest Model Minimum
5 Uniform Crash Criteria.

6 (D) FEDERAL SHARE.—The Federal share
7 of the cost of a project funded with a grant under
8 this paragraph may be up to 80 percent.

9 (4) NATIONAL HIGHWAY TRAFFIC SAFETY ADMIN-
10 ISTRATION SYSTEM UPGRADE.—The Secretary shall
11 manage and support State electronic data transfers
12 relating to vehicle crashes by—

13 (A) increasing the capacity of the National
14 Highway Traffic Safety Administration system;
15 and

16 (B) making State crash data accessible to
17 the public.

18 (e) CRASH INVESTIGATION SAMPLING SYSTEM.—The
19 Secretary may use funds made available to carry out this
20 section to enhance the collection of crash data by upgrading
21 the Crash Investigation Sampling System to include—

22 (1) additional program sites;

23 (2) an expanded scope that includes all crash
24 types; and

25 (3) on-scene investigation protocols.

1 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Secretary to carry out*
3 *this section \$150,000,000 for each of fiscal years 2022*
4 *through 2026, to remain available for a period of 3 fiscal*
5 *years following the fiscal year for which the amounts are*
6 *appropriated.*

7 **SEC. 24109. REVIEW OF MOVE OVER OR SLOW DOWN LAW**
8 **PUBLIC AWARENESS.**

9 (a) *DEFINITION OF MOVE OVER OR SLOW DOWN*
10 *LAW.*—*In this section, the term “Move Over or Slow Down*
11 *Law” means any Federal or State law intended to ensure*
12 *first responder and motorist safety by requiring motorists*
13 *to change lanes or slow down when approaching an author-*
14 *ized emergency vehicle that is stopped or parked on or next*
15 *to a roadway with emergency lights activated.*

16 (b) *STUDY.*—

17 (1) *IN GENERAL.*—*The Comptroller General of*
18 *the United States shall carry out a study of the effi-*
19 *cacy of Move Over or Slow Down Laws and related*
20 *public awareness campaigns.*

21 (2) *INCLUSIONS.*—*The study under paragraph*

22 (1) *shall include—*

23 (A) *a review of each Federal and State*
24 *Move Over or Slow Down Law, including—*

1 (i) penalties associated with the Move
2 Over or Slow Down Laws;

3 (ii) the level of enforcement of Move
4 Over or Slow Down Laws; and

5 (iii) the applicable class of vehicles
6 that triggers Move Over or Slow Down
7 Laws.

8 (B) an identification and description of
9 each Federal and State public awareness cam-
10 paign relating to Move Over or Slow Down
11 Laws; and

12 (C) a description of the role of the Depart-
13 ment in supporting State efforts with respect to
14 Move Over or Slow Down Laws, such as con-
15 ducting research, collecting data, or supporting
16 public awareness or education efforts.

17 (c) *REPORT.*—On completion of the study under sub-
18 section (b), the Comptroller General shall submit to the
19 Committee on Commerce, Science, and Transportation of
20 the Senate and the Committee on Transportation and In-
21 frastructure of the House of Representatives a report that
22 describes—

23 (1) the findings of the study; and

1 (2) any recommendations to improve public
2 awareness campaigns, research, or education efforts
3 relating to the issues described in subsection (b)(2).

4 **SEC. 24110. REVIEW OF LAWS, SAFETY MEASURES, AND**
5 **TECHNOLOGIES RELATING TO SCHOOL**
6 **BUSES.**

7 (a) *REVIEW OF ILLEGAL PASSING LAWS.*—

8 (1) *IN GENERAL.*—Not later than 2 years after
9 the date of enactment of this Act, the Secretary shall
10 prepare a report that—

11 (A) identifies and describes all illegal pass-
12 ing laws in each State relating to school buses,
13 including—

14 (i) the level of enforcement of those
15 laws;

16 (ii) the penalties associated with those
17 laws;

18 (iii) any issues relating to the enforce-
19 ment of those laws; and

20 (iv) the effectiveness of those laws;

21 (B) reviews existing State laws that may
22 inhibit the effectiveness of safety countermeasures
23 in school bus loading zones, such as—

24 (i) laws that require the face of a driv-
25 er to be visible in an image captured by a

1 camera if enforcement action is to be taken
2 based on that image;

3 (ii) laws that may reduce stop-arm
4 camera effectiveness;

5 (iii) the need for a law enforcement of-
6 ficer to witness an event for enforcement ac-
7 tion to be taken; and

8 (iv) the lack of primary enforcement
9 for texting and driving offenses;

10 (C) identifies the methods used by each
11 State to review, document, and report to law en-
12 forcement school bus stop-arm violations; and

13 (D) identifies best practices relating to the
14 most effective approaches to address the illegal
15 passing of school buses.

16 (2) *PUBLICATION*.—The report under paragraph
17 (1) shall be made publicly available on the website of
18 the Department.

19 (b) *PUBLIC SAFETY MESSAGING CAMPAIGN*.—

20 (1) *IN GENERAL*.—Not later than 1 year after
21 the date of enactment of this Act, the Secretary shall
22 establish and implement a public safety messaging
23 campaign that uses public safety media messages,
24 posters, digital media messages, and other media mes-

1 *sages distributed to States, State departments of*
2 *motor vehicles, schools, and other public outlets—*

3 *(A) to highlight the importance of address-*
4 *ing the illegal passing of school buses; and*

5 *(B) to educate students and the public re-*
6 *garding the safe loading and unloading of*
7 *schools buses.*

8 *(2) CONSULTATION.—In carrying out paragraph*
9 *(1), the Secretary shall consult with—*

10 *(A) representatives of the school bus indus-*
11 *try from the public and private sectors; and*

12 *(B) States.*

13 *(3) UPDATES.—The Secretary shall periodically*
14 *update the materials used in the campaign under*
15 *paragraph (1).*

16 *(c) REVIEW OF TECHNOLOGIES.—*

17 *(1) IN GENERAL.—Not later than 2 years after*
18 *the date of enactment of this Act, the Secretary shall*
19 *review and evaluate the effectiveness of various tech-*
20 *nologies for enhancing school bus safety, including*
21 *technologies such as—*

22 *(A) cameras;*

23 *(B) audible warning systems; and*

24 *(C) enhanced lighting.*

1 (2) *INCLUSIONS.—The review under paragraph*

2 (1)—

3 (A) *shall include—*

4 (i) *an assessment of—*

5 (I) *the costs of acquiring and op-*
6 *erating new equipment;*

7 (II) *the potential impact of that*
8 *equipment on overall school bus rider-*
9 *ship; and*

10 (III) *motion-activated detection*
11 *systems capable of—*

12 (aa) *detecting pedestrians,*
13 *cyclists, and other road users lo-*
14 *cated near the exterior of the*
15 *school bus; and*

16 (bb) *alerting the operator of*
17 *the school bus of those road users;*

18 (ii) *an assessment of the impact of ad-*
19 *vanced technologies designed to improve*
20 *loading zone safety; and*

21 (iii) *an assessment of the effectiveness*
22 *of school bus lighting systems at clearly*
23 *communicating to surrounding drivers the*
24 *appropriate actions those drivers should*
25 *take; and*

1 (B) may include an evaluation of any tech-
2 nological solutions that may enhance school bus
3 safety outside the school bus loading zone.

4 (3) CONSULTATION.—In carrying out the review
5 under paragraph (1), the Secretary shall consult
6 with—

7 (A) manufacturers of school buses;

8 (B) manufacturers of various technologies
9 that may enhance school bus safety; and

10 (C) representatives of the school bus indus-
11 try from the public and private sectors.

12 (4) PUBLICATION.—The Secretary shall make the
13 findings of the review under paragraph (1) publicly
14 available on the website of the Department.

15 (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

16 (1) IN GENERAL.—Not later than 2 years after
17 the date of enactment of this Act, the Secretary
18 shall—

19 (A) review driver manuals, handbooks, and
20 other materials in all States to determine wheth-
21 er and the means by which illegal passing of
22 school buses is addressed in those driver mate-
23 rials, including in—

24 (i) testing for noncommercial driver's
25 licenses; and

1 (ii) road tests; and

2 (B) make recommendations on methods by
3 which States can improve education regarding
4 the illegal passing of school buses, particularly
5 for new drivers.

6 (2) CONSULTATION.—In carrying out paragraph
7 (1), the Secretary shall consult with—

8 (A) representatives of the school bus indus-
9 try from the public and private sectors;

10 (B) States;

11 (C) State motor vehicle administrators or
12 senior State executives responsible for driver li-
13 censing; and

14 (D) other appropriate motor vehicle experts.

15 (3) PUBLICATION.—The Secretary shall make the
16 findings of the review under paragraph (1) publicly
17 available on the website of the Department.

18 (e) REVIEW OF OTHER SAFETY ISSUES.—

19 (1) IN GENERAL.—Not later than 2 years after
20 the date of enactment of this Act, the Secretary shall
21 research and prepare a report describing any rela-
22 tionship between the illegal passing of school buses
23 and other safety issues, including issues such as—

24 (A) distracted driving;

1 (B) *poor visibility, such as morning dark-*
2 *ness;*

3 (C) *illumination and reach of vehicle head-*
4 *lights;*

5 (D) *speed limits; and*

6 (E) *characteristics associated with school*
7 *bus stops, including the characteristics of school*
8 *bus stops in rural areas.*

9 (2) *PUBLICATION.*—*The Secretary shall make the*
10 *report under paragraph (1) publicly available on the*
11 *website of the Department.*

12 **SEC. 24111. MOTORCYCLIST ADVISORY COUNCIL.**

13 (a) *IN GENERAL.*—*Subchapter III of chapter 3 of title*
14 *49, United States Code, is amended by adding at the end*
15 *the following:*

16 **“§ 355. Motorcyclist Advisory Council**

17 “(a) *ESTABLISHMENT.*—*Not later than 90 days after*
18 *the date of enactment of this section, the Secretary of Trans-*
19 *portation (referred to in this section as the ‘Secretary’) shall*
20 *establish a council, to be known as the ‘Motorcyclist Advi-*
21 *sory Council’ (referred to in this section as the ‘Council’).*

22 “(b) *MEMBERSHIP.*—

23 “(1) *IN GENERAL.*—*The Council shall be com-*
24 *prised of 13 members, to be appointed by the Sec-*
25 *retary, of whom—*

1 “(A) 5 shall be representatives of units of
2 State or local government with expertise relating
3 to highway engineering and safety issues, includ-
4 ing—

5 “(i) motorcycle and motorcyclist safety;

6 “(ii) barrier and road design, con-
7 struction, and maintenance; or

8 “(iii) intelligent transportation sys-
9 tems;

10 “(B) 1 shall be a motorcyclist who serves as
11 a State or local—

12 “(i) traffic and safety engineer;

13 “(ii) design engineer; or

14 “(iii) other transportation department
15 official;

16 “(C) 1 shall be a representative of a na-
17 tional association of State transportation offi-
18 cials;

19 “(D) 1 shall be a representative of a na-
20 tional motorcyclist association;

21 “(E) 1 shall be a representative of a na-
22 tional motorcyclist foundation;

23 “(F) 1 shall be a representative of a na-
24 tional motorcycle manufacturing association;

1 “(G) 1 shall be a representative of a motor-
2 cycle manufacturing company headquartered in
3 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 safe-
8 ty organization that represents the traffic safety
9 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 is
15 not appointed for a member of the Council before
16 the expiration of the term of service of the mem-
17 ber, the member may serve on the Council for a
18 second term of not longer than 2 years.

19 “(C) *APPOINTMENT OF REPLACEMENTS.*—If
20 a member of the Council resigns before the expi-
21 ration of the 2-year term of service of the mem-
22 ber—

23 “(i) the Secretary may appoint a re-
24 placement for the member, who shall serve
25 the remaining portion of the term; and

1 “(ii) *the resigning member may con-*
2 *tinue to serve after resignation until the*
3 *date on which a successor is appointed.*

4 “(3) *VACANCIES.—A vacancy on the Council*
5 *shall be filled in the manner in which the original*
6 *appointment was made.*

7 “(4) *COMPENSATION.—A member of the Council*
8 *shall serve without compensation.*

9 “(c) *DUTIES.—*

10 “(1) *ADVISING.—The Council shall advise the*
11 *Secretary, the Administrator of the National High-*
12 *way Traffic Safety Administration, and the Adminis-*
13 *trator of the Federal Highway Administration re-*
14 *garding transportation safety issues of concern to mo-*
15 *torcyclists, including—*

16 “(A) *motorcycle and motorcyclist safety;*

17 “(B) *barrier and road design, construction,*
18 *and maintenance practices; and*

19 “(C) *the architecture and implementation of*
20 *intelligent transportation system technologies.*

21 “(2) *BIENNIAL REPORT.—Not later than October*
22 *31 of the calendar year following the calendar year in*
23 *which the Council is established, and not less fre-*
24 *quently than once every 2 years thereafter, the Coun-*
25 *cil shall submit to the Secretary a report containing*

1 *recommendations of the Council regarding the issues*
2 *described in paragraph (1).*

3 “(d) *DUTIES OF SECRETARY.*—

4 “(1) *COUNCIL RECOMMENDATIONS.*—

5 “(A) *IN GENERAL.*—*The Secretary shall de-*
6 *termine whether to accept or reject a rec-*
7 *ommendation contained in a report of the Coun-*
8 *cil under subsection (c)(2).*

9 “(B) *INCLUSION IN REVIEW.*—

10 “(i) *IN GENERAL.*—*The Secretary shall*
11 *indicate in each review under paragraph*
12 *(2) whether the Secretary accepts or rejects*
13 *each recommendation of the Council covered*
14 *by the review.*

15 “(ii) *EXCEPTION.*—*The Secretary may*
16 *indicate in a review under paragraph (2)*
17 *that a recommendation of the Council is*
18 *under consideration, subject to the condition*
19 *that a recommendation so under consider-*
20 *ation shall be accepted or rejected by the*
21 *Secretary in the subsequent review of the*
22 *Secretary under paragraph (2).*

23 “(2) *REVIEW.*—

24 “(A) *IN GENERAL.*—*Not later than 60 days*
25 *after the date on which the Secretary receives a*

1 *report from the Council under subsection (c)(2),*
2 *the Secretary shall submit a review describing*
3 *the response of the Secretary to the recommenda-*
4 *tions of the Council contained in the Council re-*
5 *port to—*

6 “(i) *the Committee on Commerce,*
7 *Science, and Transportation of the Senate;*

8 “(ii) *the Committee on Environment*
9 *and Public Works of the Senate;*

10 “(iii) *the Subcommittee on Transpor-*
11 *tation, Housing and Urban Development,*
12 *and Related Agencies of the Committee on*
13 *Appropriations of the Senate;*

14 “(iv) *the Committee on Transportation*
15 *and Infrastructure of the House of Rep-*
16 *resentatives; and*

17 “(v) *the Subcommittee on Transpor-*
18 *tation, Housing and Urban Development,*
19 *and Related Agencies of the Committee on*
20 *Appropriations of the House of Representa-*
21 *tives.*

22 “(B) *CONTENTS.—A review of the Secretary*
23 *under this paragraph shall include a description*
24 *of—*

1 “(i) each recommendation contained in
2 the Council report covered by the review;
3 and

4 “(ii)(I) each recommendation of the
5 Council that was categorized under para-
6 graph (1)(B)(ii) as being under consider-
7 ation by the Secretary in the preceding re-
8 view submitted under this paragraph; and

9 “(II) for each such recommendation,
10 whether the recommendation—

11 “(aa) is accepted or rejected by
12 the Secretary; or

13 “(bb) remains under consideration
14 by the Secretary.

15 “(3) *ADMINISTRATIVE AND TECHNICAL SUP-*
16 *PORT.—The Secretary shall provide to the Council*
17 *such administrative support, staff, and technical as-*
18 *sistance as the Secretary determines to be necessary to*
19 *carry out the duties of the Council under this section.*

20 “(e) *TERMINATION.—The Council shall terminate on*
21 *the date that is 6 years after the date on which the Council*
22 *is established under subsection (a).”.*

23 “(b) *CLERICAL AMENDMENT.—The analysis for sub-*
24 *chapter III of chapter 3 of title 49, United States Code,*

1 *is amended by inserting after the item relating to section*
2 *354 the following:*

“355. Motorcyclist Advisory Council.”.

3 *(c) CONFORMING AMENDMENTS.—*

4 *(1) Section 1426 of the FAST Act (23 U.S.C.*
5 *101 note; Public Law 114–94) is repealed.*

6 *(2) The table of contents for the FAST Act (Pub-*
7 *lic Law 114–94; 129 Stat. 1313) is amended by strik-*
8 *ing the item relating to section 1426.*

9 **SEC. 24112. SAFE STREETS AND ROADS FOR ALL GRANT**
10 **PROGRAM.**

11 *(a) DEFINITIONS.—In this section:*

12 *(1) COMPREHENSIVE SAFETY ACTION PLAN.—The*
13 *term “comprehensive safety action plan” means a*
14 *plan aimed at preventing transportation-related fa-*
15 *talities and serious injuries in a locality, commonly*
16 *referred to as a “Vision Zero” or “Toward Zero*
17 *Deaths” plan, that may include—*

18 *(A) a goal and timeline for eliminating fa-*
19 *talities and serious injuries;*

20 *(B) an analysis of the location and severity*
21 *of vehicle-involved crashes in a locality;*

22 *(C) an analysis of community input, gath-*
23 *ered through public outreach and education;*

24 *(D) a data-driven approach to identify*
25 *projects or strategies to prevent fatalities and se-*

1 *rious injuries in a locality, such as those involv-*
2 *ing—*

3 *(i) education and community outreach;*

4 *(ii) effective methods to enforce traffic*
5 *laws and regulations;*

6 *(iii) new vehicle or other transpor-*
7 *tation-related technologies; and*

8 *(iv) roadway planning and design;*
9 *and*

10 *(E) mechanisms for evaluating the outcomes*
11 *and effectiveness of the comprehensive safety ac-*
12 *tion plan, including the means by which that ef-*
13 *fectiveness will be reported to residents in a lo-*
14 *cality.*

15 *(2) ELIGIBLE ENTITY.—The term “eligible enti-*
16 *ty” means—*

17 *(A) a metropolitan planning organization;*

18 *(B) a political subdivision of a State;*

19 *(C) a federally recognized Tribal govern-*
20 *ment; and*

21 *(D) a multijurisdictional group of entities*
22 *described in any of subparagraphs (A) through*
23 *(C).*

24 *(3) ELIGIBLE PROJECT.—The term “eligible*
25 *project” means a project—*

1 (A) to develop a comprehensive safety action
2 plan;

3 (B) to conduct planning, design, and devel-
4 opment activities for projects and strategies iden-
5 tified in a comprehensive safety action plan; or

6 (C) to carry out projects and strategies
7 identified in a comprehensive safety action plan.

8 (4) PROGRAM.—The term “program” means the
9 Safe Streets and Roads for All program established
10 under subsection (b).

11 (b) ESTABLISHMENT.—The Secretary shall establish
12 and carry out a program, to be known as the Safe Streets
13 and Roads for All program, that supports local initiatives
14 to prevent death and serious injury on roads and streets,
15 commonly referred to as “Vision Zero” or “Toward Zero
16 Deaths” initiatives.

17 (c) GRANTS.—

18 (1) IN GENERAL.—In carrying out the program,
19 the Secretary may make grants to eligible entities, on
20 a competitive basis, in accordance with this section.

21 (2) LIMITATIONS.—

22 (A) IN GENERAL.—Not more than 15 per-
23 cent of the funds made available to carry out the
24 program for a fiscal year may be awarded to eli-

1 *gible projects in a single State during that fiscal*
2 *year.*

3 (B) *PLANNING GRANTS.*—*Of the total*
4 *amount made available to carry out the program*
5 *for each fiscal year, not less than 40 percent*
6 *shall be awarded to eligible projects described in*
7 *subsection (a)(3)(A).*

8 (d) *SELECTION OF ELIGIBLE PROJECTS.*—

9 (1) *SOLICITATION.*—*Not later than 180 days*
10 *after the date on which amounts are made available*
11 *to provide grants under the program for a fiscal year,*
12 *the Secretary shall solicit from eligible entities grant*
13 *applications for eligible projects in accordance with*
14 *this section.*

15 (2) *APPLICATIONS.*—

16 (A) *IN GENERAL.*—*To be eligible to receive*
17 *a grant under the program, an eligible entity*
18 *shall submit to the Secretary an application in*
19 *such form and containing such information as*
20 *the Secretary considers to be appropriate.*

21 (B) *REQUIREMENT.*—*An application for a*
22 *grant under this paragraph shall include mecha-*
23 *nisms for evaluating the success of applicable eli-*
24 *gible projects and strategies.*

1 (3) *CONSIDERATIONS.*—*In awarding a grant*
2 *under the program, the Secretary shall take into con-*
3 *sideration the extent to which an eligible entity, and*
4 *each eligible project proposed to be carried out by the*
5 *eligible entity, as applicable—*

6 (A) *is likely to significantly reduce or*
7 *eliminate transportation-related fatalities and*
8 *serious injuries involving various road users, in-*
9 *cluding pedestrians, bicyclists, public transpor-*
10 *tation users, motorists, and commercial opera-*
11 *tors, within the timeframe proposed by the eligi-*
12 *ble entity;*

13 (B) *demonstrates engagement with a variety*
14 *of public and private stakeholders;*

15 (C) *seeks to adopt innovative technologies or*
16 *strategies to promote safety;*

17 (D) *employs low-cost, high-impact strategies*
18 *that can improve safety over a wider geo-*
19 *graphical area;*

20 (E) *ensures, or will ensure, equitable invest-*
21 *ment in the safety needs of underserved commu-*
22 *nities in preventing transportation-related fa-*
23 *talities and injuries;*

24 (F) *includes evidence-based projects or strat-*
25 *egies; and*

1 (G) achieves such other conditions as the
2 Secretary considers to be necessary.

3 (4) *TRANSPARENCY.*—

4 (A) *IN GENERAL.*—The Secretary shall
5 evaluate, through a methodology that is discern-
6 ible and transparent to the public, the means by,
7 and extent to, which each application under the
8 program addresses any applicable merit criteria
9 established by the Secretary.

10 (B) *PUBLICATION.*—The methodology under
11 subparagraph (A) shall be published by the Sec-
12 retary as part of the notice of funding oppor-
13 tunity under the program.

14 (e) *FEDERAL SHARE.*—The Federal share of the cost
15 of an eligible project carried out using a grant provided
16 under the program shall not exceed 80 percent.

17 (f) *FUNDING.*—

18 (1) *AUTHORIZATION OF APPROPRIATIONS.*—
19 There is authorized to be appropriated to carry out
20 this section \$200,000,000 for each of fiscal years 2022
21 through 2026, to remain available for a period of 3
22 fiscal years following the fiscal year for which the
23 amounts are appropriated.

24 (2) *ADMINISTRATIVE EXPENSES.*—Of the
25 amounts made available to carry out the program for

1 *a fiscal year, the Secretary may retain not more than*
2 *2 percent for the administrative expenses of the pro-*
3 *gram.*

4 (3) *AVAILABILITY TO ELIGIBLE ENTITIES.—*
5 *Amounts made available under a grant under the*
6 *program shall remain available for use by the appli-*
7 *cable eligible entity until the date that is 5 years after*
8 *the date on which the grant is provided.*

9 (g) *DATA SUBMISSION.—*

10 (1) *IN GENERAL.—As a condition of receiving a*
11 *grant under this program, an eligible entity shall*
12 *submit to the Secretary, on a regular basis as estab-*
13 *lished by the Secretary, data, information, or anal-*
14 *yses collected or conducted in accordance with sub-*
15 *section (d)(3).*

16 (2) *FORM.—The data, information, and analyses*
17 *under paragraph (1) shall be submitted in such form*
18 *such manner as may be prescribed by the Secretary.*

19 (h) *REPORTS.—Not later than 120 days after the end*
20 *of the period of performance for a grant under the program,*
21 *the eligible entity shall submit to the Secretary a report*
22 *that describes—*

23 (1) *the costs of each eligible project carried out*
24 *using the grant;*

1 (2) *the outcomes and benefits that each such eli-*
2 *gible project has generated, as—*

3 (A) *identified in the grant application of*
4 *the eligible entity; and*

5 (B) *measured by data, to the maximum ex-*
6 *tent practicable; and*

7 (3) *the lessons learned and any recommendations*
8 *relating to future projects or strategies to prevent*
9 *death and serious injury on roads and streets.*

10 (i) *BEST PRACTICES.—Based on the information sub-*
11 *mitted by eligible entities under subsection (g), the Sec-*
12 *retary shall—*

13 (1) *periodically post on a publicly available*
14 *website best practices and lessons learned for pre-*
15 *venting transportation-related fatalities and serious*
16 *injuries pursuant to strategies or interventions imple-*
17 *mented under the program; and*

18 (2) *evaluate and incorporate, as appropriate, the*
19 *effectiveness of strategies and interventions imple-*
20 *mented under the program for the purpose of enrich-*
21 *ing revisions to the document entitled “Counter-*
22 *measures That Work: A Highway Safety Counter-*
23 *measure Guide for State Highway Safety Offices,*
24 *Ninth Edition” and numbered DOT HS 812 478 (or*
25 *any successor document).*

1 **SEC. 24113. IMPLEMENTATION OF GAO RECOMMENDA-**
2 **TIONS.**

3 (a) *NEXT GENERATION 911.*—

4 (1) *IN GENERAL.*—Not later than 1 year after
5 the date of enactment of this Act, the Secretary shall
6 implement the recommendations of the Comptroller
7 General of the United States contained in the report
8 entitled “Next Generation 911: National 911 Program
9 Could Strengthen Efforts to Assist States”, numbered
10 GAO–18–252, and dated January 1, 2018, by requir-
11 ing that the Administrator of the National Highway
12 Traffic Safety Administration, in collaboration with
13 the appropriate Federal agencies, shall determine the
14 roles and responsibilities of the Federal agencies par-
15 ticipating in the initiative entitled “National NG911
16 Roadmap initiative” to carry out the national-level
17 tasks with respect which each agency has jurisdiction.

18 (2) *IMPLEMENTATION PLAN.*—The Administrator
19 of the National Highway Traffic Safety Administra-
20 tion shall develop an implementation plan to support
21 the completion of national-level tasks under the Na-
22 tional NG911 Roadmap initiative.

23 (b) *PEDESTRIAN AND CYCLISTS INFORMATION AND EN-*
24 *HANCED PERFORMANCE MANAGEMENT.*—

25 (1) *IN GENERAL.*—Not later than 2 years after
26 the date of enactment of this Act, the Secretary shall

1 *implement the recommendations of the Comptroller*
2 *General of the United States contained in the report*
3 *entitled “Pedestrians and Cyclists: Better Information*
4 *to States and Enhanced Performance Management*
5 *Could Help DOT Improve Safety”, numbered GAO–*
6 *21–405, and dated May 20, 2021, by—*

7 *(A) carrying out measures to collect infor-*
8 *mation relating to the range of countermeasures*
9 *implemented by States;*

10 *(B) analyzing that information to help ad-*
11 *vance knowledge regarding the effectiveness of*
12 *those countermeasures; and*

13 *(C) sharing with States any results.*

14 *(2) PERFORMANCE MANAGEMENT PRACTICES.—*
15 *The Administrator of the National Highway Traffic*
16 *Safety Administration shall use performance manage-*
17 *ment practices to guide pedestrian and cyclist safety*
18 *activities by—*

19 *(A) developing performance measures for the*
20 *Administration and program offices responsible*
21 *for implementing pedestrian and cyclist safety*
22 *activities to demonstrate the means by which*
23 *those activities contribute to safety goals; and*

1 (B) using performance information to make
2 any necessary changes to advance pedestrian and
3 cyclist safety efforts.

4 **Subtitle B—Vehicle Safety**

5 **SEC. 24201. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated to the Sec-
7 retary to carry out chapter 301, and part C of subtitle VI,
8 of title 49, United States Code—

9 (1) \$200,294,333 for fiscal year 2022;

10 (2) \$204,300,219 for fiscal year 2023;

11 (3) \$208,386,224 for fiscal year 2024;

12 (4) \$212,553,948 for fiscal year 2025; and

13 (5) \$216,805,027 for fiscal year 2026.

14 **SEC. 24202. RECALL COMPLETION.**

15 (a) *REPORTS ON RECALL CAMPAIGNS.*—Section 30118
16 of title 49, United States Code, is amended by adding at
17 the end the following:

18 “(f) *REPORTS ON NOTIFICATION CAMPAIGNS.*—

19 “(1) *IN GENERAL.*—Each manufacturer that is
20 conducting a campaign under subsection (b) or (c) or
21 any other provision of law (including regulations) to
22 notify manufacturers, distributors, owners, pur-
23 chasers, or dealers of a defect or noncompliance shall
24 submit to the Administrator of the National Highway
25 Traffic Safety Administration—

1 “(A) by the applicable date described in sec-
2 tion 573.7(d) of title 49, Code of Federal Regula-
3 tions (or a successor regulation), a quarterly re-
4 port describing the campaign for each of 8 con-
5 secutive quarters, beginning with the quarter in
6 which the campaign was initiated; and

7 “(B) an annual report for each of the 3
8 years beginning after the date of completion of
9 the last quarter for which a quarterly report is
10 submitted under subparagraph (A).

11 “(2) REQUIREMENTS.—Except as otherwise pro-
12 vided in this subsection, each report under this sub-
13 section shall comply with the requirements of section
14 573.7 of title 49, Code of Federal Regulations (or a
15 successor regulation).”.

16 (b) RECALL COMPLETION RATES.—Section 30120 of
17 title 49, United States Code, is amended by adding at the
18 end the following:

19 “(k) RECALL COMPLETION RATES.—

20 “(1) IN GENERAL.—The Administrator of the
21 National Highway Traffic Safety Administration
22 shall publish an annual list of recall completion rates
23 for each recall campaign for which 8 quarterly re-
24 ports have been submitted under subsection (f) of sec-
25 tion 30118 as of the date of publication of the list.

1 “(2) *REQUIREMENTS.*—*The annual list under*
2 *paragraph (1) shall include—*

3 “(A) *for each applicable campaign—*

4 “(i) *the total number of vehicles subject*
5 *to recall; and*

6 “(ii) *the percentage of vehicles that*
7 *have been remedied; and*

8 “(B) *for each manufacturer submitting an*
9 *applicable quarterly report under section*
10 *30118(f)—*

11 “(i) *the total number of recalls issued*
12 *by the manufacturer during the year cov-*
13 *ered by the list;*

14 “(ii) *the estimated number of vehicles*
15 *of the manufacturer subject to recall during*
16 *the year covered by the list; and*

17 “(iii) *the percentage of vehicles that*
18 *have been remedied.”.*

19 **SEC. 24203. RECALL ENGAGEMENT.**

20 (a) *RECALL REPAIR.*—*Not later than 2 years after the*
21 *date of enactment of this Act, the Comptroller General of*
22 *the United States shall—*

23 (1) *conduct a study to determine—*

1 (A) *the reasons why vehicle owners do not*
2 *have repairs performed for vehicles subject to*
3 *open recalls; and*

4 (B) *whether engagement by third parties,*
5 *including State and local governments, insur-*
6 *ance companies, or other entities, could increase*
7 *the rate at which vehicle owners have repairs*
8 *performed for vehicles subject to open recalls; and*

9 (2) *submit to Congress a report describing the re-*
10 *sults of the study under paragraph (1), including any*
11 *recommendations for increasing the rate of repair for*
12 *vehicles subject to open recalls.*

13 (b) *RIDESHARING.—Not later than 18 months after the*
14 *date of enactment of this Act, the Comptroller General*
15 *shall—*

16 (1) *conduct a study to determine the number of*
17 *passenger motor vehicles in each State that—*

18 (A) *are used by transportation network*
19 *companies for for-hire purposes, such as ride-*
20 *sharing; and*

21 (B) *have 1 or more open recalls; and*

22 (2) *submit to Congress a report describing the re-*
23 *sults of the study under paragraph (1).*

24 (c) *NHTSA STUDY AND REPORT.—Not later than 3*
25 *years after the date of enactment of this Act, the Adminis-*

1 *trator of the National Highway Traffic Safety Administra-*
2 *tion shall—*

3 (1) *conduct a study to determine the ways in*
4 *which vehicle recall notices could—*

5 (A) *more effectively reach vehicle owners;*

6 (B) *be made easier for all consumers to un-*
7 *derstand; and*

8 (C) *incentivize vehicle owners to complete*
9 *the repairs described in the recall notices; and*

10 (2) *submit to Congress a report describing the re-*
11 *sults of the study under paragraph (1), including any*
12 *recommendations for—*

13 (A) *increasing the rate of repair for vehicles*
14 *subject to open recalls; or*

15 (B) *any regulatory or statutory legislative*
16 *changes that would facilitate an increased rate of*
17 *repair.*

18 **SEC. 24204. MOTOR VEHICLE SEAT BACK SAFETY STAND-**

19 **ARDS.**

20 (a) *IN GENERAL.—Not later than 2 years after the*
21 *date of enactment of this Act, subject to subsection (b), the*
22 *Secretary shall issue an advanced notice of proposed rule-*
23 *making to update section 571.207 of title 49, Code of Fed-*
24 *eral Regulations.*

1 (b) *COMPLIANCE DATE.*—*If the Secretary determines*
2 *that a final rule is appropriate consistent with the consider-*
3 *ations described in section 30111(b) of title 49, United*
4 *States Code, in issuing a final rule pursuant to subsection*
5 *(a), the Secretary shall establish a date for required compli-*
6 *ance with the final rule of not later than 2 motor vehicle*
7 *model years after the model year during which the effective*
8 *date of the final rule occurs.*

9 **SEC. 24205. AUTOMATIC SHUTOFF.**

10 (a) *DEFINITIONS.*—*In this section:*

11 (1) *KEY.*—*The term “key” has the meaning*
12 *given the term in section 571.114 of title 49, Code of*
13 *Federal Regulations (or a successor regulation).*

14 (2) *MANUFACTURER.*—*The term “manufacturer”*
15 *has the meaning given the term in section 30102(a)*
16 *of title 49, United States Code.*

17 (3) *MOTOR VEHICLE.*—

18 (A) *IN GENERAL.*—*The term “motor vehi-*
19 *cle” has the meaning given the term in section*
20 *30102(a) of title 49, United States Code.*

21 (B) *EXCLUSIONS.*—*The term “motor vehi-*
22 *cle” does not include—*

23 (i) *a motorcycle or trailer (as those*
24 *terms are defined in section 571.3 of title*

1 49, Code of Federal Regulations (or a suc-
2 cessor regulation));

3 (ii) any motor vehicle with a gross ve-
4 hicle weight rating of more than 10,000
5 pounds;

6 (iii) a battery electric vehicle; or

7 (iv) a motor vehicle that requires ex-
8 tended periods with the engine in idle to op-
9 erate in service mode or to operate equip-
10 ment, such as an emergency vehicle (includ-
11 ing a police vehicle, an ambulance, or a tow
12 vehicle) and a commercial-use vehicle (in-
13 cluding a refrigeration vehicle).

14 (b) *AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VEHI-*
15 *CLES.—*

16 (1) *FINAL RULE.—*

17 (A) *IN GENERAL.—*Not later than 2 years
18 after the date of enactment of this Act, the Sec-
19 retary shall issue a final rule amending section
20 571.114 of title 49, Code of Federal Regulations,
21 to require manufacturers to install in each motor
22 vehicle that is equipped with a keyless ignition
23 device and an internal combustion engine a de-
24 vice or system to automatically shutoff the motor

1 *vehicle after the motor vehicle has idled for the*
2 *period described in subparagraph (B).*

3 *(B) DESCRIPTION OF PERIOD.—*

4 *(i) IN GENERAL.—The period referred*
5 *to in subparagraph (A) is the period des-*
6 *ignated by the Secretary as necessary to*
7 *prevent, to the maximum extent practicable,*
8 *carbon monoxide poisoning.*

9 *(ii) DIFFERENT PERIODS.—The Sec-*
10 *retary may designate different periods*
11 *under clause (i) for different types of motor*
12 *vehicles, depending on the rate at which the*
13 *motor vehicle emits carbon monoxide, if—*

14 *(I) the Secretary determines a dif-*
15 *ferent period is necessary for a type of*
16 *motor vehicle for purposes of section*
17 *30111 of title 49, United States Code;*
18 *and*

19 *(II) requiring a different period*
20 *for a type of motor vehicle is consistent*
21 *with the prevention of carbon mon-*
22 *oxide poisoning.*

23 *(2) DEADLINE.—Unless the Secretary finds good*
24 *cause to phase-in or delay implementation, the rule*
25 *issued pursuant to paragraph (1) shall take effect on*

1 *September 1 of the first calendar year beginning after*
2 *the date on which the Secretary issues the rule.*

3 (c) *PREVENTING MOTOR VEHICLES FROM ROLLING*
4 *AWAY.—*

5 (1) *REQUIREMENT.—The Secretary shall conduct*
6 *a study of the regulations contained in part 571 of*
7 *title 49, Code of Federal Regulations, to evaluate the*
8 *potential consequences and benefits of the installation*
9 *by manufacturers of technology to prevent movement*
10 *of motor vehicles equipped with keyless ignition de-*
11 *vices and automatic transmissions when—*

12 (A) *the transmission of the motor vehicle is*
13 *not in the park setting;*

14 (B) *the motor vehicle does not exceed the*
15 *speed determined by the Secretary under para-*
16 *graph (2);*

17 (C) *the seat belt of the operator of the motor*
18 *vehicle is unbuckled;*

19 (D) *the service brake of the motor vehicle is*
20 *not engaged; and*

21 (E) *the door for the operator of the motor*
22 *vehicle is open.*

23 (2) *REVIEW AND REPORT.—The Secretary*
24 *shall—*

1 (A) provide a recommended maximum
2 speed at which a motor vehicle may be safely
3 locked in place under the conditions described in
4 subparagraphs (A), (C), (D), and (E) of para-
5 graph (1) to prevent vehicle rollaways; and

6 (B) not later than 1 year after the date of
7 completion of the study under paragraph (1),
8 submit to the Committee on Commerce, Science,
9 and Transportation of the Senate and the Com-
10 mittee on Transportation and Infrastructure of
11 the House of Representatives a report—

12 (i) describing the findings of the study;

13 and

14 (ii) providing additional recommenda-
15 tions, if any.

16 **SEC. 24206. PETITIONS BY INTERESTED PERSONS FOR**
17 **STANDARDS AND ENFORCEMENT.**

18 Section 30162 of title 49, United States Code, is
19 amended—

20 (1) in subsection (b), by striking “The petition”
21 and inserting “A petition under this section”;

22 (2) in subsection (c), by striking “the petition”
23 and inserting “a petition under this section”; and

24 (3) in subsection (d)—

1 (A) *in the third sentence, by striking “If a*
2 *petition” and inserting the following:*

3 “(3) *DENIAL.—If a petition under this section*”;

4 (B) *in the second sentence , by striking “If*
5 *a petition is granted” and inserting the fol-*
6 *lowing:*

7 “(2) *APPROVAL.—If a petition under this section*
8 *is approved*”; and

9 (C) *in the first sentence, by striking “The*
10 *Secretary shall grant or deny a petition” and*
11 *inserting the following:*

12 “(1) *IN GENERAL.—The Secretary shall deter-*
13 *mine whether to approve or deny a petition under*
14 *this section by*”.

15 **SEC. 24207. CHILD SAFETY SEAT ACCESSIBILITY STUDY.**

16 (a) *IN GENERAL.—The Secretary, in coordination*
17 *with other relevant Federal departments and agencies, in-*
18 *cluding the Secretary of Agriculture, the Secretary of Edu-*
19 *cation, and the Secretary of Health and Human Services,*
20 *shall conduct a study to review the status of motor vehicle*
21 *child safety seat accessibility for low-income families and*
22 *underserved populations.*

23 (b) *ADDRESSING NEEDS.—In conducting the study*
24 *under subsection (a), the Secretary shall—*

1 (1) *examine the impact of Federal funding pro-*
2 *vided under section 405 of title 23, United States*
3 *Code; and*

4 (2) *develop a plan for addressing any needs*
5 *identified in the study, including by working with so-*
6 *cial service providers.*

7 **SEC. 24208. CRASH AVOIDANCE TECHNOLOGY.**

8 (a) *IN GENERAL.*—*Subchapter II of chapter 301 of*
9 *title 49, United States Code, is amended by adding at the*
10 *end the following:*

11 **“§ 30129. Crash avoidance technology**

12 “(a) *IN GENERAL.*—*The Secretary of Transportation*
13 *shall promulgate a rule—*

14 “(1) *to establish minimum performance stand-*
15 *ards with respect to crash avoidance technology; and*

16 “(2) *to require that all passenger motor vehicles*
17 *manufactured for sale in the United States on or after*
18 *the compliance date described in subsection (b) shall*
19 *be equipped with—*

20 “(A) *a forward collision warning and auto-*
21 *matic emergency braking system that—*

22 “(i) *alerts the driver if—*

23 “(I) *the distance to a vehicle*
24 *ahead or an object in the path of travel*
25 *ahead is closing too quickly; and*

1 “(II) a collision is imminent; and

2 “(ii) automatically applies the brakes

3 if the driver fails to do so; and

4 “(B) a lane departure warning and lane-
5 keeping assist system that—

6 “(i) warns the driver to maintain the
7 lane of travel; and

8 “(ii) corrects the course of travel if the
9 driver fails to do so.

10 “(b) *COMPLIANCE DATE.*—The Secretary of Transpor-
11 tation shall determine the appropriate effective date, and
12 any phasing-in of requirements, of the final rule promul-
13 gated pursuant to subsection (a).”.

14 (b) *CLERICAL AMENDMENT.*—The analysis for sub-
15 chapter II of chapter 301 of title 49, United States Code,
16 is amended by adding at the end the following:

 “30129. Crash avoidance technology.”.

17 **SEC. 24209. REDUCTION OF DRIVER DISTRACTION.**

18 (a) *IN GENERAL.*—Not later than 3 years after the
19 date of enactment of this Act, the Secretary shall conduct
20 research regarding the installation and use on motor vehi-
21 cles of driver monitoring systems to minimize or elimi-
22 nate—

23 (1) driver distraction;

24 (2) driver disengagement;

25 (3) automation complacency by drivers; and

1 (4) *foreseeable misuse of advanced driver-assist*
2 *systems.*

3 (b) *REPORT.*—*Not later than 180 days after the date*
4 *of completion of the research under subsection (a), the Sec-*
5 *retary shall submit to the Committee on Commerce, Science,*
6 *and Transportation of the Senate and the Committee on*
7 *Energy and Commerce of the House of Representatives a*
8 *detailed report describing the findings of the research.*

9 (c) *RULEMAKING.*—

10 (1) *IN GENERAL.*—*If, based on the research com-*
11 *pleted under subsection (a), the Secretary determines*
12 *that—*

13 (A) *1 or more rulemakings are necessary to*
14 *ensure safety, in accordance with the section*
15 *30111 of title 49, United States Code, the Sec-*
16 *retary shall initiate the rulemakings by not later*
17 *than 2 years after the date of submission of the*
18 *report under subsection (b); and*

19 (B) *an additional rulemaking is not nec-*
20 *essary, or an additional rulemaking cannot meet*
21 *the applicable requirements and considerations*
22 *described in subsections (a) and (b) of section*
23 *30111 of title 49, United States Code, the Sec-*
24 *retary shall submit to the Committee on Com-*
25 *merce, Science, and Transportation of the Senate*

1 *and the Committee on Energy and Commerce of*
2 *the House of Representatives a report describing*
3 *the reasons for not prescribing additional Fed-*
4 *eral motor vehicle safety standards regarding the*
5 *research conducted under subsection (a).*

6 (2) *PRIVACY.*—*A rule issued pursuant to para-*
7 *graph (1) shall incorporate appropriate privacy and*
8 *data security safeguards, as determined by the Sec-*
9 *retary.*

10 **SEC. 24210. RULEMAKING REPORT.**

11 (a) *DEFINITION OF COVERED RULEMAKING.*—*In this*
12 *section, the term “covered rulemaking” means a regulation*
13 *or rulemaking that—*

14 (1) *has not been finalized by the date on which*
15 *the relevant notification is submitted under subsection*
16 *(b); and*

17 (2) *relates to—*

18 (A) *section 30120A of title 49, United*
19 *States Code;*

20 (B) *section 30166(o) of title 49, United*
21 *States Code;*

22 (C) *section 30172 of title 49, United States*
23 *Code;*

24 (D) *section 32302(c) of title 49, United*
25 *States Code;*

1 (E) a defect reporting requirement under
2 section 32302(d) of title 49, United States Code;

3 (F) subsections (b) and (c) of section
4 32304A of title 49, United States Code;

5 (G) the tire pressure monitoring standards
6 required under section 24115 of the FAST Act
7 (49 U.S.C. 30123 note; Public Law 114–94);

8 (H) the amendment made by section 24402
9 of the FAST Act (129 Stat. 1720; Public Law
10 114–94) to section 30120(g)(1) of title 49, United
11 States Code;

12 (I) the records retention rule required under
13 section 24403 of the FAST Act (49 U.S.C. 30117
14 note; Public Law 114–94);

15 (J) the amendments made by section 24405
16 of the FAST Act (Public Law 114–94; 129 Stat.
17 1721) to section 30114 of title 49, United States
18 Code;

19 (K) a defect and noncompliance notification
20 required under—

21 (i) section 24104 of the FAST Act (49
22 U.S.C. 30119 note; Public Law 114–94); or

23 (ii) section 31301 of MAP–21 (49
24 U.S.C. 30166 note; Public Law 112–141);

1 (L) a side impact or frontal impact test
2 procedure for child restraint systems under sec-
3 tion 31501 of MAP-21 (49 U.S.C. 30127 note;
4 Public Law 112-141);

5 (M) an upgrade to child restraint anchorage
6 system usability requirements required under
7 section 31502 of MAP-21 (49 U.S.C. 30127 note;
8 Public Law 112-141);

9 (N) the rear seat belt reminder system re-
10 quired under section 31503 of MAP-21 (49
11 U.S.C. 30127 note; Public Law 112-141);

12 (O) a motorcoach rulemaking required
13 under section 32703 of MAP-21 (49 U.S.C.
14 31136 note; Public Law 112-141); or

15 (P) any rulemaking required under this
16 Act.

17 (b) NOTIFICATION.—Not later than 180 days after the
18 date of enactment of this Act, and not less frequently than
19 biannually thereafter until the applicable covered rule-
20 making is complete, the Secretary shall submit to the Com-
21 mittee on Commerce, Science, and Transportation of the
22 Senate and the Committee on Energy and Commerce of the
23 House of Representatives a written notification that in-
24 cludes, with respect to each covered rulemaking—

1 (1) *for a covered rulemaking with a statutory*
2 *deadline for completion—*

3 (A) *an explanation of why the deadline was*
4 *not met; and*

5 (B) *an expected date of completion of the*
6 *covered rulemaking; and*

7 (2) *for a covered rulemaking without a statutory*
8 *deadline for completion, an expected date of comple-*
9 *tion of the covered rulemaking.*

10 (c) *ADDITIONAL CONTENTS.—A notification under*
11 *subsection (b) shall include, for each applicable covered*
12 *rulemaking—*

13 (1) *an updated timeline;*

14 (2) *a list of factors causing delays in the comple-*
15 *tion of the covered rulemaking; and*

16 (3) *any other details associated with the status*
17 *of the covered rulemaking.*

18 **SEC. 24211. GLOBAL HARMONIZATION.**

19 *The Secretary shall cooperate, to the maximum extent*
20 *practicable, with foreign governments, nongovernmental*
21 *stakeholder groups, the motor vehicle industry, and con-*
22 *sumer groups with respect to global harmonization of vehi-*
23 *cle regulations as a means for improving motor vehicle safe-*
24 *ty.*

1 **SEC. 24212. HEADLAMPS.**

2 (a) *DEFINITIONS.*—*In this section:*

3 (1) *ADAPTIVE DRIVING BEAM HEADLAMP.*—*The*
4 *term “adaptive driving beam headlamp” means a*
5 *headlamp (as defined in Standard 108) that meets*
6 *the performance requirements specified in SAE Inter-*
7 *national Standard J3069, published on June 30,*
8 *2016.*

9 (2) *STANDARD 108.*—*The term “Standard 108”*
10 *means Federal Motor Vehicle Safety Standard Num-*
11 *ber 108, contained in section 571.108 of title 49, Code*
12 *of Federal Regulations (as in effect on the date of en-*
13 *actment of this Act).*

14 (b) *RULEMAKING.*—*Not later than 2 years after the*
15 *date of enactment of this Act, the Secretary shall issue a*
16 *final rule amending Standard 108—*

17 (1) *to include performance-based standards for*
18 *vehicle headlamp systems—*

19 (A) *to ensure that headlights are correctly*
20 *aimed on the road; and*

21 (B) *requiring those systems to be tested on-*
22 *vehicle to account for headlight height and light-*
23 *ing performance; and*

24 (2) *to allow for the use on vehicles of adaptive*
25 *driving beam headlamp systems.*

1 (c) *PERIODIC REVIEW*.—Nothing in this section pre-
2 cludes the Secretary from—

3 (1) reviewing Standard 108, as amended pursu-
4 ant to subsection (b); and

5 (2) revising Standard 108 to reflect an updated
6 version of SAE International Standard J3069, as the
7 Secretary determines to be—

8 (A) appropriate; and

9 (B) in accordance with section 30111 of
10 title 49, United States Code.

11 **SEC. 24213. NEW CAR ASSESSMENT PROGRAM.**

12 (a) *UPDATES*.—Not later than 1 year after the date
13 of enactment of this Act, the Secretary shall finalize the pro-
14 ceeding for which comments were requested in the notice
15 entitled “New Car Assessment Program” (80 Fed. Reg.
16 78522 (December 16, 2015)) to update the passenger motor
17 vehicle information required under section 32302(a) of title
18 49, United States Code.

19 (b) *INFORMATION PROGRAM*.—Section 32302 of title
20 49, United States Code, is amended—

21 (1) in subsection (a), in the matter preceding
22 paragraph (1), by inserting “(referred to in this sec-
23 tion as the ‘Secretary’)” after “of Transportation”;
24 and

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

1 “(e) *ADVANCED CRASH-AVOIDANCE TECHNOLOGIES.*—

2 “(1) *NOTICE.*—Not later than 1 year after the
3 date of enactment of this subsection, the Secretary
4 shall publish a notice, for purposes of public review
5 and comment, to establish, distinct from crash-
6 worthiness information, a means for providing to
7 consumers information relating to advanced crash-
8 avoidance technologies, in accordance with subsection
9 (a).

10 “(2) *INCLUSIONS.*—The notice under paragraph
11 (1) shall include—

12 “(A) an appropriate methodology for—

13 “(i) determining which advanced
14 crash-avoidance technologies shall be in-
15 cluded in the information;

16 “(ii) developing performance test cri-
17 teria for use by manufacturers in evalu-
18 ating advanced crash-avoidance tech-
19 nologies;

20 “(iii) determining a distinct rating in-
21 volving each advanced crash-avoidance tech-
22 nology to be included; and

23 “(iv) updating overall vehicle ratings
24 to incorporate advanced crash-avoidance
25 technology ratings; and

1 “(B) *such other information and analyses*
2 *as the Secretary determines to be necessary to*
3 *implement the rating of advanced crash-avoid-*
4 *ance technologies.*

5 “(3) *REPORT.—Not later than 18 months after*
6 *the date of enactment of this subsection, the Secretary*
7 *shall submit to the Committee on Commerce, Science,*
8 *and Transportation of the Senate and the Committee*
9 *on Energy and Commerce of the House of Representa-*
10 *tives a report that describes a plan for implementing*
11 *an advanced crash-avoidance technology information*
12 *and rating system, in accordance with subsection (a).*

13 “(f) *VULNERABLE ROAD USER SAFETY.—*

14 “(1) *NOTICE.—Not later than 1 year after the*
15 *date of enactment of this subsection, the Secretary*
16 *shall publish a notice, for purposes of public review*
17 *and comment, to establish a means for providing to*
18 *consumers information relating to pedestrian, bicy-*
19 *clist, or other vulnerable road user safety technologies,*
20 *in accordance with subsection (a).*

21 “(2) *INCLUSIONS.—The notice under paragraph*
22 *(1) shall include—*

23 “(A) *an appropriate methodology for—*

24 “(i) *determining which technologies*
25 *shall be included in the information;*

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 Secretary*
18 *shall submit to the Committee on Commerce, Science,*
19 *and Transportation of the Senate and the Committee*
20 *on Energy and Commerce of the House of Representa-*
21 *tives a report that describes a plan for implementing*
22 *an information and rating system for vulnerable road*
23 *user safety technologies, in accordance with subsection*
24 *(a).”.*

25 “(c) *ROADMAP.—*

1 (1) *IN GENERAL.*—Chapter 323 of title 49,
2 *United States Code, is amended by adding at the end*
3 *the following:*

4 **“§ 32310. *New Car Assessment Program roadmap***

5 “(a) *ESTABLISHMENT.*—Not later than 1 year after the
6 *date of enactment of this section, and not less frequently*
7 *than once every 4 years thereafter, the Secretary of Trans-*
8 *portation (referred to in this section as the ‘Secretary’) shall*
9 *establish a roadmap for the implementation of the New Car*
10 *Assessment Program of the National Highway Traffic Safe-*
11 *ty 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 “(c) *CONTENTS.*—A roadmap under subsection (a)
2 shall include—

3 “(1) a plan for any changes to the New Car As-
4 sessment Program of the National Highway Traffic
5 Safety Administration, including—

6 “(A) descriptions of actions to be carried
7 out to update the passenger motor vehicle infor-
8 mation developed under section 32302(a), includ-
9 ing the development of test procedures, test de-
10 vices, test fixtures, and safety performance
11 metrics, which shall, as applicable, incor-
12 porate—

13 “(i) objective criteria for evaluating
14 safety technologies; and

15 “(ii) reasonable time periods for com-
16 pliance with new or updated tests;

17 “(B) key milestones, including the antici-
18 pated start of an action, completion of an action,
19 and effective date of an update; and

20 “(C) descriptions of the means by which an
21 update will improve the passenger motor vehicle
22 information developed under section 32302(a);

23 “(2) an identification and prioritization of safe-
24 ty opportunities and technologies—

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 in-
8 formation approach; and

9 “(B) with respect to the long-term compo-
10 nent of the roadmap under subsection (b)(1)(B),
11 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 consider

1 *including such a safety opportunity or tech-*
2 *nology 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 com-*
10 *ment;*

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 collabora-
2 tion 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 estab-
7 lished under subsection (a); and

8 “(4) to collect feedback or other information that
9 the Secretary determines to be relevant to enhancing
10 the New Car Assessment Program of the National
11 Highway Traffic Safety Administration.”.

12 (2) *CLERICAL AMENDMENT.*—The analysis for
13 chapter 323 of title 49, United States Code, is amend-
14 ed 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 of
17 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 of*
18 *enactment of this Act, the Secretary shall submit to the*
19 *Committee on Commerce, Science, and Transportation of*
20 *the Senate and the Committee on Energy and Commerce*
21 *of the House of Representatives a report that describes—*

22 (1) *the current status of hood and bumper stand-*
23 *ards;*

24 (2) *relevant advanced crash-avoidance tech-*
25 *nology;*

1 (3) actions needed to be carried out to develop
2 performance test criteria; and

3 (4) if applicable, a plan for incorporating ad-
4 vanced crash-avoidance technology, including tech-
5 nology relating to vulnerable road user safety, in ex-
6 isting standards.

7 **SEC. 24215. EMERGENCY MEDICAL SERVICES AND 9-1-1.**

8 Section 158(a) of the National Telecommunications
9 and Information Administration Organization Act (47
10 U.S.C. 942(a)) is amended by striking paragraph (4).

11 **SEC. 24216. EARLY WARNING REPORTING.**

12 (a) *IN GENERAL.*—Section 30166(m)(3) of title 49,
13 United States Code, is amended by adding at the end the
14 following:

15 “(D) *SETTLEMENTS.*—Notwithstanding any
16 order entered in a civil action restricting the dis-
17 closure of information, a manufacturer of a
18 motor vehicle or motor vehicle equipment shall
19 comply with the requirements of this subsection
20 and any regulations promulgated pursuant to
21 this subsection.”.

22 (b) *STUDY AND REPORT.*—Not later than 18 months
23 after the date of enactment of this Act, the Administrator
24 of the National Highway Traffic Safety Administration
25 shall—

1 (1) *conduct a study—*

2 (A) *to evaluate the early warning reporting*
3 *data submitted under section 30166(m) of title*
4 *49, United States Code (including regulations);*
5 *and*

6 (B) *to identify improvements, if any, that*
7 *would enhance the use by the National Highway*
8 *Traffic Administration of early warning report-*
9 *ing data to enhance safety; and*

10 (2) *submit to the Committee on the Committee*
11 *on Commerce, Science, and Transportation of the*
12 *Senate and the Committee on Energy and Commerce*
13 *of the House of Representatives a report describing*
14 *the results of the study under paragraph (1), includ-*
15 *ing any recommendations for regulatory or legislative*
16 *action.*

17 **SEC. 24217. IMPROVED VEHICLE SAFETY DATABASES.**

18 *Not later than 3 years after the date of enactment of*
19 *this Act, after consultation with frequent users of publicly*
20 *available databases, the Secretary shall improve public ac-*
21 *cessibility to information relating to the publicly accessible*
22 *vehicle safety databases of the National Highway Traffic*
23 *Safety Administration by revising the publicly accessible*
24 *vehicle safety databases—*

1 (1) to improve organization and functionality,
2 including design features such as drop-down menus;

3 (2) to allow data from applicable publicly acces-
4 sible vehicle safety databases to be searched, sorted,
5 aggregated, and downloaded in a manner that—

6 (A) is consistent with the public interest;

7 and

8 (B) facilitates easy use by consumers;

9 (3) to provide greater consistency in presentation
10 of vehicle safety issues;

11 (4) to improve searchability regarding specific
12 vehicles and issues, which may include the standard-
13 ization of commonly used search terms; and

14 (5) to ensure nonconfidential documents and ma-
15 terials relating to information created or obtained by
16 the National Highway Traffic Safety Administration
17 are made publicly available in a manner that is—

18 (A) timely; and

19 (B) searchable in databases by any element
20 that the Secretary determines to be in the public
21 interest.

22 **SEC. 24218. NATIONAL DRIVER REGISTER ADVISORY COM-**
23 **MITTEE REPEAL.**

24 (a) *IN GENERAL.*—Section 30306 of title 49, United
25 States Code, is repealed.

1 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
2 *303 of title 49, United States Code, is amended by striking*
3 *the item relating to section 30306.*

4 **SEC. 24219. RESEARCH ON CONNECTED VEHICLE TECH-**
5 **NOLOGY.**

6 *The Administrator of the National Highway Traffic*
7 *Safety Administration, in collaboration with the head of*
8 *the Intelligent Transportation Systems Joint Program Of-*
9 *fice and the Administrator of the Federal Highway Admin-*
10 *istration, shall—*

11 (1) *not later than 180 days after the date of en-*
12 *actment of this Act, expand vehicle-to-pedestrian re-*
13 *search efforts focused on incorporating bicyclists and*
14 *other vulnerable road users into the safe deployment*
15 *of connected vehicle systems; and*

16 (2) *not later than 2 years after the date of enact-*
17 *ment of this Act, submit to Congress and make pub-*
18 *licly available a report describing the findings of the*
19 *research efforts described in paragraph (1), including*
20 *an analysis of the extent to which applications sup-*
21 *porting vulnerable road users can be accommodated*
22 *within existing spectrum allocations for connected ve-*
23 *hicle systems.*

24 **SEC. 24220. ADVANCED IMPAIRED DRIVING TECHNOLOGY.**

25 (a) *FINDINGS.*—*Congress finds that—*

1 (1) *alcohol-impaired driving fatalities represent*
2 *approximately 1/3 of all highway fatalities in the*
3 *United States each year;*

4 (2) *in 2019, there were 10,142 alcohol-impaired*
5 *driving fatalities in the United States involving driv-*
6 *ers with a blood alcohol concentration level of .08 or*
7 *higher, and 68 percent of the crashes that resulted in*
8 *those fatalities involved a driver with a blood alcohol*
9 *concentration level of .15 or higher;*

10 (3) *the estimated economic cost for alcohol-im-*
11 *paired driving in 2010 was \$44,000,000,000;*

12 (4) *according to the Insurance Institute for*
13 *Highway Safety, advanced drunk and impaired driv-*
14 *ing prevention technology can prevent more than*
15 *9,400 alcohol-impaired driving fatalities annually;*
16 *and*

17 (5) *to ensure the prevention of alcohol-impaired*
18 *driving fatalities, advanced drunk and impaired*
19 *driving prevention technology must be standard*
20 *equipment in all new passenger motor vehicles.*

21 (b) *DEFINITIONS.—In this section:*

22 (1) *ADVANCED DRUNK AND IMPAIRED DRIVING*
23 *PREVENTION TECHNOLOGY.—The term “advanced*
24 *drunk and impaired driving prevention technology”*
25 *means a system that—*

1 (A) can—

2 (i) passively monitor the performance
3 of a driver of a motor vehicle to accurately
4 identify whether that driver may be im-
5 paired; and

6 (ii) prevent or limit motor vehicle op-
7 eration if an impairment is detected;

8 (B) can—

9 (i) passively and accurately detect
10 whether the blood alcohol concentration of a
11 driver of a motor vehicle is equal to or
12 greater than the blood alcohol concentration
13 described in section 163(a) of title 23,
14 United States Code; and

15 (ii) prevent or limit motor vehicle op-
16 eration if a blood alcohol concentration
17 above the legal limit is detected; or

18 (C) is a combination of systems described in
19 subparagraphs (A) and (B).

20 (2) NEW.—The term “new”, with respect to a
21 passenger motor vehicle, means that the passenger
22 motor vehicle—

23 (A) is a new vehicle (as defined in section
24 37.3 of title 49, Code of Federal Regulations (or
25 a successor regulation)); and

1 (B) *has not been purchased for purposes*
2 *other than resale.*

3 (3) *PASSENGER MOTOR VEHICLE.*—*The term*
4 *“passenger motor vehicle” has the meaning given the*
5 *term in section 32101 of title 49, United States Code.*

6 (4) *SECRETARY.*—*The term “Secretary” means*
7 *the Secretary of Transportation, acting through the*
8 *Administrator of the National Highway Traffic Safe-*
9 *ty Administration.*

10 (c) *ADVANCED DRUNK AND IMPAIRED DRIVING PRE-*
11 *VENTION TECHNOLOGY SAFETY STANDARD.*—*Subject to*
12 *subsection (e) and not later than 3 years after the date of*
13 *enactment of this Act, the Secretary shall issue a final rule*
14 *prescribing a Federal motor vehicle safety standard under*
15 *section 30111 of title 49, United States Code, that requires*
16 *passenger motor vehicles manufactured after the effective*
17 *date of that standard to be equipped with advanced drunk*
18 *and impaired driving prevention technology.*

19 (d) *REQUIREMENT.*—*To allow sufficient time for man-*
20 *ufacturer compliance, the compliance date of the rule issued*
21 *under subsection (c) shall be not earlier than 2 years and*
22 *not more than 3 years after the date on which that rule*
23 *is issued.*

24 (e) *TIMING.*—*If the Secretary determines that the Fed-*
25 *eral motor vehicle safety standard required under subsection*

1 *(c) cannot meet the requirements and considerations de-*
2 *scribed in subsections (a) and (b) of section 30111 of title*
3 *49, United States Code, by the applicable date, the Sec-*
4 *retary—*

5 *(1) may extend the time period to such date as*
6 *the Secretary determines to be necessary, but not later*
7 *than the date that is 3 years after the date described*
8 *in subsection (c);*

9 *(2) shall, not later than the date described in*
10 *subsection (c) and not less frequently than annually*
11 *thereafter until the date on which the rule under that*
12 *subsection is issued, submit to the Committee on Com-*
13 *merce, Science, and Transportation of the Senate and*
14 *the Committee on Energy and Commerce of the House*
15 *of Representatives a report describing, as of the date*
16 *of submission of the report—*

17 *(A) the reasons for not prescribing a Fed-*
18 *eral motor vehicle safety standard under section*
19 *30111 of title 49, United States Code, that re-*
20 *quires advanced drunk and impaired driving*
21 *prevention technology in all new passenger motor*
22 *vehicles;*

23 *(B) the deployment of advanced drunk and*
24 *impaired driving prevention technology in vehi-*
25 *cles;*

1 (C) any information relating to the ability
2 of vehicle manufacturers to include advanced
3 drunk and impaired driving prevention tech-
4 nology in new passenger motor vehicles; and

5 (D) an anticipated timeline for prescribing
6 the Federal motor vehicle safety standard de-
7 scribed in subsection (c); and

8 (3) if the Federal motor vehicle safety standard
9 required by subsection (c) has not been finalized by
10 the date that is 10 years after the date of enactment
11 of this Act, shall submit to the Committee on Com-
12 merce, Science, and Transportation of the Senate and
13 the Committee on Energy and Commerce of the House
14 of Representative a report describing—

15 (A) the reasons why the Federal motor vehi-
16 cle safety standard has not been finalized;

17 (B) the barriers to finalizing the Federal
18 motor vehicle safety standard; and

19 (C) recommendations to Congress to facili-
20 tate the Federal motor vehicle safety standard.

21 **SEC. 24221. GAO REPORT ON CRASH DUMMIES.**

22 (a) *IN GENERAL.*—Not later than 1 year after the date
23 of enactment of this Act, the Comptroller General of the
24 United States shall conduct a study and submit to the Com-
25 mittee on Commerce, Science, and Transportation of the

1 *Senate and the Committee on Energy and Commerce of the*
2 *House of Representatives a report that—*

3 *(1) examines—*

4 *(A) the processes used by the National*
5 *Highway Traffic Safety Administration (referred*
6 *to in this section as the “Administration”) for*
7 *studying and deploying crash test dummies;*

8 *(B)(i) the types of crash test dummies used*
9 *by the Administration as of the date of enact-*
10 *ment of this Act;*

11 *(ii) the seating positions in which those*
12 *crash test dummies are tested; and*

13 *(iii) whether the seating position affects dis-*
14 *parities in motor vehicle safety outcomes based*
15 *on demographic characteristics, including sex,*
16 *and, if so, how the seating position affects those*
17 *disparities;*

18 *(C) the biofidelic crash test dummies that*
19 *are available in the global and domestic market-*
20 *place that reflect the physical and demographic*
21 *characteristics of the driving public in the*
22 *United States, including—*

23 *(i) females;*

24 *(ii) the elderly;*

25 *(iii) young adults;*

1 (iv) children; and

2 (v) individuals of differing body
3 weights;

4 (D) how the Administration determines
5 whether to study and deploy new biofidelic crash
6 test dummies, including the biofidelic crash test
7 dummies examined under subparagraph (C),
8 and the timelines by which the Administration
9 conducts the work of making those determina-
10 tions and studying and deploying new biofidelic
11 crash test dummies;

12 (E) challenges the Administration faces in
13 studying and deploying new crash test dummies;
14 and

15 (F) how the practices of the Administration
16 with respect to crash test dummies compare to
17 other programs that test vehicles and report re-
18 sults to the public, including the European New
19 Car Assessment Programme;

20 (2) evaluates potential improvements to the proc-
21 esses described in paragraph (1) that could reduce
22 disparities in motor vehicle safety outcomes based on
23 demographic characteristics, including sex;

24 (3) analyzes the potential use of computer sim-
25 ulation techniques, as a supplement to physical crash

1 *tests, to conduct virtual simulations of vehicle crash*
2 *tests in order to evaluate predicted motor vehicle safe-*
3 *ty outcomes based on the different physical and demo-*
4 *graphic characteristics of motor vehicle occupants;*
5 *and*

6 *(4) includes, as applicable, any assessments or*
7 *recommendations relating to crash test dummies that*
8 *are relevant to reducing disparities in motor vehicle*
9 *safety outcomes based on demographic characteristics,*
10 *including sex.*

11 *(b) INTERIM REPORT FROM THE ADMINISTRATION.—*
12 *Not later than 90 days after the date of enactment of this*
13 *Act, the Administrator of the Administration shall submit*
14 *to the Committee on Commerce, Science, and Transpor-*
15 *tation of the Senate and the Committee on Energy and*
16 *Commerce of the House of Representatives a report that—*

17 *(1) identifies—*

18 *(A) the types of crash test dummies used by*
19 *the Administration as of the date of enactment*
20 *of this Act with respect to—*

21 *(i) the New Car Assessment Program*
22 *of the Administration; and*

23 *(ii) testing relating to Federal Motor*
24 *Vehicle Safety Standards;*

1 (B) *how each type of crash test dummy*
2 *identified under subparagraph (A) is tested with*
3 *respect to seating position; and*

4 (C) *any crash test dummies that the Ad-*
5 *ministration is actively evaluating for future*
6 *use—*

7 (i) *in the New Car Assessment Pro-*
8 *gram of the Administration; or*

9 (ii) *for testing relating to Federal*
10 *Motor Vehicle Safety Standards;*

11 (2) *explains—*

12 (A) *the plans of the Administration, includ-*
13 *ing the expected timelines, for putting any crash*
14 *test dummies identified under paragraph (1)(C)*
15 *to use as described in that paragraph;*

16 (B) *any challenges to putting those crash*
17 *test dummies to use; and*

18 (C) *the potential use of computer simula-*
19 *tion techniques, as a supplement to physical*
20 *crash tests, to conduct virtual simulations of ve-*
21 *hicle crash tests in order to evaluate predicted*
22 *motor vehicle safety outcomes based on the dif-*
23 *ferent physical and demographic characteristics*
24 *of motor vehicle occupants; and*

1 (3) provides policy recommendations for reduc-
2 ing disparities in motor vehicle safety testing and
3 outcomes based on demographic characteristics, in-
4 cluding sex.

5 **SEC. 24222. CHILD SAFETY.**

6 (a) AMENDMENT.—

7 (1) IN GENERAL.—Chapter 323 of title 49,
8 United States Code, is amended by adding after sec-
9 tion 32304A the following:

10 **“§ 32304B. Child safety**

11 “(a) DEFINITIONS.—In this section:

12 “(1) PASSENGER MOTOR VEHICLE.—The term
13 ‘passenger motor vehicle’ has the meaning given that
14 term in section 32101.

15 “(2) REAR-DESIGNATED SEATING POSITION.—
16 The term ‘rear-designated seating position’ means
17 designated seating positions that are rearward of the
18 front seat.

19 “(3) SECRETARY.—The term ‘Secretary’ means
20 the Secretary of Transportation.

21 “(b) RULEMAKING.—Not later than 2 years after the
22 date of enactment of this section, the Secretary shall issue
23 a final rule requiring all new passenger motor vehicles
24 weighing less than 10,000 pounds gross vehicle weight to
25 be equipped with a system to alert the operator to check

1 rear-designated seating positions after the vehicle engine or
 2 motor is deactivated by the operator.

3 “(c) *MEANS.*—*The alert required under subsection*
 4 *(b)—*

5 “(1) *shall include a distinct auditory and visual*
 6 *alert, which may be combined with a haptic alert;*
 7 *and*

8 “(2) *shall be activated when the vehicle motor is*
 9 *deactivated by the operator.*

10 “(d) *PHASE-IN.*—*The rule issued pursuant to sub-*
 11 *section (b) shall require full compliance with the rule begin-*
 12 *ning on September 1st of the first calendar year that begins*
 13 *2 years after the date on which the final rule is issued.”.*

14 (2) *CLERICAL AMENDMENT.*—*The analysis for*
 15 *chapter 323 of title 49, United States Code, is amend-*
 16 *ed by inserting after the item relating to section*
 17 *32304A the following:*

“32304B. *Child safety.*”.

18 (b) *AWARENESS OF CHILDREN IN MOTOR VEHI-*
 19 *CLES.*—*Section 402 of title 23, United States Code (as*
 20 *amended by section 24102(a)(9)), is amended by adding at*
 21 *the end the following:*

22 “(o) *UNATTENDED PASSENGERS.*—

23 “(1) *IN GENERAL.*—*Each State shall use a por-*
 24 *tion of the amounts received by the State under this*
 25 *section to carry out a program to educate the public*

1 *regarding the risks of leaving a child or unattended*
2 *passenger in a vehicle after the vehicle motor is de-*
3 *activated by the operator.*

4 “(2) *PROGRAM PLACEMENT.*—*Nothing in this*
5 *subsection requires a State to carry out a program*
6 *described in paragraph (1) through the State trans-*
7 *portation or highway safety office.”.*

8 *(c) STUDY AND REPORT.*—

9 (1) *STUDY.*—

10 (A) *IN GENERAL.*—*The Secretary shall con-*
11 *duct a study on—*

12 (i) *the potential retrofitting of existing*
13 *passenger motor vehicles with 1 or more*
14 *technologies that may address the problem*
15 *of children left in rear-designated seating*
16 *positions of motor vehicles after deactiva-*
17 *tion of the motor vehicles by an operator;*
18 *and*

19 (ii) *the potential benefits and burdens,*
20 *logistical or economic, associated with wide-*
21 *spread use of those technologies.*

22 (B) *ELEMENTS.*—*In carrying out the study*
23 *under subparagraph (A), the Secretary shall—*

24 (i) *survey and evaluate a variety of*
25 *methods used by current and emerging*

1 *aftermarket technologies or products to re-*
2 *duce the risk of children being left in rear-*
3 *designated seating positions after deactiva-*
4 *tion of a motor vehicle; and*

5 *(ii) provide recommendations—*

6 *(I) for manufacturers of the tech-*
7 *nologies and products described in*
8 *clause (i) to carry out a functional*
9 *safety performance evaluation to en-*
10 *sure that the technologies and products*
11 *perform as designed by the manufac-*
12 *turer under a variety of real-world*
13 *conditions; and*

14 *(II) for consumers on methods to*
15 *select an appropriate technology or*
16 *product described in clause (i) in order*
17 *to retrofit existing vehicles.*

18 *(2) REPORT BY SECRETARY.—Not later than 180*
19 *days after the date on which the Secretary issues the*
20 *final rule required by section 32304B(b) of title 49,*
21 *United States Code (as added by subsection (a)(1)),*
22 *the Secretary shall submit a report describing the re-*
23 *sults of the study carried out under paragraph (1)*
24 *to—*

1 (A) *the Committee on Commerce, Science,*
2 *and Transportation of the Senate; and*

3 (B) *the Committee on Energy and Com-*
4 *merce of the House of Representatives.*

5 **TITLE V—RESEARCH AND**
6 **INNOVATION**

7 **SEC. 25001. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
8 **GRAM ADVISORY COMMITTEE.**

9 *Section 515(h) of title 23, United States Code, is*
10 *amended—*

11 (1) *in paragraph (1), by inserting “(referred to*
12 *in this subsection as the ‘Advisory Committee’)” after*
13 *“an Advisory Committee”;*

14 (2) *in paragraph (2)—*

15 (A) *in the matter preceding subparagraph*
16 *(A), by striking “20 members” and inserting “25*
17 *members”;*

18 (B) *in subparagraph (O) (as redesignated*
19 *by section 13008(a)(2))—*

20 (i) *by striking “utilities,”; and*

21 (ii) *by striking the period at the end*
22 *and inserting a semicolon;*

23 (C) *by redesignating subparagraphs (F),*
24 *(G), (H), (I), (J), (K), (L), (M), (N), and (O)*
25 *(as added or redesignated by section 13008(a))*

1 as subparagraphs (H), (J), (K), (L), (M), (N),
2 (O), (S), (T), and (U), respectively;

3 (D) by inserting after subparagraph (E) (as
4 redesignated by section 13008(a)(2)) the fol-
5 lowing:

6 “(F) a representative of a national transit
7 association;

8 “(G) a representative of a national, State,
9 or local transportation agency or association;”;

10 (E) by inserting after subparagraph (H) (as
11 redesignated by subparagraph (C)) the following:

12 “(I) a private sector developer of intelligent
13 transportation system technologies, which may
14 include emerging vehicle technologies;”;

15 (F) by inserting after subparagraph (O) (as
16 so redesignated) the following:

17 “(P) a representative of a labor organiza-
18 tion;

19 “(Q) a representative of a mobility-pro-
20 viding entity;

21 “(R) an expert in traffic management;”;

22 and

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

24 “(V) an expert in cybersecurity; and

25 “(W) an automobile manufacturer.”;

1 (3) *in paragraph (3)—*

2 (A) *in subparagraph (A), by striking “sec-*
3 *tion 508” and inserting “section 6503 of title*
4 *49”; and*

5 (B) *in subparagraph (B)—*

6 (i) *in the matter preceding clause (i),*
7 *by inserting “programs and” before “re-*
8 *search”; and*

9 (ii) *in clause (iii), by striking “re-*
10 *search and” and inserting “programs, re-*
11 *search, and”;*

12 (4) *by redesignating paragraphs (3) through (5)*
13 *as paragraphs (5) through (7); and*

14 (5) *by inserting after paragraph (2) the fol-*
15 *lowing:*

16 “(3) *TERM.—*

17 “(A) *IN GENERAL.—The term of a member*
18 *of the Advisory Committee shall be 3 years.*

19 “(B) *RENEWAL.—On expiration of the term*
20 *of a member of the Advisory Committee, the*
21 *member—*

22 “(i) *may be reappointed; or*

23 “(ii) *if the member is not reappointed*
24 *under clause (i), may serve until a new*
25 *member is appointed.*

1 “(4) *MEETINGS.*—*The Advisory Committee—*
2 “(A) *shall convene not less frequently than*
3 *twice each year; and*
4 “(B) *may convene with the use of remote*
5 *video conference technology.*”.

6 **SEC. 25002. SMART COMMUNITY RESOURCE CENTER.**

7 (a) *DEFINITIONS.*—*In this section:*

8 (1) *RESOURCE CENTER.*—*The term “resource*
9 *center” means the Smart Community Resource Center*
10 *established under subsection (b).*

11 (2) *SMART COMMUNITY.*—*The term “smart com-*
12 *munity” means a community that uses innovative*
13 *technologies, data, analytics, and other means to im-*
14 *prove the community and address local challenges.*

15 (b) *ESTABLISHMENT.*—*The Secretary shall work with*
16 *the modal administrations of the Department and with such*
17 *other Federal agencies and departments as the Secretary*
18 *determines to be appropriate to make available to the public*
19 *on an Internet website a resource center, to be known as*
20 *the “Smart Community Resource Center”, that includes a*
21 *compilation of resources or links to resources for States and*
22 *local communities to use in developing and implementing—*

23 (1) *intelligent transportation system programs;*

24 *or*

25 (2) *smart community transportation programs.*

1 (c) *INCLUSIONS.*—*The resource center shall include*
2 *links to—*

3 (1) *existing programs and resources for intel-*
4 *ligent transportation system or smart community*
5 *transportation programs, including technical assist-*
6 *ance, education, training, funding, and examples of*
7 *intelligent transportation systems or smart commu-*
8 *nity transportation programs implemented by States*
9 *and local communities, available from—*

10 (A) *the Department;*

11 (B) *other Federal agencies; and*

12 (C) *non-Federal sources;*

13 (2) *existing reports or databases with the results*
14 *of intelligent transportation system or smart commu-*
15 *nity transportation programs;*

16 (3) *any best practices developed or lessons*
17 *learned from intelligent transportation system or*
18 *smart community transportation programs; and*

19 (4) *such other resources as the Secretary deter-*
20 *mines to be appropriate.*

21 (d) *DEADLINE.*—*The Secretary shall establish the re-*
22 *source center by the date that is 1 year after the date of*
23 *enactment of this Act.*

24 (e) *UPDATES.*—*The Secretary shall ensure that the re-*
25 *source center is updated on a regular basis.*

1 **SEC. 25003. FEDERAL SUPPORT FOR LOCAL DECISION-**
2 **MAKING.**

3 (a) *LOCAL OUTREACH.*—*To determine the data anal-*
4 *ysis tools needed to assist local communities in making in-*
5 *frastructure decisions, the Director of the Bureau of Trans-*
6 *portation Statistics shall perform outreach to planning and*
7 *infrastructure decision-making officials in units of local*
8 *government and other units of government, including a geo-*
9 *graphically diverse group of individuals from—*

10 (1) *States;*

11 (2) *political subdivisions of States;*

12 (3) *cities;*

13 (4) *metropolitan planning organizations;*

14 (5) *regional transportation planning organiza-*
15 *tions; and*

16 (6) *federally recognized Indian Tribes.*

17 (b) *WORK PLAN.*—

18 (1) *IN GENERAL.*—*Not later than 1 year after*
19 *the date of enactment of this Act, based on the out-*
20 *reach performed under subsection (a), the Director of*
21 *the Bureau of Transportation Statistics shall submit*
22 *to the Secretary a work plan for reviewing and up-*
23 *dating existing data analysis tools and developing*
24 *any additional data analysis tools needed to assist*
25 *local communities with making infrastructure invest-*
26 *ment decisions.*

1 (2) *CONTENTS.*—*Based on the needs identified*
2 *pursuant to the outreach performed under subsection*
3 *(a), the work plan submitted under paragraph (1)*
4 *shall include—*

5 (A) *a description of the data analysis tools*
6 *identified that would benefit infrastructure deci-*
7 *sion-making by local governments and address*
8 *the goals described in subsection (c);*

9 (B) *a review of the datasets that local gov-*
10 *ernments need to effectively use the data analysis*
11 *tools described in subparagraph (A);*

12 (C) *an identification of existing or proposed*
13 *data analysis tools that use publicly available*
14 *data;*

15 (D) *the estimated cost of obtaining each*
16 *dataset described in subparagraph (B);*

17 (E) *the estimated cost to develop the data*
18 *analysis tools described in subparagraph (A);*

19 (F) *a prioritization for the development of*
20 *data analysis tools described in subparagraph*
21 *(A); and*

22 (G) *a determination as to whether it would*
23 *be appropriate for the Federal Government to de-*
24 *velop the data analysis tools described in sub-*
25 *paragraph (A).*

1 (c) *GOALS.*—

2 (1) *IN GENERAL.*—A data analysis tool created
3 pursuant to the work plan submitted under subsection
4 (b)(1) shall be developed to help inform local commu-
5 nities in making infrastructure investments.

6 (2) *SPECIFIC ISSUES.*—A data analysis tool cre-
7 ated pursuant to the work plan submitted under sub-
8 section (b)(1) shall be intended to help units of local
9 government and other units of government address 1
10 or more of the following:

11 (A) *Improving maintenance of existing as-*
12 *sets.*

13 (B) *Rebuilding infrastructure to a state of*
14 *good repair.*

15 (C) *Creating economic development through*
16 *infrastructure development.*

17 (D) *Establishing freight plans and infra-*
18 *structure that connects the community to supply*
19 *chains.*

20 (E) *Increasing options for communities that*
21 *lack access to affordable transportation to im-*
22 *prove access to jobs, affordable housing, schools,*
23 *medical services, foods and other essential com-*
24 *munity services.*

25 (F) *Reducing congestion.*

1 (G) *Improving community resilience to ex-*
2 *treme weather events.*

3 (H) *Any other subject, as the Director deter-*
4 *mines to be necessary.*

5 (d) *IMPLEMENTATION.*—*Subject to the availability of*
6 *appropriations, the Secretary shall develop data analysis*
7 *tools and purchase datasets as prioritized in the work plan.*

8 (e) *COORDINATION.*—*The Director of the Bureau of*
9 *Transportation Statistics may utilize existing working*
10 *groups or advisory committees to perform the local outreach*
11 *required under subsection (a).*

12 **SEC. 25004. BUREAU OF TRANSPORTATION STATISTICS.**

13 (a) *FUNDING.*—*In addition to amounts made available*
14 *from the Highway Trust Fund, there is authorized to be*
15 *appropriated to the Secretary for use by the Bureau of*
16 *Transportation Statistics for data collection and analysis*
17 *activities \$10,000,000 for each of fiscal years 2022 through*
18 *2026.*

19 (b) *AMENDMENT.*—*Section 6302(b)(3)(B)(vi) of title*
20 *49, United States Code, is amended—*

21 (1) *by striking subclause (V);*

22 (2) *by redesignating subclauses (VI) through*
23 *(XI) as subclauses (VII) through (XII), respectively;*
24 *and*

25 (3) *by adding after subclause (IV) the following:*

1 “(V) *employment in the transpor-*
2 *tation sector;*

3 “(VI) *the effects of the transpor-*
4 *tation system, including advanced*
5 *technologies and automation, on global*
6 *and domestic economic competitive-*
7 *ness;”.*

8 **SEC. 25005. STRENGTHENING MOBILITY AND REVOLUTION-**
9 **IZING TRANSPORTATION GRANT PROGRAM.**

10 (a) *DEFINITIONS.—In this section:*

11 (1) *ELIGIBLE ENTITY.—The term “eligible enti-*
12 *ty” means—*

13 (A) *a State;*

14 (B) *a political subdivision of a State;*

15 (C) *a Tribal government;*

16 (D) *a public transit agency or authority;*

17 (E) *a public toll authority;*

18 (F) *a metropolitan planning organization;*

19 *and*

20 (G) *a group of 2 or more eligible entities de-*
21 *scribed in any of subparagraphs (A) through (F)*
22 *applying through a single lead applicant.*

23 (2) *ELIGIBLE PROJECT.—The term “eligible*
24 *project” means a project described in subsection (e).*

1 (3) *LARGE COMMUNITY*.—The term “large com-
2 munity” means a community with a population of
3 not less than 400,000 individuals, as determined
4 under the most recent annual estimate of the Bureau
5 of the Census.

6 (4) *MIDSIZED COMMUNITY*.—The term “midsized
7 community” means any community that is not a
8 large community or a rural community.

9 (5) *REGIONAL PARTNERSHIP*.—The term “re-
10 gional partnership” means a partnership composed of
11 2 or more eligible entities located in jurisdictions
12 with a combined population that is equal to or great-
13 er than the population of any midsized community.

14 (6) *RURAL COMMUNITY*.—The term “rural com-
15 munity” means a community that is located in an
16 area that is outside of an urbanized area (as defined
17 in section 5302 of title 49, United States Code).

18 (7) *SMART GRANT*.—The term “SMART grant”
19 means a grant provided to an eligible entity under
20 the *Strengthening Mobility and Revolutionizing*
21 *Transportation Grant Program* established under sub-
22 section (b).

23 (b) *ESTABLISHMENT OF PROGRAM*.—The Secretary
24 shall establish a program, to be known as the “*Strengthening*
25 *Mobility and Revolutionizing Transportation Grant*”

1 *Program”, under which the Secretary shall provide grants*
2 *to eligible entities to conduct demonstration projects focused*
3 *on advanced smart city or community technologies and sys-*
4 *tems in a variety of communities to improve transportation*
5 *efficiency and safety.*

6 (c) *DISTRIBUTION.*—*In determining the projects for*
7 *which to provide a SMART grant, the Secretary shall con-*
8 *sider contributions to geographical diversity among grant*
9 *recipients, including the need for balancing the needs of*
10 *rural communities, midsized communities, and large com-*
11 *munities, consistent with the requirements of subpara-*
12 *graphs (A) through (C) of subsection (g)(1).*

13 (d) *APPLICATIONS.*—

14 (1) *IN GENERAL.*—*An eligible entity may submit*
15 *to the Secretary an application for a SMART grant*
16 *at such time, in such manner, and containing such*
17 *information as the Secretary may require.*

18 (2) *TRANSPARENCY.*—*The Secretary shall in-*
19 *clude, in any notice of funding availability relating*
20 *to SMART grants, a full description of the method by*
21 *which applications under paragraph (1) will be eval-*
22 *uated.*

23 (3) *SELECTION CRITERIA.*—

1 (A) *IN GENERAL.*—*The Secretary shall*
2 *evaluate applications for SMART grants based*
3 *on—*

4 (i) *the extent to which the eligible enti-*
5 *ty or applicable beneficiary community—*

6 (I) *has a public transportation*
7 *system or other transit options capable*
8 *of integration with other systems to*
9 *improve mobility and efficiency;*

10 (II) *has a population density and*
11 *transportation needs conducive to dem-*
12 *onstrating proposed strategies;*

13 (III) *has continuity of committed*
14 *leadership and the functional capacity*
15 *to carry out the proposed project;*

16 (IV) *is committed to open data*
17 *sharing with the public; and*

18 (V) *is likely to successfully imple-*
19 *ment the proposed eligible project, in-*
20 *cluding through technical and finan-*
21 *cial commitments from the public and*
22 *private sectors; and*

23 (ii) *the extent to which a proposed eli-*
24 *gible project will use advanced data, tech-*
25 *nology, and applications to provide signifi-*

1 *cant benefits to a local area, a State, a re-*
2 *gion, or the United States, including the ex-*
3 *tent to which the proposed eligible project*
4 *will—*

5 *(I) reduce congestion and delays*
6 *for commerce and the traveling public;*

7 *(II) improve the safety and inte-*
8 *gration of transportation facilities and*
9 *systems for pedestrians, bicyclists, and*
10 *the broader traveling public;*

11 *(III) improve access to jobs, edu-*
12 *cation, and essential services, includ-*
13 *ing health care;*

14 *(IV) connect or expand access for*
15 *underserved or disadvantaged popu-*
16 *lations and reduce transportation*
17 *costs;*

18 *(V) contribute to medium- and*
19 *long-term economic competitiveness;*

20 *(VI) improve the reliability of ex-*
21 *isting transportation facilities and sys-*
22 *tems;*

23 *(VII) promote connectivity be-*
24 *tween and among connected vehicles,*
25 *roadway infrastructure, pedestrians,*

1 *bicyclists, the public, and transpor-*
2 *tation systems*

3 *(VIII) incentivize private sector*
4 *investments or partnerships, including*
5 *by working with mobile and fixed tele-*
6 *communication service providers, to*
7 *the extent practicable;*

8 *(IX) improve energy efficiency or*
9 *reduce pollution;*

10 *(X) increase the resiliency of the*
11 *transportation system; and*

12 *(XI) improve emergency response.*

13 *(B) PRIORITY.—In providing SMART*
14 *grants, the Secretary shall give priority to appli-*
15 *cations for eligible projects that would—*

16 *(i) demonstrate smart city or commu-*
17 *nity technologies in repeatable ways that*
18 *can rapidly be scaled;*

19 *(ii) encourage public and private shar-*
20 *ing of data and best practices;*

21 *(iii) encourage private-sector innova-*
22 *tion by promoting industry-driven tech-*
23 *nology standards, open platforms, tech-*
24 *nology-neutral requirements, and interoper-*
25 *ability;*

1 (iv) promote a skilled workforce that is
2 inclusive of minority or disadvantaged
3 groups;

4 (v) allow for the measurement and val-
5 idation of the cost savings and performance
6 improvements associated with the installa-
7 tion and use of smart city or community
8 technologies and practices;

9 (vi) encourage the adoption of smart
10 city or community technologies by commu-
11 nities;

12 (vii) promote industry practices re-
13 garding cybersecurity; and

14 (viii) safeguard individual privacy.

15 (4) *TECHNICAL ASSISTANCE.*—On request of an
16 eligible entity that submitted an application under
17 paragraph (1) with respect to a project that is not se-
18 lected for a SMART grant, the Secretary shall provide
19 to the eligible entity technical assistance and briefings
20 relating to the project.

21 (e) *USE OF GRANT FUNDS.*—

22 (1) *ELIGIBLE PROJECTS.*—

23 (A) *IN GENERAL.*—A SMART grant may be
24 used to carry out a project that demonstrates at
25 least 1 of the following:

1 (i) *COORDINATED AUTOMATION.*—*The*
2 *use of automated transportation and auton-*
3 *omous vehicles, while working to minimize*
4 *the impact on the accessibility of any other*
5 *user group or mode of travel.*

6 (ii) *CONNECTED VEHICLES.*—*Vehicles*
7 *that send and receive information regarding*
8 *vehicle movements in the network and use*
9 *vehicle-to-vehicle and vehicle-to-everything*
10 *communications to provide advanced and*
11 *reliable connectivity.*

12 (iii) *INTELLIGENT, SENSOR-BASED IN-*
13 *FRASTRUCTURE.*—*The deployment and use*
14 *of a collective intelligent infrastructure that*
15 *allows sensors to collect and report real-time*
16 *data to inform everyday transportation-re-*
17 *lated operations and performance.*

18 (iv) *SYSTEMS INTEGRATION.*—*The in-*
19 *tegration of intelligent transportation sys-*
20 *tems with other existing systems and other*
21 *advanced transportation technologies.*

22 (v) *COMMERCE DELIVERY AND LOGIS-*
23 *TICS.*—*Innovative data and technological*
24 *solutions supporting efficient goods move-*
25 *ment, such as connected vehicle probe data,*

1 road weather data, or global positioning
2 data to improve on-time pickup and deliv-
3 ery, improved travel time reliability, re-
4 duced fuel consumption and emissions, and
5 reduced labor and vehicle maintenance
6 costs.

7 (vi) *LEVERAGING USE OF INNOVATIVE*
8 *AVIATION TECHNOLOGY.*—Leveraging the
9 use of innovative aviation technologies, such
10 as unmanned aircraft systems, to support
11 transportation safety and efficiencies, in-
12 cluding traffic monitoring and infrastruc-
13 ture inspection.

14 (vii) *SMART GRID.*—Development of a
15 programmable and efficient energy trans-
16 mission and distribution system to support
17 the adoption or expansion of energy cap-
18 ture, electric vehicle deployment, or freight
19 or commercial fleet fuel efficiency.

20 (viii) *SMART TECHNOLOGY TRAFFIC*
21 *SIGNALS.*—Improving the active manage-
22 ment and functioning of traffic signals, in-
23 cluding through—

24 (I) the use of automated traffic
25 signal performance measures;

1 (II) *implementing strategies, ac-*
2 *tivities, and projects that support ac-*
3 *tive management of traffic signal oper-*
4 *ations, including through optimization*
5 *of corridor timing, improved vehicle,*
6 *pedestrian, and bicycle detection at*
7 *traffic signals, or the use of connected*
8 *vehicle technologies;*

9 (III) *replacing outdated traffic*
10 *signals; or*

11 (IV) *for an eligible entity serving*
12 *a population of less than 500,000, pay-*
13 *ing the costs of temporary staffing*
14 *hours dedicated to updating traffic sig-*
15 *nal technology.*

16 (2) *ELIGIBLE PROJECT COSTS.—A SMART*
17 *grant may be used for—*

18 (A) *development phase activities, includ-*
19 *ing—*

20 (i) *planning;*

21 (ii) *feasibility analyses;*

22 (iii) *revenue forecasting;*

23 (iv) *environmental review;*

24 (v) *permitting;*

1 (vi) preliminary engineering and de-
2 sign work;

3 (vii) systems development or informa-
4 tion technology work; and

5 (viii) acquisition of real property (in-
6 cluding land and improvements to land re-
7 lating to an eligible project); and

8 (B) construction phase activities, includ-
9 ing—

10 (i) construction;

11 (ii) reconstruction;

12 (iii) rehabilitation;

13 (iv) replacement;

14 (v) environmental mitigation;

15 (vi) construction contingencies; and

16 (vii) acquisition of equipment, includ-
17 ing vehicles.

18 (3) *PROHIBITED USES.*—A *SMART* grant shall
19 not be used—

20 (A) to reimburse any preaward costs or ap-
21 plication preparation costs of the *SMART* grant
22 application;

23 (B) for any traffic or parking enforcement
24 activity; or

1 (C) to purchase or lease a license plate
2 reader.

3 (f) *REPORTS.*—

4 (1) *ELIGIBLE ENTITIES.*—Not later than 2 years
5 after the date on which an eligible entity receives a
6 *SMART* grant, and annually thereafter until the date
7 on which the *SMART* grant is expended, the eligible
8 entity shall submit to the Secretary an implementa-
9 tion report that describes—

10 (A) the deployment and operational costs of
11 each eligible project carried out by the eligible
12 entity, as compared to the benefits and savings
13 from the eligible project; and

14 (B) the means by which each eligible project
15 carried out by the eligible entity has met the
16 original expectation, as projected in the *SMART*
17 grant application, including—

18 (i) data describing the means by which
19 the eligible project met the specific goals for
20 the project, such as—

21 (I) reducing traffic-related fatali-
22 ties and injuries;

23 (II) reducing traffic congestion or
24 improving travel-time reliability;

1 (III) providing the public with
2 access to real-time integrated traffic,
3 transit, and multimodal transpor-
4 tation information to make informed
5 travel decisions; or

6 (IV) reducing barriers or improv-
7 ing access to jobs, education, or various
8 essential services;

9 (ii) the effectiveness of providing to the
10 public real-time integrated traffic, transit,
11 and multimodal transportation information
12 to make informed travel decisions; and

13 (iii) lessons learned and recommenda-
14 tions for future deployment strategies to op-
15 timize transportation efficiency and
16 multimodal system performance.

17 (2) GAO.—Not later than 4 years after the date
18 of enactment of this Act, the Comptroller General of
19 the United States shall conduct, and submit to the
20 Committee on Commerce, Science, and Transpor-
21 tation of the Senate, the Committee on Energy and
22 Commerce of the House of Representatives, and the
23 Committee on Transportation and Infrastructure of
24 the House of Representatives a report describing the

1 *results of, a review of the SMART grant program*
2 *under this section.*

3 (3) *SECRETARY.*—

4 (A) *REPORT TO CONGRESS.*—*Not later than*
5 *2 years after the date on which the initial*
6 *SMART grants are provided under this section,*
7 *the Secretary shall submit to the Committee on*
8 *Commerce, Science, and Transportation of the*
9 *Senate, the Committee on Energy and Commerce*
10 *of the House of Representatives, and the Com-*
11 *mittee on Transportation and Infrastructure of*
12 *the House of Representatives a report that—*

13 (i) *describes each eligible entity that*
14 *received a SMART grant;*

15 (ii) *identifies the amount of each*
16 *SMART grant provided;*

17 (iii) *summarizes the intended uses of*
18 *each SMART grant;*

19 (iv) *describes the effectiveness of eligible*
20 *entities in meeting the goals described in the*
21 *SMART grant application of the eligible en-*
22 *tity, including an assessment or measure-*
23 *ment of the realized improvements or bene-*
24 *fits resulting from each SMART grant; and*

1 (v) describes lessons learned and rec-
2 ommendations for future deployment strate-
3 gies to optimize transportation efficiency
4 and multimodal system performance.

5 (B) *BEST PRACTICES.*—The Secretary
6 shall—

7 (i) develop and regularly update best
8 practices based on, among other informa-
9 tion, the data, lessons learned, and feedback
10 from eligible entities that received SMART
11 grants;

12 (ii) publish the best practices under
13 clause (i) on a publicly available website;
14 and

15 (iii) update the best practices pub-
16 lished on the website under clause (ii) regu-
17 larly.

18 (g) *AUTHORIZATION OF APPROPRIATIONS.*—

19 (1) *IN GENERAL.*—There is authorized to be ap-
20 propriated to the Secretary \$100,000,000 for each of
21 the first 5 fiscal years beginning after the date of en-
22 actment of this Act, of which—

23 (A) not more than 40 percent shall be used
24 to provide SMART grants for eligible projects
25 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 use
14 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 available
18 for a fiscal year pursuant to this subsection shall be
19 available for obligation during the 2-fiscal-year pe-
20 riod beginning on the first day of the fiscal year for
21 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 shall*
9 *jointly establish an electric vehicle working group to*
10 *make recommendations regarding the development,*
11 *adoption, and integration of light-, medium-, and*
12 *heavy-duty electric vehicles into the transportation*
13 *and energy systems of the United States.*

14 (2) *MEMBERSHIP.*—

15 (A) *IN GENERAL.*—*The working group shall*
16 *be composed of—*

17 (i) *the Secretaries (or designees), who*
18 *shall be cochairs of the working group; and*

19 (ii) *not more than 25 members, to be*
20 *appointed by the Secretaries, of whom—*

21 (I) *not more than 6 shall be Fed-*
22 *eral stakeholders as described in sub-*
23 *paragraph (B); and*

1 (ii) not more than 19 shall be
2 non-Federal stakeholders as described
3 in subparagraph (C).

4 (B) *FEDERAL STAKEHOLDERS.*—*The work-*
5 *ing 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 Adminis-
15 tration; 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 light-
25 duty electric vehicles or the rel-

1 *evant 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;*

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 en-*
12 *ergy 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 development*
23 *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 stakeholders
4 selected under clause (i) shall, in the aggre-
5 gate—

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 of
11 the United States, including individ-
12 uals representing the perspectives of
13 rural, urban, and suburban areas.

14 (D) *COMPENSATION.*—A member of the
15 working group shall serve without compensation.

16 (3) *MEETINGS.*—

17 (A) *IN GENERAL.*—The working group shall
18 meet not less frequently than once every 120
19 days.

20 (B) *REMOTE PARTICIPATION.*—A member of
21 the working group may participate in a meeting
22 of the working group via teleconference or simi-
23 lar means.

24 (4) *COORDINATION.*—In carrying out the duties
25 of the working group, the working group shall coordi-

1 *nate and consult with any existing Federal inter-*
2 *agency working groups on fleet conversion or other*
3 *similar matters relating to electric vehicles.*

4 *(c) REPORTS AND STRATEGY ON ELECTRIC VEHICLE*
5 *ADOPTION.—*

6 *(1) WORKING GROUP REPORTS.—The working*
7 *group shall complete by each of the deadlines de-*
8 *scribed in paragraph (2) a report describing the sta-*
9 *tus of electric vehicle adoption including—*

10 *(A) a description of the barriers and oppor-*
11 *tunities to scaling up electric vehicle adoption*
12 *throughout the United States, including rec-*
13 *ommendations for issues relating to—*

14 *(i) consumer behavior;*

15 *(ii) charging infrastructure needs, in-*
16 *cluding standardization and cybersecurity;*

17 *(iii) manufacturing and battery costs,*
18 *including the raw material shortages for*
19 *batteries and electric motor magnets;*

20 *(iv) the adoption of electric vehicles for*
21 *low- and moderate-income individuals and*
22 *underserved communities, including charg-*
23 *ing infrastructure access and vehicle pur-*
24 *chase financing;*

- 1 (v) *business models for charging per-*
2 *sonal electric vehicles outside the home, in-*
3 *cluding wired and wireless charging;*
- 4 (vi) *charging infrastructure permitting*
5 *and regulatory issues;*
- 6 (vii) *the connections between housing*
7 *and transportation costs and emissions;*
- 8 (viii) *freight transportation, including*
9 *local, port and drayage, regional, and long-*
10 *haul trucking;*
- 11 (ix) *intercity passenger travel;*
- 12 (x) *the process by which governments*
13 *collect a user fee for the contribution of elec-*
14 *tric vehicles to funding roadway improve-*
15 *ments;*
- 16 (xi) *State- and local-level policies, in-*
17 *centives, and zoning efforts;*
- 18 (xii) *the installation of highway cor-*
19 *ridor signage;*
- 20 (xiii) *secondary markets and recycling*
21 *for batteries;*
- 22 (xiv) *grid capacity and integration;*
- 23 (xv) *energy storage; and*
- 24 (xvi) *specific regional or local issues*
25 *that may not appear to apply throughout*

1 *the United States, but may hamper nation-*
2 *wide adoption or coordination of electric ve-*
3 *hicles;*

4 *(B) examples of successful public and pri-*
5 *vate models and demonstration projects that en-*
6 *courage electric vehicle adoption;*

7 *(C) an analysis of current efforts to over-*
8 *come the barriers described in subparagraph (A);*

9 *(D) an analysis of the estimated costs and*
10 *benefits of any recommendations of the working*
11 *group; and*

12 *(E) any other topics, as determined by the*
13 *working group.*

14 (2) *DEADLINES.*—*A report under paragraph (1)*
15 *shall be submitted to the Secretaries, the Committees*
16 *on Commerce, Science, and Transportation and Ap-*
17 *propriations of the Senate and the Committees on*
18 *Transportation and Infrastructure and Appropria-*
19 *tions of the House of Representatives—*

20 *(A) in the case of the first report, by not*
21 *later than 18 months after the date on which the*
22 *working group is established under subsection*
23 *(b)(1);*

24 *(B) in the case of the second report, by not*
25 *later than 2 years after the date on which the*

1 *first report is required to be submitted under*
2 *subparagraph (A); and*

3 *(C) in the case of the third report, by not*
4 *later than 2 years after the date on which the*
5 *second report is required to be submitted under*
6 *subparagraph (B).*

7 *(3) STRATEGY.—*

8 *(A) IN GENERAL.—Based on the reports*
9 *submitted by the working group under para-*
10 *graph (1), the Secretaries shall jointly develop,*
11 *maintain, and update a strategy that describes*
12 *the means by which the Federal Government,*
13 *States, units of local government, and industry*
14 *can—*

15 *(i) establish quantitative targets for*
16 *transportation electrification;*

17 *(ii) overcome the barriers described in*
18 *paragraph (1)(A);*

19 *(iii) identify areas of opportunity in*
20 *research and development to improve bat-*
21 *tery manufacturing, mineral mining, recy-*
22 *cling costs, material recovery, fire risks, and*
23 *battery performance for electric vehicles;*

1 (iv) enhance Federal interagency co-
2 ordination to promote electric vehicle adop-
3 tion;

4 (v) prepare the workforce for the adop-
5 tion of electric vehicles, including through
6 collaboration with labor unions, educational
7 institutions, and relevant manufacturers;

8 (vi) expand electric vehicle and charg-
9 ing infrastructure;

10 (vii) expand knowledge of the benefits
11 of electric vehicles among the general public;

12 (viii) maintain the global competitive-
13 ness of the United States in the electric ve-
14 hicle and charging infrastructure markets;

15 (ix) provide clarity in regulations to
16 improve national uniformity with respect to
17 electric vehicles; and

18 (x) ensure the sustainable integration
19 of electric vehicles into the national electric
20 grid.

21 (B) NOTICE AND COMMENT.—In carrying
22 out subparagraph (A), the Secretaries shall pro-
23 vide public notice and opportunity for comment
24 on the strategy described in that subparagraph.

25 (4) INFORMATION.—

1 (A) *IN GENERAL.*—*The Secretaries may*
2 *enter into an agreement with the Transportation*
3 *Research Board of the National Academies of*
4 *Sciences, Engineering, and Medicine to provide,*
5 *track, or report data, information, or research to*
6 *assist the working group in carrying out para-*
7 *graph (1).*

8 (B) *USE OF EXISTING INFORMATION.*—*In*
9 *developing a report under paragraph (1) or a*
10 *strategy under paragraph (3), the Secretaries*
11 *and the working group shall take into consider-*
12 *ation existing Federal, State, local, private sec-*
13 *tor, and academic data and information relating*
14 *to electric vehicles and, to the maximum extent*
15 *practicable, coordinate with the entities that*
16 *publish that information—*

17 (i) *to prevent duplication of efforts by*
18 *the Federal Government; and*

19 (ii) *to leverage existing information*
20 *and complementary efforts.*

21 (d) *COORDINATION.*—*To the maximum extent prac-*
22 *ticable, the Secretaries and the working group shall carry*
23 *out this section using all available existing resources,*
24 *websites, and databases of Federal agencies, such as—*

25 (1) *the Alternative Fuels Data Center;*

1 (2) *the Energy Efficient Mobility Systems pro-*
2 *gram; and*

3 (3) *the Clean Cities Coalition Network.*

4 (e) *TERMINATION.*—*The working group shall termi-*
5 *nate on submission of the third report required under sub-*
6 *section (c)(2)(C).*

7 **SEC. 25007. RISK AND SYSTEM RESILIENCE.**

8 (a) *IN GENERAL.*—*The Secretary, in consultation with*
9 *appropriate Federal, State, and local agencies, shall develop*
10 *a process for quantifying annual risk in order to increase*
11 *system resilience with respect to the surface transportation*
12 *system of the United States by measuring—*

13 (1) *resilience to threat probabilities by type of*
14 *hazard and geographical location;*

15 (2) *resilience to asset vulnerabilities with respect*
16 *to each applicable threat; and*

17 (3) *anticipated consequences from each applica-*
18 *ble threat to each asset.*

19 (b) *USE BY STATE, REGIONAL, TRIBAL, AND LOCAL*
20 *ENTITIES.*—

21 (1) *IN GENERAL.*—*The Secretary shall provide*
22 *the process developed under subsection (a) to State de-*
23 *partments of transportation, metropolitan planning*
24 *organizations, Indian Tribes, local governments, and*
25 *other relevant entities.*

1 (2) *GUIDANCE AND TECHNICAL ASSISTANCE.*—
2 *The Secretary shall provide to the entities described*
3 *in paragraph (1) guidance and technical assistance*
4 *on the use of the process referred to in that para-*
5 *graph.*

6 (c) *RESEARCH.*—

7 (1) *IN GENERAL.*—*The Secretary shall—*

8 (A) *identify and support fundamental re-*
9 *search to develop a framework and quantitative*
10 *models to support compilation of information for*
11 *risk-based analysis of transportation assets by*
12 *standardizing the basis for quantifying annual*
13 *risk and increasing system resilience; and*

14 (B) *build on existing resilience research, in-*
15 *cluding studies conducted by—*

16 (i) *the Transportation Research Board*
17 *of the National Academies of Sciences, En-*
18 *gineering, and Medicine; and*

19 (ii) *the National Institute of Stand-*
20 *ards and Technology.*

21 (2) *USE OF EXISTING FACILITIES.*—*In carrying*
22 *out paragraph (1), the Secretary shall use existing re-*
23 *search facilities available to the Secretary, including*
24 *the Turner–Fairbank Highway Research Center and*

1 “(C) *the Under Secretary of Transportation*
2 *for Policy;*

3 “(D) *the Assistant Secretary for Research*
4 *and Technology of the Department of Transpor-*
5 *tation;*

6 “(E) *the Assistant Secretary for Budget and*
7 *Programs of the Department of Transportation;*

8 “(F) *the General Counsel of the Department*
9 *of Transportation;*

10 “(G) *the Chief Information Officer of the*
11 *Department of Transportation;*

12 “(H) *the Administrator of the Federal Avia-*
13 *tion Administration;*

14 “(I) *the Administrator of the Federal High-*
15 *way Administration;*

16 “(J) *the Administrator of the Federal Motor*
17 *Carrier Safety Administration;*

18 “(K) *the Administrator of the Federal Rail-*
19 *road Administration;*

20 “(L) *the Administrator of the Federal Tran-*
21 *sit Administration;*

22 “(M) *the Administrator of the Maritime Ad-*
23 *ministration;*

24 “(N) *the Administrator of the National*
25 *Highway Traffic Safety Administration;*

1 “(O) *the Administrator of the Pipeline and*
2 *Hazardous Materials Safety Administration;*
3 *and*

4 “(P) *any other official of the Department of*
5 *Transportation, as determined by the Secretary.*

6 “(2) *CHAIR AND VICE CHAIR.—*

7 “(A) *CHAIR.—The Deputy Secretary of*
8 *Transportation (or a designee) shall serve as*
9 *Chair of the Council.*

10 “(B) *VICE CHAIR.—The Under Secretary of*
11 *Transportation for Policy (or a designee) shall*
12 *serve as Vice Chair of the Council.*

13 “(c) *DUTIES.—The Council shall—*

14 “(1) *identify and resolve jurisdictional and regu-*
15 *latory gaps or inconsistencies associated with non-*
16 *traditional and emerging transportation technologies,*
17 *modes, or projects pending or brought before the De-*
18 *partment of Transportation to reduce, to the max-*
19 *imum extent practicable, impediments to the prompt*
20 *and safe deployment of new and innovative transpor-*
21 *tation technology, including with respect to—*

22 “(A) *safety oversight;*

23 “(B) *environmental review; and*

24 “(C) *funding and financing issues;*

1 “(2) coordinate the response of the Department of
2 Transportation to nontraditional and emerging
3 transportation technology projects;

4 “(3) engage with stakeholders in nontraditional
5 and emerging transportation technology projects; and

6 “(4) develop and establish Department of Trans-
7 portation-wide processes, solutions, and best practices
8 for identifying and managing nontraditional and
9 emerging transportation technology projects.

10 “(d) *BEST PRACTICES*.—Not later than 1 year after
11 the date of enactment of this section, the Council shall—

12 “(1) publish initial guidelines to achieve the
13 purposes described in subsection (c)(4); and

14 “(2) promote each modal administration within
15 the Department of Transportation to further test and
16 support the advancement of nontraditional and
17 emerging transportation technologies not specifically
18 considered by the Council.

19 “(e) *SUPPORT*.—The Office of the Secretary shall pro-
20 vide support for the Council.

21 “(f) *MEETINGS*.—The Council shall meet not less fre-
22 quently than 4 times per year, at the call of the Chair.

23 “(g) *LEAD MODAL ADMINISTRATION*.—For each non-
24 traditional or emerging transportation technology, mode, or
25 project associated with a jurisdictional or regulatory gap

1 *or inconsistency identified under subsection (c)(1), the*
 2 *Chair of the Council shall—*

3 “(1) *designate a lead modal administration of*
 4 *the Department of Transportation for review of the*
 5 *technology, mode, or project; and*

6 “(2) *arrange for the detailing of staff between*
 7 *modal administrations or offices of the Department of*
 8 *Transportation as needed to maximize the sharing of*
 9 *experience and expertise.*

10 “(h) *TRANSPARENCY.—Not later than 1 year after the*
 11 *date of establishment of the Council, and not less frequently*
 12 *than annually thereafter until December 31, 2026, the*
 13 *Council shall post on a publicly accessible website a report*
 14 *describing the activities of the Council during the preceding*
 15 *calendar year.”.*

16 “(b) *CLERICAL AMENDMENT.—The analysis for sub-*
 17 *chapter I of chapter 3 of title 49, United States Code, is*
 18 *amended by adding at the end the following:*

 “313. *Nontraditional and Emerging Transportation Technology Council.”.*

19 **SEC. 25009. INTERAGENCY INFRASTRUCTURE PERMITTING**
 20 **IMPROVEMENT CENTER.**

21 “(a) *IN GENERAL.—Section 102 of title 49, United*
 22 *States Code (as amended by section 14009), is amended—*

23 “(1) *in subsection (a), by inserting “(referred to*
 24 *in this section as the ‘Department’)” after “Transpor-*
 25 *tation”;*

1 (2) *in subsection (b), in the first sentence, by in-*
2 *serting “(referred to in this section as the ‘Sec-*
3 *retary’)” after “Transportation”;*

4 (3) *by redesignating subsection (h) as subsection*
5 *(i); and*

6 (4) *by inserting after subsection (g) the fol-*
7 *lowing:*

8 “(h) *INTERAGENCY INFRASTRUCTURE PERMITTING IM-*
9 *PROVEMENT CENTER.—*

10 “(1) *DEFINITIONS.—In this subsection:*

11 “(A) *CENTER.—The term ‘Center’ means*
12 *the Interagency Infrastructure Permitting Im-*
13 *provement Center established by paragraph (2).*

14 “(B) *PROJECT.—The term ‘project’ means a*
15 *project authorized or funded under—*

16 “(i) *this title; or*

17 “(ii) *title 14, 23, 46, or 51.*

18 “(2) *ESTABLISHMENT.—There is established*
19 *within the Office of the Secretary a center, to be*
20 *known as the ‘Interagency Infrastructure Permitting*
21 *Improvement Center’.*

22 “(3) *PURPOSES.—The purposes of the Center*
23 *shall be—*

24 “(A) *to implement reforms to improve*
25 *interagency coordination and expedite projects*

1 *relating to the permitting and environmental re-*
2 *view of major transportation infrastructure*
3 *projects, including—*

4 *“(i) developing and deploying informa-*
5 *tion technology tools to track project sched-*
6 *ules and metrics; and*

7 *“(ii) improving the transparency and*
8 *accountability of the permitting process;*

9 *“(B)(i) to identify appropriate methods to*
10 *assess environmental impacts; and*

11 *“(ii) to develop innovative methods for*
12 *reasonable mitigation;*

13 *“(C) to reduce uncertainty and delays with*
14 *respect to environmental reviews and permitting;*
15 *and*

16 *“(D) to reduce costs and risks to taxpayers*
17 *in project delivery.*

18 *“(4) EXECUTIVE DIRECTOR.—The Center shall be*
19 *headed by an Executive Director, who shall—*

20 *“(A) report to the Under Secretary of*
21 *Transportation for Policy;*

22 *“(B) be responsible for the management and*
23 *oversight of the daily activities, decisions, oper-*
24 *ations, and personnel of the Center; and*

1 “(C) carry out such additional duties as the
2 Secretary may prescribe.

3 “(5) DUTIES.—The Center shall carry out the
4 following duties:

5 “(A) Coordinate and support implementa-
6 tion of priority reform actions for Federal agen-
7 cy permitting and reviews.

8 “(B) Support modernization efforts at the
9 operating administrations within the Depart-
10 ment and interagency pilot programs relating to
11 innovative approaches to the permitting and re-
12 view of transportation infrastructure projects.

13 “(C) Provide technical assistance and train-
14 ing to Department staff on policy changes, inno-
15 vative approaches to project delivery, and other
16 topics, as appropriate.

17 “(D) Identify, develop, and track metrics
18 for timeliness of permit reviews, permit deci-
19 sions, and project outcomes.

20 “(E) Administer and expand the use of on-
21 line transparency tools providing for—

22 “(i) tracking and reporting of metrics;

23 “(ii) development and posting of sched-
24 ules for permit reviews and permit deci-
25 sions;

1 “(iii) the sharing of best practices re-
2 lating to efficient project permitting and re-
3 views; and

4 “(iv) the visual display of relevant
5 geospatial data to support the permitting
6 process.

7 “(F) Submit to the Secretary reports de-
8 scribing progress made toward achieving—

9 “(i) greater efficiency in permitting
10 decisions and review of infrastructure
11 projects; and

12 “(ii) better outcomes for communities
13 and the environment.

14 “(6) INNOVATIVE BEST PRACTICES.—

15 “(A) IN GENERAL.—The Center shall work
16 with the operating administrations within the
17 Department, eligible entities, and other public
18 and private interests to develop and promote best
19 practices for innovative project delivery.

20 “(B) ACTIVITIES.—The Center shall support
21 the Department and operating administrations
22 in conducting environmental reviews and per-
23 mitting, together with project sponsor technical
24 assistance activities, by—

1 “(i) carrying out activities that are
2 appropriate and consistent with the goals
3 and policies of the Department to improve
4 the delivery timelines for projects;

5 “(ii) serving as the Department liaison
6 to—

7 “(I) the Council on Environ-
8 mental Quality; and

9 “(II) the Federal Permitting Im-
10 provement Steering Council established
11 by section 41002(a) of the Fixing
12 America’s Surface Transportation Act
13 (42 U.S.C. 4370m–1(a));

14 “(iii) supporting the National Surface
15 Transportation and Innovative Finance
16 Bureau (referred to in this paragraph as
17 the ‘Bureau’) in implementing activities to
18 improve delivery timelines, as described in
19 section 116(f), for projects carried out under
20 the programs described in section 116(d)(1)
21 for which the Bureau administers the appli-
22 cation process;

23 “(iv) leading activities to improve de-
24 livery timelines for projects carried out

1 under programs not administered by the
2 Bureau by—

3 “(I) coordinating efforts to im-
4 prove the efficiency and effectiveness of
5 the environmental review and permit-
6 ting process;

7 “(II) providing technical assist-
8 ance and training to field and head-
9 quarters staff of Federal agencies with
10 respect to policy changes and innova-
11 tive approaches to the delivery of
12 projects; and

13 “(III) identifying, developing, and
14 tracking metrics for permit reviews
15 and decisions by Federal agencies for
16 projects under the National Environ-
17 mental Policy Act of 1969 (42 U.S.C.
18 4321 *et seq.*).

19 “(C) NEPA COMPLIANCE ASSISTANCE.—

20 “(i) *IN GENERAL.*—Subject to clause
21 (ii), at the request of an entity that is car-
22 rying out a project, the Center, in coordina-
23 tion with the appropriate operating admin-
24 istrations within the Department, shall pro-
25 vide technical assistance relating to compli-

1 *ance with the applicable requirements of the*
2 *National Environmental Policy Act of 1969*
3 *(42 U.S.C. 4321 et seq.) and applicable*
4 *Federal authorizations.*

5 “(ii) *ASSISTANCE FROM THE BU-*
6 *REAU.—For projects carried out under the*
7 *programs described in section 116(d)(1) for*
8 *which the Bureau administers the applica-*
9 *tion process, the Bureau, on request of the*
10 *entity carrying out the project, shall pro-*
11 *vide the technical assistance described in*
12 *clause (i).”.*

13 (b) *CONFORMING AMENDMENT.—Section 116(f)(2) of*
14 *title 49, United States Code, is amended—*

15 (1) *by striking subparagraph (A); and*

16 (2) *by redesignating subparagraphs (B) through*
17 *(D) and subparagraphs (A) through (C), respectively.*

18 **SEC. 25010. RURAL OPPORTUNITIES TO USE TRANSPOR-**
19 **TATION FOR ECONOMIC SUCCESS INITIATIVE.**

20 (a) *DEFINITIONS.—In this section:*

21 (1) *BUILD AMERICA BUREAU.—The term “Build*
22 *America Bureau” means the National Surface Trans-*
23 *portation and Innovative Finance Bureau established*
24 *under section 116 of title 49, United States Code.*

1 (2) *INDIAN TRIBE.*—*The term “Indian Tribe”*
2 *has the meaning given the term in section 4 of the In-*
3 *Indian Self-Determination and Education Assistance*
4 *Act (25 U.S.C. 5304).*

5 (3) *ROUTES COUNCIL.*—*The term “ROUTES*
6 *Council” means the Rural Opportunities to Use*
7 *Transportation for Economic Success Council estab-*
8 *lished by subsection (c)(1).*

9 (4) *ROUTES OFFICE.*—*The term “ROUTES Of-*
10 *ice” means the Rural Opportunities to Use Trans-*
11 *portation for Economic Success Office established by*
12 *subsection (b)(1).*

13 (b) *ROUTES OFFICE.*—

14 (1) *IN GENERAL.*—*The Secretary shall establish*
15 *within the Department the Rural Opportunities to*
16 *Use Transportation for Economic Success Office—*

17 (A) *to improve analysis of projects from*
18 *rural areas, Indian Tribes, and historically dis-*
19 *advantaged communities in rural areas applying*
20 *for Department discretionary grants, including*
21 *ensuring that project costs, local resources, and*
22 *the larger benefits to the people and the economy*
23 *of the United States are appropriately consid-*
24 *ered; and*

1 (B) to provide rural communities, Indian
2 Tribes, and historically disadvantaged commu-
3 nities in rural areas with technical assistance for
4 meeting the transportation infrastructure invest-
5 ment needs of the United States in a financially
6 sustainable manner.

7 (2) *OBJECTIVES.*—The ROUTES Office shall—

8 (A) collect input from knowledgeable entities
9 and the public on—

10 (i) the benefits of rural and Tribal
11 transportation projects;

12 (ii) the technical and financial assist-
13 ance required for constructing and oper-
14 ating transportation infrastructure and
15 services within rural areas and on the land
16 of Indian Tribes;

17 (iii) barriers and opportunities to
18 funding transportation projects in rural
19 areas and on the land of Indian Tribes; and

20 (iv) unique transportation barriers
21 and challenges faced by Indian Tribes and
22 historically disadvantaged communities in
23 rural areas;

24 (B) evaluate data on transportation chal-
25 lenges faced by rural communities and Indian

1 *Tribes and determine methods to align the dis-*
2 *cretionary funding and financing opportunities*
3 *of the Department with the needs of those com-*
4 *munities for meeting national transportation*
5 *goals;*

6 *(C) provide education and technical assist-*
7 *ance to rural communities and Indian Tribes*
8 *about applicable Department discretionary*
9 *grants, develop effective methods to evaluate*
10 *projects in those communities in discretionary*
11 *grant programs, and communicate those methods*
12 *through program guidance;*

13 *(D) carry out research and utilize innova-*
14 *tive approaches to resolve the transportation*
15 *challenges faced by rural areas and Indian*
16 *Tribes; and*

17 *(E) perform such other duties as determined*
18 *by the Secretary.*

19 *(c) ROUTES COUNCIL.—*

20 *(1) IN GENERAL.—The Secretary shall establish*
21 *a Rural Opportunities to Use Transportation for*
22 *Economic Success Council—*

23 *(A) to organize, guide, and lead the*
24 *ROUTES Office; and*

1 *(B) to coordinate rural-related and Tribal-*
2 *related funding programs and assistance among*
3 *the modal administrations of the Department,*
4 *the offices of the Department, and other Federal*
5 *agencies, as appropriate—*

6 *(i) to ensure that the unique transpor-*
7 *tation needs and attributes of rural areas*
8 *and Indian Tribes are fully addressed dur-*
9 *ing the development and implementation of*
10 *programs, policies, and activities of the De-*
11 *partment;*

12 *(ii) to increase coordination of pro-*
13 *grams, policies, and activities of the De-*
14 *partment in a manner that improves and*
15 *expands transportation infrastructure in*
16 *order to further economic development in,*
17 *and the quality of life of, rural areas and*
18 *Indian Tribes; and*

19 *(iii) to provide rural areas and Indian*
20 *Tribes with proactive outreach—*

21 *(I) to improve access to discre-*
22 *tionary funding and financing pro-*
23 *grams; and*

1 (II) to facilitate timely resolution
2 of environmental reviews for complex
3 or high-priority projects.

4 (2) *MEMBERSHIP.*—

5 (A) *IN GENERAL.*—*The ROUTES Council*
6 *shall be composed of the following officers of the*
7 *Department, or their designees:*

8 (i) *The Deputy Secretary of Transpor-*
9 *tation.*

10 (ii) *The Under Secretary of Transpor-*
11 *tation for Policy.*

12 (iii) *The General Counsel.*

13 (iv) *The Chief Financial Officer and*
14 *Assistant Secretary for Budget and Pro-*
15 *grams.*

16 (v) *The Assistant Secretary for Re-*
17 *search and Technology.*

18 (vi) *The Assistant Secretary for*
19 *Multimodal Freight.*

20 (vii) *The Administrators of—*

21 (I) *the Federal Aviation Adminis-*
22 *tration;*

23 (II) *the Federal Highway Admin-*
24 *istration;*

1 (III) the Federal Railroad Ad-
2 ministration; and

3 (IV) the Federal Transit Adminis-
4 tration.

5 (viii) The Executive Director of the
6 Build America Bureau.

7 (ix) The Assistant Secretary for Gov-
8 ernmental Affairs.

9 (x) The Assistant Secretary for Trans-
10 portation Policy.

11 (xi) The Deputy Assistant Secretary
12 for Tribal Government Affairs.

13 (B) CHAIR.—The Deputy Secretary of
14 Transportation shall be the Chair of the
15 ROUTES Council.

16 (C) ADDITIONAL MEMBERS.—The Secretary
17 or the Chair of the ROUTES Council may des-
18 ignate additional members to serve on the
19 ROUTES Council.

20 (3) ADDITIONAL MODAL INPUT.—To address
21 issues related to safety and transport of commodities
22 produced in or by, or transported through, as appli-
23 cable, rural areas, Indian Tribes, or the land of In-
24 dian Tribes, the ROUTES Council shall consult with
25 the Administrators (or their designees) of—

1 (A) *the Maritime Administration;*

2 (B) *the Great Lakes St. Lawrence Seaway*
3 *Development Corporation; and*

4 (C) *the National Highway Traffic Safety*
5 *Administration.*

6 (4) *DUTIES.—Members of the ROUTES Council*
7 *shall—*

8 (A) *participate in all meetings and relevant*
9 *ROUTES Council activities and be prepared to*
10 *share information relevant to rural and Tribal*
11 *transportation infrastructure projects and issues;*

12 (B) *provide guidance and leadership on*
13 *rural and Tribal transportation infrastructure*
14 *issues and represent the work of the ROUTES*
15 *Council and the Department on those issues to*
16 *external stakeholders; and*

17 (C) *recommend initiatives for the consider-*
18 *ation of the Chair of the ROUTES Council to es-*
19 *tablish and staff any resulting activities or*
20 *working groups.*

21 (5) *MEETINGS.—The ROUTES Council shall*
22 *meet bimonthly.*

23 (6) *ADDITIONAL STAFFING.—The Secretary shall*
24 *ensure that the ROUTES Council and ROUTES Of-*
25 *fice have adequate staff support to carry out the du-*

1 *ties of the ROUTES Council and the ROUTES Of-*
2 *ice, respectively, under this section.*

3 (7) *WORK PRODUCTS AND DELIVERABLES.*—*The*
4 *ROUTES Council may develop work products or*
5 *deliverables to meet the goals of the ROUTES Coun-*
6 *cil, including—*

7 (A) *an annual report to Congress describing*
8 *ROUTES Council activities for the past year*
9 *and expected activities for the coming year;*

10 (B) *any recommendations to enhance the ef-*
11 *fectiveness of Department discretionary grant*
12 *programs regarding rural and Tribal infrastruc-*
13 *ture issues; and*

14 (C) *other guides and reports for relevant*
15 *groups and the public.*

16 **SEC. 25011. SAFETY DATA INITIATIVE.**

17 (a) *DEFINITION OF ELIGIBLE ENTITY.*—*In this sec-*
18 *tion, the term “eligible entity” means—*

19 (1) *a State;*

20 (2) *a unit of local government;*

21 (3) *a transit agency or authority;*

22 (4) *a metropolitan planning organization;*

23 (5) *any other subdivision of a State or local gov-*
24 *ernment;*

25 (6) *an institution of higher education; and*

1 (7) *a multi-State or multijurisdictional group.*

2 (b) *SAFETY DATA INITIATIVE.*—

3 (1) *ESTABLISHMENT.*—*The Secretary shall estab-*
4 *lish an initiative, to be known as the “Safety Data*
5 *Initiative”, to promote the use of data integration,*
6 *data visualization, and advanced analytics for sur-*
7 *face transportation safety through the development of*
8 *innovative practices and products for use by Federal,*
9 *State, and local entities.*

10 (2) *ACTIVITIES.*—

11 (A) *APPLIED RESEARCH.*—

12 (i) *IN GENERAL.*—*The Secretary shall*
13 *support and carry out applied research to*
14 *develop practices and products that will en-*
15 *courage the integration and use of tradi-*
16 *tional and new sources of safety data and*
17 *safety information to improve policy and*
18 *decisionmaking at the Federal, State, and*
19 *local government levels.*

20 (ii) *METHODOLOGY.*—*In carrying out*
21 *clause (i), the Secretary may—*

22 (I) *carry out demonstration pro-*
23 *grams;*

24 (II) *award grants and provide in-*
25 *centives to eligible entities;*

1 (III) enter into partnerships
2 with—

3 (aa) eligible entities;

4 (bb) private sector entities;

5 and

6 (cc) National Laboratories;

7 and

8 (IV) use any other tools, strate-
9 gies, or methods that will result in the
10 effective use of data and information
11 for safety purposes.

12 (B) TOOLS AND PRACTICES.—In carrying
13 out subparagraph (A), the Secretary, to the max-
14 imum extent practicable, shall—

15 (i) develop safety analysis tools for
16 State and local governments, with a par-
17 ticular focus on State and local govern-
18 ments with limited capacity to perform
19 safety analysis;

20 (ii)(I) identify innovative State and
21 local government practices;

22 (II) incubate those practices for further
23 development; and

24 (III) replicate those practices nation-
25 wide; and

1 *(iii) transfer to State and local govern-*
2 *ments the results of the applied research*
3 *carried out under that subparagraph.*

4 *(C) DATA SHARING.—*

5 *(i) IN GENERAL.—To inform the cre-*
6 *ation of information useful for safety policy*
7 *and decisionmaking, the Secretary shall—*

8 *(I) encourage the sharing of data*
9 *between and among Federal, State,*
10 *and local transportation agencies; and*

11 *(II) leverage data from private*
12 *sector entities.*

13 *(ii) GOALS.—The goals of the data-*
14 *sharing activities under clause (i) shall in-*
15 *clude—*

16 *(I) the creation of data ecosystems*
17 *to reduce barriers to the efficient inte-*
18 *gration and analysis of relevant*
19 *datasets for use by safety professionals;*
20 *and*

21 *(II) the establishment of proce-*
22 *dures adequate to ensure sufficient se-*
23 *curity, privacy, and confidentiality as*
24 *needed to promote the sharing of sen-*
25 *sitive or proprietary data.*

1 (iii) *MANAGEMENT OF DATA ECO-*
2 *SYSTEMS.—A data ecosystem described in*
3 *clause (ii)(I) may be managed by—*

4 (i) *the Director of the Bureau of*
5 *Transportation Statistics;*

6 (ii) *1 or more trusted third par-*
7 *ties, as determined by the Secretary; or*

8 (iii) *1 or more other entities or*
9 *partnerships capable of securing, man-*
10 *aging, and analyzing sensitive or pro-*
11 *prietary data.*

12 (3) *PLAN.—*

13 (A) *IN GENERAL.—The Safety Data Initia-*
14 *tive shall be carried out pursuant to a plan to*
15 *be jointly established by—*

16 (i) *the Under Secretary of Transpor-*
17 *tation for Policy;*

18 (ii) *the Chief Information Officer of the*
19 *Department;*

20 (iii) *the Administrator of the National*
21 *Highway Traffic Safety Administration;*

22 (iv) *the Administrator of the Federal*
23 *Highway Administration;*

24 (v) *the Administrator of the Federal*
25 *Motor Carrier Safety Administration;*

1 (vi) the Administrator of the Federal
2 Transit Administration; and

3 (vii) the Administrator of the Federal
4 Railroad Administration.

5 (B) *REQUIREMENT.*—The plan established
6 under subparagraph (A) shall include details re-
7 garding the means by which tools and innova-
8 tions developed by projects carried out under the
9 Safety Data Initiative will be transferred to the
10 appropriate program of the Department for fur-
11 ther implementation.

12 (C) *DEADLINE.*—Not later than 1 year after
13 the date of enactment of this Act, the Secretary
14 shall direct the officials described in clauses (i)
15 through (vii) of subparagraph (A) to establish,
16 by a date determined by the Secretary, the plan
17 referred to in that subparagraph.

18 (4) *TERMINATION.*—The Safety Data Initiative
19 shall terminate on the later of—

20 (A) the date that is 1 year after the date of
21 enactment of this Act; and

22 (B) the date on which the Secretary makes
23 the direction to officials described in paragraph
24 (3)(C).

1 **SEC. 25012. ADVANCED TRANSPORTATION RESEARCH.**

2 (a) *IN GENERAL.*—Chapter 1 of title 49, United States
3 Code (as amended by section 21101(a)), is amended by add-
4 ing at the end the following:

5 **“§ 119. Advanced Research Projects Agency–Infra-
6 structure**

7 “(a) *DEFINITIONS.*—In this section:

8 “(1) *ARPA–I.*— The term ‘ARPA–I’ means the
9 Advanced Research Projects Agency–Infrastructure es-
10 tablished by subsection (b).

11 “(2) *DEPARTMENT.*—The term ‘Department’
12 means the Department of Transportation.

13 “(3) *DIRECTOR.*—The term ‘Director’ means the
14 Director of ARPA–I appointed under subsection (d).

15 “(4) *ELIGIBLE ENTITY.*—The term ‘eligible enti-
16 ty’ means—

17 “(A) a unit of State or local government;

18 “(B) an institution of higher education;

19 “(C) a commercial entity;

20 “(D) a research foundation;

21 “(E) a trade or industry research collabo-
22 rative;

23 “(F) a federally funded research and devel-
24 opment center;

25 “(G) a research facility owned or funded by
26 the Department;

1 “(H) a collaborative that includes relevant
2 international entities; and

3 “(I) a consortia of 2 or more entities de-
4 scribed in any of subparagraphs (A) through
5 (H).

6 “(5) *INFRASTRUCTURE*.—

7 “(A) *IN GENERAL*.—The term ‘infrastruc-
8 ture’ means any transportation method or facil-
9 ity that facilitates the transit of goods or people
10 within the United States (including territories).

11 “(B) *INCLUSIONS*.—The term ‘infrastruc-
12 ture’ includes—

13 “(i) roads;

14 “(ii) highways;

15 “(iii) bridges;

16 “(iv) airports;

17 “(v) rail lines;

18 “(vi) harbors; and

19 “(vii) pipelines.

20 “(6) *SECRETARY*.—The term ‘Secretary’ means
21 the Secretary of Transportation.

22 “(b) *ESTABLISHMENT*.—There is established within
23 the Department an agency, to be known as the ‘Advanced
24 Research Projects Agency—Infrastructure’, to support the de-
25 velopment of science and technology solutions—

1 “(1) to overcome long-term challenges; and
2 “(2) to advance the state of the art for United
3 States transportation infrastructure.

4 “(c) GOALS.—

5 “(1) IN GENERAL.—The goals of ARPA-I shall
6 be—

7 “(A) to advance the transportation infra-
8 structure of the United States by developing in-
9 novative science and technology solutions that—

10 “(i) lower the long-term costs of infra-
11 structure development, including costs of
12 planning, construction, and maintenance;

13 “(ii) reduce the lifecycle impacts of
14 transportation infrastructure on the envi-
15 ronment, including through the reduction of
16 greenhouse gas emissions;

17 “(iii) contribute significantly to im-
18 proving the safe, secure, and efficient move-
19 ment of goods and people; and

20 “(iv) promote the resilience of infra-
21 structure from physical and cyber threats;
22 and

23 “(B) to ensure that the United States is a
24 global leader in developing and deploying ad-

1 *vanced transportation infrastructure technologies*
2 *and materials.*

3 “(2) *RESEARCH PROJECTS.—ARPA–I shall*
4 *achieve the goals described in paragraph (1) by pro-*
5 *viding assistance under this section for infrastructure*
6 *research projects that—*

7 “(A) *advance novel, early-stage research*
8 *with practicable application to transportation*
9 *infrastructure;*

10 “(B) *translate techniques, processes, and*
11 *technologies, from the conceptual phase to proto-*
12 *type, testing, or demonstration;*

13 “(C) *develop advanced manufacturing proc-*
14 *esses and technologies for the domestic manufac-*
15 *turing of novel transportation-related tech-*
16 *nologies; and*

17 “(D) *accelerate transformational techno-*
18 *logical advances in areas in which industry enti-*
19 *ties are unlikely to carry out projects due to*
20 *technical and financial uncertainty.*

21 “(d) *DIRECTOR.—*

22 “(1) *APPOINTMENT.—ARPA–I shall be headed*
23 *by a Director, who shall be appointed by the Presi-*
24 *dent, by and with the advice and consent of the Sen-*
25 *ate.*

1 “(2) *QUALIFICATIONS.*—*The Director shall be an*
2 *individual who, by reason of professional background*
3 *and experience, is especially qualified to advise the*
4 *Secretary regarding, and manage research programs*
5 *addressing, matters relating to the development of*
6 *science and technology solutions to advance United*
7 *States transportation infrastructure.*

8 “(3) *RELATIONSHIP TO SECRETARY.*—*The Direc-*
9 *tor shall—*

10 “(A) *be located within the Office of the As-*
11 *stant Secretary for Research and Technology;*
12 *and*

13 “(B) *report to the Secretary.*

14 “(4) *RELATIONSHIP TO OTHER PROGRAMS.*—*No*
15 *other program within the Department shall report to*
16 *the Director.*

17 “(5) *RESPONSIBILITIES.*—*The responsibilities of*
18 *the Director shall include—*

19 “(A) *approving new programs within*
20 *ARPA-I;*

21 “(B) *developing funding criteria, and as-*
22 *sessing the success of programs, to achieve the*
23 *goals described in subsection (c)(1) through the*
24 *establishment of technical milestones;*

1 “(C) administering available funding by
2 providing to eligible entities assistance to achieve
3 the goals described in subsection (c)(1);

4 “(D) terminating programs carried out
5 under this section that are not achieving the
6 goals of the programs; and

7 “(E) establishing a process through which
8 eligible entities can submit to ARPA–I unsolic-
9 ited research proposals for assistance under this
10 section in accordance with subsection (f).

11 “(e) PERSONNEL.—

12 “(1) IN GENERAL.—The Director shall establish
13 and maintain within ARPA–I a staff with sufficient
14 qualifications and expertise to enable ARPA–I to
15 carry out the responsibilities under this section, in
16 conjunction with other operations of the Department.

17 “(2) PROGRAM DIRECTORS.—

18 “(A) IN GENERAL.—The Director shall des-
19 ignate employees to serve as program directors
20 for ARPA–I.

21 “(B) RESPONSIBILITIES.—Each program
22 director shall be responsible for—

23 “(i) establishing research and develop-
24 ment goals for the applicable program, in-

1 *cluding by convening workshops and confer-*
2 *ring with outside experts;*

3 *“(ii) publicizing the goals of the appli-*
4 *cable program;*

5 *“(iii) soliciting applications for spe-*
6 *cific areas of particular promise, especially*
7 *in areas that the private sector or the Fed-*
8 *eral Government are not likely to carry out*
9 *absent assistance from ARPA–I;*

10 *“(iv) establishing research collabora-*
11 *tions for carrying out the applicable pro-*
12 *gram;*

13 *“(v) selecting on the basis of merit each*
14 *project to be supported under the applicable*
15 *program, taking into consideration—*

16 *“(I) the novelty and scientific and*
17 *technical merit of proposed 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*

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 or
7 funded by ARPA-I;

8 “(vii) monitoring the progress of
9 projects supported under the applicable pro-
10 gram;

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 re-
20 search partnerships or projects.

21 “(C) *TERM OF SERVICE.*—A program direc-
22 tor—

23 “(i) shall serve for a term of 3 years;

24 and

1 “(ii) may be reappointed for any sub-
2 sequent term of service.

3 “(3) *HIRING AND MANAGEMENT.*—

4 “(A) *IN GENERAL.*—*The Director may—*

5 “(i) make appointments of scientific,
6 engineering, and professional personnel,
7 without regard to the civil service laws;

8 “(ii) fix the basic pay of such per-
9 sonnel at such rate as the Director may de-
10 termine, but not to exceed level II of the *Ex-*
11 ecutive Schedule, without regard to the civil
12 service laws; and

13 “(iii) pay an employee appointed
14 under this subparagraph payments in addi-
15 tion to basic pay, subject to the condition
16 that the total amount of those additional
17 payments for any 12-month period shall not
18 exceed the least of—

19 “(I) \$25,000;

20 “(II) an amount equal to 25 per-
21 cent of the annual rate of basic pay of
22 the employee; and

23 “(III) the amount of the applica-
24 ble limitation for a calendar year
25 under section 5307(a)(1) of title 5.

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 carried*
18 *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 Director
16 may establish;

17 “(B) may approve a research proposal if the
18 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; and

1 “(ii) would not duplicate any other
2 Federal research being conducted or funded
3 by another Federal agency; and

4 “(C)(i) if funding is denied for the research
5 proposal, shall provide to the eligible entity that
6 submitted the proposal a written notice of the de-
7 nial 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 for
16 funding, shall provide to the eligible entity that
17 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 Secretary*
9 *to the President under section 1108 of title 31 for the*
10 *fiscal year, a report that, with respect to the pre-*
11 *ceding 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 other*
19 *activities funded by the Department, includ-*
20 *ing an analysis of whether the Director*
21 *achieved compliance with subsection (i)(1)*
22 *in supporting the project; and*

23 “(B) *the instances of, and reasons for, the*
24 *provision of assistance under this section for any*
25 *projects being carried out by industry entities.*

1 “(2) *STRATEGIC VISION ROADMAP.*—Not later
2 than October 1, 2022, and not less frequently than
3 once every 4 years thereafter, the Director shall sub-
4 mit to the relevant authorizing and appropriations
5 committees of Congress a roadmap describing the
6 strategic vision that ARPA–I will use to guide the se-
7 lection of future projects for technology investment
8 during the 4 fiscal-year period beginning on the date
9 of submission of the report.

10 “(i) *COORDINATION AND NONDUPLICATION.*—The Di-
11 rector shall ensure that—

12 “(1) the activities of ARPA–I are coordinated
13 with, and do not duplicate the efforts of, programs
14 and laboratories within—

15 “(A) the Department; and

16 “(B) other relevant research agencies; and

17 “(2) no funding is provided by ARPA–I for a
18 project, unless the eligible entity proposing the
19 project—

20 “(A) demonstrates sufficient attempts to se-
21 cure private financing; or

22 “(B) indicates that the project is not inde-
23 pendently commercially viable.

24 “(j) *FEDERAL DEMONSTRATION OF TECHNOLOGIES.*—
25 The Director shall seek opportunities to partner with pur-

1 *chasing and procurement programs of Federal agencies to*
2 *demonstrate technologies resulting from activities funded*
3 *through ARPA-I.*

4 “(k) *PARTNERSHIPS.*—*The Director shall seek oppor-*
5 *tunities to enter into contracts or partnerships with minor-*
6 *ity-serving institutions (as described in any of paragraphs*
7 *(1) through (7) of section 371(a) of the Higher Education*
8 *Act of 1965 (20 U.S.C. 1067q(a))*—

9 “(1) *to accomplish the goals of ARPA-I;*

10 “(2) *to develop institutional capacity in ad-*
11 *vanced transportation infrastructure technologies and*
12 *materials;*

13 “(3) *to engage underserved populations in devel-*
14 *oping, demonstrating, and deploying those tech-*
15 *nologies and materials; and*

16 “(4) *to otherwise address the needs of ARPA-I.*

17 “(l) *UNIVERSITY TRANSPORTATION CENTERS.*—*The*
18 *Director may*—

19 “(1) *partner with university transportation cen-*
20 *ters under section 5505 to accomplish the goals, and*
21 *address the needs, of ARPA-I; and*

22 “(2) *sponsor and select for funding, in accord-*
23 *ance with section 5505, competitively selected univer-*
24 *sity transportation center grants, in addition to the*

1 *assistance provided under section 5505, to address*
2 *targeted technology and material goals of ARPA–I.*

3 “(m) *ADVICE.*—

4 “(1) *ADVISORY COMMITTEES.*—*The Director may*
5 *seek advice regarding any aspect of ARPA–I from—*

6 “(A) *an existing advisory committee, office,*
7 *or other group within the Department; and*

8 “(B) *a new advisory committee organized to*
9 *support the programs of ARPA–I by providing*
10 *advice and assistance regarding—*

11 “(i) *specific program tasks; or*

12 “(ii) *the overall direction of ARPA–I.*

13 “(2) *ADDITIONAL SOURCES.*—*In carrying out*
14 *this section, the Director may seek advice and review*
15 *from—*

16 “(A) *the President’s Council of Advisors on*
17 *Science and Technology;*

18 “(B) *the Advanced Research Projects Agen-*
19 *cy–Energy; and*

20 “(C) *any professional or scientific organiza-*
21 *tion with expertise relating to specific processes*
22 *or technologies under development by ARPA–I.*

23 “(n) *EVALUATION.*—

24 “(1) *IN GENERAL.*—*Not later than December 27,*
25 *2024, the Secretary may enter into an arrangement*

1 *with the National Academy of Sciences under which*
2 *the National Academy shall conduct an evaluation of*
3 *the achievement by ARPA–I of the goals described in*
4 *subsection (c)(1).*

5 “(2) *INCLUSIONS.*—*The evaluation under para-*
6 *graph (1) may include—*

7 “(A) *a recommendation regarding whether*
8 *ARPA–I should be continued;*

9 “(B) *a recommendation regarding whether*
10 *ARPA–I, or the Department generally, should*
11 *continue to allow entities to submit unsolicited*
12 *research proposals; and*

13 “(C) *a description of—*

14 “(i) *the lessons learned from the oper-*
15 *ation of ARPA–I; and*

16 “(ii) *the manner in which those lessons*
17 *may apply to the operation of other pro-*
18 *grams of the Department.*

19 “(3) *AVAILABILITY.*—*On completion of the eval-*
20 *uation under paragraph (1), the evaluation shall be*
21 *made available to—*

22 “(A) *Congress; and*

23 “(B) *the public.*

24 “(o) *PROTECTION OF INFORMATION.*—

1 “(1) *IN GENERAL.*—*Each type of information de-*
2 *scribed in paragraph (2) that is collected by ARPA-*
3 *I from eligible entities shall be considered to be—*

4 “(A) *commercial and financial information*
5 *obtained from a person;*

6 “(B) *privileged or confidential; and*

7 “(C) *not subject to disclosure under section*
8 *552(b)(4) of title 5.*

9 “(2) *DESCRIPTION OF TYPES OF INFORMATION.*—
10 *The types of information referred to in paragraph (1)*
11 *are—*

12 “(A) *information relating to plans for com-*
13 *mercialization of technologies developed using as-*
14 *sistance provided under this section, including*
15 *business plans, technology-to-market plans, mar-*
16 *ket studies, and cost and performance models;*

17 “(B) *information relating to investments*
18 *provided to an eligible entity from a third party*
19 *(such as a venture capital firm, a hedge fund,*
20 *and a private equity firm), including any per-*
21 *centage of ownership of an eligible entity pro-*
22 *vided in return for such an investment;*

23 “(C) *information relating to additional fi-*
24 *nancial support that the eligible entity—*

1 “(i) plans to invest, or has invested, in
2 the technology developed using assistance
3 provided under this section; or

4 “(ii) is seeking from a third party;
5 and

6 “(D) information relating to revenue from
7 the licensing or sale of a new product or service
8 resulting from research conducted using assist-
9 ance provided under this section.

10 “(p) *EFFECT ON EXISTING AUTHORITIES.*—The au-
11 thority provided by this section—

12 “(1) shall be in addition to any existing author-
13 ity provided to the Secretary; and

14 “(2) shall not supersede or modify any other ex-
15 isting authority.

16 “(q) *FUNDING.*—

17 “(1) *AUTHORIZATION OF APPROPRIATIONS.*—
18 There are authorized to be appropriated to the Sec-
19 retary such sums as are necessary to carry out this
20 section.

21 “(2) *SEPARATE BUDGET AND APPROPRIATION.*—

22 “(A) *BUDGET REQUEST.*—The budget re-
23 quest for ARPA–I shall be separate from the
24 budget request of the remainder of the Depart-
25 ment.

1 “(B) *APPROPRIATIONS.*—*The funding ap-*
 2 *propriated for ARPA–I shall be separate and*
 3 *distinct from the funding appropriated for the*
 4 *remainder of the Department.*

5 “(3) *ALLOCATION.*—*Of the amounts made avail-*
 6 *able for a fiscal year under paragraph (1)—*

7 “(A) *not less than 5 percent shall be used*
 8 *for technology transfer and outreach activities—*

9 “(i) *in accordance with the goal de-*
 10 *scribed in subsection (c)(2)(D); and*

11 “(ii) *within the responsibilities of the*
 12 *program directors described in subsection*
 13 *(e)(2)(B)(viii); and*

14 “(B) *none may be used for the construction*
 15 *of any new building or facility during the 5-year*
 16 *period beginning on the date of enactment of the*
 17 *Surface Transportation Investment Act of*
 18 *2021.”.*

19 (b) *CLERICAL AMENDMENT.*—*The analysis for chapter*
 20 *1 of title 49, United States Code (as amended by section*
 21 *21101(c)), is amended by adding at the end the following:*
 “119. *Advanced Research Projects Agency–Infrastructure.”.*

22 **SEC. 25013. OPEN RESEARCH INITIATIVE.**

23 (a) *IN GENERAL.*—*Subchapter I of chapter 55 of title*
 24 *49, United States Code, is amended by adding at the end*
 25 *the following:*

1 **“§ 5506. Advanced transportation research initiative**

2 “(a) *DEFINITION OF ELIGIBLE ENTITY.*—*In this sec-*
3 *tion, the term ‘eligible entity’ means—*

4 “(1) *a State agency;*

5 “(2) *a local government agency;*

6 “(3) *an institution of higher education (as de-*
7 *defined in section 102 of the Higher Education Act of*
8 *1965 (20 U.S.C. 1002)), including a university trans-*
9 *portation center established under section 5505;*

10 “(4) *a nonprofit organization, including a non-*
11 *profit research organization; and*

12 “(5) *a private sector organization working in*
13 *collaboration with an entity described in any of para-*
14 *graphs (1) through (4).*

15 “(b) *PILOT PROGRAM.*—*The Secretary of Transpor-*
16 *tation (referred to in this section as the ‘Secretary’) shall*
17 *establish an advanced transportation research pilot pro-*
18 *gram under which the Secretary—*

19 “(1) *shall establish a process for eligible entities*
20 *to submit to the Secretary unsolicited research pro-*
21 *posals; and*

22 “(2) *may enter into arrangements with 1 or*
23 *more eligible entities to fund research proposed under*
24 *paragraph (1), in accordance with this section.*

1 “(c) *ELIGIBLE RESEARCH.*—*The Secretary may enter*
2 *into an arrangement with an eligible entity under this sec-*
3 *tion to fund research that—*

4 “(1) *addresses—*

5 “(A) *a research need identified by—*

6 “(i) *the Secretary; or*

7 “(ii) *the Administrator of a modal ad-*
8 *ministration of the Department of Trans-*
9 *portation; or*

10 “(B) *an issue that the Secretary determines*
11 *to be important; and*

12 “(2) *is not duplicative of—*

13 “(A) *any other Federal research project; or*

14 “(B) *any project for which funding is pro-*
15 *vided by another Federal agency.*

16 “(d) *PROJECT REVIEW.*—*The Secretary shall—*

17 “(1) *review each research proposal submitted*
18 *under the pilot program established under subsection*
19 *(b); and*

20 “(2)(A) *if funding is denied for the research pro-*
21 *posal—*

22 “(i) *provide to the eligible entity that sub-*
23 *mitted the proposal a written notice of the denial*
24 *that, as applicable—*

1 “(I) explains why the research pro-
2 posal was not selected, including whether
3 the research proposal fails to cover an area
4 of need; and

5 “(II) recommends that the research
6 proposal be submitted to another research
7 program; and

8 “(i) if the Secretary recommends that the
9 research proposal be submitted to another re-
10 search program under clause (i)(II), provide
11 guidance and direction to—

12 “(I) the eligible entity; and

13 “(II) the proposed research program of-
14 fice; or

15 “(B) if the research proposal is selected for
16 funding—

17 “(i) provide to the eligible entity that
18 submitted the proposal a written notice of
19 the selection; and

20 “(ii) seek to enter into an arrangement
21 with the eligible entity to provide funding
22 for the proposed research.

23 “(e) COORDINATION.—

24 “(1) IN GENERAL.—The Secretary shall ensure
25 that the activities carried out under subsection (c) are

1 *coordinated with, and do not duplicate the efforts of,*
2 *programs of the Department of Transportation and*
3 *other Federal agencies.*

4 “(2) *INTRAGENCY COORDINATION.*—*The Sec-*
5 *retary shall coordinate the research carried out under*
6 *this section with—*

7 “(A) *the research, education, and technology*
8 *transfer activities carried out by grant recipients*
9 *under section 5505; and*

10 “(B) *the research, development, demonstra-*
11 *tion, and commercial application activities of*
12 *other relevant programs of the Department of*
13 *Transportation, including all modal administra-*
14 *tions of the Department.*

15 “(3) *INTERAGENCY COLLABORATION.*—*The Sec-*
16 *retary shall coordinate, as appropriate, regarding*
17 *fundamental research with the potential for applica-*
18 *tion in the transportation sector with—*

19 “(A) *the Director of the Office of Science*
20 *and Technology Policy;*

21 “(B) *the Director of the National Science*
22 *Foundation;*

23 “(C) *the Secretary of Energy;*

24 “(D) *the Director of the National Institute*
25 *of Standards and Technology;*

1 “(E) the Secretary of Homeland Security;
2 “(F) the Administrator of the National Oce-
3 anic and Atmospheric Administration;
4 “(G) the Secretary of Defense; and
5 “(H) the heads of other appropriate Federal
6 agencies, as determined by the Secretary.

7 “(f) REVIEW, EVALUATION, AND REPORT.—Not less
8 frequently than biennially, in accordance with the plan de-
9 veloped under section 6503, the Secretary shall—

10 “(1) review and evaluate the pilot program es-
11 tablished under subsection (b), including the research
12 carried out under that pilot program; and

13 “(2) make public on a website of the Department
14 of Transportation a report describing the review and
15 evaluation under paragraph (1).

16 “(g) FEDERAL SHARE.—

17 “(1) IN GENERAL.—The Federal share of the cost
18 of an activity carried out under this section shall not
19 exceed 80 percent.

20 “(2) NON-FEDERAL SHARE.—All costs directly
21 incurred by the non-Federal partners (including per-
22 sonnel, travel, facility, and hardware development
23 costs) shall be credited toward the non-Federal share
24 of the cost of an activity carried out under this sec-
25 tion.

1 “(h) *LIMITATION ON CERTAIN EXPENSES.*—Of any
2 amounts made available to carry out this section for a fiscal
3 year, the Secretary may use not more than 1.5 percent for
4 coordination, evaluation, and oversight activities under this
5 section.

6 “(i) *AUTHORIZATION OF APPROPRIATIONS.*—There is
7 authorized to be appropriated to the Secretary to carry out
8 this section \$50,000,000 for each of fiscal years 2022
9 through 2026.”.

10 (b) *CLERICAL AMENDMENT.*—The analysis for sub-
11 chapter I of chapter 55 of title 49, United States Code, is
12 amended by adding at the end the following:

“5506. *Advanced transportation research initiative.*”.

13 **SEC. 25014. TRANSPORTATION RESEARCH AND DEVELOP-**
14 **MENT 5-YEAR STRATEGIC PLAN.**

15 Section 6503 of title 49, United States Code, is amend-
16 ed—

17 (1) in subsection (a), by striking “The Sec-
18 retary” and inserting “Not later than 180 days after
19 the date of publication of the Department of Trans-
20 portation Strategic Plan and not less frequently than
21 once every 5 years thereafter, the Secretary”;

22 (2) in subsection (b), in the matter preceding
23 paragraph (1), by striking “The strategic” and in-
24 serting “Each strategic”;

25 (3) in subsection (c)—

1 (A) in the matter preceding paragraph (1),
2 by striking “The strategic” and inserting “Each
3 strategic”; and

4 (B) in paragraph (1)—

5 (i) in subparagraph (E), by striking
6 “and” at the end;

7 (ii) in subparagraph (F), by adding
8 “and” after the semicolon at the end; and

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

11 “(G) reducing transportation cybersecurity
12 risks;”;

13 (4) in subsection (d)—

14 (A) in the matter preceding paragraph (1),
15 by striking “the strategic” and inserting “each
16 strategic”; and

17 (B) in paragraph (4), by striking “2016”
18 and inserting “2021, and not less frequently
19 than once every 5 years thereafter”; and

20 (5) by striking subsection (e).

21 **SEC. 25015. RESEARCH PLANNING MODIFICATIONS.**

22 (a) *ANNUAL MODAL RESEARCH PLANS.*—Section 6501
23 of title 49, United States Code, is amended—

24 (1) in subsection (a)—

1 (A) by striking paragraph (1) and inserting
2 the following:

3 “(1) *IN GENERAL.*—Not later than June 1 of
4 each year, the head of each modal administration and
5 joint program office of the Department of Transpor-
6 tation shall prepare and submit to the Assistant Sec-
7 retary for Research and Technology of the Depart-
8 ment of Transportation (referred to in this chapter as
9 the ‘Assistant Secretary’)—

10 “(A) a comprehensive annual modal re-
11 search plan for the following fiscal year; and

12 “(B) a detailed outlook for the fiscal year
13 thereafter.”;

14 (B) in paragraph (2), by inserting “pre-
15 pared or” before “submitted”;

16 (C) by redesignating paragraph (2) as
17 paragraph (3); and

18 (D) by inserting after paragraph (1) the fol-
19 lowing:

20 “(2) *REQUIREMENTS.*—Each plan under para-
21 graph (1) shall include—

22 “(A) a general description of the strategic
23 goals of the Department that are addressed by
24 the research programs being carried out by the

1 *Assistant Secretary or modal administration, as*
2 *applicable;*

3 “(B) a description of each proposed research
4 program, as described in the budget request sub-
5 mitted by the Secretary of Transportation to the
6 President under section 1108 of title 31 for the
7 following fiscal year, including—

8 “(i) the major objectives of the pro-
9 gram; and

10 “(ii) the requested amount of funding
11 for each program and area;

12 “(C) a list of activities the Assistant Sec-
13 retary or modal administration plans to carry
14 out under the research programs described in
15 subparagraph (B);

16 “(D) an assessment of the potential impact
17 of the research programs described in subpara-
18 graph (B), including—

19 “(i) potential outputs, outcomes, and
20 impacts on technologies and practices used
21 by entities subject to the jurisdiction of the
22 modal administration;

23 “(ii) potential effects on applicable reg-
24 ulations of the modal administration, in-

1 *cluding the modification or modernization*
2 *of those regulations;*

3 *“(iii) potential economic or societal*
4 *impacts; and*

5 *“(iv) progress made toward achieving*
6 *strategic goals of—*

7 *“(I) the applicable modal admin-*
8 *istration; or*

9 *“(II) the Department of Trans-*
10 *portation;*

11 *“(E) a description of potential partnerships*
12 *to be established to conduct the research pro-*
13 *gram, including partnerships with—*

14 *“(i) institutions of higher education;*
15 *and*

16 *“(ii) private sector entities; and*

17 *“(F) such other requirements as the Assist-*
18 *ant Secretary considers to be necessary.”;*

19 *(2) in subsection (b)—*

20 *(A) in paragraph (1)—*

21 *(i) in the matter preceding subpara-*
22 *graph (A), by inserting “by the head of a*
23 *modal administration or joint program of-*
24 *fice” after “submitted”; and*

1 (ii) in subparagraph (B), by striking
2 clause (ii) and inserting the following:

3 “(ii) request that the plan and outlook
4 be—

5 “(I) revised in accordance with
6 such suggestions as the Assistant Sec-
7 retary shall include to ensure con-
8 formity with the criteria described in
9 paragraph (2); and

10 “(II) resubmitted to the Assistant
11 Secretary for approval.”;

12 (B) by redesignating paragraphs (2) and
13 (3) as paragraphs (3) and (4), respectively; and

14 (C) by inserting after paragraph (1) the fol-
15 lowing:

16 “(2) CRITERIA.—In conducting a review under
17 paragraph (1)(A), the Assistant Secretary shall, with
18 respect to the modal research plan that is the subject
19 of the review—

20 “(A) take into consideration whether—

21 “(i) the plan contains research objec-
22 tives that are consistent with the strategic
23 research and policy objectives of the Depart-
24 ment of Transportation included in the

1 *strategic plan required under section 6503;*

2 *and*

3 *“(ii) the research programs described*
4 *in the plan have the potential to benefit the*
5 *safety, mobility, and efficiency of the*
6 *United States transportation system;*

7 *“(B) identify and evaluate any potential*
8 *opportunities for collaboration between or among*
9 *modal administrations with respect to particular*
10 *research programs described in the plan;*

11 *“(C) identify and evaluate whether other*
12 *modal administrations may be better suited to*
13 *carry out the research programs described in the*
14 *plan;*

15 *“(D) assess whether any projects described*
16 *in the plan are—*

17 *“(i) duplicative across modal adminis-*
18 *trations; or*

19 *“(ii) unnecessary; and*

20 *“(E) take into consideration such other cri-*
21 *teria as the Assistant Secretary determines to be*
22 *necessary.”; and*

23 *(D) by adding at the end the following:*

1 “(5) *SAVINGS CLAUSE*.—*Nothing in this sub-*
 2 *section limits the ability of the head of a modal ad-*
 3 *ministration to comply with applicable law.*”; and

4 (3) *in subsection (c), in the matter preceding*
 5 *paragraph (1), by striking “subsection (b)(3)” and*
 6 *inserting “subsection (b)(4).*

7 (b) *CONSOLIDATED RESEARCH DATABASE*.—*Section*
 8 *6502(a) of title 49, United States Code, is amended by strik-*
 9 *ing the subsection designation and heading and all that fol-*
 10 *lows through subparagraph (B) of paragraph (2) and in-*
 11 *serting the following:*

12 “(a) *RESEARCH ABSTRACT DATABASE*.—

13 “(1) *SUBMISSION*.—*Not later than September 1*
 14 *of each year, the head of each modal administration*
 15 *and joint program office of the Department of Trans-*
 16 *portation shall submit to the Assistant Secretary, for*
 17 *review and public posting, a description of each pro-*
 18 *posed research project to be carried out during the fol-*
 19 *lowing fiscal year, including—*

20 “(A) *proposed funding for any new projects;*
 21 *and*

22 “(B) *proposed additional funding for any*
 23 *existing projects.*

24 “(2) *PUBLICATION*.—*Not less frequently than an-*
 25 *nually, after receiving the descriptions under para-*

1 *graph (1), the Assistant Secretary shall publish on a*
2 *public website a comprehensive database including a*
3 *description of all research projects conducted by the*
4 *Department of Transportation, including research*
5 *funded through university transportation centers*
6 *under section 5505.*

7 “(3) CONTENTS.—*The database published under*
8 *paragraph (2) shall—*

9 “(A) *be delimited by research project; and*

10 “(B) *include a description of, with respect*
11 *to each research project—*

12 “(i) *research objectives;*

13 “(ii) *the progress made with respect to*
14 *the project, including whether the project is*
15 *ongoing or complete;*

16 “(iii) *any outcomes of the project, in-*
17 *cluding potential implications for policy,*
18 *regulations, or guidance issued by a modal*
19 *administration or the Department of Trans-*
20 *portation;*

21 “(iv) *any findings of the project;*

22 “(v) *the amount of funds allocated for*
23 *the project; and*

24 “(vi) *such other information as the As-*
25 *stant Secretary determines to be necessary*

1 to address Departmental priorities and stat-
2 utory mandates;”.

3 **SEC. 25016. INCORPORATION OF DEPARTMENT OF TRANS-**
4 **PORTATION RESEARCH.**

5 (a) *IN GENERAL.*—Chapter 65 of title 49, United
6 States Code, is amended by adding at the end the following:

7 **“§ 6504. Incorporation of Department of Transpor-**
8 **tation research**

9 “(a) *REVIEW.*—Not later than December 31, 2021, and
10 not less frequently than once every 5 years thereafter, in
11 concurrence with the applicable strategic plan under section
12 6503, the Secretary of Transportation shall—

13 “(1) conduct a review of research conducted by
14 the Department of Transportation; and

15 “(2) to the maximum extent practicable and ap-
16 propriate, identify modifications to laws, regulations,
17 guidance, and other policy documents to incorporate
18 any innovations resulting from the research described
19 in paragraph (1) that have the potential to improve
20 the safety or efficiency of the United States transpor-
21 tation system.

22 “(b) *REQUIREMENTS.*—In conducting a review under
23 subsection (a), the Secretary of Transportation shall—

1 “(1) identify any innovative practices, mate-
2 rials, or technologies that have demonstrable benefits
3 to the transportation system;

4 “(2) determine whether the practices, materials,
5 or technologies described in paragraph (1) require
6 any statutory or regulatory modifications for adop-
7 tion; and

8 “(3)(A) if modifications are determined to be re-
9 quired under paragraph (2), develop—

10 “(i) a proposal for those modifications; and

11 “(ii) a description of the manner in which
12 any such regulatory modifications would be—

13 “(I) incorporated into the Unified Reg-
14 ulatory Agenda; or

15 “(II) adopted into existing regulations
16 as soon as practicable; or

17 “(B) if modifications are determined not to be
18 required under paragraph (2), develop a description
19 of the means by which the practices, materials, or
20 technologies described in paragraph (1) will otherwise
21 be incorporated into Department of Transportation or
22 modal administration policy or guidance, including
23 as part of the Technology Transfer Program of the Of-
24 fice of the Assistant Secretary for Research and Tech-
25 nology.

1 “(c) *REPORT.*—On completion of each review under
2 subsection (a), the Secretary of Transportation shall submit
3 to the appropriate committees of Congress a report describ-
4 ing, with respect to the period covered by the report—

5 “(1) each new practice, material, or technology
6 identified under subsection (b)(1); and

7 “(2) any statutory or regulatory modification for
8 the adoption of such a practice, material, or tech-
9 nology that—

10 “(A) is determined to be required under
11 subsection (b)(2); or

12 “(B) was otherwise made during that pe-
13 riod.”.

14 (b) *CLERICAL AMENDMENT.*—The analysis for chapter
15 65 of title 49, United States Code, is amended by adding
16 at the end the following:

“6504. Incorporation of Department of Transportation research.”.

17 **SEC. 25017. UNIVERSITY TRANSPORTATION CENTERS PRO-**
18 **GRAM.**

19 Section 5505 of title 49, United States Code, is amend-
20 ed—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by inserting “of
23 Transportation, acting through the Assistant
24 Secretary for Research and Technology (referred

1 to in this section as the ‘Secretary’),” after “The
2 Secretary”; and

3 (B) in paragraph (2)—

4 (i) in subparagraph (B), by inserting
5 “multimodal” after “critical”; and

6 (ii) in subparagraph (C), by inserting
7 “with respect to the matters described in
8 subparagraphs (A) through (G) of section
9 6503(c)(1)” after “transportation leaders”;

10 (2) in subsection (b)—

11 (A) in paragraph (2)(A), by striking “for
12 each of the transportation centers described
13 under paragraphs (2), (3), and (4) of subsection
14 (c)” and inserting “as a lead institution under
15 this section, except as provided in subparagraph
16 (B)”;

17 (B) in paragraph (4)—

18 (i) in subparagraph (A), by striking
19 “identified in chapter 65” and inserting
20 “described in subparagraphs (A) through
21 (G) of section 6503(c)(1)”;

22 (ii) in subparagraph (B), in the mat-
23 ter preceding clause (i), by striking “the As-
24 sistant Secretary” and all that follows
25 through “modal administrations” and in-

1 serting “the heads of the modal administra-
2 tions of the Department of Transpor-
3 tation,”; and

4 (C) in paragraph (5)(B), in the matter pre-
5 ceding clause (i), by striking “submit” and all
6 that follows through “of the Senate” and insert-
7 ing “make available to the public on a website
8 of the Department of Transportation”;

9 (3) in subsection (c)(3)(E)—

10 (A) by inserting “, including the cybersecu-
11 rity implications of technologies relating to con-
12 nected vehicles, connected infrastructure, and au-
13 tonomous vehicles” after “autonomous vehicles”;
14 and

15 (B) by striking “The Secretary” and insert-
16 ing the following:

17 “(i) *IN GENERAL.*—A regional univer-
18 sity transportation center receiving a grant
19 under this paragraph shall carry out re-
20 search focusing on 1 or more of the matters
21 described in subparagraphs (A) through (G)
22 of section 6503(c)(1).

23 “(ii) *FOCUSED OBJECTIVES.*—The Sec-
24 retary”; and

25 (4) in subsection (d)—

1 (A) in paragraph (2)—

2 (i) in the paragraph heading, by strik-
3 ing “ANNUAL REVIEW” and inserting “RE-
4 VIEW”;

5 (ii) in the matter preceding subpara-
6 graph (A), by striking “annually” and in-
7 serting “biennially”; and

8 (iii) in subparagraph (B), by striking
9 “submit” and all that follows through “of
10 the Senate” and inserting “make available
11 to the public on a website of the Department
12 of Transportation”; and

13 (B) in paragraph (3), by striking “2016
14 through 2020” and inserting “2022 through
15 2026”.

16 **SEC. 25018. NATIONAL TRAVEL AND TOURISM INFRASTRUC-**
17 **TURE STRATEGIC PLAN.**

18 (a) *IN GENERAL.*—Section 1431(e) of the FAST Act
19 (49 U.S.C. 301 note; Public Law 114–94) is amended—

20 (1) by redesignating paragraphs (1) through (7)
21 as subparagraphs (A) through (G), respectively, and
22 indenting appropriately;

23 (2) in the matter preceding subparagraph (A)
24 (as so redesignated)—

1 (A) by striking “Not later than 3 years
2 after the date of enactment of this Act” and in-
3 serting “Not later than 180 days after the date
4 of enactment of the Surface Transportation In-
5 vestment Act of 2021”; and

6 (B) by striking “plan that includes” and
7 inserting the following: “plan—

8 “(1) to develop an immediate-term and long-
9 term strategy, including policy recommendations
10 across all modes of transportation, for the Depart-
11 ment and other agencies to use infrastructure invest-
12 ments to revive the travel and tourism industry and
13 the overall travel and tourism economy in the wake
14 of the Coronavirus Disease 2019 (COVID–19) pan-
15 demic; and

16 “(2) that includes”; and

17 (3) in paragraph (2) (as so redesignated)—

18 (A) in subparagraph (A) (as so redesign-
19 ated), by inserting “, including consideration of
20 the impacts of the COVID–19 pandemic” after
21 “network”;

22 (B) in subparagraph (D) (as so redesign-
23 ated), by inserting “of regional significance”
24 after “corridors”;

1 (C) in subparagraph (F) (as so redesignated), by striking “and” at the end;

3 (D) in subparagraph (G) (as so redesignated), by striking the period at the end and inserting “; and”; and

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

7 “(H) an identification of possible infrastructure investments that create recovery opportunities for small, underserved, minority, and rural businesses in the travel and tourism industry, including efforts to preserve and protect the scenic, but often less-traveled, roads that promote tourism and economic development throughout the United States.”.

15 (b) *CHIEF TRAVEL AND TOURISM OFFICER.*—Section
16 102 of title 49, United States Code, is amended by striking
17 subsection (i) (as redesignated by section 25009(a)(3)) and
18 inserting the following:

19 “(i) *CHIEF TRAVEL AND TOURISM OFFICER.*—

20 “(1) *ESTABLISHMENT.*—There is established in
21 the Office of the Secretary of Transportation a position,
22 to be known as the ‘Chief Travel and Tourism
23 Officer’.

1 “(2) *DUTIES.*—*The Chief Travel and Tourism*
2 *Officer shall collaborate with the Assistant Secretary*
3 *for Aviation and International Affairs to carry out—*

4 “(A) *the National Travel and Tourism In-*
5 *frastructure Strategic Plan under section 1431(e)*
6 *of Public Law 114–94 (49 U.S.C. 301 note); and*

7 “(B) *other travel- and tourism-related mat-*
8 *ters involving the Department of Transpor-*
9 *tation.*”.

10 **SEC. 25019. LOCAL HIRING PREFERENCE FOR CONSTRUC-**
11 **TION JOBS.**

12 (a) *AUTHORIZATION.*—

13 (1) *IN GENERAL.*—*A recipient or subrecipient of*
14 *a grant provided by the Secretary under title 23 or*
15 *49, United States Code, may implement a local or*
16 *other geographical or economic hiring preference re-*
17 *lating to the use of labor for construction of a project*
18 *funded by the grant, including prehire agreements,*
19 *subject to any applicable State and local laws, poli-*
20 *cies, and procedures.*

21 (2) *TREATMENT.*—*The use of a local or other*
22 *geographical or economic hiring preference pursuant*
23 *to paragraph (1) in any bid for a contract for the*
24 *construction of a project funded by a grant described*

1 *in paragraph (1) shall not be considered to unduly*
2 *limit competition.*

3 *(b) WORKFORCE DIVERSITY REPORT.—Not later than*
4 *1 year after the date of enactment of this Act, the Secretary*
5 *shall submit to Congress a report describing methods—*

6 *(1) to ensure preapprenticeship programs are es-*
7 *tablished and implemented to meet the needs of em-*
8 *ployers in transportation and transportation infra-*
9 *structure construction industries, including with re-*
10 *spect to the formal connection of the*
11 *preapprenticeship programs to registered apprentice-*
12 *ship programs;*

13 *(2) to address barriers to employment (within*
14 *the meaning of the Workforce Innovation and Oppor-*
15 *tunity Act (29 U.S.C. 3101 et seq.)) in transportation*
16 *and transportation infrastructure construction indus-*
17 *tries for—*

18 *(A) individuals who are former offenders*
19 *(as defined in section 3 of the Workforce Innova-*
20 *tion and Opportunity Act (29 U.S.C. 3102));*

21 *(B) individuals with a disability (as de-*
22 *finied in section 3 of the Americans with Disabil-*
23 *ities Act of 1990 (42 U.S.C. 12102)); and*

1 (C) individuals that represent populations
2 that are traditionally underrepresented in the
3 workforce; and

4 (3) to encourage a recipient or subrecipient im-
5 plementing a local or other geographical or economic
6 hiring preference pursuant to subsection (a)(1) to es-
7 tablish, in coordination with nonprofit organizations
8 that represent employees, outreach and support pro-
9 grams that increase diversity within the workforce,
10 including expanded participation from individuals
11 described in subparagraphs (A) through (C) of para-
12 graph (2).

13 (c) *MODEL PLAN*.—Not later than 1 year after the date
14 of submission of the report under subsection (b), the Sec-
15 retary shall establish, and publish on the website of the De-
16 partment, a model plan for use by States, units of local
17 government, and private sector entities to address the issues
18 described in that subsection.

19 **SEC. 25020. TRANSPORTATION WORKFORCE DEVELOPMENT.**

20 (a) *ASSESSMENT*.—The Secretary shall enter into an
21 arrangement with the National Academy of Sciences under
22 which the National Academy shall develop and submit to
23 the Secretary a workforce needs assessment that—

24 (1) addresses—

1 (A) the education and recruitment of tech-
2 nical workers for the intelligent transportation
3 technologies and systems industry;

4 (B) the development of a workforce skilled
5 in various types of intelligent transportation
6 technologies, components, infrastructure, and
7 equipment, including with respect to—

8 (i) installation;

9 (ii) maintenance;

10 (iii) manufacturing;

11 (iv) operations, including data anal-
12 ysis and review; and

13 (v) cybersecurity; and

14 (C) barriers to employment in the intel-
15 ligent transportation technologies and systems
16 industry for—

17 (i) individuals who are former offend-
18 ers (as defined in section 3 of the Workforce
19 Innovation and Opportunity Act (29 U.S.C.
20 3102));

21 (ii) individuals with a disability (as
22 defined in section 3 of the Americans with
23 Disabilities Act of 1990 (42 U.S.C. 12102));
24 and

1 (iii) individuals that represent popu-
2 lations that are traditionally underrep-
3 resented in the workforce; and

4 (2) includes recommendations relating to the
5 issues described in paragraph (1).

6 (b) WORKING GROUP.—

7 (1) ESTABLISHMENT.—The Secretary shall estab-
8 lish a working group, to be composed of—

9 (A) the Secretary of Energy;

10 (B) the Secretary of Labor; and

11 (C) the heads of such other Federal agencies
12 as the Secretary determines to be necessary.

13 (2) IMPLEMENTATION PLAN.—

14 (A) IN GENERAL.—The working group es-
15 tablished under paragraph (1) shall develop an
16 intelligent transportation technologies and sys-
17 tems industry workforce development implanta-
18 tion plan.

19 (B) REQUIREMENTS.—The implementation
20 plan under subparagraph (A) shall address any
21 issues and recommendations included in the
22 needs assessment under subsection (a), taking
23 into consideration a whole-of-government ap-
24 proach with respect to—

1 (i) using registered apprenticeship and
2 preapprenticeship programs; and

3 (ii) re-skilling workers who may be in-
4 terested in working within the intelligent
5 transportation technologies and systems in-
6 dustry.

7 (3) *SUBMISSION TO CONGRESS.*—Not later than
8 1 year after the date of receipt of the needs assessment
9 under subsection (a), the Secretary shall submit to
10 Congress the implementation plan developed under
11 paragraph (2).

12 (4) *TERMINATION.*—The working group estab-
13 lished under paragraph (1) shall terminate on the
14 date on which the implementation plan developed
15 under paragraph (2) is submitted to Congress under
16 paragraph (3).

17 (c) *TRANSPORTATION WORKFORCE OUTREACH PRO-*
18 *GRAM.*—

19 (1) *IN GENERAL.*—Subchapter I of chapter 55 of
20 title 49, United States Code (as amended by section
21 25013(a)), is amended by adding at the end the fol-
22 lowing:

23 “**§ 5507. Transportation workforce outreach program**

24 “(a) *IN GENERAL.*—The Secretary of Transportation
25 (referred to in this section as the ‘Secretary’) shall establish

1 *and administer a transportation workforce outreach pro-*
2 *gram, under which the Secretary shall carry out a series*
3 *of public service announcement campaigns during each of*
4 *fiscal years 2022 through 2026.*

5 “(b) *PURPOSES.*—*The purpose of the campaigns car-*
6 *ried out under the program under this section shall be—*

7 “(1) *to increase awareness of career opportuni-*
8 *ties in the transportation sector, including aviation*
9 *pilots, safety inspectors, mechanics and technicians,*
10 *air traffic controllers, flight attendants, truck and bus*
11 *drivers, engineers, transit workers, railroad workers,*
12 *and other transportation professionals; and*

13 “(2) *to target awareness of professional opportu-*
14 *nities in the transportation sector to diverse segments*
15 *of the population, including with respect to race, sex,*
16 *ethnicity, ability (including physical and mental*
17 *ability), veteran status, and socioeconomic status.*

18 “(c) *ADVERTISING.*—*The Secretary may use, or au-*
19 *thorize the use of, amounts made available to carry out the*
20 *program under this section for the development, production,*
21 *and use of broadcast, digital, and print media advertising*
22 *and outreach in carrying out a campaign under this sec-*
23 *tion.*

24 “(d) *FUNDING.*—*The Secretary may use to carry out*
25 *this section any amounts otherwise made available to the*

1 *Secretary, not to exceed \$5,000,000, for each of fiscal years*
2 *2022 through 2026.”.*

3 (2) *CLERICAL AMENDMENT.—The analysis for*
4 *subchapter I of chapter 55 of title 49, United States*
5 *Code (as amended by section 25013(b)), is amended*
6 *by adding at the end the following:*

“5507. Transportation workforce outreach program.”.

7 **SEC. 25021. INTERMODAL TRANSPORTATION ADVISORY**
8 **BOARD REPEAL.**

9 (a) *IN GENERAL.—Section 5502 of title 49, United*
10 *States Code, is repealed.*

11 (b) *CLERICAL AMENDMENT.—The analysis for sub-*
12 *chapter I of chapter 55 of title 49, United States Code, is*
13 *amended by striking the item relating to section 5502.*

14 **SEC. 25022. GAO CYBERSECURITY RECOMMENDATIONS.**

15 (a) *CYBERSECURITY RISK MANAGEMENT.—Not later*
16 *than 3 years after the date of enactment of this Act, the*
17 *Secretary shall implement the recommendation for the De-*
18 *partment made by the Comptroller General of the United*
19 *States in the report entitled “Cybersecurity: Agencies Need*
20 *to Fully Establish Risk Management Programs and Address*
21 *Challenges”, numbered GAO–19–384, and dated July*
22 *2019—*

23 (1) *by developing a cybersecurity risk manage-*
24 *ment strategy for the systems and information of the*
25 *Department;*

1 (2) *by updating policies to address an organiza-*
2 *tion-wide risk assessment; and*

3 (3) *by updating the processes for coordination*
4 *between cybersecurity risk management functions and*
5 *enterprise risk management functions.*

6 (b) *WORK ROLES.*—*Not later than 3 years after the*
7 *date of enactment of this Act, the Secretary shall implement*
8 *the recommendation of the Comptroller General of the*
9 *United States in the report entitled “Cybersecurity Work-*
10 *force: Agencies Need to Accurately Categorize Positions to*
11 *Effectively Identify Critical Staffing Needs”, numbered*
12 *GAO–19–144, and dated March 2019, by—*

13 (1) *reviewing positions in the Department; and*

14 (2) *assigning appropriate work roles in accord-*
15 *ance with the National Initiative for Cybersecurity*
16 *Education Cybersecurity Workforce Framework.*

17 (c) *GAO REVIEW.*—

18 (1) *REPORT.*—*Not later than 18 months after the*
19 *date of enactment of this Act, the Comptroller General*
20 *of the United States shall submit to the Committee on*
21 *Commerce, Science, and Transportation of the Senate*
22 *and the Committee on Transportation and Infrastruc-*
23 *ture of the House of Representatives a report that ex-*
24 *amines the approach of the Department to managing*

1 *cybersecurity for the systems and information of the*
2 *Department.*

3 (2) *CONTENTS.—The report under paragraph (1)*
4 *shall include an evaluation of—*

5 (A) *the roles, responsibilities, and reporting*
6 *relationships of the senior officials of the Depart-*
7 *ment with respect to cybersecurity at the compo-*
8 *nents of the Department;*

9 (B) *the extent to which officials of the De-*
10 *partment—*

11 (i) *establish requirements for, share in-*
12 *formation with, provide resources to, and*
13 *monitor the performance of managers with*
14 *respect to cybersecurity within the compo-*
15 *nents of the Department; and*

16 (ii) *hold managers accountable for cy-*
17 *bersecurity within the components of the*
18 *Department; and*

19 (C) *other aspects of cybersecurity, as the*
20 *Comptroller General of the United States deter-*
21 *mines to be appropriate.*

22 **SEC. 25023. VOLPE OVERSIGHT.**

23 (a) *FINANCIAL MANAGEMENT.—Not later than 1 year*
24 *after the date of enactment of this Act, the Secretary shall*
25 *implement the recommendations of the Inspector General*

1 *of the Department included in the report entitled “DOT*
2 *Needs to Strengthen Its Oversight of IAAs With Volpe” and*
3 *dated September 30, 2019, to improve planning, financial*
4 *management, and the sharing of performance information*
5 *with respect to intraagency agreements with the John A.*
6 *Volpe National Transportation Systems Center (referred to*
7 *in this section as the “Volpe Center”).*

8 (b) *GAO REVIEW.—*

9 (1) *IN GENERAL.—Not later than 2 years after*
10 *the date of enactment of this Act, the Comptroller*
11 *General of the United States shall submit to the Com-*
12 *mittee on Commerce, Science, and Transportation of*
13 *the Senate and the Committee on Transportation and*
14 *Infrastructure of the House of Representatives a re-*
15 *port that examines the surface transportation activi-*
16 *ties at the Volpe Center.*

17 (2) *CONTENTS.—The report under paragraph (1)*
18 *shall include an evaluation of—*

19 (A) *the amount of Department funding pro-*
20 *vided to the Volpe Center, as compared to other*
21 *Federal and non-Federal research partners;*

22 (B) *the process used by the Department to*
23 *determine whether to work with the Volpe Center,*
24 *as compared to any other Federal or non-Federal*
25 *research partner;*

1 (C) the extent to which the Department is
2 collaborating with the Volpe Center to address
3 research needs relating to emerging issues; and

4 (D) whether the operation of the Volpe Cen-
5 ter is duplicative of other public or private sector
6 efforts.

7 **SEC. 25024. MODIFICATIONS TO GRANT PROGRAM.**

8 Section 1906 of the SAFETEA-LU (23 U.S.C. 402
9 note; Public Law 109-59) is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (1), by striking “and” at
12 the end;

13 (B) in paragraph (2), by striking the period
14 at the end and inserting “; and”; and

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

16 “(3) developing and implementing programs,
17 public outreach, and training to reduce the impact of
18 traffic stops described in subsection (a)(1).”;

19 (2) by striking subsection (c) and inserting the
20 following:

21 “(c) **MAXIMUM AMOUNT.**—The total amount provided
22 to a State under this section in any fiscal year may not
23 exceed—

1 “(1) for a State described in subsection (a)(1),
2 10 percent of the amount made available to carry out
3 this section in that fiscal year; and

4 “(2) for a State described in subsection (a)(2), 5
5 percent of the amount made available to carry out
6 this section in that fiscal year.”; and

7 (3) in subsection (d)—

8 (A) by striking “\$7,500,000 for each of fis-
9 cal years 2017 through 2020” and inserting
10 “\$11,500,000 for each fiscal year”;

11 (B) by redesignating paragraph (3) as
12 paragraph (4); and

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

15 “(3) *TECHNICAL ASSISTANCE.*—The Secretary
16 may allocate not more than 10 percent of the amount
17 made available to carry out this section in a fiscal
18 year to provide technical assistance to States to carry
19 out activities under this section.”.

20 **SEC. 25025. DRUG-IMPAIRED DRIVING DATA COLLECTION.**

21 Not later than 2 years after the date of enactment of
22 this Act, the Secretary, in consultation with the heads of
23 appropriate Federal agencies, State highway safety offices,
24 State toxicologists, traffic safety advocates, and other inter-
25 ested parties, shall submit to the Committee on Commerce,

1 *Science, and Transportation of the Senate and the Com-*
2 *mittee on Transportation and Infrastructure of the House*
3 *of Representatives a report that, in accordance with the doc-*
4 *ument entitled “Recommendations for Toxicological Inves-*
5 *tigations of Drug-Impaired Driving and Motor Vehicle Fa-*
6 *talities—2017 Update” (and subsequent updates to that*
7 *document)—*

8 (1) *identifies any barriers that States encounter*
9 *in submitting alcohol and drug toxicology results to*
10 *the Fatality Analysis Reporting System;*

11 (2) *provides recommendations on how to address*
12 *the barriers identified pursuant to paragraph (1);*
13 *and*

14 (3) *describes steps that the Secretary, acting*
15 *through the Administrator of the National Highway*
16 *Traffic Safety Administration, will take to assist*
17 *States in improving—*

18 (A) *toxicology testing in cases of motor ve-*
19 *hicle crashes; and*

20 (B) *the reporting of alcohol and drug toxi-*
21 *cology results in cases of motor vehicle crashes.*

22 **SEC. 25026. REPORT ON MARIJUANA RESEARCH.**

23 (a) *DEFINITION OF MARIJUANA.—In this section, the*
24 *term “marijuana” has the meaning given the term in sec-*

1 *tion 4008(d) of the FAST Act (Public Law 114–94; 129*
2 *Stat. 1511).*

3 **(b) REPORT.**—*Not later than 2 years after the date*
4 *of enactment of this Act, the Secretary, in consultation with*
5 *the Attorney General and the Secretary of Health and*
6 *Human Services, shall submit to the Committees on Com-*
7 *merce, Science, and Transportation and the Judiciary of*
8 *the Senate and the Committees on Transportation and In-*
9 *frastructure and the Judiciary of the House of Representa-*
10 *tives, and make publicly available on the website of the De-*
11 *partment, a report that—*

12 **(1)** *describes methods for, and contains rec-*
13 *ommendations with respect to—*

14 **(A)** *increasing and improving, for scientific*
15 *researchers studying impairment while driving*
16 *under the influence of marijuana, access to sam-*
17 *ples and strains of marijuana and products con-*
18 *taining marijuana that are lawfully available to*
19 *patients or consumers in a State on a retail*
20 *basis;*

21 **(B)** *establishing a national clearinghouse to*
22 *collect and distribute samples and strains of*
23 *marijuana for scientific research that includes*
24 *marijuana and products containing marijuana*

1 *lawfully available to patients or consumers in a*
2 *State on a retail basis; and*

3 *(C) facilitating, for scientific researchers lo-*
4 *cated in States that have not legalized mari-*
5 *juana for medical or recreational use, access to*
6 *samples and strains of marijuana and products*
7 *containing marijuana from the clearinghouse de-*
8 *scribed in subparagraph (B) for purposes of re-*
9 *search on marijuana-impaired driving; and*

10 *(2) identifies, and contains recommendations for*
11 *addressing, Federal statutory and regulatory barriers*
12 *to—*

13 *(A) the conduct of scientific research on*
14 *marijuana-impaired driving; and*

15 *(B) the establishment of a national clear-*
16 *inghouse for purposes of facilitating research on*
17 *marijuana-impaired driving.*

18 **SEC. 25027. GAO STUDY ON IMPROVING THE EFFICIENCY OF**
19 **TRAFFIC SYSTEMS.**

20 *Not later than 1 year after the date of enactment of*
21 *this Act, the Comptroller General of the United States shall*
22 *carry out, and submit to Congress a report describing the*
23 *results of, a study on the potential societal benefits of im-*
24 *proving the efficiency of traffic systems.*

1 **TITLE VI—HAZARDOUS**
2 **MATERIALS**

3 **SEC. 26001. AUTHORIZATION OF APPROPRIATIONS.**

4 *Section 5128 of title 49, United States Code, is amend-*
5 *ed to read as follows:*

6 **“§ 5128. Authorization of appropriations**

7 “(a) *IN GENERAL.—There are authorized to be appro-*
8 *priated to the Secretary to carry out this chapter (except*
9 *sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—*

10 “(1) \$67,000,000 for fiscal year 2022;

11 “(2) \$68,000,000 for fiscal year 2023;

12 “(3) \$69,000,000 for fiscal year 2024;

13 “(4) \$70,000,000 for fiscal year 2025; and

14 “(5) \$71,000,000 for fiscal year 2026.

15 “(b) *HAZARDOUS MATERIALS EMERGENCY PRE-*
16 *PAREDNESS FUND.—From the Hazardous Materials Pre-*
17 *paredness Fund established under section 5116(h), the Sec-*
18 *retary may expend, for each of fiscal years 2022 through*
19 *2026—*

20 “(1) \$39,050,000 to carry out section 5116(a);

21 “(2) \$150,000 to carry out section 5116(e);

22 “(3) \$625,000 to publish and distribute the
23 *Emergency Response Guidebook under section*
24 *5116(h)(3); and*

25 “(4) \$2,000,000 to carry out section 5116(i).

1 “(c) *HAZARDOUS MATERIALS TRAINING GRANTS.*—
2 *From the Hazardous Materials Emergency Preparedness*
3 *Fund established pursuant to section 5116(h), the Secretary*
4 *may expend \$5,000,000 for each of fiscal years 2022*
5 *through 2026 to carry out section 5107(e).*

6 “(d) *COMMUNITY SAFETY GRANTS.*—*Of the amounts*
7 *made available under subsection (a) to carry out this chap-*
8 *ter, the Secretary shall withhold \$4,000,000 for each of fis-*
9 *cal years 2022 through 2026 to carry out section 5107(i).*

10 “(e) *CREDITS TO APPROPRIATIONS.*—

11 “(1) *EXPENSES.*—*In addition to amounts other-*
12 *wise made available to carry out this chapter, the*
13 *Secretary may credit amounts received from a State,*
14 *Indian tribe, or other public authority or private en-*
15 *tity for expenses the Secretary incurs in providing*
16 *training to the State, Indian tribe, authority or enti-*
17 *ty.*

18 “(2) *AVAILABILITY OF AMOUNTS.*—*Amounts*
19 *made available under this section shall remain avail-*
20 *able until expended.”*

21 **SEC. 26002. ASSISTANCE FOR LOCAL EMERGENCY RE-**
22 **SPONSE TRAINING GRANT PROGRAM.**

23 *Section 5116 of title 49, United States Code, is amend-*
24 *ed—*

1 (1) in subsection (j), in the second sentence of the
2 matter preceding paragraph (1), by striking “sub-
3 section (i)” and inserting “subsections (i) and (j)”;

4 (2) by redesignating subsection (j) as subsection
5 (k); and

6 (3) by inserting after subsection (i) the following:
7 “(j) *ALERT GRANT PROGRAM.*—

8 “(1) *ASSISTANCE FOR LOCAL EMERGENCY RE-*
9 *SPONSE TRAINING.*—*The Secretary shall establish a*
10 *grant program to make grants to eligible entities de-*
11 *scribed in paragraph (2)—*

12 “(A) *to develop a hazardous materials re-*
13 *sponse training curriculum for emergency re-*
14 *sponders, including response activities for the*
15 *transportation of crude oil, ethanol, and other*
16 *flammable liquids by rail, consistent with the*
17 *standards of the National Fire Protection Asso-*
18 *ciation; and*

19 “(B) *to make the training described in sub-*
20 *paragraph (A) available in an electronic format.*

21 “(2) *ELIGIBLE ENTITIES.*—*An eligible entity re-*
22 *ferred to in paragraph (1) is a nonprofit organization*
23 *that—*

1 “(A) represents first responders or public of-
2 ficials responsible for coordinating disaster re-
3 sponse; and

4 “(B) is able to provide direct or web-based
5 training to individuals responsible for respond-
6 ing to accidents and incidents involving haz-
7 ardous materials.

8 “(3) FUNDING.—

9 “(A) IN GENERAL.—To carry out the grant
10 program under paragraph (1), the Secretary
11 may use, for each fiscal year, any amounts re-
12 covered during such fiscal year from grants
13 awarded under this section during a prior fiscal
14 year.

15 “(B) OTHER HAZARDOUS MATERIAL TRAIN-
16 ING ACTIVITIES.—For each fiscal year, after pro-
17 viding grants under paragraph (1), if funds re-
18 main available, the Secretary may use the
19 amounts described in subparagraph (A)—

20 “(i) to make grants under—

21 “(I) subsection (a)(1)(C);

22 “(II) subsection (i); and

23 “(III) section 5107(e);

1 “(ii) to conduct monitoring and pro-
2 vide technical assistance under subsection
3 (e);

4 “(iii) to publish and distribute the
5 emergency response guide referred to in sub-
6 section (h)(3); and

7 “(iv) to pay administrative costs in
8 accordance with subsection (h)(4).

9 “(C) *OBLIGATION LIMITATION.*—Notwith-
10 standing any other provision of law, for each fis-
11 cal year, amounts described in subparagraph (A)
12 shall not be included in the obligation limitation
13 for the Hazardous Materials Emergency Pre-
14 paredness grant program for that fiscal year.”.

15 **SEC. 26003. REAL-TIME EMERGENCY RESPONSE INFORMA-**
16 **TION.**

17 Section 7302 of the FAST Act (49 U.S.C. 20103 note;
18 Public Law 114–94) is amended—

19 (1) in subsection (a)—

20 (A) in the matter preceding paragraph (1),
21 by striking “1 year after the date of enactment
22 of this Act” and inserting “December 5, 2022”;

23 (B) in paragraph (1), by amending sub-
24 paragraph (B) to read as follows:

1 “(B) to provide the electronic train consist
2 information described in subparagraph (A) to
3 authorized State and local first responders, emer-
4 gency response officials, and law enforcement
5 personnel that are involved in the response to, or
6 investigation of, an accident, incident, or public
7 health or safety emergency involving the rail
8 transportation of hazardous materials;”;

9 (C) by striking paragraph (2);

10 (D) by redesignating paragraphs (3), (4),
11 (5), (6), and (7) as paragraphs (2), (3), (4), (5),
12 and (6), respectively; and

13 (E) in paragraph (3), as redesignated, by
14 striking “paragraph (3)” and inserting “para-
15 graph (2)”;

16 (2) in subsection (b)—

17 (A) by striking paragraphs (1) and (4); and

18 (B) by redesignating paragraphs (2), (3),
19 (5), (6), and (7) as paragraphs (1), (2), (3), (4),
20 and (5), respectively; and

21 (3) in subsection (c), by striking “, as described
22 in subsection (a)(1)(B),”.

1 **TITLE VII—GENERAL**
2 **PROVISIONS**

3 **SEC. 27001. PERFORMANCE MEASUREMENT, TRANS-**
4 **PARENCY, AND ACCOUNTABILITY.**

5 *For each grant awarded under this Act, or an amend-*
6 *ment made by this Act, the Secretary may—*

7 (1) *develop metrics to assess the effectiveness of*
8 *the activities funded by the grant;*

9 (2) *establish standards for the performance of the*
10 *activities funded by the grant that are based on the*
11 *metrics developed under paragraph (1); and*

12 (3) *not later than the date that is 4 years after*
13 *the date of the initial award of the grant and every*
14 *2 years thereafter until the date on which Federal fi-*
15 *nancial assistance is discontinued for the applicable*
16 *activity, conduct an assessment of the activity funded*
17 *by the grant to confirm whether the performance is*
18 *meeting the standards for performance established*
19 *under paragraph (2).*

20 **SEC. 27002. COORDINATION REGARDING FORCED LABOR.**

21 *The Secretary shall coordinate with the Commissioner*
22 *of U.S. Customs and Border Protection to ensure that no*
23 *illegal products or materials produced with forced labor are*
24 *procured with funding made available under this Act.*

1 **SEC. 27003. DEPARTMENT OF TRANSPORTATION SPECTRUM**

2 **AUDIT.**

3 (a) *AUDIT AND REPORT.*—Not later than 18 months
4 after the date of enactment of this Act, the Assistant Sec-
5 retary of Commerce for Communications and Information
6 and the Secretary shall jointly—

7 (1) *conduct an audit of the electromagnetic spec-*
8 *trum that is assigned or otherwise allocated to the De-*
9 *partment as of the date of the audit; and*

10 (2) *submit to Congress, and make available to*
11 *each Member of Congress upon request, a report con-*
12 *taining the results of the audit conducted under para-*
13 *graph (1).*

14 (b) *CONTENTS OF REPORT.*—The Assistant Secretary
15 of Commerce for Communications and Information and the
16 Secretary shall include in the report submitted under sub-
17 section (a)(2), with respect to the electromagnetic spectrum
18 that is assigned or otherwise allocated to the Department
19 as of the date of the audit—

20 (1) *each particular band of spectrum being used*
21 *by the Department;*

22 (2) *a description of each purpose for which a*
23 *particular band described in paragraph (1) is being*
24 *used, and how much of the band is being used for that*
25 *purpose;*

1 *shall submit to the Committee on Commerce, Science, and*
2 *Transportation of the Senate and the Committee on Trans-*
3 *portation and Infrastructure of the House of Representa-*
4 *tives a report on the results of the study, which shall in-*
5 *clude—*

6 (1) *an identification of how the Department cur-*
7 *rently evaluates travel and tourism needs or criteria*
8 *in considering applications for grants under the*
9 *grant programs of the Department;*

10 (2) *a description of any actions that the Depart-*
11 *ment will take to improve the evaluation of tourism-*
12 *and travel-related criteria in considering applications*
13 *for grants under those grant programs; and*

14 (3) *recommendations as to any statutory or reg-*
15 *ulatory changes that may be required to enhance the*
16 *consideration by the Department of travel and tour-*
17 *ism needs or criteria in considering applications for*
18 *grants under those grant programs.*

19 *(c) GAO ASSESSMENT AND REPORT.—*

20 (1) *ASSESSMENT.—The Comptroller General of*
21 *the United States shall conduct an assessment of the*
22 *existing resources of the Department used to conduct*
23 *travel- and tourism-related activities, including the*
24 *consideration of travel and tourism needs or criteria*
25 *in considering applications for grants under the*

1 *grant programs of the Department, in order to iden-*
2 *tify—*

3 *(A) any resources needed by the Depart-*
4 *ment; and*

5 *(B) any barriers to carrying out those ac-*
6 *tivities.*

7 *(2) REPORT.—Not later than 18 months after the*
8 *date of enactment of this Act, the Comptroller General*
9 *of the United States shall submit to the Committee on*
10 *Commerce, Science, and Transportation of the Senate*
11 *and the Committee on Transportation and Infrastruc-*
12 *ture of the House of Representatives a report on the*
13 *assessment conducted under paragraph (1), which*
14 *shall include—*

15 *(A) recommendations for improving the*
16 *evaluation and consideration by the Department*
17 *of travel and tourism with respect to the discre-*
18 *tionary grant programs of the Department;*

19 *(B) an assessment of the resources needed to*
20 *carry out the tourism- and travel-related activi-*
21 *ties of the Department;*

22 *(C) an assessment of any barriers to car-*
23 *rying out activities relating to travel and tour-*
24 *ism; and*

1 (D) recommendations for improving the
2 ability of the Department to carry out activities
3 relating to travel and tourism, which may in-
4 clude proposed statutory or regulatory changes
5 that may be needed to facilitate those activities.

6 **TITLE VIII—SPORT FISH RES-**
7 **TORATION AND REC-**
8 **REATIONAL BOATING SAFETY**

9 **SEC. 28001. SPORT FISH RESTORATION AND RECREATIONAL**
10 **BOATING SAFETY.**

11 (a) DIVISION OF ANNUAL APPROPRIATIONS.—

12 (1) IN GENERAL.—Section 4 of the Dingell-John-
13 son Sport Fish Restoration Act (16 U.S.C. 777c) is
14 amended—

15 (A) in subsection (a), by striking “2021”
16 and inserting “2026”;

17 (B) in subsection (b)—

18 (i) in paragraph (1)—

19 (I) in subparagraph (A), by strik-
20 ing “2021” and inserting “2026”; and

21 (II) by striking subparagraph (B)
22 and inserting the following:

23 “(B) AVAILABLE AMOUNTS.—The available
24 amount referred to in subparagraph (A) is—

1 “(i) for the fiscal year that includes the
2 date of enactment of the Surface Transpor-
3 tation Reauthorization Act of 2021, the sum
4 obtained by adding—

5 “(I) the available amount speci-
6 fied in this subparagraph for the pre-
7 ceding fiscal year; and

8 “(II) \$979,500; and

9 “(ii) for each fiscal year thereafter, the
10 sum obtained by adding—

11 “(I) the available amount speci-
12 fied in this subparagraph for the pre-
13 ceding fiscal year; and

14 “(II) the product obtained by
15 multiplying—

16 “(aa) the available amount
17 specified in this subparagraph for
18 the preceding fiscal year; and

19 “(bb) the change, relative to
20 the preceding fiscal year, in the
21 Consumer Price Index for All
22 Urban Consumers published by
23 the Department of Labor.”; and

24 (ii) in paragraph (2)—

1 (I) in subparagraph (A), by strik-
2 ing “2016 through 2021” and inserting
3 “2022 through 2026”; and

4 (II) by striking subparagraph (B)
5 and inserting the following:

6 “(B) AVAILABLE AMOUNTS.—The available
7 amount referred to in subparagraph (A) is—

8 “(i) for fiscal year 2022, \$12,786,434;
9 and

10 “(ii) for fiscal year 2023 and each fis-
11 cal year thereafter, the sum obtained by
12 adding—

13 “(I) the available amount speci-
14 fied in this subparagraph for the pre-
15 ceding fiscal year; and

16 “(II) the product obtained by
17 multiplying—

18 “(aa) the available amount
19 specified in this subparagraph for
20 the preceding fiscal year; and

21 “(bb) the change, relative to
22 the preceding fiscal year, in the
23 Consumer Price Index for All
24 Urban Consumers published by
25 the Department of Labor.”; and

1 (C) in subsection (e)(2), by striking
2 “\$900,000” and inserting “\$1,300,000”.

3 (2) *ADMINISTRATION*.—Section 9(a) of the *Din-*
4 *gell-Johnson Sport Fish Restoration Act* (16 U.S.C.
5 777h(a)) is amended—

6 (A) by striking paragraphs (1) and (2) and
7 inserting the following:

8 “(1) personnel costs of employees for the work
9 hours of each employee spent directly administering
10 this Act, as those hours are certified by the supervisor
11 of the employee;”;

12 (B) by redesignating paragraphs (3)
13 through (12) as paragraphs (2) through (11), re-
14 spectively;

15 (C) in paragraph (2) (as so redesignated),
16 by striking “paragraphs (1) and (2)” and insert-
17 ing “paragraph (1)”;

18 (D) in paragraph (4)(B) (as so redesign-
19 ated), by striking “full-time equivalent em-
20 ployee authorized under paragraphs (1) and (2)”
21 and inserting “employee authorized under para-
22 graph (1)”;

23 (E) in paragraph (8)(A) (as so redesign-
24 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 expenses paid with funds made available pursuant to this Act may not exceed the percentage of the work hours of the employee that are spent administering this Act” after
6 “incurred”.
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12 (3) *OTHER ACTIVITIES.*—Section 14(e) of the
13 *Dingell-Johnson Sport Fish Restoration Act* (16
14 *U.S.C. 777m(e)*) is amended by adding at the end the
15 *following:*

16 “(3) A portion, as determined by the Sport Fishing and Boating Partnership Council, of funds disbursed for the purposes described in paragraph (2) but remaining unobligated as of October 1, 2021, shall be used to study the impact of derelict vessels and identify recyclable solutions for recreational vessels.”.
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23 (4) *RECREATIONAL BOATING SAFETY.*—Section
24 *13107(c)(2)* of title 46, United States Code, is amend-

1 *ed by striking “No funds available” and inserting*
2 *“On or after October 1, 2024, no funds available”.*

3 *(b) WILDLIFE RESTORATION FUND ADMINISTRA-*
4 *TION.—*

5 *(1) ALLOCATION AND APPORTIONMENT OF AVAIL-*
6 *ABLE AMOUNTS.—Section 4(a) of the Pittman-Robert-*
7 *son Wildlife Restoration Act (16 U.S.C. 669c(a)) is*
8 *amended—*

9 *(A) in paragraph (1), by striking subpara-*
10 *graph (B) and inserting the following:*

11 *“(B) AVAILABLE AMOUNTS.—The available*
12 *amount referred to in subparagraph (A) is—*

13 *“(i) for the fiscal year that includes the*
14 *date of enactment of the Surface Transpor-*
15 *tation Reauthorization Act of 2021, the sum*
16 *obtained by adding—*

17 *“(I) the available amount speci-*
18 *fied in this subparagraph for the pre-*
19 *ceding fiscal year; and*

20 *“(II) \$979,500; and*

21 *“(ii) for each fiscal year thereafter, the*
22 *sum obtained by adding—*

23 *“(I) the available amount speci-*
24 *fied in this subparagraph for the pre-*
25 *ceding fiscal year; and*

1 “(II) the product obtained by
2 multiplying—

3 “(aa) the available amount
4 specified in this subparagraph for
5 the preceding fiscal year; and

6 “(bb) the change, relative to
7 the preceding fiscal year, in the
8 Consumer Price Index for All
9 Urban Consumers published by
10 the Department of Labor.”; and

11 (B) in paragraph (2)—

12 (i) in subparagraph (A), by inserting
13 “subsequent” before “fiscal year.”; and

14 (ii) by striking subparagraph (B) and
15 inserting the following:

16 “(B) APPORTIONMENT OF UNOBLIGATED
17 AMOUNTS.—

18 “(i) IN GENERAL.—Not later than 60
19 days after the end of a fiscal year, the Sec-
20 retary of the Interior shall apportion among
21 the States any of the available amount
22 under paragraph (1) that remained avail-
23 able for obligation pursuant to subpara-
24 graph (A) during that fiscal year and re-

1 *mains unobligated at the end of that fiscal*
2 *year.*

3 “(ii) *REQUIREMENT.*—*The available*
4 *amount apportioned under clause (i) shall*
5 *be apportioned on the same basis and in the*
6 *same manner as other amounts made avail-*
7 *able under this Act were apportioned among*
8 *the States for the fiscal year in which the*
9 *amount was originally made available.”.*

10 (2) *AUTHORIZED EXPENSES FOR ADMINISTRA-*
11 *TION.*—*Section 9(a) of the Pittman-Robertson Wild-*
12 *life Restoration Act (16 U.S.C. 669h(a)) is amend-*
13 *ed—*

14 (A) *by striking paragraphs (1) and (2) and*
15 *inserting the following:*

16 “(1) *personnel costs of employees for the work*
17 *hours of each employee spent directly administering*
18 *this Act, as those hours are certified by the supervisor*
19 *of the employee;”;*

20 (B) *by redesignating paragraphs (3)*
21 *through (12) as paragraphs (2) through (11), re-*
22 *spectively;*

23 (C) *in paragraph (2) (as so redesignated),*
24 *by striking “paragraphs (1) and (2)” and insert-*
25 *ing “paragraph (1)”;*

1 (D) in paragraph (4)(B) (as so redesign-
2 nated), by striking “full-time equivalent em-
3 ployee authorized under paragraphs (1) and (2)”
4 and inserting “employee authorized under para-
5 graph (1)”;

6 (E) in paragraph (8)(A) (as so redesign-
7 nated), by striking “on a full-time basis”; and

8 (F) in paragraph (10) (as so redesign-
9 nated)—

10 (i) by inserting “or part-time” after
11 “full-time”; and

12 (ii) by inserting “, subject to the condi-
13 tion that the percentage of the relocation ex-
14 penses paid with funds made available pur-
15 suant to this Act may not exceed the per-
16 centage of the work hours of the employee
17 that are spent administering this Act” after
18 “incurred”.

19 (c) *RECREATIONAL BOATING ACCESS.*—

20 (1) *IN GENERAL.*—Not later than 1 year after
21 the date of enactment of this Act, the Comptroller
22 General of the United States shall submit to the Sport
23 Fishing and Boating Partnership Council, the Com-
24 mittee on Natural Resources and the Committee on
25 Transportation and Infrastructure of the House of

1 *Representatives, and the Committee on Commerce,*
2 *Science, and Transportation and the Committee on*
3 *Environment and Public Works of the Senate a report*
4 *that, to the extent practicable, given available data,*
5 *shall document—*

6 *(A) the use of nonmotorized vessels in each*
7 *State and how the increased use of nonmotorized*
8 *vessels is impacting motorized and nonmotorized*
9 *vessel access;*

10 *(B) user conflicts at waterway access*
11 *points; and*

12 *(C) the use of—*

13 *(i) Sport Fish Restoration Program*
14 *funds to improve nonmotorized access at*
15 *waterway entry points and the reasons for*
16 *providing that access; and*

17 *(ii) Recreational Boating Safety Pro-*
18 *gram funds for nonmotorized boating safety*
19 *programs.*

20 *(2) CONSULTATION.—The Comptroller General of*
21 *the United States shall consult with the Sport Fishing*
22 *and Boating Partnership Council and the National*
23 *Boating Safety Advisory Council on study design,*
24 *scope, and priorities for the report under paragraph*
25 *(1).*

1 (d) *SPORT FISHING AND BOATING PARTNERSHIP*
2 *COUNCIL.*—

3 (1) *IN GENERAL.*—*The Sport Fishing and Boat-*
4 *ing Partnership Council established by the Secretary*
5 *of the Interior shall be an advisory committee of the*
6 *Department of the Interior and the Department of*
7 *Commerce subject to the Federal Advisory Committee*
8 *Act (5 U.S.C. App.).*

9 (2) *FACA.*—*The Secretary of the Interior and*
10 *the Secretary of Commerce shall jointly carry out the*
11 *requirements of the Federal Advisory Committee Act*
12 *(5 U.S.C. App.) with respect to the Sport Fishing and*
13 *Boating Partnership Council described in paragraph*
14 *(1).*

15 (3) *EFFECTIVE DATE.*—*This subsection shall take*
16 *effect on January 1, 2023.*

17 ***DIVISION C—TRANSIT***

18 ***SEC. 30001. DEFINITIONS.***

19 (a) *IN GENERAL.*—*Section 5302 of title 49, United*
20 *States Code, is amended—*

21 (1) *by redesignating paragraphs (1) through (24)*
22 *as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10),*
23 *(11), (12), (13), (14), (15), (16), (17), (18), (19), (20),*
24 *(21), (22), (23), (24), and (25), respectively; and*

1 (2) by inserting before paragraph (2) (as so re-
2 designated) the following:

3 “(1) *ASSAULT ON A TRANSIT WORKER.*—The
4 term ‘assault on a transit worker’ means a cir-
5 cumstance in which an individual knowingly, with-
6 out lawful authority or permission, and with intent
7 to endanger the safety of any individual, or with a
8 reckless disregard for the safety of human life, inter-
9 feres with, disables, or incapacitates a transit worker
10 while the transit worker is performing the duties of
11 the transit worker.”; and

12 (3) in subparagraph (G) of paragraph (4) (as so
13 redesignated)—

14 (A) by redesignating clauses (iv) and (v) as
15 clauses (v) and (vi), respectively;

16 (B) by inserting after clause (iii) the fol-
17 lowing:

18 “(iv) provides that if equipment to fuel
19 privately owned zero-emission passenger ve-
20 hicles is installed, the recipient of assistance
21 under this chapter shall collect fees from
22 users of the equipment in order to recover
23 the costs of construction, maintenance, and
24 operation of the equipment;”;

25 (C) in clause (vi) (as so redesignated)—

1 (i) in subclause (XIII), by striking
2 “and” at the end;

3 (ii) in subclause (XIV), by adding
4 “and” after the semicolon; and

5 (iii) by adding at the end the fol-
6 lowing:

7 “(XV) technology to fuel a zero-
8 emission vehicle;”.

9 (b) *CONFORMING AMENDMENTS.*—

10 (1) Section 601(a)(12)(E) of title 23, United
11 States Code, is amended by striking “section
12 5302(3)(G)(v)” and inserting “section
13 5302(4)(G)(v)”.

14 (2) Section 5323(e)(3) of title 49, United States
15 Code, is amended by striking “section 5302(3)(J)”
16 and inserting “section 5302(4)(J)”.

17 (3) Section 5336(e) of title 49, United States
18 Code, is amended by striking “, as defined in section
19 5302(4)”.

20 (4) Section 28501(4) of title 49, United States
21 Code, is amended by striking “section 5302(a)(6)”
22 and inserting “section 5302”.

23 **SEC. 30002. METROPOLITAN TRANSPORTATION PLANNING.**

24 (a) *IN GENERAL.*—Section 5303 of title 49, United
25 States Code, is amended—

1 (1) in subsection (a)(1), by inserting “and better
2 connect housing and employment” after “urbanized
3 areas”;

4 (2) in subsection (g)(3)(A), by inserting “housing,” after “economic development,”;

6 (3) in subsection (h)(1)(E), by inserting “, housing,” after “growth”;

8 (4) in subsection (i)—

9 (A) in paragraph (4)(B)—

10 (i) by redesignating clauses (iii)
11 through (vi) as clauses (iv) through (vii),
12 respectively; and

13 (ii) by inserting after clause (ii) the
14 following:

15 “(iii) assumed distribution of popu-
16 lation and housing;”; and

17 (B) in paragraph (6)(A), by inserting “af-
18 fordable housing organizations,” after “dis-
19 abled,”; and

20 (5) in subsection (k)—

21 (A) by redesignating paragraphs (4) and
22 (5) as paragraphs (5) and (6), respectively; and

23 (B) by inserting after paragraph (3) the fol-
24 lowing:

25 “(4) HOUSING COORDINATION PROCESS.—

1 “(A) *IN GENERAL.*—Within a metropolitan
2 *planning area serving a transportation manage-*
3 *ment area, the transportation planning process*
4 *under this section may address the integration of*
5 *housing, transportation, and economic develop-*
6 *ment strategies through a process that provides*
7 *for effective integration, based on a cooperatively*
8 *developed and implemented strategy, of new and*
9 *existing transportation facilities eligible for*
10 *funding under this chapter and title 23.*

11 “(B) *COORDINATION IN INTEGRATED PLAN-*
12 *NING PROCESS.*—In carrying out the process de-
13 *scribed in subparagraph (A), a metropolitan*
14 *planning organization may—*

15 “(i) *consult with—*

16 “(I) *State and local entities re-*
17 *sponsible for land use, economic devel-*
18 *opment, housing, management of road*
19 *networks, or public transportation; and*

20 “(II) *other appropriate public or*
21 *private entities; and*

22 “(ii) *coordinate, to the extent prac-*
23 *ticable, with applicable State and local en-*
24 *tities to align the goals of the process with*
25 *the goals of any comprehensive housing af-*

1 *fordability strategies established within the*
2 *metropolitan planning area pursuant to*
3 *section 105 of the Cranston-Gonzalez Na-*
4 *tional Affordable Housing Act (42 U.S.C.*
5 *12705) and plans developed under section*
6 *5A of the United States Housing Act of*
7 *1937 (42 U.S.C. 1437c-1).*

8 “(C) *HOUSING COORDINATION PLAN.*—

9 “(i) *IN GENERAL.*—*A metropolitan*
10 *planning organization serving a transpor-*
11 *tation management area may develop a*
12 *housing coordination plan that includes*
13 *projects and strategies that may be consid-*
14 *ered in the metropolitan transportation*
15 *plan of the metropolitan planning organiza-*
16 *tion.*

17 “(ii) *CONTENTS.*—*A plan described in*
18 *clause (i) may—*

19 “(I) *develop regional goals for the*
20 *integration of housing, transportation,*
21 *and economic development strategies*
22 *to—*

23 “(aa) *better connect housing*
24 *and employment while mitigating*
25 *commuting times;*

1 “(bb) align transportation
2 improvements with housing needs,
3 such as housing supply shortages,
4 and proposed housing develop-
5 ment;

6 “(cc) align planning for
7 housing and transportation to ad-
8 dress needs in relationship to
9 household incomes within the met-
10 ropolitan planning area;

11 “(dd) expand housing and
12 economic development within the
13 catchment areas of existing trans-
14 portation facilities and public
15 transportation services when ap-
16 propriate, including higher-den-
17 sity development, as locally deter-
18 mined;

19 “(ee) manage effects of
20 growth of vehicle miles traveled
21 experienced in the metropolitan
22 planning area related to housing
23 development and economic devel-
24 opment;

1 “(ff) increase share of house-
2 holds with sufficient and afford-
3 able access to the transportation
4 networks of the metropolitan
5 planning area;

6 “(II) identify the location of exist-
7 ing and planned housing and employ-
8 ment, and transportation options that
9 connect housing and employment; and

10 “(III) include a comparison of
11 transportation plans to land use man-
12 agement plans, including zoning plans,
13 that may affect road use, public trans-
14 portation ridership and housing devel-
15 opment.”.

16 (b) *ADDITIONAL CONSIDERATION AND COORDINA-*
17 *TION.*—Section 5303 of title 49, United States Code, is
18 amended—

19 (1) in subsection (d)—

20 (A) in paragraph (3), by adding at the end
21 the following:

22 “(D) *CONSIDERATIONS.*—In designating of-
23 ficials or representatives under paragraph (2) for
24 the first time, subject to the bylaws or enabling
25 statute of the metropolitan planning organiza-

1 *tion, the metropolitan planning organization*
2 *shall consider the equitable and proportional*
3 *representation of the population of the metropoli-*
4 *tan planning area.”; and*

5 *(B) in paragraph (7)—*

6 *(i) by striking “an existing metropoli-*
7 *tan planning area” and inserting “an exist-*
8 *ing urbanized area (as defined by the Bu-*
9 *reau of the Census)”; and*

10 *(ii) by striking “the existing metropoli-*
11 *tan planning area” and inserting “the*
12 *area”;*

13 *(2) in subsection (g)—*

14 *(A) in paragraph (1), by striking “a metro-*
15 *politan area” and inserting “an urbanized area*
16 *(as defined by the Bureau of the Census)”;* and

17 *(B) by adding at the end the following:*

18 *“(4) COORDINATION BETWEEN MPOS.—If more*
19 *than 1 metropolitan planning organization is des-*
20 *ignated within an urbanized area (as defined by the*
21 *Bureau of the Census) under subsection (d)(7), the*
22 *metropolitan planning organizations designated with-*
23 *in the area shall ensure, to the maximum extent prac-*
24 *ticable, the consistency of any data used in the plan-*

1 *ning process, including information used in fore-*
2 *casting travel demand.*

3 “(5) *SAVINGS CLAUSE.*—*Nothing in this sub-*
4 *section requires metropolitan planning organizations*
5 *designated within a single urbanized area to jointly*
6 *develop planning documents, including a unified*
7 *long-range transportation plan or unified TIP.”;*

8 (3) *in subsection (i)(6), by adding at the end the*
9 *following:*

10 “(D) *USE OF TECHNOLOGY.*—*A metropoli-*
11 *tan planning organization may use social media*
12 *and other web-based tools—*

13 *“(i) to further encourage public par-*
14 *ticipation; and*

15 *“(ii) to solicit public feedback during*
16 *the transportation planning process.”; and*

17 (4) *in subsection (p), by striking “section*
18 *104(b)(5)” and inserting “section 104(b)(6)”.*

19 **SEC. 30003. STATEWIDE AND NONMETROPOLITAN TRANS-**
20 **PORTATION PLANNING.**

21 (a) *TECHNICAL AMENDMENTS.*—*Section 5304 of title*
22 *49, United States Code, is amended—*

23 (1) *in subsection (e), in the matter preceding*
24 *paragraph (1), by striking the quotation marks before*
25 *“In”; and*

1 (2) in subsection (i), by striking “this this” and
2 inserting “this”.

3 (b) *USE OF TECHNOLOGY*.—Section 5304(f)(3) of title
4 49, United States Code, is amended by adding at the end
5 the following:

6 “(C) *USE OF TECHNOLOGY*.—A State may
7 use social media and other web-based tools—

8 “(i) to further encourage public par-
9 ticipation; and

10 “(ii) to solicit public feedback during
11 the transportation planning process.”.

12 **SEC. 30004. PLANNING PROGRAMS.**

13 Section 5305 of title 49, United States Code, is amend-
14 ed—

15 (1) in subsection (e)(1)(A), in the matter pre-
16 ceding clause (i), by striking “this section and sec-
17 tion” and inserting “this section and sections”; and

18 (2) by striking subsection (f) and inserting the
19 following:

20 “(f) *GOVERNMENT SHARE OF COSTS*.—

21 “(1) *IN GENERAL*.—Except as provided in para-
22 graph (2), the Government share of the cost of an ac-
23 tivity funded using amounts made available under
24 this section may not exceed 80 percent of the cost of

1 *the activity unless the Secretary determines that it is*
2 *in the interests of the Government—*

3 *“(A) not to require a State or local match;*

4 *or*

5 *“(B) to allow a Government share greater*
6 *than 80 percent.*

7 *“(2) CERTAIN ACTIVITIES.—*

8 *“(A) IN GENERAL.—The Government share*
9 *of the cost of an activity funded using amounts*
10 *made available under this section shall be not*
11 *less than 90 percent for an activity that assists*
12 *parts of an urbanized area or rural area with*
13 *lower population density or lower average in-*
14 *come levels compared to—*

15 *“(i) the applicable urbanized area;*

16 *“(ii) the applicable rural area;*

17 *“(iii) an adjoining urbanized area; or*

18 *“(iv) an adjoining rural area.*

19 *“(B) REPORT.—A State or metropolitan*
20 *planning organization that carries out an activ-*
21 *ity described in subparagraph (A) with an in-*
22 *creased Government share described in that sub-*
23 *paragraph shall report to the Secretary, in a*
24 *form as determined by the Secretary, how the in-*
25 *creased Government share for transportation*

1 *planning activities benefits commuting and other*
2 *essential travel in parts of the applicable urban-*
3 *ized area or rural area described in subpara-*
4 *graph (A) with lower population density or*
5 *lower average income levels.”.*

6 **SEC. 30005. FIXED GUIDEWAY CAPITAL INVESTMENT**
7 **GRANTS.**

8 *(a) IN GENERAL.—Section 5309 of title 49, United*
9 *States Code, is amended—*

10 *(1) in subsection (a)—*

11 *(A) by striking paragraph (6);*

12 *(B) by redesignating paragraph (7) as*
13 *paragraph (6); and*

14 *(C) in paragraph (6) (as so redesignated)—*

15 *(i) in subparagraph (A), by striking*
16 *“\$100,000,000” and inserting*
17 *“\$150,000,000”; and*

18 *(ii) in subparagraph (B), by striking*
19 *“\$300,000,000” and inserting*
20 *“\$400,000,000”;*

21 *(2) in subsection (c)(1)—*

22 *(A) in subparagraph (A), by striking “and”*
23 *at the end;*

24 *(B) in subparagraph (B)(iii), by striking*
25 *the period at the end and inserting “; and”; and*

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

2 “(C) the applicant has made progress to-
3 ward meeting the performance targets in section
4 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 fol-
17 lowing:

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 of
22 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 de-*
4 *scribed in subparagraph (B) that requests future*
5 *funding for additional projects.*

6 “(B) *REQUEST.*—*When an applicant sub-*
7 *mits a letter to the Secretary requesting entry of*
8 *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 for*
12 *future funding under this section. An applicant*
13 *shall include in the request the amount of fund-*
14 *ing requested under this section for each addi-*
15 *tional project and the estimated capital cost of*
16 *each project.*

17 “(C) *READINESS.*—*Other projects included*
18 *in the request shall be ready to enter the project*
19 *development phase under subsection (d)(1)(A),*
20 *(e)(1)(A), or (h)(2)(A), within 5 years of the ini-*
21 *tial project submitted as part of the request.*

22 “(D) *PLANNING.*—*Projects in the future*
23 *bundling request shall be included in the metro-*
24 *politan transportation plan in accordance with*
25 *section 5303(i).*

1 “(E) *PROJECT SPONSOR.*—*The applicant*
2 *that submits a future bundling request shall be*
3 *the project sponsor for each project included in*
4 *the request.*

5 “(F) *PROGRAM AND PROJECT SHARE.*—*A*
6 *future bundling request submitted under this*
7 *paragraph shall include a proposed share of each*
8 *of the request’s projects that is consistent with*
9 *the requirements of subsections (k)(2)(C)(ii) or*
10 *(h)(7), as applicable.*

11 “(G) *BENEFITS.*—*The bundling of projects*
12 *under this subsection—*

13 “(i) *shall enhance, or increase the ca-*
14 *capacity of—*

15 “(I) *the total transportation sys-*
16 *tem of the applicant; or*

17 “(II) *the transportation system of*
18 *the region the applicant serves (which,*
19 *in the case of a State whose request ad-*
20 *dresses a single region, means that re-*
21 *gion); and*

22 “(ii) *shall—*

23 “(I) *streamline procurements for*
24 *the applicant; or*

1 “(II) enable time or cost savings
2 for the projects.

3 “(H) EVALUATION.—Each project submitted
4 for consideration for funding in a future bun-
5 dling request shall be subject to the applicable
6 evaluation criteria under this section for the
7 project type, including demonstrating the avail-
8 ability of local resources to recapitalize, main-
9 tain, and operate the overall existing and pro-
10 posed public transportation system pursuant to
11 subsection (f)(1)(C).

12 “(I) LETTER OF INTENT.—

13 “(i) IN GENERAL.—Upon entering into
14 a grant agreement for the initial project for
15 which an applicant submits a future bun-
16 dling request, the Secretary may issue a let-
17 ter of intent to the applicant that an-
18 nounces an intention to obligate, for 1 or
19 more additional projects included in the re-
20 quest, an amount from future available
21 budget authority specified in law that is not
22 more than the amount stipulated as the fi-
23 nancial participation of the Secretary in
24 the additional project or projects in the fu-
25 ture bundling. Such letter may include a

1 *condition that the project or projects must*
2 *meet the evaluation criteria in this sub-*
3 *section before a grant agreement can be exe-*
4 *cuted.*

5 “(ii) *AMOUNT.*—*The amount that the*
6 *Secretary announces an intention to obli-*
7 *gate for an additional project in the future*
8 *bundling request through a letter of intent*
9 *issued under clause (i) shall be sufficient to*
10 *complete at least an operable segment of the*
11 *project.*

12 “(iii) *TREATMENT.*—*The issuance of a*
13 *letter of intent under clause (i) shall not be*
14 *deemed to be an obligation under sections*
15 *1108(c), 1501, and 1502(a) of title 31 or an*
16 *administrative commitment.*

17 “(2) *IMMEDIATE BUNDLING.*—

18 “(A) *DEFINITION.*—*In this paragraph, the*
19 *term ‘immediate bundling request’ means a letter*
20 *described in subparagraph (B) that requests im-*
21 *mediate funding for multiple projects.*

22 “(B) *REQUEST.*—*An applicant may submit*
23 *a letter to the Secretary requesting entry of mul-*
24 *tiple projects into the project development phase*
25 *under subsection (d)(1)(A)(i)(I), (e)(1)(A)(i)(I),*

1 or (h)(2)(A)(i)(I), for consideration for funding
2 under this section. An applicant shall include in
3 the request the amount of funding requested
4 under this section for each additional project
5 and the estimated capital cost of each project.

6 “(C) *READINESS.*—Projects included in the
7 request must be ready to enter the project devel-
8 opment phase under subsection (d)(1)(A),
9 (e)(1)(A), or (h)(2)(A) at the same time.

10 “(D) *PLANNING.*—Projects in the bundle
11 shall be included in the metropolitan transpor-
12 tation plan in accordance with section 5303(i).

13 “(E) *PROJECT SPONSOR.*—The applicant
14 that submits an immediate bundling request
15 shall be the project sponsor for each project in-
16 cluded in the request.

17 “(F) *PROGRAM AND PROJECT SHARE.*—An
18 immediate bundling request submitted under this
19 subsection shall include a proposed share of each
20 of the request’s projects that is consistent with
21 the requirements of subsections (k)(2)(C)(ii) or
22 (h)(7), as applicable.

23 “(G) *BENEFITS.*—The bundling of projects
24 under this subsection—

1 “(i) shall enhance, or increase the ca-
2 pacity of—

3 “(I) the total transportation sys-
4 tem of the applicant; or

5 “(II) the transportation system of
6 the region the applicant serves (which,
7 in the case of a State whose request ad-
8 dresses a single region, means that re-
9 gion); and

10 “(ii) shall—

11 “(I) streamline procurements for
12 the applicant; or

13 “(II) enable time or cost savings
14 for the projects.

15 “(H) EVALUATION.—A project submitted for
16 consideration for immediate funding in an im-
17 mediate bundling request shall be subject to the
18 applicable evaluation criteria under this section
19 for the project type, including demonstrating the
20 availability of local resources to recapitalize,
21 maintain, and operate the overall existing and
22 proposed public transportation system pursuant
23 to subsection (f)(1)(C).

24 “(I) LETTER OF INTENT OR SINGLE GRANT
25 AGREEMENT.—

1 “(i) *IN GENERAL.*—Upon entering into
2 a grant agreement for the initial project for
3 which an applicant submits a request, the
4 Secretary may issue a letter of intent or
5 single, combined grant agreement to the ap-
6 plicant.

7 “(ii) *LETTER OF INTENT.*—

8 “(I) *IN GENERAL.*—A letter of in-
9 tent announces an intention to obli-
10 gate, for 1 or more additional projects
11 included in the request, an amount
12 from future available budget authority
13 specified in law that is not more than
14 the amount stipulated as the financial
15 participation of the Secretary in the
16 additional project or projects. Such let-
17 ter may include a condition that the
18 project or projects must meet the eval-
19 uation criteria in this subsection before
20 a grant agreement can be executed.

21 “(II) *AMOUNT.*—The amount that
22 the Secretary announces an intention
23 to obligate for an additional project in
24 a letter of intent issued under clause
25 (i) shall be sufficient to complete at

1 *least an operable segment of the*
2 *project.*

3 “(III) *TREATMENT.*—*The issuance*
4 *of a letter of intent under clause (i)*
5 *shall not be deemed to be an obligation*
6 *under sections 1108(c), 1501, and*
7 *1502(a) of title 31 or an administra-*
8 *tive commitment.*

9 “(3) *EVALUATION CRITERIA.*—*When the Sec-*
10 *retary issues rules or policy guidance under this sec-*
11 *tion, the Secretary may request comment from the*
12 *public regarding potential changes to the evaluation*
13 *criteria for project justification and local financial*
14 *commitment under subsections (d), (e), (f), and (h)*
15 *for the purposes of streamlining the evaluation proc-*
16 *ess for projects included in a future bundling request*
17 *or an immediate bundling request, including changes*
18 *to enable simultaneous evaluation of multiple projects*
19 *under 1 or more evaluation criteria. Notwithstanding*
20 *paragraphs (1)(H) and (2)(H), such criteria may be*
21 *utilized for projects included in a future bundling re-*
22 *quest or an immediate bundling request under this*
23 *subsection upon promulgation of the applicable rule*
24 *or policy guidance.*

25 “(4) *GRANT AGREEMENTS.*—

1 “(A) *NEW START AND CORE CAPACITY IM-*
2 *PROVEMENT PROJECTS.*—*A new start project or*
3 *core capacity improvement project in an imme-*
4 *diate bundling request or future bundling request*
5 *shall be carried out through a full funding grant*
6 *agreement or expedited grant agreement pursu-*
7 *ant to subsection (k)(2).*

8 “(B) *SMALL START.*—*A small start project*
9 *shall be carried out through a grant agreement*
10 *pursuant to subsection (h)(7).*

11 “(C) *REQUIREMENT.*—*A combined grant*
12 *agreement described in paragraph (2)(I)(i)*
13 *shall—*

14 “(i) *include only projects in an imme-*
15 *diate future bundling request that are ready*
16 *to receive a grant agreement under this sec-*
17 *tion,*

18 “(ii) *be carried out through a full*
19 *funding grant agreement or expedited grant*
20 *agreement pursuant to subsection (k)(2) for*
21 *the included projects, if a project seeking as-*
22 *sistance under the combined grant agree-*
23 *ment is a new start project or core capacity*
24 *improvement project; and*

1 “(iii) be carried out through a grant
2 agreement pursuant to subsection (h)(7) for
3 the included projects, if the projects seeking
4 assistance under the combined grant agree-
5 ment consist entirely of small start projects.

6 “(D) SAVINGS PROVISION.—The use of a
7 combined grant agreement shall not waive or
8 amend applicable evaluation criteria under this
9 section for projects included in the combined
10 grant agreement.”;

11 (6) in subsection (k)—

12 (A) in paragraph (2)(E)—

13 (i) by striking “(E) BEFORE AND
14 AFTER STUDY.—” and all that follows
15 through “(I) SUBMISSION OF PLAN.—” and
16 inserting the following: “(E) INFORMATION
17 COLLECTION AND ANALYSIS PLAN.—

18 “(i) SUBMISSION OF PLAN.—”;

19 (ii) by redesignating subclause (II) of
20 clause (i) (as so designated) as clause (ii),
21 and adjusting the margin accordingly; and

22 (iii) in clause (ii) (as so redesign-
23 ated)—

24 (I) by redesignating items (aa)
25 through (dd) as subclauses (I) through

1 (IV), respectively, and adjusting the
2 margins accordingly; and

3 (II) in the matter preceding sub-
4 clause (I) (as so redesignated), by
5 striking “subclause (I)” and inserting
6 “clause (i)”; and

7 (B) in paragraph (5), by striking “At least
8 30” and inserting “Not later than 15”;

9 (7) in subsection (o)—

10 (A) by striking paragraph (2);

11 (B) by redesignating paragraph (3) as
12 paragraph (2); and

13 (C) in paragraph (2) (as so redesignated)—

14 (i) in subparagraph (A)—

15 (I) in the matter preceding clause
16 (i), by striking “of” and inserting
17 “that”;

18 (II) by redesignating clauses (i)
19 and (ii) as subclauses (I) and (II), re-
20 spectively, and adjusting the margins
21 accordingly;

22 (III) by inserting before subclause
23 (I) (as so redesignated), the following:
24 “(i) assesses—”;

1 *(IV) in clause (i) (as so des-*
2 *ignated)—*

3 *(aa) in subclause (I) (as so*
4 *redesignated), by striking “new*
5 *fixed guideway capital projects*
6 *and core capacity improvement*
7 *projects” and inserting “all new*
8 *fixed guideway capital projects*
9 *and core capacity improvement*
10 *projects for grant agreements*
11 *under this section and section*
12 *3005(b) of the Federal Public*
13 *Transportation Act of 2015 (49*
14 *U.S.C. 5309 note; Public Law*
15 *114–94)”;* and

16 *(bb) in subclause (II) (as so*
17 *redesignated), by striking “and”*
18 *at the end; and*

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

21 *“(ii) includes, with respect to projects*
22 *that entered into revenue service since the*
23 *previous biennial review—*

24 *“(I) a description and analysis of*
25 *the impacts of the projects on public*

1 *transportation services and public*
2 *transportation ridership;*

3 *“(II) a description and analysis*
4 *of the consistency of predicted and ac-*
5 *tual benefits and costs of the innova-*
6 *tive project development and delivery*
7 *methods of, or innovative financing*
8 *for, the projects; and*

9 *“(III) an identification of the rea-*
10 *sons for any differences between pre-*
11 *dicted and actual outcomes for the*
12 *projects; and*

13 *“(iii) in conducting the review under*
14 *clause (ii), incorporates information from*
15 *the plans submitted by applicants under*
16 *subsection (k)(2)(E)(i); and”;* and

17 *(ii) in subparagraph (B), by striking*
18 *“each year” and inserting “the applicable*
19 *year”;* and

20 *(8) by adding at the end the following:*

21 *“(r) CAPITAL INVESTMENT GRANT DASHBOARD.—*

22 *“(1) IN GENERAL.—The Secretary shall make*
23 *publicly available in an easily identifiable location*
24 *on the website of the Department of Transportation a*
25 *dashboard containing the following information for*

1 *each project seeking a grant agreement under this sec-*
2 *tion:*

3 *“(A) Project name.*

4 *“(B) Project sponsor.*

5 *“(C) City or urbanized area and State in*
6 *which the project will be located.*

7 *“(D) Project type.*

8 *“(E) Project mode.*

9 *“(F) Project length and number of stops, in-*
10 *cluding length of exclusive bus rapid transit*
11 *lanes, if applicable.*

12 *“(G) Anticipated total project cost.*

13 *“(H) Anticipated share of project costs to be*
14 *sought under this section.*

15 *“(I) Date of compliance with the National*
16 *Environmental Policy Act of 1969 (42 U.S.C.*
17 *4321 et seq.).*

18 *“(J) Date on which the project entered the*
19 *project development phase.*

20 *“(K) Date on which the project entered the*
21 *engineering phase, if applicable.*

22 *“(L) Date on which a Letter of No Preju-*
23 *dice was requested, and date on which a Letter*
24 *of No Prejudice was issued or denied, if applica-*
25 *ble.*

1 “(M) *Date of the applicant’s most recent*
2 *project ratings, including date of request for up-*
3 *dated ratings, if applicable.*

4 “(N) *Status of the project sponsor in secur-*
5 *ing non-Federal matching funds.*

6 “(O) *Date on which a project grant agree-*
7 *ment is anticipated to be executed.*

8 “(2) *UPDATES.—The Secretary shall update the*
9 *information provided under paragraph (1) not less*
10 *frequently than monthly.*

11 “(3) *PROJECT PROFILES.—The Secretary shall*
12 *continue to make profiles for projects that have ap-*
13 *plied for or are receiving assistance under this section*
14 *publicly available in an easily identifiable location*
15 *on the website of the Department of Transportation,*
16 *in the same manner as the Secretary did as of the*
17 *day before the date of enactment of this subsection.”.*

18 “(b) *EXPEDITED PROJECT DELIVERY FOR CAPITAL IN-*
19 *VESTMENT GRANTS PILOT PROGRAM.—Section 3005(b) of*
20 *the Federal Public Transportation Act of 2015 (49 U.S.C.*
21 *5309 note; Public Law 114–94) is amended—*

22 (1) *in paragraph (1)(I)—*

23 (A) *in clause (i), by striking “\$75,000,000”*
24 *and inserting “\$150,000,000”; and*

- 1 (B) in clause (ii), by striking
2 “\$300,000,000” and inserting “\$400,000,000”;
3 (2) in paragraph (8)(D)(i), by striking “30
4 days” and inserting “15 days”;
5 (3) by striking paragraph (12); and
6 (4) by redesignating paragraph (13) as para-
7 graph (12).

8 **SEC. 30006. FORMULA GRANTS FOR RURAL AREAS.**

9 Section 5311 of title 49, United States Code, is amend-
10 ed—

11 (1) in subsection (c)—

12 (A) by redesignating paragraphs (2) and
13 (3) as paragraphs (3) and (4), respectively;

14 (B) by striking paragraph (1) and inserting
15 the following:

16 “(1) *IN GENERAL.*—Of the amounts made avail-
17 able or appropriated for each fiscal year pursuant to
18 section 5338(a)(2)(F) to carry out this section—

19 “(A) an amount equal to 5 percent shall be
20 available to carry out paragraph (2); and

21 “(B) 3 percent shall be available to carry
22 out paragraph (3).

23 “(2) *PUBLIC TRANSPORTATION ON INDIAN RES-*
24 *ERVATIONS.*—For each fiscal year, the amounts made
25 available under paragraph (1)(A) shall be appor-

1 tioned for grants to Indian tribes for any purpose eli-
 2 gible under this section, under such terms and condi-
 3 tions as may be established by the Secretary, of
 4 which—

5 “(A) 20 percent shall be distributed by the
 6 Secretary on a competitive basis; and

7 “(B) 80 percent shall be apportioned as for-
 8 mula grants as provided in subsection (j).”; and

9 (2) in subsection (j)(1)(A), in the matter pre-
 10 ceding clause (i), by striking “subsection (c)(1)(B)”
 11 and inserting “subsection (c)(2)(B)”.

12 **SEC. 30007. PUBLIC TRANSPORTATION INNOVATION.**

13 (a) *IN GENERAL.*—Section 5312 of title 49, United
 14 States Code, is amended—

15 (1) by striking the first subsection designated as
 16 subsection (g), relating to annual reports on research,
 17 as so designated by section 3008(a)(6)(A) of the
 18 FAST Act (Public Law 114–94; 129 Stat. 1468) and
 19 inserting the following:

20 “(f) *ANNUAL REPORT ON RESEARCH.*—

21 “(1) *IN GENERAL.*—Not later than the first Mon-
 22 day in February of each year, the Secretary shall
 23 make available to the public on the Web site of the
 24 Department of Transportation, a report that in-
 25 cludes—

1 “(A) a description of each project that re-
2 ceived assistance under this section during the
3 preceding fiscal year;

4 “(B) an evaluation of each project described
5 in paragraph (1), including any evaluation con-
6 ducted under subsection (e)(4) for the preceding
7 fiscal year; and

8 “(C) a strategic research roadmap proposal
9 for allocations of amounts for assistance under
10 this section for the current and subsequent fiscal
11 year, including anticipated work areas, proposed
12 demonstrations and strategic partnership oppor-
13 tunities;

14 “(2) *UPDATES.*—Not less than every 3 months,
15 the Secretary shall update on the Web site of the De-
16 partment of Transportation the information described
17 in paragraph (1)(C) to reflect any changes to the Sec-
18 retary’s plans to make assistance available under this
19 section.

20 “(3) *LONG-TERM RESEARCH PLANS.*—The Sec-
21 retary is encouraged to develop long-term research
22 plans and shall identify in the annual report under
23 paragraph (1) and in updates under paragraph (2)
24 allocations of amounts for assistance and notices of

1 *funding opportunities to execute long-term strategic*
2 *research roadmap plans.”;*

3 *(2) in paragraph (1) of subsection (g), relating*
4 *to Government share of costs, by striking the period*
5 *at the end and inserting “, except that if there is sub-*
6 *stantial public interest or benefit, the Secretary may*
7 *approve a greater Federal share.”; and*

8 *(3) in subsection (h)—*

9 *(A) in paragraph (2)—*

10 *(i) by striking subparagraph (A) and*
11 *inserting the following:*

12 *“(A) IN GENERAL.—The Secretary shall*
13 *competitively select at least 1 facility—*

14 *“(i) to conduct testing, evaluation, and*
15 *analysis of low or no emission vehicle com-*
16 *ponents intended for use in low or no emis-*
17 *sion vehicles; and*

18 *“(ii) to conduct directed technology re-*
19 *search.”;*

20 *(ii) by striking subparagraph (B) and*
21 *inserting the following:*

22 *“(B) TESTING, EVALUATION, AND ANAL-*
23 *YSIS.—*

24 *“(i) IN GENERAL.—The Secretary shall*
25 *enter into a contract or cooperative agree-*

1 *ment with, or make a grant to, at least 1*
2 *institution of higher education to operate*
3 *and maintain a facility to conduct testing,*
4 *evaluation, and analysis of low or no emis-*
5 *sion vehicle components, and new and*
6 *emerging technology components, intended*
7 *for use in low or no emission vehicles.*

8 “(ii) *REQUIREMENTS.—An institution*
9 *of higher education described in clause (i)*
10 *shall have—*

11 “(I) *capacity to carry out trans-*
12 *portation-related advanced component*
13 *and vehicle evaluation;*

14 “(II) *laboratories capable of test-*
15 *ing and evaluation; and*

16 “(III) *direct access to or a part-*
17 *nership with a testing facility capable*
18 *of emulating real-world circumstances*
19 *in order to test low or no emission ve-*
20 *hicle components installed on the in-*
21 *tended vehicle.”; and*

22 (iii) *by adding at the end the fol-*
23 *lowing:*

24 “(H) *CAPITAL EQUIPMENT AND DIRECTED*
25 *RESEARCH.—A facility operated and maintained*

1 under subparagraph (A) may use funds made
2 available under this subsection for—

3 “(i) acquisition of equipment and cap-
4 ital projects related to testing low or no
5 emission vehicle components; or

6 “(ii) research related to advanced vehi-
7 cle technologies that provides advancements
8 to the entire public transportation industry.

9 “(I) COST SHARE.—The cost share for ac-
10 tivities described in subparagraph (H) shall be
11 subject to the terms in subsection (g).”; and

12 (B) in paragraph (3), by inserting “, as ap-
13 plicable” before the period at the end.

14 (b) *LOW OR NO EMISSION VEHICLE COMPONENT AS-*
15 *SESSMENT.*—

16 (1) *IN GENERAL.*—Institutions of higher edu-
17 cation selected to operate and maintain a facility to
18 conduct testing, evaluation, and analysis of low or no
19 emission vehicle components pursuant to section
20 5312(h) of title 49, United States Code, shall not
21 carry out testing for a new bus model under section
22 5318 of that title.

23 (2) *USE OF FUNDS.*—Funds made available to
24 institutions of higher education described in para-
25 graph (1) for testing under section 5318 of title 49,

1 *United States Code, may be used for eligible activities*
2 *under section 5312(h) of that title.*

3 *(c) ACCELERATED IMPLEMENTATION AND DEPLOY-*
4 *MENT OF ADVANCED DIGITAL CONSTRUCTION MANAGE-*
5 *MENT SYSTEMS.—Section 5312(b) of title 49, United States*
6 *Code, is amended by adding at the end the following:*

7 *“(4) ACCELERATED IMPLEMENTATION AND DE-*
8 *PLOYMENT OF ADVANCED DIGITAL CONSTRUCTION*
9 *MANAGEMENT SYSTEMS.—*

10 *“(A) IN GENERAL.—The Secretary shall es-*
11 *tablish and implement a program under this*
12 *subsection to promote, implement, deploy, dem-*
13 *onstrate, showcase, support, and document the*
14 *application of advanced digital construction*
15 *management systems, practices, performance,*
16 *and benefits.*

17 *“(B) GOALS.—The goals of the accelerated*
18 *implementation and deployment of advanced*
19 *digital construction management systems pro-*
20 *gram established under subparagraph (A) shall*
21 *include—*

22 *“(i) accelerated adoption of advanced*
23 *digital systems applied throughout the*
24 *lifecycle of transportation infrastructure*
25 *(including through the planning, design*

1 *and engineering, construction, operations,*
2 *and maintenance phases) that—*

3 “(I) *maximize interoperability*
4 *with other systems, products, tools, or*
5 *applications;*

6 “(II) *boost productivity;*

7 “(III) *manage complexity;*

8 “(IV) *reduce project delays and*
9 *cost overruns;*

10 “(V) *enhance safety and quality;*

11 *and*

12 “(VI) *reduce total costs for the en-*
13 *tire lifecycle of transportation infra-*
14 *structure assets;*

15 “(ii) *more timely and productive infor-*
16 *mation-sharing among stakeholders through*
17 *reduced reliance on paper to manage con-*
18 *struction processes and deliverables such as*
19 *blueprints, design drawings, procurement*
20 *and supply-chain orders, equipment logs,*
21 *daily progress reports, and punch lists;*

22 “(iii) *deployment of digital manage-*
23 *ment systems that enable and leverage the*
24 *use of digital technologies on construction*
25 *sites by contractors, such as state-of-the-art*

1 *automated and connected machinery and*
2 *optimized routing software that allows con-*
3 *struction workers to perform tasks faster,*
4 *safer, more accurately, and with minimal*
5 *supervision;*

6 *“(iv) the development and deployment*
7 *of best practices for use in digital construc-*
8 *tion management;*

9 *“(v) increased technology adoption and*
10 *deployment by States, local governmental*
11 *authorities, and designated recipients that*
12 *enables project sponsors—*

13 *“(I) to integrate the adoption of*
14 *digital management systems and tech-*
15 *nologies in contracts; and*

16 *“(II) to weigh the cost of*
17 *digitization and technology in setting*
18 *project budgets;*

19 *“(vi) technology training and work-*
20 *force development to build the capabilities of*
21 *project managers and sponsors that enables*
22 *States, local governmental authorities, or*
23 *designated recipients—*

1 “(I) to better manage projects
2 using advanced construction manage-
3 ment technologies; and

4 “(II) to properly measure and re-
5 ward technology adoption across
6 projects;

7 “(vii) development of guidance to assist
8 States, local governmental authorities, and
9 designated recipients in updating regula-
10 tions to allow project sponsors and contrac-
11 tors—

12 “(I) to report data relating to the
13 project in digital formats; and

14 “(II) to fully capture the effi-
15 ciencies and benefits of advanced dig-
16 ital construction management systems
17 and related technologies;

18 “(viii) reduction in the environmental
19 footprint of construction projects using ad-
20 vanced digital construction management
21 systems resulting from elimination of con-
22 gestion through more efficient projects; and

23 “(ix) enhanced worker and pedestrian
24 safety resulting from increased trans-
25 parency.

1 “(C) *PUBLICATION.*—*The reporting require-*
2 *ments for the accelerated implementation and de-*
3 *ployment of advanced digital construction man-*
4 *agement systems program established under sec-*
5 *tion 503(c)(5) of title 23 shall include data and*
6 *analysis collected under this section.*”.

7 **SEC. 30008. BUS TESTING FACILITIES.**

8 *Section 5318 of title 49, United States Code, is amend-*
9 *ed by adding at the end the following:*

10 “(f) *CAPITAL EQUIPMENT.*—*A facility operated and*
11 *maintained under this section may use funds made avail-*
12 *able under this section for the acquisition of equipment and*
13 *capital projects related to testing new bus models.*”.

14 **SEC. 30009. TRANSIT-ORIENTED DEVELOPMENT.**

15 *Section 20005(b) of MAP–21 (49 U.S.C. 5303 note;*
16 *Public Law 112–141) is amended—*

17 (1) *in paragraph (2), in the matter preceding*
18 *subparagraph (A), by inserting “or site-specific” after*
19 *“comprehensive”; and*

20 (2) *in paragraph (3)—*

21 (A) *in subparagraph (B), by inserting “or*
22 *a site-specific plan” after “comprehensive plan”;*

23 (B) *in subparagraph (C), by inserting “or*
24 *the proposed site-specific plan” after “proposed*
25 *comprehensive plan”;*

1 (C) in subparagraph (D), by inserting “or
2 the site-specific plan” after “comprehensive
3 plan”; and

4 (D) in subparagraph (E)(iii), by inserting
5 “or the site-specific plan” after “comprehensive
6 plan”.

7 **SEC. 30010. GENERAL PROVISIONS.**

8 Section 5323(u) of title 49, United States Code, is
9 amended by striking paragraph (2) and inserting the fol-
10 lowing:

11 “(2) *EXCEPTION.*—For purposes of paragraph
12 (1), the term ‘otherwise related legally or financially’
13 does not include—

14 “(A) a minority relationship or investment;
15 or

16 “(B) relationship with or investment in a
17 subsidiary, joint venture, or other entity based in
18 a country described in paragraph (1)(B) that
19 does not export rolling stock or components of
20 rolling stock for use in the United States.”.

21 **SEC. 30011. PUBLIC TRANSPORTATION EMERGENCY RELIEF**
22 **PROGRAM.**

23 Section 5324 of title 49, United States Code, is amend-
24 ed by adding at the end the following:

1 “(f) *INSURANCE.*—*Before receiving a grant under this*
2 *section following an emergency, an applicant shall—*

3 “(1) *submit to the Secretary documentation dem-*
4 *onstrating proof of insurance required under Federal*
5 *law for all structures related to the grant application;*
6 *and*

7 “(2) *certify to the Secretary that the applicant*
8 *has insurance required under State law for all struc-*
9 *tures related to the grant application.”.*

10 **SEC. 30012. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

11 “(a) *IN GENERAL.*—*Section 5329 of title 49, United*
12 *States Code, is amended—*

13 “(1) *in subsection (b)—*

14 “(A) *in paragraph (2)—*

15 “(i) *in subparagraph (A), by inserting*
16 “*, or, in the case of a recipient receiving as-*
17 “*istance under section 5307 that is serving*
18 “*an urbanized area with a population of*
19 “*200,000 or more, safety performance meas-*
20 “*ures, including measures related to the risk*
21 “*reduction program under subsection*
22 “*(d)(1)(I), for all modes of public transpor-*
23 “*tation” after “public transportation”;*

24 “(ii) *in subparagraph (C)(i)—*

1 (I) in subclause (I), by striking
2 “and” at the end;

3 (II) in subclause (II), by adding
4 “and” at the end; and

5 (III) by adding at the end the fol-
6 lowing:

7 “(III) innovations in driver as-
8 sistance technologies and driver protec-
9 tion infrastructure, where appropriate,
10 and a reduction in visibility impair-
11 ments that contribute to pedestrian fa-
12 talities;”;

13 (iii) in subparagraph (D)(ii)(V), by
14 striking “and” at the end;

15 (iv) in subparagraph (E), by striking
16 the period at the end and inserting “; and”;

17 (v) by redesignating subparagraphs
18 (D) and (E) as subparagraphs (E) and (F),
19 respectively;

20 (vi) by inserting after subparagraph
21 (C) the following:

22 “(D) in consultation with the Secretary of
23 Health and Human Services, precautionary and
24 reactive actions required to ensure public and

1 *personnel safety and health during an emergency*
2 *(as defined in section 5324(a));”;* and

3 *(vii) by adding at the end the fol-*
4 *lowing:*

5 *“(G) consideration, where appropriate, of*
6 *performance-based and risk-based methodolo-*
7 *gies.”;* and

8 *(B) by adding at the end the following:*

9 *“(3) PLAN UPDATES.—The Secretary shall up-*
10 *date the national public transportation safety plan*
11 *under paragraph (1) as necessary with respect to re-*
12 *cipients receiving assistance under section 5307 that*
13 *serve an urbanized area with a population of 200,000*
14 *or more.”;*

15 *(2) in subsection (c)—*

16 *(A) by striking paragraph (2); and*

17 *(B) by striking the subsection designation*
18 *and heading and all that follows through “The*
19 *Secretary” in paragraph (1) and inserting the*
20 *following:*

21 *“(c) PUBLIC TRANSPORTATION SAFETY CERTIFI-*
22 *CATION TRAINING PROGRAM.—The Secretary”;*

23 *(3) in subsection (d)—*

24 *(A) in paragraph (1)—*

1 (i) *in the matter preceding subpara-*
2 *graph (A), by striking “Effective 1 year”*
3 *and all that follows through “each recipi-*
4 *ent” and inserting “Each recipient”;*

5 (ii) *in subparagraph (A), by inserting*
6 *“, or, in the case of a recipient receiving as-*
7 *sistance under section 5307 that is serving*
8 *an urbanized area with a population of*
9 *200,000 or more, the safety committee of the*
10 *entity established under paragraph (5), fol-*
11 *lowed by the board of directors (or equiva-*
12 *lent entity) of the recipient approve,” after*
13 *“approve”;*

14 (iii) *by redesignating subparagraphs*
15 *(B) through (G) as subparagraphs (C)*
16 *through (H), respectively;*

17 (iv) *by inserting after subparagraph*
18 *(A) the following:*

19 *“(B) for each recipient serving an urban-*
20 *ized area with a population of fewer than*
21 *200,000, a requirement that the agency safety*
22 *plan be developed in cooperation with frontline*
23 *employee representatives;”;*

24 (v) *in subparagraph (D) (as so redesign-*
25 *ated), by inserting “, and consistent with*

1 *guidelines of the Centers for Disease Control*
2 *and Prevention or a State health authority,*
3 *minimize exposure to infectious diseases”*
4 *after “public, personnel, and property to*
5 *hazards and unsafe conditions”;*

6 *(vi) by striking subparagraph (F) (as*
7 *so redesignated) and inserting the following:*

8 *“(F) performance targets based on—*

9 *“(i) the safety performance criteria*
10 *and state of good repair standards estab-*
11 *lished under subparagraphs (A) and (B),*
12 *respectively, of subsection (b)(2); or*

13 *“(ii) in the case of a recipient receiv-*
14 *ing assistance under section 5307 that is*
15 *servicing an urbanized area with a popu-*
16 *lation of 200,000 or more, safety perform-*
17 *ance measures established under the na-*
18 *tional public transportation safety plan, as*
19 *described in subsection (b)(2)(A);”;*

20 *(vii) in subparagraph (G) (as so redesi-*
21 *gnated), by striking “and” at the end; and*

22 *(viii) by striking subparagraph (H)*
23 *(as so redesignated) and inserting the fol-*
24 *lowing:*

1 “(H) a comprehensive staff training pro-
2 gram for—

3 “(i) the operations personnel and per-
4 sonnel directly responsible for safety of the
5 recipient that includes—

6 “(I) the completion of a safety
7 training program; and

8 “(II) continuing safety education
9 and training; or

10 “(ii) in the case of a recipient receiv-
11 ing assistance under section 5307 that is
12 serving an urbanized area with a popu-
13 lation of 200,000 or more, the operations
14 and maintenance personnel and personnel
15 directly responsible for safety of the recipi-
16 ent that includes—

17 “(I) the completion of a safety
18 training program;

19 “(II) continuing safety education
20 and training; and

21 “(III) de-escalation training; and

22 “(I) in the case of a recipient receiving as-
23 sistance under section 5307 that is serving an
24 urbanized area with a population of 200,000 or
25 more, a risk reduction program for transit oper-

1 *ations to improve safety by reducing the number*
2 *and rates of accidents, injuries, and assaults on*
3 *transit workers based on data submitted to the*
4 *national transit database under section 5335, in-*
5 *cluding—*

6 *“(i) a reduction of vehicular and pe-*
7 *destrian accidents involving buses that in-*
8 *cludes measures to reduce visibility impair-*
9 *ments for bus operators that contribute to*
10 *accidents, including retrofits to buses in*
11 *revenue service and specifications for future*
12 *procurements that reduce visibility impair-*
13 *ments; and*

14 *“(ii) the mitigation of assaults on*
15 *transit workers, including the deployment of*
16 *assault mitigation infrastructure and tech-*
17 *nology on buses, including barriers to re-*
18 *strict the unwanted entry of individuals*
19 *and objects into the workstations of bus op-*
20 *erators when a risk analysis performed by*
21 *the safety committee of the recipient estab-*
22 *lished under paragraph (5) determines that*
23 *such barriers or other measures would re-*
24 *duce assaults on transit workers and inju-*
25 *ries to transit workers.”; and*

1 (B) by adding at the end the following:

2 “(4) *RISK REDUCTION PERFORMANCE TAR-*
3 *GETS.*—

4 “(A) *IN GENERAL.*—*The safety committee of*
5 *a recipient receiving assistance under section*
6 *5307 that is serving an urbanized area with a*
7 *population of 200,000 or more established under*
8 *paragraph (5) shall establish performance targets*
9 *for the risk reduction program required under*
10 *paragraph (1)(I) using a 3-year rolling average*
11 *of the data submitted by the recipient to the na-*
12 *tional transit database under 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 0.75*
17 *percent of those funds to safety-related projects*
18 *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 established*
24 *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 aside*
4 *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 train-*
9 *ing.*

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*

1 “(II) management representatives;

2 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 likeli-

8 hood and severity of consequences iden-

9 tified through the agency’s safety risk

10 assessment;

11 “(II) identifying mitigations or

12 strategies that may be ineffective, inap-

13 propriate, or were not implemented as

14 intended; and

15 “(III) identifying safety defi-

16 ciencies for purposes of continuous im-

17 provement.

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 de-*
3 *velop and disseminate to State safety oversight agen-*
4 *cies the process and methodology that the Secretary*
5 *will use to monitor the effectiveness of the enforcement*
6 *authorities and practices of State safety oversight*
7 *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 oversight*
13 *program shall provide the State safety oversight*
14 *agency established by the program with the au-*
15 *thority and capability to enter the facilities of*
16 *each rail fixed guideway public transportation*
17 *system that the State safety oversight agency*
18 *oversees to inspect infrastructure, equipment,*
19 *records, personnel, and data, including the data*
20 *that the rail fixed guideway public transpor-*
21 *tation agency collects when identifying and eval-*
22 *uating safety risks.*

23 “(B) *POLICIES AND PROCEDURES.*—*A State*
24 *safety oversight agency, in consultation with*
25 *each rail fixed guideway public transportation*

1 *agency that the State safety oversight agency*
2 *oversees, shall establish policies and procedures*
3 *regarding the access of the State safety oversight*
4 *agency to conduct inspections of the rail fixed*
5 *guideway public transportation system, includ-*
6 *ing access for inspections that occur without ad-*
7 *vance notice to the rail fixed guideway public*
8 *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 the*
13 *data that the rail fixed guideway public trans-*
14 *portation agency collects when identifying and*
15 *evaluating safety risks, in accordance with sub-*
16 *paragraph (B).*

17 “(B) *POLICIES AND PROCEDURES.*—*A State*
18 *safety oversight agency, in consultation with*
19 *each rail fixed guideway public transportation*
20 *agency that the State safety oversight agency*
21 *oversees, shall establish policies and procedures*
22 *for collecting data described in subparagraph (A)*
23 *from a rail fixed guideway public transportation*
24 *agency, including with respect to frequency of*
25 *collection, that is commensurate with the size*

1 *and complexity of the rail fixed guideway public*
2 *transportation system.*

3 “(3) *INCORPORATION.—Policies and procedures*
4 *established under this subsection shall be incorporated*
5 *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 pub-*
13 *lic transportation agency under subsection (d).*

14 “(4) *ASSESSMENT BY SECRETARY.—In assessing*
15 *the capability of a State safety oversight agency to*
16 *conduct inspections as required under paragraph (1),*
17 *the Secretary shall ensure that—*

18 “(A) *the inspection practices of the State*
19 *safety oversight agency are commensurate with*
20 *the number, size, and complexity of the rail fixed*
21 *guideway public transportation systems that the*
22 *State safety oversight agency oversees;*

23 “(B) *the inspection program of the State*
24 *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 oversight
5 agency on the development and implementation of
6 risk-based inspection programs under this subsection.

7 “(6) *ENFORCEMENT*.—The Secretary may use
8 any authority under this section, including any en-
9 forcement action authorized under subsection (g), to
10 ensure the compliance of a State safety oversight
11 agency or State safety oversight program with this
12 subsection.”.

13 (b) *DEADLINE; EFFECTIVE DATE*.—

14 (1) *SPECIAL DIRECTIVE ON RISK-BASED INSPEC-*
15 *TION PROGRAMS*.—Not later than 1 year after the
16 date of enactment of this Act, the Secretary of Trans-
17 portation shall issue each special directive required
18 under section 5329(k)(5) of title 49, United States
19 Code (as added by subsection (a)).

20 (2) *INSPECTION REQUIREMENTS*.—Section
21 5329(k) of title 49, United States Code (as amended
22 by subsection (a)), shall apply with respect to a State
23 safety oversight agency on and after the date that is
24 2 years after the date on which the Secretary of
25 Transportation issues the special directive to the

1 *State safety oversight agency under paragraph (5) of*
2 *that section 5329(k).*

3 *(c) NO EFFECT ON INITIAL CERTIFICATION PROC-*
4 *ESS.—Nothing in this section or the amendments made by*
5 *this section affects the requirements for initial approval of*
6 *a State safety oversight program, including the initial*
7 *deadline, under section 5329(e)(3) of title 49, United States*
8 *Code.*

9 **SEC. 30013. ADMINISTRATIVE PROVISIONS.**

10 *Section 5334(h)(4) of title 49, United States Code, is*
11 *amended—*

12 *(1) by redesignating subparagraphs (B) and (C)*
13 *as subparagraphs (C) and (D), respectively; and*

14 *(2) by inserting after subparagraph (A) the fol-*
15 *lowing:*

16 *“(B) REIMBURSEMENT.—*

17 *“(i) FAIR MARKET VALUE OF LESS*
18 *THAN \$5,000.—With respect to rolling stock*
19 *and equipment with a unit fair market*
20 *value of \$5,000 or less per unit and unused*
21 *supplies with a total aggregate fair market*
22 *value of \$5,000 or less that was purchased*
23 *using Federal financial assistance under*
24 *this chapter, the rolling stock, equipment,*
25 *and supplies may be retained, sold, or oth-*

1 *erwise disposed of at the end of the service*
2 *life of the rolling stock, equipment, or sup-*
3 *plies without any obligation to reimburse*
4 *the Federal Transit Administration.*

5 *“(ii) FAIR MARKET VALUE OF MORE*
6 *THAN \$5,000.—*

7 *“(I) IN GENERAL.—With respect*
8 *to rolling stock and equipment with a*
9 *unit fair market value of more than*
10 *\$5,000 per unit and unused supplies*
11 *with a total aggregate fair market*
12 *value of more than \$5,000 that was*
13 *purchased using Federal financial as-*
14 *sistance under this chapter, the rolling*
15 *stock, equipment, and supplies may be*
16 *retained or sold at the end of the serv-*
17 *ice life of the rolling stock, equipment,*
18 *or supplies.*

19 *“(II) REIMBURSEMENT RE-*
20 *QUIRED.—If rolling stock, equipment,*
21 *or supplies described in subclause (I) is*
22 *sold, of the proceeds from the sale—*

23 *“(aa) the recipient shall re-*
24 *tain an amount equal to the sum*
25 *of—*

1 “(AA) \$5,000; and
2 “(BB) of the remaining
3 proceeds, a percentage of the
4 amount equal to the non-
5 Federal share expended by
6 the recipient in making the
7 original purchase; and
8 “(bb) any amounts remain-
9 ing after application of item (aa)
10 shall be returned to the Federal
11 Transit Administration.

12 “(iii) *ROLLING STOCK AND EQUIPMENT*
13 *RETAINED.*—Rolling stock, equipment, or
14 supplies described in clause (i) or (ii) that
15 is retained by a recipient under those
16 clauses may be used by the recipient for
17 other public transportation projects or pro-
18 grams with no obligation to reimburse the
19 Federal Transit Administration, and no
20 approval of the Secretary to retain that
21 rolling stock, equipment, or supplies is re-
22 quired.”.

23 **SEC. 30014. NATIONAL TRANSIT DATABASE.**

24 Section 5335 of title 49, United States Code, is amend-
25 ed—

1 (1) *in subsection (a), in the first sentence, by in-*
 2 *serting “geographic service area coverage,” after “op-*
 3 *erating,”; and*

4 (2) *by striking subsection (c) and inserting the*
 5 *following:*

6 “(c) *DATA REQUIRED TO BE REPORTED.—Each re-*
 7 *ipient of a grant under this chapter shall report to the*
 8 *Secretary, for inclusion in the national transit database*
 9 *under this section—*

10 “(1) *any information relating to a transit asset*
 11 *inventory or condition assessment conducted by the*
 12 *recipient;*

13 “(2) *any data on assaults on transit workers of*
 14 *the recipients; and*

15 “(3) *any data on fatalities that result from an*
 16 *impact with a bus.”.*

17 **SEC. 30015. APPORTIONMENT OF APPROPRIATIONS FOR**
 18 **FORMULA GRANTS.**

19 (a) *SMALL URBANIZED AREAS.—Section 5336(h)(3) of*
 20 *title 49, United States Code, is amended by striking “para-*
 21 *graphs (1) and (2)” and all that follows through “2 per-*
 22 *cent” in subparagraph (B) and inserting “paragraphs (1)*
 23 *and (2), 3 percent”.*

24 (b) *FUNDING FOR STATE SAFETY OVERSIGHT PRO-*
 25 *GRAM GRANTS.—*

1 (1) *IN GENERAL.*—Section 5336(h)(4) of title 49,
2 *United States Code*, is amended by striking “0.5 per-
3 cent” and inserting “0.75 percent”.

4 (2) *APPLICABILITY.*—The amendment made by
5 paragraph (1) shall apply with respect to fiscal year
6 2022 and each fiscal year thereafter.

7 **SEC. 30016. STATE OF GOOD REPAIR GRANTS.**

8 Section 5337 of title 49, *United States Code*, is amend-
9 ed by adding at the end the following:

10 “(f) *COMPETITIVE GRANTS FOR RAIL VEHICLE RE-*
11 *PLACEMENT.*—

12 “(1) *IN GENERAL.*—The Secretary may make
13 grants under this subsection to assist State and local
14 governmental authorities in financing capital projects
15 for the replacement of rail rolling stock.

16 “(2) *GRANT REQUIREMENTS.*—Except as other-
17 wise provided in this subsection, a grant under this
18 subsection shall be subject to the same terms and con-
19 ditions as a grant under subsection (b).

20 “(3) *COMPETITIVE PROCESS.*—The Secretary
21 shall solicit grant applications and make not more
22 than 3 new awards to eligible projects under this sub-
23 section on a competitive basis each fiscal year.

24 “(4) *CONSIDERATION.*—In awarding grants
25 under this subsection, the Secretary shall consider—

1 “(A) *the size of the rail system of the appli-*
2 *cant;*

3 “(B) *the amount of funds available to the*
4 *applicant under this subsection;*

5 “(C) *the age and condition of the rail roll-*
6 *ing stock of the applicant that has exceeded or*
7 *will exceed the useful service life of the rail roll-*
8 *ing stock in the 5-year period following the*
9 *grant; and*

10 “(D) *whether the applicant has identified*
11 *replacement of the rail vehicles as a priority in*
12 *the investment prioritization portion of the tran-*
13 *sit asset management plan of the recipient pur-*
14 *suant to part 625 of title 49, Code of Federal*
15 *Regulations (or successor regulations).*

16 “(5) *MAXIMUM SHARE OF COMPETITIVE GRANT*
17 *ASSISTANCE.—The amount of grant assistance pro-*
18 *vided by the Secretary under this subsection, as a*
19 *share of eligible project costs, shall be not more than*
20 *50 percent.*

21 “(6) *GOVERNMENT SHARE OF COST.—The Gov-*
22 *ernment share of the cost of an eligible project carried*
23 *out under this subsection shall not exceed 80 percent.*

24 “(7) *MULTI-YEAR GRANT AGREEMENTS.—*

1 “(A) *IN GENERAL.*—*An eligible project for*
2 *which a grant is provided under this subsection*
3 *may be carried out through a multi-year grant*
4 *agreement in accordance with this paragraph.*

5 “(B) *REQUIREMENTS.*—*A multi-year grant*
6 *agreement under this paragraph shall—*

7 “(i) *establish the terms of participa-*
8 *tion by the Federal Government in the*
9 *project; and*

10 “(ii) *establish the maximum amount of*
11 *Federal financial assistance for the project*
12 *that may be provided through grant pay-*
13 *ments to be provided in not more than 3*
14 *consecutive fiscal years.*

15 “(C) *FINANCIAL RULES.*—*A multi-year*
16 *grant agreement under this paragraph—*

17 “(i) *shall obligate an amount of avail-*
18 *able budget authority specified in law; and*

19 “(ii) *may include a commitment, con-*
20 *tingent on amounts to be specified in law in*
21 *advance for commitments under this para-*
22 *graph, to obligate an additional amount*
23 *from future available budget authority spec-*
24 *ified in law.*

1 “(D) *STATEMENT OF CONTINGENT COMMIT-*
 2 *MENT.—A multi-year agreement under this*
 3 *paragraph shall state that the contingent com-*
 4 *mitment is not an obligation of the Federal Gov-*
 5 *ernment.*”.

6 **SEC. 30017. AUTHORIZATIONS.**

7 *Section 5338 of title 49, United States Code, is amend-*
 8 *ed to read as follows:*

9 **“§ 5338. Authorizations**

10 “(a) *GRANTS.—*

11 “(1) *IN GENERAL.—There shall be available from*
 12 *the Mass Transit Account of the Highway Trust Fund*
 13 *to carry out sections 5305, 5307, 5310, 5311, 5312,*
 14 *5314, 5318, 5335, 5337, 5339, and 5340, section*
 15 *20005(b) of the Federal Public Transportation Act of*
 16 *2012 (49 U.S.C. 5303 note; Public Law 112–141),*
 17 *and section 3006(b) of the Federal Public Transpor-*
 18 *tation Act of 2015 (49 U.S.C. 5310 note; Public Law*
 19 *114–94)—*

20 “(A) \$13,355,000,000 for fiscal year 2022;

21 “(B) \$13,634,000,000 for fiscal year 2023;

22 “(C) \$13,990,000,000 for fiscal year 2024;

23 “(D) \$14,279,000,000 for fiscal year 2025;

24 *and*

25 “(E) \$14,642,000,000 for fiscal year 2026.

1 “(2) *ALLOCATION OF FUNDS.—Of the amounts*
2 *made available under paragraph (1)—*

3 “(A) \$184,647,343 for fiscal year 2022,
4 \$188,504,820 for fiscal year 2023, \$193,426,906
5 for fiscal year 2024, \$197,422,644 for fiscal year
6 2025, and \$202,441,512 for fiscal year 2026
7 shall be available to carry out section 5305;

8 “(B) \$13,157,184 for fiscal year 2022,
9 \$13,432,051 for fiscal year 2023, \$13,782,778 for
10 fiscal year 2024, \$14,067,497 for fiscal year
11 2025, and \$14,425,121 for fiscal year 2026 shall
12 be available to carry out section 20005(b) of the
13 *Federal Public Transportation Act of 2012 (49*
14 *U.S.C. 5303 note; Public Law 112–141);*

15 “(C) \$6,408,288,249 for fiscal year 2022,
16 \$6,542,164,133 for fiscal year 2023,
17 \$6,712,987,840 for fiscal year 2024,
18 \$6,851,662,142 for fiscal year 2025, and
19 \$7,025,844,743 for fiscal year 2026 shall be allo-
20 cated in accordance with section 5336 to provide
21 financial assistance for urbanized areas under
22 section 5307;

23 “(D) \$371,247,094 for fiscal year 2022,
24 \$379,002,836 for fiscal year 2023, \$388,899,052
25 for fiscal year 2024, \$396,932,778 for fiscal year

1 2025, and \$407,023,583 for fiscal year 2026
2 shall be available to provide financial assistance
3 for services for the enhanced mobility of seniors
4 and individuals with disabilities under section
5 5310;

6 “(E) \$4,605,014 for fiscal year 2022,
7 \$4,701,218 for fiscal year 2023, \$4,823,972 for
8 fiscal year 2024, \$4,923,624 for fiscal year 2025,
9 and \$5,048,792 for fiscal year 2026 shall be
10 available for the pilot program for innovative co-
11 ordinated access and mobility under section
12 3006(b) of the Federal Public Transportation Act
13 of 2015 (49 U.S.C. 5310 note; Public Law 114–
14 94);

15 “(F) \$875,289,555 for fiscal year 2022,
16 \$893,575,275 for fiscal year 2023, \$916,907,591
17 for fiscal year 2024, \$935,848,712 for fiscal year
18 2025, and \$959,639,810 for fiscal year 2026
19 shall be available to provide financial assistance
20 for rural areas under section 5311;

21 “(G) \$36,840,115 for fiscal year 2022,
22 \$37,609,743 for fiscal year 2023, \$38,591,779 for
23 fiscal year 2024, \$39,388,993 for fiscal year
24 2025, and \$40,390,337 for fiscal year 2026 shall

1 *be available to carry out section 5312, of*
2 *which—*

3 “(i) \$5,000,000 for fiscal year 2022,
4 \$5,104,455 for fiscal year 2023, \$5,237,739
5 for fiscal year 2024, \$5,345,938 for fiscal
6 year 2025, and \$5,481,842 for fiscal year
7 2026 shall be available to carry out section
8 5312(h); and

9 “(ii) \$6,578,592 for fiscal year 2022,
10 \$6,716,026 for fiscal year 2023, \$6,891,389
11 for fiscal year 2024, \$7,033,749 for fiscal
12 year 2025, and \$7,212,560 for fiscal year
13 2026 shall be available to carry out section
14 5312(i);

15 “(H) \$11,841,465 for fiscal year 2022,
16 \$12,088,846 for fiscal year 2023, \$12,404,500 for
17 fiscal year 2024, \$12,660,748 for fiscal year
18 2025, and \$12,982,608 for fiscal year 2026 shall
19 be available to carry out section 5314, of which
20 \$6,578,592 for fiscal year 2022, \$6,716,026 for
21 fiscal year 2023, \$6,891,389 for fiscal year 2024,
22 \$7,033,749 for fiscal year 2025, and \$7,212,560
23 for fiscal year 2026 shall be available for the na-
24 tional transit institute under section 5314(c);

1 “(I) \$5,000,000 for fiscal year 2022,
2 \$5,104,455 for fiscal year 2023, \$5,237,739 for
3 fiscal year 2024, \$5,345,938 for fiscal year 2025,
4 and \$5,481,842 for fiscal year 2026 shall be
5 available for bus testing under section 5318;

6 “(J) \$131,000,000 for fiscal year 2022,
7 \$134,930,000 for fiscal year 2023, \$138,977,900
8 for fiscal year 2024, \$143,147,237 for fiscal year
9 2025, and \$147,441,654 for fiscal year 2026
10 shall be available to carry out section 5334;

11 “(K) \$5,262,874 for fiscal year 2022,
12 \$5,372,820 for fiscal year 2023, \$5,513,111 for
13 fiscal year 2024, \$5,626,999 for fiscal year 2025,
14 and \$5,770,048 for fiscal year 2026 shall be
15 available to carry out section 5335;

16 “(L) \$3,515,528,226 for fiscal year 2022,
17 \$3,587,778,037 for fiscal year 2023,
18 \$3,680,934,484 for fiscal year 2024,
19 \$3,755,675,417 for fiscal year 2025, and
20 \$3,850,496,668 for fiscal year 2026 shall be
21 available to carry out section 5337, of which
22 \$300,000,000 for each of fiscal years 2022
23 through 2026 shall be available to carry out sec-
24 tion 5337(f);

1 “(M) \$603,992,657 for fiscal year 2022,
2 \$616,610,699 for fiscal year 2023, \$632,711,140
3 for fiscal year 2024, \$645,781,441 for fiscal year
4 2025, and \$662,198,464 for fiscal year 2026
5 shall be available for the bus and buses facilities
6 program under section 5339(a);

7 “(N) \$447,257,433 for fiscal year 2022,
8 \$456,601,111 for fiscal year 2023, \$468,523,511
9 for fiscal year 2024, \$478,202,088 for fiscal year
10 2025, and \$490,358,916 for fiscal year 2026
11 shall be available for buses and bus facilities
12 competitive grants under section 5339(b) and no
13 or low emission grants under section 5339(c), of
14 which \$71,561,189 for fiscal year 2022,
15 \$73,056,178 for fiscal year 2023, \$74,963,762 for
16 fiscal year 2024, \$76,512,334 for fiscal year
17 2025, and \$78,457,427 for fiscal year 2026 shall
18 be available to carry out section 5339(c); and

19 “(O) \$741,042,792 for fiscal year 2022,
20 \$756,523,956 for fiscal year 2023, \$776,277,698
21 for fiscal year 2024, \$792,313,742 for fiscal year
22 2025, and \$812,455,901 for fiscal year 2026, to
23 carry out section 5340 to provide financial as-
24 sistance for urbanized areas under section 5307
25 and rural areas under section 5311, of which—

1 “(i) \$392,752,680 for fiscal year 2022,
2 \$400,957,696 for fiscal year 2023,
3 \$411,427,180 for fiscal year 2024,
4 \$419,926,283 for fiscal year 2025, and
5 \$430,601,628 for fiscal year 2026 shall be
6 for growing States under section 5340(c);
7 and

8 “(ii) \$348,290,112 for fiscal year 2022,
9 \$355,566,259 for fiscal year 2023,
10 \$364,850,518 for fiscal year 2024,
11 \$372,387,459 for fiscal year 2025, and
12 \$381,854,274 for fiscal year 2026 shall be
13 for high density States under section
14 5340(d).

15 “(b) *CAPITAL INVESTMENT GRANTS.*—There are au-
16 thorized to be appropriated to carry out section 5309 of this
17 title and section 3005(b) of the Federal Public Transpor-
18 tation Act of 2015 (49 U.S.C. 5309 note; Public Law 114–
19 94), \$3,000,000,000 for each of fiscal years 2022 through
20 2026.

21 “(c) *OVERSIGHT.*—

22 “(1) *IN GENERAL.*—Of the amounts made avail-
23 able to carry out this chapter for a fiscal year, the
24 Secretary may use not more than the following
25 amounts for the activities described in paragraph (2):

1 “(A) 0.5 percent of amounts made available
2 to carry out section 5305.

3 “(B) 0.75 percent of amounts made avail-
4 able to carry out section 5307.

5 “(C) 1 percent of amounts made available
6 to carry out section 5309.

7 “(D) 1 percent of amounts made available
8 to carry out section 601 of the Passenger Rail
9 Investment and Improvement Act of 2008 (Pub-
10 lic Law 110–432; 126 Stat. 4968).

11 “(E) 0.5 percent of amounts made available
12 to carry out section 5310.

13 “(F) 0.5 percent of amounts made available
14 to carry out section 5311.

15 “(G) 1 percent of amounts made available
16 to carry out section 5337, of which not less than
17 0.25 percent of amounts made available for this
18 subparagraph shall be available to carry out sec-
19 tion 5329.

20 “(H) 0.75 percent of amounts made avail-
21 able to carry out section 5339.

22 “(2) ACTIVITIES.—The activities described in
23 this paragraph are as follows:

24 “(A) Activities to oversee the construction of
25 a major capital project.

1 “(B) *Activities to review and audit the safe-*
2 *ty and security, procurement, management, and*
3 *financial compliance of a recipient or sub-*
4 *recipient of funds under this chapter.*

5 “(C) *Activities to provide technical assist-*
6 *ance generally, and to provide technical assist-*
7 *ance to correct deficiencies identified in compli-*
8 *ance reviews and audits carried out under this*
9 *section.*

10 “(D) *Activities to carry out section 5334.*

11 “(3) *GOVERNMENT SHARE OF COSTS.—The Gov-*
12 *ernment shall pay the entire cost of carrying out a*
13 *contract under this subsection.*

14 “(4) *AVAILABILITY OF CERTAIN FUNDS.—Funds*
15 *made available under paragraph (1)(C) shall be made*
16 *available to the Secretary before allocating the funds*
17 *appropriated to carry out any project under a full*
18 *funding grant agreement.*

19 “(d) *GRANTS AS CONTRACTUAL OBLIGATIONS.—*

20 “(1) *GRANTS FINANCED FROM HIGHWAY TRUST*
21 *FUND.—A grant or contract that is approved by the*
22 *Secretary and financed with amounts made available*
23 *from the Mass Transit Account of the Highway Trust*
24 *Fund pursuant to this section is a contractual obliga-*

1 *tion of the Government to pay the Government share*
 2 *of the cost of the project.*

3 “(2) *GRANTS FINANCED FROM GENERAL FUND.—*
 4 *A grant or contract that is approved by the Secretary*
 5 *and financed with amounts appropriated in advance*
 6 *from the General Fund of the Treasury pursuant to*
 7 *this section is a contractual obligation of the Govern-*
 8 *ment to pay the Government share of the cost of the*
 9 *project only to the extent that amounts are appro-*
 10 *priated for such purpose by an Act of Congress.*

11 “(e) *AVAILABILITY OF AMOUNTS.—Amounts made*
 12 *available by or appropriated under this section shall re-*
 13 *main available until expended.”.*

14 **SEC. 30018. GRANTS FOR BUSES AND BUS FACILITIES.**

15 *Section 5339 of title 49, United States Code, is amend-*
 16 *ed—*

17 (1) *in subsection (a)—*

18 (A) *in paragraph (5)(A)—*

19 (i) *by striking “\$90,500,000 for each of*
 20 *fiscal years 2016 through 2020” and insert-*
 21 *ing “\$206,000,000 each fiscal year”;*

22 (ii) *by striking “\$1,750,000” and in-*
 23 *serting “\$4,000,000”; and*

24 (iii) *by striking “\$500,000” and in-*
 25 *serting “\$1,000,000”; and*

1 (B) by adding at the end the following:

2 “(10) *MAXIMIZING USE OF FUNDS.*—

3 “(A) *IN GENERAL.*—*Eligible recipients and*
4 *subrecipients under this subsection should, to the*
5 *extent practicable, seek to utilize the procurement*
6 *tools authorized under section 3019 of the FAST*
7 *Act (49 U.S.C. 5325 note; Public Law 114–94).*

8 “(B) *WRITTEN EXPLANATION.*—*If an eligi-*
9 *ble recipient or subrecipient under this sub-*
10 *section purchases less than 5 buses through a*
11 *standalone procurement, the eligible recipient or*
12 *subrecipient shall provide to the Secretary a*
13 *written explanation regarding why the tools au-*
14 *thorized under section 3019 of the FAST Act (49*
15 *U.S.C. 5325 note; Public Law 114–94) were not*
16 *utilized.”;*

17 (2) in subsection (b)—

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

20 “(5) *RURAL PROJECTS.*—

21 “(A) *IN GENERAL.*—*Subject to subpara-*
22 *graph (B), not less than 15 percent of the*
23 *amounts made available under this subsection in*
24 *a fiscal year shall be distributed to projects in*
25 *rural areas.*

1 “(B) *UNUTILIZED AMOUNTS.*—*The Sec-*
2 *retary may use less than 15 percent of the*
3 *amounts made available under this subsection in*
4 *a fiscal year for the projects described in sub-*
5 *paragraph (A) if the Secretary cannot meet the*
6 *requirement of that subparagraph due to insuffi-*
7 *cient eligible applications.”; and*

8 *(B) by adding at the end the following:*

9 “(9) *COMPETITIVE PROCESS.*—*The Secretary*
10 *shall—*

11 “(A) *not later than 30 days after the date*
12 *on which amounts are made available for obliga-*
13 *tion under this subsection for a full fiscal year,*
14 *solicit grant applications for eligible projects on*
15 *a competitive basis; and*

16 “(B) *award a grant under this subsection*
17 *based on the solicitation under subparagraph (A)*
18 *not later than the earlier of—*

19 “(i) *75 days after the date on which*
20 *the solicitation expires; or*

21 “(ii) *the end of the fiscal year in which*
22 *the Secretary solicited the grant applica-*
23 *tions.*

24 “(10) *CONTINUED USE OF PARTNERSHIPS.*—

1 “(A) *IN GENERAL.*—An eligible recipient of
2 a grant under this subsection may submit an ap-
3 plication in partnership with other entities, in-
4 cluding a transit vehicle manufacturer that in-
5 tends to participate in the implementation of a
6 project under this subsection and subsection (c).

7 “(B) *COMPETITIVE PROCUREMENT.*—
8 Projects awarded with partnerships under this
9 subsection shall be considered to satisfy the re-
10 quirement for a competitive procurement under
11 section 5325.

12 “(11) *MAXIMIZING USE OF FUNDS.*—

13 “(A) *IN GENERAL.*—Eligible recipients
14 under this subsection should, to the extent prac-
15 ticable, seek to utilize the procurement tools au-
16 thorized under section 3019 of the FAST Act (49
17 U.S.C. 5325 note; Public Law 114–94).

18 “(B) *WRITTEN EXPLANATION.*—If an eligi-
19 ble recipient under this subsection purchases less
20 than 5 buses through a standalone procurement,
21 the eligible recipient shall provide to the Sec-
22 retary a written explanation regarding why the
23 tools authorized under section 3019 of the FAST
24 Act (49 U.S.C. 5325 note; Public Law 114–94)
25 were not utilized.”;

1 (3) *in subsection (c)*—

2 (A) *in paragraph (3)*—

3 (i) *by amending subparagraph (A) to*
4 *read as follows:*

5 “(A) *IN GENERAL.*—*A grant under this sub-*
6 *section shall be subject to—*

7 “(i) *with respect to eligible recipients*
8 *in urbanized areas, section 5307; and*

9 “(ii) *with respect to eligible recipients*
10 *in rural areas, section 5311.”; and*

11 (ii) *by adding at the end the following:*

12 “(D) *FLEET TRANSITION PLAN.*—*In award-*
13 *ing grants under this subsection or under sub-*
14 *section (b) for projects related to zero emission*
15 *vehicles, the Secretary shall require the applicant*
16 *to submit a zero emission transition plan, which,*
17 *at a minimum—*

18 “(i) *demonstrates a long-term fleet*
19 *management plan with a strategy for how*
20 *the applicant intends to use the current ap-*
21 *plication and future acquisitions;*

22 “(ii) *addresses the availability of cur-*
23 *rent and future resources to meet costs;*

24 “(iii) *considers policy and legislation*
25 *impacting technologies;*

1 “(iv) includes an evaluation of existing
2 and future facilities and their relationship
3 to the technology transition;

4 “(v) describes the partnership of the
5 applicant with the utility or alternative fuel
6 provider of the applicant; and

7 “(vi) examines the impact of the tran-
8 sition on the applicant’s current workforce
9 by identifying skill gaps, training needs,
10 and retraining needs of the existing workers
11 of the applicant to operate and maintain
12 zero emission vehicles and related infra-
13 structure and avoids the displacement of the
14 existing workforce.”;

15 (B) by striking paragraph (5) and inserting
16 the following:

17 “(5) CONSIDERATION.—In awarding grants
18 under this subsection, the Secretary—

19 “(A) shall consider eligible projects relating
20 to the acquisition or leasing of low or no emis-
21 sion buses or bus facilities that make greater re-
22 ductions in energy consumption and harmful
23 emissions, including direct carbon emissions,
24 than comparable standard buses or other low or
25 no emission buses; and

1 “(B) shall, for no less than 25 percent of the
2 funds made available to carry out this sub-
3 section, only consider eligible projects related to
4 the acquisition of low or no emission buses or
5 bus facilities other than zero emission vehicles
6 and related facilities.”; and

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

8 “(8) CONTINUED USE OF PARTNERSHIPS.—

9 “(A) IN GENERAL.—A recipient of a grant
10 under this subsection may submit an application
11 in partnership with other entities, including a
12 transit vehicle manufacturer, that intends to
13 participate in the implementation of an eligible
14 project under this subsection.

15 “(B) COMPETITIVE PROCUREMENT.—Eligi-
16 ble projects awarded with partnerships under
17 this subsection shall be considered to satisfy the
18 requirement for a competitive procurement under
19 section 5325.”; and

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

21 “(d) WORKFORCE DEVELOPMENT TRAINING ACTIVI-
22 TIES.—5 percent of grants related to zero emissions vehicles
23 (as defined in subsection (c)(1)) or related infrastructure
24 under subsection (b) or (c) shall be used by recipients to
25 fund workforce development training, as described in sec-

1 *tion 5314(b)(2) (including registered apprenticeships and*
2 *other labor-management training programs) under the re-*
3 *ipient’s plan to address the impact of the transition to zero*
4 *emission vehicles on the applicant’s current workforce under*
5 *subsection (c)(3)(D), unless the recipient certifies a smaller*
6 *percentage is necessary to carry out that plan.”.*

7 **SEC. 30019. WASHINGTON METROPOLITAN AREA TRANSIT**
8 **AUTHORITY SAFETY, ACCOUNTABILITY, AND**
9 **INVESTMENT.**

10 *(a) DEFINITIONS.—In this section:*

11 *(1) BOARD.—The term “Board” means the*
12 *Board of Directors of the Transit Authority.*

13 *(2) COMPACT.—The term “Compact” means the*
14 *Washington Metropolitan Area Transit Authority*
15 *Compact consented to by Congress under Public Law*
16 *89–774 (80 Stat. 1324).*

17 *(3) COVERED RECIPIENT.—The term “covered re-*
18 *ipient” means—*

19 *(A)(i) the Committee on Banking, Housing,*
20 *and Urban Affairs of the Senate;*

21 *(ii) the Committee on Homeland Security*
22 *and Governmental Affairs of the Senate;*

23 *(iii) the Committee on Transportation and*
24 *Infrastructure of the House of Representatives;*

25 *and*

1 *(iv) the Committee on Oversight and Re-*
2 *form of the House of Representatives;*

3 *(B)(i) the Governor of Maryland;*

4 *(ii) the President of the Maryland Senate;*

5 *and*

6 *(iii) the Speaker of the Maryland House of*
7 *Delegates;*

8 *(C)(i) the Governor of Virginia;*

9 *(ii) the President of the Virginia Senate;*

10 *and*

11 *(iii) the Speaker of the Virginia House of*
12 *Delegates;*

13 *(D)(i) the Mayor of the District of Colum-*
14 *bia; and*

15 *(ii) the Chairman of the Council of the Dis-*
16 *trict of Columbia; and*

17 *(E) the Chairman of the Northern Virginia*
18 *Transportation Commission.*

19 (4) *INSPECTOR GENERAL; OFFICE OF THE IN-*
20 *SPECTOR GENERAL.—The terms “Inspector General”*
21 *and “Office of Inspector General” mean the Inspector*
22 *General and the Office of Inspector General, respec-*
23 *tively, of the Transit Authority.*

24 (5) *TRANSIT AUTHORITY.—The term “Transit*
25 *Authority” means the Washington Metropolitan Area*

1 *Transit Authority established under Article III of the*
2 *Compact.*

3 (b) *REAUTHORIZATION OF CAPITAL AND PREVENTIVE*
4 *MAINTENANCE GRANTS TO WASHINGTON METROPOLITAN*
5 *AREA TRANSIT AUTHORITY.*—*Section 601(f) of the Pas-*
6 *senger Rail Investment and Improvement Act of 2008 (divi-*
7 *sion B of Public Law 110–432; 122 Stat. 4970) is amended*
8 *by striking “an aggregate amount” and all that follows*
9 *through the period at the end and inserting “\$150,000,000*
10 *for each of fiscal years 2022 through 2030.”.*

11 (c) *FUNDS FOR WASHINGTON METROPOLITAN AREA*
12 *TRANSIT AUTHORITY’S INSPECTOR GENERAL.*—*Title VI of*
13 *the Passenger Rail Investment and Improvement Act of*
14 *2008 (division B of Public Law 110–432; 122 Stat. 4968)*
15 *is amended by adding at the end the following:*

16 **“SEC. 602. FUNDING FOR INSPECTOR GENERAL.**

17 *“(a) DEFINITIONS.—In this section:*

18 *“(1) COMPACT.—The term ‘Compact’ means the*
19 *Washington Metropolitan Area Transit Authority*
20 *Compact consented to by Congress under Public Law*
21 *89–774 (80 Stat. 1324).*

22 *“(2) SECRETARY.—The term ‘Secretary’ means*
23 *the Secretary of Transportation.*

1 “(3) *TRANSIT AUTHORITY.*—*The term ‘Transit*
2 *Authority’ has the meaning given the term in section*
3 *601(a)(2).*”

4 “(b) *FUNDING FOR OFFICE OF INSPECTOR GENERAL*
5 *OF THE WASHINGTON METROPOLITAN AREA TRANSIT AU-*
6 *THORITY.*—*Subject to subsection (c), of the amounts author-*
7 *ized to be appropriated for a fiscal year under section*
8 *601(f), the Secretary shall use \$5,000,000 for grants to the*
9 *Transit Authority for use exclusively by the Office of Inspec-*
10 *tor General of the Transit Authority for the operations of*
11 *the Office in accordance with Section 9 of Article III of*
12 *the Compact, to remain available until expended.*”

13 “(c) *MATCHING INSPECTOR GENERAL FUNDS RE-*
14 *QUIRED FROM TRANSIT AUTHORITY.*—*The Secretary may*
15 *not provide any amounts to the Transit Authority for a*
16 *fiscal year under subsection (b) until the Transit Authority*
17 *notifies the Secretary that the Transit Authority has made*
18 *available \$5,000,000 in non-Federal funds for that fiscal*
19 *year for use exclusively by the Office of Inspector General*
20 *of the Transit Authority for the operations of the Office in*
21 *accordance with Section 9 of Article III of the Compact.”.*

22 “(d) *REFORMS TO OFFICE OF INSPECTOR GENERAL.*—

23 (1) *SENSE OF CONGRESS.*—*Congress recognizes*
24 *the importance of the Transit Authority having a*
25 *strong and independent Office of Inspector General,*

1 *as codified in subsections (a) and (d) of Section 9 of*
2 *Article III of the Compact.*

3 (2) *REFORMS.—The Secretary of Transportation*
4 *may not provide any amounts to the Transit Author-*
5 *ity under section 601(f) of the Passenger Rail Invest-*
6 *ment and Improvement Act of 2008 (division B of*
7 *Public Law 110–432; 122 Stat. 4968) (as amended by*
8 *subsection (b)), until the Secretary of Transportation*
9 *certifies that the Board has passed a resolution that—*

10 (A) *provides that, for each fiscal year, the*
11 *Office of Inspector General shall transmit a*
12 *budget estimate and request to the Board speci-*
13 *fying the aggregate amount of funds requested for*
14 *the fiscal year for the operations of the Office of*
15 *Inspector General;*

16 (B) *delegates to the Inspector General, to*
17 *the extent possible under the Compact and in ac-*
18 *cordance with each applicable Federal law or*
19 *regulation, contracting officer authority, subject*
20 *to the requirement that the Inspector General ex-*
21 *ercise that authority—*

22 (i) *in accordance with Section 73 of*
23 *Article XVI of the Compact, after working*
24 *with the Transit Authority to amend pro-*
25 *curement policies and procedures to give the*

1 *Inspector General approving authority for*
2 *exceptions to those policies and procedures;*
3 *and*

4 *(ii) only as is necessary to carry out*
5 *the duties of the Office of Inspector General;*

6 *(C) delegates to the Inspector General, to the*
7 *extent possible under the Compact and in ac-*
8 *cordance with each applicable Federal law or*
9 *regulation—*

10 *(i) the authority to select, appoint, and*
11 *employ such officers and employees as may*
12 *be necessary for carrying out the duties of*
13 *the Office of Inspector General, subject to*
14 *the requirement that the Inspector General*
15 *exercise that authority in accordance*
16 *with—*

17 *(I) subsections (g) and (h) of Sec-*
18 *tion 12 of Article V of the Compact;*
19 *and*

20 *(II) personnel policies and proce-*
21 *dures of the Transit Authority; and*

22 *(ii) approving authority, subject to the*
23 *approval of the Board, for exceptions to*
24 *policies that impact the independence of the*
25 *Office of Inspector General, but those excep-*

1 *tions may not include the use of employee*
2 *benefits and pension plans other than the*
3 *employee benefits and pension plans of the*
4 *Transit Authority;*

5 *(D)(i) ensures that the Inspector General*
6 *obtains legal advice from a counsel reporting di-*
7 *rectly to the Inspector General; and*

8 *(ii) prohibits the counsel described in clause*
9 *(i) from—*

10 *(I) providing legal advice for or on be-*
11 *half of the Transit Authority;*

12 *(II) issuing a legal opinion on behalf*
13 *of the Transit Authority or making a state-*
14 *ment about a legal position of the Transit*
15 *Authority; or*

16 *(III) waiving any privilege or protec-*
17 *tion from disclosure on any matter under*
18 *the jurisdiction of the Transit Authority;*
19 *and*

20 *(E) requires the Inspector General to—*

21 *(i) post any report containing a rec-*
22 *ommendation for corrective action to the*
23 *website of the Office of Inspector General*
24 *not later than 3 days after the report is sub-*

1 *mitted in final form to the Board, except*
2 *that—*

3 *(I) the Inspector General shall, if*
4 *required by law or otherwise appro-*
5 *priate, redact—*

6 *(aa) personally identifiable*
7 *information;*

8 *(bb) legally privileged infor-*
9 *mation;*

10 *(cc) information legally pro-*
11 *hibited from disclosure; and*

12 *(dd) information that, in the*
13 *determination of the Inspector*
14 *General, would pose a security*
15 *risk to the systems of the Transit*
16 *Authority; and*

17 *(II) with respect to any investiga-*
18 *tive findings in a case involving ad-*
19 *ministrative misconduct, whether in-*
20 *cluded in a recommendation or other-*
21 *wise, the Inspector General shall pub-*
22 *lish only a summary of the findings,*
23 *which summary shall be redacted in*
24 *accordance with the procedures set*
25 *forth in subclause (I);*

1 (ii) submit a semiannual report con-
2 taining recommendations of corrective ac-
3 tion to the Board, which the Board shall
4 transmit not later than 30 days after re-
5 ceipt of the report, together with any com-
6 ments the Board determines appropriate,
7 to—

8 (I) each covered recipient de-
9 scribed in subsection (a)(3)(A); and

10 (II) any other recipients that the
11 Board determines appropriate; and

12 (iii) not later than 2 years after the
13 date of enactment of this Act and 5 years
14 after the date of enactment of this Act, sub-
15 mit to each covered recipient a report
16 that—

17 (I) describes the implementation
18 by the Transit Authority of the reforms
19 required under, and the use by the
20 Transit Authority of the funding au-
21 thorized under—

22 (aa) chapter 34 of title 33.2
23 of the Code of Virginia;

1 *(bb) section 10–205 of the*
2 *Transportation Article of the Code*
3 *of Maryland; and*

4 *(cc) section 6002 of the Dedi-*
5 *cated WMATA Funding and Tax*
6 *Changes Affecting Real Property*
7 *and Sales Amendment Act of 2018*
8 *(1–325.401, D.C. Official Code);*
9 *and*

10 *(II) contains—*

11 *(aa) an assessment of the ef-*
12 *fective use of the funding described*
13 *in subclause (I) to address major*
14 *capital improvement projects;*

15 *(bb) a discussion of compli-*
16 *ance with strategic plan dead-*
17 *lines;*

18 *(cc) an examination of com-*
19 *pliance with the reform require-*
20 *ments under the laws described in*
21 *subclause (I), including identi-*
22 *fying any challenges to compli-*
23 *ance or implementation; and*

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 In-*
8 *vestment and Improvement Act of 2008 (division B of*
9 *Public Law 110–432; 122 Stat. 4968), (as added by*
10 *subsection (c)), until the General Manager of the*
11 *Transit Authority certifies to the Secretary of Trans-*
12 *portation that the Transit Authority has imple-*
13 *mented—*

14 *(A) documented policies and procedures for*
15 *the capital planning process that include—*

16 *(i) a process that aligns projects to the*
17 *strategic goals of the Transit Authority; and*

18 *(ii) a process to develop total project*
19 *costs and alternatives for all major capital*
20 *projects (as defined in section 633.5 of title*
21 *49, Code of Federal Regulations (or suc-*
22 *cessor regulations));*

23 *(B) a transit asset management planning*
24 *process that includes —*

- 1 (i) *asset inventory and condition as-*
2 *essment 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 the*
8 *Secretary of Transportation under part 625*
9 *of title 49, Code of Federal Regulations (or*
10 *successor regulations); and*
- 11 (C) *performance measures, aligned with the*
12 *strategic goals of the Transit Authority, to assess*
13 *the effectiveness and outcomes of major capital*
14 *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 Transpor-*
24 *tation under part 625 of title 49, Code of Federal*
25 *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 Congress*
5 *that the Transit Authority should—*

6 (1) *continue to prioritize the implementation of*
7 *new technological systems that include robust cyberse-*
8 *curity protections; and*

9 (2) *prioritize continued integration of new wire-*
10 *less services and emergency communications networks,*
11 *while also leveraging partnerships with mobility serv-*
12 *ices to improve the competitiveness of the core busi-*
13 *ness.*

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 con-*
18 *gressional committees described in paragraph (2) a*
19 *report that—*

20 (A) *assesses whether the reforms required*
21 *under subsection (d) (relating to strengthening*
22 *the independence of the Office of Inspector Gen-*
23 *eral) have been implemented; and*

24 (B) *assesses—*

1 (i) *whether the reforms required under*
2 *subsection (g) have been implemented; and*
3 (ii) *the impact of those reforms on the*
4 *capital planning process of the Transit Au-*
5 *thority.*

6 (2) *CONGRESSIONAL COMMITTEES.—The congres-*
7 *sional committees described in this paragraph are—*

8 (A) *the Committee on Banking, Housing,*
9 *and Urban Affairs of the Senate;*

10 (B) *the Committee on Homeland Security*
11 *and Governmental Affairs of the Senate;*

12 (C) *the Committee on Transportation and*
13 *Infrastructure of the House of Representatives;*
14 *and*

15 (D) *the Committee on Oversight and Re-*
16 *form of the House of Representatives.*

17 ***DIVISION D—ENERGY***

18 ***SEC. 40001. DEFINITIONS.***

19 *In this division:*

20 (1) *DEPARTMENT.—The term “Department”*
21 *means the Department of Energy.*

22 (2) *INDIAN TRIBE.—The term “Indian Tribe”*
23 *has the meaning given the term in section 4 of the In-*
24 *Indian Self-Determination and Education Assistance*
25 *Act (25 U.S.C. 5304).*

1 (3) *SECRETARY*.—The term “Secretary” means
2 the Secretary of Energy.

3 **TITLE I—GRID INFRASTRUC-**
4 **TURE AND RESILIENCY**
5 **Subtitle A—Grid Infrastructure**
6 **Resilience and Reliability**

7 **SEC. 40101. PREVENTING OUTAGES AND ENHANCING THE**
8 **RESILIENCE OF THE ELECTRIC GRID.**

9 (a) *DEFINITIONS*.—In this section:

10 (1) *DISRUPTIVE EVENT*.—The term “disruptive
11 event” means an event in which operations of the elec-
12 tric grid are disrupted, preventively shut off, or can-
13 not operate safely due to extreme weather, wildfire, or
14 a natural disaster.

15 (2) *ELIGIBLE ENTITY*.—The term “eligible enti-
16 ty” means—

17 (A) an electric grid operator;

18 (B) an electricity storage operator;

19 (C) an electricity generator;

20 (D) a transmission owner or operator;

21 (E) a distribution provider;

22 (F) a fuel supplier; and

23 (G) any other relevant entity, as determined
24 by the Secretary.

1 (3) *NATURAL DISASTER*.—The term “natural
2 disaster” has the meaning given the term in section
3 602(a) of the Robert T. Stafford Disaster Relief and
4 Emergency Assistance Act (42 U.S.C. 5195a(a)).

5 (4) *POWER LINE*.—The term “power line” in-
6 cludes a transmission line or a distribution line, as
7 applicable.

8 (5) *PROGRAM*.—The term “program” means the
9 program established under subsection (b).

10 (b) *ESTABLISHMENT OF PROGRAM*.—Not later than
11 180 days after the date of enactment of this Act, the Sec-
12 retary shall establish a program under which the Secretary
13 shall make grants to eligible entities, States, and Indian
14 Tribes in accordance with this section.

15 (c) *GRANTS TO ELIGIBLE ENTITIES*.—

16 (1) *IN GENERAL*.—The Secretary may make a
17 grant under the program to an eligible entity to carry
18 out activities that—

19 (A) are supplemental to existing hardening
20 efforts of the eligible entity planned for any
21 given year; and

22 (B)(i) reduce the risk of any power lines
23 owned or operated by the eligible entity causing
24 a wildfire; or

1 (ii) increase the ability of the eligible entity
2 to reduce the likelihood and consequences of dis-
3 ruptive events.

4 (2) *APPLICATION.*—

5 (A) *IN GENERAL.*—An eligible entity desir-
6 ing a grant under the program shall submit to
7 the Secretary an application at such time, in
8 such manner, and containing such information
9 as the Secretary may require.

10 (B) *REQUIREMENT.*—As a condition of re-
11 ceiving a grant under the program, an eligible
12 entity shall submit to the Secretary, as part of
13 the application of the eligible entity submitted
14 under subparagraph (A), a report detailing past,
15 current, and future efforts by the eligible entity
16 to reduce the likelihood and consequences of dis-
17 ruptive events.

18 (3) *LIMITATION.*—The Secretary may not award
19 a grant to an eligible entity in an amount that is
20 greater than the total amount that the eligible entity
21 has spent in the previous 3 years on efforts to reduce
22 the likelihood and consequences of disruptive events.

23 (4) *PRIORITY.*—In making grants to eligible en-
24 tities under the program, the Secretary shall give pri-
25 ority to projects that, in the determination of the Sec-

1 *retary, will generate the greatest community benefit*
2 *(whether rural or urban) in reducing the likelihood*
3 *and consequences of disruptive events.*

4 (5) *SMALL UTILITIES SET ASIDE.*—*The Secretary*
5 *shall ensure that not less than 30 percent of the*
6 *amounts made available to eligible entities under the*
7 *program are made available to eligible entities that*
8 *sell not more than 4,000,000 megawatt hours of elec-*
9 *tricity per year.*

10 (d) *GRANTS TO STATES AND INDIAN TRIBES.*—

11 (1) *IN GENERAL.*—*The Secretary, in accordance*
12 *with this subsection, may make grants under the pro-*
13 *gram to States and Indian Tribes, which each State*
14 *or Indian Tribe may use to award grants to eligible*
15 *entities.*

16 (2) *ANNUAL APPLICATION.*—

17 (A) *IN GENERAL.*—*For each fiscal year, to*
18 *be eligible to receive a grant under this sub-*
19 *section, a State or Indian Tribe shall submit to*
20 *the Secretary an application that includes a*
21 *plan described in subparagraph (B).*

22 (B) *PLAN REQUIRED.*—*A plan prepared by*
23 *a State or Indian Tribe for purposes of an ap-*
24 *plication described in subparagraph (A) shall—*

1 (i) describe the criteria and methods
2 that will be used by the State or Indian
3 Tribe to award grants to eligible entities;

4 (ii) be adopted after notice and a pub-
5 lic hearing; and

6 (iii) describe the proposed funding dis-
7 tributions and recipients of the grants to be
8 provided by the State or Indian Tribe.

9 (3) *DISTRIBUTION OF FUNDS.*—

10 (A) *IN GENERAL.*—The Secretary shall pro-
11 vide grants to States and Indian Tribes under
12 this subsection based on a formula determined by
13 the Secretary, in accordance with subparagraph
14 (B).

15 (B) *REQUIREMENT.*—The formula referred
16 to in subparagraph (A) shall be based on the fol-
17 lowing factors:

18 (i) The total population of the State or
19 Indian Tribe.

20 (ii)(I) The total area of the State or
21 the land of the Indian Tribe; or

22 (II) the areas in the State or on the
23 land of the Indian Tribe with a low ratio
24 of electricity customers per mileage of power
25 lines.

1 (iii) *The probability of disruptive*
2 *events in the State or on the land of the In-*
3 *Indian Tribe during the previous 10 years, as*
4 *determined based on the number of federally*
5 *declared disasters or emergencies in the*
6 *State or on the land of the Indian Tribe, as*
7 *applicable, including—*

8 (I) *disasters for which Fire Man-*
9 *agement Assistance Grants are pro-*
10 *vided under section 420 of the Robert*
11 *T. Stafford Disaster Relief and Emer-*
12 *gency Assistance Act (42 U.S.C. 5187);*

13 (II) *major disasters declared by*
14 *the President under section 401 of that*
15 *Act (42 U.S.C. 5170);*

16 (III) *emergencies declared by the*
17 *President under section 501 of that Act*
18 *(42 U.S.C. 5191); and*

19 (IV) *any other federally declared*
20 *disaster or emergency in the State or*
21 *on the land of the Indian Tribe.*

22 (iv) *The number and severity, meas-*
23 *ured by population and economic impacts,*
24 *of disruptive events experienced by the State*

1 *or Indian Tribe on or after January 1,*
2 *2011.*

3 *(v) The total amount, on a per capita*
4 *basis, of public and private expenditures*
5 *during the previous 10 years to carry out*
6 *mitigation efforts to reduce the likelihood*
7 *and consequences of disruptive events in the*
8 *State or on the land of the Indian Tribe,*
9 *with States or Indian Tribes with higher*
10 *per capita expenditures receiving additional*
11 *weight or consideration as compared to*
12 *States or Indian Tribes with lower per cap-*
13 *ita expenditures.*

14 *(C) ANNUAL UPDATE OF DATA USED IN DIS-*
15 *TRIBUTION OF FUNDS.—Beginning 1 year after*
16 *the date of enactment of this Act, the Secretary*
17 *shall annually update—*

18 *(i) all data relating to the factors de-*
19 *scribed in subparagraph (B); and*

20 *(ii) all other data used in distributing*
21 *grants to States and Indian Tribes under*
22 *this subsection.*

23 *(4) OVERSIGHT.—The Secretary shall ensure*
24 *that each grant provided to a State or Indian Tribe*
25 *under the program is allocated, pursuant to the ap-*

1 *plicable plan of the State or Indian Tribe, to eligible*
2 *entities for projects within the State or on the land*
3 *of the Indian Tribe.*

4 (5) *PRIORITY.*—*In making grants to eligible en-*
5 *tities using funds made available to the applicable*
6 *State or Indian Tribe under the program, the State*
7 *or Indian Tribe shall give priority to projects that, in*
8 *the determination of the State or Indian Tribe, will*
9 *generate the greatest community benefit (whether*
10 *rural or urban) in reducing the likelihood and con-*
11 *sequences of disruptive events.*

12 (6) *SMALL UTILITIES SET ASIDE.*—*A State or*
13 *Indian Tribe receiving a grant under the program*
14 *shall ensure that, of the amounts made available to el-*
15 *igible entities from funds made available to the State*
16 *or Indian Tribe under the program, the percentage*
17 *made available to eligible entities that sell not more*
18 *than 4,000,000 megawatt hours of electricity per year*
19 *is not less than the percentage of all customers in the*
20 *State or Indian Tribe that are served by those eligible*
21 *entities.*

22 (7) *TECHNICAL ASSISTANCE AND ADMINISTRA-*
23 *TIVE EXPENSES.*—*Of the amounts made available to*
24 *a State or Indian Tribe under the program each fis-*

1 *cal year, the State or Indian Tribe may use not more*
2 *than 5 percent for—*

3 *(A) providing technical assistance under*
4 *subsection (g)(1)(A); and*

5 *(B) administrative expenses associated with*
6 *the program.*

7 *(8) MATCHING REQUIREMENT.—Each State and*
8 *Indian Tribe shall be required to match 15 percent of*
9 *the amount of each grant provided to the State or In-*
10 *dian Tribe under the program.*

11 *(e) USE OF GRANTS.—*

12 *(1) IN GENERAL.—A grant awarded to an eligi-*
13 *ble entity under the program may be used for activi-*
14 *ties, technologies, equipment, and hardening measures*
15 *to reduce the likelihood and consequences of disruptive*
16 *events, including—*

17 *(A) weatherization technologies and equip-*
18 *ment;*

19 *(B) fire-resistant technologies and fire pre-*
20 *vention systems;*

21 *(C) monitoring and control technologies;*

22 *(D) the undergrounding of electrical equip-*
23 *ment;*

24 *(E) utility pole management;*

1 (F) the relocation of power lines or the
2 reconductoring of power lines with low-sag, ad-
3 vanced conductors;

4 (G) vegetation and fuel-load management;

5 (H) the use or construction of distributed
6 energy resources for enhancing system adaptive
7 capacity during disruptive events, including—

8 (i) microgrids; and

9 (ii) battery-storage subcomponents;

10 (I) adaptive protection technologies;

11 (J) advanced modeling technologies;

12 (K) hardening of power lines, facilities, sub-
13 stations, of other systems; and

14 (L) the replacement of old overhead conduc-
15 tors and underground cables.

16 (2) PROHIBITIONS AND LIMITATIONS.—

17 (A) IN GENERAL.—A grant awarded to an
18 eligible entity under the program may not be
19 used for—

20 (i) construction of a new—

21 (I) electric generating facility; or

22 (II) large-scale battery-storage fa-
23 cility that is not used for enhancing
24 system adaptive capacity during dis-
25 ruptive events; or

1 (ii) *cybersecurity.*

2 (B) *CERTAIN INVESTMENTS ELIGIBLE FOR*
3 *RECOVERY.—*

4 (i) *IN GENERAL.—An eligible entity*
5 *may not seek cost recovery for the portion*
6 *of the cost of any system, technology, or*
7 *equipment that is funded through a grant*
8 *awarded under the program.*

9 (ii) *SAVINGS PROVISION.—Nothing in*
10 *this subparagraph prohibits an eligible enti-*
11 *ty from recovering through traditional or*
12 *incentive-based ratemaking any portion of*
13 *an investment in a system, technology, or*
14 *equipment that is not funded by a grant*
15 *awarded under the program.*

16 (C) *APPLICATION LIMITATIONS.—An eligible*
17 *entity may not submit an application for a*
18 *grant provided by the Secretary under subsection*
19 *(c) and a grant provided by a State or Indian*
20 *Tribes pursuant to subsection (d) during the same*
21 *application cycle.*

22 (f) *DISTRIBUTION OF FUNDING.—Of the amounts*
23 *made available to carry out the program for a fiscal year,*
24 *the Secretary shall ensure that—*

1 (1) 50 percent is used to award grants to eligible
2 entities under subsection (c); and

3 (2) 50 percent is used to make grants to States
4 and Indian Tribes under subsection (d).

5 (g) *TECHNICAL AND OTHER ASSISTANCE.*—

6 (1) *IN GENERAL.*—*The Secretary, States, and In-*
7 *dian Tribes may—*

8 (A) *provide technical assistance and facili-*
9 *tate the distribution and sharing of information*
10 *to reduce the likelihood and consequences of dis-*
11 *ruptive events; and*

12 (B) *promulgate consumer-facing informa-*
13 *tion and resources to inform the public of best*
14 *practices and resources relating to reducing the*
15 *likelihood and consequences of disruptive events.*

16 (2) *USE OF FUNDS BY THE SECRETARY.*—*Of the*
17 *amounts made available to the Secretary to carry out*
18 *the program each fiscal year, the Secretary may use*
19 *not more than 5 percent for—*

20 (A) *providing technical assistance under*
21 *paragraph (1)(A); and*

22 (B) *administrative expenses associated with*
23 *the program.*

24 (h) *MATCHING REQUIREMENT.*—

1 (1) *IN GENERAL.*—*Except as provided in para-*
2 *graph (2), an eligible entity that receives a grant*
3 *under this section shall be required to match 100 per-*
4 *cent of the amount of the grant.*

5 (2) *EXCEPTION FOR SMALL UTILITIES.*—*An eli-*
6 *gible entity that sells not more than 4,000,000 mega-*
7 *watt hours of electricity per year shall be required to*
8 *match $\frac{1}{3}$ of the amount of the grant.*

9 (i) *BIENNIAL REPORT TO CONGRESS.*—

10 (1) *IN GENERAL.*—*Not later than 2 years after*
11 *the date of enactment of this Act, and every 2 years*
12 *thereafter through 2026, the Secretary shall submit to*
13 *the Committee on Energy and Natural Resources of*
14 *the Senate and the Committee on Energy and Com-*
15 *merce of the House of Representatives a report de-*
16 *scribing the program.*

17 (2) *REQUIREMENTS.*—*The report under para-*
18 *graph (1) shall include information and data on—*

19 (A) *the costs of the projects for which grants*
20 *are awarded to eligible entities;*

21 (B) *the types of activities, technologies,*
22 *equipment, and hardening measures funded by*
23 *those grants; and*

1 “(B) the installation of fire-resistant wires
2 and infrastructure and the undergrounding of
3 wires;”.

4 **SEC. 40103. ELECTRIC GRID RELIABILITY AND RESILIENCE**
5 **RESEARCH, DEVELOPMENT, AND DEM-**
6 **ONSTRATION.**

7 (a) *DEFINITION OF FEDERAL FINANCIAL ASSIST-*
8 *ANCE.—In this section, the term “Federal financial assist-*
9 *ance” has the meaning given the term in section 200.1 of*
10 *title 2, Code of Federal Regulations.*

11 (b) *ENERGY INFRASTRUCTURE FEDERAL FINANCIAL*
12 *ASSISTANCE PROGRAM.—*

13 (1) *DEFINITIONS.—In this subsection:*

14 (A) *ELIGIBLE ENTITY.—The term “eligible*
15 *entity” means each of—*

16 (i) *a State;*

17 (ii) *a combination of 2 or more States;*

18 (iii) *an Indian Tribe;*

19 (iv) *a unit of local government; and*

20 (v) *a public utility commission.*

21 (B) *PROGRAM.—The term “program”*
22 *means the competitive Federal financial assist-*
23 *ance program established under paragraph (2).*

24 (2) *ESTABLISHMENT.—Not later than 180 days*
25 *after the date of enactment of this Act, the Secretary*

1 shall establish a program, to be known as the “Pro-
2 gram Upgrading Our Electric Grid and Ensuring
3 Reliability and Resiliency”, to provide, on a competi-
4 tive basis, Federal financial assistance to eligible enti-
5 ties to carry out the purpose described in paragraph
6 (3).

7 (3) *PURPOSE.*—The purpose of the program is to
8 coordinate and collaborate with electric sector owners
9 and operators—

10 (A) to demonstrate innovative approaches to
11 transmission, storage, and distribution infra-
12 structure to harden and enhance resilience and
13 reliability; and

14 (B) to demonstrate new approaches to en-
15 hance regional grid resilience, implemented
16 through States by public and rural electric coop-
17 erative entities on a cost-shared basis.

18 (4) *APPLICATIONS.*—To be eligible to receive
19 Federal financial assistance under the program, an
20 eligible entity shall submit to the Secretary an appli-
21 cation at such time, in such manner, and containing
22 such information as the Secretary may require, in-
23 cluding a description of—

24 (A) how the Federal financial assistance
25 would be used;

1 (B) the expected beneficiaries, and

2 (C) in the case of a proposal from an eligi-
3 ble entity described in paragraph (1)(A)(ii), how
4 the proposal would improve regional energy in-
5 frastructure.

6 (5) *SELECTION.*—The Secretary shall select eligi-
7 ble entities to receive Federal financial assistance
8 under the program on a competitive basis.

9 (6) *COST SHARE.*—Section 988 of the Energy
10 Policy Act of 2005 (42 U.S.C. 16352) shall apply to
11 Federal financial assistance provided under the pro-
12 gram.

13 (7) *AUTHORIZATION OF APPROPRIATIONS.*—
14 There is authorized to be appropriated to the Sec-
15 retary to carry out this subsection, \$5,000,000,000 for
16 the period of fiscal years 2022 through 2026.

17 (c) *ENERGY IMPROVEMENT IN RURAL OR REMOTE*
18 *AREAS.*—

19 (1) *DEFINITION OF RURAL OR REMOTE AREA.*—
20 In this subsection, the term “rural or remote area”
21 means a city, town, or unincorporated area that has
22 a population of not more than 10,000 inhabitants.

23 (2) *REQUIRED ACTIVITIES.*—The Secretary shall
24 carry out activities to improve in rural or remote
25 areas of the United States—

1 (A) *the resilience, safety, reliability, and*
2 *availability of energy; and*

3 (B) *environmental protection from adverse*
4 *impacts of energy generation.*

5 (3) *FEDERAL FINANCIAL ASSISTANCE.—The Sec-*
6 *retary, in consultation with the Secretary of the Inte-*
7 *rior, may provide Federal financial assistance to*
8 *rural or remote areas for the purpose of—*

9 (A) *overall cost-effectiveness of energy gen-*
10 *eration, transmission, or distribution systems;*

11 (B) *siting or upgrading transmission and*
12 *distribution lines;*

13 (C) *reducing greenhouse gas emissions from*
14 *energy generation by rural or remote areas;*

15 (D) *providing or modernizing electric gen-*
16 *eration facilities;*

17 (E) *developing microgrids; and*

18 (F) *increasing energy efficiency.*

19 (4) *AUTHORIZATION OF APPROPRIATIONS.—*
20 *There is authorized to be appropriated to the Sec-*
21 *retary to carry out this subsection, \$1,000,000,000 for*
22 *the period of fiscal years 2022 through 2026.*

23 (d) *ENERGY INFRASTRUCTURE RESILIENCE FRAME-*
24 *WORK.—*

1 (1) *IN GENERAL.*—*The Secretary, in collabora-*
2 *tion with the Secretary of Homeland Security, the*
3 *Federal Energy Regulatory Commission, the North*
4 *American Electric Reliability Corporation, and inter-*
5 *ested energy infrastructure stakeholders, shall develop*
6 *common analytical frameworks, tools, metrics, and*
7 *data to assess the resilience, reliability, safety, and se-*
8 *curity of energy infrastructure in the United States,*
9 *including by developing and storing an inventory of*
10 *easily transported high-voltage recovery transformers*
11 *and other required equipment.*

12 (2) *ASSESSMENT AND REPORT.*—

13 (A) *ASSESSMENT.*—*The Secretary shall*
14 *carry out an assessment of—*

15 (i) *with respect to the inventory of*
16 *high-voltage recovery transformers, new*
17 *transformers, and other equipment proposed*
18 *to be developed and stored under paragraph*

19 (1)—

20 (I) *the policies, technical speci-*
21 *fications, and logistical and program*
22 *structures necessary to mitigate the*
23 *risks associated with the loss of high-*
24 *voltage recovery transformers;*

1 (II) *the technical specifications*
2 *for high-voltage recovery transformers;*

3 (III) *where inventory of high-volt-*
4 *age recovery transformers should be*
5 *stored;*

6 (IV) *the quantity of high-voltage*
7 *recovery transformers necessary for the*
8 *inventory;*

9 (V) *how the stored inventory of*
10 *high-voltage recovery transformers*
11 *would be secured and maintained;*

12 (VI) *how the high-voltage recovery*
13 *transformers may be transported;*

14 (VII) *opportunities for developing*
15 *new flexible advanced transformer de-*
16 *signs; and*

17 (VIII) *whether new Federal regu-*
18 *lations or cost-sharing requirements*
19 *are necessary to carry out the storage*
20 *of high-voltage recovery transformers;*
21 *and*

22 (ii) *any efforts carried out by industry*
23 *as of the date of the assessment—*

24 (I) *to share transformers and*
25 *equipment;*

1 (II) to develop plans for next gen-
2 eration transformers; and

3 (III) to plan for surge and long-
4 term manufacturing of, and long-term
5 standardization of, transformer de-
6 signs.

7 (B) *PROTECTION OF INFORMATION.*—*Infor-*
8 *mation that is provided to, generated by, or col-*
9 *lected by the Secretary under subparagraph (A)*
10 *shall be considered to be critical electric infra-*
11 *structure information under section 215A of the*
12 *Federal Power Act (16 U.S.C. 8240–1).*

13 (C) *REPORT.*—*Not later than 180 days*
14 *after the date of enactment of this Act, the Sec-*
15 *retary shall submit to Congress a report describ-*
16 *ing the results of the assessment carried out*
17 *under subparagraph (A).*

18 **SEC. 40104. UTILITY DEMAND RESPONSE.**

19 (a) *CONSIDERATION OF DEMAND-RESPONSE STAND-*
20 *ARD.*—

21 (1) *IN GENERAL.*—*Section 111(d) of the Public*
22 *Utility Regulatory Policies Act of 1978 (16 U.S.C.*
23 *2621(d)) is amended by adding at the end the fol-*
24 *lowing:*

25 “(20) *DEMAND-RESPONSE PRACTICES.*—

1 “(A) *IN GENERAL.*—Each electric utility
2 shall promote the use of demand-response and de-
3 mand flexibility practices by commercial, resi-
4 dential, and industrial consumers to reduce elec-
5 tricity consumption during periods of unusually
6 high demand.

7 “(B) *RATE RECOVERY.*—

8 “(i) *IN GENERAL.*—Each State regu-
9 latory authority shall consider establishing
10 rate mechanisms allowing an electric utility
11 with respect to which the State regulatory
12 authority has ratemaking authority to time-
13 ly recover the costs of promoting demand-re-
14 sponse and demand flexibility practices in
15 accordance with subparagraph (A).

16 “(ii) *NONREGULATED ELECTRIC UTILI-*
17 *TIES.*—A nonregulated electric utility may
18 establish rate mechanisms for the timely re-
19 covery of the costs of promoting demand-re-
20 sponse and demand flexibility practices in
21 accordance with subparagraph (A).”.

22 (2) *COMPLIANCE.*—

23 (A) *TIME LIMITATIONS.*—Section 112(b) of
24 the Public Utility Regulatory Policies Act of

1 1978 (16 U.S.C. 2622(b)) is amended by adding
2 at the end the following:

3 “(7)(A) Not later than 1 year after the date of
4 enactment of this paragraph, each State regulatory
5 authority (with respect to each electric utility for
6 which the State has ratemaking authority) and each
7 nonregulated electric utility shall commence consider-
8 ation under section 111, or set a hearing date for con-
9 sideration, with respect to the standard established by
10 paragraph (20) of section 111(d).

11 “(B) Not later than 2 years after the date of en-
12 actment of this paragraph, each State regulatory au-
13 thority (with respect to each electric utility for which
14 the State has ratemaking authority), and each non-
15 regulated electric utility shall complete the consider-
16 ation and make the determination under section 111
17 with respect to the standard established by paragraph
18 (20) of section 111(d).”.

19 (B) FAILURE TO COMPLY.—

20 (i) IN GENERAL.—Section 112(c) of the
21 Public Utility Regulatory Policies Act of
22 1978 (16 U.S.C. 2622(c)) is amended—

23 (I) by striking “such paragraph
24 (14)” and all that follows through
25 “paragraphs (16)” and inserting “such

1 paragraph (14). In the case of the
2 standard established by paragraph
3 (15) of section 111(d), the reference
4 contained in this subsection to the date
5 of enactment of this Act shall be
6 deemed to be a reference to the date of
7 enactment of that paragraph (15). In
8 the case of the standards established by
9 paragraphs (16)”; and

10 (II) by adding at the end the fol-
11 lowing: “In the case of the standard es-
12 tablished by paragraph (20) of section
13 111(d), the reference contained in this
14 subsection to the date of enactment of
15 this Act shall be deemed to be a ref-
16 erence to the date of enactment of that
17 paragraph (20).”.

18 (ii) *TECHNICAL CORRECTION.*—Para-
19 graph (2) of section 1254(b) of the *Energy*
20 *Policy Act of 2005* (Public Law 109–58;
21 119 Stat. 971) is repealed and the amend-
22 ment made by that paragraph (as in effect
23 on the day before the date of enactment of
24 this Act) is void, and section 112(d) of the
25 *Public Utility Regulatory Policies Act of*

1 1978 (16 U.S.C. 2622(d)) shall be in effect
2 as if that amendment had not been enacted.

3 (C) *PRIOR STATE ACTIONS.*—

4 (i) *IN GENERAL.*—Section 112 of the
5 Public Utility Regulatory Policies Act of
6 1978 (16 U.S.C. 2622) is amended by add-
7 ing at the end the following:

8 “(g) *PRIOR STATE ACTIONS.*—Subsections (b) and (c)
9 shall not apply to the standard established by paragraph
10 (20) of section 111(d) in the case of any electric utility in
11 a State if, before the date of enactment of this subsection—

12 “(1) the State has implemented for the electric
13 utility the standard (or a comparable standard);

14 “(2) the State regulatory authority for the State
15 or the relevant nonregulated electric utility has con-
16 ducted a proceeding to consider implementation of the
17 standard (or a comparable standard) for the electric
18 utility; or

19 “(3) the State legislature has voted on the imple-
20 mentation of the standard (or a comparable stand-
21 ard) for the electric utility.”.

22 (ii) *CROSS-REFERENCE.*—Section 124
23 of the Public Utility Regulatory Policies
24 Act of 1978 (16 U.S.C. 2634) is amended—

1 (I) by striking “this subsection”
2 each place it appears and inserting
3 “this section”; and

4 (II) by adding at the end the fol-
5 lowing: “In the case of the standard es-
6 tablished by paragraph (20) of section
7 111(d), the reference contained in this
8 section to the date of enactment of this
9 Act shall be deemed to be a reference to
10 the date of enactment of that para-
11 graph (20).”.

12 (b) *OPTIONAL FEATURES OF STATE ENERGY CON-*
13 *SERVATION PLANS.*—Section 362(d) of the Energy Policy
14 *and Conservation Act (42 U.S.C. 6322(d)) is amended—*

15 (1) in paragraph (16), by striking “and” at the
16 end;

17 (2) by redesignating paragraph (17) as para-
18 graph (18); and

19 (3) by inserting after paragraph (16) the fol-
20 lowing:

21 “(17) programs that promote the installation
22 and use of demand-response technology and demand-
23 response practices; and”.

1 (c) *FEDERAL ENERGY MANAGEMENT PROGRAM.*—*Sec-*
2 *tion 543(i) of the National Energy Conservation Policy Act*
3 *(42 U.S.C. 8253(i)) is amended—*

4 (1) *in paragraph (1)—*

5 (A) *in subparagraph (A), by striking “and”*
6 *at the end;*

7 (B) *in subparagraph (B), by striking the*
8 *period at the end and inserting “; and”; and*

9 (C) *by adding at the end the following:*

10 “(C) *to reduce energy consumption during*
11 *periods of unusually high electricity or natural*
12 *gas demand.”; and*

13 (2) *in paragraph (3)(A)—*

14 (A) *in clause (v), by striking “and” at the*
15 *end;*

16 (B) *in clause (vi), by striking the period at*
17 *the end and inserting “; and”; and*

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

19 “(vii) *promote the installation of de-*
20 *mand-response technology and the use of de-*
21 *mand-response practices in Federal build-*
22 *ings.”.*

23 (d) *COMPONENTS OF ZERO-NET-ENERGY COMMERCIAL*
24 *BUILDINGS INITIATIVE.*—*Section 422(d)(3) of the Energy*
25 *Independence and Security Act of 2007 (42 U.S.C.*

1 17082(d)) is amended by inserting “(including demand-re-
2 sponse technologies, practices, and policies)” after “poli-
3 cies”.

4 **SEC. 40105. SITING OF INTERSTATE ELECTRIC TRANS-**
5 **MISSION FACILITIES.**

6 (a) *DESIGNATION OF NATIONAL INTEREST ELECTRIC*
7 *TRANSMISSION CORRIDORS.*—Section 216(a) of the Federal
8 *Power Act (16 U.S.C. 824p(a)) is amended—*

9 (1) *in paragraph (1)—*

10 (A) *by inserting “and Indian Tribes” after*
11 *“affected States”; and*

12 (B) *by inserting “capacity constraints and”*
13 *before “congestion”;*

14 (2) *in paragraph (2)—*

15 (A) *by striking “After” and inserting “Not*
16 *less frequently than once every 3 years, the Sec-*
17 *retary, after”; and*

18 (B) *by striking “affected States” and all*
19 *that follows through the period at the end and*
20 *inserting the following: “affected States and In-*
21 *Indian Tribes), shall issue a report, based on the*
22 *study under paragraph (1) or other information*
23 *relating to electric transmission capacity con-*
24 *straints and congestion, which may designate as*

1 *a national interest electric transmission corridor*
2 *any geographic area that—*

3 “(i) *is experiencing electric energy*
4 *transmission capacity constraints or conges-*
5 *tion that adversely affects consumers; or*

6 “(ii) *is expected to experience such en-*
7 *ergy transmission capacity constraints or*
8 *congestion.*”;

9 (3) *in paragraph (3)—*

10 (A) *by striking “The Secretary shall con-*
11 *duct the study and issue the report in consulta-*
12 *tion” and inserting “Not less frequently than*
13 *once every 3 years, the Secretary, in conducting*
14 *the study under paragraph (1) and issuing the*
15 *report under paragraph (2), shall consult”; and*

16 (4) *in paragraph (4)—*

17 (A) *in subparagraph (C), by inserting “or*
18 *energy security” after “independence”;*

19 (B) *in subparagraph (D), by striking “and”*
20 *at the end;*

21 (C) *in subparagraph (E), by striking the*
22 *period at the end and inserting a semicolon; and*

23 (D) *by adding at the end the following:*

1 “(F) the designation would enhance the ability of
2 facilities that generate or transmit firm or intermit-
3 tent energy to connect to the electric grid;

4 “(G) the designation—

5 “(i) maximizes existing rights-of-way; and

6 “(ii) avoids and minimizes, to the max-
7 imum extent practicable, and offsets to the extent
8 appropriate and practicable, sensitive environ-
9 mental areas and cultural heritage sites; and

10 “(H) the designation would result in a reduction
11 in the cost to purchase electric energy for consumers.”.

12 (b) CONSTRUCTION PERMIT.—Section 216(b) of the
13 Federal Power Act (16 U.S.C. 824p(b)) is amended—

14 (1) in paragraph (1)—

15 (A) in subparagraph (A)(ii), by inserting
16 “or interregional benefits” after “interstate bene-
17 fits”; and

18 (B) by striking subparagraph (C) and in-
19 serting the following:

20 “(C) a State commission or other entity that has
21 authority to approve the siting of the facilities—

22 “(i) has not made a determination on an
23 application seeking approval pursuant to appli-
24 cable law by the date that is 1 year after the
25 later of—

1 “(I) the date on which the application
2 was filed; and

3 “(II) the date on which the relevant
4 national interest electric transmission cor-
5 ridor was designated by the Secretary under
6 subsection (a);

7 “(ii) has conditioned its approval in such a
8 manner that the proposed construction or modi-
9 fication will not significantly reduce trans-
10 mission capacity constraints or congestion in
11 interstate commerce or is not economically fea-
12 sible; or

13 “(iii) has denied an application seeking ap-
14 proval pursuant to applicable law;”.

15 (c) *RIGHTS-OF-WAY*.—Section 216(e)(1) of the Federal
16 Power Act (16 U.S.C. 824p(e)(1)) is amended by striking
17 “modify the transmission facilities, the” and inserting
18 “modify, and operate and maintain, the transmission fa-
19 cilities and, in the determination of the Commission, the
20 permit holder has made good faith efforts to engage with
21 landowners and other stakeholders early in the applicable
22 permitting process, the”.

23 (d) *INTERSTATE COMPACTS*.—Section 216(i) of the
24 Federal Power Act (16 U.S.C. 824p(i)) is amended—

1 (1) *in paragraph (2), by striking “may” and in-*
2 *serting “shall”; and*

3 (2) *in paragraph (4), by striking “the members”*
4 *and all that follows through the period at the end and*
5 *inserting the following: “the Secretary determines that*
6 *the members of the compact are in disagreement after*
7 *the later of—*

8 *“(A) the date that is 1 year after the date*
9 *on which the relevant application for the facility*
10 *was filed; and*

11 *“(B) the date that is 1 year after the date*
12 *on which the relevant national interest electric*
13 *transmission corridor was designated by the Sec-*
14 *retary under subsection (a).”.*

15 **SEC. 40106. TRANSMISSION FACILITATION PROGRAM.**

16 (a) *DEFINITIONS.—In this section:*

17 (1) *CAPACITY CONTRACT.—The term “capacity*
18 *contract” means a contract entered into by the Sec-*
19 *retary and an eligible entity under subsection*
20 *(e)(1)(A) for the right to the use of the transmission*
21 *capacity of an eligible project.*

22 (2) *ELIGIBLE ELECTRIC POWER TRANSMISSION*
23 *LINE.—The term “eligible electric power transmission*
24 *line” means an electric power transmission line that*
25 *is capable of transmitting not less than—*

1 (A) 1,000 megawatts; or

2 (B) in the case of a project that consists of
3 upgrading an existing transmission line or con-
4 structing a new transmission line in an existing
5 transmission, transportation, or telecommuni-
6 cations infrastructure corridor, 500 megawatts.

7 (3) *ELIGIBLE ENTITY*.—The term “eligible enti-
8 ty” means an entity seeking to carry out an eligible
9 project.

10 (4) *ELIGIBLE PROJECT*.—The term “eligible
11 project” means a project (including any related facil-
12 ity)—

13 (A) to construct a new or replace an exist-
14 ing eligible electric power transmission line;

15 (B) to increase the transmission capacity of
16 an existing eligible electric power transmission
17 line; or

18 (C) to connect an isolated microgrid to an
19 existing transmission, transportation, or tele-
20 communications infrastructure corridor located
21 in Alaska, Hawaii, or a territory of the United
22 States.

23 (5) *FUND*.—The term “Fund” means the Trans-
24 mission Facilitation Fund established by subsection
25 (d)(1).

1 (6) *PROGRAM.*—The term “program” means the
2 *Transmission Facilitation Program* established by
3 subsection (b).

4 (7) *RELATED FACILITY.*—

5 (A) *IN GENERAL.*—The term “related facil-
6 ity” means a facility related to an eligible
7 project described in paragraph (4).

8 (B) *EXCLUSIONS.*—The term “related facil-
9 ity” does not include—

10 (i) facilities used primarily to generate
11 electric energy; or

12 (ii) facilities used in the local distribu-
13 tion of electric energy.

14 (b) *ESTABLISHMENT.*—There is established a program,
15 to be known as the “Transmission Facilitation Program”,
16 under which the Secretary shall facilitate the construction
17 of electric power transmission lines and related facilities
18 in accordance with subsection (e).

19 (c) *APPLICATIONS.*—

20 (1) *IN GENERAL.*—To be eligible for assistance
21 under this section, an eligible entity shall submit to
22 the Secretary an application at such time, in such
23 manner, and containing such information as the Sec-
24 retary may require.

1 (2) *PROCEDURES.*—*The Secretary shall establish*
2 *procedures for the solicitation and review of applica-*
3 *tions from eligible entities.*

4 (d) *FUNDING.*—

5 (1) *TRANSMISSION FACILITATION FUND.*—*There*
6 *is established in the Treasury a fund, to be known as*
7 *the “Transmission Facilitation Fund”, consisting*
8 *of—*

9 (A) *all amounts received by the Secretary,*
10 *including receipts, collections, and recoveries,*
11 *from any source relating to expenses incurred by*
12 *the Secretary in carrying out the program, in-*
13 *cluding—*

14 (i) *costs recovered pursuant to para-*
15 *graph (4);*

16 (ii) *amounts received as repayment of*
17 *a loan issued to an eligible entity under*
18 *subsection (e)(1)(B); and*

19 (iii) *amounts contributed by eligible*
20 *entities for the purpose of carrying out an*
21 *eligible project with respect to which the*
22 *Secretary is participating with the eligible*
23 *entity under subsection (e)(1)(C);*

1 (B) all amounts borrowed from the Sec-
2 retary of the Treasury by the Secretary for the
3 program under paragraph (2); and

4 (C) any amounts appropriated to the Sec-
5 retary for the program.

6 (2) *BORROWING AUTHORITY.*—*The Secretary of*
7 *the Treasury may, without further appropriation and*
8 *without fiscal year limitation, loan to the Secretary*
9 *on such terms as may be fixed by the Secretary and*
10 *the Secretary of the Treasury, such sums as, in the*
11 *judgment of the Secretary, are from time to time re-*
12 *quired for the purpose of carrying out the program,*
13 *not to exceed, in the aggregate (including deferred in-*
14 *terest), \$2,500,000,000 in outstanding repayable bal-*
15 *ances at any 1 time.*

16 (3) *AUTHORIZATION OF APPROPRIATIONS.*—
17 *There is authorized to be appropriated to the Sec-*
18 *retary to carry out the program, including for any*
19 *administrative expenses of carrying out the program*
20 *that are not recovered under paragraph (4),*
21 *\$10,000,000 for each of fiscal years 2022 through*
22 *2026.*

23 (4) *COST RECOVERY.*—

24 (A) *IN GENERAL.*—*Except as provided in*
25 *subparagraph (B), the cost of any facilitation*

1 *activities carried out by the Secretary under sub-*
2 *section (e)(1) shall be collected—*

3 *(i) from eligible entities receiving the*
4 *benefit of the applicable facilitation activ-*
5 *ity, on a schedule to be determined by the*
6 *Secretary; or*

7 *(ii) with respect to a contracted trans-*
8 *mission capacity under subsection (e)(1)(A)*
9 *through rates charged for the use of the con-*
10 *tracted transmission capacity.*

11 *(B) FORGIVENESS OF BALANCES.—*

12 *(i) TERMINATION OR END OF USEFUL*
13 *LIFE.—If, at the end of the useful life of an*
14 *eligible project or the termination of a ca-*
15 *capacity contract under subsection (f)(5),*
16 *there is a remaining balance owed to the*
17 *Treasury under this section, the balance*
18 *shall be forgiven.*

19 *(ii) UNCONSTRUCTED PROJECTS.—*
20 *Funds expended to study projects that are*
21 *considered pursuant to this section but that*
22 *are not constructed shall be forgiven.*

23 *(C) RECOVERY OF COSTS OF ELIGIBLE*
24 *PROJECTS.—The Secretary may collect the costs*
25 *of any activities carried out by the Secretary*

1 *with respect to an eligible project in which the*
2 *Secretary participates with an eligible entity*
3 *under subsection (e)(1)(C) through rates charged*
4 *to customers benefitting from the new trans-*
5 *mission capability provided by the eligible*
6 *project.*

7 *(e) FACILITATION OF ELIGIBLE PROJECTS.—*

8 *(1) IN GENERAL.—To facilitate eligible projects,*
9 *the Secretary may—*

10 *(A) subject to subsections (f) and (i), enter*
11 *into a capacity contract with respect to an eligi-*
12 *ble project prior to the date on which the eligible*
13 *project is completed;*

14 *(B) subject to subsections (g) and (i), issue*
15 *a loan to an eligible entity for the costs of car-*
16 *rying out an eligible project; or*

17 *(C) subject to subsections (h) and (i), par-*
18 *ticipate with an eligible entity in designing, de-*
19 *veloping, constructing, operating, maintaining,*
20 *or owning an eligible project.*

21 *(2) REQUIREMENT.—The provision and receipt*
22 *of assistance for an eligible project under paragraph*
23 *(1) shall be subject to such terms and conditions as*
24 *the Secretary determines to be appropriate—*

- 1 (A) to ensure the success of the program;
2 and
3 (B) to protect the interests of the United
4 States.

5 (f) CAPACITY CONTRACTS.—

6 (1) PURPOSE.—In entering into capacity con-
7 tracts under subsection (e)(1)(A), the Secretary shall
8 seek to enter into capacity contracts that will encour-
9 age other entities to enter into contracts for the trans-
10 mission capacity of the eligible project.

11 (2) PAYMENT.—The amount paid by the Sec-
12 retary to an eligible entity under a capacity contract
13 for the right to the use of the transmission capacity
14 of an eligible project shall be—

15 (A) the fair market value for the use of the
16 transmission capacity, as determined by the Sec-
17 retary, taking into account, as the Secretary de-
18 termines to be necessary, the comparable value
19 for the use of the transmission capacity of other
20 electric power transmission lines; and

21 (B) on a schedule and in such divided
22 amounts, which may be a single amount, that
23 the Secretary determines are likely to facilitate
24 construction of the eligible project, taking into
25 account standard industry practice and factors

1 *specific to each applicant, including, as applica-*
2 *ble—*

3 *(i) potential review by a State regu-*
4 *latory entity of the revenue requirement of*
5 *an electric utility; and*

6 *(ii) the financial model of an inde-*
7 *pendent transmission developer.*

8 (3) *LIMITATIONS.—A capacity contract shall—*

9 *(A) be for a term of not more than 40 years;*
10 *and*

11 *(B) be for not more than 50 percent of the*
12 *total proposed transmission capacity of the ap-*
13 *plicable eligible project.*

14 (4) *TRANSMISSION MARKETING.—*

15 *(A) IN GENERAL.—If the Secretary has not*
16 *terminated a capacity contract under paragraph*
17 *(5) before the applicable eligible project enters*
18 *into service, the Secretary may enter into 1 or*
19 *more contracts with a third party to market the*
20 *transmission capacity of the eligible project to*
21 *which the Secretary holds rights under the ca-*
22 *capacity contract.*

23 *(B) RETURN.—Subject to subparagraph*
24 *(D), the Secretary shall seek to ensure that any*
25 *contract entered into under subparagraph (A)*

1 *maximizes the financial return to the Federal*
2 *Government.*

3 (C) *COMPETITIVE SOLICITATION.*—*The Sec-*
4 *retary shall only select third parties for contracts*
5 *under this paragraph through a competitive so-*
6 *licitation.*

7 (D) *REQUIREMENT.*—*The marketing of ca-*
8 *capacity pursuant to this subsection, including*
9 *any marketing by a third party under subpara-*
10 *graph (A), shall be undertaken consistent with*
11 *the requirements of the Federal Power Act (16*
12 *U.S.C. 791a et seq.).*

13 (5) *TERMINATION.*—

14 (A) *IN GENERAL.*—*The Secretary shall seek*
15 *to terminate a capacity contract as soon as prac-*
16 *ticable after determining that sufficient trans-*
17 *mission capacity of the eligible project has been*
18 *secured by other entities to ensure the long-term*
19 *financial viability of the eligible project, includ-*
20 *ing through 1 or more transfers under subpara-*
21 *graph (B).*

22 (B) *TRANSFER.*—*On payment to the Sec-*
23 *retary by a third party for transmission capac-*
24 *ity to which the Secretary has rights under a ca-*
25 *capacity contract, the Secretary may transfer the*

1 *rights to that transmission capacity to that third*
2 *party.*

3 (C) *RELINQUISHMENT.*—*On payment to the*
4 *Secretary by the applicable eligible entity for*
5 *transmission capacity to which the Secretary has*
6 *rights under a capacity contract, the Secretary*
7 *may relinquish the rights to that transmission*
8 *capacity to the eligible entity.*

9 (D) *REQUIREMENT.*—*A payment under*
10 *subparagraph (B) or (C) shall be in an amount*
11 *sufficient for the Secretary to recover any re-*
12 *maining costs incurred by the Secretary with re-*
13 *spect to the quantity of transmission capacity*
14 *affected by the transfer under subparagraph (B)*
15 *or the relinquishment under subparagraph (C),*
16 *as applicable.*

17 (6) *OTHER FEDERAL CAPACITY POSITIONS.*—*The*
18 *existence of a capacity contract does not preclude a*
19 *Federal entity, including a Federal power marketing*
20 *administration, from otherwise securing transmission*
21 *capacity at any time from an eligible project, to the*
22 *extent that the Federal entity is authorized to secure*
23 *that transmission capacity.*

24 (7) *FORM OF FINANCIAL ASSISTANCE.*—*Entering*
25 *into a capacity contract under subsection (e)(1)(A)*

1 *shall be considered a form of financial assistance de-*
2 *scribed in section 1508.1(q)(1)(vii) of title 40, Code of*
3 *Federal Regulations (as in effect on the date of enact-*
4 *ment of this Act).*

5 (8) *TRANSMISSION PLANNING REGION CONSULTA-*
6 *TION.—Prior to entering into a capacity contract*
7 *under this subsection, the Secretary shall consult with*
8 *the relevant transmission planning region regarding*
9 *the transmission planning region’s identification of*
10 *needs, and the Secretary shall minimize, to the extent*
11 *possible, duplication or conflict with the transmission*
12 *planning region’s needs determination and selection*
13 *of projects that meet such needs.*

14 (g) *INTEREST RATE ON LOANS.—The rate of interest*
15 *to be charged in connection with any loan made by the Sec-*
16 *retary to an eligible entity under subsection (e)(1)(B) shall*
17 *be fixed by the Secretary, taking into consideration market*
18 *yields on outstanding marketable obligations of the United*
19 *States of comparable maturities as of the date of the loan.*

20 (h) *PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary*
21 *may participate with an eligible entity with respect to an*
22 *eligible project under subsection (e)(1)(C) if the Secretary*
23 *determines that the eligible project—*

24 (1)(A) *is located in an area designated as a na-*
25 *tional interest electric transmission corridor pursuant*

1 *to section 216(a) of the Federal Power Act 16 U.S.C.*
2 *824p(a); or*

3 *(B) is necessary to accommodate an actual or*
4 *projected increase in demand for electric transmission*
5 *capacity across more than 1 State or transmission*
6 *planning region;*

7 *(2) is consistent with efficient and reliable oper-*
8 *ation of the transmission grid;*

9 *(3) will be operated in conformance with pru-*
10 *dent utility practices;*

11 *(4) will be operated in conformance with the*
12 *rules of—*

13 *(A) a Transmission Organization (as de-*
14 *finied in section 3 of the Federal Power Act (16*
15 *U.S.C. 796)), if applicable; or*

16 *(B) a regional reliability organization; and*

17 *(5) is not duplicative of the functions of existing*
18 *transmission facilities that are the subject of ongoing*
19 *siting and related permitting proceedings.*

20 *(i) CERTIFICATION.—Prior to taking action to facili-*
21 *tate an eligible project under subparagraph (A), (B), or (C)*
22 *of subsection (e)(1), the Secretary shall certify that—*

23 *(1) the eligible project is in the public interest;*

24 *(2) the eligible project is unlikely to be con-*
25 *structed in as timely a manner or with as much*

1 *transmission capacity in the absence of facilitation*
2 *under this section, including with respect to an eligi-*
3 *ble project for which a Federal investment tax credit*
4 *may be allowed; and*

5 *(3) it is reasonable to expect that the proceeds*
6 *from the eligible project will be adequate, as applica-*
7 *ble—*

8 *(A) to recover the cost of a capacity contract*
9 *entered into under subsection (e)(1)(A);*

10 *(B) to repay a loan provided under sub-*
11 *section (e)(1)(B); or*

12 *(C) to repay any amounts borrowed from*
13 *the Secretary of the Treasury under subsection*
14 *(d)(2).*

15 *(j) OTHER AUTHORITIES, LIMITATIONS, AND EF-*
16 *FECTS.—*

17 *(1) PARTICIPATION.—The Secretary may permit*
18 *other entities to participate in the financing, con-*
19 *struction, and ownership of eligible projects facilitated*
20 *under this section.*

21 *(2) OPERATIONS AND MAINTENANCE.—Facilita-*
22 *tion by the Secretary of an eligible project under this*
23 *section does not create any obligation on the part of*
24 *the Secretary to operate or maintain the eligible*
25 *project.*

1 (3) *FEDERAL FACILITIES.*—For purposes of cost
2 recovery under subsection (d)(4) and repayment of a
3 loan issued under subsection (e)(1)(B), each eligible
4 project facilitated by the Secretary under this section
5 shall be treated as separate and distinct from—

6 (A) each other eligible project; and

7 (B) all other Federal power and trans-
8 mission facilities.

9 (4) *EFFECT ON ANCILLARY SERVICES AUTHORITY*
10 *AND OBLIGATIONS.*—Nothing in this section confers
11 on the Secretary or any Federal power marketing ad-
12 ministration any additional authority or obligation
13 to provide ancillary services to users of transmission
14 facilities constructed or upgraded under this section.

15 (5) *EFFECT ON WESTERN AREA POWER ADMINIS-*
16 *TRATION PROJECTS.*—Nothing in this section af-
17 fects—

18 (A) any pending project application before
19 the Western Area Power Administration under
20 section 301 of the Hoover Power Plant Act of
21 1984 (42 U.S.C. 16421a); or

22 (B) any agreement entered into by the West-
23 ern Power Administration under that section.

24 (6) *THIRD-PARTY FINANCE.*—Nothing in this sec-
25 tion precludes an eligible project facilitated under this

1 *section from being eligible as a project under section*
2 *1222 of the Energy Policy Act of 2005 (42 U.S.C.*
3 *16421).*

4 (7) *LIMITATION ON LOANS.—An eligible project*
5 *may not be the subject of both—*

6 (A) *a loan under subsection (e)(1)(B); and*

7 (B) *a Federal loan under section 301 of the*
8 *Hoover Power Plant Act of 1984 (42 U.S.C.*
9 *16421a).*

10 (8) *CONSIDERATIONS.—In evaluating eligible*
11 *projects for possible facilitation under this section, the*
12 *Secretary shall prioritize projects that, to the max-*
13 *imum extent practicable—*

14 (A) *use technology that enhances the capac-*
15 *ity, efficiency, resiliency, or reliability of an*
16 *electric power transmission system, including—*

17 (i) *reconductoring of an existing elec-*
18 *tric power transmission line with advanced*
19 *conductors; and*

20 (ii) *hardware or software that enables*
21 *dynamic line ratings, advanced power flow*
22 *control, or grid topology optimization;*

23 (B) *will improve the resiliency and reli-*
24 *ability of an electric power transmission system;*

1 (C) facilitate interregional transfer capacity
2 that supports strong and equitable economic
3 growth; and

4 (D) contribute to national or subnational
5 goals to lower electricity sector greenhouse gas
6 emissions.

7 **SEC. 40107. DEPLOYMENT OF TECHNOLOGIES TO ENHANCE**
8 **GRID FLEXIBILITY.**

9 (a) *IN GENERAL.*—Section 1306 of the Energy Inde-
10 pendency and Security Act of 2007 (42 U.S.C. 17386) is
11 amended—

12 (1) in subsection (b)—

13 (A) in the matter preceding paragraph (1),
14 by striking “the date of enactment of this Act”
15 and inserting “the date of enactment of the In-
16 frastructure Investment and Jobs Act”;

17 (B) by redesignating paragraph (9) as
18 paragraph (14); and

19 (C) by inserting after paragraph (8) the fol-
20 lowing:

21 “(9) In the case of data analytics that enable
22 software to engage in Smart Grid functions, the docu-
23 mented purchase costs of the data analytics.

24 “(10) In the case of buildings, the documented
25 expenses for devices and software, including for in-

1 *stallation, that allow buildings to engage in demand*
2 *flexibility or Smart Grid functions.*

3 *“(11) In the case of utility communications,*
4 *operational fiber and wireless broadband communica-*
5 *tions networks to enable data flow between distribu-*
6 *tion system components.*

7 *“(12) In the case of advanced transmission tech-*
8 *nologies such as dynamic line rating, flow control de-*
9 *vices, advanced conductors, network topology optimi-*
10 *zation, or other hardware, software, and associated*
11 *protocols applied to existing transmission facilities*
12 *that increase the operational transfer capacity of a*
13 *transmission network, the documented expenditures to*
14 *purchase and install those advanced transmission*
15 *technologies.*

16 *“(13) In the case of extreme weather or natural*
17 *disasters, the ability to redirect or shut off power to*
18 *minimize blackouts and avoid further damage.”; and*

19 *(2) in subsection (d)—*

20 *(A) by redesignating paragraph (9) as*
21 *paragraph (16); and*

22 *(B) by inserting after paragraph (8) the fol-*
23 *lowing:*

24 *“(9) The ability to use data analytics and soft-*
25 *ware-as-service to provide flexibility by improving the*

1 *visibility of the electrical system to grid operators*
2 *that can help quickly rebalance the electrical system*
3 *with autonomous controls.*

4 “(10) *The ability to facilitate the aggregation or*
5 *integration of distributed energy resources to serve as*
6 *assets for the grid.*

7 “(11) *The ability to provide energy storage to*
8 *meet fluctuating electricity demand, provide voltage*
9 *support, and integrate intermittent generation*
10 *sources, including vehicle-to-grid technologies.*

11 “(12) *The ability of hardware, software, and as-*
12 *sociated protocols applied to existing transmission fa-*
13 *cilities to increase the operational transfer capacity of*
14 *a transmission network.*

15 “(13) *The ability to anticipate and mitigate im-*
16 *pacts of extreme weather or natural disasters on grid*
17 *resiliency.*

18 “(14) *The ability to facilitate the integration of*
19 *renewable energy resources, electric vehicle charging*
20 *infrastructure, and vehicle-to-grid technologies.*

21 “(15) *The ability to reliably meet increased de-*
22 *mand from electric vehicles and the electrification of*
23 *appliances and other sectors.”.*

24 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
25 *authorized to be appropriated to the Secretary to carry out*

1 *the Smart Grid Investment Matching Grant Program estab-*
2 *lished under section 1306(a) of the Energy Independence*
3 *and Security Act of 2007 (42 U.S.C. 17386(a))*
4 *\$3,000,000,000 for fiscal year 2022, to remain available*
5 *through September 30, 2026.*

6 **SEC. 40108. STATE ENERGY SECURITY PLANS.**

7 *(a) IN GENERAL.—Part D of title III of the Energy*
8 *Policy and Conservation Act (42 U.S.C. 6321 et seq.) is*
9 *amended—*

10 *(1) in section 361—*

11 *(A) by striking the section designation and*
12 *heading and all that follows through “The Con-*
13 *gress” and inserting the following:*

14 **“SEC. 361. FINDINGS; PURPOSE; DEFINITIONS.**

15 *“(a) FINDINGS.—Congress”;*

16 *(B) in subsection (b), by striking “(b) It is”*
17 *and inserting the following:*

18 *“(b) PURPOSE.—It is”; and*

19 *(C) by adding at the end the following:*

20 *“(c) DEFINITIONS.—In this part:”;*

21 *(2) in section 366—*

22 *(A) in paragraph (3)(B)(i), by striking*
23 *“approved under section 367, and” ; and insert-*
24 *ing “; and”;*

1 (B) in each of paragraphs (1) through (8),
 2 by inserting a paragraph heading, the text of
 3 which is comprised of the term defined in the
 4 paragraph; and

5 (C) by redesignating paragraphs (6) and
 6 (7) as paragraphs (7) and (6), respectively, and
 7 moving the paragraphs so as to appear in nu-
 8 merical order;

9 (3) by moving paragraphs (1) through (8) of sec-
 10 tion 366 (as so redesignated) so as to appear after
 11 subsection (c) of section 361 (as designated by para-
 12 graph (1)(C)); and

13 (4) by amending section 366 to read as follows:

14 **“SEC. 366. STATE ENERGY SECURITY PLANS.**

15 “(a) *DEFINITIONS.*—In this section:

16 “(1) *BULK-POWER SYSTEM.*—The term ‘bulk-
 17 power system’ has the meaning given the term in sec-
 18 tion 215(a) of the Federal Power Act (16 U.S.C.
 19 8240(a)).

20 “(2) *STATE ENERGY SECURITY PLAN.*—The term
 21 ‘State energy security plan’ means a State energy se-
 22 curity plan described in subsection (b).

23 “(b) *FINANCIAL ASSISTANCE FOR STATE ENERGY SE-*
 24 *CURITY PLANS.*—Federal financial assistance made avail-
 25 able to a State under this part may be used for the develop-

1 *ment, implementation, review, and revision of a State en-*
2 *ergy security plan that—*

3 “(1) *assesses the existing circumstances in the*
4 *State; and*

5 “(2) *proposes methods to strengthen the ability of*
6 *the State, in consultation with owners and operators*
7 *of energy infrastructure in the State—*

8 “(A) *to secure the energy infrastructure of*
9 *the State against all physical and cybersecurity*
10 *threats;*

11 “(B)(i) *to mitigate the risk of energy supply*
12 *disruptions to the State; and*

13 “(ii) *to enhance the response to, and recov-*
14 *ery from, energy disruptions; and*

15 “(C) *to ensure that the State has reliable,*
16 *secure, and resilient energy infrastructure.*

17 “(c) *CONTENTS OF PLAN.—A State energy security*
18 *plan shall—*

19 “(1) *address all energy sources and regulated*
20 *and unregulated energy providers;*

21 “(2) *provide a State energy profile, including an*
22 *assessment of energy production, transmission, dis-*
23 *tribution, and end-use;*

24 “(3) *address potential hazards to each energy*
25 *sector or system, including—*

1 “(A) *physical threats and vulnerabilities;*

2 *and*

3 “(B) *cybersecurity threats and*

4 *vulnerabilities;*

5 “(4) *provide a risk assessment of energy infra-*
6 *structure and cross-sector interdependencies;*

7 “(5) *provide a risk mitigation approach to en-*
8 *hance reliability and end-use resilience; and*

9 “(6)(A) *address—*

10 “(i) *multi-State and regional coordination,*
11 *planning, and response; and*

12 “(ii) *coordination with Indian Tribes with*
13 *respect to planning and response; and*

14 “(B) *to the extent practicable, encourage mutual*
15 *assistance in cyber and physical response plans.*

16 “(d) *COORDINATION.—In developing or revising a*
17 *State energy security plan, the State energy office of the*
18 *State shall coordinate, to the extent practicable, with—*

19 “(1) *the public utility or service commission of*
20 *the State;*

21 “(2) *energy providers from the private and pub-*
22 *lic sectors; and*

23 “(3) *other entities responsible for—*

24 “(A) *maintaining fuel or electric reliability;*

25 *and*

1 “(B) *securing energy infrastructure.*

2 “(e) *FINANCIAL ASSISTANCE.—A State is not eligible*
3 *to receive Federal financial assistance under this part for*
4 *any purpose for a fiscal year unless the Governor of the*
5 *State submits to the Secretary, with respect to that fiscal*
6 *year—*

7 “(1) *a State energy security plan that meets the*
8 *requirements of subsection (c); or*

9 “(2) *after an annual review, carried out by the*
10 *Governor, of a State energy security plan—*

11 “(A) *any necessary revisions to the State*
12 *energy security plan; or*

13 “(B) *a certification that no revisions to the*
14 *State energy security plan are necessary.*

15 “(f) *TECHNICAL ASSISTANCE.—On request of the Gov-*
16 *ernor of a State, the Secretary, in consultation with the*
17 *Secretary of Homeland Security, may provide information,*
18 *technical assistance, and other assistance in the develop-*
19 *ment, implementation, or revision of a State energy secu-*
20 *rity plan.*

21 “(g) *REQUIREMENT.—Each State receiving Federal fi-*
22 *nancial assistance under this part shall provide reasonable*
23 *assurance to the Secretary that the State has established*
24 *policies and procedures designed to assure that the financial*
25 *assistance will be used—*

1 “(1) to supplement, and not to supplant, State
2 and local funds; and

3 “(2) to the maximum extent practicable, to in-
4 crease the amount of State and local funds that other-
5 wise would be available, in the absence of the Federal
6 financial assistance, for the implementation of a
7 State energy security plan.

8 “(h) *PROTECTION OF INFORMATION.*—Information
9 provided to, or collected by, the Federal Government pursu-
10 ant to this section the disclosure of which the Secretary rea-
11 sonably foresees could be detrimental to the physical secu-
12 rity 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 “(i) *SUNSET.*—The requirements of this section shall
23 expire on October 31, 2025.”

1 (b) *CLERICAL AMENDMENTS.*—*The table of contents of*
2 *the Energy Policy and Conservation Act (Public Law 94–*
3 *163; 89 Stat. 872) is amended—*

4 (1) *by striking the item relating to section 361*
5 *and inserting the following:*

“*Sec. 361. Findings; purpose; definitions.*”; and

6 (2) *by striking the item relating to section 366*
7 *and inserting the following:*

“*Sec. 366. State energy security plans.*”.

8 (c) *CONFORMING AMENDMENTS.*—

9 (1) *Section 509(i)(3) of the Housing and Urban*
10 *Development Act of 1970 (12 U.S.C. 1701z–8(i)(3)) is*
11 *amended by striking “prescribed for such terms in*
12 *section 366 of the Energy Policy and Conservation*
13 *Act” and inserting “given the terms in section 361(c)*
14 *of the Energy Policy and Conservation Act”.*

15 (2) *Section 363 of the Energy Policy and Con-*
16 *servation Act (42 U.S.C. 6323) is amended—*

17 (A) *by striking subsection (e); and*

18 (B) *by redesignating subsection (f) as sub-*
19 *section (e).*

20 (3) *Section 451(i)(3) of the Energy Conservation*
21 *and Production Act (42 U.S.C. 6881(i)(3)) is amend-*
22 *ed by striking “prescribed for such terms in section*
23 *366 of the Federal Energy Policy and Conservation*

1 *Act*” and inserting “given the terms in section 361(c)
2 of the *Energy Policy and Conservation Act*”.

3 **SEC. 40109. STATE ENERGY PROGRAM.**

4 (a) *COLLABORATIVE TRANSMISSION SITING*.—Section
5 362(c) of the *Energy Policy and Conservation Act* (42
6 U.S.C. 6322(c)) is amended—

7 (1) in paragraph (5), by striking “and” at the
8 end;

9 (2) in paragraph (6), by striking the period at
10 the end and inserting “; and”; and

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

12 “(7) the mandatory conduct of activities to sup-
13 port transmission and distribution planning, includ-
14 ing—

15 “(A) support for local governments and In-
16 dian Tribes;

17 “(B) feasibility studies for transmission line
18 routes and alternatives;

19 “(C) preparation of necessary project design
20 and permits; and

21 “(D) outreach to affected stakeholders.”.

22 (b) *STATE ENERGY CONSERVATION PLANS*.—Section
23 362(d) of the *Energy Policy and Conservation Act* (42
24 U.S.C. 6322(d)) is amended by striking paragraph (3) and
25 inserting the following:

1 “(3) programs to increase transportation energy
2 efficiency, including programs to help reduce carbon
3 emissions in the transportation sector by 2050 and
4 accelerate the use of alternative transportation fuels
5 for, and the electrification of, State government vehi-
6 cles, fleet vehicles, taxis and ridesharing services,
7 mass transit, school buses, ferries, and privately
8 owned passenger and medium- and heavy-duty vehi-
9 cles;”.

10 (c) *AUTHORIZATION OF APPROPRIATIONS FOR STATE*
11 *ENERGY PROGRAM.*—Section 365 of the Energy Policy and
12 Conservation Act (42 U.S.C. 6325) is amended by striking
13 subsection (f) and inserting the following:

14 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—

15 “(1) *IN GENERAL.*—There is authorized to be ap-
16 propriated to carry out this part \$500,000,000 for the
17 period of fiscal years 2022 through 2026.

18 “(2) *DISTRIBUTION.*—Amounts made available
19 under paragraph (1)—

20 “(A) shall be distributed to the States in ac-
21 cordance with the applicable distribution for-
22 mula in effect on January 1, 2021; and

23 “(B) shall not be subject to the matching re-
24 quirement described in the first proviso of the
25 matter under the heading ‘ENERGY CONSERVA-

1 *TION’ under the heading ‘DEPARTMENT OF*
2 *ENERGY’ in title II of the Department of the*
3 *Interior and Related Agencies Appropriations*
4 *Act, 1985 (42 U.S.C. 6323a).”.*

5 **SEC. 40110. POWER MARKETING ADMINISTRATION TRANS-**
6 **MISSION BORROWING AUTHORITY.**

7 *(a) BORROWING AUTHORITY.—*

8 *(1) IN GENERAL.—Subject to paragraph (2), for*
9 *the purposes of providing funds to assist in the fi-*
10 *ancing of the construction, acquisition, and replace-*
11 *ment of the Federal Columbia River Power System*
12 *and to implement the authority of the Administrator*
13 *of the Bonneville Power Administration (referred to*
14 *in this section as the “Administrator”) under the Pa-*
15 *cific Northwest Electric Power Planning and Con-*
16 *servation Act (16 U.S.C. 839 et seq.), an additional*
17 *\$10,000,000,000 in borrowing authority is made*
18 *available under the Federal Columbia River Trans-*
19 *mission System Act (16 U.S.C. 838 et seq.), to remain*
20 *outstanding at any 1 time.*

21 *(2) LIMITATION.—The obligation of additional*
22 *borrowing authority under paragraph (1) shall not*
23 *exceed \$6,000,000,000 by fiscal year 2028.*

24 *(b) FINANCIAL PLAN.—*

1 (1) *IN GENERAL.*—*The Administrator shall issue*
2 *an updated financial plan by the end of fiscal year*
3 *2022.*

4 (2) *REQUIREMENT.*—*As part of the process of*
5 *issuing an updated financial plan under paragraph*
6 *(1), the Administrator shall—*

7 (A) *consistent with asset management plan-*
8 *ning and sound business principles, consider*
9 *projected and planned use and allocation of the*
10 *borrowing authority of the Administrator across*
11 *the mission responsibilities of the Bonneville*
12 *Power Administration; and*

13 (B) *before issuing the final updated finan-*
14 *cial plan—*

15 (i) *engage, in a manner determined by*
16 *the Administrator, with customers with re-*
17 *spect to a draft of the updated plan; and*

18 (ii) *consider as a relevant factor any*
19 *recommendations from customers regarding*
20 *prioritization of asset investments.*

21 (c) *STAKEHOLDER ENGAGEMENT.*—*The Administrator*
22 *shall—*

23 (1) *engage, in a manner determined by the Ad-*
24 *ministrator, with customers and stakeholders with re-*
25 *spect to the financial and cost management efforts of*

1 *the Administrator through periodic program reviews;*
2 *and*

3 *(2) to the maximum extent practicable, imple-*
4 *ment those policies that would be expected to be con-*
5 *sistent with the lowest possible power and trans-*
6 *mission rates consistent with sound business prin-*
7 *ciples.*

8 *(d) REPAYMENT.—Any additional Treasury borrowing*
9 *authority received under this section shall be fully repaid*
10 *to the Treasury in a manner consistent with the applicable*
11 *self-financed Federal budget accounts.*

12 **SEC. 40111. STUDY OF CODES AND STANDARDS FOR USE OF**
13 **ENERGY STORAGE SYSTEMS ACROSS SEC-**
14 **TORS.**

15 *(a) IN GENERAL.—The Secretary shall conduct a*
16 *study of types and commercial applications of codes and*
17 *standards applied to—*

18 *(1) stationary energy storage systems;*

19 *(2) mobile energy storage systems; and*

20 *(3) energy storage systems that move between*
21 *stationary and mobile applications, such as electric*
22 *vehicle batteries or batteries repurposed for new ap-*
23 *plications.*

24 *(b) PURPOSES.—The purposes of the study conducted*
25 *under subsection (a) shall be—*

1 (1) to identify barriers, foster collaboration, and
2 increase conformity across sectors relating to—

3 (A) use of emerging energy storage tech-
4 nologies; and

5 (B) use cases, such as vehicle-to-grid inte-
6 gration;

7 (2) to identify all existing codes and standards
8 that apply to energy storage systems;

9 (3) to identify codes and standards that require
10 revision or enhancement;

11 (4) to enhance the safe implementation of energy
12 storage systems; and

13 (5) to receive formal input from stakeholders re-
14 garding—

15 (A) existing codes and standards; and

16 (B) new or revised codes and standards.

17 (c) *CONSULTATION.*—In conducting the study under
18 subsection (a), the Secretary shall consult with all relevant
19 standards-developing organizations and other entities with
20 expertise regarding energy storage system safety.

21 (d) *REPORT.*—Not later than 18 months after the date
22 of enactment of this Act, the Secretary shall submit to Con-
23 gress a report describing the results of the study conducted
24 under subsection (a).

1 **SEC. 40112. DEMONSTRATION OF ELECTRIC VEHICLE BAT-**
 2 **TERY SECOND-LIFE APPLICATIONS FOR GRID**
 3 **SERVICES.**

4 *Section 3201(c) of the Energy Act of 2020 (42 U.S.C.*
 5 *17232(c)) is amended—*

6 *(1) in paragraph (1)—*

7 *(A) by striking the period at the end and*
 8 *inserting “; and”;*

9 *(B) by striking “including at” and insert-*
 10 *ing the following: “including—*

11 *“(A) at”; and*

12 *(C) by adding at the end the following:*

13 *“(B) 1 project to demonstrate second-life ap-*
 14 *plications of electric vehicle batteries as aggre-*
 15 *gated energy storage installations to provide*
 16 *services to the electric grid, in accordance with*
 17 *paragraph (3).”;*

18 *(2) by redesignating paragraphs (3) and (4) as*
 19 *paragraphs (4) and (5), respectively; and*

20 *(3) by inserting after paragraph (2) the fol-*
 21 *lowing:*

22 *“(3) DEMONSTRATION OF ELECTRIC VEHICLE*
 23 *BATTERY SECOND-LIFE APPLICATIONS FOR GRID*
 24 *SERVICES.—*

25 *“(A) IN GENERAL.—The Secretary shall*
 26 *enter into an agreement to carry out a project to*

1 *demonstrate second-life applications of electric*
2 *vehicle batteries as aggregated energy storage in-*
3 *stallations to provide services to the electric grid.*

4 “(B) *PURPOSES.*—*The purposes of the*
5 *project under subparagraph (A) shall be—*

6 “(i) *to demonstrate power safety and*
7 *the reliability of the applications dem-*
8 *onstrated under the program;*

9 “(ii) *to demonstrate the ability of elec-*
10 *tric vehicle batteries—*

11 “(I) *to provide ancillary services*
12 *for grid stability and management;*
13 *and*

14 “(II) *to reduce the peak loads of*
15 *homes and businesses;*

16 “(iii) *to extend the useful life of electric*
17 *vehicle batteries and the components of elec-*
18 *tric vehicle batteries prior to the collection,*
19 *recycling, and reprocessing of the batteries*
20 *and components; and*

21 “(iv) *to increase acceptance of, and*
22 *participation in, the use of second-life ap-*
23 *plications of electric vehicle batteries by*
24 *utilities.*

1 “(C) *PRIORITY.*—*In selecting a project to*
2 *carry out under subparagraph (A), the Secretary*
3 *shall give priority to projects in which the dem-*
4 *onstratation of the applicable second-life applica-*
5 *tions is paired with 1 or more facilities that*
6 *could particularly benefit from increased resil-*
7 *iency and lower energy costs, such as a multi-*
8 *family affordable housing facility, a senior care*
9 *facility, and a community health center.”.*

10 **SEC. 40113. COLUMBIA BASIN POWER MANAGEMENT.**

11 (a) *DEFINITIONS.*—*In this section:*

12 (1) *ACCOUNT.*—*The term “Account” means the*
13 *account established by subsection (b)(1).*

14 (2) *ADMINISTRATOR.*—*The term “Adminis-*
15 *trator” means the Administrator of the Bonneville*
16 *Power Administration.*

17 (3) *CANADIAN ENTITLEMENT.*—*The term “Cana-*
18 *dian Entitlement” means the downstream power ben-*
19 *efits that Canada is entitled to under Article V of the*
20 *Treaty Relating to Cooperative Development of the*
21 *Water Resources of the Columbia River Basin, signed*
22 *at Washington January 17, 1961 (15 UST 1555;*
23 *TIAS 5638).*

24 (b) *TRANSMISSION COORDINATION AND EXPANSION.*—

1 (1) *ESTABLISHMENT.*—*There is established in*
2 *the Treasury an account for the purposes of making*
3 *expenditures to increase bilateral transfers of renew-*
4 *able electric generation between the western United*
5 *States and Canada.*

6 (2) *CRITERIA.*—

7 (A) *IN GENERAL.*—*The Administrator may*
8 *make expenditures from the Account for activi-*
9 *ties to improve electric power system coordina-*
10 *tion by constructing electric power transmission*
11 *facilities within the western United States that*
12 *directly or indirectly facilitate non-carbon emit-*
13 *ting electric power transactions between the west-*
14 *ern United States and Canada.*

15 (B) *APPLICATION.*—*Subparagraph (A) shall*
16 *be effective after the later of—*

17 (i) *September 16, 2024; and*

18 (ii) *the date on which the Canadian*
19 *entitlement value calculation is terminated*
20 *or reduced to the actual electric power value*
21 *to the United States, as determined by the*
22 *Administrator.*

23 (3) *CONSULTATION.*—*The Administrator shall*
24 *consult with relevant electric utilities in Canada and*
25 *appropriate regional transmission planning organi-*

1 *zations in considering the construction of trans-*
2 *mission activities under this subsection.*

3 (4) *AUTHORIZATION.*—*There is authorized to be*
4 *appropriated to the Account a nonreimbursable*
5 *amount equal to the aggregated amount of the Cana-*
6 *dian Entitlement during the 5-year period preceding*
7 *the date of enactment of this Act.*

8 (c) *INCREASED HYDROELECTRIC CAPACITY.*—

9 (1) *IN GENERAL.*—*The Commissioner of Rec-*
10 *lamation shall rehabilitate and enhance the John W.*
11 *Keys III Pump Generating Plant—*

12 (A) *to replace obsolete equipment;*

13 (B) *to maintain reliability and improve ef-*
14 *iciency in system performance and operation;*

15 (C) *to create more hydroelectric power ca-*
16 *capacity in the Pacific Northwest; and*

17 (D) *to ensure the availability of water for*
18 *irrigation in the event that Columbia River*
19 *water flows from British Columbia into the*
20 *United States are insufficient after September*
21 *16, 2024.*

22 (2) *AUTHORIZATION OF APPROPRIATIONS.*—
23 *There is authorized to be appropriated \$100,000,000,*
24 *which shall be nonreimbursable, to carry out this*
25 *subsection.*

1 (d) *POWER COORDINATION STUDY.*—

2 (1) *IN GENERAL.*—*The Administrator shall con-*
3 *duct a study considering the potential hydroelectric*
4 *power value to the Pacific Northwest of increasing the*
5 *coordination of the operation of hydroelectric and*
6 *water storage facilities on rivers located in the United*
7 *States and Canada.*

8 (2) *CRITERIA.*—*The study conducted under*
9 *paragraph (1) shall analyze—*

10 (A) *projected changes to the Pacific North-*
11 *west electricity supply;*

12 (B) *potential reductions in greenhouse gas*
13 *emissions;*

14 (C) *any potential need to increase trans-*
15 *mission capacity; and*

16 (D) *any other factor the Administrator con-*
17 *siders to be relevant for increasing bilateral co-*
18 *ordination.*

19 (3) *COORDINATION.*—*In conducting the study*
20 *under paragraph (1), the Administrator shall coordi-*
21 *nate, to the extent practicable, with—*

22 (A) *the British Columbia or a crown cor-*
23 *poration owned by British Columbia;*

24 (B) *the Assistant Secretary;*

25 (C) *the Commissioner of Reclamation; and*

1 (D) any public utility districts that operate
2 hydroelectric projects on the mainstem of the Co-
3 lumbia 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 PUBLIC-** 10 **PRIVATE PARTNERSHIPS.**

11 (a) DEFINITIONS.—In this section:

12 (1) BULK-POWER SYSTEM; ELECTRIC RELI-
13 ABILITY ORGANIZATION.—The terms “bulk-power sys-
14 tem” and “Electric Reliability Organization” has the
15 meaning given the terms in section 215(a) of the Fed-
16 eral Power Act (16 U.S.C. 824o(a)).

17 (2) ELECTRIC UTILITY; STATE REGULATORY AU-
18 THORITY.—The terms “electric utility” and “State
19 regulatory authority” have the meanings given the
20 terms in section 3 of the Federal Power Act (16
21 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 coordi-*
2 *nation with the Secretary of Homeland Security and*
3 *in consultation with, as the Secretary determines to*
4 *be appropriate, the heads of other relevant Federal*
5 *agencies, State regulatory authorities, industry stake-*
6 *holders, and the Electric Reliability Organization,*
7 *shall carry out 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 cy-*
14 *bersecurity 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 vendors*
22 *that manufacture components of the electric grid;*

23 (F) *to increase opportunities for sharing*
24 *best practices and data collection within the elec-*
25 *tric sector; and*

1 (G) to assist, in the case of electric utilities
2 that own defense critical electric infrastructure
3 (as defined in section 215A(a) of the Federal
4 Power Act (16 U.S.C. 8240–1(a))), with full en-
5 gineering reviews of critical functions and oper-
6 ations at both the utility and defense infrastruc-
7 ture levels—

8 (i) to identify unprotected avenues for
9 cyber-enabled sabotage that would have cat-
10 astrophic effects to national security; and

11 (ii) to recommend and implement engi-
12 neering protections to ensure continued op-
13 erations of identified critical functions even
14 in the face of constant cyber attacks and
15 achieved perimeter access by sophisticated
16 adversaries.

17 (2) SCOPE.—In carrying out the program under
18 paragraph (1), the Secretary shall—

19 (A) take into consideration—

20 (i) the different sizes of electric utili-
21 ties; and

22 (ii) the regions that electric utilities
23 serve;

24 (B) prioritize electric utilities with fewer
25 available resources due to size or region; and

1 (C) to the maximum extent practicable, use
2 and leverage—

3 (i) existing Department and Depart-
4 ment of Homeland Security programs; and

5 (ii) existing programs of the Federal
6 agencies determined to be appropriate
7 under paragraph (1).

8 (c) *REPORT ON CYBERSECURITY OF DISTRIBUTION*
9 *SYSTEMS.*—Not later than 1 year after the date of enact-
10 *ment of this Act, the Secretary, in coordination with the*
11 *Secretary of Homeland Security and in consultation with,*
12 *as the Secretary determines to be appropriate, the heads*
13 *of other Federal agencies, State regulatory authorities, and*
14 *industry stakeholders, shall submit to Congress a report that*
15 *assesses—*

16 (1) *priorities, policies, procedures, and actions*
17 *for enhancing the physical security and cybersecurity*
18 *of electricity distribution systems, including behind-*
19 *the-meter generation, storage, and load management*
20 *devices, to address threats to, and vulnerabilities of,*
21 *electricity distribution systems; and*

22 (2) *the implementation of the priorities, policies,*
23 *procedures, and actions assessed under paragraph (1),*
24 *including—*

1 (A) *an estimate of potential costs and bene-*
2 *fits of the implementation; and*

3 (B) *an assessment of any public-private*
4 *cost-sharing opportunities.*

5 (d) *PROTECTION OF INFORMATION.—Information pro-*
6 *vided to, or collected by, the Federal Government pursuant*
7 *to this section the disclosure of which the Secretary reason-*
8 *ably foresees could be detrimental to the physical security*
9 *or cybersecurity of any electric utility or the bulk-power*
10 *system—*

11 (1) *shall be exempt from disclosure under section*
12 *552(b)(3) of title 5, United States Code; and*

13 (2) *shall not be made available by any Federal*
14 *agency, State, political subdivision of a State, or*
15 *Tribal authority pursuant to any Federal, State, po-*
16 *litical subdivision of a State, or Tribal law, respec-*
17 *tively, requiring public disclosure of information or*
18 *records.*

19 **SEC. 40122. ENERGY CYBER SENSE PROGRAM.**

20 (a) *DEFINITIONS.—In this section:*

21 (1) *BULK-POWER SYSTEM.—The term “bulk-*
22 *power system” has the meaning given the term in sec-*
23 *tion 215(a) of the Federal Power Act (16 U.S.C.*
24 *8240(a)).*

1 (2) *PROGRAM.*—*The term “program” means the*
2 *voluntary Energy Cyber Sense program established*
3 *under subsection (b).*

4 (b) *ESTABLISHMENT.*—*The Secretary, in coordination*
5 *with the Secretary of Homeland Security and in consulta-*
6 *tion with the heads of other relevant Federal agencies, shall*
7 *establish a voluntary Energy Cyber Sense program to test*
8 *the cybersecurity of products and technologies intended for*
9 *use in the energy sector, including in the bulk-power system.*

10 (c) *PROGRAM REQUIREMENTS.*—*In carrying out sub-*
11 *section (b), the Secretary, in coordination with the Sec-*
12 *retary of Homeland Security and in consultation with the*
13 *heads of other relevant Federal agencies, shall—*

14 (1) *establish a testing process under the program*
15 *to test the cybersecurity of products and technologies*
16 *intended for use in the energy sector, including prod-*
17 *ucts relating to industrial control systems and oper-*
18 *ational technologies, such as supervisory control and*
19 *data acquisition systems;*

20 (2) *for products and technologies tested under the*
21 *program, establish and maintain cybersecurity vul-*
22 *nerability reporting processes and a related database*
23 *that are integrated with Federal vulnerability coordi-*
24 *nation processes;*

1 (3) *provide technical assistance to electric utili-*
2 *ties, product manufacturers, and other energy sector*
3 *stakeholders to develop solutions to mitigate identified*
4 *cybersecurity vulnerabilities in products and tech-*
5 *nologies tested under the program;*

6 (4) *biennially review products and technologies*
7 *tested under the program for cybersecurity*
8 *vulnerabilities and provide analysis with respect to*
9 *how those products and technologies respond to and*
10 *mitigate cyber threats;*

11 (5) *develop guidance that is informed by anal-*
12 *ysis and testing results under the program for electric*
13 *utilities and other components of the energy sector for*
14 *the procurement of products and technologies;*

15 (6) *provide reasonable notice to, and solicit com-*
16 *ments from, the public prior to establishing or revis-*
17 *ing the testing process under the program;*

18 (7) *oversee the testing of products and tech-*
19 *nologies under the program; and*

20 (8) *consider incentives to encourage the use of*
21 *analysis and results of testing under the program in*
22 *the design of products and technologies for use in the*
23 *energy sector.*

24 (d) *PROTECTION OF INFORMATION.*—*Information pro-*
25 *vided to, or collected by, the Federal Government pursuant*

1 to this section the disclosure of which the Secretary reason-
2 ably foresees could be detrimental to the physical security
3 or cybersecurity of any component of the energy sector, in-
4 cluding any electric utility or the bulk-power system—

5 (1) shall be exempt from disclosure under section
6 552(b)(3) of title 5, United States Code; and

7 (2) shall not be made available by any Federal
8 agency, State, political subdivision of a State, or
9 Tribal authority pursuant to any Federal, State, po-
10 litical subdivision of a State, or Tribal law, respec-
11 tively, requiring public disclosure of information or
12 records.

13 (e) *FEDERAL GOVERNMENT LIABILITY*.—Nothing in
14 this section authorizes the commencement of an action
15 against the United States with respect to the testing of a
16 product or technology under the program.

17 **SEC. 40123. INCENTIVES FOR ADVANCED CYBERSECURITY**
18 **TECHNOLOGY INVESTMENT.**

19 Part II of the Federal Power Act is amended by insert-
20 ing after section 219 (16 U.S.C. 824s) the following:

21 **“SEC. 219A. INCENTIVES FOR CYBERSECURITY INVEST-**
22 **MENTS.**

23 **“(a) DEFINITIONS.**—In this section:

24 **“(1) ADVANCED CYBERSECURITY TECHNOLOGY.**—
25 The term ‘advanced cybersecurity technology’ means

1 *any technology, operational capability, or service, in-*
2 *cluding computer hardware, software, or a related*
3 *asset, that enhances the security posture of public*
4 *utilities through improvements in the ability to pro-*
5 *tect against, detect, respond to, or recover from a cy-*
6 *bersecurity threat (as defined in section 102 of the*
7 *Cybersecurity Act of 2015 (6 U.S.C. 1501)).*

8 “(2) *ADVANCED CYBERSECURITY TECHNOLOGY*
9 *INFORMATION.—The term ‘advanced cybersecurity*
10 *technology information’ means information relating*
11 *to advanced cybersecurity technology or proposed ad-*
12 *vanced cybersecurity technology that is generated by*
13 *or provided to the Commission or another Federal*
14 *agency.*

15 “(b) *STUDY.—Not later than 180 days after the date*
16 *of enactment of this section, the Commission, in consulta-*
17 *tion with the Secretary of Energy, the North American*
18 *Electric Reliability Corporation, the Electricity Subsector*
19 *Coordinating Council, and the National Association of Reg-*
20 *ulatory Utility Commissioners, shall conduct a study to*
21 *identify incentive-based, including performance-based, rate*
22 *treatments for the transmission and sale of electric energy*
23 *subject to the jurisdiction of the Commission that could be*
24 *used to encourage—*

1 “(1) investment by public utilities in advanced
2 cybersecurity technology; and

3 “(2) participation by public utilities in cyberse-
4 curity threat information sharing programs.

5 “(c) *INCENTIVE-BASED RATE TREATMENT.*—Not later
6 than 1 year after the completion of the study under sub-
7 section (b), the Commission shall establish, by rule, incen-
8 tive-based, including performance-based, rate treatments for
9 the transmission of electric energy in interstate commerce
10 and the sale of electric energy at wholesale in interstate
11 commerce by public utilities for the purpose of benefitting
12 consumers by encouraging—

13 “(1) investments by public utilities in advanced
14 cybersecurity technology; and

15 “(2) participation by public utilities in cyberse-
16 curity threat information sharing programs.

17 “(d) *FACTORS FOR CONSIDERATION.*—In issuing a
18 rule pursuant to this section, the Commission may provide
19 additional incentives beyond those identified in subsection
20 (c) in any case in which the Commission determines that
21 an investment in advanced cybersecurity technology or in-
22 formation sharing program costs will reduce cybersecurity
23 risks to—

24 “(1) defense critical electric infrastructure (as
25 defined in section 215A(a)) and other facilities subject

1 *to the jurisdiction of the Commission that are critical*
2 *to public safety, national defense, or homeland secu-*
3 *rity, as determined by the Commission in consulta-*
4 *tion with—*

5 *“(A) the Secretary of Energy;*

6 *“(B) the Secretary of Homeland Security;*

7 *and*

8 *“(C) other appropriate Federal agencies;*

9 *and*

10 *“(2) facilities of small or medium-sized public*
11 *utilities with limited cybersecurity resources, as deter-*
12 *mined by the Commission.*

13 *“(e) RATEPAYER PROTECTION.—*

14 *“(1) IN GENERAL.—Any rate approved under a*
15 *rule issued pursuant to this section, including any re-*
16 *visions to that rule, shall be subject to the require-*
17 *ments of sections 205 and 206 that all rates, charges,*
18 *terms, and conditions—*

19 *“(A) shall be just and reasonable; and*

20 *“(B) shall not be unduly discriminatory or*
21 *preferential.*

22 *“(2) PROHIBITION OF DUPLICATE RECOVERY.—*

23 *Any rule issued pursuant to this section shall pre-*
24 *clude rate treatments that allow unjust and unreason-*

1 *tect against, detect, respond to, or recover from a cy-*
2 *bersecurity threat (as defined in section 102 of the*
3 *Cybersecurity Act of 2015 (6 U.S.C. 1501)).*

4 (2) *BULK-POWER SYSTEM.*—*The term “bulk-*
5 *power system” has the meaning given the term in sec-*
6 *tion 215(a) of the Federal Power Act (16 U.S.C.*
7 *8240(a)).*

8 (3) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
9 *ty” means—*

10 (A) *a rural electric cooperative;*

11 (B) *a utility owned by a political subdivi-*
12 *sion of a State, such as a municipally owned*
13 *electric utility;*

14 (C) *a utility owned by any agency, author-*
15 *ity, corporation, or instrumentality of 1 or more*
16 *political subdivisions of a State;*

17 (D) *a not-for-profit entity that is in a part-*
18 *nership with not fewer than 6 entities described*
19 *in subparagraph (A), (B), or (C); and*

20 (E) *an investor-owned electric utility that*
21 *sells less than 4,000,000 megawatt hours of elec-*
22 *tricity per year.*

23 (4) *PROGRAM.*—*The term “Program” means the*
24 *Rural and Municipal Utility Advanced Cybersecurity*

1 *Grant and Technical Assistance Program established*
2 *under subsection (b).*

3 (b) *ESTABLISHMENT.*—*Not later than 180 days after*
4 *the date of enactment of this Act, the Secretary, in coordina-*
5 *tion with the Secretary of Homeland Security and in con-*
6 *sultation with the Federal Energy Regulatory Commission,*
7 *the North American Electric Reliability Corporation, and*
8 *the Electricity Subsector Coordinating Council, shall estab-*
9 *lish a program, to be known as the “Rural and Municipal*
10 *Utility Advanced Cybersecurity Grant and Technical As-*
11 *sistance Program”, to provide grants and technical assist-*
12 *ance to, and enter into cooperative agreements with, eligible*
13 *entities to protect against, detect, respond to, and recover*
14 *from cybersecurity threats.*

15 (c) *OBJECTIVES.*—*The objectives of the Program shall*
16 *be—*

17 (1) *to deploy advanced cybersecurity technologies*
18 *for electric utility systems; and*

19 (2) *to increase the participation of eligible enti-*
20 *ties in cybersecurity threat information sharing pro-*
21 *grams.*

22 (d) *AWARDS.*—

23 (1) *IN GENERAL.*—*The Secretary—*

1 (A) shall award grants and provide tech-
2 nical assistance under the Program to eligible
3 entities on a competitive basis;

4 (B) shall develop criteria and a formula for
5 awarding grants and providing technical assist-
6 ance under the Program;

7 (C) may enter into cooperative agreements
8 with eligible entities that can facilitate the objec-
9 tives described in subsection (c); and

10 (D) shall establish a process to ensure that
11 all eligible entities are informed about and can
12 become aware of opportunities to receive grants
13 or technical assistance under the Program.

14 (2) *PRIORITY FOR GRANTS AND TECHNICAL AS-*
15 *SISTANCE.*—In awarding grants and providing tech-
16 nical assistance under the Program, the Secretary
17 shall give priority to an eligible entity that, as deter-
18 mined by the Secretary—

19 (A) has limited cybersecurity resources;

20 (B) owns assets critical to the reliability of
21 the bulk-power system; or

22 (C) owns defense critical electric infrastruc-
23 ture (as defined in section 215A(a) of the Fed-
24 eral Power Act (16 U.S.C. 8240–1(a))).

1 (e) *PROTECTION OF INFORMATION.*—*Information pro-*
2 *vided to, or collected by, the Federal Government pursuant*
3 *to this section the disclosure of which the Secretary reason-*
4 *ably foresees could be detrimental to the physical security*
5 *or cybersecurity of any electric utility or the bulk-power*
6 *system—*

7 (1) *shall be exempt from disclosure under section*
8 *552(b)(3) of title 5, United States Code; and*

9 (2) *shall not be made available by any Federal*
10 *agency, State, political subdivision of a State, or*
11 *Tribal authority pursuant to any Federal, State, po-*
12 *litical subdivision of a State, or Tribal law, respec-*
13 *tively, requiring public disclosure of information or*
14 *records.*

15 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
16 *authorized to be appropriated to the Secretary to carry out*
17 *this section \$250,000,000 for the period of fiscal years 2022*
18 *through 2026.*

19 **SEC. 40125. ENHANCED GRID SECURITY.**

20 (a) *DEFINITIONS.*—*In this section:*

21 (1) *ELECTRIC UTILITY.*—*The term “electric util-*
22 *ity” has the meaning given the term in section 3 of*
23 *the Federal Power Act (16 U.S.C. 796).*

24 (2) *E-ISAC.*—*The term “E-ISAC” means the*
25 *Electricity Information Sharing and Analysis Center.*

1 (b) *CYBERSECURITY FOR THE ENERGY SECTOR RE-*
2 *SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-*
3 *GRAM.*—

4 (1) *IN GENERAL.*—*The Secretary, in coordina-*
5 *tion with the Secretary of Homeland Security and in*
6 *consultation with, as determined appropriate, other*
7 *Federal agencies, the energy sector, the States, Indian*
8 *Tribes, Tribal organizations, territories or freely asso-*
9 *ciated states, and other stakeholders, shall develop and*
10 *carry out a program—*

11 (A) *to develop advanced cybersecurity ap-*
12 *plications and technologies for the energy sec-*
13 *tor—*

14 (i) *to identify and mitigate*
15 *vulnerabilities, including—*

16 (I) *dependencies on other critical*
17 *infrastructure;*

18 (II) *impacts from weather and*
19 *fuel supply;*

20 (III) *increased dependence on in-*
21 *verter-based technologies; and*

22 (IV) *vulnerabilities from*
23 *unpatched hardware and software sys-*
24 *tems; and*

1 (ii) to advance the security of field de-
2 vices and third-party control systems, in-
3 cluding—

4 (I) systems for generation, trans-
5 mission, distribution, end use, and
6 market functions;

7 (II) specific electric grid elements
8 including advanced metering, demand
9 response, distribution, generation, and
10 electricity storage;

11 (III) forensic analysis of infected
12 systems;

13 (IV) secure communications; and

14 (V) application of in-line edge se-
15 curity solutions;

16 (B) to leverage electric grid architecture as
17 a means to assess risks to the energy sector, in-
18 cluding by implementing an all-hazards ap-
19 proach to communications infrastructure, control
20 systems architecture, and power systems archi-
21 tecture;

22 (C) to perform pilot demonstration projects
23 with the energy sector to gain experience with
24 new technologies;

1 (D) to develop workforce development cur-
2 ricula for energy sector-related cybersecurity;
3 and

4 (E) to develop improved supply chain con-
5 cepts for secure design of emerging digital com-
6 ponents and power electronics.

7 (2) *AUTHORIZATION OF APPROPRIATIONS.*—
8 There is authorized to be appropriated to the Sec-
9 retary to carry out this subsection \$250,000,000 for
10 the period of fiscal years 2022 through 2026.

11 (c) *ENERGY SECTOR OPERATIONAL SUPPORT FOR*
12 *CYBERRESILIENCE PROGRAM.*—

13 (1) *IN GENERAL.*—The Secretary may develop
14 and carry out a program—

15 (A) to enhance and periodically test—

16 (i) the emergency response capabilities
17 of the Department; and

18 (ii) the coordination of the Department
19 with other agencies, the National Labora-
20 tories, and private industry;

21 (B) to expand cooperation of the Depart-
22 ment with the intelligence community for energy
23 sector-related threat collection and analysis;

1 (C) to enhance the tools of the Department
2 and E-ISAC for monitoring the status of the en-
3 ergy sector;

4 (D) to expand industry participation in E-
5 ISAC; and

6 (E) to provide technical assistance to small
7 electric utilities for purposes of assessing and im-
8 proving cybermaturity levels and addressing
9 gaps identified in the assessment.

10 (2) *AUTHORIZATION OF APPROPRIATIONS.*—

11 *There is authorized to be appropriated to the Sec-*
12 *retary to carry out this subsection \$50,000,000 for the*
13 *period of fiscal years 2022 through 2026.*

14 (d) *MODELING AND ASSESSING ENERGY INFRASTRUC-*
15 *TURE RISK.*—

16 (1) *IN GENERAL.*—*The Secretary, in coordina-*
17 *tion with the Secretary of Homeland Security, shall*
18 *develop and carry out an advanced energy security*
19 *program to secure energy networks, including—*

20 (A) *electric networks;*

21 (B) *natural gas networks; and*

22 (C) *oil exploration, transmission, and deliv-*
23 *ery networks.*

24 (2) *SECURITY AND RESILIENCY OBJECTIVE.*—*The*
25 *objective of the program developed under paragraph*

1 (1) *is to increase the functional preservation of elec-*
2 *tric grid operations or natural gas and oil operations*
3 *in the face of natural and human-made threats and*
4 *hazards, including electric magnetic pulse and geo-*
5 *magnetic disturbances.*

6 (3) *ELIGIBLE ACTIVITIES.*—*In carrying out the*
7 *program developed under paragraph (1), the Sec-*
8 *retary may—*

9 (A) *develop capabilities to identify*
10 *vulnerabilities and critical components that pose*
11 *major risks to grid security if destroyed or im-*
12 *paired;*

13 (B) *provide modeling at the national level*
14 *to predict impacts from natural or human-made*
15 *events;*

16 (C) *add physical security to the cybersecu-*
17 *rity maturity model;*

18 (D) *conduct exercises and assessments to*
19 *identify and mitigate vulnerabilities to the elec-*
20 *tric grid, including providing mitigation rec-*
21 *ommendations;*

22 (E) *conduct research on hardening solutions*
23 *for critical components of the electric grid;*

1 (F) conduct research on mitigation and re-
2 covery solutions for critical components of the
3 electric grid; and

4 (G) provide technical assistance to States
5 and other entities for standards and risk anal-
6 ysis.

7 (4) SAVINGS PROVISION.—Nothing in this section
8 authorizes new regulatory requirements.

9 (5) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to the Sec-
11 retary to carry out this subsection \$50,000,000 for the
12 period of fiscal years 2022 through 2026.

13 **SEC. 40126. CYBERSECURITY PLAN.**

14 (a) IN GENERAL.—The Secretary may require, as the
15 Secretary determines appropriate, a recipient of any award
16 or other funding under this division—

17 (1) to submit to the Secretary, prior to the
18 issuance of the award or other funding, a cybersecu-
19 rity plan that demonstrates the cybersecurity matu-
20 rity of the recipient in the context of the project for
21 which that award or other funding was provided; and

22 (2) establish a plan for maintaining and im-
23 proving cybersecurity throughout the life of the pro-
24 posed solution of the project.

1 (b) *CONTENTS OF CYBERSECURITY PLAN.*—A cyberse-
2 curity plan described in subsection (a) shall, at a min-
3 imum, describe how the recipient described in that sub-
4 section—

5 (1) *plans to maintain cybersecurity between net-*
6 *works, systems, devices, applications, or compo-*
7 *nents—*

8 (A) *within the proposed solution of the*
9 *project; and*

10 (B) *at the necessary external interfaces at*
11 *the proposed solution boundaries;*

12 (2) *will perform ongoing evaluation of cybersecur-*
13 *ity risks to address issues as the issues arise through-*
14 *out the life of the proposed solution;*

15 (3) *will report known or suspected network or*
16 *system compromises of the project to the Secretary;*
17 *and*

18 (4) *will leverage applicable cybersecurity pro-*
19 *grams of the Department, including cyber vulner-*
20 *ability testing and security engineering evaluations.*

21 (c) *ADDITIONAL GUIDANCE.*—*Each recipient described*
22 *in subsection (a) should—*

23 (1) *maximize the use of open guidance and*
24 *standards, including, wherever possible—*

1 (A) *the Cybersecurity Capability Maturity*
2 *Model of the Department (or a successor model);*
3 *and*

4 (B) *the Framework for Improving Critical*
5 *Infrastructure Cybersecurity of the National In-*
6 *stitute of Standards and Technology; and*

7 (2) *document —*

8 (A) *any deviation from open standards; and*

9 (B) *the utilization of proprietary standards*
10 *where the recipient determines that such devi-*
11 *ation necessary.*

12 (d) *COORDINATION.—The Office of Cybersecurity, En-*
13 *ergy Security, and Emergency Response of the Department*
14 *shall review each cybersecurity plan submitted under sub-*
15 *section (a) to ensure integration with Department research,*
16 *development, and demonstration programs.*

17 (e) *PROTECTION OF INFORMATION.—Information pro-*
18 *vided to, or collected by, the Federal Government pursuant*
19 *to this section the disclosure of which the Secretary reason-*
20 *ably foresees could be detrimental to the physical security*
21 *or cybersecurity of any electric utility or the bulk-power*
22 *system—*

23 (1) *shall be exempt from disclosure under section*
24 *552(b)(3) of title 5, United States Code; and*

1 (2) *shall not be made available by any Federal*
2 *agency, State, political subdivision of a State, or*
3 *Tribal authority pursuant to any Federal, State, po-*
4 *litical subdivision of a State, or Tribal law, respec-*
5 *tively, requiring public disclosure of information or*
6 *records.*

7 **SEC. 40127. SAVINGS PROVISION.**

8 *Nothing in this subtitle affects the authority, existing*
9 *on the day before the date of enactment of this Act, of any*
10 *other Federal department or agency, including the author-*
11 *ity provided to the Secretary of Homeland Security and*
12 *the Director of the Cybersecurity and Infrastructure Secu-*
13 *rity Agency in title XXII of the Homeland Security Act*
14 *of 2002 (6 U.S.C. 651 et seq.).*

15 **TITLE II—SUPPLY CHAINS FOR**
16 **CLEAN ENERGY TECHNOLOGIES**

17 **SEC. 40201. EARTH MAPPING RESOURCES INITIATIVE.**

18 (a) *DEFINITION OF CRITICAL MINERAL.*—*In this sec-*
19 *tion, the term “critical mineral” has the meaning given the*
20 *term in section 7002(a) of the Energy Act of 2020 (30*
21 *U.S.C. 1606(a)).*

22 (b) *ESTABLISHMENT.*—*There is established within the*
23 *United States Geological Survey an initiative, to be known*
24 *as the “Earth Mapping Resources Initiative” (referred to*
25 *in this section as the “Initiative”).*

1 (c) *PURPOSE.*—*The purpose of the Initiative shall be*
2 *to accelerate efforts to carry out the fundamental resources*
3 *and mapping mission of the United States Geological Sur-*
4 *vey by—*

5 (1) *providing integrated topographic, geologic,*
6 *geochemical, and geophysical mapping;*

7 (2) *accelerating the integration and consolida-*
8 *tion of geospatial and resource data; and*

9 (3) *providing interpretation of subsurface and*
10 *above-ground mineral resources data.*

11 (d) *COOPERATIVE AGREEMENTS.*—

12 (1) *IN GENERAL.*—*In carrying out the Initiative,*
13 *the Director of the United States Geological Survey*
14 *may enter into cooperative agreements with State geo-*
15 *logical surveys.*

16 (2) *EFFECT.*—*Nothing in paragraph (1) pre-*
17 *cludes the Director of the United States Geological*
18 *Survey from using existing contracting authorities in*
19 *carrying out the Initiative.*

20 (e) *COMPREHENSIVE MAPPING MODERNIZATION.*—

21 (1) *IN GENERAL.*—*Not later than 10 years after*
22 *the date of enactment of this Act, the Initiative shall*
23 *complete an initial comprehensive national modern*
24 *surface and subsurface mapping and data integration*
25 *effort.*

1 (2) *APPROACH.*—*In carrying out paragraph (1)*
2 *with regard to minerals, mineralization, and mineral*
3 *deposits, the Initiative shall focus on the full range of*
4 *minerals, using a whole ore body approach rather*
5 *than a single commodity approach, to emphasize all*
6 *of the recoverable critical minerals in a given surface*
7 *or subsurface deposit.*

8 (3) *PRIORITY.*—*In carrying out paragraph (1)*
9 *with regard to minerals, mineralization, and mineral*
10 *deposits, the Initiative shall prioritize mapping and*
11 *assessing critical minerals.*

12 (4) *INCLUSIONS.*—*In carrying out paragraph*
13 *(1), the Initiative shall also—*

14 (A) *map and collect data for areas con-*
15 *taining mine waste to increase understanding of*
16 *above-ground critical mineral resources in pre-*
17 *viously disturbed areas; and*

18 (B) *provide for analysis of samples, includ-*
19 *ing samples within the National Geological and*
20 *Geophysical Data Preservation Program estab-*
21 *lished under section 351(b) of the Energy Policy*
22 *Act of 2005 (42 U.S.C. 15908(b)) for the occur-*
23 *rence of critical minerals.*

24 (f) *AVAILABILITY.*—*The Initiative shall make the*
25 *geospatial data and metadata gathered by the Initiative*

1 *under subsection (e)(1) electronically publicly accessible on*
2 *an ongoing basis.*

3 *(g) INTEGRATION OF DATA SOURCES.—The Initiative*
4 *shall integrate data sources, including data from—*

5 *(1) the National Cooperative Geologic Mapping*
6 *Program established by section 4(a)(1) of the National*
7 *Geologic Mapping Act of 1992 (43 U.S.C. 31c(a)(1));*

8 *(2) the National Geological and Geophysical*
9 *Data Preservation Program established under section*
10 *351(b) of the Energy Policy Act of 2005 (42 U.S.C.*
11 *15908(b));*

12 *(3) the USMIN Mineral Deposit Database of the*
13 *United States Geological Survey;*

14 *(4) the 3D Elevation Program established under*
15 *section 5(a) of the National Landslide Preparedness*
16 *Act (43 U.S.C. 3104(a)); and*

17 *(5) other relevant sources, including sources pro-*
18 *viding geothermal resources data.*

19 *(h) AUTHORIZATION OF APPROPRIATIONS.—There is*
20 *authorized to be appropriated to the Secretary to carry out*
21 *this section \$320,000,000 for the period of fiscal years 2022*
22 *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 and
13 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 anticipated
21 to be present, rather than single mineral re-
22 sources.”.

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”.

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 the*
6 *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 (as*
12 *defined in section 7002(a) of the Energy Act of 2020*
13 *(30 U.S.C. 1606(a))) ore bodies for use in provenance*
14 *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 agree-*
2 *ments with, and to collect and expend funds or in-kind con-*
3 *tributions from, academic, Federal, State, or other tenants*
4 *over the life of the facility described in subsection (a) for*
5 *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 or*
12 *other agreement with the academic partner with which the*
13 *Director has entered into a cooperative agreement under*
14 *subsection (a), at no cost to the Federal Government, to ob-*
15 *tain land on which to construct the facility described in*
16 *that subsection for a term of not less than 99 years.*

17 (e) *REPORTS.*—*The Director shall submit to Congress*
18 *annual reports on—*

- 19 (1) *the facility described in subsection (a); and*
20 (2) *the authorities used under this section.*

21 (f) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
22 *authorized to be appropriated to the Secretary of the Inte-*
23 *rior to carry out this section \$167,000,000 for fiscal year*
24 *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 annually*
6 *thereafter while the facility established under sub-*
7 *section (c) remains in operation,” after “enactment of*
8 *this Act,”;*

9 *(2) by redesignating subsection (c) as subsection*
10 *(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 the*
15 *research program under subsection (a)(1)(A), the Sec-*
16 *retary shall fund, through an agreement with an aca-*
17 *ademic partner, the design, construction, and build-out*
18 *of a facility to demonstrate the commercial feasibility*
19 *of a full-scale integrated rare earth element extraction*
20 *and separation facility and refinery.*

21 *“(2) FACILITY ACTIVITIES.—The facility estab-*
22 *lished under paragraph (1) shall—*

23 *“(A) provide environmental benefits through*
24 *use of feedstock derived from acid mine drainage,*
25 *mine waste, or other deleterious material;*

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 sat-*
6 *isfied by minerals responsibly produced and recycled*
7 *in the United States; and*

8 (4) *the Federal permitting process has been iden-*
9 *tified as an impediment to mineral production and*
10 *the mineral security of the United States.*

11 (c) *FEDERAL PERMITTING AND REVIEW PERFORM-*
12 *ANCE IMPROVEMENTS.—To improve the quality and timeli-*
13 *ness of Federal permitting and review processes with respect*
14 *to critical mineral production on Federal land, the Sec-*
15 *retary of the Interior, acting through the Director of the*
16 *Bureau of Land Management, and the Secretary of Agri-*
17 *culture, acting through the Chief of the Forest Service (re-*
18 *ferred to in this section as the “Secretaries”), to the max-*
19 *imum extent practicable, shall complete the Federal permit-*
20 *ting and review processes with maximum efficiency and ef-*
21 *fectiveness, while supporting vital economic growth, by—*

22 (1) *establishing and adhering to timelines and*
23 *schedules for the consideration of, and final decisions*
24 *regarding, applications, operating plans, leases, li-*

1 *censes, permits, and other use authorizations for crit-*
2 *ical mineral-related activities on Federal land;*

3 *(2) establishing clear, quantifiable, and temporal*
4 *permitting performance goals and tracking progress*
5 *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 interests*
9 *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 decisions;*

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 after*
10 *the date of enactment of this Act, the Secretaries shall sub-*
11 *mit to Congress a report that—*

12 (1) *identifies additional measures, including reg-*
13 *ulatory and legislative proposals, if appropriate, that*
14 *would increase the timeliness of permitting activities*
15 *for the exploration and development of domestic crit-*
16 *ical 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 devel-*

1 *opment and processing of applications, operating*
2 *plans, leases, licenses, permits, and other use author-*
3 *izations for critical mineral-related activities on Fed-*
4 *eral land, including by—*

5 *(A) calculating the range, the mean, the me-*
6 *dian, the variance, and other statistical meas-*
7 *ures or representations of the period of time; and*

8 *(B) taking into account other aspects that*
9 *affect the period of time that are outside the con-*
10 *trol of the Executive branch, such as judicial re-*
11 *view, applicant decisions, or State and local gov-*
12 *ernment involvement; and*

13 *(4) describes actions carried out pursuant to sub-*
14 *section (c).*

15 *(e) PERFORMANCE METRIC.—Not later than 90 days*
16 *after the date of submission of the report under subsection*
17 *(d), and after providing public notice and an opportunity*
18 *to comment, the Secretaries, using as a baseline the period*
19 *of time quantified under paragraph (3) of that subsection,*
20 *shall develop and publish a performance metric for evalu-*
21 *ating the progress made by the Executive branch to expedite*
22 *the permitting of activities that will increase exploration*
23 *for, and development of, domestic critical minerals, while*
24 *maintaining environmental standards.*

1 (f) *ANNUAL REPORTS.*—Not later than the date on
2 which the President submits the first budget of the President
3 under section 1105 of title 31, United States Code, after
4 publication of the performance metric required under sub-
5 section (e), and annually thereafter, the Secretaries shall
6 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 countries
18 in terms of permitting efficiency and any other cri-
19 teria relevant to the globally competitive critical min-
20 erals industry.

21 (g) *INDIVIDUAL PROJECTS.*—Each year, using data
22 contained in the reports submitted under subsection (f), the
23 Director of the Office of Management and Budget shall
24 prioritize inclusion of individual critical mineral projects
25 on the website operated by the Office of Management and

1 *Budget in accordance with section 1122 of title 31, United*
2 *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 bat-*
12 *tery component” means a component of an ad-*
13 *vanced battery.*

14 *(B) INCLUSIONS.—The term “advanced bat-*
15 *tery component” includes materials, enhance-*
16 *ments, enclosures, anodes, cathodes, electrolytes,*
17 *cells, and other associated technologies that com-*
18 *prise 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 Policy*
2 *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 organi-
7 zation 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 of
13 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 de-
18 fined in section 2533c(d) of title 10, *United*
19 *States Code*);

20 (D) alleged by the Attorney General to have
21 been involved in activities for which a conviction
22 was obtained under—

23 (i) chapter 37 of title 18, *United States*
24 Code (commonly known as the “Espionage
25 Act”);

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 “*Eco-*
5 *nomics 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 2284*);

11 (vi) the *Export Control Reform Act of*
12 2018 (50 *U.S.C. 4801 et seq.*); or

13 (vii) the *International Emergency Eco-*
14 *nomics Powers Act* (50 *U.S.C. 1701 et seq.*);
15 or

16 (E) determined by the Secretary, in con-
17 sultation with the Secretary of Defense and the
18 Director of National Intelligence, to be engaged
19 in unauthorized conduct that is detrimental to
20 the national security or foreign policy of the
21 United States.

22 (6) *MANUFACTURING*.—The term “*manufac-*
23 *turing*”, with respect to an advanced battery and an
24 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 ma-*
5 *terials, including the treating, baking, and coating*
6 *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 after*
16 *the date of enactment of this Act, the Secretary shall*
17 *establish within the Office of Fossil Energy a pro-*
18 *gram, to be known as the “Battery Material Proc-*
19 *essing Grant Program” (referred to in this subsection*
20 *as the “program”), under which the Secretary shall*
21 *award grants in accordance with this subsection.*

22 (2) *PURPOSES.*—*The purposes of the program*
23 *are—*

24 (A) *to ensure that the United States has a*
25 *viable battery materials processing industry to*

1 *supply the North American battery supply*
2 *chain;*

3 *(B) to expand the capabilities of the United*
4 *States in advanced battery manufacturing;*

5 *(C) to enhance national security by reduc-*
6 *ing the reliance of the United States on foreign*
7 *competitors for critical materials and tech-*
8 *nologies; and*

9 *(D) to enhance the domestic processing ca-*
10 *capacity of minerals necessary for battery mate-*
11 *rials and advanced batteries.*

12 (3) *GRANTS.—*

13 *(A) IN GENERAL.—Under the program, the*
14 *Secretary shall award grants to eligible enti-*
15 *ties—*

16 *(i) to carry out 1 or more demonstra-*
17 *tion projects in the United States for the*
18 *processing of battery materials;*

19 *(ii) to construct 1 or more new com-*
20 *mmercial-scale battery material processing fa-*
21 *ilities in the United States; and*

22 *(iii) to retool, retrofit, or expand 1 or*
23 *more existing battery material processing*
24 *facilities located in the United States and*
25 *determined qualified by the Secretary.*

1 (B) *AMOUNT LIMITATION.*—*The amount of*
2 *a grant awarded under the program shall be not*
3 *less than—*

4 (i) *\$50,000,000 for an eligible entity*
5 *carrying out 1 or more projects described in*
6 *subparagraph (A)(i);*

7 (ii) *\$100,000,000 for an eligible entity*
8 *carrying out 1 or more projects described in*
9 *subparagraph (A)(ii); and*

10 (iii) *\$50,000,000 for an eligible entity*
11 *carrying out 1 or more projects described in*
12 *subparagraph (A)(iii).*

13 (C) *PRIORITY; CONSIDERATION.*—*In award-*
14 *ing grants to eligible entities under the program,*
15 *the Secretary shall—*

16 (i) *give priority to an eligible entity*
17 *that—*

18 (I) *is located and operates in the*
19 *United States;*

20 (II) *is owned by a United States*
21 *entity;*

22 (III) *deploys North American-*
23 *owned intellectual property and con-*
24 *tent;*

1 (IV) represents consortia or indus-
2 try partnerships; and

3 (V) will not use battery material
4 supplied by or originating from a for-
5 eign entity of concern; and

6 (ii) take into consideration whether a
7 project—

8 (I) provides workforce opportuni-
9 ties in low- and moderate-income com-
10 munities;

11 (II) encourages partnership with
12 universities and laboratories to spur
13 innovation and drive down costs;

14 (III) partners with Indian Tribes;
15 and

16 (IV) takes into account—

17 (aa) greenhouse gas emis-
18 sions reductions and energy effi-
19 cient battery material processing
20 opportunities throughout the man-
21 ufacturing process; and

22 (bb) supply chain logistics.

23 (4) *AUTHORIZATION OF APPROPRIATIONS.*—

24 *There is authorized to be appropriated to the Sec-*
25 *retary to carry out the program \$3,000,000,000 for*

1 *the period of fiscal years 2022 through 2026, to re-*
2 *main available until expended.*

3 (c) *BATTERY MANUFACTURING AND RECYCLING*
4 *GRANTS.—*

5 (1) *IN GENERAL.—Not later than 180 days after*
6 *the date of enactment of this Act, the Secretary shall*
7 *establish within the Office of Energy Efficiency and*
8 *Renewable Energy a battery manufacturing and recy-*
9 *cling grant program (referred to in this subsection as*
10 *the “program”).*

11 (2) *PURPOSE.—The purpose of the program is to*
12 *ensure that the United States has a viable domestic*
13 *manufacturing and recycling capability to support*
14 *and sustain a North American battery supply chain.*

15 (3) *GRANTS.—*

16 (A) *IN GENERAL.—Under the program, the*
17 *Secretary shall award grants to eligible enti-*
18 *ties—*

19 (i) *to carry out 1 or more demonstra-*
20 *tion projects for advanced battery compo-*
21 *nent manufacturing, advanced battery man-*
22 *ufacturing, and recycling;*

23 (ii) *to construct 1 or more new com-*
24 *mercial-scale advanced battery component*
25 *manufacturing, advanced battery manufac-*

1 *turing, or recycling facilities in the United*
2 *States; and*

3 *(iii) to retool, retrofit, or expand 1 or*
4 *more existing facilities located in the*
5 *United States and determined qualified by*
6 *the Secretary for advanced battery compo-*
7 *nent manufacturing, advanced battery man-*
8 *ufacturing, and recycling.*

9 *(B) AMOUNT LIMITATION.—The amount of*
10 *a grant awarded under the program shall be not*
11 *less than—*

12 *(i) \$50,000,000 for an eligible entity*
13 *carrying out 1 or more projects described in*
14 *subparagraph (A)(i);*

15 *(ii) \$100,000,000 for an eligible entity*
16 *carrying out 1 or more projects described in*
17 *subparagraph (A)(ii); and*

18 *(iii) \$50,000,000 for an eligible entity*
19 *carrying out 1 or more projects described in*
20 *subparagraph (A)(iii).*

21 *(C) PRIORITY; CONSIDERATION.—In award-*
22 *ing grants to eligible entities under the program,*
23 *the Secretary shall—*

24 *(i) give priority to an eligible entity*
25 *that—*

1 (I) is located and operates in the
2 United States;

3 (II) is owned by a United States
4 entity;

5 (III) deploys North American-
6 owned intellectual property and con-
7 tent;

8 (IV) represents consortia or indus-
9 try partnerships; and

10 (V)(aa) if the eligible entity will
11 use the grant for advanced battery
12 component manufacturing, will not use
13 battery material supplied by or origi-
14 nating from a foreign entity of con-
15 cern; or

16 (bb) if the eligible entity will use
17 the grant for battery recycling, will not
18 export recovered critical materials to a
19 foreign entity of concern; and

20 (ii) take into consideration whether a
21 project—

22 (I) provides workforce opportuni-
23 ties in low- and moderate-income or
24 rural communities;

1 (II) provides workforce opportuni-
2 ties in communities that have lost jobs
3 due to the displacements of fossil en-
4 ergy jobs;

5 (III) encourages partnership with
6 universities and laboratories to spur
7 innovation and drive down costs;

8 (IV) partners with Indian Tribes;

9 (V) takes into account—

10 (aa) greenhouse gas emis-
11 sions reductions and energy effi-
12 cient battery material processing
13 opportunities throughout the man-
14 ufacturing process; and

15 (bb) supply chain logistics;

16 and

17 (VI) utilizes feedstock produced in
18 the United States.

19 (4) *AUTHORIZATION OF APPROPRIATIONS.*—

20 *There is authorized to be appropriated to the Sec-*
21 *retary to carry out the program \$3,000,000,000 for*
22 *the period of fiscal years 2022 through 2026, to re-*
23 *main available until expended.*

24 (d) *REPORTING REQUIREMENTS.*—*Not later than 1*
25 *year after the date of enactment of this Act, and annually*

1 *thereafter, the Secretary shall submit to Congress a report*
2 *on the grant programs established under subsections (b) and*
3 *(c), including, with respect to each grant program, a de-*
4 *scription of—*

5 *(1) the number of grant applications received;*

6 *(2) the number of grants awarded and the*
7 *amount of each award;*

8 *(3) the purpose and status of each project carried*
9 *out using a grant; and*

10 *(4) any other information the Secretary deter-*
11 *mines necessary.*

12 *(e) LITHIUM-ION BATTERY RECYCLING PRIZE COM-*
13 *PETITION.—*

14 *(1) IN GENERAL.—The Secretary shall continue*
15 *to carry out the Lithium-Ion Battery Recycling Prize*
16 *Competition of the Department established pursuant*
17 *to section 24 of the Stevenson-Wydler Technology In-*
18 *novation Act of 1980 (15 U.S.C. 3719) (referred to in*
19 *this subsection as the “competition”).*

20 *(2) AUTHORIZATION OF APPROPRIATIONS FOR*
21 *PILOT PROJECTS.—*

22 *(A) IN GENERAL.—There is authorized to be*
23 *appropriated to the Secretary to carry out Phase*
24 *III of the competition, \$10,000,000 for fiscal*
25 *year 2022, to remain available until expended.*

1 (B) *USE OF FUNDS.*—*The Secretary may*
2 *use amounts made available under subparagraph*

3 (A)—

4 (i) *to increase the number of winners*
5 *of Phase III of the competition;*

6 (ii) *to increase the amount awarded to*
7 *each winner of Phase III of the competition;*

8 *and*

9 (iii) *to carry out any other activity*
10 *that is consistent with the goals of Phase III*
11 *of the competition, as determined by the*
12 *Secretary.*

13 (f) *BATTERY AND CRITICAL MINERAL RECYCLING.*—

14 (1) *DEFINITIONS.*—*In this subsection:*

15 (A) *ADMINISTRATOR.*—*The term “Adminis-*
16 *trator” means the Administrator of the Environ-*
17 *mental Protection Agency.*

18 (B) *BATTERY.*—*The term “battery” means*
19 *a device that—*

20 (i) *consists of 1 or more electrochemical*
21 *cells that are electrically connected; and*

22 (ii) *is designed to store and deliver*
23 *electric energy.*

24 (C) *BATTERY PRODUCER.*—*The term “bat-*
25 *tery producer” means, with respect to a covered*

1 *battery or covered battery-containing product*
2 *that is sold, offered for sale, or distributed for*
3 *sale in the United States, including through re-*
4 *tail, wholesale, business-to-business, and online*
5 *sale, the following applicable entity:*

6 *(i) A person who—*

7 *(I) manufactures the covered bat-*
8 *tery or covered battery-containing*
9 *product; and*

10 *(II) sells or offers for sale the cov-*
11 *ered battery or covered battery-con-*
12 *taining product under the brand of*
13 *that person.*

14 *(ii) If there is no person described in*
15 *clause (i) with respect to the covered battery*
16 *or covered battery-containing product, the*
17 *owner or licensee of the brand under which*
18 *the covered battery or covered battery-con-*
19 *taining product is sold, offered for sale, or*
20 *distributed, regardless of whether the trade-*
21 *mark of the brand is registered.*

22 *(iii) If there is no person described in*
23 *clause (i) or (ii) with respect to the covered*
24 *battery or covered battery-containing prod-*
25 *uct, a person that imports the covered bat-*

1 *tery or covered battery-containing product*
2 *into the United States for sale or distribu-*
3 *tion.*

4 (D) *COVERED BATTERY.*—*The term “cov-*
5 *ered battery” means a new or unused primary*
6 *battery or rechargeable battery.*

7 (E) *COVERED BATTERY-CONTAINING PROD-*
8 *UCT.*—*The term “covered battery-containing*
9 *product” means a new or unused product that*
10 *contains or is packaged with a primary battery*
11 *or rechargeable battery.*

12 (F) *CRITICAL MINERAL.*—*The term “critical*
13 *mineral” has the meaning given the term in sec-*
14 *tion 7002(a) of the Energy Act of 2020 (30*
15 *U.S.C. 1606(a)).*

16 (G) *PRIMARY BATTERY.*—*The term “pri-*
17 *mary battery” means a nonrechargeable battery*
18 *that weighs not more than 4.4 pounds, including*
19 *an alkaline, carbon-zinc, and lithium metal bat-*
20 *tery.*

21 (H) *RECHARGEABLE BATTERY.*—

22 (i) *IN GENERAL.*—*The term “recharge-*
23 *able battery” means a battery that—*

1 (I) contains 1 or more voltaic or
2 galvanic cells that are electrically con-
3 nected to produce electric energy;

4 (II) is designed to be recharged;

5 (III) weighs not more than 11
6 pounds; and

7 (IV) has a watt-hour rating of not
8 more than 300 watt-hours.

9 (ii) *EXCLUSIONS.*—The term “re-
10 chargeable battery” does not include a bat-
11 tery that—

12 (I) contains electrolyte as a free
13 liquid; or

14 (II) employs lead-acid technology,
15 unless that battery is sealed and does
16 not contain electrolyte as a free liquid.

17 (I) *RECYCLING.*—The term “recycling”
18 means the series of activities—

19 (i) during which recyclable materials
20 are processed into specification-grade com-
21 modities, and consumed as raw-material
22 feedstock, in lieu of virgin materials, in the
23 manufacturing of new products;

24 (ii) that may include collection, proc-
25 essing, and brokering; and

1 (iii) that result in subsequent con-
2 sumption by a materials manufacturer, in-
3 cluding for the manufacturing of new prod-
4 ucts.

5 (2) *BATTERY RECYCLING RESEARCH, DEVELOP-*
6 *MENT, AND DEMONSTRATION GRANTS.*—

7 (A) *IN GENERAL.*—*The Secretary, in coordi-*
8 *nation with the Administrator, shall award*
9 *multiyear grants to eligible entities for research,*
10 *development, and demonstration projects to cre-*
11 *ate innovative and practical approaches to in-*
12 *crease the reuse and recycling of batteries, in-*
13 *cluding by addressing—*

14 (i) *recycling activities;*

15 (ii) *the development of methods to pro-*
16 *mote the design and production of batteries*
17 *that take into full account and facilitate the*
18 *dismantling, reuse, recovery, and recycling*
19 *of battery components and materials;*

20 (iii) *strategies to increase consumer ac-*
21 *ceptance of, and participation in, the recy-*
22 *cling of batteries;*

23 (iv) *the extraction or recovery of crit-*
24 *ical minerals from batteries that are recy-*
25 *cled;*

1 (v) the integration of increased quan-
2 tities of recycled critical minerals in bat-
3 teries and other products to develop markets
4 for recycled battery materials and critical
5 minerals;

6 (vi) safe disposal of waste materials
7 and components recovered during the recy-
8 cling process;

9 (vii) the protection of the health and
10 safety of all persons involved in, or in prox-
11 imity to, recycling and reprocessing activi-
12 ties, including communities located near re-
13 cycling and materials reprocessing facili-
14 ties;

15 (viii) mitigation of environmental im-
16 pacts that arise from recycling batteries, in-
17 cluding disposal of toxic reagents and by-
18 products related to recycling processes;

19 (ix) protection of data privacy associ-
20 ated with collected covered battery-con-
21 taining products;

22 (x) the optimization of the value of
23 material derived from recycling batteries;
24 and

1 *(xi) the cost-effectiveness and benefits*
2 *of the reuse and recycling of batteries and*
3 *critical minerals.*

4 *(B) ELIGIBLE ENTITIES.—The Secretary, in*
5 *coordination with the Administrator, may*
6 *award a grant under subparagraph (A) to—*

7 *(i) an institution of higher education;*

8 *(ii) a National Laboratory;*

9 *(iii) a Federal research agency;*

10 *(iv) a State research agency;*

11 *(v) a nonprofit organization;*

12 *(vi) an industrial entity;*

13 *(vii) a manufacturing entity;*

14 *(viii) a private battery-collection enti-*
15 *ty;*

16 *(ix) an entity operating 1 or more bat-*
17 *tery recycling activities;*

18 *(x) a State or municipal government*
19 *entity;*

20 *(xi) a battery producer;*

21 *(xii) a battery retailer; or*

22 *(xiii) a consortium of 2 or more enti-*
23 *ties described in clauses (i) through (xii).*

24 *(C) APPLICATIONS.—*

1 (i) *IN GENERAL.*—*To be eligible to re-*
2 *ceive a grant under subparagraph (A), an*
3 *eligible entity described in subparagraph*
4 *(B) shall submit to the Secretary an appli-*
5 *cation at such time, in such manner, and*
6 *containing such information as the Sec-*
7 *retary may require.*

8 (ii) *CONTENTS.*—*An application sub-*
9 *mitted under clause (i) shall describe how*
10 *the project will promote collaboration*
11 *among—*

12 (I) *battery producers and manu-*
13 *facturers;*

14 (II) *battery material and equip-*
15 *ment manufacturers;*

16 (III) *battery recyclers, collectors,*
17 *and refiners; and*

18 (IV) *retailers.*

19 (D) *AUTHORIZATION OF APPROPRIA-*
20 *TIONS.*—*There is authorized to be appropriated*
21 *to the Secretary to carry out this paragraph*
22 *\$60,000,000 for the period of fiscal years 2022*
23 *through 2026.*

24 (3) *STATE AND LOCAL PROGRAMS.*—

1 (A) *IN GENERAL.*—*The Secretary, in coordi-*
2 *nation with the Administrator, shall establish a*
3 *program under which the Secretary shall award*
4 *grants, on a competitive basis, to States and*
5 *units of local government to assist in the estab-*
6 *lishment or enhancement of State battery collec-*
7 *tion, recycling, and reprocessing programs.*

8 (B) *NON-FEDERAL COST SHARE.*—*The non-*
9 *Federal share of the cost of a project carried out*
10 *using a grant under this paragraph shall be 50*
11 *percent of the cost of the project.*

12 (C) *REPORT.*—*Not later than 2 years after*
13 *the date of enactment of this Act, and annually*
14 *thereafter, the Secretary shall submit to Congress*
15 *a report that describes the number of battery col-*
16 *lection points established or enhanced, an esti-*
17 *mate of jobs created, and the quantity of mate-*
18 *rial collected as a result of the grants awarded*
19 *under subparagraph (A).*

20 (D) *AUTHORIZATION OF APPROPRIA-*
21 *TIONS.*—*There is authorized to be appropriated*
22 *to the Secretary to carry out this paragraph*
23 *\$50,000,000 for the period of fiscal years 2022*
24 *through 2026.*

25 (4) *RETAILERS AS COLLECTION POINTS.*—

1 (A) *IN GENERAL.*—*The Secretary shall*
2 *award grants, on a competitive basis, to retailers*
3 *that sell covered batteries or covered battery-con-*
4 *taining products to establish and implement a*
5 *system for the acceptance and collection of cov-*
6 *ered batteries and covered battery-containing*
7 *products, as applicable, for reuse, recycling, or*
8 *proper disposal.*

9 (B) *COLLECTION SYSTEM.*—*A system de-*
10 *scribed in subparagraph (A) shall include take-*
11 *back of covered batteries—*

12 (i) *at no cost to the consumer; and*

13 (ii) *on a regular, convenient, and ac-*
14 *cessible basis.*

15 (C) *AUTHORIZATION OF APPROPRIA-*
16 *TIONS.*—*There is authorized to be appropriated*
17 *to the Secretary to carry out this paragraph*
18 *\$15,000,000 for the period of fiscal years 2022*
19 *through 2026.*

20 (5) *TASK FORCE ON PRODUCER RESPONSIBIL-*
21 *ITIES.*—

22 (A) *IN GENERAL.*—*The Secretary, in coordi-*
23 *nation with the Administrator, shall convene a*
24 *task force to develop an extended battery pro-*
25 *ducer responsibility framework that—*

1 (i) addresses battery recycling goals,
2 cost structures for mandatory recycling, re-
3 porting requirements, product design, collec-
4 tion models, and transportation of collected
5 materials;

6 (ii) provides sufficient flexibility to
7 allow battery producers to determine cost-ef-
8 fective strategies for compliance with the
9 framework; and

10 (iii) outlines regulatory pathways for
11 effective recycling.

12 (B) *TASK FORCE MEMBERS.*—Members of
13 the task force convened under subparagraph (A)
14 shall include—

15 (i) battery producers, manufacturers,
16 retailers, recyclers, and collectors or proc-
17 essors;

18 (ii) States and municipalities; and

19 (iii) other relevant stakeholders, such
20 as environmental, energy, or consumer or-
21 ganizations, as determined by the Secretary.

22 (C) *REPORT.*—Not later than 1 year after
23 the date on which the Secretary, in coordination
24 with Administrator, convenes the task force

1 under subparagraph (A), the Secretary shall sub-
2 mit to Congress a report that—

3 (i) describes the extended producer re-
4 sponsibility framework developed by the
5 task force;

6 (ii) includes the recommendations of
7 the task force on how best to implement a
8 mandatory pay-in or other enforcement
9 mechanism to ensure that battery producers
10 and sellers are contributing to the recycling
11 of batteries; and

12 (iii) suggests regulatory pathways for
13 effective recycling.

14 (6) *EFFECT ON MERCURY-CONTAINING AND RE-*
15 *CHARGEABLE BATTERY MANAGEMENT ACT.*—*Nothing*
16 *in this subsection, or any regulation, guideline,*
17 *framework, or policy adopted or promulgated pursu-*
18 *ant to this subsection, shall modify or otherwise affect*
19 *the provisions of the Mercury-Containing and Re-*
20 *chargeable Battery Management Act (42 U.S.C. 14301*
21 *et seq.).*

22 **SEC. 40208. ELECTRIC DRIVE VEHICLE BATTERY RECYCLING**
23 **AND SECOND-LIFE APPLICATIONS PROGRAM.**

24 Section 641 of the Energy Independence and Security
25 Act of 2007 (42 U.S.C. 17231) is amended—

1 (1) *by striking subsection (k) and inserting the*
2 *following:*

3 “(k) *ELECTRIC DRIVE VEHICLE BATTERY SECOND-*
4 *LIFE APPLICATIONS AND RECYCLING.—*

5 “(1) *DEFINITIONS.—In this subsection:*

6 “(A) *BATTERY RECYCLING AND SECOND-*
7 *LIFE APPLICATIONS PROGRAM.—The term ‘bat-*
8 *ttery recycling and second-life applications pro-*
9 *gram’ means the electric drive vehicle battery re-*
10 *cycling and second-life applications program es-*
11 *tablished under paragraph (3).*

12 “(B) *CRITICAL MATERIAL.—The term ‘crit-*
13 *ical material’ has the meaning given the term in*
14 *section 7002(a) of the Energy Act of 2020 (30*
15 *U.S.C. 1606(a)).*

16 “(C) *ECONOMICALLY DISTRESSED AREA.—*
17 *The term ‘economically distressed area’ means*
18 *an area described in section 301(a) of the Public*
19 *Works and Economic Development Act of 1965*
20 *(42 U.S.C. 3161(a)).*

21 “(D) *ELECTRIC DRIVE VEHICLE BAT-*
22 *TERY.—The term ‘electric drive vehicle battery’*
23 *means any battery that is a motive power source*
24 *for an electric drive vehicle.*

1 “(E) *ELIGIBLE ENTITY.*—The term ‘eligible
2 entity’ means an entity described in any of
3 paragraphs (1) through (5) of section 989(b) of
4 the Energy Policy Act of 2005 (42 U.S.C.
5 16353(b)).

6 “(2) *PROGRAM.*—The Secretary shall carry out a
7 program of research, development, and demonstration
8 of—

9 “(A) *second-life applications for electric*
10 *drive vehicle batteries that have been used to*
11 *power electric drive vehicles; and*

12 “(B) *technologies and processes for final re-*
13 *cycling and disposal of the devices described in*
14 *subparagraph (A).*

15 “(3) *ELECTRIC DRIVE VEHICLE BATTERY RECY-*
16 *CLING AND SECOND-LIFE APPLICATIONS.*—

17 “(A) *IN GENERAL.*—In carrying out the
18 program under paragraph (2), the Secretary
19 shall establish an electric drive vehicle battery re-
20 cycling and second-life applications program
21 under which the Secretary shall—

22 “(i) *award grants under subparagraph*
23 *(D); and*

24 “(ii) *carry out other activities in ac-*
25 *cordance with this paragraph.*

1 “(B) *PURPOSES.*—*The purposes of the bat-*
2 *tery recycling and second-life applications pro-*
3 *gram are the following:*

4 “(i) *To improve the recycling rates and*
5 *second-use adoption rates of electric drive*
6 *vehicle batteries.*

7 “(ii) *To optimize the design and*
8 *adaptability of electric drive vehicle bat-*
9 *teries to make electric drive vehicle batteries*
10 *more easily recyclable.*

11 “(iii) *To establish alternative supply*
12 *chains for critical materials that are found*
13 *in electric drive vehicle batteries.*

14 “(iv) *To reduce the cost of manufac-*
15 *turing, installation, purchase, operation,*
16 *and maintenance of electric drive vehicle*
17 *batteries.*

18 “(v) *To improve the environmental im-*
19 *port of electric drive vehicle battery recy-*
20 *cling processes.*

21 “(C) *TARGETS.*—*In carrying out the bat-*
22 *tery recycling and second-life applications pro-*
23 *gram, the Secretary shall address near-term (up*
24 *to 2 years), mid-term (up to 5 years), and long-*

1 *term (up to 10 years) challenges to the recycling*
2 *of electric drive vehicle batteries.*

3 “(D) GRANTS.—

4 “(i) IN GENERAL.—*In carrying out the*
5 *battery recycling and second-life applica-*
6 *tions program, the Secretary shall award*
7 *multiyear grants on a competitive, merit-re-*
8 *viewed basis to eligible entities—*

9 “(I) *to conduct research, develop-*
10 *ment, testing, and evaluation of solu-*
11 *tions to increase the rate and produc-*
12 *tivity of electric drive vehicle battery*
13 *recycling; and*

14 “(II) *for research, development,*
15 *and demonstration projects to create*
16 *innovative and practical approaches to*
17 *increase the recycling and second-use of*
18 *electric drive vehicle batteries, includ-*
19 *ing by addressing—*

20 “(aa) *technology to increase*
21 *the efficiency of electric drive ve-*
22 *hicle battery recycling and maxi-*
23 *mize the recovery of critical mate-*
24 *rials for use in new products;*

1 “(bb) expanded uses for crit-
2 ical materials recovered from elec-
3 tric drive vehicle batteries;

4 “(cc) product design and
5 construction to facilitate the dis-
6 assembly and recycling of electric
7 drive vehicle batteries;

8 “(dd) product design and
9 construction and other tools and
10 techniques to extend the lifecycle
11 of electric drive vehicle batteries,
12 including methods to promote the
13 safe second-use of electric drive ve-
14 hicle batteries;

15 “(ee) strategies to increase
16 consumer acceptance of, and par-
17 ticipation in, the recycling of elec-
18 tric drive vehicle batteries;

19 “(ff) improvements and
20 changes to electric drive vehicle
21 battery chemistries that include
22 ways to decrease processing costs
23 for battery recycling without sac-
24 rificing front-end performance;

1 “(gg) second-use of electric
2 drive vehicle batteries, including
3 in applications outside of the
4 automotive industry; and

5 “(hh) the commercialization
6 and scale-up of electric drive vehi-
7 cle battery recycling technologies.

8 “(ii) *PRIORITY*.—In awarding grants
9 under clause (i), the Secretary shall give
10 priority to projects that—

11 “(I) are located in geographically
12 diverse regions of the United States;

13 “(II) include business commer-
14 cialization plans that have the poten-
15 tial for the recycling of electric drive
16 vehicle batteries at high volumes;

17 “(III) support the development of
18 advanced manufacturing technologies
19 that have the potential to improve the
20 competitiveness of the United States in
21 the international electric drive vehicle
22 battery manufacturing sector;

23 “(IV) provide the greatest poten-
24 tial to reduce costs for consumers and
25 promote accessibility and community

1 *implementation of demonstrated tech-*
2 *nologies;*

3 “(V) *increase disclosure and*
4 *transparency of information to con-*
5 *sumers;*

6 “(VI) *support the development or*
7 *demonstration of projects in economi-*
8 *cally distressed areas; and*

9 “(VII) *support other relevant pri-*
10 *orities, as determined to be appro-*
11 *priate by the Secretary.*

12 “(iii) *SOLICITATION.—Not later than*
13 *90 days after the date of enactment of the*
14 *Infrastructure Investment and Jobs Act,*
15 *and annually thereafter, the Secretary shall*
16 *conduct a national solicitation for applica-*
17 *tions for grants described in clause (i).*

18 “(iv) *DISSEMINATION OF RESULTS.—*
19 *The Secretary shall publish the results of the*
20 *projects carried out through grants awarded*
21 *under clause (i) through—*

22 “(I) *best practices relating to*
23 *those grants, for use in the electric*
24 *drive vehicle battery manufacturing,*

1 *design, installation, refurbishing, or re-*
2 *cycling industries;*

3 *“(II) coordination with informa-*
4 *tion dissemination programs relating*
5 *to general recycling of electronic de-*
6 *vices; and*

7 *“(III) educational materials for*
8 *the public, produced in conjunction*
9 *with State and local governments or*
10 *nonprofit organizations, on the prob-*
11 *lems and solutions relating to the recy-*
12 *cling and second-life applications of*
13 *electric drive vehicle batteries.*

14 *“(E) COORDINATION WITH OTHER PRO-*
15 *GRAMS OF THE DEPARTMENT.—In carrying out*
16 *the battery recycling and second-life applications*
17 *program, the Secretary shall coordinate and le-*
18 *verage the resources of complementary efforts of*
19 *the Department.*

20 *“(F) STUDY AND REPORT.—*

21 *“(i) STUDY.—The Secretary shall con-*
22 *duct a study on the viable market opportu-*
23 *nities available for the recycling, second-use,*
24 *and manufacturing of electric drive vehicle*
25 *batteries in the United States.*

1 “(ii) *REPORT.*—Not later than 1 year
2 after the date of enactment of the *Infra-*
3 *structure Investment and Jobs Act*, the *Sec-*
4 *retary* shall submit to the *Committee on*
5 *Energy and Natural Resources of the Sen-*
6 *ate*, the *Committee on Science, Space, and*
7 *Technology of the House of Representatives*,
8 and any other relevant committee of *Con-*
9 *gress* a report containing the results of the
10 study under clause (i), including a descrip-
11 tion of—

12 “(I) the ability of relevant busi-
13 nesses or other entities to competitively
14 manufacture electric drive vehicle bat-
15 teries and recycle electric drive vehicle
16 batteries in the United States;

17 “(II) any existing electric drive
18 vehicle battery recycling and second-
19 use practices and plans of electric
20 drive vehicle manufacturing companies
21 in the United States;

22 “(III) any barriers to electric
23 drive vehicle battery recycling in the
24 United States;

1 “(IV) opportunities and barriers
2 in electric drive vehicle battery supply
3 chains in the United States and inter-
4 nationally, including with allies and
5 trading partners;

6 “(V) opportunities for job creation
7 in the electric drive vehicle battery re-
8 cycling and manufacturing fields and
9 the necessary skills employees must ac-
10 quire for growth of those fields in the
11 United States;

12 “(VI) policy recommendations for
13 enhancing electric drive vehicle battery
14 manufacturing and recycling in the
15 United States;

16 “(VII) any recommendations for
17 lowering logistics costs and creating
18 better coordination and efficiency with
19 respect to the removal, collection,
20 transportation, storage, and dis-
21 assembly of electric drive vehicle bat-
22 teries;

23 “(VIII) any recommendations for
24 areas of coordination with other Fed-
25 eral agencies to improve electric drive

1 *vehicle battery recycling rates in the*
2 *United States;*

3 “(IX) *an aggressive 2-year target*
4 *and plan, the implementation of which*
5 *shall begin during the 90-day period*
6 *beginning on the date on which the re-*
7 *port is submitted, to enhance the com-*
8 *petitiveness of electric drive vehicle bat-*
9 *tery manufacturing and recycling in*
10 *the United States; and*

11 “(X) *needs for future research, de-*
12 *velopment, and demonstration projects*
13 *in electric drive vehicle battery manu-*
14 *facturing, recycling, and related areas,*
15 *as determined by the Secretary.*

16 “(G) *EVALUATION.—Not later than 3 years*
17 *after the date on which the report under sub-*
18 *paragraph (F)(ii) is submitted, and every 4*
19 *years thereafter, the Secretary shall conduct, and*
20 *make available to the public and the relevant*
21 *committees of Congress, an independent review of*
22 *the progress of the grants awarded under sub-*
23 *paragraph (D) in meeting the recommendations*
24 *and targets included in the report.”; and*

1 (2) *in subsection (p), by striking paragraph (6)*
2 *and inserting the following:*

3 “(6) *the electric drive vehicle battery recycling*
4 *and second-life applications program under sub-*
5 *section (k) \$200,000,000 for the period of fiscal years*
6 *2022 through 2026.”.*

7 **SEC. 40209. ADVANCED ENERGY MANUFACTURING AND RE-**
8 **CYCLING GRANT PROGRAM.**

9 (a) *DEFINITIONS.—In this section:*

10 (1) *ADVANCED ENERGY PROPERTY.—The term*
11 *“advanced energy property” means—*

12 (A) *property designed to be used to produce*
13 *energy from the sun, water, wind, geothermal or*
14 *hydrothermal (as those terms are defined in sec-*
15 *tion 612 of the Energy Independence and Secu-*
16 *rity Act of 2007 (42 U.S.C. 17191)) resources,*
17 *enhanced geothermal systems (as defined in that*
18 *section), or other renewable resources;*

19 (B) *fuel cells, microturbines, or energy stor-*
20 *age systems and components;*

21 (C) *electric grid modernization equipment*
22 *or components;*

23 (D) *property designed to capture, remove,*
24 *use, or sequester carbon oxide emissions;*

1 (E) equipment designed to refine,
2 electrolyze, or blend any fuel, chemical, or prod-
3 uct that is—

4 (i) renewable; or

5 (ii) low-carbon and low-emission;

6 (F) property designed to produce energy
7 conservation technologies (including for residen-
8 tial, commercial, and industrial applications);

9 (G)(i) light-, medium-, or heavy-duty elec-
10 tric or fuel cell vehicles, electric or fuel cell loco-
11 motives, electric or fuel cell maritime vessels, or
12 electric or fuel cell planes;

13 (ii) technologies, components, and materials
14 of those vehicles, locomotives, maritime vessels, or
15 planes; and

16 (iii) charging or refueling infrastructure as-
17 sociated with those vehicles, locomotives, mari-
18 time vessels, or planes;

19 (H)(i) hybrid vehicles with a gross vehicle
20 weight rating of not less than 14,000 pounds;
21 and

22 (ii) technologies, components, and materials
23 for those vehicles; and

1 (I) other advanced energy property designed
2 to reduce greenhouse gas emissions, as may be
3 determined by the Secretary.

4 (2) *COVERED CENSUS TRACT.*—The term “cov-
5 ered census tract” means a census tract—

6 (A) in which, after December 31, 1999, a
7 coal mine had closed;

8 (B) in which, after December 31, 2009, a
9 coal-fired electricity generating unit had been re-
10 tired; or

11 (C) that is immediately adjacent to a cen-
12 sus tract described in subparagraph (A) or (B).

13 (3) *ELIGIBLE ENTITY.*—The term “eligible enti-
14 ty” means a manufacturing firm—

15 (A) the gross annual sales of which are less
16 than \$100,000,000;

17 (B) that has fewer than 500 employees at
18 the plant site of the manufacturing firm; and

19 (C) the annual energy bills of which total
20 more than \$100,000 but less than \$2,500,000.

21 (4) *MINORITY-OWNED.*—The term “minority-
22 owned”, with respect to an eligible entity, means an
23 eligible entity not less than 51 percent of which is
24 owned by 1 or more individuals who are—

25 (A) citizens of the United States; and

1 (B) *Asian American, Native Hawaiian, Pa-*
2 *cific Islander, African American, Hispanic,*
3 *Puerto Rican, Native American, or Alaska Na-*
4 *tive.*

5 (5) *PROGRAM.*—*The term “Program” means the*
6 *grant program established under subsection (b).*

7 (6) *QUALIFYING ADVANCED ENERGY PROJECT.*—
8 *The term “qualifying advanced energy project” means*
9 *a project that—*

10 (A)(i) *re-equips, expands, or establishes a*
11 *manufacturing or recycling facility for the pro-*
12 *duction or recycling, as applicable, of advanced*
13 *energy property; or*

14 (ii) *re-equips an industrial or manufac-*
15 *turing facility with equipment designed to re-*
16 *duce the greenhouse gas emissions of that facility*
17 *substantially below the greenhouse gas emissions*
18 *under current best practices, as determined by*
19 *the Secretary, through the installation of—*

20 (I) *low- or zero-carbon process heat*
21 *systems;*

22 (II) *carbon capture, transport, utiliza-*
23 *tion, and storage systems;*

1 (III) technology relating to energy effi-
2 ciency and reduction in waste from indus-
3 trial processes; or

4 (IV) any other industrial technology
5 that significantly reduces greenhouse gas
6 emissions, as determined by the Secretary;

7 (B) has a reasonable expectation of commer-
8 cial viability, as determined by the Secretary;
9 and

10 (C) is located in a covered census tract.

11 (b) *ESTABLISHMENT.*—Not later than 180 days after
12 the date of enactment of this Act, the Secretary shall estab-
13 lish a program to award grants to eligible entities to carry
14 out qualifying advanced energy projects.

15 (c) *APPLICATIONS.*—

16 (1) *IN GENERAL.*—Each eligible entity seeking a
17 grant under the Program shall submit to the Sec-
18 retary an application at such time, in such manner,
19 and containing such information as the Secretary
20 may require, including a description of the proposed
21 qualifying advanced energy project to be carried out
22 using the grant.

23 (2) *SELECTION CRITERIA.*—

24 (A) *PROJECTS.*—In selecting eligible enti-
25 ties to receive grants under the Program, the

1 *Secretary shall, with respect to the qualifying*
2 *advanced energy projects proposed by the eligible*
3 *entities, give higher priority to projects that—*

4 *(i) will provide higher net impact in*
5 *avoiding or reducing anthropogenic emis-*
6 *sions of greenhouse gases;*

7 *(ii) will result in a higher level of do-*
8 *mestic job creation (both direct and indi-*
9 *rect) during the lifetime of the project;*

10 *(iii) will result in a higher level of job*
11 *creation in the vicinity of the project, par-*
12 *ticularly with respect to—*

13 *(I) low-income communities (as*
14 *described in section 45D(e) of the In-*
15 *ternal Revenue Code of 1986); and*

16 *(II) dislocated workers who were*
17 *previously employed in manufacturing,*
18 *coal power plants, or coal mining;*

19 *(iv) have higher potential for techno-*
20 *logical innovation and commercial deploy-*
21 *ment;*

22 *(v) have a lower levelized cost of—*

23 *(I) generated or stored energy; or*

24 *(II) measured reduction in energy*
25 *consumption or greenhouse gas emis-*

1 *sion (based on costs of the full supply*
2 *chain); and*
3 *(vi) have a shorter project time.*

4 *(B) ELIGIBLE ENTITIES.—In selecting eligi-*
5 *ble entities to receive grants under the Program,*
6 *the Secretary shall give priority to eligible enti-*
7 *ties that are minority-owned.*

8 *(d) PROJECT COMPLETION AND LOCATION; RETURN OF*
9 *UNOBLIGATED FUNDS.—*

10 *(1) COMPLETION; RETURN OF UNOBLIGATED*
11 *FUNDS.—An eligible entity that receives a grant*
12 *under the Program shall be required—*

13 *(A) to complete the qualifying advanced en-*
14 *ergy project funded by the grant not later than*
15 *3 years after the date of receipt of the grant*
16 *funds; and*

17 *(B) to return to the Secretary any grant*
18 *funds that remain unobligated at the end of that*
19 *3-year period.*

20 *(2) LOCATION.—If the Secretary determines that*
21 *an eligible entity awarded a grant under the Program*
22 *has carried out the applicable qualifying advanced*
23 *energy project at a location that is materially dif-*
24 *ferent from the location specified in the application*

1 *for the grant, the eligible entity shall be required to*
2 *return the grant funds to the Secretary.*

3 *(e) TECHNICAL ASSISTANCE.—*

4 *(1) IN GENERAL.—Not later than 180 days after*
5 *the date of enactment of this Act, the Secretary shall*
6 *provide technical assistance on a selective basis to eli-*
7 *gible entities that are seeking a grant under the Pro-*
8 *gram to enhance the impact of the qualifying ad-*
9 *vanced energy project to be carried out using the*
10 *grant with respect to the selection criteria described*
11 *in subsection (c)(2)(A).*

12 *(2) APPLICATIONS.—An eligible entity desiring*
13 *technical assistance under paragraph (1) shall submit*
14 *to the Secretary an application at such time, in such*
15 *manner, and containing such information as the Sec-*
16 *retary may require.*

17 *(3) FACTORS FOR CONSIDERATION.—In selecting*
18 *eligible entities for technical assistance under para-*
19 *graph (1), the Secretary shall give higher priority to*
20 *eligible entities that propose a qualifying advanced*
21 *energy project that has greater potential for enhance-*
22 *ment of the impact of the project with respect to the*
23 *selection criteria described in subsection (c)(2)(A).*

24 *(f) PUBLICATION OF GRANTS.—The Secretary shall*
25 *make publicly available the identity of each eligible entity*

1 *awarded a grant under the Program and the amount of*
2 *the grant.*

3 *(g) REPORT.—Not later than 4 years after the date*
4 *of enactment this Act, the Secretary shall—*

5 *(1) review the grants awarded under the Pro-*
6 *gram; and*

7 *(2) submit to the Committee on Energy and Nat-*
8 *ural Resources of the Senate and the Committee on*
9 *Energy and Commerce of the House of Representa-*
10 *tives a report describing those grants.*

11 *(h) AUTHORIZATION OF APPROPRIATIONS.—There is*
12 *authorized to be appropriated to the Secretary to carry out*
13 *the Program \$750,000,000 for the period of fiscal years*
14 *2022 through 2026.*

15 **SEC. 40210. CRITICAL MINERALS MINING AND RECYCLING**
16 **RESEARCH.**

17 *(a) DEFINITIONS.—In this section:*

18 *(1) CRITICAL MINERAL.—The term “critical*
19 *mineral” has the meaning given the term in section*
20 *7002(a) of the Energy Act of 2020 (30 U.S.C.*
21 *1606(a)).*

22 *(2) CRITICAL MINERALS AND METALS.—The term*
23 *“critical minerals and metals” includes any host*
24 *mineral of a critical mineral.*

1 (3) *DIRECTOR*.—The term “Director” means the
2 *Director of the Foundation.*

3 (4) *END-TO-END*.—The term “end-to-end”, with
4 *respect to the integration of mining or life cycle of*
5 *minerals, means the integrated approach of, or the*
6 *lifecycle determined by, examining the research and*
7 *developmental process from the mining of the raw*
8 *minerals to its processing into useful materials, its*
9 *integration into components and devices, the utiliza-*
10 *tion of such devices in the end-use application to sat-*
11 *isfy certain performance metrics, and the recycling or*
12 *disposal of such devices.*

13 (5) *FOREIGN ENTITY OF CONCERN*.—The term
14 “foreign entity of concern” means a foreign entity
15 that is—

16 (A) *designated as a foreign terrorist organi-*
17 *zation by the Secretary of State under section*
18 *219(a) of the Immigration and Nationality Act*
19 *(8 U.S.C. 1189(a));*

20 (B) *included on the list of specially des-*
21 *ignated nationals and blocked persons main-*
22 *tained by the Office of Foreign Assets Control of*
23 *the Department of the Treasury (commonly*
24 *known as the SDN list);*

1 (C) owned by, controlled by, or subject to
2 the jurisdiction or direction of a government of
3 a foreign country that is a covered nation (as de-
4 fined in section 2533c(d) of title 10, United
5 States Code);

6 (D) alleged by the Attorney General to have
7 been involved in activities for which a conviction
8 was obtained under—

9 (i) chapter 37 of title 18, United States
10 Code (commonly known as the “Espionage
11 Act”);

12 (ii) section 951 or 1030 of title 18,
13 United States Code;

14 (iii) chapter 90 of title 18, United
15 States Code (commonly known as the “Eco-
16 nomic Espionage Act of 1996”);

17 (iv) the Arms Export Control Act (22
18 U.S.C. 2751 et seq.);

19 (v) section 224, 225, 226, 227, or 236
20 of the Atomic Energy Act of 1954 (42
21 U.S.C. 2274, 2275, 2276, 2277, and 2284);

22 (vi) the Export Control Reform Act of
23 2018 (50 U.S.C. 4801 et seq.); or

1 (vii) *the International Emergency Eco-*
2 *nomics Powers Act (50 U.S.C. 1701 et seq.);*
3 *or*

4 (E) *determined by the Secretary of Com-*
5 *merce, in consultation with the Secretary of De-*
6 *fense and the Director of National Intelligence,*
7 *to be engaged in unauthorized conduct that is*
8 *detrimental to the national security or foreign*
9 *policy of the United States.*

10 (6) *FOUNDATION.—The term “Foundation”*
11 *means the National Science Foundation.*

12 (7) *INSTITUTION OF HIGHER EDUCATION.—The*
13 *term “institution of higher education” has the mean-*
14 *ing given the term in section 101 of the Higher Edu-*
15 *cation Act of 1965 (20 U.S.C. 1001).*

16 (8) *NATIONAL LABORATORY.—The term “Na-*
17 *tional Laboratory” has the meaning given the term in*
18 *section 2 of the Energy Policy Act of 2005 (42 U.S.C.*
19 *15801).*

20 (9) *RECYCLING.—The term “recycling” means*
21 *the process of collecting and processing spent mate-*
22 *rials and devices and turning the materials and de-*
23 *vices into raw materials or components that can be*
24 *reused either partially or completely.*

1 (10) *SECONDARY RECOVERY.*—*The term “sec-*
2 *ondary recovery” means the recovery of critical min-*
3 *erals and metals from discarded end-use products or*
4 *from waste products produced during the metal refin-*
5 *ing and manufacturing process, including from mine*
6 *waste piles, acid mine drainage sludge, or byproducts*
7 *produced through legacy mining and metallurgy ac-*
8 *tivities.*

9 (b) *CRITICAL MINERALS MINING AND RECYCLING RE-*
10 *SEARCH AND DEVELOPMENT.*—

11 (1) *IN GENERAL.*—*In order to support supply*
12 *chain resiliency, the Secretary, in coordination with*
13 *the Director, shall issue awards, on a competitive*
14 *basis, to eligible entities described in paragraph (2)*
15 *to support basic research that will accelerate innova-*
16 *tion to advance critical minerals mining, recycling,*
17 *and reclamation strategies and technologies for the*
18 *purposes of—*

19 (A) *making better use of domestic resources;*
20 *and*

21 (B) *eliminating national reliance on min-*
22 *erals and mineral materials that are subject to*
23 *supply disruptions.*

1 (2) *ELIGIBLE ENTITIES.*—*Entities eligible to re-*
2 *ceive an award under paragraph (1) are the fol-*
3 *lowing:*

4 (A) *Institutions of higher education.*

5 (B) *National Laboratories.*

6 (C) *Nonprofit organizations.*

7 (D) *Consortia of entities described in sub-*
8 *paragraphs (A) through (C), including consortia*
9 *that collaborate with private industry.*

10 (3) *USE OF FUNDS.*—*Activities funded by an*
11 *award under this section may include—*

12 (A) *advancing mining research and devel-*
13 *opment activities to develop new mapping and*
14 *mining technologies and techniques, including*
15 *advanced critical mineral extraction and pro-*
16 *duction—*

17 (i) *to improve existing, or to develop*
18 *new, supply chains of critical minerals; and*

19 (ii) *to yield more efficient, economical,*
20 *and environmentally benign mining prac-*
21 *tices;*

22 (B) *advancing critical mineral processing*
23 *research activities to improve separation,*
24 *alloying, manufacturing, or recycling techniques*
25 *and technologies that can decrease the energy in-*

1 *tensity, waste, potential environmental impact,*
2 *and costs of those activities;*

3 *(C) advancing research and development of*
4 *critical minerals mining and recycling tech-*
5 *nologies that take into account the potential end-*
6 *uses and disposal of critical minerals, in order*
7 *to improve end-to-end integration of mining and*
8 *technological applications;*

9 *(D) conducting long-term earth observation*
10 *of reclaimed mine sites, including the study of*
11 *the evolution of microbial diversity at those sites;*

12 *(E) examining the application of artificial*
13 *intelligence for geological exploration of critical*
14 *minerals, including what size and diversity of*
15 *data sets would be required;*

16 *(F) examining the application of machine*
17 *learning for detection and sorting of critical*
18 *minerals, including what size and diversity of*
19 *data sets would be required;*

20 *(G) conducting detailed isotope studies of*
21 *critical minerals and the development of more*
22 *refined geologic models; or*

23 *(H) providing training and research oppor-*
24 *tunities to undergraduate and graduate students*

1 to prepare the next generation of mining engi-
2 neers and researchers.

3 (c) *CRITICAL MINERALS INTERAGENCY SUB-*
4 *COMMITTEE.*—

5 (1) *IN GENERAL.*—*In order to support supply*
6 *chain resiliency, the Critical Minerals Subcommittee*
7 *of the National Science and Technology Council (re-*
8 *ferred to in this subsection as the “Subcommittee”)*
9 *shall coordinate Federal science and technology efforts*
10 *to ensure secure and reliable supplies of critical min-*
11 *erals to the United States.*

12 (2) *PURPOSES.*—*The purposes of the Sub-*
13 *committee shall be—*

14 (A) *to advise and assist the National*
15 *Science and Technology Council, including the*
16 *Committee on Homeland and National Security*
17 *of the National Science and Technology Council,*
18 *on United States policies, procedures, and plans*
19 *relating to critical minerals, including—*

20 (i) *Federal research, development, and*
21 *deployment efforts to optimize methods for*
22 *extractions, concentration, separation, and*
23 *purification of conventional, secondary, and*
24 *unconventional sources of critical minerals,*
25 *including research that prioritizes end-to-*

1 *end integration of mining and recycling*
2 *techniques and the end-use target for crit-*
3 *ical minerals;*

4 *(ii) efficient use and reuse of critical*
5 *minerals, including recycling technologies*
6 *for critical minerals and the reclamation of*
7 *critical minerals from components, such as*
8 *spent batteries;*

9 *(iii) addressing the technology transi-*
10 *tions between research or lab-scale mining*
11 *and recycling and commercialization of*
12 *these technologies;*

13 *(iv) the critical minerals workforce of*
14 *the United States; and*

15 *(v) United States private industry in-*
16 *vestments in innovation and technology*
17 *transfer from federally funded science and*
18 *technology;*

19 *(B) to identify emerging opportunities,*
20 *stimulate international cooperation, and foster*
21 *the development of secure and reliable supply*
22 *chains of critical minerals, including activities*
23 *relating to the reuse of critical minerals via re-*
24 *cycling;*

1 (C) to ensure the transparency of informa-
2 tion and data related to critical minerals; and

3 (D) to provide recommendations on coordi-
4 nation and collaboration among the research, de-
5 velopment, and deployment programs and activi-
6 ties of Federal agencies to promote a secure and
7 reliable supply of critical minerals necessary to
8 maintain national security, economic well-being,
9 and industrial production.

10 (3) *RESPONSIBILITIES.*—In carrying out para-
11 graphs (1) and (2), the Subcommittee may, taking
12 into account the findings and recommendations of rel-
13 evant advisory committees—

14 (A) provide recommendations on how Fed-
15 eral agencies may improve the topographic, geo-
16 logic, and geophysical mapping of the United
17 States and improve the discoverability, accessi-
18 bility, and usability of the resulting and existing
19 data, to the extent permitted by law and subject
20 to appropriate limitation for purposes of privacy
21 and security;

22 (B) assess the progress toward developing
23 critical minerals recycling and reprocessing tech-
24 nologies;

1 (C) assess the end-to-end lifecycle of critical
2 minerals, including for mining, usage, recycling,
3 and end-use material and technology require-
4 ments;

5 (D) examine, and provide recommendations
6 for, options for accessing and developing critical
7 minerals through investment and trade with al-
8 lies and partners of the United States;

9 (E) evaluate and provide recommendations
10 to incentivize the development and use of ad-
11 vances in science and technology in the private
12 industry;

13 (F) assess the need for, and make rec-
14 ommendations to address, the challenges the
15 United States critical minerals supply chain
16 workforce faces, including—

17 (i) aging and retiring personnel and
18 faculty;

19 (ii) public perceptions about the nature
20 of mining and mineral processing; and

21 (iii) foreign competition for United
22 States talent;

23 (G) develop, and update as necessary, a
24 strategic plan to guide Federal programs and ac-
25 tivities to enhance—

1 (i) *scientific and technical capabilities*
2 *across critical mineral supply chains, in-*
3 *cluding a roadmap that identifies key re-*
4 *search and development needs and coordi-*
5 *nates ongoing activities for source diver-*
6 *sification, more efficient use, recycling, and*
7 *substitution for critical minerals; and*

8 (ii) *cross-cutting mining science, data*
9 *science techniques, materials science, manu-*
10 *facturing science and engineering, computa-*
11 *tional modeling, and environmental health*
12 *and safety research and development; and*

13 (H) *report to the appropriate committees of*
14 *Congress on activities and findings under this*
15 *subsection.*

16 (4) *MANDATORY RESPONSIBILITIES.—In car-*
17 *rying out paragraphs (1) and (2), the Subcommittee*
18 *shall, taking into account the findings and rec-*
19 *ommendations of relevant advisory committees, iden-*
20 *tify and evaluate Federal policies and regulations*
21 *that restrict the mining of critical minerals.*

22 (d) *GRANT PROGRAM FOR PROCESSING OF CRITICAL*
23 *MINERALS AND DEVELOPMENT OF CRITICAL MINERALS*
24 *AND METALS.—*

1 (1) *ESTABLISHMENT.*—*The Secretary, in con-*
2 *sultation with the Director, the Secretary of the Inte-*
3 *rior, and the Secretary of Commerce, shall establish*
4 *a grant program to finance pilot projects for—*

5 (A) *the processing or recycling of critical*
6 *minerals in the United States; or*

7 (B) *the development of critical minerals*
8 *and metals in the United States*

9 (2) *LIMITATION ON GRANT AWARDS.*—*A grant*
10 *awarded under paragraph (1) may not exceed*
11 *\$10,000,000.*

12 (3) *ECONOMIC VIABILITY.*—*In awarding grants*
13 *under paragraph (1), the Secretary shall give priority*
14 *to projects that the Secretary determines are likely to*
15 *be economically viable over the long term.*

16 (4) *SECONDARY RECOVERY.*—*In awarding grants*
17 *under paragraph (1), the Secretary shall seek to*
18 *award not less than 30 percent of the total amount*
19 *of grants awarded during the fiscal year for projects*
20 *relating to secondary recovery of critical minerals*
21 *and metals.*

22 (5) *DOMESTIC PRIORITY.*—*In awarding grants*
23 *for the development of critical minerals and metals*
24 *under paragraph (1)(B), the Secretary shall prioritize*

1 *pilot projects that will process the critical minerals*
2 *and metals domestically.*

3 (6) *PROHIBITION ON PROCESSING BY FOREIGN*
4 *ENTITY OF CONCERN.—In awarding grants under*
5 *paragraph (1), the Secretary shall ensure that pilot*
6 *projects do not export for processing any critical min-*
7 *erals and metals to a foreign entity of concern.*

8 (7) *AUTHORIZATION OF APPROPRIATIONS.—*
9 *There is authorized to be appropriated to the Sec-*
10 *retary to carry out the grant program established*
11 *under paragraph (1) \$100,000,000 for each of fiscal*
12 *years 2021 through 2024.*

13 **SEC. 40211. 21ST CENTURY ENERGY WORKFORCE ADVISORY**
14 **BOARD.**

15 (a) *ESTABLISHMENT.—The Secretary shall establish a*
16 *board, to be known as the “21st Century Energy Workforce*
17 *Advisory Board”, to develop a strategy for the Department*
18 *that, with respect to the role of the Department in the sup-*
19 *port and development of a skilled energy workforce—*

20 (1) *meets the current and future industry and*
21 *labor needs of the energy sector;*

22 (2) *provides opportunities for students to become*
23 *qualified for placement in traditional energy sector*
24 *and emerging energy sector jobs;*

1 (3) *identifies areas in which the Department can*
2 *effectively utilize the technical expertise of the Depart-*
3 *ment to support the workforce activities of other Fed-*
4 *eral agencies;*

5 (4) *strengthens and engages the workforce train-*
6 *ing programs of the Department and the National*
7 *Laboratories in carrying out the Equity in Energy*
8 *Initiative of the Department and other Department*
9 *workforce priorities;*

10 (5) *develops plans to support and retrain dis-*
11 *placed and unemployed energy sector workers; and*

12 (6) *prioritizes education and job training for*
13 *underrepresented groups, including racial and ethnic*
14 *minorities, Indian Tribes, women, veterans, and*
15 *socioeconomically disadvantaged individuals.*

16 (b) *MEMBERSHIP.—*

17 (1) *IN GENERAL.—The Board shall be composed*
18 *of not fewer than 10 and not more than 15 members,*
19 *with the initial members of the Board to be appointed*
20 *by the Secretary not later than 1 year after the date*
21 *of enactment of this Act.*

22 (2) *REQUIREMENT.—The Board shall include*
23 *not fewer than 1 representative of a labor organiza-*
24 *tion with significant energy experience who has been*
25 *nominated by a national labor federation.*

1 (3) *QUALIFICATIONS.*—*Each individual ap-*
2 *pointed to the Board under paragraph (1) shall have*
3 *expertise in—*

4 (A) *the field of economics or workforce de-*
5 *velopment;*

6 (B) *relevant traditional energy industries*
7 *or emerging energy industries, including energy*
8 *efficiency;*

9 (C) *secondary or postsecondary education;*

10 (D) *energy workforce development or ap-*
11 *prenticeship programs of States or units of local*
12 *government;*

13 (E) *relevant organized labor organizations;*

14 *or*

15 (F) *bringing underrepresented groups, in-*
16 *cluding racial and ethnic minorities, women,*
17 *veterans, and socioeconomically disadvantaged*
18 *individuals, into the workforce.*

19 (c) *ADVISORY BOARD REVIEW AND RECOMMENDA-*
20 *TIONS.*—

21 (1) *DETERMINATION BY BOARD.*—*In developing*
22 *the strategy required under subsection (a), the Board*
23 *shall—*

24 (A) *determine whether there are opportuni-*
25 *ties to more effectively and efficiently use the ca-*

1 *pabilities of the Department in the development*
2 *of a skilled energy workforce;*

3 *(B) identify ways in which the Department*
4 *could work with other relevant Federal agencies,*
5 *States, units of local government, institutions of*
6 *higher education, labor organizations, Indian*
7 *Tribes and tribal organizations, and industry in*
8 *the development of a skilled energy workforce,*
9 *subject to applicable law;*

10 *(C) identify ways in which the Department*
11 *and National Laboratories can—*

12 *(i) increase outreach to minority-serv-*
13 *ing institutions; and*

14 *(ii) make resources available to in-*
15 *crease the number of skilled minorities and*
16 *women trained to go into the energy and*
17 *energy-related manufacturing sectors;*

18 *(iii) increase outreach to displaced and*
19 *unemployed energy sector workers; and*

20 *(iv) make resources available to pro-*
21 *vide training to displaced and unemployed*
22 *energy sector workers to reenter the energy*
23 *workforce; and*

24 *(D)(i) identify the energy sectors in greatest*
25 *need of workforce training; and*

1 (ii) *in consultation with the Secretary of*
2 *Labor, develop recommendations for the skills*
3 *necessary to develop a workforce trained to work*
4 *in those energy sectors.*

5 (2) *REQUIRED ANALYSIS.—In developing the*
6 *strategy required under subsection (a), the Board*
7 *shall analyze the effectiveness of—*

8 (A) *existing Department-directed support;*
9 *and*

10 (B) *existing energy workforce training pro-*
11 *grams.*

12 (3) *REPORT.—*

13 (A) *IN GENERAL.—Not later than 1 year*
14 *after the date on which the Board is established*
15 *under this section, and biennially thereafter*
16 *until the date on which the Board is terminated*
17 *under subsection (f), the Board shall submit to*
18 *the Secretary a report containing, with respect*
19 *to the strategy required under subsection (a)—*

20 (i) *the findings of the Board; and*

21 (ii) *the proposed energy workforce*
22 *strategy of the Board.*

23 (B) *RESPONSE OF THE SECRETARY.—Not*
24 *later than 90 days after the date on which a re-*

1 *port is submitted to the Secretary under sub-*
2 *paragraph (A), the Secretary shall—*

3 *(i) submit to the Board a response to*
4 *the report that—*

5 *(I) describes whether the Secretary*
6 *approves or disapproves of each rec-*
7 *ommendation of the Board under sub-*
8 *paragraph (A); and*

9 *(II) if the Secretary approves of a*
10 *recommendation, provides an imple-*
11 *mentation plan for the recommenda-*
12 *tion; and*

13 *(ii) submit to Congress—*

14 *(I) the report of the Board under*
15 *subparagraph (A); and*

16 *(II) the response of the Secretary*
17 *under clause (i).*

18 *(C) PUBLIC AVAILABILITY OF REPORT.—*

19 *(i) IN GENERAL.—The Board shall*
20 *make each report under subparagraph (A)*
21 *available to the public on the earlier of—*

22 *(I) the date on which the Board*
23 *receives the response of the Secretary*
24 *under subparagraph (B)(i); and*

1 (II) the date that is 90 days after
2 the date on which the Board submitted
3 the report to the Secretary.

4 (ii) *REQUIREMENT.*—If the Board has
5 received a response to a report from the Sec-
6 retary under subparagraph (B)(i), the
7 Board shall make that response publicly
8 available with the applicable report.

9 (d) *REPORT BY THE SECRETARY.*—Not later than 180
10 days before the date of expiration of a term of the Board
11 under subsection (f), the Secretary shall submit to the Com-
12 mittees on Energy and Natural Resources and Appropria-
13 tions of the Senate and the Committees on Energy and
14 Commerce and Appropriations of the House of Representa-
15 tives a report that—

16 (1) describes the effectiveness and accomplish-
17 ments of the Board during the applicable term;

18 (2) contains a determination of the Secretary as
19 to whether the Board should be renewed; and

20 (3) if the Secretary determines that the Board
21 should be renewed, any recommendations as to wheth-
22 er and how the scope and functions of the Board
23 should be modified.

24 (e) *OUTREACH TO MINORITY-SERVING INSTITUTIONS,*
25 *VETERANS, AND DISPLACED AND UNEMPLOYED ENERGY*

1 *WORKERS.—In developing the strategy under subsection*

2 *(a), the Board shall—*

3 *(1) give special consideration to increasing out-*
4 *reach to minority-serving institutions, veterans, and*
5 *displaced and unemployed energy workers;*

6 *(2) make resources available to—*

7 *(A) minority-serving institutions, with the*
8 *objective of increasing the number of skilled mi-*
9 *norities and women trained to go into the energy*
10 *and manufacturing sectors;*

11 *(B) institutions that serve veterans, with*
12 *the objective of increasing the number veterans in*
13 *the energy industry by ensuring that veterans*
14 *have the credentials and training necessary to se-*
15 *cure careers in the energy industry; and*

16 *(C) institutions that serve displaced and*
17 *unemployed energy workers to increase the num-*
18 *ber of individuals trained for jobs in the energy*
19 *industry;*

20 *(3) encourage the energy industry to improve the*
21 *opportunities for students of minority-serving institu-*
22 *tions, veterans, and displaced and unemployed energy*
23 *workers to participate in internships,*
24 *preapprenticeships, apprenticeships, and cooperative*
25 *work-study programs in the energy industry; and*

1 (4) *work with the National Laboratories to in-*
2 *crease the participation of underrepresented groups,*
3 *veterans, and displaced and unemployed energy work-*
4 *ers in internships, fellowships, training programs,*
5 *and employment at the National Laboratories.*

6 (f) *TERM.—*

7 (1) *IN GENERAL.—Subject to paragraph (2), the*
8 *Board shall terminate on September 30, 2026.*

9 (2) *EXTENSIONS.—The Secretary may renew the*
10 *Board for 1 or more 5-year periods by submitting,*
11 *not later than the date described in subsection (d), a*
12 *report described in that subsection that contains a de-*
13 *termination by the Secretary that the Board should be*
14 *renewed.*

15 ***TITLE III—FUELS AND TECH-***
16 ***NOLOGY INFRASTRUCTURE***
17 ***INVESTMENTS***

18 ***Subtitle A—Carbon Capture, Utili-***
19 ***zation, Storage, and Transpor-***
20 ***tation Infrastructure***

21 ***SEC. 40301. FINDINGS.***

22 *Congress finds that—*

23 (1) *the industrial sector is integral to the econ-*
24 *omy of the United States—*

1 (A) providing millions of jobs and essential
2 products; and

3 (B) demonstrating global leadership in
4 manufacturing and innovation;

5 (2) carbon capture and storage technologies are
6 necessary for reducing hard-to-abate emissions from
7 the industrial sector, which emits nearly 25 percent
8 of carbon dioxide emissions in the United States;

9 (3) carbon removal and storage technologies, in-
10 cluding direct air capture, must be deployed at large-
11 scale in the coming decades to remove carbon dioxide
12 directly from the atmosphere;

13 (4) large-scale deployment of carbon capture, re-
14 moval, utilization, transport, and storage—

15 (A) is critical for achieving mid-century cli-
16 mate goals; and

17 (B) will drive regional economic develop-
18 ment, technological innovation, and high-wage
19 employment;

20 (5) carbon capture, removal, and utilization
21 technologies require a backbone system of shared car-
22 bon dioxide transport and storage infrastructure to
23 enable large-scale deployment, realize economies of
24 scale, and create an interconnected carbon manage-
25 ment market;

1 (6) carbon dioxide transport infrastructure and
2 permanent geological storage are proven and safe
3 technologies with existing Federal and State regu-
4 latory frameworks;

5 (7) carbon dioxide transport and storage infra-
6 structure share similar barriers to deployment pre-
7 viously faced by other types of critical national infra-
8 structure, such as high capital costs and chicken-and-
9 egg challenges, that require Federal and State sup-
10 port, in combination with private investment, to be
11 overcome; and

12 (8) each State should take into consideration,
13 with respect to new carbon dioxide transportation in-
14 frastructure—

15 (A) qualifying the infrastructure as pollu-
16 tion control devices under applicable laws (in-
17 cluding regulations) of the State; and

18 (B) establishing a waiver of ad valorem and
19 property taxes for the infrastructure for a period
20 of not less than 10 years.

21 **SEC. 40302. CARBON UTILIZATION PROGRAM.**

22 Section 969A of the Energy Policy Act of 2005 (42
23 U.S.C. 16298a) is amended—

24 (1) in subsection (a)—

1 (A) by redesignating paragraphs (3) and
2 (4) as paragraphs (4) and (5), respectively; and
3 (B) by inserting after paragraph (2) the fol-
4 lowing:

5 “(3) to develop or obtain, in coordination with
6 other applicable Federal agencies and standard-set-
7 ting organizations, standards and certifications, as
8 appropriate, to facilitate the commercialization of the
9 products and technologies described in paragraph
10 (2);”;

11 (2) in subsection (b)—

12 (A) by redesignating paragraph (2) as
13 paragraph (3);

14 (B) by inserting after paragraph (1) the fol-
15 lowing:

16 “(2) GRANT PROGRAM.—

17 “(A) IN GENERAL.—Not later than 1 year
18 after the date of enactment of the Infrastructure
19 Investment and Jobs Act, the Secretary shall es-
20 tablish a program to provide grants to eligible
21 entities to use in accordance with subparagraph
22 (D).

23 “(B) ELIGIBLE ENTITIES.—To be eligible to
24 receive a grant under this paragraph, an entity
25 shall be—

1 “(i) a State;

2 “(ii) a unit of local government; or

3 “(iii) a public utility or agency.

4 “(C) *APPLICATIONS.*—Eligible entities de-
5 siring a grant under this paragraph shall submit
6 to the Secretary an application at such time, in
7 such manner, and containing such information
8 as the Secretary determines to be appropriate.

9 “(D) *USE OF FUNDS.*—An eligible entity
10 shall use a grant received under this paragraph
11 to procure and use commercial or industrial
12 products that—

13 “(i) use or are derived from anthropo-
14 genic carbon oxides; and

15 “(ii) demonstrate significant net reduc-
16 tions in lifecycle greenhouse gas emissions
17 compared to incumbent technologies, proc-
18 esses, and products.”; and

19 (C) in paragraph (3) (as so redesignated),
20 by striking “paragraph (1)” and inserting “this
21 subsection”; and

22 (3) by striking subsection (d) and inserting the
23 following:

1 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—*There*
2 *are authorized to be appropriated to the Secretary to carry*
3 *out this section—*

4 “(1) \$41,000,000 for fiscal year 2022;

5 “(2) \$65,250,000 for fiscal year 2023;

6 “(3) \$66,562,500 for fiscal year 2024;

7 “(4) \$67,940,625 for fiscal year 2025; and

8 “(5) \$69,387,656 for fiscal year 2026.”.

9 **SEC. 40303. CARBON CAPTURE TECHNOLOGY PROGRAM.**

10 *Section 962 of the Energy Policy Act of 2005 (42*
11 *U.S.C. 16292) is amended—*

12 (1) *in subsection (b)(2)—*

13 (A) *in subparagraph (C), by striking “and”*
14 *at the end;*

15 (B) *in subparagraph (D), by striking “pro-*
16 *gram.” and inserting “program for carbon cap-*
17 *ture technologies; and”; and*

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

19 “(E) *a front-end engineering and design*
20 *program for carbon dioxide transport infrastruc-*
21 *ture necessary to enable deployment of carbon*
22 *capture, utilization, and storage technologies.”;*
23 *and*

24 (2) *in subsection (d)(1)—*

1 (A) in subparagraph (C), by striking “and”
2 at the end;

3 (B) in subparagraph (D), by striking the
4 period at the end and inserting “; and”; and

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

6 “(E) for activities under the front-end engi-
7 neering and design program described in sub-
8 section (b)(2)(E), \$100,000,000 for the period of
9 fiscal years 2022 through 2026.”.

10 **SEC. 40304. CARBON DIOXIDE TRANSPORTATION INFRA-**
11 **STRUCTURE FINANCE AND INNOVATION.**

12 (a) *IN GENERAL.*—Title IX of the Energy Policy Act
13 of 2005 (42 U.S.C. 16181 et seq.) is amended by adding
14 at the end the following:

15 **“Subtitle J—Carbon Dioxide Trans-**
16 **portation Infrastructure Fi-**
17 **nance and Innovation**

18 **“SEC. 999A. DEFINITIONS.**

19 *“In this subtitle:*

20 “(1) *CIFIA PROGRAM.*—The term ‘CIFIA pro-
21 gram’ means the carbon dioxide transportation infra-
22 structure finance and innovation program established
23 under section 999B(a).

1 “(2) *COMMON CARRIER.*—*The term ‘common car-*
2 *rier’ means a transportation infrastructure operator*
3 *or owner that—*

4 “(A) *publishes a publicly available tariff*
5 *containing the just and reasonable rates, terms,*
6 *and conditions of nondiscriminatory service; and*

7 “(B) *holds itself out to provide transpor-*
8 *tation services to the public for a fee.*

9 “(3) *CONTINGENT COMMITMENT.*—*The term ‘con-*
10 *tingent commitment’ means a commitment to obligate*
11 *funds from future available budget authority that*
12 *is—*

13 “(A) *contingent on those funds being made*
14 *available in law at a future date; and*

15 “(B) *not an obligation of the Federal Gov-*
16 *ernment.*

17 “(4) *ELIGIBLE PROJECT COSTS.*—*The term ‘eli-*
18 *gible project costs’ means amounts substantially all of*
19 *which are paid by, or for the account of, an obligor*
20 *in connection with a project, including—*

21 “(A) *the cost of—*

22 “(i) *development-phase activities, in-*
23 *cluding planning, feasibility analysis, rev-*
24 *enue forecasting, environmental review, per-*
25 *mitting, preliminary engineering and de-*

1 *sign work, and other preconstruction activi-*
2 *ties;*

3 “(ii) *construction, reconstruction, reha-*
4 *ilitation, replacement, and acquisition of*
5 *real property (including land relating to*
6 *the project and improvements to land), en-*
7 *vironmental mitigation, construction con-*
8 *tingencies, and acquisition and installation*
9 *of equipment (including labor); and*

10 “(iii) *capitalized interest necessary to*
11 *meet market requirements, reasonably re-*
12 *quired reserve funds, capital issuance ex-*
13 *penses, and other carrying costs during con-*
14 *struction; and*

15 “(B) *transaction costs associated with fi-*
16 *nancing the project, including—*

17 “(i) *the cost of legal counsel and tech-*
18 *nical consultants; and*

19 “(ii) *any subsidy amount paid in ac-*
20 *cordance with section 999B(c)(3)(B)(ii) or*
21 *section 999C(b)(6)(B)(ii).*

22 “(5) *FEDERAL CREDIT INSTRUMENT.—The term*
23 *‘Federal credit instrument’ means a secured loan or*
24 *loan guarantee authorized to be provided under the*
25 *CIFIA program with respect to a project.*

1 “(6) *LENDER*.—The term ‘*lender*’ means a quali-
2 *fied institutional buyer* (as defined in section
3 230.144A(a) of title 17, Code of Federal Regulations
4 (or a successor regulation), commonly known as Rule
5 144A(a) of the Securities and Exchange Commission
6 and issued under the Securities Act of 1933 (15
7 U.S.C. 77a et seq.)), that is not a Federal qualified
8 *institutional buyer*.

9 “(7) *LETTER OF INTEREST*.—The term ‘*letter of*
10 *interest*’ means a letter submitted by a potential ap-
11 *plicant prior to an application for credit assistance*
12 *in a format prescribed by the Secretary on the website*
13 *of the CIFIA program that—*

14 “(A) *describes the project and the location,*
15 *purpose, and cost of the project;*

16 “(B) *outlines the proposed financial plan,*
17 *including the requested credit and grant assist-*
18 *ance and the proposed obligor;*

19 “(C) *provides a status of environmental re-*
20 *view; and*

21 “(D) *provides information regarding satis-*
22 *faction of other eligibility requirements of the*
23 *CIFIA program.*

24 “(8) *LOAN GUARANTEE*.—The term ‘*loan guar-*
25 *antee*’ means any guarantee or other pledge by the

1 *Secretary to pay all or part of the principal of, and*
2 *interest on, a loan made to an obligor, or debt obliga-*
3 *tion issued by an obligor, in each case funded by a*
4 *lender.*

5 “(9) *MASTER CREDIT AGREEMENT.*—*The term*
6 *‘master credit agreement’ means a conditional agree-*
7 *ment that—*

8 “(A) *is for the purpose of extending credit*
9 *assistance for—*

10 “(i) *a project of high priority under*
11 *section 999B(c)(3)(A); or*

12 “(ii) *a project covered under section*
13 *999B(c)(3)(B);*

14 “(B) *does not provide for a current obliga-*
15 *tion of Federal funds; and*

16 “(C) *would—*

17 “(i) *make a contingent commitment of*
18 *a Federal credit instrument or grant at a*
19 *future date, subject to—*

20 “(I) *the availability of future*
21 *funds being made available to carry*
22 *out the CIFIA program; and*

23 “(II) *the satisfaction of all condi-*
24 *tions for the provision of credit assist-*

1 *ance under the CIFIA program, in-*
2 *cluding section 999C(b);*

3 *“(ii) establish the maximum amounts*
4 *and general terms and conditions of the*
5 *Federal credit instruments or grants;*

6 *“(iii) identify the 1 or more revenue*
7 *sources that will secure the repayment of the*
8 *Federal credit instruments;*

9 *“(iv) provide for the obligation of*
10 *funds for the Federal credit instruments or*
11 *grants after all requirements have been met*
12 *for the projects subject to the agreement, in-*
13 *cluding—*

14 *“(I) compliance with all applica-*
15 *ble requirements specified under the*
16 *CIFIA program, including sections*
17 *999B(d) and 999C(b)(1); and*

18 *“(II) the availability of funds to*
19 *carry out the CIFIA program; and*

20 *“(v) require that contingent commit-*
21 *ments shall result in a financial close and*
22 *obligation of credit or grant assistance by*
23 *not later than 4 years after the date of*
24 *entry into the agreement or release of the*

1 *commitment, as applicable, unless otherwise*
2 *extended by the Secretary.*

3 “(10) *OBLIGOR.*—*The term ‘obligor’ means a*
4 *corporation, partnership, joint venture, trust, non-*
5 *Federal governmental entity, agency, or instrumen-*
6 *tality, or other entity that is liable for payment of the*
7 *principal of, or interest on, a Federal credit instru-*
8 *ment.*

9 “(11) *PRODUCED IN THE UNITED STATES.*—*The*
10 *term ‘produced in the United States’, with respect to*
11 *iron and steel, means that all manufacturing proc-*
12 *esses for the iron and steel, including the application*
13 *of any coating, occurs within the United States.*

14 “(12) *PROJECT.*—*The term ‘project’ means a*
15 *project for common carrier carbon dioxide transpor-*
16 *tation infrastructure or associated equipment, includ-*
17 *ing pipeline, shipping, rail, or other transportation*
18 *infrastructure and associated equipment, that will*
19 *transport or handle carbon dioxide captured from an-*
20 *thropogenic sources or ambient air, as the Secretary*
21 *determines to be appropriate.*

22 “(13) *PROJECT OBLIGATION.*—*The term ‘project*
23 *obligation’ means any note, bond, debenture, or other*
24 *debt obligation issued by an obligor in connection*

1 *with the financing of a project, other than a Federal*
2 *credit instrument.*

3 “(14) *SECURED LOAN.*—*The term ‘secured loan’*
4 *means a direct loan to an obligor or a debt obligation*
5 *issued by an obligor and purchased by the Secretary,*
6 *in each case funded by the Secretary in connection*
7 *with the financing of a project under section 999C.*

8 “(15) *SUBSIDY AMOUNT.*—*The term ‘subsidy*
9 *amount’ means the amount of budget authority suffi-*
10 *cient to cover the estimated long-term cost to the Fed-*
11 *eral Government of a Federal credit instrument—*

12 “(A) *calculated on a net present value basis;*
13 *and*

14 “(B) *excluding administrative costs and*
15 *any incidental effects on governmental receipts*
16 *or outlays in accordance with the Federal Credit*
17 *Reform Act of 1990 (2 U.S.C. 661 et seq.).*

18 “(16) *SUBSTANTIAL COMPLETION.*—*The term*
19 *‘substantial completion’, with respect to a project,*
20 *means the date—*

21 “(A) *on which the project commences trans-*
22 *portation of carbon dioxide; or*

23 “(B) *of a comparable event to the event de-*
24 *scribed in subparagraph (A), as determined by*

1 *the Secretary and specified in the project credit*
2 *agreement.*

3 **“SEC. 999B. DETERMINATION OF ELIGIBILITY AND PROJECT**
4 **SELECTION.**

5 “(a) *ESTABLISHMENT OF PROGRAM.*—*The Secretary*
6 *shall establish and carry out a carbon dioxide transpor-*
7 *tation infrastructure finance and innovation program,*
8 *under which the Secretary shall provide for eligible projects*
9 *in accordance with this subtitle—*

10 “(1) *a Federal credit instrument under section*
11 *999C;*

12 “(2) *a grant under section 999D; or*

13 “(3) *both a Federal credit instrument and a*
14 *grant.*

15 “(b) *ELIGIBILITY.*—

16 “(1) *IN GENERAL.*—*A project shall be eligible to*
17 *receive a Federal credit instrument or a grant under*
18 *the CIFIA program if—*

19 “(A) *the entity proposing to carry out the*
20 *project submits a letter of interest prior to sub-*
21 *mission of an application under paragraph (3)*
22 *for the project; and*

23 “(B) *the project meets the criteria described*
24 *in this subsection.*

25 “(2) *CREDITWORTHINESS.*—

1 “(A) *IN GENERAL.*—*Each project and obli-*
2 *gor that receives a Federal credit instrument or*
3 *a grant under the CIFIA program shall be cred-*
4 *itworthy, such that there exists a reasonable*
5 *prospect of repayment of the principal and in-*
6 *terest on the Federal credit instrument, as deter-*
7 *mined by the Secretary under subparagraph (B).*

8 “(B) *REASONABLE PROSPECT OF REPAY-*
9 *MENT.*—*The Secretary shall base a determina-*
10 *tion of whether there is a reasonable prospect of*
11 *repayment under subparagraph (A) on a com-*
12 *prehensive evaluation of whether the obligor has*
13 *a reasonable prospect of repaying the Federal*
14 *credit instrument for the eligible project, includ-*
15 *ing evaluation of—*

16 “(i) *the strength of the contractual*
17 *terms of an eligible project (if available for*
18 *the applicable market segment);*

19 “(ii) *the forecast of noncontractual*
20 *cash flows supported by market projections*
21 *from reputable sources, as determined by the*
22 *Secretary, and cash sweeps or other struc-*
23 *tural enhancements;*

24 “(iii) *the projected financial strength*
25 *of the obligor—*

1 “(I) at the time of loan close; and

2 “(II) throughout the loan term,
3 including after the project is com-
4 pleted;

5 “(iv) the financial strength of the in-
6 vestors and strategic partners of the obligor,
7 if applicable; and

8 “(v) other financial metrics and anal-
9 yses that are relied on by the private lend-
10 ing community and nationally recognized
11 credit rating agencies, as determined appro-
12 priate by the Secretary.

13 “(3) *APPLICATIONS.*—To be eligible for assist-
14 ance under the CIFIA program, an obligor shall sub-
15 mit to the Secretary a project application at such
16 time, in such manner, and containing such informa-
17 tion as the Secretary determines to be appropriate.

18 “(4) *ELIGIBLE PROJECT COSTS.*—A project
19 under the CIFIA program shall have eligible project
20 costs that are reasonably anticipated to equal or ex-
21 ceed \$100,000,000.

22 “(5) *REVENUE SOURCES.*—The applicable Fed-
23 eral credit instrument shall be repayable, in whole or
24 in part, from—

25 “(A) user fees;

1 “(B) payments owing to the obligor under
2 a public-private partnership; or

3 “(C) other revenue sources that also secure
4 or fund the project obligations.

5 “(6) OBLIGOR WILL BE IDENTIFIED LATER.—A
6 State, local government, agency, or instrumentality of
7 a State or local government, or a public authority,
8 may submit to the Secretary an application under
9 paragraph (3), under which a private party to a pub-
10 lic-private partnership will be—

11 “(A) the obligor; and

12 “(B) identified at a later date through com-
13 pletion of a procurement and selection of the pri-
14 vate party.

15 “(7) BENEFICIAL EFFECTS.—The Secretary shall
16 determine that financial assistance for each project
17 under the CIFIA program will—

18 “(A) attract public or private investment
19 for the project; or

20 “(B) enable the project to proceed at an ear-
21 lier date than the project would otherwise be able
22 to proceed or reduce the lifecycle costs (including
23 debt service costs) of the project.

24 “(8) PROJECT READINESS.—To be eligible for as-
25 sistance under the CIFIA program, the applicant

1 *shall demonstrate a reasonable expectation that the*
2 *contracting process for construction of the project can*
3 *commence by not later than 90 days after the date on*
4 *which a Federal credit instrument or grant is obli-*
5 *gated for the project under the CIFIA program.*

6 *“(c) SELECTION AMONG ELIGIBLE PROJECTS.—*

7 *“(1) ESTABLISHMENT OF APPLICATION PROC-*
8 *CESS.—The Secretary shall establish an application*
9 *process under which projects that are eligible to re-*
10 *ceive assistance under subsection (b) may—*

11 *“(A) receive credit assistance on terms ac-*
12 *ceptable to the Secretary, if adequate funds are*
13 *available (including any funds provided on be-*
14 *half of an eligible project under paragraph*
15 *(3)(B)(ii)) to cover the subsidy amount associ-*
16 *ated with the Federal credit instrument; and*

17 *“(B) receive grants under section 999D if—*

18 *“(i) adequate funds are available to*
19 *cover the amount of the grant; and*

20 *“(ii) the Secretary determines that the*
21 *project is eligible under subsection (b).*

22 *“(2) PRIORITY.—In selecting projects to receive*
23 *credit assistance under subsection (b), the Secretary*
24 *shall give priority to projects that—*

1 “(A) are large-capacity, common carrier in-
2 frastructure;

3 “(B) have demonstrated demand for use of
4 the infrastructure by associated projects that
5 capture carbon dioxide from anthropogenic
6 sources or ambient air;

7 “(C) enable geographical diversity in associ-
8 ated projects that capture carbon dioxide from
9 anthropogenic sources or ambient air, with the
10 goal of enabling projects in all major carbon di-
11 oxide-emitting regions of the United States; and

12 “(D) are sited within, or adjacent to, exist-
13 ing pipeline or other linear infrastructure cor-
14 ridors, in a manner that minimizes environ-
15 mental disturbance and other siting concerns.

16 “(3) MASTER CREDIT AGREEMENTS.—

17 “(A) PRIORITY PROJECTS.—The Secretary
18 may enter into a master credit agreement for a
19 project that the Secretary determines—

20 “(i) will likely be eligible for credit as-
21 sistance under subsection (b), on obtain-
22 ing—

23 “(I) additional commitments from
24 associated carbon capture projects to
25 use the project; or

1 “(II) all necessary permits and
2 approvals; and

3 “(ii) is a project of high priority, as
4 determined in accordance with the criteria
5 described in paragraph (2).

6 “(B) ADEQUATE FUNDING NOT AVAIL-
7 ABLE.—If the Secretary fully obligates funding
8 to eligible projects for a fiscal year and adequate
9 funding is not available to fund a Federal credit
10 instrument, a project sponsor (including a unit
11 of State or local government) of an eligible
12 project may elect—

13 “(i)(I) to enter into a master credit
14 agreement in lieu of the Federal credit in-
15 strument; and

16 “(II) to wait to execute a Federal cred-
17 it instrument until the fiscal year for which
18 additional funds are available to receive
19 credit assistance; or

20 “(ii) if the lack of adequate funding is
21 solely with respect to amounts available for
22 the subsidy amount, to pay the subsidy
23 amount to fund the Federal credit instru-
24 ment.

25 “(d) FEDERAL REQUIREMENTS.—

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 only*
5 *be provided under this subtitle for a project that has*
6 *received an environmental categorical exclusion, a*
7 *finding of no significant impact, or a record of deci-*
8 *sion under the National Environmental Policy Act of*
9 *1969 (42 U.S.C. 4321 et seq.).*

10 “(e) *USE OF AMERICAN IRON, STEEL, AND MANUFAC-*
11 *TURED GOODS.*—

12 “(1) *IN GENERAL.*—*Except as provided in para-*
13 *graph (2), no Federal credit instrument or grant pro-*
14 *vided under the CIFIA program shall be made avail-*
15 *able for a project unless all iron, steel, and manufac-*
16 *tured goods used in the project are produced in the*
17 *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 manufactured*
24 *good is not produced in the United States in suf-*

1 *ficient and reasonably available quantity, or of*
2 *a satisfactory quality; or*

3 *“(C) the inclusion of iron, steel, or a manu-*
4 *factured good produced in the United States will*
5 *increase the cost of the overall project by more*
6 *than 25 percent.*

7 *“(3) WAIVERS.—If the Secretary receives a re-*
8 *quest for a waiver under this subsection, the Secretary*
9 *shall—*

10 *“(A) make available to the public a copy of*
11 *the request, together with any information avail-*
12 *able to the Secretary concerning the request—*

13 *“(i) on an informal basis; and*

14 *“(ii) by electronic means, including on*
15 *the official public website of the Depart-*
16 *ment;*

17 *“(B) allow for informal public comment re-*
18 *lating to the request for not fewer than 15 days*
19 *before making a determination with respect to*
20 *the request; and*

21 *“(C) approve or disapprove the request by*
22 *not later than the date that is 120 days after the*
23 *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.*—*Not*
6 *later than 30 days after the date of receipt of an ap-*
7 *plication under this section, the Secretary shall pro-*
8 *vide 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 Federal*
20 *credit instrument provided under the CIFIA program may*
21 *be used to finance up to 100 percent of the cost of develop-*
22 *ment-phase activities, as described in section 999A(4)(A).*

23 **“SEC. 999C. SECURED LOANS.**

24 “(a) *AGREEMENTS.*—

1 “(1) *IN GENERAL.*—Subject to paragraph (2), the
2 Secretary may enter into agreements with 1 or more
3 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 ob-
12 ligations or Federal credit instruments, if
13 the refinancing provides additional funding
14 capacity for the completion, enhancement,
15 or expansion of any project that—

16 “(I) is selected under section
17 999B; or

18 “(II) otherwise meets the require-
19 ments 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, in

1 *consultation with the Director of the Office of Man-*
2 *agement and Budget, shall determine an appropriate*
3 *credit subsidy amount for each secured loan, taking*
4 *into account all relevant factors, including the credit-*
5 *worthiness 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 terms*
9 *and conditions and contain such covenants, represen-*
10 *tations, warranties, and requirements (including re-*
11 *quirements for audits) as the Secretary determines to*
12 *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.*—

1 “(A) *IN GENERAL.*—*Except as provided in*
2 *subparagraph (B), the interest rate on a secured*
3 *loan under this section shall be not less than the*
4 *interest rate reflected in the yield on United*
5 *States Treasury securities of a similar maturity*
6 *to the maturity of the secured loan on the date*
7 *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 in*
13 *clause (ii), if the interest rate has increased*
14 *during the period—*

15 “(I) *beginning on, as applicable—*

16 “(aa) *the date on which an*
17 *application acceptable to the Sec-*
18 *retary is submitted for the appli-*
19 *cable project; or*

20 “(bb) *the date on which the*
21 *Secretary entered into a master*
22 *credit agreement for the applica-*
23 *ble project; and*

24 “(II) *ending on the date on which*
25 *the Secretary executes the Federal cred-*

1 *it instrument for the applicable project*
2 *that is the subject of the secured loan.*

3 “(ii) *DESCRIPTION OF INTEREST*
4 *RATE.—The interest rate referred to in*
5 *clause (i) is the interest rate reflected in the*
6 *yield on United States Treasury securities*
7 *of a similar maturity to the maturity of the*
8 *secured loan in effect, as applicable to the*
9 *project that is the subject of the secured*
10 *loan, on—*

11 *“(I) the date described in clause*
12 *(i)(I)(aa); or*

13 *“(II) the date described in clause*
14 *(i)(I)(bb).*

15 “(iii) *LIMITATION.—The interest rate*
16 *of a secured loan may not be lowered pursu-*
17 *ant to clause (i) by more than 1½ percent-*
18 *age points (150 basis points).*

19 “(5) *MATURITY DATE.—The final maturity date*
20 *of the secured loan shall be the earlier of—*

21 *“(A) the date that is 35 years after the date*
22 *of substantial completion of the project; and*

23 *“(B) if the useful life of the capital asset*
24 *being financed is of a lesser period, the date that*
25 *is the end of the useful life of the asset.*

1 “(6) NONSUBORDINATION.—

2 “(A) *IN GENERAL.*—*Except as provided in*
3 *subparagraph (B), the secured loan shall not be*
4 *subordinated to the claims of any holder of*
5 *project obligations in the event of bankruptcy,*
6 *insolvency, or liquidation of the obligor.*

7 “(B) *PREEXISTING INDENTURE.*—

8 “(i) *IN GENERAL.*—*The Secretary shall*
9 *waive the requirement under subparagraph*
10 *(A) for a public agency borrower that is fi-*
11 *nancing ongoing capital programs and has*
12 *outstanding senior bonds under a pre-*
13 *existing indenture, if—*

14 “(I) *the secured loan is rated in*
15 *the A category or higher; and*

16 “(II) *the secured loan is secured*
17 *and payable from pledged revenues not*
18 *affected by project performance, such*
19 *as a tax-backed revenue pledge or a*
20 *system-backed pledge of project reve-*
21 *nues.*

22 “(ii) *LIMITATION.*—*If the Secretary*
23 *waives the nonsubordination requirement*
24 *under this subparagraph—*

1 “(I) *the maximum credit subsidy*
2 *amount to be paid by the Federal Gov-*
3 *ernment shall be not more than 10 per-*
4 *cent of the principal amount of the se-*
5 *cured loan; and*

6 “(II) *the obligor shall be respon-*
7 *sible for paying the remainder of the*
8 *subsidy amount, if any.*

9 “(7) *FEEES.—*

10 “(A) *IN GENERAL.—The Secretary may col-*
11 *lect a fee on or after the date of the financial*
12 *close of a Federal credit instrument under this*
13 *section in an amount equal to not more than*
14 *\$3,000,000 to cover all or a portion of the costs*
15 *to the Federal Government of providing the Fed-*
16 *eral credit instrument.*

17 “(B) *AMENDMENT TO ADD COST OF FEES*
18 *TO SECURED LOAN.—If the Secretary collects a*
19 *fee from an obligor under subparagraph (A) to*
20 *cover all or a portion of the costs to the Federal*
21 *Government of providing a secured loan, the ob-*
22 *ligor and the Secretary may amend the terms of*
23 *the secured loan to add to the principal of the*
24 *secured loan an amount equal to the amount of*
25 *the fee collected by the Secretary.*

1 “(8) *MAXIMUM FEDERAL INVOLVEMENT.*—*The*
2 *total Federal assistance provided for a project under*
3 *the CIFLA program, including any grant provided*
4 *under section 999D, shall not exceed an amount equal*
5 *to 80 percent of the eligible project costs.*

6 “(c) *REPAYMENT.*—

7 “(1) *SCHEDULE.*—*The Secretary shall establish*
8 *a repayment schedule for each secured loan under this*
9 *section based on—*

10 “(A) *the projected cash flow from project*
11 *revenues and other repayment sources; and*

12 “(B) *the useful life of the project.*

13 “(2) *COMMENCEMENT.*—*Scheduled loan repay-*
14 *ments of principal or interest on a secured loan under*
15 *this section shall commence not later than 5 years*
16 *after the date of substantial completion of the project.*

17 “(3) *DEFERRED PAYMENTS.*—

18 “(A) *IN GENERAL.*—*If, at any time after*
19 *the date of substantial completion of a project,*
20 *the project is unable to generate sufficient reve-*
21 *nuues in excess of reasonable and necessary oper-*
22 *ating expenses to pay the scheduled loan repay-*
23 *ments of principal and interest on the secured*
24 *loan, the Secretary may, subject to subparagraph*
25 *(C), allow the obligor to add unpaid principal*

1 *and interest to the outstanding balance of the se-*
2 *cured loan.*

3 “(B) *INTEREST.*—*Any payment deferred*
4 *under subparagraph (A) shall—*

5 “(i) *continue to accrue interest in ac-*
6 *cordance with subsection (b)(4) until fully*
7 *repaid; and*

8 “(ii) *be scheduled to be amortized over*
9 *the remaining term of the loan.*

10 “(C) *CRITERIA.*—

11 “(i) *IN GENERAL.*—*Any payment de-*
12 *ferral under subparagraph (A) shall be con-*
13 *tingent on the project meeting criteria es-*
14 *tablished by the Secretary.*

15 “(ii) *REPAYMENT STANDARDS.*—*The*
16 *criteria established pursuant to clause (i)*
17 *shall include standards for the reasonable*
18 *prospect of repayment.*

19 “(4) *PREPAYMENT.*—

20 “(A) *USE OF EXCESS REVENUES.*—*Any ex-*
21 *cess revenues that remain after satisfying sched-*
22 *uled debt service requirements on the project obli-*
23 *gations and secured loan and all deposit require-*
24 *ments under the terms of any trust agreement,*
25 *bond resolution, or similar agreement securing*

1 *project obligations may be applied annually to*
2 *prepay the secured loan, without penalty.*

3 “(B) *USE OF PROCEEDS OF REFI-*
4 *NANCING.—A secured loan may be prepaid at*
5 *any time without penalty from the proceeds of*
6 *refinancing from non-Federal funding sources.*

7 “(d) *SALE OF SECURED LOANS.—*

8 “(1) *IN GENERAL.—Subject to paragraph (2), as*
9 *soon as practicable after substantial completion of a*
10 *project and after notifying the obligor, the Secretary*
11 *may sell to another entity or reoffer into the capital*
12 *markets a secured loan for the project if the Secretary*
13 *determines that the sale or reoffering can be made on*
14 *favorable terms.*

15 “(2) *CONSENT OF OBLIGOR.—In making a sale*
16 *or reoffering under paragraph (1), the Secretary may*
17 *not change any original term or condition of the se-*
18 *cured loan without the written consent of the obligor.*

19 “(e) *LOAN GUARANTEES.—*

20 “(1) *IN GENERAL.—The Secretary may provide*
21 *a loan guarantee to a lender in lieu of making a se-*
22 *cured loan under this section if the Secretary deter-*
23 *mines that the budgetary cost of the loan guarantee*
24 *is substantially the same as, or less than, that of a*
25 *secured loan.*

1 “(2) *TERMS.*—*The terms of a loan guarantee*
2 *under paragraph (1) shall be consistent with the*
3 *terms required under this section for a secured loan,*
4 *except that the rate on the guaranteed loan and any*
5 *prepayment features shall be negotiated between the*
6 *obligor and the lender, with the consent of the Sec-*
7 *retary.*

8 **“SEC. 999D. FUTURE GROWTH GRANTS.**

9 “(a) *ESTABLISHMENT.*—*The Secretary may provide*
10 *grants to pay a portion of the cost differential, with respect*
11 *to any projected future increase in demand for carbon diox-*
12 *ide transportation by an infrastructure project described in*
13 *subsection (b), between—*

14 “(1) *the cost of constructing the infrastructure*
15 *asset with the capacity to transport an increased flow*
16 *rate of carbon dioxide, as made practicable under the*
17 *project; and*

18 “(2) *the cost of constructing the infrastructure*
19 *asset with the capacity to transport carbon dioxide at*
20 *the flow rate initially required, based on commit-*
21 *ments for the use of the asset.*

22 “(b) *ELIGIBILITY.*—*To be eligible to receive a grant*
23 *under this section, an entity shall—*

24 “(1) *be eligible to receive credit assistance under*
25 *the CIFIA program;*

1 “(2) carry out, or propose to carry out, a project
2 for large-capacity, common carrier infrastructure
3 with a probable future increase in demand for carbon
4 dioxide transportation; and

5 “(3) submit to the Secretary an application at
6 such time, in such manner, and containing such in-
7 formation as the Secretary determines to be appro-
8 priate.

9 “(c) *USE OF FUNDS.*—A grant provided under this
10 section may be used only to pay the costs of any additional
11 flow rate capacity of a carbon dioxide transportation infra-
12 structure asset that the project sponsor demonstrates to the
13 satisfaction of the Secretary can reasonably be expected to
14 be used during the 20-year period beginning on the date
15 of substantial completion of the project described in sub-
16 section (b)(2).

17 “(d) *MAXIMUM AMOUNT.*—The amount of a grant pro-
18 vided under this section may not exceed an amount equal
19 to 80 percent of the cost of the additional capacity described
20 in subsection (a).

21 **“SEC. 999E. PROGRAM ADMINISTRATION.**

22 “(a) *REQUIREMENT.*—The Secretary shall establish a
23 uniform system to service the Federal credit instruments
24 provided under the CIFIA program.

1 “(b) *FEEES.*—*If funding sufficient to cover the costs of*
2 *services of expert firms retained pursuant to subsection (d)*
3 *and all or a portion of the costs to the Federal Government*
4 *of servicing the Federal credit instruments is not provided*
5 *in an appropriations Act for a fiscal year, the Secretary,*
6 *during that fiscal year, may collect fees on or after the date*
7 *of the financial close of a Federal credit instrument pro-*
8 *vided under the CIFIA program at a level that is sufficient*
9 *to cover those costs.*

10 “(c) *SERVICER.*—

11 “(1) *IN GENERAL.*—*The Secretary may appoint*
12 *a financial entity to assist the Secretary in servicing*
13 *the Federal credit instruments.*

14 “(2) *DUTIES.*—*A servicer appointed under para-*
15 *graph (1) shall act as the agent for the Secretary.*

16 “(3) *FEE.*—*A servicer appointed under para-*
17 *graph (1) shall receive a servicing fee, subject to ap-*
18 *proval by the Secretary.*

19 “(d) *ASSISTANCE FROM EXPERT FIRMS.*—*The Sec-*
20 *retary may retain the services of expert firms, including*
21 *counsel, in the field of municipal and project finance to*
22 *assist in the underwriting and servicing of Federal credit*
23 *instruments.*

24 “(e) *EXPEDITED PROCESSING.*—*The Secretary shall*
25 *implement procedures and measures to economize the time*

1 *and cost involved in obtaining approval and the issuance*
2 *of credit assistance under the CIFIA program.*

3 **“SEC. 999F. STATE AND LOCAL PERMITS.**

4 *“The provision of credit assistance under the CIFIA*
5 *program with respect to a project shall not—*

6 *“(1) relieve any recipient of the assistance of any*
7 *project obligation to obtain any required State or*
8 *local permit or approval with respect to the project;*

9 *“(2) limit the right of any unit of State or local*
10 *government to approve or regulate any rate of return*
11 *on private equity invested in the project; or*

12 *“(3) otherwise supersede any State or local law*
13 *(including any regulation) applicable to the construc-*
14 *tion or operation of the project.*

15 **“SEC. 999G. REGULATIONS.**

16 *“The Secretary may promulgate such regulations as*
17 *the Secretary determines to be appropriate to carry out the*
18 *CIFIA program.*

19 **“SEC. 999H. AUTHORIZATION OF APPROPRIATIONS; CON-**
20 **TRACT AUTHORITY.**

21 *“(a) AUTHORIZATION OF APPROPRIATIONS.—*

22 *“(1) IN GENERAL.—There are authorized to be*
23 *appropriated to the Secretary to carry out this sub-*
24 *title—*

1 “(A) \$600,000,000 for each of fiscal years
2 2022 and 2023; and

3 “(B) \$300,000,000 for each of fiscal years
4 2024 through 2026.

5 “(2) *SPENDING AND BORROWING AUTHORITY.*—
6 *Spending and borrowing authority for a fiscal year*
7 *to enter into Federal credit instruments shall be*
8 *promptly apportioned to the Secretary on a fiscal-*
9 *year basis.*

10 “(3) *REESTIMATES.*—*If the subsidy amount of a*
11 *Federal credit instrument is reestimated, the cost in-*
12 *crease or decrease of the reestimate shall be borne by,*
13 *or benefit, the general fund of the Treasury, consistent*
14 *with section 504(f) of the Congressional Budget Act of*
15 *1974 (2 U.S.C. 661c(f)).*

16 “(4) *ADMINISTRATIVE COSTS.*—*Of the amounts*
17 *made available to carry out the CIFIA program, the*
18 *Secretary may use not more than \$9,000,000 (as in-*
19 *dexed for United States dollar inflation from the date*
20 *of enactment of the Infrastructure Investment and*
21 *Jobs Act (as measured by the Consumer Price Index))*
22 *each fiscal year for the administration of the CIFIA*
23 *program.*

24 “(b) *CONTRACT AUTHORITY.*—

1 “(1) *IN GENERAL.*—*Notwithstanding any other*
 2 *provision of law, execution of a term sheet by the Sec-*
 3 *retary of a Federal credit instrument that uses*
 4 *amounts made available under the CIFIA program*
 5 *shall impose on the United States a contractual obli-*
 6 *gation to fund the Federal credit investment.*

7 “(2) *AVAILABILITY.*—*Amounts made available to*
 8 *carry out the CIFIA program for a fiscal year shall*
 9 *be available for obligation on October 1 of the fiscal*
 10 *year.”.*

11 **(b) *TECHNICAL AMENDMENTS.***—*The table of contents*
 12 *for the Energy Policy Act of 2005 (Public Law 109–58; 119*
 13 *Stat. 600) is amended—*

14 (1) *in the item relating to section 917, by strik-*
 15 *ing “Efficiency”;*

16 (2) *by striking the items relating to subtitle J of*
 17 *title IX (relating to ultra-deepwater and unconven-*
 18 *tional natural gas and other petroleum resources) and*
 19 *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

1 (3) by striking the item relating to section 969B
2 and inserting the following:

“Sec. 969B. High efficiency turbines.”.

3 **SEC. 40305. CARBON STORAGE VALIDATION AND TESTING.**

4 Section 963 of the Energy Policy Act of 2005 (42
5 U.S.C. 16293) is amended—

6 (1) in subsection (a)(1)(B), by striking “over a
7 10-year period”;

8 (2) in subsection (b)—

9 (A) in paragraph (1), by striking “and
10 demonstration” and inserting “demonstration,
11 and commercialization”; and

12 (B) in paragraph (2)—

13 (i) in subparagraph (G), by striking
14 “and” at the end;

15 (ii) in subparagraph (H), by striking
16 the period at the end and inserting “; and”;
17 and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(I) evaluating the quantity, loca-
21 tion, and timing of geologic carbon
22 storage deployment that may be need-
23 ed, and developing strategies and re-
24 sources to enable the deployment.”;

1 (3) *by redesignating subsections (e) through (g)*
2 *as subsections (f) through (h), respectively;*

3 (4) *by inserting after subsection (d) the fol-*
4 *lowing:*

5 “(e) *LARGE-SCALE CARBON STORAGE COMMER-*
6 *CIALIZATION PROGRAM.—*

7 “(1) *IN GENERAL.—The Secretary shall establish*
8 *a commercialization program under which the Sec-*
9 *retary shall provide funding for the development of*
10 *new or expanded commercial large-scale carbon se-*
11 *questration projects and associated carbon dioxide*
12 *transport infrastructure, including funding for the*
13 *feasibility, site characterization, permitting, and con-*
14 *struction stages of project development.*

15 “(2) *APPLICATIONS; SELECTION.—*

16 “(A) *IN GENERAL.—To be eligible to enter*
17 *into an agreement with the Secretary for fund-*
18 *ing under paragraph (1), an entity shall submit*
19 *to the Secretary an application at such time, in*
20 *such manner, and containing such information*
21 *as the Secretary determines to be appropriate.*

22 “(B) *APPLICATION PROCESS.—The Sec-*
23 *retary shall establish an application process*
24 *that, to the maximum extent practicable—*

1 “(i) is open to projects at any stage of
2 development described in paragraph (1);
3 and

4 “(ii) facilitates expeditious develop-
5 ment of projects described in that para-
6 graph.

7 “(C) *PROJECT SELECTION.*—In selecting
8 projects for funding under paragraph (1), the
9 Secretary shall give priority to—

10 “(i) projects with substantial carbon
11 dioxide storage capacity; or

12 “(ii) projects that will store carbon di-
13 oxide from multiple carbon capture facili-
14 ties.”;

15 (5) in subsection (f) (as so redesignated), in
16 paragraph (1), by inserting “with respect to the re-
17 search, development, demonstration program compo-
18 nents described in subsections (b) through (d)” before
19 “give preference”; and

20 (6) by striking subsection (h) (as so redesign-
21 ated) and inserting the following:

22 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—There is
23 authorized to be appropriated to the Secretary to carry out
24 this section \$2,500,000,000 for the period of fiscal years
25 2022 through 2026.”.

1 **SEC. 40306. SECURE GEOLOGIC STORAGE PERMITTING.**

2 (a) *DEFINITIONS.—In this section:*

3 (1) *ADMINISTRATOR.—The term “Adminis-*
4 *trator” means the Administrator of the Environ-*
5 *mental Protection Agency.*

6 (2) *CLASS VI WELL.—The term “Class VI well”*
7 *means a well described in section 144.6(f) of title 40,*
8 *Code of Federal Regulations (or successor regula-*
9 *tions).*

10 (b) *AUTHORIZATION OF APPROPRIATIONS FOR GEO-*
11 *LOGIC SEQUESTRATION PERMITTING.—There is authorized*
12 *to be appropriated to the Administrator for the permitting*
13 *of Class VI wells by the Administrator for the injection of*
14 *carbon dioxide for the purpose of geologic sequestration in*
15 *accordance with the requirements of the Safe Drinking*
16 *Water Act (42 U.S.C. 300f et seq.) and the final rule of*
17 *the Administrator entitled “Federal Requirements Under*
18 *the Underground Injection Control (UIC) Program for Car-*
19 *bon Dioxide (CO₂) Geologic Sequestration (GS) Wells” (75*
20 *Fed. Reg. 77230 (December 10, 2010)), \$5,000,000 for each*
21 *of fiscal years 2022 through 2026.*

22 (c) *STATE PERMITTING PROGRAM GRANTS.—*

23 (1) *ESTABLISHMENT.—The Administrator shall*
24 *award grants to States that, pursuant to section 1422*
25 *of the Safe Drinking Water Act (42 U.S.C. 300h–1),*
26 *receive the approval of the Administrator for a State*

1 *underground injection control program for permitting*
2 *Class VI wells for the injection of carbon dioxide.*

3 (2) *USE OF FUNDS.—A State that receives a*
4 *grant under paragraph (1) shall use the amounts re-*
5 *ceived under the grant to defray the expenses of the*
6 *State related to the establishment and operation of a*
7 *State underground injection control program de-*
8 *scribed in paragraph (1).*

9 (3) *AUTHORIZATION OF APPROPRIATIONS.—*
10 *There is authorized to be appropriated to the Admin-*
11 *istrator to carry out this subsection \$50,000,000 for*
12 *the period of fiscal years 2022 through 2026.*

13 **SEC. 40307. GEOLOGIC CARBON SEQUESTRATION ON THE**
14 **OUTER CONTINENTAL SHELF.**

15 (a) *DEFINITIONS.—Section 2 of the Outer Continental*
16 *Shelf Lands Act (43 U.S.C. 1331) is amended—*

17 (1) *in the matter preceding subsection (a), by*
18 *striking “When used in this Act—” and inserting “In*
19 *this Act.”;*

20 (2) *in each subsection, by inserting a subsection*
21 *heading, the text of which is comprised of the term de-*
22 *finied in the subsection;*

23 (3) *by striking the semicolon at the end of each*
24 *subsection (other than subsection (q)) and “; and” at*
25 *the end of subsection (p) and inserting a period; and*

1 (4) *by adding at the end the following:*

2 “(r) *CARBON DIOXIDE STREAM.*—

3 “(1) *IN GENERAL.*—*The term ‘carbon dioxide*
4 *stream’ means carbon dioxide that—*

5 “(A) *has been captured; and*

6 “(B) *consists overwhelmingly of—*

7 “(i) *carbon dioxide plus incidental as-*
8 *sociated substances derived from the source*
9 *material or capture process; and*

10 “(ii) *any substances added to the*
11 *stream for the purpose of enabling or im-*
12 *proving the injection process.*

13 “(2) *EXCLUSIONS.*—*The term ‘carbon dioxide*
14 *stream’ does not include additional waste or other*
15 *matter added to the carbon dioxide stream for the*
16 *purpose of disposal.*

17 “(s) *CARBON SEQUESTRATION.*—*The term ‘carbon se-*
18 *questration’ means the act of storing carbon dioxide that*
19 *has been removed from the atmosphere or captured through*
20 *physical, chemical, or biological processes that can prevent*
21 *the carbon dioxide from reaching the atmosphere.”.*

22 “(b) *LEASES, EASEMENTS, OR RIGHTS-OF-WAY FOR EN-*
23 *ERGY AND RELATED PURPOSES.*—*Section 8(p)(1) of the*
24 *Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1))*
25 *is amended—*

1 (1) *in subparagraph (C), by striking “or” after*
2 *the semicolon;*

3 (2) *in subparagraph (D), by striking the period*
4 *at the end and inserting “; or”; and*

5 (3) *by adding at the end the following:*

6 *“(E) provide for, support, or are directly re-*
7 *lated to the injection of a carbon dioxide stream*
8 *into sub-seabed geologic formations for the pur-*
9 *pose of long-term carbon sequestration.”.*

10 (c) *CLARIFICATION.—A carbon dioxide stream injected*
11 *for the purpose of carbon sequestration under subparagraph*
12 *(E) of section 8(p)(1) of the Outer Continental Shelf Lands*
13 *Act (43 U.S.C. 1337(p)(1)) shall not be considered to be*
14 *material (as defined in section 3 of the Marine Protection,*
15 *Research, and Sanctuaries Act of 1972 (33 U.S.C. 1402))*
16 *for purposes of that Act (33 U.S.C. 1401 et seq.).*

17 (d) *REGULATIONS.—Not later than 1 year after the*
18 *date of enactment of this Act, the Secretary of the Interior*
19 *shall promulgate regulations to carry out the amendments*
20 *made by this section.*

21 **SEC. 40308. CARBON REMOVAL.**

22 (a) *IN GENERAL.—Section 969D of the Energy Policy*
23 *Act of 2005 (42 U.S.C. 16298d) is amended—*

24 (1) *by redesignating subsection (j) as subsection*
25 *(k); and*

1 (2) by inserting after subsection (i) the following:

2 “(j) *REGIONAL DIRECT AIR CAPTURE HUBS.*—

3 “(1) *DEFINITIONS.*—*In this subsection:*

4 “(A) *ELIGIBLE PROJECT.*—*The term ‘eligible*
5 *project’ means a direct air capture project or*
6 *a component project of a regional direct air cap-*
7 *ture hub.*

8 “(B) *REGIONAL DIRECT AIR CAPTURE*
9 *HUB.*—*The term ‘regional direct air capture hub’*
10 *means a network of direct air capture projects,*
11 *potential carbon dioxide utilization off-takers,*
12 *connective carbon dioxide transport infrastruc-*
13 *ture, subsurface resources, and sequestration in-*
14 *frastructure located within a region.*

15 “(2) *ESTABLISHMENT OF PROGRAM.*—

16 “(A) *IN GENERAL.*—*The Secretary shall es-*
17 *tablish a program under which the Secretary*
18 *shall provide funding for eligible projects that*
19 *contribute to the development of 4 regional direct*
20 *air capture hubs described in subparagraph (B).*

21 “(B) *REGIONAL DIRECT AIR CAPTURE*
22 *HUBS.*—*Each of the 4 regional direct air capture*
23 *hubs developed under the program under sub-*
24 *paragraph (A) shall be a regional direct air cap-*
25 *ture hub that—*

1 “(i) facilitates the deployment of direct
2 air capture projects;

3 “(ii) has the capacity to capture and
4 sequester, utilize, or sequester and utilize at
5 least 1,000,000 metric tons of carbon diox-
6 ide from the atmosphere annually from a
7 single unit or multiple interconnected units;

8 “(iii) demonstrates the capture, proc-
9 essing, delivery, and sequestration or end-
10 use of captured carbon; and

11 “(iv) could be developed into a regional
12 or interregional carbon network to facilitate
13 sequestration or carbon utilization.

14 “(3) SELECTION OF PROJECTS.—

15 “(A) SOLICITATION OF PROPOSALS.—

16 “(i) IN GENERAL.—Not later than 180
17 days after the date of enactment of the In-
18 frastructure Investment and Jobs Act, the
19 Secretary shall solicit applications for fund-
20 ing for eligible projects.

21 “(ii) ADDITIONAL SOLICITATIONS.—

22 The Secretary shall solicit applications for
23 funding for eligible projects on a recurring
24 basis after the first round of applications is
25 received under clause (i) until all amounts

1 *appropriated to carry out this subsection*
2 *are expended.*

3 “(B) *SELECTION OF PROJECTS FOR THE*
4 *DEVELOPMENT OF REGIONAL DIRECT AIR CAP-*
5 *TURE HUBS.—Not later than 3 years after the*
6 *date of the deadline for the submission of pro-*
7 *posals under subparagraph (A)(i), the Secretary*
8 *shall select eligible projects described in para-*
9 *graph (2)(A).*

10 “(C) *CRITERIA.—The Secretary shall select*
11 *eligible projects under subparagraph (B) using*
12 *the following criteria:*

13 “(i) *CARBON INTENSITY OF LOCAL IN-*
14 *DUSTRY.—To the maximum extent prac-*
15 *ticable, each eligible project shall be located*
16 *in a region with—*

17 “(I) *existing carbon-intensive fuel*
18 *production or industrial capacity; or*

19 “(II) *carbon-intensive fuel pro-*
20 *duction or industrial capacity that has*
21 *retired or closed in the preceding 10*
22 *years.*

23 “(ii) *GEOGRAPHIC DIVERSITY.—To the*
24 *maximum extent practicable, eligible*
25 *projects shall contribute to the development*

1 *of regional direct air capture hubs located*
2 *in different regions of the United States.*

3 “(iii) *CARBON POTENTIAL.—To the*
4 *maximum extent practicable, eligible*
5 *projects shall contribute to the development*
6 *of regional direct air capture hubs located*
7 *in regions with high potential for carbon se-*
8 *questration or utilization.*

9 “(iv) *HUBS IN FOSSIL-PRODUCING RE-*
10 *GIONS.—To the maximum extent prac-*
11 *ticable, eligible projects shall contribute to*
12 *the development of at least 2 regional direct*
13 *air capture hubs located in economically*
14 *distressed communities in the regions of the*
15 *United States with high levels of coal, oil,*
16 *or natural gas resources.*

17 “(v) *SCALABILITY.—The Secretary*
18 *shall give priority to eligible projects that,*
19 *as compared to other eligible projects, will*
20 *contribute to the development of regional di-*
21 *rect air capture hubs with larger initial ca-*
22 *capacity, greater potential for expansion, and*
23 *lower levelized cost per ton of carbon diox-*
24 *ide removed from the atmosphere.*

1 “(vi) *EMPLOYMENT.*—*The Secretary*
2 *shall give priority to eligible projects that*
3 *are likely to create opportunities for skilled*
4 *training and long-term employment to the*
5 *greatest number of residents of the region.*

6 “(vii) *ADDITIONAL CRITERIA.*—*The*
7 *Secretary may take into consideration other*
8 *criteria that, in the judgment of the Sec-*
9 *retary, are necessary or appropriate to*
10 *carry out this subsection.*

11 “(D) *COORDINATION.*—*To the maximum ex-*
12 *tent practicable, in carrying out the program*
13 *under this subsection, the Secretary shall take*
14 *into account and coordinate with activities of the*
15 *carbon capture technology program established*
16 *under section 962(b)(1), the carbon storage vali-*
17 *dation and testing program established under*
18 *section 963(b)(1), and the CIFLA program estab-*
19 *lished under section 999B(a) such that funding*
20 *from each of the programs is leveraged to con-*
21 *tribute toward the development of integrated re-*
22 *gional and interregional carbon capture, re-*
23 *moval, transport, sequestration, and utilization*
24 *networks.*

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, utiliza-
10 tion, and storage; and

11 (C) nuclear power.

12 (b) *PURPOSE.*—The purpose of this subtitle is to accel-
13 erate research, development, demonstration, and deploy-
14 ment 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 hydro-
20 gen 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 ‘portable’*
16 *and ‘storage’, when”;*

17 (2) *by redesignating paragraphs (1) through (7)*
18 *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 terms*
22 *‘clean hydrogen’ and ‘hydrogen’ mean hydrogen pro-*
23 *duced in compliance with the greenhouse gas emis-*
24 *sions standard established under section 822(a), in-*
25 *cluding production from any fuel source.”.*

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, renew-*
2 *able 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 con-*
7 *duct 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 deter-*
22 *mines 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 or
8 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 genera-
22 tion;

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, affordable,
12 and efficient fuel cells, including fuel-flexible fuel cell
13 power systems, improved manufacturing processes,
14 high-temperature membranes, cost-effective fuel proc-
15 essing for natural gas, fuel cell stack and system reli-
16 ability, low-temperature operation, and cold start ca-
17 pability;

18 “(10) the ability of domestic clean hydrogen
19 equipment manufacturers to manufacture commer-
20 cially available competitive technologies in the United
21 States;

22 “(11) the use of clean hydrogen in the transpor-
23 tation 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, the
2 development of appropriate, uniform codes and stand-
3 ards for the safe and consistent deployment and com-
4 mercialization of clean hydrogen production, proc-
5 essing, 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 date
8 of enactment of the Infrastructure Investment and Jobs Act,
9 the Secretary shall establish targets for the program to ad-
10 dress near-term (up to 2 years), mid-term (up to 7 years),
11 and long-term (up to 15 years) challenges to the advance-
12 ment of clean hydrogen systems and technologies.”.

13 (b) **CONFORMING AMENDMENT.**—The table of contents
14 for the Energy Policy Act of 2005 (Public Law 109–58; 119
15 Stat. 599) is amended by striking the item relating to sec-
16 tion 805 and inserting the following:

 “Sec. 805. Clean hydrogen research and development program.”.

17 **SEC. 40314. ADDITIONAL CLEAN HYDROGEN PROGRAMS.**

18 Title VIII of the Energy Policy Act of 2005 (42 U.S.C.
19 16151 et seq.) is amended—

20 (1) by redesignating sections 813 through 816 as
21 sections 818 through 821, respectively; and

22 (2) by inserting after section 812 the following:

23 **“SEC. 813. REGIONAL CLEAN HYDROGEN HUBS.**

24 “(a) **DEFINITION OF REGIONAL CLEAN HYDROGEN**
25 **HUB.**—In this section, the term ‘regional clean hydrogen

1 *hub' means a network of clean hydrogen producers, poten-*
2 *tial clean hydrogen consumers, and connective infrastruc-*
3 *ture located in close proximity.*

4 “(b) *ESTABLISHMENT OF PROGRAM.—The Secretary*
5 *shall establish a program to support the development of at*
6 *least 4 regional clean hydrogen hubs that—*

7 “(1) *demonstrably aid the achievement of the*
8 *clean hydrogen production standard developed under*
9 *section 822(a);*

10 “(2) *demonstrate the production, processing, de-*
11 *livery, storage, and end-use of clean hydrogen; and*

12 “(3) *can be developed into a national clean hy-*
13 *drogen network to facilitate a clean hydrogen econ-*
14 *omy.*

15 “(c) *SELECTION OF REGIONAL CLEAN HYDROGEN*
16 *HUBS.—*

17 “(1) *SOLICITATION OF PROPOSALS.—Not later*
18 *than 180 days after the date of enactment of the In-*
19 *frastructure Investment and Jobs Act, the Secretary*
20 *shall solicit proposals for regional clean hydrogen*
21 *hubs.*

22 “(2) *SELECTION OF HUBS.—Not later than 1*
23 *year after the deadline for the submission of proposals*
24 *under paragraph (1), the Secretary shall select at*

1 *least 4 regional clean hydrogen hubs to be developed*
2 *under subsection (b).*

3 “(3) *CRITERIA.—The Secretary shall select re-*
4 *gional clean hydrogen hubs under paragraph (2)*
5 *using the following criteria:*

6 “(A) *FEEDSTOCK DIVERSITY.—To the max-*
7 *imum extent practicable—*

8 “(i) *at least 1 regional clean hydrogen*
9 *hub shall demonstrate the production of*
10 *clean hydrogen from fossil fuels;*

11 “(ii) *at least 1 regional clean hydrogen*
12 *hub shall demonstrate the production of*
13 *clean hydrogen from renewable energy; and*

14 “(iii) *at least 1 regional clean hydro-*
15 *gen hub shall demonstrate the production of*
16 *clean hydrogen from nuclear energy.*

17 “(B) *END-USE DIVERSITY.—To the max-*
18 *imum extent practicable—*

19 “(i) *at least 1 regional clean hydrogen*
20 *hub shall demonstrate the end-use of clean*
21 *hydrogen in the electric power generation*
22 *sector;*

23 “(ii) *at least 1 regional clean hydrogen*
24 *hub shall demonstrate the end-use of clean*
25 *hydrogen in the industrial sector;*

1 “(iii) at least 1 regional clean hydro-
2 gen hub shall demonstrate the end-use of
3 clean hydrogen in the residential and com-
4 mercial heating sector; and

5 “(iv) at least 1 regional clean hydrogen
6 hub shall demonstrate the end-use of clean
7 hydrogen in the transportation sector.

8 “(C) *GEOGRAPHIC DIVERSITY.*—To the
9 maximum extent practicable, each regional clean
10 hydrogen hub—

11 “(i) shall be located in a different re-
12 gion of the United States; and

13 “(ii) shall use energy resources that are
14 abundant in that region.

15 “(D) *HUBS IN NATURAL GAS-PRODUCING*
16 *REGIONS.*—To the maximum extent practicable,
17 at least 2 regional clean hydrogen hubs shall be
18 located in the regions of the United States with
19 the greatest natural gas resources.

20 “(E) *EMPLOYMENT.*—The Secretary shall
21 give priority to regional clean hydrogen hubs
22 that are likely to create opportunities for skilled
23 training and long-term employment to the great-
24 est number of residents of the region.

1 “(2) *INCLUSIONS.—The national clean hydrogen*
2 *strategy and roadmap developed under paragraph (1)*
3 *shall focus on—*

4 “(A) *establishing a standard of hydrogen*
5 *production that achieves the standard developed*
6 *under section 822(a), including interim goals to-*
7 *wards meeting that standard;*

8 “(B)(i) *clean hydrogen production and use*
9 *from natural gas, coal, renewable energy sources,*
10 *nuclear energy, and biomass; and*

11 “(i) *identifying potential barriers, path-*
12 *ways, and opportunities, including Federal pol-*
13 *icy needs, to transition to a clean hydrogen econ-*
14 *omy;*

15 “(C) *identifying—*

16 “(i) *economic opportunities for the*
17 *production, processing, transport, storage,*
18 *and use of clean hydrogen that exist in the*
19 *major shale natural gas-producing regions*
20 *of the United States;*

21 “(ii) *economic opportunities for the*
22 *production, processing, transport, storage,*
23 *and use of clean hydrogen that exist for*
24 *merchant nuclear power plants operating in*
25 *deregulated markets; and*

1 “(iii) environmental risks associated
2 with potential deployment of clean hydrogen
3 technologies in those regions, and ways to
4 mitigate those risks;

5 “(D) approaches, including substrategies,
6 that reflect geographic diversity across the coun-
7 try, to advance clean hydrogen based on re-
8 sources, industry sectors, environmental benefits,
9 and economic impacts in regional economies;

10 “(E) identifying opportunities to use, and
11 barriers to using, existing infrastructure, includ-
12 ing all components of the natural gas infrastruc-
13 ture system, the carbon dioxide pipeline infra-
14 structure system, end-use local distribution net-
15 works, end-use power generators, LNG terminals,
16 industrial users of natural gas, and residential
17 and commercial consumers of natural gas, for
18 clean hydrogen deployment;

19 “(F) identifying the needs for and barriers
20 and pathways to developing clean hydrogen hubs
21 (including, where appropriate, clean hydrogen
22 hubs coupled with carbon capture, utilization,
23 and storage hubs) that—

1 “(i) are regionally dispersed across the
2 United States and can leverage natural gas
3 to the maximum extent practicable;

4 “(ii) can demonstrate the efficient pro-
5 duction, processing, delivery, and use of
6 clean hydrogen;

7 “(iii) include transportation corridors
8 and modes of transportation, including
9 transportation of clean hydrogen by pipe-
10 line and rail and through ports; and

11 “(iv) where appropriate, could serve as
12 joint clean hydrogen and carbon capture,
13 utilization, and storage hubs;

14 “(G) prioritizing activities that improve the
15 ability of the Department to develop tools to
16 model, analyze, and optimize single-input, mul-
17 tiple-output integrated hybrid energy systems
18 and multiple-input, multiple-output integrated
19 hybrid energy systems that maximize efficiency
20 in providing hydrogen, high-value heat, elec-
21 tricity, and chemical synthesis services;

22 “(H) identifying the appropriate points of
23 interaction between and among Federal agencies
24 involved in the production, processing, delivery,
25 storage, and use of clean hydrogen and clarifying

1 *the responsibilities of those Federal agencies, and*
2 *potential regulatory obstacles and recommenda-*
3 *tions for modifications, in order to support the*
4 *deployment of clean hydrogen; and*

5 “(I) *identifying geographic zones or regions*
6 *in which clean hydrogen technologies could effi-*
7 *ciently and economically be introduced in order*
8 *to transition existing infrastructure to rely on*
9 *clean hydrogen, in support of decarbonizing all*
10 *relevant sectors of the economy.*

11 “(b) *REPORTS TO CONGRESS.—*

12 “(1) *IN GENERAL.—Not later than 180 days*
13 *after the date of enactment of the Infrastructure In-*
14 *vestment and Jobs Act, the Secretary shall submit to*
15 *Congress the clean hydrogen strategy and roadmap*
16 *developed under subsection (a).*

17 “(2) *UPDATES.—The Secretary shall submit to*
18 *Congress updates to the clean hydrogen strategy and*
19 *roadmap under paragraph (1) not less frequently*
20 *than once every 3 years after the date on which the*
21 *Secretary initially submits the report and roadmap.*

22 **“SEC. 815. CLEAN HYDROGEN MANUFACTURING AND RECY-**
23 **CLING.**

24 “(a) *CLEAN HYDROGEN MANUFACTURING INITIA-*
25 *TIVE.—*

1 “(1) *IN GENERAL.*—*In carrying out the pro-*
2 *grams established under sections 805 and 813, the*
3 *Secretary shall award multiyear grants to, and enter*
4 *into contracts, cooperative agreements, or any other*
5 *agreements authorized under this Act or other Federal*
6 *law with, eligible entities (as determined by the Sec-*
7 *retary) for research, development, and demonstration*
8 *projects to advance new clean hydrogen production,*
9 *processing, delivery, storage, and use equipment man-*
10 *ufacturing technologies and techniques.*

11 “(2) *PRIORITY.*—*In awarding grants or entering*
12 *into contracts, cooperative agreements, or other agree-*
13 *ments under paragraph (1), the Secretary, to the*
14 *maximum extent practicable, shall give priority to*
15 *clean hydrogen equipment manufacturing projects*
16 *that—*

17 “(A) *increase efficiency and cost-effective-*
18 *ness in—*

19 “(i) *the manufacturing process; and*

20 “(ii) *the use of resources, including ex-*
21 *isting energy infrastructure;*

22 “(B) *support domestic supply chains for*
23 *materials and components;*

24 “(C) *identify and incorporate nonhazardous*
25 *alternative materials for components and devices;*

1 “(D) operate in partnership with tribal en-
2 ergy development organizations, Indian Tribes,
3 Tribal organizations, Native Hawaiian commu-
4 nity-based organizations, or territories or freely
5 associated States; or

6 “(E) are located in economically distressed
7 areas of the major natural gas-producing regions
8 of the United States.

9 “(3) EVALUATION.—Not later than 3 years after
10 the date of enactment of the Infrastructure Investment
11 and Jobs Act, and not less frequently than once every
12 4 years thereafter, the Secretary shall conduct, and
13 make available to the public and the relevant commit-
14 tees of Congress, an independent review of the
15 progress of the projects carried out through grants
16 awarded, or contracts, cooperative agreements, or
17 other agreements entered into, under paragraph (1).

18 “(b) CLEAN HYDROGEN TECHNOLOGY RECYCLING RE-
19 SEARCH, DEVELOPMENT, AND DEMONSTRATION PRO-
20 GRAM.—

21 “(1) IN GENERAL.—In carrying out the pro-
22 grams established under sections 805 and 813, the
23 Secretary shall award multiyear grants to, and enter
24 into contracts, cooperative agreements, or any other
25 agreements authorized under this Act or other Federal

1 *law with, eligible entities for research, development,*
2 *and demonstration projects to create innovative and*
3 *practical approaches to increase the reuse and recy-*
4 *cling of clean hydrogen technologies, including by—*

5 *“(A) increasing the efficiency and cost-effec-*
6 *tiveness of the recovery of raw materials from*
7 *clean hydrogen technology components and sys-*
8 *tems, including enabling technologies such as*
9 *electrolyzers and fuel cells;*

10 *“(B) minimizing environmental impacts*
11 *from the recovery and disposal processes;*

12 *“(C) addressing any barriers to the re-*
13 *search, development, demonstration, and com-*
14 *mercialization of technologies and processes for*
15 *the disassembly and recycling of devices used for*
16 *clean hydrogen production, processing, delivery,*
17 *storage, and use;*

18 *“(D) developing alternative materials, de-*
19 *signs, manufacturing processes, and other aspects*
20 *of clean hydrogen technologies;*

21 *“(E) developing alternative disassembly and*
22 *resource recovery processes that enable efficient,*
23 *cost-effective, and environmentally responsible*
24 *disassembly of, and resource recovery from, clean*
25 *hydrogen technologies; and*

1 “(F) developing strategies to increase con-
2 sumer acceptance of, and participation in, the
3 recycling of fuel cells.

4 “(2) *DISSEMINATION OF RESULTS.*—The Sec-
5 retary shall make available to the public and the rel-
6 evant committees of Congress the results of the
7 projects carried out through grants awarded, or con-
8 tracts, cooperative agreements, or other agreements
9 entered into, under paragraph (1), including any
10 educational and outreach materials developed by the
11 projects.

12 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There is
13 authorized to be appropriated to the Secretary to carry out
14 this section \$500,000,000 for the period of fiscal years 2022
15 through 2026.

16 **“SEC. 816. CLEAN HYDROGEN ELECTROLYSIS PROGRAM.**

17 “(a) *DEFINITIONS.*—In this section:

18 “(1) *ELECTROLYSIS.*—The term ‘electrolysis’
19 means a process that uses electricity to split water
20 into hydrogen and oxygen.

21 “(2) *ELECTROLYZER.*—The term ‘electrolyzer’
22 means a system that produces hydrogen using elec-
23 trolysis.

24 “(3) *PROGRAM.*—The term ‘program’ means the
25 program established under subsection (b).

1 “(b) *ESTABLISHMENT.*—Not later than 90 days after
2 the date of enactment of the Infrastructure Investment and
3 Jobs Act, the Secretary shall establish a research, develop-
4 ment, demonstration, commercialization, and deployment
5 program for purposes of commercialization to improve the
6 efficiency, increase the durability, and reduce the cost of
7 producing clean hydrogen using electrolyzers.

8 “(c) *GOALS.*—The goals of the program are—

9 “(1) to reduce the cost of hydrogen produced
10 using electrolyzers to less than \$2 per kilogram of hy-
11 drogen by 2026; and

12 “(2) any other goals the Secretary determines are
13 appropriate.

14 “(d) *DEMONSTRATION PROJECTS.*—In carrying out
15 the program, the Secretary shall fund demonstration
16 projects—

17 “(1) to demonstrate technologies that produce
18 clean hydrogen using electrolyzers; and

19 “(2) to validate information on the cost, effi-
20 ciency, durability, and feasibility of commercial de-
21 ployment of the technologies described in paragraph
22 (1).

23 “(e) *FOCUS.*—The program shall focus on research re-
24 lating to, and the development, demonstration, and deploy-
25 ment of—

1 “(1) *low-temperature electrolyzers, including liq-*
2 *uid-alkaline electrolyzers, membrane-based*
3 *electrolyzers, and other advanced electrolyzers, capable*
4 *of converting intermittent sources of electric power to*
5 *clean hydrogen with enhanced efficiency and dura-*
6 *bility;*

7 “(2) *high-temperature electrolyzers that combine*
8 *electricity and heat to improve the efficiency of clean*
9 *hydrogen production;*

10 “(3) *advanced reversible fuel cells that combine*
11 *the functionality of an electrolyzer and a fuel cell;*

12 “(4) *new highly active, selective, and durable*
13 *electrolyzer catalysts and electro-catalysts that—*

14 “(A) *greatly reduce or eliminate the need*
15 *for platinum group metals; and*

16 “(B) *enable electrolysis of complex mixtures*
17 *with impurities, including seawater;*

18 “(5) *modular electrolyzers for distributed energy*
19 *systems and the bulk-power system (as defined in sec-*
20 *tion 215(a) of the Federal Power Act (16 U.S.C.*
21 *8240(a));*

22 “(6) *low-cost membranes or electrolytes and sep-*
23 *aration materials that are durable in the presence of*
24 *impurities or seawater;*

1 “(7) *improved component design and material*
2 *integration, including with respect to electrodes, po-*
3 *rous transport layers and bipolar plates, and balance-*
4 *of-system components, to allow for scale-up and do-*
5 *mestic manufacturing of electrolyzers at a high vol-*
6 *ume;*

7 “(8) *clean hydrogen storage technologies;*

8 “(9) *technologies that integrate hydrogen produc-*
9 *tion with—*

10 “(A) *clean hydrogen compression and dry-*
11 *ing technologies;*

12 “(B) *clean hydrogen storage; and*

13 “(C) *transportation or stationary systems;*
14 *and*

15 “(10) *integrated systems that combine hydrogen*
16 *production with renewable power or nuclear power*
17 *generation technologies, including hybrid systems*
18 *with hydrogen storage.*

19 “(f) *GRANTS, CONTRACTS, COOPERATIVE AGREE-*
20 *MENTS.—*

21 “(1) *GRANTS.—In carrying out the program, the*
22 *Secretary shall award grants, on a competitive basis,*
23 *to eligible entities for projects that the Secretary de-*
24 *termines would provide the greatest progress toward*

1 *achieving the goal of the program described in sub-*
2 *section (c).*

3 “(2) *CONTRACTS AND COOPERATIVE AGREE-*
4 *MENTS.—In carrying out the program, the Secretary*
5 *may enter into contracts and cooperative agreements*
6 *with eligible entities and Federal agencies for projects*
7 *that the Secretary determines would further the pur-*
8 *pose of the program described in subsection (b).*

9 “(3) *ELIGIBILITY; APPLICATIONS.—*

10 “(A) *IN GENERAL.—The eligibility of an en-*
11 *tity to receive a grant under paragraph (1), to*
12 *enter into a contract or cooperative agreement*
13 *under paragraph (2), or to receive funding for a*
14 *demonstration project under subsection (d) shall*
15 *be determined by the Secretary.*

16 “(B) *APPLICATIONS.—An eligible entity de-*
17 *siring to receive a grant under paragraph (1), to*
18 *enter into a contract or cooperative agreement*
19 *under paragraph (2), or to receive funding for a*
20 *demonstration project under subsection (d) shall*
21 *submit to the Secretary an application at such*
22 *time, in such manner, and containing such in-*
23 *formation as the Secretary may require.*

24 “(g) *AUTHORIZATION OF APPROPRIATIONS.—There is*
25 *authorized to be appropriated to the Secretary to carry out*

1 *the program \$1,000,000,000 for the period of fiscal years*
2 *2022 through 2026, to remain available until expended.*

3 **“SEC. 817. LABORATORY MANAGEMENT.**

4 “(a) *IN GENERAL.—The National Energy Technology*
5 *Laboratory, the Idaho National Laboratory, and the Na-*
6 *tional Renewable Energy Laboratory shall continue to work*
7 *in a crosscutting manner to carry out the programs estab-*
8 *lished under sections 813 and 815.*

9 “(b) *COORDINATION; CLEARINGHOUSE.—In carrying*
10 *out subsection (a), the National Energy Technology Labora-*
11 *tory shall—*

12 “(1) *coordinate with—*

13 “(A) *the Idaho National Laboratory, the*
14 *National Renewable Energy Laboratory, and*
15 *other National Laboratories in a cross-cutting*
16 *manner;*

17 “(B) *institutions of higher education;*

18 “(C) *research institutes;*

19 “(D) *industrial researchers; and*

20 “(E) *international researchers; and*

21 “(2) *act as a clearinghouse to collect information*
22 *from, and distribute information to, the National*
23 *Laboratories and other entities described in subpara-*
24 *graphs (B) through (E) of paragraph (1).”.*

1 **SEC. 40315. CLEAN HYDROGEN PRODUCTION QUALIFICA-**
2 **TIONS.**

3 (a) *IN GENERAL.*—*The Energy Policy Act of 2005 (42*
4 *U.S.C. 16151 et seq.) (as amended by section 40314(1)) is*
5 *amended by adding at the end the following:*

6 **“SEC. 822. CLEAN HYDROGEN PRODUCTION QUALIFICA-**
7 **TIONS.**

8 “(a) *IN GENERAL.*—*Not later than 180 days after the*
9 *date of enactment of the Infrastructure Investment and Jobs*
10 *Act, the Secretary, in consultation with the Administrator*
11 *of the Environmental Protection Agency and after taking*
12 *into account input from industry and other stakeholders,*
13 *as determined by the Secretary, shall develop an initial*
14 *standard for the carbon intensity of clean hydrogen produc-*
15 *tion that shall apply to activities carried out under this*
16 *title.*

17 “(b) *REQUIREMENTS.*—

18 “(1) *IN GENERAL.*—*The standard developed*
19 *under subsection (a) shall—*

20 “(A) *support clean hydrogen production*
21 *from each source described in section 805(e)(2);*

22 “(B) *define the term ‘clean hydrogen’ to*
23 *mean hydrogen produced with a carbon intensity*
24 *equal to or less than 2 kilograms of carbon diox-*
25 *ide-equivalent produced at the site of production*
26 *per kilogram of hydrogen produced; and*

1 “(C) *take into consideration technological*
2 *and economic feasibility.*

3 “(2) *ADJUSTMENT.—Not later than the date that*
4 *is 5 years after the date on which the Secretary devel-*
5 *ops the standard under subsection (a), the Secretary,*
6 *in consultation with the Administrator of the Envi-*
7 *ronmental Protection Agency and after taking into*
8 *account input from industry and other stakeholders,*
9 *as determined by the Secretary, shall—*

10 “(A) *determine whether the definition of*
11 *clean hydrogen required under paragraph (1)(B)*
12 *should be adjusted below the standard described*
13 *in that paragraph; and*

14 “(B) *if the Secretary determines the adjust-*
15 *ment described in subparagraph (A) is appro-*
16 *priate, carry out the adjustment.*

17 “(c) *APPLICATION.—The standard developed under*
18 *subsection (a) shall apply to clean hydrogen production*
19 *from renewable, fossil fuel with carbon capture, utilization,*
20 *and sequestration technologies, nuclear, and other fuel*
21 *sources using any applicable production technology.”.*

22 “(b) *CONFORMING AMENDMENT.—The table of contents*
23 *for the Energy Policy Act of 2005 (Public Law 109–58; 119*
24 *Stat. 599) is amended by striking the items relating to sec-*
25 *tions 813 through 816 and inserting the following:*

“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.”.

1 **Subtitle C—Nuclear Energy**
 2 **Infrastructure**

3 **SEC. 40321. INFRASTRUCTURE PLANNING FOR MICRO AND**
 4 **SMALL MODULAR NUCLEAR REACTORS.**

5 (a) *DEFINITIONS.*—*In this section:*

6 (1) *ADVANCED NUCLEAR REACTOR.*— *The term*
 7 *“advanced nuclear reactor” has the meaning given the*
 8 *term in section 951(b) of the Energy Policy Act of*
 9 *2005 (42 U.S.C. 16271(b)).*

10 (2) *ISOLATED COMMUNITY.*—*The term “isolated*
 11 *community” has the meaning given the term in sec-*
 12 *tion 8011(a) of the Energy Act of 2020 (42 U.S.C.*
 13 *17392(a)).*

14 (3) *MICRO-REACTOR.*—*The term “micro-reactor”*
 15 *means an advanced nuclear reactor that has an elec-*
 16 *tric power production capacity that is not greater*
 17 *than 50 megawatts.*

18 (4) *NATIONAL LABORATORY.*—*The term “Na-*
 19 *tional Laboratory” has the meaning given the term in*
 20 *section 2 of the Energy Policy Act of 2005 (42 U.S.C.*
 21 *15801).*

1 (5) *SMALL MODULAR REACTOR.*—*The term*
2 *“small modular reactor” means an advanced nuclear*
3 *reactor—*

4 (A) *with a rated capacity of less than 300*
5 *electrical megawatts; and*

6 (B) *that can be constructed and operated in*
7 *combination with similar reactors at a single*
8 *site.*

9 (b) *REPORT.*—*Not later than 180 days after the date*
10 *of enactment of this Act, the Secretary shall submit to the*
11 *Committee on Energy and Natural Resources of the Senate*
12 *and the Committees on Energy and Commerce and Science,*
13 *Space, and Technology of the House of Representatives a*
14 *report that describes how the Department could enhance en-*
15 *ergy resilience and reduce carbon emissions with the use*
16 *of micro-reactors and small modular reactors.*

17 (c) *ELEMENTS.*—*The report required by subsection (b)*
18 *shall address the following:*

19 (1) *An evaluation by the Department of current*
20 *resilience and carbon reduction requirements for en-*
21 *ergy for facilities of the Department to determine*
22 *whether changes are needed to address—*

23 (A) *the need to provide uninterrupted power*
24 *to facilities of the Department for at least 3 days*
25 *during power grid failures;*

1 (B) the need for protection against cyber
2 threats and electromagnetic pulses; and

3 (C) resilience to extreme natural events, in-
4 cluding earthquakes, volcanic activity, tornados,
5 hurricanes, floods, tsunamis, lahars, landslides,
6 seiches, a large quantity of snowfall, and very
7 low or high temperatures.

8 (2) A strategy of the Department for using nu-
9 clear energy to meet resilience and carbon reduction
10 goals of facilities of the Department.

11 (3) A strategy to partner with private industry
12 to develop and deploy micro-reactors and small mod-
13 ular reactors to remote communities in order to re-
14 place diesel generation and other fossil fuels.

15 (4) An assessment by the Department of the
16 value associated with enhancing the resilience of a fa-
17 cility of the Department by transitioning to power
18 from micro-reactors and small modular reactors and
19 to co-located nuclear facilities with the capability to
20 provide dedicated power to the facility of the Depart-
21 ment during a grid outage or failure.

22 (5) The plans of the Department—

23 (A) for deploying a micro-reactor and a
24 small modular reactor to produce energy for use

1 *by a facility of the Department in the United*
2 *States by 2026;*

3 *(B) for deploying a small modular reactor*
4 *to produce energy for use by a facility of the De-*
5 *partment in the United States by 2029; and*

6 *(C) to include micro-reactors and small*
7 *modular reactors in the planning for meeting fu-*
8 *ture facility energy needs.*

9 *(d) FINANCIAL AND TECHNICAL ASSISTANCE FOR*
10 *SITING MICRO-REACTORS, SMALL MODULAR REACTORS,*
11 *AND ADVANCED NUCLEAR REACTORS.—*

12 *(1) IN GENERAL.—The Secretary shall offer fi-*
13 *nancial and technical assistance to entities to conduct*
14 *feasibility studies for the purpose of identifying suit-*
15 *able locations for the deployment of micro-reactors,*
16 *small modular reactors, and advanced nuclear reac-*
17 *tors in isolated communities.*

18 *(2) REQUIREMENT.—Prior to providing finan-*
19 *cial and technical assistance under paragraph (1), the*
20 *Secretary shall conduct robust community engage-*
21 *ment and outreach for the purpose of identifying lev-*
22 *els of interest in isolated communities.*

23 *(3) LIMITATION.—The Secretary shall not dis-*
24 *burse more than 50 percent of the amounts available*

1 *for financial assistance under this subsection to the*
2 *National Laboratories.*

3 **SEC. 40322. PROPERTY INTERESTS RELATING TO CERTAIN**
4 **PROJECTS AND PROTECTION OF INFORMA-**
5 **TION RELATING TO CERTAIN AGREEMENTS.**

6 *(a) PROPERTY INTERESTS RELATING TO FEDERALLY*
7 *FUNDED ADVANCED NUCLEAR REACTOR PROJECTS.—*

8 *(1) DEFINITIONS.—In this section:*

9 *(A) ADVANCED NUCLEAR REACTOR.—The*
10 *term “advanced nuclear reactor” has the mean-*
11 *ing given the term in section 951(b) of the En-*
12 *ergy Policy Act of 2005 (42 U.S.C. 16271(b)).*

13 *(B) PROPERTY INTEREST.—*

14 *(i) IN GENERAL.—Except as provided*
15 *in clause (ii), the term “property interest”*
16 *means any interest in real property or per-*
17 *sonal property (as those terms are defined*
18 *in section 200.1 of title 2, Code of Federal*
19 *Regulations (as in effect on the date of en-*
20 *actment of this Act)).*

21 *(ii) EXCLUSION.—The term “property*
22 *interest” does not include any interest in*
23 *intellectual property developed using fund-*
24 *ing provided under a project described in*
25 *paragraph (3).*

1 (2) *ASSIGNMENT OF PROPERTY INTERESTS.*—*The*
2 *Secretary may assign to any entity, including the*
3 *United States, fee title or any other property interest*
4 *acquired by the Secretary under an agreement entered*
5 *into with respect to a project described in paragraph*
6 *(3).*

7 (3) *PROJECT DESCRIBED.*—*A project referred to*
8 *in paragraph (2) is—*

9 (A) *a project for which funding is provided*
10 *pursuant to the funding opportunity announce-*
11 *ment of the Department numbered DE-FOA-*
12 *0002271, including any project for which fund-*
13 *ing has been provided pursuant to that an-*
14 *ouncement as of the date of enactment of this*
15 *Act;*

16 (B) *any other project for which funding is*
17 *provided using amounts made available for the*
18 *Advanced Reactor Demonstration Program of the*
19 *Department under the heading “Nuclear En-*
20 *ergy” under the heading “ENERGY PRO-*
21 *GRAMS” in title III of division C of the Further*
22 *Consolidated Appropriations Act, 2020 (Public*
23 *Law 116–94; 133 Stat. 2670);*

1 (C) any other project for which Federal
2 funding is provided under the Advanced Reactor
3 Demonstration Program of the Department; or

4 (D) a project—

5 (i) relating to advanced nuclear reac-
6 tors; and

7 (ii) for which Federal funding is pro-
8 vided under a program focused on develop-
9 ment and demonstration.

10 (4) *RETROACTIVE VESTING.*—*The vesting of fee*
11 *title or any other property interest assigned under*
12 *paragraph (2) shall be retroactive to the date on*
13 *which the applicable project first received Federal*
14 *funding as described in any of subparagraphs (A)*
15 *through (D) of paragraph (3).*

16 (b) *CONSIDERATIONS IN COOPERATIVE RESEARCH AND*
17 *DEVELOPMENT AGREEMENTS.*—

18 (1) *IN GENERAL.*—*Section 12(c)(7)(B) of the Ste-*
19 *venson-Wydler Technology Innovation Act of 1980 (15*
20 *U.S.C. 3710a(c)(7)(B)) is amended—*

21 (A) by inserting “(i)” after “(B)”;

22 (B) in clause (i), as so designated, by strik-
23 ing “The director” and inserting “Subject to
24 clause (ii), the director”; and

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

1 “(II) *The agency may authorize*
2 *the director to provide appropriate*
3 *protections against dissemination de-*
4 *scribed in clause (i) for a total period*
5 *of not more than 30 years if the agency*
6 *determines that the nature of the infor-*
7 *mation protected against dissemina-*
8 *tion, including nuclear technology,*
9 *could reasonably require an extended*
10 *period of that protection to reach com-*
11 *mercialization.”.*

12 (2) *APPLICABILITY.—*

13 (A) *DEFINITION.—In this subsection, the*
14 *term “cooperative research and development*
15 *agreement” has the meaning given the term in*
16 *section 12(d) of the Stevenson-Wydler Technology*
17 *Innovation Act of 1980 (15 U.S.C. 3710a(d)).*

18 (B) *RETROACTIVE EFFECT.—Clause (ii) of*
19 *section 12(c)(7)(B) of the Stevenson-Wydler*
20 *Technology Innovation Act of 1980 (15 U.S.C.*
21 *3710a(c)(7)(B)), as added by subsection (a) of*
22 *this section, shall apply with respect to any co-*
23 *operative research and development agreement*
24 *that is in effect as of the day before the date of*
25 *enactment of this Act.*

1 (c) *DEPARTMENT OF ENERGY CONTRACTS.—Section*
2 *646(g)(5) of the Department of Energy Organization Act*
3 *(42 U.S.C. 7256(g)(5)) is amended—*

4 (1) *by striking “(5) The Secretary” and insert-*
5 *ing the following:*

6 “(5) *PROTECTION FROM DISCLOSURE.—*

7 “(A) *IN GENERAL.—The Secretary*”; and

8 (2) *in subparagraph (A) (as so designated)—*

9 (A) *by striking “, for up to 5 years after the*
10 *date on which the information is developed,”;*
11 *and*

12 (B) *by striking “agency.” and inserting the*
13 *following: “agency—*

14 “(i) *for up to 5 years after the date on*
15 *which the information is developed; or*

16 “(ii) *for up to 30 years after the date*
17 *on which the information is developed, if*
18 *the Secretary determines that the nature of*
19 *the technology under the transaction, in-*
20 *cluding nuclear technology, could reason-*
21 *ably require an extended period of protec-*
22 *tion from disclosure to reach commercializa-*
23 *tion.*

24 “(B) *EXTENSION DURING TERM.—The Sec-*
25 *retary may extend the period of protection from*

1 *disclosure during the term of any transaction de-*
2 *scribed in subparagraph (A) in accordance with*
3 *that subparagraph.”.*

4 **SEC. 40323. CIVIL NUCLEAR CREDIT PROGRAM.**

5 *(a) DEFINITIONS.—In this section:*

6 (1) *CERTIFIED NUCLEAR REACTOR.—The term*
7 *“certified nuclear reactor” means a nuclear reactor*
8 *that—*

9 *(A) competes in a competitive electricity*
10 *market; and*

11 *(B) is certified under subsection (c)(2)(A)(i)*
12 *to submit a sealed bid in accordance with sub-*
13 *section (d).*

14 (2) *CREDIT.—The term “credit” means a credit*
15 *allocated to a certified nuclear reactor under sub-*
16 *section (e)(2).*

17 *(b) ESTABLISHMENT OF PROGRAM.—The Secretary*
18 *shall establish a civil nuclear credit program—*

19 (1) *to evaluate nuclear reactors that are pro-*
20 *jected to cease operations due to economic factors; and*

21 (2) *to allocate credits to certified nuclear reactors*
22 *that are selected under paragraph (1)(B) of subsection*
23 *(e) to receive credits under paragraph (2) of that sub-*
24 *section.*

25 *(c) CERTIFICATION.—*

1 (1) *APPLICATION.*—

2 (A) *IN GENERAL.*—*In order to be certified*
3 *under paragraph (2)(A)(i), the owner or oper-*
4 *ator of a nuclear reactor that is projected to*
5 *cease operations due to economic factors shall*
6 *submit to the Secretary an application at such*
7 *time, in such manner, and containing such in-*
8 *formation as the Secretary determines to be ap-*
9 *propriate, including—*

10 (i) *information on the operating costs*
11 *necessary to make the determination de-*
12 *scribed in paragraph (2)(A)(ii)(I), includ-*
13 *ing—*

14 (I) *the average projected annual*
15 *operating loss in dollars per megawatt-*
16 *hour, inclusive of the cost of oper-*
17 *ational and market risks, expected to*
18 *be incurred by the nuclear reactor over*
19 *the 4-year period for which credits*
20 *would be allocated;*

21 (II) *any private or publicly avail-*
22 *able data with respect to current or*
23 *projected bulk power market prices;*

24 (III) *out-of-market revenue*
25 *streams;*

1 (IV) operations and maintenance
2 costs;

3 (V) capital costs, including fuel;
4 and

5 (VI) operational and market risks;

6 (ii) an estimate of the potential incre-
7 mental air pollutants that would result if
8 the nuclear reactor were to cease operations;

9 (iii) known information on the source
10 of produced uranium and the location
11 where the uranium is converted, enriched,
12 and fabricated into fuel assemblies for the
13 nuclear reactor for the 4-year period for
14 which credits would be allocated; and

15 (iv) a detailed plan to sustain oper-
16 ations at the conclusion of the applicable 4-
17 year period for which credits would be allo-
18 cated—

19 (I) without receiving additional
20 credits; or

21 (II) with the receipt of additional
22 credits of a lower amount than the
23 credits allocated during that 4-year
24 credit period.

1 (B) *TIMELINE.*—*The Secretary shall accept*
2 *applications described in subparagraph (A)—*

3 (i) *until the date that is 120 days after*
4 *the date of enactment of this Act; and*

5 (ii) *not less frequently than every year*
6 *thereafter.*

7 (C) *PAYMENTS FROM STATE PROGRAMS.*—

8 (i) *IN GENERAL.*—*The owner or oper-*
9 *ator of a nuclear reactor that receives a*
10 *payment from a State zero-emission credit,*
11 *a State clean energy contract, or any other*
12 *State program with respect to that nuclear*
13 *reactor shall be eligible to submit an appli-*
14 *cation under subparagraph (A) with respect*
15 *to that nuclear reactor during any applica-*
16 *tion period beginning after the 120-day pe-*
17 *riod beginning on the date of enactment of*
18 *this Act.*

19 (ii) *REQUIREMENT.*—*An application*
20 *submitted by an owner or operator de-*
21 *scribed in clause (i) with respect to a nu-*
22 *clear reactor described in that clause shall*
23 *include all projected payments from State*
24 *programs in determining the average pro-*
25 *jected annual operating loss described in*

1 subparagraph (A)(i)(I), unless the credits
2 allocated to the nuclear reactor pursuant to
3 that application will be used to reduce those
4 payments.

5 (2) DETERMINATION TO CERTIFY.—

6 (A) DETERMINATION.—

7 (i) IN GENERAL.—Not later than 60
8 days after the applicable date under sub-
9 paragraph (B) of paragraph (1), the Sec-
10 retary shall determine whether to certify, in
11 accordance with clauses (ii) and (iii), each
12 nuclear reactor for which an application is
13 submitted under subparagraph (A) of that
14 paragraph.

15 (ii) MINIMUM REQUIREMENTS.—To the
16 maximum extent practicable, the Secretary
17 shall only certify a nuclear reactor under
18 clause (i) if—

19 (I) after considering the informa-
20 tion submitted under paragraph
21 (1)(A)(i), the Secretary determines that
22 the nuclear reactor is projected to cease
23 operations due to economic factors;

24 (II) after considering the estimate
25 submitted under paragraph (1)(A)(ii),

1 *the Secretary determines that pollut-*
2 *ants would increase if the nuclear reac-*
3 *tor were to cease operations and be re-*
4 *placed with other types of power gen-*
5 *eration; 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 reactor;*
15 *and*

16 (bb) *poses no significant safe-*
17 *ty 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.*

1 (B) *NOTICE.*—*For each application received*
2 *under paragraph (1)(A), the Secretary shall pro-*
3 *vide to the applicable owner or operator, as ap-*
4 *plicable—*

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), the*
12 *Secretary shall establish a deadline by which each*
13 *certified nuclear reactor shall submit to the Secretary*
14 *a sealed bid that—*

15 (A) *describes the price per megawatt-hour of*
16 *the credits desired by the certified nuclear reac-*
17 *tor, which shall not exceed the average projected*
18 *annual operating loss described in subsection*
19 *(c)(1)(A)(i)(I); and*

20 (B) *includes a commitment, subject to the*
21 *receipt of credits, to provide a specific number of*
22 *megawatt-hours of generation during the 4-year*
23 *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) of*
3 *subsection (c) with respect to each application sub-*
4 *mitted under paragraph (1)(A) of that subsection.*

5 *(e) ALLOCATION.—*

6 *(1) AUCTION.—Notwithstanding section 169 of*
7 *the Atomic Energy Act of 1954 (42 U.S.C. 2209), the*
8 *Secretary shall—*

9 *(A) in consultation with the heads of appli-*
10 *cable Federal agencies, establish a process for*
11 *evaluating bids submitted under subsection*
12 *(d)(1) through an auction process; and*

13 *(B) select certified nuclear reactors to be al-*
14 *located credits.*

15 *(2) CREDITS.—Subject to subsection (f)(2), on se-*
16 *lection under paragraph (1), a certified nuclear reac-*
17 *tor shall be allocated credits for a 4-year period be-*
18 *ginning on the date of the selection.*

19 *(3) REQUIREMENT.—To the maximum extent*
20 *practicable, the Secretary shall use the amounts made*
21 *available for credits under this section to allocate*
22 *credits to as many certified nuclear reactors as pos-*
23 *sible.*

24 *(f) RENEWAL.—*

1 (1) *IN GENERAL.*—*The owner or operator of a*
2 *certified nuclear reactor may seek to recertify the nu-*
3 *clear 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 beginning*
9 *on the date on which a certified nuclear reactor first*
10 *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 cer-*
19 *tified 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 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 cred-*
6 *its in avoiding air pollutants while ensuring grid re-*
7 *liability;*

8 (2) *a quantification of the ratepayer savings*
9 *achieved under this section; and*

10 (3) *any recommendations to renew or expand the*
11 *credits.*

12 (i) *AUTHORIZATION OF APPROPRIATIONS.*—There is
13 authorized to be appropriated to the Secretary to carry out
14 this section \$6,000,000,000 for the period of fiscal years
15 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 In-*
23 *vestment and Jobs Act”;*

24 (2) *in the undesignated matter following sub-*
25 *section (b)(3), by striking “the date of the enactment*

1 of this section” and inserting “the date of enactment
2 of the Infrastructure Investment and Jobs Act”;

3 (3) in subsection (e)(1), in the second sentence,
4 by striking “\$750,000” and inserting “\$1,000,000”;
5 and

6 (4) by striking subsection (g) and inserting the
7 following:

8 “(g) *AUTHORIZATION OF APPROPRIATIONS.*—There is
9 authorized to be appropriated to the Secretary to carry out
10 this section \$125,000,000 for fiscal year 2022, to remain
11 available until expended.”.

12 **SEC. 40332. HYDROELECTRIC EFFICIENCY IMPROVEMENT**
13 **INCENTIVES.**

14 (a) *IN GENERAL.*—Section 243 of the Energy Policy
15 Act of 2005 (42 U.S.C. 15882) is amended—

16 (1) in the section heading, by inserting “incen-
17 tives” after “improvement”;

18 (2) in subsection (b)—

19 (A) in the first sentence, by striking “10
20 percent” and inserting “30 percent”;

21 (B) in the second sentence—

22 (i) by striking “\$750,000” and insert-
23 ing “\$5,000,000”; and

24 (ii) by inserting “in any 1 fiscal year”
25 before the period at the end; and

1 (3) *by striking subsection (c) and inserting the*
 2 *following:*

3 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 4 *authorized to be appropriated to carry out this section*
 5 *\$75,000,000 for fiscal year 2022 to remain available until*
 6 *expended.”.*

7 (b) *CONFORMING AMENDMENT.—The table of contents*
 8 *for the Energy Policy Act of 2005 (Public Law 109–58; 119*
 9 *Stat. 595) is amended by striking the item relating to sec-*
 10 *tion 243 and inserting the following:*

 “243. *Hydroelectric efficiency improvement incentives.”.*

11 **SEC. 40333. MAINTAINING AND ENHANCING**
 12 **HYDROELECTRICITY INCENTIVES.**

13 (a) *IN GENERAL.—Subtitle C of title II of the Energy*
 14 *Policy Act of 2005 (Public Law 109–58; 119 Stat. 674) is*
 15 *amended by adding at the end the following:*

16 **“SEC. 247. MAINTAINING AND ENHANCING**
 17 **HYDROELECTRICITY INCENTIVES.**

18 “(a) *DEFINITION OF QUALIFIED HYDROELECTRIC FA-*
 19 *CILITY.—In this section, the term ‘qualified hydroelectric*
 20 *facility’ means a hydroelectric project that—*

21 “(1)(A) *is licensed by the Federal Energy Regu-*
 22 *latory Commission; or*

23 “(B) *is a hydroelectric project constructed, oper-*
 24 *ated, or maintained pursuant to a permit or valid ex-*
 25 *isting right-of-way granted prior to June 10, 1920, or*

1 *a license granted pursuant to the Federal Power Act*
2 *(16 U.S.C. 791a et seq.);*

3 “(2) *is placed into service before the date of en-*
4 *actment of this section; and*

5 “(3)(A) *is in compliance with all applicable*
6 *Federal, Tribal, and State requirements; or*

7 “(B) *would be brought into compliance with the*
8 *requirements described in subparagraph (A) as a re-*
9 *sult of the capital improvements carried out using an*
10 *incentive payment under this section.*

11 “(b) *INCENTIVE PAYMENTS.—The Secretary shall*
12 *make incentive payments to the owners or operators of*
13 *qualified hydroelectric facilities for capital improvements*
14 *directly related to—*

15 “(1) *improving grid resiliency, including—*

16 “(A) *adapting more quickly to changing*
17 *grid conditions;*

18 “(B) *providing ancillary services (including*
19 *black start capabilities, voltage support, and*
20 *spinning reserves);*

21 “(C) *integrating other variable sources of*
22 *electricity generation; and*

23 “(D) *managing accumulated reservoir sedi-*
24 *ments;*

1 “(2) *improving dam safety to ensure acceptable*
2 *performance under all loading conditions (including*
3 *static, hydrologic, and seismic conditions), includ-*
4 *ing—*

5 “(A) *the maintenance or upgrade of spill-*
6 *ways or other appurtenant structures;*

7 “(B) *dam stability improvements, including*
8 *erosion repair and enhanced seepage controls;*
9 *and*

10 “(C) *upgrades or replacements of floodgates*
11 *or natural infrastructure restoration or protec-*
12 *tion to improve flood risk reduction; or*

13 “(3) *environmental improvements, including—*

14 “(A) *adding or improving safe and effective*
15 *fish passage, including new or upgraded turbine*
16 *technology, fish ladders, fishways, and all other*
17 *associated technology, equipment, or other fish*
18 *passage technology to a qualified hydroelectric*
19 *facility;*

20 “(B) *improving the quality of the water re-*
21 *tained or released by a qualified hydroelectric fa-*
22 *cility;*

23 “(C) *promoting downstream sediment*
24 *transport processes and habitat maintenance;*
25 *and*

1 “(D) *improving recreational access to the*
2 *project vicinity, including roads, trails, boat in-*
3 *gress and egress, flows to improve recreation,*
4 *and infrastructure that improves river recreation*
5 *opportunity.*

6 “(c) *LIMITATIONS.—*

7 “(1) *COSTS.—Incentive payments under this sec-*
8 *tion shall not exceed 30 percent of the costs of the ap-*
9 *plicable capital improvement.*

10 “(2) *MAXIMUM AMOUNT.—Not more than 1 in-*
11 *centive payment may be made under this section with*
12 *respect to capital improvements at a single qualified*
13 *hydroelectric facility in any 1 fiscal year, the amount*
14 *of which shall not exceed \$5,000,000.*

15 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
16 *authorized to be appropriated to the Secretary to carry out*
17 *this section \$553,600,000 for fiscal year 2022, to remain*
18 *available until expended.”.*

19 “(b) *CONFORMING AMENDMENT.—The table of contents*
20 *for the Energy Policy Act of 2005 (Public Law 109–58; 119*
21 *Stat. 595) is amended by inserting after the item relating*
22 *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 this*
14 *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 max-*
8 *imum extent practicable, enter into an agree-*
9 *ment with an eligible entity to provide financial*
10 *assistance to the eligible entity to carry out*
11 *project design, transmission studies, power mar-*
12 *ket assessments, and permitting for a pumped*
13 *storage hydropower project to facilitate the long-*
14 *duration storage of intermittent renewable elec-*
15 *tricity.*

16 “(B) *PROJECT REQUIREMENTS.—To be eli-*
17 *gible 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 *capacity for use in more than 1 organized*
23 *electricity market;*

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 Bureau
2 of Reclamation reservoirs”; and

3 (2) in paragraph (8), by striking “has been filed
4 with the Federal Energy Regulatory Commission as
5 of the date of the enactment of the Bureau of Rec-
6 lamation Small Conduit Hydropower Development
7 and Rural Jobs Act” and inserting “was filed with
8 the Federal Energy Regulatory Commission before
9 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 the*
16 *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 Of-*
19 *fice of Hearings and Appeals of the Department of the*
20 *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 pro-*
2 *posed pumped storage facility that—*

3 (A) *would use multiple Bureau of Reclama-*
4 *tion 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 Act*
8 *(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” means*
14 *the plan described in subsection (d)(1).*

15 (9) *STUDY PLAN AGREEMENT*.—*The term “study*
16 *plan agreement” means an agreement entered into*
17 *under subsection (b)(1) and described in subsection*
18 *(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 proposed*
15 *lessee to formally respond in writing to com-*
16 *ments and study requests about the project pre-*
17 *viously 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 par-*
25 *ties or as provided in paragraph (2) or sub-*

1 *section (d), require that the proposed lessee con-*
2 *duct 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 Reservation*
19 *authorized after the date of enactment of*
20 *this Act, the amount of which derives from*
21 *the annual payments described in clause (i);*

22 *(E) establish a protocol for communication*
23 *and consultation between the parties;*

24 *(F) provide mechanisms for resolving dis-*
25 *putes between the parties regarding implementa-*

1 *tion and enforcement of the study plan agree-*
2 *ment; and*

3 *(G) contain other provisions determined to*
4 *be appropriate by the parties.*

5 *(2) DISPUTES.—*

6 *(A) IN GENERAL.—If the parties cannot*
7 *agree to the terms of a study plan agreement or*
8 *implementation of those terms, the parties shall*
9 *submit to the Director, for final determination*
10 *on the terms or implementation of the study*
11 *plan agreement, notice of the dispute, consistent*
12 *with paragraph (1)(F), to the extent the parties*
13 *have agreed to a study plan agreement.*

14 *(B) INCLUSION.—A dispute covered by sub-*
15 *paragraph (A) may include the view of a pro-*
16 *posed lessee that an additional study request sub-*
17 *mitted in accordance with paragraph (1)(B) is*
18 *not reasonably calculated to assist the Secretary*
19 *in evaluating the potential impacts of the*
20 *project.*

21 *(C) TIMING.—The Director shall issue a de-*
22 *termination regarding a dispute under subpara-*
23 *graph (A) not later than 120 days after the date*
24 *on which the Director receives notice of the dis-*
25 *pute under that subparagraph.*

1 (d) *STUDY PLAN.*—

2 (1) *IN GENERAL.*—*The proposed lessee shall sub-*
3 *mit to the Secretary for approval a study plan that*
4 *details the proposed methodology for performing each*
5 *of the studies—*

6 (A) *identified in the study plan agreement*
7 *of the proposed lessee; or*

8 (B) *determined by the Director in a final*
9 *determination regarding a dispute under sub-*
10 *section (c)(2).*

11 (2) *INITIAL DETERMINATION.*—*Not later than 60*
12 *days after the date on which the Secretary receives the*
13 *study plan under paragraph (1), the Secretary shall*
14 *make an initial determination that—*

15 (A) *approves the study plan;*

16 (B) *rejects the study plan on the grounds*
17 *that the study plan—*

18 (i) *lacks sufficient detail on a proposed*
19 *methodology for a study identified in the*
20 *study plan agreement; or*

21 (ii) *is inconsistent with the study plan*
22 *agreement; or*

23 (C) *imposes additional study plan require-*
24 *ments that the Secretary determines are nec-*

1 *essary to adequately define the potential effects of*
2 *the project on—*

3 *(i) the exercise of the paramount hunt-*
4 *ing, fishing, and boating rights of the Tribes*
5 *reserved pursuant to the Act of June 29,*
6 *1940 (54 Stat. 703, chapter 460; 16 U.S.C.*
7 *835d et seq.);*

8 *(ii) the annual payments described in*
9 *clauses (i) and (ii) of subsection (c)(1)(D);*

10 *(iii) the Columbia Basin project (as*
11 *defined in section 1 of the Act of May 27,*
12 *1937 (50 Stat. 208, chapter 269; 57 Stat.*
13 *14, chapter 14; 16 U.S.C. 835));*

14 *(iv) historic properties and cultural or*
15 *spiritually significant resources; and*

16 *(v) the environment.*

17 (3) *OBJECTIONS.—*

18 (A) *IN GENERAL.—Not later than 30 days*
19 *after the date on which the Secretary makes an*
20 *initial determination under paragraph (2), the*
21 *Tribes or the proposed lessee may submit to the*
22 *Director an objection to the initial determina-*
23 *tion.*

24 (B) *FINAL DETERMINATION.—Not later*
25 *than 120 days after the date on which the Direc-*

1 *tor receives an objection under subparagraph*
2 *(A), the Director shall—*

3 *(i) hold a hearing on the record re-*
4 *garding the objection; and*

5 *(ii) make a final determination that*
6 *establishes the study plan, including a de-*
7 *scription of studies the proposed lessee is re-*
8 *quired to perform.*

9 *(4) NO OBJECTIONS.—If no objections are sub-*
10 *mitted by the deadline described in paragraph (3)(A),*
11 *the initial determination of the Secretary under para-*
12 *graph (2) shall be final.*

13 *(e) CONDITIONS OF LEASE.—*

14 *(1) CONSISTENCY WITH RIGHTS OF TRIBES; PRO-*
15 *TECTION, MITIGATION, AND ENHANCEMENT OF FISH*
16 *AND WILDLIFE.—*

17 *(A) IN GENERAL.—Any lease of power*
18 *privilege issued by the Secretary for a project*
19 *under subsection (b) shall contain conditions—*

20 *(i) to ensure that the project is con-*
21 *sistent with, and will not interfere with, the*
22 *exercise of the paramount hunting, fishing,*
23 *and boating rights of the Tribes reserved*
24 *pursuant to the Act of June 29, 1940 (54*

1 *Stat. 703, chapter 460; 16 U.S.C. 835d et*
2 *seq.); and*

3 *(ii) to adequately and equitably pro-*
4 *tect, mitigate damages to, and enhance fish*
5 *and wildlife, including related spawning*
6 *grounds and habitat, affected by the devel-*
7 *opment, operation, and management of the*
8 *project.*

9 *(B) RECOMMENDATIONS OF THE TRIBES.—*

10 *The conditions required under subparagraph (A)*
11 *shall be based on joint recommendations of the*
12 *Tribes.*

13 *(C) RESOLVING INCONSISTENCIES.—*

14 *(i) IN GENERAL.—If the Secretary de-*
15 *termines that any recommendation of the*
16 *Tribes under subparagraph (B) is not rea-*
17 *sonably calculated to ensure the project is*
18 *consistent with subparagraph (A) or is in-*
19 *consistent with the requirements of the Rec-*
20 *lamation Project Act of 1939 (43 U.S.C.*
21 *485 et seq.), the Secretary shall attempt to*
22 *resolve any such inconsistency with the*
23 *Tribes, giving due weight to the rec-*
24 *ommendations and expertise of the Tribes.*

1 (ii) *PUBLICATION OF FINDINGS.*—If,
2 after an attempt to resolve an inconsistency
3 under clause (i), the Secretary does not
4 adopt in whole or in part a recommenda-
5 tion of the Tribes under subparagraph (B),
6 the Secretary shall issue each of the fol-
7 lowing findings, including a statement of
8 the basis for each of the findings:

9 (I) *A finding that adoption of the*
10 *recommendation is inconsistent with*
11 *the requirements of the Reclamation*
12 *Project Act of 1939 (43 U.S.C. 485 et*
13 *seq.).*

14 (II) *A finding that the conditions*
15 *selected by the Secretary to be con-*
16 *tained in the lease of power privilege*
17 *under subparagraph (A) comply with*
18 *the requirements of clauses (i) and (ii)*
19 *of that subparagraph.*

20 (2) *ANNUAL CHARGES PAYABLE BY LICENSEE.*—

21 (A) *IN GENERAL.*—Subject to subparagraph
22 (B), any lease of power privilege issued by the
23 Secretary for a project under subsection (b) shall
24 contain conditions that require the lessee of the
25 project to make direct payments to the Tribes

1 *through reasonable annual charges in an amount*
2 *that recompenses the Tribes for any adverse eco-*
3 *nomical effect of the project identified in a study*
4 *performed pursuant to the study plan agreement*
5 *for the project.*

6 (B) *AGREEMENT.—*

7 (i) *IN GENERAL.—The amount of the*
8 *annual charges described in subparagraph*
9 *(A) shall be established through agreement*
10 *between the proposed lessee and the Tribes.*

11 (ii) *CONDITION.—The agreement under*
12 *clause (i), including any modification of the*
13 *agreement, shall be deemed to be a condition*
14 *to the lease of power privilege issued by the*
15 *Secretary for a project under subsection (b).*

16 (C) *DISPUTE RESOLUTION.—*

17 (i) *IN GENERAL.—If the proposed lessee*
18 *and the Tribes cannot agree to the terms of*
19 *an agreement under subparagraph (B)(i),*
20 *the proposed lessee and the Tribes shall sub-*
21 *mit notice of the dispute to the Director.*

22 (ii) *RESOLUTION.—The Director shall*
23 *resolve the dispute described in clause (i)*
24 *not later than 180 days after the date on*

1 *which the Director receives notice of the dis-*
2 *pute under that clause.*

3 (3) *ADDITIONAL CONDITIONS.*—*The Secretary*
4 *may include in any lease of power privilege issued by*
5 *the Secretary for a project under subsection (b) other*
6 *conditions determined appropriate by the Secretary,*
7 *on the condition that the conditions shall be con-*
8 *sistent with the Reclamation Project Act of 1939 (43*
9 *U.S.C. 485 et seq.).*

10 (4) *CONSULTATION.*—*In establishing conditions*
11 *under this subsection, the Secretary shall consult with*
12 *the Tribes.*

13 (f) *DEADLINES.*—*The Secretary or any officer of the*
14 *Office of Hearing and Appeals before whom a proceeding*
15 *is pending under this section may extend any deadline or*
16 *enlarge any timeframe described in this section—*

17 (1) *at the discretion of the Secretary or the offi-*
18 *cer; or*

19 (2) *on a showing of good cause by any party.*

20 (g) *JUDICIAL REVIEW.*—*Any final action of the Sec-*
21 *retary or the Director made pursuant to this section shall*
22 *be subject to judicial review in accordance with chapter 7*
23 *of title 5, United States Code.*

24 (h) *EFFECT ON OTHER PROJECTS.*—*Nothing in this*
25 *section establishes any precedent or is binding on any Bu-*

1 *reau of Reclamation lease of power privilege, other than for*
 2 *a project.*

3 ***Subtitle E—Miscellaneous***

4 ***SEC. 40341. SOLAR ENERGY TECHNOLOGIES ON CURRENT***
 5 ***AND FORMER MINE LAND.***

6 *Section 3004 of the Energy Act of 2020 (42 U.S.C.*
 7 *16238) is amended—*

8 *(1) in subsection (a)—*

9 *(A) by redesignating paragraphs (6)*
 10 *through (15) as paragraphs (7) through (16), re-*
 11 *spectively; and*

12 *(B) by inserting after paragraph (5) the fol-*
 13 *lowing:*

14 *“(6) MINE LAND.—The term ‘mine land’*
 15 *means—*

16 *“(A) land subject to titles IV and V of the*
 17 *Surface Mining Control and Reclamation Act of*
 18 *1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251 et*
 19 *seq.); and*

20 *“(B) land that has been claimed or patented*
 21 *subject to sections 2319 through 2344 of the Re-*
 22 *vised Statutes (commonly known as the ‘Mining*
 23 *Law of 1872’) (30 U.S.C. 22 et seq.).”;* and

24 *(2) in subsection (b)(6)(B)—*

1 (A) *in the matter preceding clause (i), by*
2 *inserting “, in consultation with the Secretary of*
3 *the Interior and the Administrator of the Envi-*
4 *ronmental Protection Agency for purposes of*
5 *clause (iv),” after “the Secretary”;*

6 (B) *in clause (iii), by striking “and” after*
7 *the semicolon;*

8 (C) *by redesignating clause (iv) as clause*
9 *(v); and*

10 (D) *by inserting after clause (iii) the fol-*
11 *lowing:*

12 *“(iv) a description of the technical and*
13 *economic viability of siting solar energy*
14 *technologies on current and former mine*
15 *land, including necessary interconnection*
16 *and transmission siting and the impact on*
17 *local job creation; and”.*

18 **SEC. 40342. CLEAN ENERGY DEMONSTRATION PROGRAM ON**

19 **CURRENT AND FORMER MINE LAND.**

20 (a) *DEFINITIONS.—In this section:*

21 (1) *CLEAN ENERGY PROJECT.—The term “clean*
22 *energy project” means a project that demonstrates 1*
23 *or more of the following technologies:*

24 (A) *Solar.*

25 (B) *Micro-grids.*

1 (C) *Geothermal.*

2 (D) *Direct air capture.*

3 (E) *Fossil-fueled electricity generation with*
4 *carbon capture, utilization, and sequestration.*

5 (F) *Energy storage, including pumped stor-*
6 *age hydropower and compressed air storage.*

7 (G) *Advanced nuclear technologies.*

8 (2) *ECONOMICALLY DISTRESSED AREA.*—*The*
9 *term “economically distressed area” means an area*
10 *described in section 301(a) of the Public Works and*
11 *Economic Development Act of 1965 (42 U.S.C.*
12 *3161(a)).*

13 (3) *MINE LAND.*—*The term “mine land”*
14 *means—*

15 (A) *land subject to titles IV and V of the*
16 *Surface Mining Control and Reclamation Act of*
17 *1977 (30 U.S.C. 1231 et seq.; 30 U.S.C. 1251 et*
18 *seq.); and*

19 (B) *land that has been claimed or patented*
20 *subject to sections 2319 through 2344 of the Re-*
21 *vised Statutes (commonly known as the “Mining*
22 *Law of 1872”)* (30 U.S.C. 22 et seq.).

23 (4) *PROGRAM.*—*The term “program” means the*
24 *demonstration program established under subsection*
25 *(b).*

1 **(b) ESTABLISHMENT.**—*The Secretary shall establish a*
2 *program to demonstrate the technical and economic viabil-*
3 *ity of carrying out clean energy projects on current and*
4 *former mine land.*

5 **(c) SELECTION OF DEMONSTRATION PROJECTS.**—

6 **(1) IN GENERAL.**—*In carrying out the program,*
7 *the Secretary shall select not more than 5 clean en-*
8 *ergy projects, to be carried out in geographically di-*
9 *verse regions, at least 2 of which shall be solar*
10 *projects.*

11 **(2) ELIGIBILITY.**—*To be eligible to be selected for*
12 *participation in the program under paragraph (1), a*
13 *clean energy project shall demonstrate, as determined*
14 *by the Secretary, a technology on a current or former*
15 *mine land site with a reasonable expectation of com-*
16 *mercial viability.*

17 **(3) PRIORITY.**—*In selecting clean energy projects*
18 *for participation in the program under paragraph*
19 *(1), the Secretary shall prioritize clean energy*
20 *projects that will—*

21 **(A)** *be carried out in a location where the*
22 *greatest number of jobs can be created from the*
23 *successful demonstration of the clean energy*
24 *project;*

1 (B) provide the greatest net impact in
2 avoiding or reducing greenhouse gas emissions;

3 (C) provide the greatest domestic job cre-
4 ation (both directly and indirectly) during the
5 implementation of the clean energy project;

6 (D) provide the greatest job creation and
7 economic development in the vicinity of the clean
8 energy project, particularly—

9 (i) in economically distressed areas;

10 and

11 (ii) with respect to dislocated workers
12 who were previously employed in manufac-
13 turing, coal power plants, or coal mining;

14 (E) have the greatest potential for techno-
15 logical innovation and commercial deployment;

16 (F) have the lowest levelized cost of gen-
17 erated or stored energy;

18 (G) have the lowest rate of greenhouse gas
19 emissions per unit of electricity generated or
20 stored; and

21 (H) have the shortest project time from per-
22 mitting to completion.

23 (4) *PROJECT SELECTION.*—The Secretary shall
24 solicit proposals for clean energy projects and select
25 clean energy project finalists in consultation with the

1 *Secretary of the Interior, the Administrator of the*
2 *Environmental Protection Agency, and the Secretary*
3 *of Labor.*

4 (5) *COMPATIBILITY WITH EXISTING OPER-*
5 *ATIONS.—Prior to selecting a clean energy project for*
6 *participation in the program under paragraph (1),*
7 *the Secretary shall consult with, as applicable, min-*
8 *ing claimholders or operators or the relevant Office of*
9 *Surface Mining Reclamation and Enforcement Aban-*
10 *doned Mine Land program office to confirm—*

11 (A) *that the proposed project is compatible*
12 *with any current mining, exploration, or rec-*
13 *lamation activities; and*

14 (B) *the valid existing rights of any mining*
15 *claimholders or operators.*

16 (d) *CONSULTATION.—The Secretary shall consult with*
17 *the Director of the Office of Surface Mining Reclamation*
18 *and Enforcement and the Administrator of the Environ-*
19 *mental Protection Agency, acting through the Office of*
20 *Brownfields and Land Revitalization, to determine whether*
21 *it is necessary to promulgate regulations or issue guidance*
22 *in order to prioritize and expedite the siting of clean energy*
23 *projects on current and former mine land sites.*

24 (e) *TECHNICAL ASSISTANCE.—The Secretary shall*
25 *provide technical assistance to project applicants selected*

1 *for participation in the program under subsection (c) to*
 2 *assess the needed interconnection, transmission, and other*
 3 *grid components and permitting and siting necessary to*
 4 *interconnect, on current and former mine land where the*
 5 *project will be sited, any generation or storage with the elec-*
 6 *tric grid.*

7 (f) *AUTHORIZATION OF APPROPRIATIONS.—There is*
 8 *authorized to be appropriated to the Secretary to carry out*
 9 *this section \$500,000,000 for the period of fiscal years 2022*
 10 *through 2026.*

11 **SEC. 40343. LEASES, EASEMENTS, AND RIGHTS-OF-WAY FOR**
 12 **ENERGY AND RELATED PURPOSES ON THE**
 13 **OUTER CONTINENTAL SHELF.**

14 Section 8(p)(1)(C) of the Outer Continental Shelf
 15 Lands Act (43 U.S.C. 1337(p)(1)(C)) is amended by insert-
 16 ing “storage,” before “or transmission”.

17 **TITLE IV—ENABLING ENERGY**
 18 **INFRASTRUCTURE INVEST-**
 19 **MENT AND DATA COLLECTION**
 20 **Subtitle A—Department of Energy**
 21 **Loan Program**

22 **SEC. 40401. DEPARTMENT OF ENERGY LOAN PROGRAMS.**

23 (a) *TITLE XVII INNOVATIVE ENERGY LOAN GUAR-*
 24 *ANTEE PROGRAM.—*

1 (1) *REASONABLE PROSPECT OF REPAYMENT.*—
2 Section 1702(d)(1) of the Energy Policy Act of 2005
3 (42 U.S.C. 16512(d)(1)) is amended—

4 (A) by striking the paragraph designation
5 and heading and all that follows through “No
6 guarantee” and inserting the following:

7 “(1) *REQUIREMENT.*—

8 “(A) *IN GENERAL.*—No guarantee”; and

9 (B) by adding at the end the following:

10 “(B) *REASONABLE PROSPECT OF REPAY-*
11 *MENT.*—The Secretary shall base a determina-
12 tion of whether there is reasonable prospect of re-
13 payment under subparagraph (A) on a com-
14 prehensive evaluation of whether the borrower
15 has a reasonable prospect of repaying the guar-
16 anteed obligation for the eligible project, includ-
17 ing, as applicable, an evaluation of—

18 “(i) the strength of the contractual
19 terms of the eligible project (if commercially
20 reasonably available);

21 “(ii) the forecast of noncontractual
22 cash flows supported by market projections
23 from reputable sources, as determined by the
24 Secretary;

1 “(iii) cash sweeps and other structure
2 enhancements;

3 “(iv) the projected financial strength of
4 the borrower—

5 “(I) at the time of loan close; and

6 “(II) throughout the loan term
7 after the project is completed;

8 “(v) the financial strength of the inves-
9 tors and strategic partners of the borrower,
10 if applicable; and

11 “(vi) other financial metrics and anal-
12 yses that are relied on by the private lend-
13 ing community and nationally recognized
14 credit rating agencies, as determined appro-
15 priate by the Secretary.”.

16 (2) *LOAN GUARANTEES FOR PROJECTS THAT IN-*
17 *CREASE THE DOMESTICALLY PRODUCED SUPPLY OF*
18 *CRITICAL MINERALS.—*

19 (A) *IN GENERAL.—*Section 1703(b) of the
20 *Energy Policy Act of 2005 (42 U.S.C. 16513(b))*
21 *is amended by adding at the end the following:*

22 “(13) *Projects that increase the domestically pro-*
23 *duced supply of critical minerals (as defined in sec-*
24 *tion 7002(a) of the Energy Act of 2020 (30 U.S.C.*
25 *1606(a)), including through the production, proc-*

1 *essing, manufacturing, recycling, or fabrication of*
2 *mineral alternatives.”.*

3 *(B) PROHIBITION ON USE OF PREVIOUSLY*
4 *APPROPRIATED FUNDS.—Amounts appropriated*
5 *to the Department of Energy before the date of*
6 *enactment of this Act shall not be made available*
7 *for the cost of loan guarantees made under para-*
8 *graph (13) of section 1703(b) of the Energy Pol-*
9 *icy Act of 2005 (42 U.S.C. 16513(b)).*

10 *(C) PROHIBITION ON USE OF PREVIOUSLY*
11 *AVAILABLE COMMITMENT AUTHORITY.—Amounts*
12 *made available to the Department of Energy for*
13 *commitments to guarantee loans under section*
14 *1703 of the Energy Policy Act of 2005 (42*
15 *U.S.C. 16513) before the date of enactment of*
16 *this Act shall not be made available for commit-*
17 *ments to guarantee loans for projects described*
18 *in paragraph (13) of section 1703(b) of the En-*
19 *ergy Policy Act of 2005 (42 U.S.C. 16513(b)).*

20 *(3) CONFLICTS OF INTEREST.—Section 1702 of*
21 *the Energy Policy Act of 2005 (42 U.S.C. 16512) is*
22 *amended by adding at the end the following:*

23 *“(r) CONFLICTS OF INTEREST.—For each project se-*
24 *lected for a guarantee under this title, the Secretary shall*

1 *certify that political influence did not impact the selection*
2 *of the project.”.*

3 (b) *ADVANCED TECHNOLOGY VEHICLE MANUFAC-*
4 *TURING.—*

5 (1) *ELIGIBILITY.—Section 136(a)(1) of the En-*
6 *ergy Independence and Security Act of 2007 (42*
7 *U.S.C. 17013(a)(1)) is amended—*

8 (A) *in subparagraph (C), by striking the*
9 *period at the end and inserting a semicolon;*

10 (B) *by redesignating subparagraphs (A)*
11 *through (C) as clauses (i) through (iii), respec-*
12 *tively, and indenting appropriately;*

13 (C) *in the matter preceding clause (i) (as so*
14 *redesignated), by striking “means an ultra” and*
15 *inserting the following: “means—*

16 *“(A) an ultra”; and*

17 (D) *by adding at the end the following:*

18 *“(B) a medium duty vehicle or a heavy*
19 *duty vehicle that exceeds 125 percent of the*
20 *greenhouse gas emissions and fuel efficiency*
21 *standards established by the final rule of the En-*
22 *vironmental Protection Agency entitled ‘Green-*
23 *house Gas Emissions and Fuel Efficiency Stand-*
24 *ards for Medium- and Heavy-Duty Engines and*

1 *Vehicles—Phase 2’ (81 Fed. Reg. 73478 (October*
2 *25, 2016));*

3 *“(C) a train or locomotive;*

4 *“(D) a maritime vessel;*

5 *“(E) an aircraft; and*

6 *“(F) hyperloop technology.”.*

7 (2) *REASONABLE PROSPECT OF REPAYMENT.—*
8 *Section 136(d) of the Energy Independence and Secu-*
9 *rity Act of 2007 (42 U.S.C. 17013(d)) is amended—*

10 *(A) by striking paragraph (3) and inserting*
11 *the following:*

12 *“(3) SELECTION OF ELIGIBLE PROJECTS.—*

13 *“(A) IN GENERAL.—The Secretary shall se-*
14 *lect eligible projects to receive loans under this*
15 *subsection if the Secretary determines that—*

16 *“(i) the loan recipient—*

17 *“(I) has a reasonable prospect of*
18 *repaying the principal and interest on*
19 *the loan;*

20 *“(II) will provide sufficient infor-*
21 *mation to the Secretary for the Sec-*
22 *retary to ensure that the qualified in-*
23 *vestment is expended efficiently and ef-*
24 *fectively; and*

1 “(III) has met such other criteria
2 as may be established and published by
3 the Secretary; and

4 “(ii) the amount of the loan (when
5 combined with amounts available to the
6 loan recipient from other sources) will be
7 sufficient to carry out the project.

8 “(B) REASONABLE PROSPECT OF REPAY-
9 MENT.—The Secretary shall base a determina-
10 tion of whether there is a reasonable prospect of
11 repayment of the principal and interest on a
12 loan under subparagraph (A)(i)(I) on a com-
13 prehensive evaluation of whether the loan recipi-
14 ent has a reasonable prospect of repaying the
15 principal and interest, including, as applicable,
16 an evaluation of—

17 “(i) the strength of the contractual
18 terms of the eligible project (if commercially
19 reasonably available);

20 “(ii) the forecast of noncontractual
21 cash flows supported by market projections
22 from reputable sources, as determined by the
23 Secretary;

24 “(iii) cash sweeps and other structure
25 enhancements;

1 “(iv) the projected financial strength of
2 the loan recipient—

3 “(I) at the time of loan close; and

4 “(II) throughout the loan term
5 after the project is completed;

6 “(v) the financial strength of the inves-
7 tors and strategic partners of the loan re-
8 cipient, if applicable; and

9 “(vi) other financial metrics and anal-
10 yses that are relied on by the private lend-
11 ing community and nationally recognized
12 credit rating agencies, as determined appro-
13 priate by the Secretary.”; and

14 (B) in paragraph (4)—

15 (i) in subparagraph (C), by striking
16 “and” after the semicolon;

17 (ii) in subparagraph (D), by striking
18 the period at the end and inserting “; and”;
19 and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(E) shall be subject to the condition that
23 the loan is not subordinate to other financing.”.

1 (3) *ADDITIONAL REFORMS.*—Section 136 of the
2 *Energy Independence and Security Act of 2007* (42
3 *U.S.C. 17013*) is amended—

4 (A) in subsection (b) by striking “ultra effi-
5 cient vehicle manufacturers, and component sup-
6 pliers” and inserting “ultra efficient vehicle
7 manufacturers, advanced technology vehicle man-
8 ufacturers, and component suppliers”;

9 (B) in subsection (h)—

10 (i) in the subsection heading, by strik-
11 ing “AUTOMOBILE” and inserting “AD-
12 VANCED TECHNOLOGY VEHICLE”; and

13 (ii) in paragraph (1)(B), by striking
14 “automobiles, or components of auto-
15 mobiles” and inserting “advanced tech-
16 nology vehicles, or components of advanced
17 technology vehicles”;

18 (C) by striking subsection (i);

19 (D) by redesignating subsection (j) as sub-
20 section (i); and

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

22 “(j) *COORDINATION.*—In carrying out this section, the
23 Secretary shall coordinate with relevant vehicle, bioenergy,
24 and hydrogen and fuel cell demonstration project activities
25 supported by the Department.

1 “(k) *OUTREACH.*—*In carrying out this section, the*
2 *Secretary shall—*

3 “(1) *provide assistance with the completion of*
4 *applications for awards or loans under this section;*
5 *and*

6 “(2) *conduct outreach, including through con-*
7 *ferences and online programs, to disseminate infor-*
8 *mation on awards and loans under this section to po-*
9 *tential applicants.*

10 “(l) *PROHIBITION ON USE OF APPROPRIATED*
11 *FUNDS.*—*Amounts appropriated to the Secretary before the*
12 *date of enactment of this subsection shall not be available*
13 *to the Secretary to provide awards under subsection (b) or*
14 *loans under subsection (d) for the costs of activities that*
15 *were not eligible for those awards or loans on the day before*
16 *that date.*

17 “(m) *REPORT.*—*Not later than 2 years after the date*
18 *of enactment of this subsection, and every 3 years thereafter,*
19 *the Secretary shall submit to Congress a report on the status*
20 *of projects supported by a loan under this section, includ-*
21 *ing—*

22 “(1) *a list of projects receiving a loan under this*
23 *section, including the loan amount and construction*
24 *status of each project;*

1 “(2) *the status of the loan repayment for each*
2 *project, including future repayment projections;*

3 “(3) *data regarding the number of direct and in-*
4 *direct jobs retained, restored, or created by financed*
5 *projects;*

6 “(4) *the number of new projects projected to re-*
7 *ceive a loan under this section in the next 2 years,*
8 *including the projected aggregate loan amount over*
9 *the next 2 years;*

10 “(5) *evaluation of ongoing compliance with the*
11 *assurances and commitments, and of the predictions,*
12 *made by applicants pursuant to paragraphs (2) and*
13 *(3) of subsection (d);*

14 “(6) *the total number of applications received by*
15 *the Department each year; and*

16 “(7) *any other metrics the Secretary determines*
17 *appropriate.”.*

18 (4) *CONFLICTS OF INTEREST.—Section 136(d) of*
19 *the Energy Independence and Security Act of 2007*
20 *(42 U.S.C. 17013(d)) is amended by adding at the*
21 *end the following:*

22 “(5) *CONFLICTS OF INTEREST.—For each eligible*
23 *project selected to receive a loan under this subsection,*
24 *the Secretary shall certify that political influence did*
25 *not impact the selection of the eligible project.”.*

1 (c) *STATE LOAN ELIGIBILITY.*—

2 (1) *DEFINITIONS.*—Section 1701 of the Energy
3 Policy Act of 2005 (42 U.S.C. 16511) is amended by
4 adding at the end the following:

5 “(6) *STATE.*—The term ‘State’ has the meaning
6 given the term in section 202 of the Energy Conserva-
7 tion and Production Act (42 U.S.C. 6802).

8 “(7) *STATE ENERGY FINANCING INSTITUTION.*—

9 “(A) *IN GENERAL.*—The term ‘State energy
10 financing institution’ means a quasi-inde-
11 pendent entity or an entity within a State agen-
12 cy or financing authority established by a
13 State—

14 “(i) to provide financing support or
15 credit enhancements, including loan guar-
16 antees and loan loss reserves, for eligible
17 projects; and

18 “(ii) to create liquid markets for eligi-
19 ble projects, including warehousing and
20 securitization, or take other steps to reduce
21 financial barriers to the deployment of ex-
22 isting and new eligible projects.

23 “(B) *INCLUSION.*—The term ‘State energy
24 financing institution’ includes an entity or orga-
25 nization established to achieve the purposes de-

1 *scribed in clauses (i) and (ii) of subparagraph*
2 *(A) by an Indian Tribal entity or an Alaska Na-*
3 *tive Corporation.”.*

4 (2) *TERMS AND CONDITIONS.—Section 1702 of*
5 *the Energy Policy Act of 2005 (42 U.S.C. 16512) is*
6 *amended—*

7 (A) *in subsection (a), by inserting “, in-*
8 *cluding projects receiving financial support or*
9 *credit enhancements from a State energy financ-*
10 *ing institution,” after “for projects”;*

11 (B) *in subsection (d)(1), by inserting “, in-*
12 *cluding a guarantee for a project receiving fi-*
13 *nancial support or credit enhancements from a*
14 *State energy financing institution,” after “No*
15 *guarantee”; and*

16 (C) *by adding at the end the following:*

17 “(r) *STATE ENERGY FINANCING INSTITUTIONS.—*

18 “(1) *ELIGIBILITY.—To be eligible for a guar-*
19 *antee under this title, a project receiving financial*
20 *support or credit enhancements from a State energy*
21 *financing institution—*

22 “(A) *shall meet the requirements of section*
23 *1703(a)(1); and*

24 “(B) *shall not be required to meet the re-*
25 *quirements of section 1703(a)(2).*

1 “(2) *PARTNERSHIPS AUTHORIZED.*—*In carrying*
2 *out a project receiving a loan guarantee under this*
3 *title, State energy financing institutions may enter*
4 *into partnerships with private entities, Tribal enti-*
5 *ties, and Alaska Native corporations.*

6 “(3) *PROHIBITION ON USE OF APPROPRIATED*
7 *FUNDS.*—*Amounts appropriated to the Department of*
8 *Energy before the date of enactment of this subsection*
9 *shall not be available to be used for the cost of loan*
10 *guarantees for projects receiving financing support or*
11 *credit enhancements under this subsection.”.*

12 *(d) LOAN GUARANTEES FOR CERTAIN ALASKA NAT-*
13 *URAL GAS TRANSPORTATION PROJECTS AND SYSTEMS.*—
14 *Section 116 of the Alaska Natural Gas Pipeline Act (15*
15 *U.S.C. 720n) is amended—*

16 *(1) in subsection (a)—*

17 *(A) in paragraph (1), by striking “to West*
18 *Coast States”; and*

19 *(B) in paragraph (3), in the second sen-*
20 *tence, by striking “to the continental United*
21 *States”;*

22 *(2) in subsection (b)(1), in the first sentence, by*
23 *striking “to West Coast States”; and*

24 *(3) in subsection (g)(4)—*

1 (A) by inserting by striking “plants
2 liquification plants and” and inserting “plants,
3 liquification plants, and”;

4 (B) by striking “to the West Coast”; and

5 (C) by striking “to the continental United
6 States”.

7 ***Subtitle B—Energy Information***
8 ***Administration***

9 **SEC. 40411. DEFINITIONS.**

10 *In this subtitle:*

11 (1) *ADMINISTRATOR.*—The term “Adminis-
12 trator” means the Administrator of the Energy Infor-
13 mation Administration.

14 (2) *ANNUAL CRITICAL MINERALS OUTLOOK.*—The
15 term “Annual Critical Minerals Outlook” means the
16 Annual Critical Minerals Outlook prepared under
17 section 7002(j)(1)(B) of the Energy Act of 2020 (30
18 U.S.C. 1606(j)(1)(B)).

19 (3) *CRITICAL MINERAL.*—The term “critical
20 mineral” has the meaning given the term in section
21 7002(a) of the Energy Act of 2020 (30 U.S.C.
22 1606(a)).

23 (4) *HOUSEHOLD ENERGY BURDEN.*—The term
24 “household energy burden” means the quotient ob-
25 tained by dividing—

1 (A) *the residential energy expenditures (as*
2 *defined in section 440.3 of title 10, Code of Fed-*
3 *eral Regulations (as in effect on the date of en-*
4 *actment of this Act)) of the applicable household;*
5 *by*

6 (B) *the annual income of that household.*

7 (5) *HOUSEHOLD WITH A HIGH ENERGY BUR-*
8 *DEN.—The term “household with a high energy bur-*
9 *den” has the meaning given the term in section 440.3*
10 *of title 10, Code of Federal Regulations (as in effect*
11 *on the date of enactment of this Act).*

12 (6) *LARGE MANUFACTURING FACILITY.—The*
13 *term “large manufacturing facility” means a manu-*
14 *facturing facility that—*

15 (A) *annually consumes more than 35,000*
16 *megawatt-hours of electricity; or*

17 (B) *has a peak power demand of more than*
18 *10 megawatts.*

19 (7) *LOAD-SERVING ENTITY.—The term “load-*
20 *servicing entity” has the meaning given the term in*
21 *section 217(a) of the Federal Power Act (16 U.S.C.*
22 *824q(a)).*

23 (8) *MISCELLANEOUS ELECTRIC LOAD.—The term*
24 *“miscellaneous electric load” means electricity that—*

25 (A) *is used by an appliance or device—*

1 (i) *within a building; or*

2 (ii) *to serve a building; and*

3 (B) *is not used for heating, ventilation, air*
 4 *conditioning, lighting, water heating, or refrig-*
 5 *eration.*

6 (9) *REGIONAL TRANSMISSION ORGANIZATION.—*
 7 *The term “Regional Transmission Organization” has*
 8 *the meaning given the term in section 3 of the Federal*
 9 *Power Act (16 U.S.C. 796).*

10 (10) *RURAL AREA.—The term “rural area” has*
 11 *the meaning given the term in section 609(a) of the*
 12 *Public Utility Regulatory Policies Act of 1978 (7*
 13 *U.S.C. 918c(a)).*

14 **SEC. 40412. DATA COLLECTION IN THE ELECTRICITY SEC-**
 15 **TOR.**

16 (a) *DASHBOARD.—*

17 (1) *ESTABLISHMENT.—*

18 (A) *IN GENERAL.—Not later than 90 days*
 19 *after the date of enactment of this Act, the Ad-*
 20 *ministrator shall establish an online database to*
 21 *track the operation of the bulk power system in*
 22 *the contiguous 48 States (referred to in this sec-*
 23 *tion as the “Dashboard”).*

24 (B) *IMPROVEMENT OF EXISTING DASH-*
 25 *BOARD.—The Dashboard may be established*

1 through the improvement, in accordance with
2 this subsection, of an existing dashboard of the
3 Energy Information Administration, such as—

4 (i) the U.S. Electric System Operating
5 Data dashboard; or

6 (ii) the Hourly Electric Grid Monitor.

7 (2) EXPANSION.—

8 (A) IN GENERAL.—Not later than 1 year
9 after the date of enactment of this Act, the Ad-
10 ministrator shall expand the Dashboard to in-
11 clude, to the maximum extent practicable, hourly
12 operating data collected from the electricity bal-
13 ancing authorities that operate the bulk power
14 system in all of the several States, each territory
15 of the United States, and the District of Colum-
16 bia.

17 (B) TYPES OF DATA.—The hourly operating
18 data collected under subparagraph (A) may in-
19 clude data relating to—

20 (i) total electricity demand;

21 (ii) electricity demand by subregion;

22 (iii) short-term electricity demand
23 forecasts;

24 (iv) total electricity generation;

1 (v) *net electricity generation by fuel*
2 *type, including renewables;*

3 (vi) *electricity stored and discharged;*

4 (vii) *total net electricity interchange;*

5 (viii) *electricity interchange with di-*
6 *rectly interconnected balancing authorities;*

7 *and*

8 (ix) *where available, the estimated*
9 *marginal greenhouse gas emissions per*
10 *megawatt hour of electricity generated—*

11 (I) *within the metered boundaries*
12 *of each balancing authority; and*

13 (II) *for each pricing node.*

14 (b) *MIX OF ENERGY SOURCES.—*

15 (1) *IN GENERAL.—Not later than 1 year after*
16 *the date of enactment of this Act, the Administrator*
17 *shall establish, in accordance with section 40419 and*
18 *this subsection and to the extent the Administrator*
19 *determines to be appropriate, a system to harmonize*
20 *the operating data on electricity generation collected*
21 *under subsection (a) with—*

22 (A) *measurements of greenhouse gas and*
23 *other pollutant emissions collected by the Envi-*
24 *ronmental Protection Agency;*

1 (B) other data collected by the Environ-
2 mental Protection Agency or other relevant Fed-
3 eral agencies, as the Administrator determines to
4 be appropriate; and

5 (C) data collected by State or regional en-
6 ergy credit registries.

7 (2) *OUTCOMES.*—The system established under
8 paragraph (1) shall result in an integrated dataset
9 that includes, for any given time—

10 (A) the net generation of electricity by
11 megawatt hour within the metered boundaries of
12 each balancing authority; and

13 (B) where available, the average and mar-
14 ginal greenhouse gas emissions by megawatt
15 hour of electricity generated within the metered
16 boundaries of each balancing authority.

17 (3) *REAL-TIME DATA DISSEMINATION.*—To the
18 maximum extent practicable, the system established
19 under paragraph (1) shall disseminate data—

20 (A) on a real-time basis; and

21 (B) through an application programming
22 interface that is publicly accessible.

23 (4) *COMPLEMENTARY EFFORTS.*—The system es-
24 tablished under paragraph (1) shall complement any
25 existing data dissemination efforts of the Adminis-

1 *trator that make use of electricity generation data,*
2 *such as electricity demand by subregion and elec-*
3 *tricity interchange with directly interconnected bal-*
4 *ancing authorities.*

5 *(c) OBSERVED CHARACTERISTICS OF BULK POWER*
6 *SYSTEM RESOURCE INTEGRATION.—*

7 *(1) IN GENERAL.—Not later than 1 year after*
8 *the date of enactment of this Act, the Administrator*
9 *shall establish a system to provide to the public time-*
10 *ly data on the integration of energy resources into the*
11 *bulk power system and the electric distribution grids*
12 *in the United States, and the observed effects of that*
13 *integration.*

14 *(2) REQUIREMENTS.—In carrying out para-*
15 *graph (1), the Administrator shall seek to improve the*
16 *temporal and spatial resolution of data relating to*
17 *how grid operations are changing, such as through—*

18 *(A) thermal generator cycling to accommo-*
19 *date intermittent generation;*

20 *(B) generation unit self-scheduling prac-*
21 *tices;*

22 *(C) renewable source curtailment;*

23 *(D) utility-scale storage;*

24 *(E) load response;*

1 (F) aggregations of distributed energy re-
2 sources at the distribution system level;

3 (G) power interchange between directly con-
4 nected balancing authorities;

5 (H) expanding Regional Transmission Or-
6 ganization balancing authorities;

7 (I) improvements in real-time—

8 (i) accuracy of locational marginal
9 prices; and

10 (ii) signals to flexible demand; and

11 (J) disruptions to grid operations, includ-
12 ing disruptions caused by cyber sources, physical
13 sources, extreme weather events, or other sources.

14 (d) *DISTRIBUTION SYSTEM OPERATIONS.*—

15 (1) *IN GENERAL.*—Not later than 1 year after
16 the date of enactment of this Act, the Administrator
17 shall establish a system to provide to the public time-
18 ly data on the operations of load-serving entities in
19 the electricity grids of the United States.

20 (2) *REQUIREMENTS.*—

21 (A) *IN GENERAL.*—In carrying out para-
22 graph (1), the Administrator shall—

23 (i) not less frequently than annually,
24 provide data on—

1 (I) the delivered generation re-
2 source mix for each load-serving entity;
3 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 gas
10 emissions collected by the Environmental
11 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 GENERATION
23 RESOURCE MIX.—In collecting the data described
24 in subparagraph (A)(i)(I), the Administrator
25 shall—

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 electricity;*

7 (ii) *consider that generation and*
8 *transmission entities may provide data on*
9 *behalf of load-serving entities;*

10 (iii) *to the extent that the Adminis-*
11 *trator determines necessary, and in a man-*
12 *ner designed to protect confidential infor-*
13 *mation, require each load-serving entity to*
14 *submit additional information as needed to*
15 *determine the delivered generation resource*
16 *mix of the load-serving entity, including fi-*
17 *nancial or contractual agreements for power*
18 *and generation resource type attributes with*
19 *respect to power owned by or retired by the*
20 *load-serving entity; and*

21 (iv) *for any portion of the generation*
22 *resource mix of a load-serving entity that is*
23 *otherwise unaccounted for, develop a meth-*
24 *odology to assign to the load-serving entity*
25 *a share of the otherwise unaccounted for re-*

1 *source mix of the relevant balancing author-*
2 *ity.*

3 **SEC. 40413. EXPANSION OF ENERGY CONSUMPTION SUR-**
4 **VEYS.**

5 *(a) IN GENERAL.—Not later than 2 years after the*
6 *date of enactment of this Act, the Administrator shall im-*
7 *plement measures to expand the Manufacturing Energy*
8 *Consumption Survey, the Commercial Building Energy*
9 *Consumption Survey, and the Residential Energy Con-*
10 *sumption Survey to include data on energy end use in order*
11 *to facilitate the identification of—*

12 *(1) opportunities to improve energy efficiency*
13 *and energy productivity;*

14 *(2) changing patterns of energy use; and*

15 *(3) opportunities to better understand and man-*
16 *age miscellaneous electric loads.*

17 *(b) REQUIREMENTS.—*

18 *(1) IN GENERAL.—In carrying out subsection*
19 *(a), the Administrator shall—*

20 *(A) increase the scope and frequency of data*
21 *collection on energy end uses and services;*

22 *(B) use new data collection methods and*
23 *tools in order to obtain more comprehensive data*
24 *and reduce the burden on survey respondents, in-*
25 *cluding by—*

1 (i) *accessing other existing data*
2 *sources; and*

3 (ii) *if feasible, developing online and*
4 *real-time reporting systems;*

5 (C) *identify and report community-level*
6 *economic and environmental impacts, including*
7 *with respect to—*

8 (i) *the reliability and security of the*
9 *energy supply; and*

10 (ii) *local areas with households with a*
11 *high energy burden; and*

12 (D) *improve the presentation of data, in-*
13 *cluding by—*

14 (i) *enabling the presentation of data in*
15 *an interactive cartographic format on a na-*
16 *tional, regional, State, and local level with*
17 *the functionality of viewing various eco-*
18 *nomics, energy, and demographic measures*
19 *on an individual basis or in combination;*
20 *and*

21 (ii) *incorporating the results of the*
22 *data collection, methods, and tools described*
23 *in subparagraphs (A) and (B) into existing*
24 *and new digital distribution methods.*

1 (2) *MANUFACTURING ENERGY CONSUMPTION*
2 *SURVEY.*—*With respect to the Manufacturing Energy*
3 *Consumption Survey, the Administrator shall—*

4 (A) *implement measures to provide more*
5 *detailed representations of data by region;*

6 (B) *for large manufacturing facilities, break*
7 *out process heat use by required process tempera-*
8 *tures in order to facilitate the identification of*
9 *opportunities for cost reductions and energy effi-*
10 *ciency or energy productivity improvements;*

11 (C) *collect information on—*

12 (i) *energy source-switching capabili-*
13 *ties, especially with respect to thermal proc-*
14 *esses and the efficiency of thermal processes;*

15 (ii) *the use of electricity, biofuels, hy-*
16 *drogen, or other alternative fuels to produce*
17 *process heat; and*

18 (iii) *the use of demand response; and*

19 (D) *identify current and potential future*
20 *industrial clusters in which multiple firms and*
21 *facilities in a defined geographic area share the*
22 *costs and benefits of infrastructure for clean*
23 *manufacturing, such as—*

1 (i) *hydrogen generation, production,*
2 *transport, use, and storage infrastructure;*
3 *and*

4 (ii) *carbon dioxide capture, transport,*
5 *use, and storage infrastructure.*

6 (3) *RESIDENTIAL ENERGY CONSUMPTION SUR-*
7 *VEY.—With respect to the Residential Energy Con-*
8 *sumption Survey, the Administrator shall—*

9 (A) *implement measures to provide more*
10 *detailed representations of data by—*

11 (i) *geographic area, including by State*
12 *(for each State);*

13 (ii) *building type, including multi-*
14 *family buildings;*

15 (iii) *household income;*

16 (iv) *location in a rural area; and*

17 (v) *other demographic characteristics,*
18 *as determined by the Administrator; and*

19 (B) *report measures of—*

20 (i) *household electrical service capac-*
21 *ity;*

22 (ii) *access to utility demand-side man-*
23 *agement programs and bill credits;*

- 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 date
4 of enactment of this Act, the Administrator shall develop
5 and implement measures to expand data collection with re-
6 spect to electric vehicle integration with the electricity grids.

7 (b) *SOURCES OF DATA.*—The sources of the data col-
8 lected pursuant to subsection (a) may include—

9 (1) *host-owned or charging-network-owned elec-*
10 *tric vehicle charging stations;*

11 (2) *aggregators of charging-network electricity*
12 *demand;*

13 (3) *electric utilities offering managed-charging*
14 *programs;*

15 (4) *individual, corporate, or public owners of*
16 *electric vehicles; and*

17 (5) *balancing authority analyses of—*

18 (A) *transformer loading congestion; and*

19 (B) *distribution-system congestion.*

20 (c) *CONSULTATION AND COORDINATION.*—In carrying
21 out subsection (a), the Administrator may consult and enter
22 into agreements with other institutions having relevant
23 data and data collection capabilities, such as—

24 (1) *the Secretary of Transportation;*

25 (2) *the Secretary;*

1 (3) *the Administrator of the Environmental Pro-*
2 *tection 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 after*
10 *the date of enactment of this Act, the Administrator,*
11 *in coordination with the Director of the United States*
12 *Geological Survey, shall develop a plan for the mod-*
13 *eling and forecasting of demand for energy tech-*
14 *nologies, including for energy production, trans-*
15 *mission, or storage purposes, that use minerals that*
16 *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 *ergy-storing technologies entering commercializa-*
2 *tion.*

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 United*
13 *States Geological Survey, determines are needed for*
14 *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 tra-*
19 *jectories of emerging energy-producing and energy-*
20 *storing technologies; and*

21 (2) *the Secretary of the Interior, acting through*
22 *the Director of the United States Geological Survey—*

23 (A) *to ensure coordination;*

24 (B) *to avoid duplicative effort; and*

1 (C) to align the analysis of demand with
2 data and analysis of where the minerals are pro-
3 duced, refined, and subsequently processed into
4 materials and parts that are used to build en-
5 ergy technologies.

6 **SEC. 40416. EXPANSION OF INTERNATIONAL ENERGY DATA.**

7 (a) *IN GENERAL.*—Not later than 1 year after the date
8 of enactment of this Act, the Administrator shall implement
9 measures to expand and improve the international energy
10 data resources of the Energy Information Administration
11 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 fa-
19 cilities or infrastructure.

20 (b) *REQUIREMENTS.*—In carrying out subsection (a),
21 the Administrator shall—

22 (1) work with, and leverage the data resources of,
23 the International Energy Agency;

1 (2) *include detail on energy consumption by fuel,*
2 *economic sector, and end use within countries for*
3 *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 systems*
25 *that provide hydrogen, high-value heat, electricity,*

1 *and chemical synthesis services, including inter-*
2 *actions of those energy systems with the electricity*
3 *grids, pipeline networks, and the broader economy;*

4 (5) *demand response and improved representa-*
5 *tion of energy storage, including long-duration stor-*
6 *age, in capacity expansion models;*

7 (6) *electrification, particularly with respect to*
8 *the transportation, industrial, and buildings sectors;*

9 (7) *increasing model resolution to represent all*
10 *hours of the year and all electricity generators;*

11 (8) *wholesale electricity market design and the*
12 *appropriate valuation of all services that support the*
13 *reliability of electricity grids, such as—*

14 (A) *battery storage; and*

15 (B) *synthetic inertia from grid-tied invert-*
16 *ers;*

17 (9) *economic modeling of the role of energy effi-*
18 *ciency, demand response, electricity storage, and a*
19 *variety of distributed generation technologies;*

20 (10) *the production, transport, use, and storage*
21 *of carbon dioxide, hydrogen, and hydrogen carriers;*

22 (11) *greater flexibility in—*

23 (A) *the modeling of the environmental im-*
24 *pacts of electricity systems, such as—*

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 modeling,
6 such as the climate modeling performed by the
7 Office of Biological and Environmental Research
8 in the Office of Science of the Department;

9 (12) technologies that are in an early stage of
10 commercial deployment and have been identified by
11 the Secretary as candidates for large-scale demonstra-
12 tion projects, such as—

13 (A) carbon capture, transport, use, and
14 storage from any source or economic sector;

15 (B) direct air capture;

16 (C) hydrogen production, including via elec-
17 trolysis;

18 (D) synthetic and biogenic hydrocarbon liq-
19 uid and gaseous fuels;

20 (E) supercritical carbon dioxide combustion
21 turbines;

22 (F) industrial fuel cell and hydrogen com-
23 bustion equipment; and

24 (G) industrial electric boilers;

1 (13) increased and improved data sources and
2 tools, including—

3 (A) the establishment of technology and cost
4 baselines, including technology learning rates;

5 (B) economic and employment impacts of
6 energy system policies and energy prices on
7 households, as a function of household income
8 and region; and

9 (C) the use of behavioral economics to in-
10 form demand modeling in all sectors; and

11 (14) striving to migrate toward a single, con-
12 sistent, and open-source modeling platform, and in-
13 creasing open access to model systems, data, and out-
14 comes, for—

15 (A) disseminating reference scenarios that
16 can be transparently and broadly replicated; and

17 (B) promoting the development of the re-
18 searcher and analyst workforce needed to con-
19 tinue the development and validation of im-
20 proved energy system models in the future.

21 **SEC. 40418. REPORT ON COSTS OF CARBON ABATEMENT IN**
22 **THE ELECTRICITY SECTOR.**

23 Not later than 270 days after the date of enactment
24 of this Act, the Administrator shall submit to Congress a
25 report on—

1 (1) *the potential use of levelized cost of carbon*
2 *abatement or a similar metric in analyzing genera-*
3 *tors of electricity, including an identification of limi-*
4 *tations and appropriate uses of the metric;*

5 (2) *the feasibility and impact of incorporating*
6 *levelized cost of carbon abatement in long-term fore-*
7 *casts—*

8 (A) *to compare technical approaches and*
9 *understand real-time changes in fossil-fuel and*
10 *nuclear dispatch;*

11 (B) *to compare the system-level costs of*
12 *technology options to reduce emissions; and*

13 (C) *to compare the costs of policy options,*
14 *including current policies, regarding valid and*
15 *verifiable reductions and removals of carbon; and*

16 (3)(A) *a potential process to measure carbon di-*
17 *oxide emissions intensity per unit of output produc-*
18 *tion for a range of—*

19 (i) *energy sources;*

20 (ii) *sectors; and*

21 (iii) *geographic regions; and*

22 (B) *a corresponding process to provide an*
23 *empirical framework for reporting the status and*
24 *costs of carbon dioxide reduction relative to spec-*
25 *ified goals.*

1 **SEC. 40419. HARMONIZATION OF EFFORTS AND DATA.**

2 *Not later than 1 year after the date of enactment of*
3 *this Act, the Administrator shall establish a system to har-*
4 *monize, to the maximum extent practicable and consistent*
5 *with data integrity—*

6 *(1) the data collection efforts of the Adminis-*
7 *trator, including any data collection required under*
8 *this subtitle, with the data collection efforts of—*

9 *(A) the Environmental Protection Agency,*
10 *as the Administrator determines to be appro-*
11 *priate;*

12 *(B) other relevant Federal agencies, as the*
13 *Administrator determines to be appropriate; and*

14 *(C) State or regional energy credit reg-*
15 *istries, as the Administrator determines to be ap-*
16 *propriate;*

17 *(2) the data collected under this subtitle, includ-*
18 *ing the operating data on electricity generation col-*
19 *lected under section 40412(a), with data collected by*
20 *the entities described in subparagraphs (A) through*
21 *(C) of paragraph (1), including any measurements of*
22 *greenhouse gas and other pollutant emissions collected*
23 *by the Environmental Protection Agency, as the Ad-*
24 *ministrator determines to be appropriate; and*

25 *(3) the efforts of the Administrator to identify*
26 *and report relevant impacts, opportunities, and pat-*

1 *terns with respect to energy use, including the identi-*
 2 *fication of community-level economic and environ-*
 3 *mental impacts required under section*
 4 *40413(b)(1)(C), with the efforts of the Environmental*
 5 *Protection Agency and other relevant Federal agen-*
 6 *cies, as determined by the Administrator, to identify*
 7 *similar impacts, opportunities, and patterns.*

8 ***Subtitle C—Miscellaneous***

9 ***SEC. 40431. CONSIDERATION OF MEASURES TO PROMOTE***
 10 ***GREATER ELECTRIFICATION OF THE TRANS-***
 11 ***PORTATION SECTOR.***

12 *(a) IN GENERAL.—Section 111(d) of the Public Utility*
 13 *Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as*
 14 *amended by section 40104(a)(1)) is amended by adding at*
 15 *the end the following:*

16 *“(21) ELECTRIC VEHICLE CHARGING PRO-*
 17 *GRAMS.—Each State shall consider measures to pro-*
 18 *mote greater electrification of the transportation sec-*
 19 *tor, including the establishment of rates that—*

20 *“(A) promote affordable and equitable elec-*
 21 *tric vehicle charging options for residential, com-*
 22 *mercial, and public electric vehicle charging in-*
 23 *frastructure;*

24 *“(B) improve the customer experience asso-*
 25 *ciated with electric vehicle charging, including*

1 *by reducing charging times for light-, medium-*
2 *, and heavy-duty vehicles;*

3 “(C) *accelerate third-party investment in*
4 *electric vehicle charging for light-, medium-, and*
5 *heavy-duty vehicles; and*

6 “(D) *appropriately recover the marginal*
7 *costs of delivering electricity to electric vehicles*
8 *and electric vehicle charging infrastructure.”.*

9 **(b) COMPLIANCE.—**

10 **(1) TIME LIMITATION.—***Section 112(b) of the*
11 *Public Utility Regulatory Policies Act of 1978 (16*
12 *U.S.C. 2622(b)) (as amended by section*
13 *40104(a)(2)(A)) is amended by adding at the end the*
14 *following:*

15 “(8)(A) *Not later than 1 year after the date of*
16 *enactment of this paragraph, each State regulatory*
17 *authority (with respect to each electric utility for*
18 *which the State has ratemaking authority) and each*
19 *nonregulated utility shall commence consideration*
20 *under section 111, or set a hearing date for consider-*
21 *ation, with respect to the standard established by*
22 *paragraph (21) of section 111(d).*

23 “(B) *Not later than 2 years after the date*
24 *of enactment of this paragraph, each State regu-*
25 *latory authority (with respect to each electric*

1 *utility for which the State has ratemaking au-*
2 *thority), and each nonregulated electric utility*
3 *shall complete the consideration and make the*
4 *determination under section 111 with respect to*
5 *the standard established by paragraph (21) of*
6 *section 111(d).”.*

7 (2) *FAILURE TO COMPLY.*—Section 112(c) of the
8 *Public Utility Regulatory Policies Act of 1978 (16*
9 *U.S.C. 2622(c)) (as amended by section*
10 *40104(a)(2)(B)(i)) is amended by adding at the end*
11 *the following: “In the case of the standard established*
12 *by paragraph (21) of section 111(d), the reference*
13 *contained in this subsection to the date of enactment*
14 *of this Act shall be deemed to be a reference to the*
15 *date of enactment of that paragraph (21).”.*

16 (3) *PRIOR STATE ACTIONS.*—

17 (A) *IN GENERAL.*—Section 112 of the *Public*
18 *Utility Regulatory Policies Act of 1978 (16*
19 *U.S.C. 2622) (as amended by section*
20 *40104(a)(2)(C)(i)) is amended by adding at the*
21 *end the following:*

22 “(h) *OTHER PRIOR STATE ACTIONS.*—Subsections (b)
23 *and (c) shall not apply to the standard established by para-*
24 *graph (21) of section 111(d) in the case of any electric util-*

1 *ity in a State if, before the date of enactment of this sub-*
2 *section—*

3 “(1) *the State has implemented for the electric*
4 *utility the standard (or a comparable standard);*

5 “(2) *the State regulatory authority for the State*
6 *or the relevant nonregulated electric utility has con-*
7 *ducted a proceeding to consider implementation of the*
8 *standard (or a comparable standard) for the electric*
9 *utility; or*

10 “(3) *the State legislature has voted on the imple-*
11 *mentation of the standard (or a comparable stand-*
12 *ard) for the electric utility during the 3-year period*
13 *ending on that date of enactment.”.*

14 (B) *CROSS-REFERENCE.—Section 124 of the*
15 *Public Utility Regulatory Policies Act of 1978*
16 *(16 U.S.C. 2634) (as amended by section*
17 *40104(a)(2)(C)(ii)(II)) is amended by adding at*
18 *the end the following: “In the case of the stand-*
19 *ard established by paragraph (21) of section*
20 *111(d), the reference contained in this section to*
21 *the date of enactment of this Act shall be deemed*
22 *to be a reference to the date of enactment of that*
23 *paragraph (21).”.*

1 **SEC. 40432. OFFICE OF PUBLIC PARTICIPATION.**

2 *Section 319 of the Federal Power Act (16 U.S.C. 825q–*
3 *1) is amended—*

4 *(1) in subsection (a)(2)—*

5 *(A) in subparagraph (A), by striking the*
6 *third sentence; and*

7 *(B) in subparagraph (B)—*

8 *(i) by striking the third sentence and*
9 *inserting the following: “The Director shall*
10 *be compensated at a rate of pay not greater*
11 *than the maximum rate of pay prescribed*
12 *for a senior executive in the Senior Execu-*
13 *tive Service under section 5382 of title 5,*
14 *United States Code.”; and*

15 *(ii) by striking the first sentence; and*

16 *(2) in subsection (b), by striking paragraph (4).*

17 **SEC. 40433. DIGITAL CLIMATE SOLUTIONS REPORT.**

18 *(a) IN GENERAL.—Not later than 1 year after the date*
19 *of enactment of this Act, the Secretary, in consultation with*
20 *appropriate Federal agencies and relevant stakeholders,*
21 *shall submit to the Committee on Energy and Natural Re-*
22 *sources of the Senate and the Committee on Energy and*
23 *Commerce of the House of Representatives a report that as-*
24 *sesses using digital tools and platforms as climate solutions,*
25 *including—*

26 *(1) artificial intelligence and machine learning;*

1 (2) *blockchain technologies and distributed ledgers;*
2

3 (3) *crowdsourcing platforms;*

4 (4) *the Internet of Things;*

5 (5) *distributed computing for the grid; and*

6 (6) *software and systems.*

7 (b) *CONTENTS.—The report required under subsection*
8 *(a) shall include—*

9 (1) *as practicable, a full inventory and assess-*
10 *ment of digital climate solutions;*

11 (2) *an analysis of how the private sector can uti-*
12 *lize the digital tools and platforms included in the in-*
13 *ventory under paragraph (1) to accelerate digital cli-*
14 *mate solutions; and*

15 (3) *a summary of opportunities to enhance the*
16 *standardization of voluntary and regulatory climate*
17 *disclosure protocols, including enabling the data to be*
18 *disseminated through an application programming*
19 *interface that is accessible to the public.*

1 **SEC. 40434. STUDY AND REPORT BY THE SECRETARY OF EN-**
2 **ERGY ON JOB LOSS AND IMPACTS ON CON-**
3 **SUMER ENERGY COSTS DUE TO THE REVOCA-**
4 **TION OF THE PERMIT FOR THE KEYSTONE XL**
5 **PIPELINE.**

6 (a) *DEFINITION OF EXECUTIVE ORDER.*—*In this sec-*
7 *tion, the term “Executive Order” means Executive Order*
8 *13990 (86 Fed. Reg. 7037; relating to protecting public*
9 *health and the environment and restoring science to tackle*
10 *the climate crisis).*

11 (b) *STUDY AND REPORT.*—*The Secretary shall—*

12 (1) *conduct a study to estimate—*

13 (A) *the total number of jobs that were lost*
14 *as a direct or indirect result of section 6 of the*
15 *Executive Order over the 10-year period begin-*
16 *ning on the date on which the Executive Order*
17 *was issued; and*

18 (B) *the impact on consumer energy costs*
19 *that are projected to result as a direct or indirect*
20 *result of section 6 of the Executive Order over the*
21 *10-year period beginning on the date on which*
22 *the Executive Order was issued; and*

23 (2) *not later than 90 days after the date of en-*
24 *actment of this Act, submit to Congress a report de-*
25 *scribing the findings of the study conducted under*
26 *paragraph (1).*

1 **SEC. 40435. STUDY ON IMPACT OF ELECTRIC VEHICLES.**

2 *Not later than 120 days after the date of enactment*
 3 *of this Act, the Secretary shall conduct, and submit to Con-*
 4 *gress a report describing the results of, a study on the cradle*
 5 *to grave environmental impact of electric vehicles.*

6 **SEC. 40436. STUDY ON IMPACT OF FORCED LABOR IN CHINA**
 7 **ON THE ELECTRIC VEHICLE SUPPLY CHAIN.**

8 *Not later than 120 days after the date of enactment*
 9 *of this Act, the Secretary, in coordination with the Sec-*
 10 *retary of State and the Secretary of Commerce, shall study*
 11 *the impact of forced labor in China on the electric vehicle*
 12 *supply chain.*

13 **TITLE V—ENERGY EFFICIENCY**
 14 **AND BUILDING INFRASTRUC-**
 15 **TURE**

16 **Subtitle A—Residential and**
 17 **Commercial Energy Efficiency**

18 **SEC. 40501. DEFINITIONS.**

19 *In this subtitle:*

20 (1) *PRIORITY STATE.*—*The term “priority State”*
 21 *means a State that—*

22 (A) *is eligible for funding under the State*
 23 *Energy Program; and*

24 (B)(i) *is among the 15 States with the high-*
 25 *est annual per-capita combined residential and*
 26 *commercial sector energy consumption, as most*

1 *recently reported by the Energy Information Ad-*
2 *ministration; or*

3 *(ii) is among the 15 States with the highest*
4 *annual per-capita energy-related carbon dioxide*
5 *emissions by State, as most recently reported by*
6 *the Energy Information Administration.*

7 (2) *PROGRAM.*—*The term “program” means the*
8 *program established under section 40502(a).*

9 (3) *STATE.*—*The term “State” means a State*
10 *(as defined in section 3 of the Energy Policy and*
11 *Conservation Act (42 U.S.C. 6202)), acting through a*
12 *State energy office.*

13 (4) *STATE ENERGY PROGRAM.*—*The term “State*
14 *Energy Program” means the State Energy Program*
15 *established under part D of title III of the Energy*
16 *Policy and Conservation Act (42 U.S.C. 6321 et seq.).*

17 **SEC. 40502. ENERGY EFFICIENCY REVOLVING LOAN FUND**
18 **CAPITALIZATION GRANT PROGRAM.**

19 (a) *IN GENERAL.*—*Not later than 1 year after the date*
20 *of enactment of this Act, under the State Energy Program,*
21 *the Secretary shall establish a program under which the*
22 *Secretary shall provide capitalization grants to States to*
23 *establish a revolving loan fund under which the State shall*
24 *provide loans and grants, as applicable, in accordance with*
25 *this section.*

1 **(b) DISTRIBUTION OF FUNDS.—**

2 **(1) ALL STATES.—**

3 **(A) IN GENERAL.—***Of the amounts made*
4 *available under subsection (j), the Secretary shall*
5 *use 40 percent to provide capitalization grants*
6 *to States that are eligible for funding under the*
7 *State Energy Program, in accordance with the*
8 *allocation formula established under section*
9 *420.11 of title 10, Code of Federal Regulations*
10 *(or successor regulations).*

11 **(B) REMAINING FUNDING.—***After applying*
12 *the allocation formula described in subparagraph*
13 *(A), the Secretary shall redistribute any un-*
14 *claimed funds to the remaining States seeking*
15 *capitalization grants under that subparagraph.*

16 **(2) PRIORITY STATES.—**

17 **(A) IN GENERAL.—***Of the amounts made*
18 *available under subsection (j), the Secretary shall*
19 *use 60 percent to provide supplemental capital-*
20 *ization grants to priority States in accordance*
21 *with an allocation formula determined by the*
22 *Secretary.*

23 **(B) REMAINING FUNDING.—***After applying*
24 *the allocation formula described in subparagraph*
25 *(A), the Secretary shall redistribute any un-*

1 *claimed funds to the remaining priority States*
2 *seeking supplemental capitalization grants under*
3 *that subparagraph.*

4 (C) *GRANT AMOUNT.—*

5 (i) *MAXIMUM AMOUNT.—The amount*
6 *of a supplemental capitalization grant pro-*
7 *vided to a State under this paragraph shall*
8 *not exceed \$15,000,000.*

9 (ii) *SUPPLEMENT NOT SUPPLANT.—A*
10 *supplemental capitalization grant received*
11 *by a State under this paragraph shall sup-*
12 *plement, not supplant, a capitalization*
13 *grant received by that State under para-*
14 *graph (1).*

15 (c) *APPLICATIONS FOR CAPITALIZATION GRANTS.—A*

16 *State seeking a capitalization grant under the program*
17 *shall submit to the Secretary an application at such time,*
18 *in such manner, and containing such information as the*
19 *Secretary may require, including—*

20 (1) *a detailed explanation of how the grant will*
21 *be used, including a plan to establish a new revolving*
22 *loan fund or use an existing revolving loan fund;*

23 (2) *the need of eligible recipients for loans and*
24 *grants in the State for assistance with conducting en-*
25 *ergy audits;*

1 (3) *a description of the expected benefits that*
2 *building infrastructure and energy system upgrades*
3 *and retrofits will have on communities in the State;*
4 *and*

5 (4) *in the case of a priority State seeking a sup-*
6 *plemental capitalization grant under subsection*
7 *(b)(2), a justification for needing the supplemental*
8 *funding.*

9 (d) *TIMING.—*

10 (1) *IN GENERAL.—The Secretary shall establish*
11 *a timeline with dates by, or periods by the end of,*
12 *which a State shall—*

13 (A) *on receipt of a capitalization grant*
14 *under the program, deposit the grant funds into*
15 *a revolving loan fund; and*

16 (B) *begin using the capitalization grant as*
17 *described in subsection (e)(1).*

18 (2) *USE OF GRANT.—Under the timeline estab-*
19 *lished under paragraph (1), a State shall be required*
20 *to begin using a capitalization grant not more than*
21 *180 days after the date on which the grant is received.*

22 (e) *USE OF GRANT FUNDS.—*

23 (1) *IN GENERAL.—A State that receives a cap-*
24 *italization grant under the program—*

1 (A) shall provide loans in accordance with
2 paragraph (2); and

3 (B) may provide grants in accordance with
4 paragraph (3).

5 (2) LOANS.—

6 (A) COMMERCIAL ENERGY AUDIT.—

7 (i) IN GENERAL.—A State that receives
8 a capitalization grant under the program
9 may provide a loan to an eligible recipient
10 described in clause (iv) to conduct a com-
11 mercial energy audit.

12 (ii) AUDIT REQUIREMENTS.—A com-
13 mercial energy audit conducted using a
14 loan provided under clause (i) shall—

15 (I) determine the overall con-
16 sumption of energy of the facility of
17 the eligible recipient;

18 (II) identify and recommend
19 lifecycle cost-effective opportunities to
20 reduce the energy consumption of the
21 facility of the eligible recipient, includ-
22 ing through energy efficient—

23 (aa) lighting;

24 (bb) heating, ventilation, and
25 air conditioning systems;

- 1 (cc) windows;
- 2 (dd) appliances; and
- 3 (ee) insulation and building
- 4 envelopes;
- 5 (III) estimate the energy and cost
- 6 savings potential of the opportunities
- 7 identified in subclause (II) using soft-
- 8 ware approved by the Secretary;
- 9 (IV) identify—
- 10 (aa) the period and level of
- 11 peak energy demand for each
- 12 building within the facility of the
- 13 eligible recipient; and
- 14 (bb) the sources of energy
- 15 consumption that are contributing
- 16 the most to that period of peak en-
- 17 ergy demand;
- 18 (V) recommend controls and man-
- 19 agement systems to reduce or redis-
- 20 tribute peak energy consumption; and
- 21 (VI) estimate the total energy and
- 22 cost savings potential for the facility of
- 23 the eligible recipient if all rec-
- 24 ommended upgrades and retrofits are

1 *implemented, using software approved*
2 *by the Secretary.*

3 *(iii) ADDITIONAL AUDIT INCLU-*
4 *SIONS.—A commercial energy audit con-*
5 *ducted using a loan provided under clause*
6 *(i) may recommend strategies to increase*
7 *energy efficiency of the facility of the eligi-*
8 *ble recipient through use of electric systems*
9 *or other high-efficiency systems utilizing*
10 *fuels, including natural gas and hydrogen.*

11 *(iv) ELIGIBLE RECIPIENTS.—An eligi-*
12 *ble recipient under clause (i) is a business*
13 *that—*

14 *(I) conducts the majority of its*
15 *business in the State that provides the*
16 *loan under that clause; and*

17 *(II) owns or operates—*

18 *(aa) 1 or more commercial*
19 *buildings; or*

20 *(bb) commercial space within*
21 *a building that serves multiple*
22 *functions, such as a building for*
23 *commercial and residential oper-*
24 *ations.*

25 *(B) RESIDENTIAL ENERGY AUDITS.—*

1 (i) *IN GENERAL.*—A State that receives
2 a capitalization grant under the program
3 may provide a loan to an eligible recipient
4 described in clause (iv) to conduct a resi-
5 dential energy audit.

6 (ii) *RESIDENTIAL ENERGY AUDIT RE-*
7 *QUIREMENTS.*—A residential energy audit
8 conducted using a loan under clause (i)
9 shall—

10 (I) *utilize the same evaluation*
11 *criteria as the Home Performance As-*
12 *essment used in the Energy Star pro-*
13 *gram established under section 324A of*
14 *the Energy Policy and Conservation*
15 *Act (42 U.S.C. 6294a);*

16 (II) *recommend lifecycle cost-effec-*
17 *tive opportunities to reduce energy*
18 *consumption within the residential*
19 *building of the eligible recipient, in-*
20 *cluding through energy efficient—*

21 (aa) *lighting;*

22 (bb) *heating, ventilation, and*
23 *air conditioning systems;*

24 (cc) *windows;*

25 (dd) *appliances; and*

1 *(ee) insulation and building*
2 *envelopes;*

3 *(III) recommend controls and*
4 *management systems to reduce or re-*
5 *distribute peak energy consumption;*

6 *(IV) compare the energy consump-*
7 *tion of the residential building of the*
8 *eligible recipient to comparable resi-*
9 *dential buildings in the same geo-*
10 *graphic area; and*

11 *(V) provide a Home Energy*
12 *Score, or equivalent score (as deter-*
13 *mined by the Secretary), for the resi-*
14 *dential building of the eligible recipi-*
15 *ent by using the Home Energy Score*
16 *Tool of the Department or an equiva-*
17 *lent scoring tool.*

18 *(iii) ADDITIONAL AUDIT INCLU-*
19 *SIONS.—A residential energy audit con-*
20 *ducted using a loan provided under clause*
21 *(i) may recommend strategies to increase*
22 *energy efficiency of the facility of the eligi-*
23 *ble recipient through use of electric systems*
24 *or other high-efficiency systems utilizing*
25 *fuels, including natural gas and hydrogen.*

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 receives
14 a capitalization grant under the program
15 may provide a loan to an eligible recipient
16 described in clause (ii) to carry out up-
17 grades or retrofits of building infrastructure
18 and systems that—

19 (I) *are recommended in the com-*
20 *mercial energy audit or residential en-*
21 *ergy audit, as applicable, completed for*
22 *the building or facility of the eligible*
23 *recipient;*

24 (II) *satisfy at least 1 of the cri-*
25 *teria in the Home Performance Assess-*

1 *ment used in the Energy Star program*
2 *established under section 324A of the*
3 *Energy Policy and Conservation Act*
4 *(42 U.S.C. 6294a);*

5 *(III) improve, with respect to the*
6 *building or facility of the eligible re-*
7 *ipient—*

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-effective;*
15 *and*

16 *(bb)(AA) reduce the energy inten-*
17 *sity of the building or facility of the el-*
18 *igible 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 *(i) ELIGIBLE RECIPIENTS.—An eligi-*
24 *ble recipient under clause (i) is an eligible*

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 audit
6 described in subparagraph (B) using a
7 loan provided under the applicable
8 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 be
23 required to be fully amortized by the
24 earlier of—

1 (aa) subject to subclause (II),
2 the year in which the upgrades or
3 retrofits carried out using the
4 loan exceed their expected useful
5 life; and

6 (bb) 15 years after those up-
7 grades or retrofits are installed.

8 (II) CALCULATION.—For purposes
9 of subclause (I)(aa), in the case of a
10 loan being used to fund multiple up-
11 grades or retrofits, the longest-lived up-
12 grade or retrofit shall be used to cal-
13 culate the year in which the upgrades
14 or retrofits carried out using the loan
15 exceed their expected useful life.

16 (D) REFERRAL TO QUALIFIED CONTRAC-
17 TORS.—Following the completion of an audit
18 under subparagraph (A) or (B) by an eligible re-
19 cipient of a loan under the applicable subpara-
20 graph, the State may refer the eligible recipient
21 to a qualified contractor, as determined by the
22 State, to estimate—

23 (i) the upfront capital cost of each rec-
24 ommended upgrade; and

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 el-
6 igible recipients that do not have access to pri-
7 vate 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 employees;

23 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 funds*
16 *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 and*
20 *infrastructure within the State that may aid the State in*
21 *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 ret-*
19 *rofits across all commercial energy audits and resi-*
20 *dential 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 out*

1 *this section \$250,000,000 for fiscal year 2022, to remain*
2 *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 certifi-*
11 *cation.*

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 State”*
2 *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 pro-*
9 *gram under which the Secretary shall award grants to eligi-*
10 *ble States to train individuals to conduct energy audits or*
11 *surveys of commercial and residential buildings.*

12 (c) *APPLICATIONS.*—

13 (1) *IN GENERAL.*—*A State seeking a grant under*
14 *subsection (b) shall submit to the Secretary an appli-*
15 *cation at such time, in such manner, and containing*
16 *such information as the Secretary may require, in-*
17 *cluding the energy auditor training program plan de-*
18 *scribed 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 comple-
3 tion 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 receives
18 a grant under subsection (b) shall use the grant
19 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

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 eligi-
6 ble 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 out
12 this section \$40,000,000 for the period of fiscal years 2022
13 through 2026.

14 **Subtitle B—Buildings**

15 **SEC. 40511. COST-EFFECTIVE CODES IMPLEMENTATION FOR** 16 **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 amend-
19 ed 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 enti-
24 ty’ means—

1 “(A) a relevant State agency, as determined
2 by the Secretary, such as a State building code
3 agency, State energy office, or Tribal energy of-
4 fice; 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 fol-
9 lowing 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 envi-
17 ronmental 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 establish
24 within the Building Technologies Office of the Depart-
25 ment of Energy a program under which the Secretary

1 *shall award grants on a competitive basis to eligible*
2 *entities to enable sustained cost-effective implementa-*
3 *tion 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 *iciency 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 under*
12 *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 to—

3 “(i) resilience and peak load reduction;

4 “(ii) occupant safety and health; and

5 “(iii) environmental performance;

6 “(D) the demonstrated capacity of the eligi-
7 ble entity to carry out the proposed project; and

8 “(E) the need of the eligible entity for as-
9 sistance; and

10 “(2) give priority to applications from partner-
11 ships.

12 “(d) *ELIGIBLE ACTIVITIES.*—

13 “(1) *IN GENERAL.*—An eligible entity awarded a
14 grant under this section may use the grant funds—

15 “(A) to create or enable State or regional
16 partnerships to provide training and materials
17 to—

18 “(i) builders, contractors and sub-
19 contractors, architects, and other design and
20 construction professionals, relating to meet-
21 ing updated building energy codes in a cost-
22 effective manner; and

23 “(ii) building code officials, relating to
24 improving implementation of and compli-
25 ance with building energy codes;

1 “(B) to collect and disseminate quantitative
2 data on construction and codes implementation,
3 including code pathways, performance metrics,
4 and technologies used;

5 “(C) to develop and implement a plan for
6 highly effective codes implementation, including
7 measuring compliance;

8 “(D) to address various implementation
9 needs in rural, suburban, and urban areas; and

10 “(E) to implement updates in energy codes
11 for—

12 “(i) new residential and commercial
13 buildings (including multifamily build-
14 ings); and

15 “(ii) additions and alterations to exist-
16 ing residential and commercial buildings
17 (including multifamily buildings).

18 “(2) RELATED TOPICS.—Training and materials
19 provided using a grant under this section may in-
20 clude information on the relationship between energy
21 codes and—

22 “(A) cost-effective, high-performance, and
23 zero-net-energy buildings;

24 “(B) improving resilience, health, and safe-
25 ty;

1 “(C) *water savings and other environmental*
2 *impacts; and*

3 “(D) *the economic impacts of energy codes.*

4 “(e) *AUTHORIZATION OF APPROPRIATIONS.—There is*
5 *authorized to be appropriated to the Secretary to carry out*
6 *this section \$225,000,000 for the period of fiscal years 2022*
7 *through 2026.”.*

8 (b) *CONFORMING AMENDMENT.—Section 303 of the*
9 *Energy Conservation and Production Act (42 U.S.C. 6832)*
10 *is amended, in the matter preceding paragraph (1), by*
11 *striking “As used in” and inserting “Except as otherwise*
12 *provided, in”.*

13 **SEC. 40512. BUILDING, TRAINING, AND ASSESSMENT CEN-**
14 **TERS.**

15 (a) *IN GENERAL.—The Secretary shall provide grants*
16 *to institutions of higher education (as defined in section*
17 *101 of the Higher Education Act of 1965 (20 U.S.C. 1001))*
18 *and Tribal Colleges or Universities (as defined in section*
19 *316(b) of that Act (20 U.S.C. 1059c(b))) to establish build-*
20 *ing training and assessment centers—*

21 (1) *to identify opportunities for optimizing en-*
22 *ergy efficiency and environmental performance in*
23 *buildings;*

1 (2) *to promote the application of emerging con-*
2 *cepts and technologies in commercial and institu-*
3 *tional buildings;*

4 (3) *to train engineers, architects, building sci-*
5 *entists, building energy permitting and enforcement*
6 *officials, and building technicians in energy-efficient*
7 *design and operation;*

8 (4) *to assist institutions of higher education and*
9 *Tribal Colleges or Universities in training building*
10 *technicians;*

11 (5) *to promote research and development for the*
12 *use of alternative energy sources and distributed gen-*
13 *eration to supply heat and power for buildings, par-*
14 *ticularly energy-intensive buildings; and*

15 (6) *to coordinate with and assist State-accredited*
16 *technical training centers, community colleges, Tribal*
17 *Colleges or Universities, and local offices of the Na-*
18 *tional Institute of Food and Agriculture and ensure*
19 *appropriate services are provided under this section*
20 *to each region of the United States.*

21 *(b) COORDINATION AND NONDUPLICATION.—*

22 (1) *IN GENERAL.—The Secretary shall coordi-*
23 *nate the program with the industrial research and as-*
24 *essment centers program under section 457 of the*
25 *Energy Independence and Security Act of 2007 (as*

1 *added by section 40521(b)) and with other Federal*
2 *programs to avoid duplication of effort.*

3 (2) *COLLOCATION.—To the maximum extent*
4 *practicable, building, training, and assessment centers*
5 *established under this section shall be collocated with*
6 *industrial research and assessment centers (as defined*
7 *in section 40531).*

8 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
9 *authorized to be appropriated to the Secretary to carry out*
10 *this section \$10,000,000 for fiscal year 2022, to remain*
11 *available until expended.*

12 **SEC. 40513. CAREER SKILLS TRAINING.**

13 (a) *DEFINITION OF ELIGIBLE ENTITY.—In this sec-*
14 *tion, the term “eligible entity” means a nonprofit partner-*
15 *ship that—*

16 (1) *includes the equal participation of industry,*
17 *including public or private employers, and labor or-*
18 *ganizations, including joint labor-management train-*
19 *ing programs;*

20 (2) *may include workforce investment boards,*
21 *community-based organizations, qualified service and*
22 *conservation corps, educational institutions, small*
23 *businesses, cooperatives, State and local veterans*
24 *agencies, and veterans service organizations; and*

25 (3) *demonstrates—*

1 (A) *experience in implementing and oper-*
2 *ating worker skills training and education pro-*
3 *grams;*

4 (B) *the ability to identify and involve in*
5 *training programs carried out under this sec-*
6 *tion, target populations of individuals who*
7 *would benefit from training and be actively in-*
8 *olved in activities relating to energy efficiency*
9 *and renewable energy industries; and*

10 (C) *the ability to help individuals achieve*
11 *economic self-sufficiency.*

12 (b) *ESTABLISHMENT.—The Secretary shall award*
13 *grants to eligible entities to pay the Federal share of associ-*
14 *ated career skills training programs under which students*
15 *concurrently receive classroom instruction and on-the-job*
16 *training for the purpose of obtaining an industry-related*
17 *certification to install energy efficient buildings tech-*
18 *nologies.*

19 (c) *FEDERAL SHARE.—The Federal share of the cost*
20 *of carrying out a career skills training program described*
21 *in subsection (b) shall be 50 percent.*

22 (d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
23 *authorized to be appropriated to the Secretary to carry out*
24 *this section \$10,000,000 for fiscal year 2022, to remain*
25 *available until expended.*

1 **SEC. 40514. COMMERCIAL BUILDING ENERGY CONSUMP-**
2 **TION INFORMATION SHARING.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *ADMINISTRATOR.—The term “Adminis-*
5 *trator” means the Administrator of the Energy Infor-*
6 *mation Administration.*

7 (2) *AGREEMENT.—The term “Agreement” means*
8 *the agreement entered into under subsection (b).*

9 (3) *SURVEY.—The term “Survey” means the*
10 *Commercial Building Energy Consumption Survey.*

11 (b) *AUTHORIZATION OF AGREEMENT.—Not later than*
12 *120 days after the date of enactment of this Act, the Admin-*
13 *istrator and the Administrator of the Environmental Pro-*
14 *tection Agency shall sign, and submit to Congress, an infor-*
15 *mation sharing agreement relating to commercial building*
16 *energy consumption data.*

17 (c) *CONTENT OF AGREEMENT.—The Agreement*
18 *shall—*

19 (1) *provide, to the extent permitted by law,*
20 *that—*

21 (A) *the Administrator shall have access to*
22 *building-specific data in the Portfolio Manager*
23 *database of the Environmental Protection Agen-*
24 *cy; and*

1 (B) the Administrator of the Environmental
2 Protection Agency shall have access to building-
3 specific data collected by the Survey;

4 (2) describe the manner in which the Adminis-
5 trator shall use the data described in paragraph (1)
6 and subsection (d);

7 (3) describe and compare—

8 (A) the methodologies that the Energy Infor-
9 mation Administration, the Environmental Pro-
10 tection Agency, and State and local government
11 managers use to maximize the quality, reli-
12 ability, and integrity of data collected through
13 the Survey, the Portfolio Manager database of
14 the Environmental Protection Agency, and State
15 and local building energy disclosure laws (in-
16 cluding regulations), respectively, and the man-
17 ner in which those methodologies can be im-
18 proved; and

19 (B) consistencies and variations in data for
20 the same buildings captured in—

21 (i)(I) the 2018 Survey cycle; and

22 (II) each subsequent Survey cycle; and

23 (ii) the Portfolio Manager database of
24 the Environmental Protection Agency; and

1 (4) *consider whether, and the methods by which,*
2 *the Administrator may collect and publish new*
3 *iterations of Survey data every 3 years—*

4 (A) *using the Survey processes of the Ad-*
5 *ministrator; or*

6 (B) *as supplemented by information in the*
7 *Portfolio Manager database of the Environ-*
8 *mental Protection Agency.*

9 (d) *DATA.—The data referred in subsection (c)(2) in-*
10 *cludes data that—*

11 (1) *is collected through the Portfolio Manager*
12 *database of the Environmental Protection Agency;*

13 (2) *is required to be publicly available on the*
14 *internet under State and local government building*
15 *energy disclosure laws (including regulations); and*

16 (3) *includes information on private sector build-*
17 *ings that are not less than 250,000 square feet.*

18 (e) *PROTECTION OF INFORMATION.—In carrying out*
19 *the agreement, the Administrator and the Administrator of*
20 *the Environmental Protection Agency shall protect infor-*
21 *mation in accordance with—*

22 (1) *section 552(b)(4) of title 5, United States*
23 *Code (commonly known as the “Freedom of Informa-*
24 *tion Act”);*

1 (2) *subchapter III of chapter 35 of title 44,*
2 *United States Code; and*

3 (3) *any other applicable law (including regula-*
4 *tions).*

5 ***Subtitle C—Industrial Energy***
6 ***Efficiency***

7 ***PART I—INDUSTRY***

8 ***SEC. 40521. FUTURE OF INDUSTRY PROGRAM AND INDUS-***
9 ***TRIAL RESEARCH AND ASSESSMENT CEN-***
10 ***TERS.***

11 *(a) FUTURE OF INDUSTRY PROGRAM.—*

12 (1) *IN GENERAL.—Section 452 of the Energy*
13 *Independence and Security Act of 2007 (42 U.S.C.*
14 *17111) is amended—*

15 (A) *by striking the section heading and in-*
16 *serting the following: “future of industry pro-*
17 *gram”;*

18 (B) *in subsection (a)(2)—*

19 (i) *by redesignating subparagraph (E)*
20 *as subparagraph (F); and*

21 (ii) *by inserting after subparagraph*
22 *(D) the following:*

23 “(E) *water and wastewater treatment facili-*
24 *ties, including systems that treat municipal, in-*
25 *dustrial, and agricultural waste; and”;*

1 (C) by striking subsection (e); and

2 (D) by redesignating subsection (f) as sub-
3 section (e).

4 (2) CONFORMING AMENDMENT.—Section
5 454(b)(2)(C) of the Energy Independence and Secu-
6 rity Act of 2007 (42 U.S.C. 17113(b)(2)(C)) is
7 amended by striking “energy-intensive industries”
8 and inserting “Future of Industry”.

9 (b) INDUSTRIAL RESEARCH AND ASSESSMENT CEN-
10 TERS.—Subtitle D of title IV of the Energy Independence
11 and Security Act of 2007 (42 U.S.C. 17111 et seq.) is
12 amended by adding at the end the following:

13 “**SEC. 457. INDUSTRIAL RESEARCH AND ASSESSMENT CEN-**
14 **TERS.**

15 “(a) DEFINITIONS.—In this section:

16 “(1) COVERED PROJECT.—The term ‘covered
17 project’ means a project—

18 “(A) that has been recommended in an en-
19 ergy assessment described in paragraph (2)(A)
20 conducted for an eligible entity; and

21 “(B) with respect to which the plant site of
22 that eligible entity—

23 “(i) improves—

24 “(I) energy efficiency;

25 “(II) material efficiency;

1 “(III) cybersecurity; or

2 “(IV) productivity; or

3 “(ii) reduces—

4 “(I) waste production;

5 “(II) greenhouse gas emissions; or

6 “(III) nongreenhouse gas pollu-
7 tion.

8 “(2) *ELIGIBLE ENTITY*.—The term ‘eligible enti-
9 ty’ means a small- or medium-sized manufacturer
10 that has had an energy assessment completed by—

11 “(A) an industrial research and assessment
12 center;

13 “(B) a Department of Energy Combined
14 Heat and Power Technical Assistance Partner-
15 ship jointly with an industrial research and as-
16 sessment center; or

17 “(C) a third-party assessor that provides an
18 assessment equivalent to an assessment described
19 in subparagraph (A) or (B), as determined by
20 the Secretary.

21 “(3) *ENERGY SERVICE PROVIDER*.—The term
22 ‘energy service provider’ means—

23 “(A) any business providing technology or
24 services to improve the energy efficiency, water
25 efficiency, power factor, or load management of

1 *a manufacturing site or other industrial process*
2 *in an energy-intensive industry (as defined in*
3 *section 452(a)); and*

4 *“(B) any utility operating under a utility*
5 *energy service project.*

6 *“(4) INDUSTRIAL RESEARCH AND ASSESSMENT*
7 *CENTER.—The term ‘industrial research and assess-*
8 *ment center’ means—*

9 *“(A) an institution of higher education-*
10 *based industrial research and assessment center*
11 *that is funded by the Secretary under subsection*
12 *(b); and*

13 *“(B) an industrial research and assessment*
14 *center at a trade school, community college, or*
15 *union training program that is funded by the*
16 *Secretary under subsection (f).*

17 *“(5) PROGRAM.—The term ‘Program’ means the*
18 *program for implementation grants established under*
19 *subsection (i)(1).*

20 *“(6) SMALL- OR MEDIUM-SIZED MANUFAC-*
21 *TURER.—The term ‘small- or medium-sized manufac-*
22 *turer’ means a manufacturing firm—*

23 *“(A) the gross annual sales of which are less*
24 *than \$100,000,000;*

1 “(B) that has fewer than 500 employees at
2 the plant site of the manufacturing firm; and

3 “(C) the annual energy bills of which total
4 more than \$100,000 but less than \$3,500,000.

5 “(b) *INSTITUTION OF HIGHER EDUCATION-BASED IN-*
6 *DUSTRIAL RESEARCH AND ASSESSMENT CENTERS.*—

7 “(1) *IN GENERAL.*—*The Secretary shall provide*
8 *funding to institution of higher education-based in-*
9 *dustrial research and assessment centers.*

10 “(2) *PURPOSE.*—*The purpose of each institution*
11 *of higher education-based industrial research and as-*
12 *essment center shall be—*

13 “(A) *to provide in-depth assessments of*
14 *small- and medium-sized manufacturer plant*
15 *sites to evaluate the facilities, services, and man-*
16 *ufacturing operations of the plant sites;*

17 “(B) *to identify opportunities for opti-*
18 *mizing energy efficiency and environmental per-*
19 *formance, including implementation of—*

20 “(i) *smart manufacturing;*

21 “(ii) *energy management systems;*

22 “(iii) *sustainable manufacturing;*

23 “(iv) *information technology advance-*
24 *ments for supply chain analysis, logistics,*

1 *system monitoring, industrial and manu-*
2 *facturing processes, and other purposes; and*

3 *“(v) waste management systems;*

4 *“(C) to promote applications of emerging*
5 *concepts and technologies in small- and medium-*
6 *sized manufacturers (including water and waste-*
7 *water treatment facilities and federally owned*
8 *manufacturing facilities);*

9 *“(D) to promote research and development*
10 *for the use of alternative energy sources to sup-*
11 *ply heat, power, and new feedstocks for energy-*
12 *intensive industries;*

13 *“(E) to coordinate with appropriate Fed-*
14 *eral and State research offices;*

15 *“(F) to provide a clearinghouse for indus-*
16 *trial process and energy efficiency technical as-*
17 *sistance resources; and*

18 *“(G) to coordinate with State-accredited*
19 *technical training centers and community col-*
20 *leges, while ensuring appropriate services to all*
21 *regions of the United States.*

22 *“(c) COORDINATION.—To increase the value and capa-*
23 *bilities of the industrial research and assessment centers,*
24 *the centers shall—*

1 “(1) coordinate with Manufacturing Extension
2 Partnership Centers of the National Institute of
3 Standards and Technology;

4 “(2) coordinate with the Federal Energy Man-
5 agement Program and the Building Technologies Of-
6 fice of the Department of Energy to provide building
7 assessment services to manufacturers;

8 “(3) increase partnerships with the National
9 Laboratories of the Department of Energy to leverage
10 the expertise, technologies, and research and develop-
11 ment capabilities of the National Laboratories for na-
12 tional industrial and manufacturing needs;

13 “(4) increase partnerships with energy service
14 providers and technology providers to leverage private
15 sector expertise and accelerate deployment of new and
16 existing technologies and processes for energy effi-
17 ciency, power factor, and load management;

18 “(5) identify opportunities for reducing green-
19 house gas emissions and other air emissions; and

20 “(6) promote sustainable manufacturing prac-
21 tices for small- and medium-sized manufacturers.

22 “(d) *OUTREACH.*—The Secretary shall provide funding
23 for—

24 “(1) outreach activities by the industrial re-
25 search and assessment centers to inform small- and

1 *medium-sized manufacturers of the information, tech-*
2 *nologies, and services available; and*

3 *“(2) coordination activities by each industrial*
4 *research and assessment center to leverage efforts*
5 *with—*

6 *“(A) Federal, State, and Tribal efforts;*

7 *“(B) the efforts of utilities and energy serv-*
8 *ice providers;*

9 *“(C) the efforts of regional energy efficiency*
10 *organizations; and*

11 *“(D) the efforts of other industrial research*
12 *and assessment centers.*

13 *“(e) CENTERS OF EXCELLENCE.—*

14 *“(1) ESTABLISHMENT.—The Secretary shall es-*
15 *tablish a Center of Excellence at not more than 5 of*
16 *the highest-performing industrial research and assess-*
17 *ment centers, as determined by the Secretary.*

18 *“(2) DUTIES.—A Center of Excellence shall co-*
19 *ordinate with and advise the industrial research and*
20 *assessment centers located in the region of the Center*
21 *of Excellence, including—*

22 *“(A) by mentoring new directors and staff*
23 *of the industrial research and assessment centers*
24 *with respect to—*

25 *“(i) the availability of resources; and*

1 “(ii) best practices for carrying out as-
2 sessments, including through the participa-
3 tion of the staff of the Center of Excellence
4 in assessments carried out by new indus-
5 trial research and assessment centers;

6 “(B) by providing training to staff and stu-
7 dents at the industrial research and assessment
8 centers on new technologies, practices, and tools
9 to expand the scope and impact of the assess-
10 ments carried out by the centers;

11 “(C) by assisting the industrial research
12 and assessment centers with specialized technical
13 opportunities, including by providing a clearing-
14 house of available expertise and tools to assist the
15 centers and clients of the centers in assessing and
16 implementing those opportunities;

17 “(D) by identifying and coordinating with
18 regional, State, local, Tribal, and utility energy
19 efficiency programs for the purpose of facili-
20 tating efforts by industrial research and assess-
21 ment centers to connect industrial facilities re-
22 ceiving assessments from those centers with re-
23 gional, State, local, and utility energy efficiency
24 programs that could aid the industrial facilities

1 *in implementing any recommendations resulting*
2 *from the assessments;*

3 “(E) *by facilitating coordination between*
4 *the industrial research and assessment centers*
5 *and other Federal programs described in para-*
6 *graphs (1) through (3) of subsection (c); and*

7 “(F) *by coordinating the outreach activities*
8 *of the industrial research and assessment centers*
9 *under subsection (d)(1).*

10 “(3) *FUNDING.—For each fiscal year, out of any*
11 *amounts made available to carry out this section*
12 *under subsection (j), the Secretary shall use not less*
13 *than \$500,000 to support each Center of Excellence.*

14 “(f) *EXPANSION OF INDUSTRIAL RESEARCH AND AS-*
15 *SESSMENT CENTERS.—*

16 “(1) *IN GENERAL.—The Secretary shall provide*
17 *funding to establish additional industrial research*
18 *and assessment centers at trade schools, community*
19 *colleges, and union training programs.*

20 “(2) *PURPOSE.—*

21 “(A) *IN GENERAL.—Subject to subpara-*
22 *graph (B), to the maximum extent practicable,*
23 *an industrial research and assessment center es-*
24 *tablished under paragraph (1) shall have the*
25 *same purpose as an institution of higher edu-*

1 *cation-based industrial research center that is*
2 *funded by the Secretary under subsection (b)(1).*

3 “(B) *CONSIDERATION OF CAPABILITIES.—*
4 *In evaluating or establishing the purpose of an*
5 *industrial research and assessment center estab-*
6 *lished under paragraph (1), the Secretary shall*
7 *take into consideration the varying capabilities*
8 *of trade schools, community colleges, and union*
9 *training programs.*

10 “(g) *WORKFORCE TRAINING.—*

11 “(1) *INTERNSHIPS.—The Secretary shall pay the*
12 *Federal share of associated internship programs*
13 *under which students work with or for industries,*
14 *manufacturers, and energy service providers to imple-*
15 *ment the recommendations of industrial research and*
16 *assessment centers.*

17 “(2) *APPRENTICESHIPS.—The Secretary shall*
18 *pay the Federal share of associated apprenticeship*
19 *programs under which—*

20 “(A) *students work with or for industries,*
21 *manufacturers, and energy service providers to*
22 *implement the recommendations of industrial re-*
23 *search and assessment centers; and*

24 “(B) *employees of facilities that have re-*
25 *ceived an assessment from an industrial research*

1 *and assessment center work with or for an in-*
2 *dustrial research and assessment center to gain*
3 *knowledge on engineering practices and processes*
4 *to improve productivity and energy savings.*

5 “(3) *FEDERAL SHARE.*—*The Federal share of the*
6 *cost of carrying out internship programs described in*
7 *paragraph (1) and apprenticeship programs described*
8 *in paragraph (2) shall be 50 percent.*

9 “(h) *SMALL BUSINESS LOANS.*—*The Administrator of*
10 *the Small Business Administration shall, to the maximum*
11 *extent practicable, expedite consideration of applications*
12 *from eligible small business concerns for loans under the*
13 *Small Business Act (15 U.S.C. 631 et seq.) to implement*
14 *recommendations developed by the industrial research and*
15 *assessment centers.*

16 “(i) *IMPLEMENTATION GRANTS.*—

17 “(1) *IN GENERAL.*—*The Secretary shall establish*
18 *a program under which the Secretary shall provide*
19 *grants to eligible entities to implement covered*
20 *projects.*

21 “(2) *APPLICATION.*—*An eligible entity seeking a*
22 *grant under the Program shall submit to the Sec-*
23 *retary an application at such time, in such manner,*
24 *and containing such information as the Secretary*
25 *may require, including a demonstration of need for*

1 *financial assistance to implement the proposed cov-*
2 *ered project.*

3 “(3) *PRIORITY.*—*In awarding grants under the*
4 *Program, the Secretary shall give priority to eligible*
5 *entities that—*

6 “(A) *have had an energy assessment com-*
7 *pleted by an industrial research and assessment*
8 *center; and*

9 “(B) *propose to carry out a covered project*
10 *with a greater potential for—*

11 “(i) *energy efficiency gains; or*

12 “(ii) *greenhouse gas emissions reduc-*
13 *tions.*

14 “(4) *GRANT AMOUNT.*—

15 “(A) *MAXIMUM AMOUNT.*—*The amount of a*
16 *grant provided to an eligible entity under the*
17 *Program shall not exceed \$300,000.*

18 “(B) *FEDERAL SHARE.*—*A grant awarded*
19 *under the Program for a covered project shall be*
20 *in an amount that is not more than 50 percent*
21 *of the cost of the covered project.*

22 “(C) *SUPPLEMENT.*—*A grant received by*
23 *an eligible entity under the Program shall sup-*
24 *plement, not supplant, any private or State*

1 *funds available to the eligible entity to carry out*
2 *the covered project.*

3 “(j) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
4 *authorized to be appropriated to the Secretary for the pe-*
5 *riod of fiscal years 2022 through 2026—*

6 “(1) \$150,000,000 to carry out subsections (a)
7 *through (h); and*

8 “(2) \$400,000,000 to carry out subsection (i).”.

9 (c) *CLERICAL AMENDMENT.*—*The table of contents of*
10 *the Energy Independence and Security Act of 2007 (42*
11 *U.S.C. prec. 17001) is amended by adding at the end of*
12 *the items relating to subtitle D of title IV the following:*

 “*Sec. 457. Industrial research and assessment centers.*”.

13 **SEC. 40522. SUSTAINABLE MANUFACTURING INITIATIVE.**

14 (a) *IN GENERAL.*—*Part E of title III of the Energy*
15 *Policy and Conservation Act (42 U.S.C. 6341 et seq.) is*
16 *amended by adding at the end the following:*

17 **“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.**

18 “(a) *IN GENERAL.*—*As part of the Office of Energy*
19 *Efficiency and Renewable Energy of the Department of En-*
20 *ergy, the Secretary, on the request of a manufacturer, shall*
21 *carry out onsite technical assessments to identify opportu-*
22 *nities for—*

23 “(1) *maximizing the energy efficiency of indus-*
24 *trial processes and cross-cutting systems;*

25 “(2) *preventing pollution and minimizing waste;*

1 “(3) *improving efficient use of water in manu-*
2 *facturing processes;*

3 “(4) *conserving natural resources; and*

4 “(5) *achieving such other goals as the Secretary*
5 *determines to be appropriate.*

6 “(b) *COORDINATION.—To implement any rec-*
7 *ommendations resulting from an onsite technical assess-*
8 *ment carried out under subsection (a) and to accelerate the*
9 *adoption of new and existing technologies and processes that*
10 *improve energy efficiency, the Secretary shall coordinate*
11 *with—*

12 “(1) *the Advanced Manufacturing Office of the*
13 *Department of Energy;*

14 “(2) *the Building Technologies Office of the De-*
15 *partment of Energy;*

16 “(3) *the Federal Energy Management Program*
17 *of the Department of Energy; and*

18 “(4) *the private sector and other appropriate*
19 *agencies, including the National Institute of Stand-*
20 *ards and Technology.*

21 “(c) *RESEARCH AND DEVELOPMENT PROGRAM FOR*
22 *SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECH-*
23 *NOLOGIES AND PROCESSES.—As part of the industrial effi-*
24 *ciency programs of the Department of Energy, the Secretary*
25 *shall carry out a joint industry-government partnership*

1 *program to research, develop, and demonstrate new sustain-*
 2 *able manufacturing and industrial technologies and proc-*
 3 *esses that maximize the energy efficiency of industrial*
 4 *plants, reduce pollution, and conserve natural resources.”.*

5 (b) *CLERICAL AMENDMENT.*—*The table of contents of*
 6 *the Energy Policy and Conservation Act (42 U.S.C. prec.*
 7 *6201) is amended by adding at the end of the items relating*
 8 *to part E of title III the following:*

“376. Sustainable manufacturing initiative.”.

9 **PART II—SMART MANUFACTURING**

10 **SEC. 40531. DEFINITIONS.**

11 *In this part:*

12 (1) *ENERGY MANAGEMENT SYSTEM.*—*The term*
 13 *“energy management system” means a business man-*
 14 *agement process based on standards of the American*
 15 *National Standards Institute that enables an organi-*
 16 *zation to follow a systematic approach in achieving*
 17 *continual improvement of energy performance, in-*
 18 *cluding energy efficiency, security, use, and consump-*
 19 *tion.*

20 (2) *INDUSTRIAL RESEARCH AND ASSESSMENT*
 21 *CENTER.*—*The term “industrial research and assess-*
 22 *ment center” means a center located at an institution*
 23 *of higher education, a trade school, a community col-*
 24 *lege, or a union training program that—*

25 (A) *receives funding from the Department;*

1 (B) provides an in-depth assessment of
2 small- and medium-size manufacturer plant sites
3 to evaluate the facilities, services, and manufac-
4 turing operations of the plant site; and

5 (C) identifies opportunities for potential
6 savings for small- and medium-size manufac-
7 turer plant sites from energy efficiency improve-
8 ments, waste minimization, pollution prevention,
9 and productivity improvement.

10 (3) *INFORMATION AND COMMUNICATION TECH-*
11 *NOLOGY.*—The term “information and communica-
12 tion technology” means any electronic system or
13 equipment (including the content contained in the
14 system or equipment) used to create, convert, commu-
15 nicate, or duplicate data or information, including
16 computer hardware, firmware, software, communica-
17 tion protocols, networks, and data interfaces.

18 (4) *INSTITUTION OF HIGHER EDUCATION.*—The
19 term “institution of higher education” has the mean-
20 ing given the term in section 101(a) of the Higher
21 Education Act of 1965 (20 U.S.C. 1001(a)).

22 (5) *NORTH AMERICAN INDUSTRY CLASSIFICATION*
23 *SYSTEM.*—The term “North American Industry Clas-
24 sification System” means the standard used by Fed-
25 eral statistical agencies in classifying business estab-

1 *ishments for the purpose of collecting, analyzing, and*
2 *publishing statistical data relating to the business*
3 *economy of the United States.*

4 (6) *SMALL AND MEDIUM MANUFACTURERS.—The*
5 *term “small and medium manufacturers” means*
6 *manufacturing firms—*

7 (A) *classified in the North American Indus-*
8 *try Classification System as any of sectors 31*
9 *through 33;*

10 (B) *with gross annual sales of less than*
11 *\$100,000,000;*

12 (C) *with fewer than 500 employees at the*
13 *plant site; and*

14 (D) *with annual energy bills totaling more*
15 *than \$100,000 and less than \$3,500,000.*

16 (7) *SMART MANUFACTURING.—The term “smart*
17 *manufacturing” means advanced technologies in in-*
18 *formation, automation, monitoring, computation,*
19 *sensing, modeling, artificial intelligence, analytics,*
20 *and networking that—*

21 (A) *digitally—*

22 (i) *simulate manufacturing production*
23 *lines;*

24 (ii) *operate computer-controlled manu-*
25 *facturing equipment;*

1 (iii) monitor and communicate pro-
2 duction line status; and

3 (iv) manage and optimize energy pro-
4 ductivity and cost throughout production;

5 (B) model, simulate, and optimize the en-
6 ergy efficiency of a factory building;

7 (C) monitor and optimize building energy
8 performance;

9 (D) model, simulate, and optimize the de-
10 sign of energy efficient and sustainable products,
11 including the use of digital prototyping and ad-
12 ditive manufacturing to enhance product design;

13 (E) connect manufactured products in net-
14 works to monitor and optimize the performance
15 of the networks, including automated network
16 operations; and

17 (F) digitally connect the supply chain net-
18 work.

19 **SEC. 40532. LEVERAGING EXISTING AGENCY PROGRAMS TO**
20 **ASSIST SMALL AND MEDIUM MANUFACTUR-**
21 **ERS.**

22 *The Secretary shall expand the scope of technologies*
23 *covered by the industrial research and assessment centers*
24 *of the Department—*

1 (1) *to include smart manufacturing technologies*
2 *and practices; and*

3 (2) *to equip the directors of the industrial re-*
4 *search and assessment centers with the training and*
5 *tools necessary to provide technical assistance in*
6 *smart manufacturing technologies and practices, in-*
7 *cluding energy management systems, to manufactur-*
8 *ers.*

9 **SEC. 40533. LEVERAGING SMART MANUFACTURING INFRA-**
10 **STRUCTURE AT NATIONAL LABORATORIES.**

11 (a) *STUDY.—*

12 (1) *IN GENERAL.—Not later than 180 days after*
13 *the date of enactment of this Act, the Secretary shall*
14 *conduct a study on how the Department can increase*
15 *access to existing high-performance computing re-*
16 *sources in the National Laboratories, particularly for*
17 *small and medium manufacturers.*

18 (2) *INCLUSIONS.—In identifying ways to in-*
19 *crease access to National Laboratories under para-*
20 *graph (1), the Secretary shall—*

21 (A) *focus on increasing access to the com-*
22 *puting facilities of the National Laboratories;*
23 *and*

24 (B) *ensure that—*

1 (i) the information from the manufac-
2 turer is protected; and

3 (ii) the security of the National Lab-
4 oratory facility is maintained.

5 (3) *REPORT.*—Not later than 1 year after the
6 date of enactment of this Act, the Secretary shall sub-
7 mit to Congress a report describing the results of the
8 study.

9 (b) *ACTIONS FOR INCREASED ACCESS.*—The Secretary
10 shall facilitate access to the National Laboratories studied
11 under subsection (a) for small and medium manufacturers
12 so that small and medium manufacturers can fully use the
13 high-performance computing resources of the National Lab-
14 oratories to enhance the manufacturing competitiveness of
15 the United States.

16 **SEC. 40534. STATE MANUFACTURING LEADERSHIP.**

17 (a) *FINANCIAL ASSISTANCE AUTHORIZED.*—The Sec-
18 retary may provide financial assistance on a competitive
19 basis to States for the establishment of programs to be used
20 as models for supporting the implementation of smart man-
21 ufacturing technologies.

22 (b) *APPLICATIONS.*—

23 (1) *IN GENERAL.*—To be eligible to receive finan-
24 cial assistance under this section, a State shall submit
25 to the Secretary an application at such time, in such

1 manner, and containing such information as the Sec-
2 retary may require.

3 (2) *CRITERIA.*—The Secretary shall evaluate an
4 application for financial assistance under this section
5 on the basis of merit using criteria identified by the
6 Secretary, including—

7 (A) technical merit, innovation, and im-
8 pact;

9 (B) research approach, workplan, and
10 deliverables;

11 (C) academic and private sector partners;

12 and

13 (D) alternate sources of funding.

14 (c) *REQUIREMENTS.*—

15 (1) *TERM.*—The term of an award of financial
16 assistance under this section shall not exceed 3 years.

17 (2) *MAXIMUM AMOUNT.*—The amount of an
18 award of financial assistance under this section shall
19 be not more than \$2,000,000.

20 (3) *MATCHING REQUIREMENT.*—Each State that
21 receives financial assistance under this section shall
22 contribute matching funds in an amount equal to not
23 less than 30 percent of the amount of the financial as-
24 sistance.

1 (d) *USE OF FUNDS.*—A State may use financial as-
2 sistance provided under this section—

3 (1) *to facilitate access to high-performance com-*
4 *puting resources for small and medium manufactur-*
5 *ers; and*

6 (2) *to provide assistance to small and medium*
7 *manufacturers to implement smart manufacturing*
8 *technologies and practices.*

9 (e) *EVALUATION.*—The Secretary shall conduct semi-
10 annual evaluations of each award of financial assistance
11 under this section—

12 (1) *to determine the impact and effectiveness of*
13 *programs funded with the financial assistance; and*

14 (2) *to provide guidance to States on ways to bet-*
15 *ter execute the program of the State.*

16 (f) *AUTHORIZATION OF APPROPRIATIONS.*—There is
17 authorized to be appropriated to the Secretary to carry out
18 this section \$50,000,000 for the period of fiscal years 2022
19 through 2026.

20 **SEC. 40535. REPORT.**

21 The Secretary annually shall submit to Congress and
22 make publicly available a report on the progress made in
23 advancing smart manufacturing in the United States.

1 ***Subtitle D—Schools and Nonprofits***

2 ***SEC. 40541. GRANTS FOR ENERGY EFFICIENCY IMPROVE-***
3 ***MENTS AND RENEWABLE ENERGY IMPROVE-***
4 ***MENTS AT PUBLIC SCHOOL FACILITIES.***

5 (a) *DEFINITIONS.—In this section:*

6 (1) *ALTERNATIVE FUELED VEHICLE.—The term*
7 *“alternative fueled vehicle” has the meaning given the*
8 *term in section 301 of the Energy Policy Act of 1992*
9 *(42 U.S.C. 13211).*

10 (2) *ALTERNATIVE FUELED VEHICLE INFRA-*
11 *STRUCTURE.—The term “alternative fueled vehicle in-*
12 *frastructure” means infrastructure used to charge or*
13 *fuel an alternative fueled vehicle.*

14 (3) *ELIGIBLE ENTITY.—The term “eligible enti-*
15 *ty” means a consortium of—*

16 (A) *1 local educational agency; and*

17 (B) *1 or more—*

18 (i) *schools;*

19 (ii) *nonprofit organizations that have*
20 *the knowledge and capacity to partner and*
21 *assist with energy improvements;*

22 (iii) *for-profit organizations that have*
23 *the knowledge and capacity to partner and*
24 *assist with energy improvements; or*

1 (iv) *community partners that have the*
2 *knowledge and capacity to partner and as-*
3 *sist with energy improvements.*

4 (4) *ENERGY IMPROVEMENT.*—*The term “energy*
5 *improvement” means—*

6 (A) *any improvement, repair, or renovation*
7 *to a school that results in a direct reduction in*
8 *school energy costs, including improvements to*
9 *the envelope, air conditioning system, ventilation*
10 *system, heating system, domestic hot water heat-*
11 *ing system, compressed air system, distribution*
12 *system, lighting system, power system, and con-*
13 *trols of a building;*

14 (B) *any improvement, repair, or renovation*
15 *to, or installation in, a school that—*

16 (i) *leads to an improvement in teacher*
17 *and student health, including indoor air*
18 *quality; and*

19 (ii) *achieves energy savings;*

20 (C) *any improvement, repair, or renovation*
21 *to a school involving the installation of renew-*
22 *able energy technologies;*

23 (D) *the installation of alternative fueled ve-*
24 *hicle infrastructure on school grounds for—*

1 (i) *exclusive use of school buses, school*
2 *fleets, or students; or*

3 (ii) *the general public; and*

4 (E) *the purchase or lease of alternative*
5 *fueled vehicles to be used by a school, including*
6 *school buses, fleet vehicles, and other operational*
7 *vehicles.*

8 (5) *HIGH SCHOOL.*—*The term “high school” has*
9 *the meaning given the term in section 8101 of the El-*
10 *ementary and Secondary Education Act of 1965 (20*
11 *U.S.C. 7801).*

12 (6) *LOCAL EDUCATIONAL AGENCY.*—*The term*
13 *“local educational agency” has the meaning given the*
14 *term in section 8101 of the Elementary and Sec-*
15 *ondary Education Act of 1965 (20 U.S.C. 7801).*

16 (7) *NONPROFIT ORGANIZATION.*—*The term “non-*
17 *profit organization” means—*

18 (A) *an organization described in section*
19 *501(c)(3) of the Internal Revenue Code of 1986*
20 *and exempt from tax under section 501(a) of*
21 *such Code; or*

22 (B) *a mutual or cooperative electric com-*
23 *pany described in section 501(c)(12) of such*
24 *Code.*

1 (8) *PARTNERING LOCAL EDUCATIONAL AGEN-*
2 *CY.—The term “partnering local educational agency”,*
3 *with respect to an eligible entity, means the local edu-*
4 *cational agency participating in the consortium of*
5 *the eligible entity.*

6 (b) *GRANTS.—The Secretary shall award competitive*
7 *grants to eligible entities to make energy improvements in*
8 *accordance with this section.*

9 (c) *APPLICATIONS.—*

10 (1) *IN GENERAL.—An eligible entity desiring a*
11 *grant under this section shall submit to the Secretary*
12 *an application at such time, in such manner, and*
13 *containing such information as the Secretary may re-*
14 *quire.*

15 (2) *CONTENTS.—The application submitted*
16 *under paragraph (1) shall include each of the fol-*
17 *lowing:*

18 (A) *A needs assessment of the current condi-*
19 *tion of the school and school facilities that would*
20 *receive the energy improvements if the applica-*
21 *tion were approved.*

22 (B) *A draft work plan of the intended*
23 *achievements of the eligible entity at the school.*

1 (C) *A description of the energy improve-*
2 *ments that the eligible entity would carry out at*
3 *the school if the application were approved.*

4 (D) *A description of the capacity of the eli-*
5 *gible entity to provide services and comprehen-*
6 *sive support to make the energy improvements*
7 *referred to in subparagraph (C).*

8 (E) *An assessment of the expected needs of*
9 *the eligible entity for operation and maintenance*
10 *training funds, and a plan for use of those*
11 *funds, if applicable.*

12 (F) *An assessment of the expected energy ef-*
13 *iciency, energy savings, and safety benefits of*
14 *the energy improvements.*

15 (G) *A cost estimate of the proposed energy*
16 *improvements.*

17 (H) *An identification of other resources that*
18 *are available to carry out the activities for which*
19 *grant funds are requested under this section, in-*
20 *cluding the availability of utility programs and*
21 *public benefit funds.*

22 (d) *PRIORITY.—*

23 (1) *IN GENERAL.—In awarding grants under*
24 *this section, the Secretary shall give priority to an el-*
25 *igible entity—*

1 (A) that has renovation, repair, and im-
2 provement funding needs;

3 (B)(i) that, as determined by the Secretary,
4 serves a high percentage of students, including
5 students in a high school in accordance with
6 paragraph (2), who are eligible for a free or re-
7 duced price lunch under the Richard B. Russell
8 National School Lunch Act (42 U.S.C. 1751 et
9 seq.); or

10 (ii) the partnering local educational agency
11 of which is designated with a school district lo-
12 cale code of 41, 42, or 43, as determined by the
13 National Center for Education Statistics in con-
14 sultation with the Bureau of the Census; and

15 (C) that leverages private sector investment
16 through energy-related performance contracting.

17 (2) *HIGH SCHOOL STUDENTS.*—In the case of
18 students in a high school, the percentage of students
19 eligible for a free or reduced price lunch described in
20 paragraph (1)(B)(i) shall be calculated using data
21 from the schools that feed into the high school.

22 (e) *COMPETITIVE CRITERIA.*—The competitive criteria
23 used by the Secretary to award grants under this section
24 shall include the following:

1 (1) *The extent of the disparity between the fiscal*
2 *capacity of the eligible entity to carry out energy im-*
3 *provements at school facilities and the needs of the*
4 *partnering local educational agency for those energy*
5 *improvements, including consideration of—*

6 (A) *the current and historic ability of the*
7 *partnering local educational agency to raise*
8 *funds for construction, renovation, moderniza-*
9 *tion, and major repair projects for schools;*

10 (B) *the ability of the partnering local edu-*
11 *cational agency to issue bonds or receive other*
12 *funds to support the current infrastructure needs*
13 *of the partnering local educational agency for*
14 *schools; and*

15 (C) *the bond rating of the partnering local*
16 *educational agency.*

17 (2) *The likelihood that the partnering local edu-*
18 *cational agency or eligible entity will maintain, in*
19 *good condition, any school and school facility that is*
20 *the subject of improvements.*

21 (3) *The potential energy efficiency and safety*
22 *benefits from the proposed energy improvements.*

23 (f) *USE OF GRANT AMOUNTS.—*

24 (1) *IN GENERAL.—Except as provided in this*
25 *subsection, an eligible entity receiving a grant under*

1 *this section shall use the grant amounts only to make*
2 *the energy improvements described in the application*
3 *submitted by the eligible entity under subsection (c).*

4 (2) *OPERATION AND MAINTENANCE TRAINING.—*
5 *An eligible entity receiving a grant under this section*
6 *may use not more than 5 percent of the grant*
7 *amounts for operation and maintenance training for*
8 *energy efficiency and renewable energy improvements,*
9 *such as maintenance staff and teacher training, edu-*
10 *cation, and preventative maintenance training.*

11 (3) *THIRD-PARTY INVESTIGATION AND ANAL-*
12 *YSIS.—An eligible entity receiving a grant under this*
13 *section may use a portion of the grant amounts for*
14 *a third-party investigation and analysis of the energy*
15 *improvements carried out by the eligible entity, such*
16 *as energy audits and existing building commis-*
17 *sioning.*

18 (4) *CONTINUING EDUCATION.—An eligible entity*
19 *receiving a grant under this section may use not more*
20 *than 3 percent of the grant amounts to develop a con-*
21 *tinuing education curriculum relating to energy im-*
22 *provements.*

23 (g) *COMPETITION IN CONTRACTING.—If an eligible en-*
24 *tity receiving a grant under this section uses grant funds*
25 *to carry out repair or renovation through a contract, the*

1 *eligible entity shall be required to ensure that the contract*
2 *process—*

3 (1) *through full and open competition, ensures*
4 *the maximum practicable number of qualified bid-*
5 *ders, including small, minority, and women-owned*
6 *businesses; and*

7 (2) *gives priority to businesses located in, or re-*
8 *sources common to, the State or geographical area in*
9 *which the repair or renovation under the contract*
10 *will be carried out.*

11 (h) *BEST PRACTICES.—The Secretary shall develop*
12 *and publish guidelines and best practices for activities car-*
13 *ried out under this section.*

14 (i) *REPORT BY ELIGIBLE ENTITY.—An eligible entity*
15 *receiving a grant under this section shall submit to the Sec-*
16 *retary, at such time as the Secretary may require, a report*
17 *describing—*

18 (1) *the use of the grant funds for energy im-*
19 *provements;*

20 (2) *the estimated cost savings realized by those*
21 *energy improvements;*

22 (3) *the results of any third-party investigation*
23 *and analysis conducted relating to those energy im-*
24 *provements;*

1 (4) *the use of any utility programs and public*
2 *benefit funds; and*

3 (5) *the use of performance tracking for energy*
4 *improvements, such as—*

5 (A) *the Energy Star program established*
6 *under section 324A of the Energy Policy and*
7 *Conservation Act (42 U.S.C. 6294a); or*

8 (B) *the United States Green Building*
9 *Council Leadership in Energy and Environ-*
10 *mental Design (LEED) green building rating*
11 *system for existing buildings.*

12 (j) *AUTHORIZATION OF APPROPRIATIONS.—There is*
13 *authorized to be appropriated to the Secretary to carry out*
14 *this section \$500,000,000 for the period of fiscal years 2022*
15 *through 2026.*

16 **SEC. 40542. ENERGY EFFICIENCY MATERIALS PILOT PRO-**
17 **GRAM.**

18 (a) *DEFINITIONS.—In this section:*

19 (1) *APPLICANT.—The term “applicant” means a*
20 *nonprofit organization that applies for a grant under*
21 *this section.*

22 (2) *ENERGY-EFFICIENCY MATERIAL.—*

23 (A) *IN GENERAL.—The term “energy-effi-*
24 *ciency material” means a material (including a*
25 *product, equipment, or system) the installation*

1 *of which results in a reduction in use by a non-*
2 *profit organization of energy or fuel.*

3 (B) *INCLUSIONS.*—*The term “energy-effi-*
4 *ciency material” includes—*

5 (i) *a roof or lighting system or compo-*
6 *nent of the system;*

7 (ii) *a window;*

8 (iii) *a door, including a security door;*

9 *and*

10 (iv) *a heating, ventilation, or air con-*
11 *ditioning system or component of the system*
12 *(including insulation and wiring and*
13 *plumbing improvements needed to serve a*
14 *more efficient system).*

15 (3) *NONPROFIT BUILDING.*—*The term “nonprofit*
16 *building” means a building operated and owned by*
17 *an organization that is described in section 501(c)(3)*
18 *of the Internal Revenue Code of 1986 and exempt*
19 *from tax under section 501(a) of such Code.*

20 (b) *ESTABLISHMENT.*—*Not later than 1 year after the*
21 *date of enactment of this Act, the Secretary shall establish*
22 *a pilot program to award grants for the purpose of pro-*
23 *viding nonprofit buildings with energy-efficiency materials.*

24 (c) *GRANTS.*—

1 (1) *IN GENERAL.*—*The Secretary may award*
2 *grants under the program established under sub-*
3 *section (b).*

4 (2) *APPLICATION.*—*The Secretary may award a*
5 *grant under paragraph (1) if an applicant submits to*
6 *the Secretary an application at such time, in such*
7 *form, and containing such information as the Sec-*
8 *retary may prescribe.*

9 (3) *CRITERIA FOR GRANT.*—*In determining*
10 *whether to award a grant under paragraph (1), the*
11 *Secretary shall apply performance-based criteria,*
12 *which shall give priority to applicants based on—*

13 (A) *the energy savings achieved;*

14 (B) *the cost effectiveness of the use of en-*
15 *ergy-efficiency materials;*

16 (C) *an effective plan for evaluation, meas-*
17 *urement, and verification of energy savings; and*

18 (D) *the financial need of the applicant.*

19 (4) *LIMITATION ON INDIVIDUAL GRANT*
20 *AMOUNT.*—*Each grant awarded under this section*
21 *shall not exceed \$200,000.*

22 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
23 *authorized to be appropriated to the Secretary to carry out*
24 *this section \$50,000,000 for the period of fiscal years 2022*
25 *through 2026, to remain available until expended.*

1 **Subtitle E—Miscellaneous**

2 **SEC. 40551. WEATHERIZATION ASSISTANCE PROGRAM.**

3 (a) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
4 *authorized to be appropriated to the Secretary for the*
5 *weatherization assistance program established under part*
6 *A of title IV of the Energy Conservation and Production*
7 *Act (42 U.S.C. 6861 et seq.) \$3,500,000,000 for fiscal year*
8 *2022, to remain available until expended.*

9 (b) *APPLICATION OF WAGE RATE REQUIREMENTS TO*
10 *WEATHERIZATION ASSISTANCE PROGRAM.*—*With respect to*
11 *work performed under the weatherization assistance pro-*
12 *gram established under part A of title IV of the Energy*
13 *Conservation and Production Act (42 U.S.C. 6861 et seq.)*
14 *on a project assisted in whole or in part by funding made*
15 *available under subsection (a), the requirements of section*
16 *41101 shall apply only to work performed on multifamily*
17 *buildings with not fewer than 5 units.*

18 **SEC. 40552. ENERGY EFFICIENCY AND CONSERVATION**
19 **BLOCK GRANT PROGRAM.**

20 (a) *USE OF FUNDS.*—*Section 544 of the Energy Inde-*
21 *pendence and Security Act of 2007 (42 U.S.C. 17154) is*
22 *amended—*

23 (1) *in paragraph (13)(D), by striking “and”*
24 *after the semicolon;*

1 (2) *by redesignating paragraph (14) as para-*
2 *graph (15); and*

3 (3) *by inserting after paragraph (13) the fol-*
4 *lowing:*

5 “(14) *programs for financing energy efficiency,*
6 *renewable energy, and zero-emission transportation*
7 *(and associated infrastructure), capital investments,*
8 *projects, and programs, which may include loan pro-*
9 *grams and performance contracting programs, for*
10 *leveraging of additional public and private sector*
11 *funds, and programs that allow rebates, grants, or*
12 *other incentives for the purchase and installation of*
13 *energy efficiency, renewable energy, and zero-emission*
14 *transportation (and associated infrastructure) meas-*
15 *ures; and”.*

16 (b) *AUTHORIZATION OF APPROPRIATIONS.—There is*
17 *authorized to be appropriated to the Secretary for the En-*
18 *ergy Efficiency and Conservation Block Grant Program es-*
19 *tablished under section 542(a) of the Energy Independence*
20 *and Security Act of 2007 (42 U.S.C. 17152(a))*
21 *\$550,000,000 for fiscal year 2022, to remain available until*
22 *expended.*

1 **SEC. 40553. SURVEY, ANALYSIS, AND REPORT ON EMPLOY-**
2 **MENT AND DEMOGRAPHICS IN THE ENERGY,**
3 **ENERGY EFFICIENCY, AND MOTOR VEHICLE**
4 **SECTORS OF THE UNITED STATES.**

5 (a) *ENERGY JOBS COUNCIL.*—

6 (1) *ESTABLISHMENT.*—*The Secretary shall estab-*
7 *lish a council, to be known as the “Energy Jobs*
8 *Council” (referred to in this section as the “Coun-*
9 *cil”).*

10 (2) *MEMBERSHIP.*—*The Council shall be com-*
11 *prised of—*

12 (A) *to be appointed by the Secretary—*

13 (i) *1 or more representatives of the En-*
14 *ergy Information Administration; and*

15 (ii) *1 or more representatives of a*
16 *State energy office that are serving as mem-*
17 *bers of the State Energy Advisory Board es-*
18 *tablished by section 365(g) of the Energy*
19 *Policy and Conservation Act (42 U.S.C.*
20 *6325(g));*

21 (B) *to be appointed by the Secretary of*
22 *Commerce—*

23 (i) *1 or more representatives of the De-*
24 *partment of Commerce; and*

25 (ii) *1 or more representatives of the*
26 *Bureau of the Census;*

1 (C) 1 or more representatives of the Bureau
2 of Labor Statistics, to be appointed by the Sec-
3 retary of Labor; and

4 (D) 1 or more representatives of any other
5 Federal agency the assistance of which is re-
6 quired to carry out this section, as determined
7 by the Secretary, to be appointed by the head of
8 the applicable agency.

9 (b) SURVEY AND ANALYSIS.—

10 (1) IN GENERAL.—The Council shall—

11 (A) conduct a survey of employers in the
12 energy, energy efficiency, and motor vehicle sec-
13 tors of the economy of the United States; and

14 (B) perform an analysis of the employment
15 figures and demographics in those sectors, in-
16 cluding the number of personnel in each sector
17 who devote a substantial portion of working
18 hours, as determined by the Secretary, to regu-
19 latory compliance matters.

20 (2) METHODOLOGY.—In conducting the survey
21 and analysis under paragraph (1), the Council shall
22 employ a methodology that—

23 (A) was approved in 2016 by the Office of
24 Management and Budget for use in the document
25 entitled “OMB Control Number 1910–5179”;

1 (B) uses a representative, stratified sam-
2 pling of businesses in the United States; and

3 (C) is designed to elicit a comparable num-
4 ber of responses from businesses in each State
5 and with the same North American Industry
6 Classification System codes as were received for
7 the 2016 and 2017 reports entitled “U.S. Energy
8 and Employment Report”.

9 (3) CONSULTATION.—In conducting the survey
10 and analysis under paragraph (1), the Council shall
11 consult with key stakeholders, including—

12 (A) as the Council determines to be appro-
13 priate, the heads of relevant Federal agencies
14 and offices, including—

15 (i) the Secretary of Commerce;

16 (ii) the Secretary of Transportation;

17 (iii) the Director of the Bureau of the
18 Census;

19 (iv) the Commissioner of the Bureau of
20 Labor Statistics; and

21 (v) the Administrator of the Environ-
22 mental Protection Agency;

23 (B) States;

1 (C) the State Energy Advisory Board estab-
2 lished by section 365(g) of the Energy Policy and
3 Conservation Act (42 U.S.C. 6325(g)); and

4 (D) energy industry trade associations.

5 (c) *REPORT.*—

6 (1) *IN GENERAL.*—Not later than 1 year after
7 the date of enactment of this Act, and annually there-
8 after, the Secretary shall—

9 (A) make publicly available on the website
10 of the Department a report, to be entitled the
11 “U.S. Energy and Employment Report”, de-
12 scribing the employment figures and demo-
13 graphics in the energy, energy efficiency, and
14 motor vehicle sectors of the United States, and
15 the average number of hours devoted to regu-
16 latory compliance, based on the survey and anal-
17 ysis conducted under subsection (b); and

18 (B) subject to the requirements of sub-
19 chapter III of chapter 35 of title 44, United
20 States Code, make the data collected by the
21 Council publicly available on the website of the
22 Department.

23 (2) *CONTENTS.*—

1 (A) *IN GENERAL.*—*The report under para-*
2 *graph (1) shall include employment figures and*
3 *demographic data for—*

4 (i) *the energy sector of the economy of*
5 *the United States, including—*

6 (I) *the electric power generation*
7 *and fuels sector; and*

8 (II) *the transmission, storage, and*
9 *distribution sector;*

10 (ii) *the energy efficiency sector of the*
11 *economy of the United States; and*

12 (iii) *the motor vehicle sector of the*
13 *economy of the United States.*

14 (B) *INCLUSION.*—*With respect to each sector*
15 *described in subparagraph (A), the report under*
16 *paragraph (1) shall include employment figures*
17 *and demographic data sorted by—*

18 (i) *each technology, subtechnology, and*
19 *fuel type of those sectors; and*

20 (ii) *subject to the requirements of the*
21 *Confidential Information Protection and*
22 *Statistical Efficiency Act of 2002 (44*
23 *U.S.C. 3501 note; Public Law 107–347)—*

24 (I) *each State;*

1 (II) each territory of the United
2 States;

3 (III) the District of Columbia;
4 and

5 (IV) each county (or equivalent
6 jurisdiction) in the United States.

7 **SEC. 40554. ASSISTING FEDERAL FACILITIES WITH ENERGY**
8 **CONSERVATION TECHNOLOGIES GRANT PRO-**
9 **GRAM.**

10 *There is authorized to be appropriated to the Secretary*
11 *to provide grants authorized under section 546(b) of the Na-*
12 *tional Energy Conservation Policy Act (42 U.S.C. 8256(b)),*
13 *\$250,000,000 for fiscal year 2022, to remain available until*
14 *expended.*

15 **SEC. 40555. REBATES.**

16 *There are authorized to be appropriated to the Sec-*
17 *retary for the period of fiscal years 2022 and 2023—*

18 (1) *\$10,000,000 for the extended product system*
19 *rebate program authorized under section 1005 of the*
20 *Energy Act of 2020 (42 U.S.C. 6311 note; Public Law*
21 *116–260); and*

22 (2) *\$10,000,000 for the energy efficient trans-*
23 *former rebate program authorized under section 1006*
24 *of the Energy Act of 2020 (42 U.S.C. 6317 note; Pub-*
25 *lic Law 116–260).*

1 **SEC. 40556. MODEL GUIDANCE FOR COMBINED HEAT AND**
2 **POWER SYSTEMS AND WASTE HEAT TO**
3 **POWER SYSTEMS.**

4 (a) *DEFINITIONS.—In this section:*

5 (1) *ADDITIONAL SERVICES.—The term “addi-*
6 *tional services” means the provision of supplementary*
7 *power, backup or standby power, maintenance power,*
8 *or interruptible power to an electric consumer by an*
9 *electric utility.*

10 (2) *WASTE HEAT TO POWER SYSTEM.—The term*
11 *“waste heat to power system” means a system that*
12 *generates electricity through the recovery of waste en-*
13 *ergy.*

14 (3) *OTHER TERMS.—*

15 (A) *PURPA.—The terms “electric con-*
16 *sumer”, “electric utility”, “interconnection serv-*
17 *ice”, “nonregulated electric utility”, and “State*
18 *regulatory authority” have the meanings given*
19 *those terms in the Public Utility Regulatory*
20 *Policies Act of 1978 (16 U.S.C. 2601 et seq.),*
21 *within the meaning of title I of that Act (16*
22 *U.S.C. 2611 et seq.).*

23 (B) *EPCA.—The terms “combined heat and*
24 *power system” and “waste energy” have the*
25 *meanings given those terms in section 371 of the*

1 *Energy Policy and Conservation Act (42 U.S.C.*
2 *6341).*

3 **(b) REVIEW.—**

4 **(1) IN GENERAL.—***Not later than 180 days after*
5 *the date of enactment of this Act, the Secretary, in*
6 *consultation with the Federal Energy Regulatory*
7 *Commission and other appropriate entities, shall re-*
8 *view existing rules and procedures relating to inter-*
9 *connection service and additional services throughout*
10 *the United States for electric generation with name-*
11 *plate capacity up to 150 megawatts connecting at ei-*
12 *ther distribution or transmission voltage levels to*
13 *identify barriers to the deployment of combined heat*
14 *and power systems and waste heat to power systems.*

15 **(2) INCLUSION.—***The review under this sub-*
16 *section shall include a review of existing rules and*
17 *procedures relating to—*

18 **(A)** *determining and assigning costs of*
19 *interconnection service and additional services;*
20 *and*

21 **(B)** *ensuring adequate cost recovery by an*
22 *electric utility for interconnection service and*
23 *additional services.*

24 **(c) MODEL GUIDANCE.—**

1 (1) *IN GENERAL.*—Not later than 18 months
2 after the date of enactment of this Act, the Secretary,
3 in consultation with the Federal Energy Regulatory
4 Commission and other appropriate entities, shall
5 issue model guidance for interconnection service and
6 additional services for consideration by State regu-
7 latory authorities and nonregulated electric utilities
8 to reduce the barriers identified under subsection
9 (b)(1).

10 (2) *CURRENT BEST PRACTICES.*—The model
11 guidance issued under this subsection shall reflect, to
12 the maximum extent practicable, current best prac-
13 tices to encourage the deployment of combined heat
14 and power systems and waste heat to power systems
15 while ensuring the safety and reliability of the inter-
16 connected units and the distribution and trans-
17 mission networks to which the units connect, includ-
18 ing—

19 (A) relevant current standards developed by
20 the Institute of Electrical and Electronic Engi-
21 neers; and

22 (B) model codes and rules adopted by—

23 (i) States; or

24 (ii) associations of State regulatory
25 agencies.

1 (3) *FACTORS FOR CONSIDERATION.*—*In estab-*
2 *lishing the model guidance under this subsection, the*
3 *Secretary shall take into consideration—*

4 (A) *the appropriateness of using standards*
5 *or procedures for interconnection service that*
6 *vary based on unit size, fuel type, or other rel-*
7 *evant characteristics;*

8 (B) *the appropriateness of establishing fast-*
9 *track procedures for interconnection service;*

10 (C) *the value of consistency with Federal*
11 *interconnection rules established by the Federal*
12 *Energy Regulatory Commission as of the date of*
13 *enactment of this Act;*

14 (D) *the best practices used to model outage*
15 *assumptions and contingencies to determine fees*
16 *or rates for additional services;*

17 (E) *the appropriate duration, magnitude,*
18 *or usage of demand charge ratchets;*

19 (F) *potential alternative arrangements with*
20 *respect to the procurement of additional services,*
21 *including—*

22 (i) *contracts tailored to individual*
23 *electric consumers for additional services;*

1 (ii) procurement of additional services
2 by an electric utility from a competitive
3 market; and

4 (iii) waivers of fees or rates for addi-
5 tional services for small electric consumers;
6 and

7 (G) outcomes such as increased electric reli-
8 ability, fuel diversification, enhanced power
9 quality, and reduced electric losses that may re-
10 sult from increased use of combined heat and
11 power systems and waste heat to power systems.

12 **TITLE VI—METHANE REDUCTION**
13 **INFRASTRUCTURE**

14 **SEC. 40601. ORPHANED WELL SITE PLUGGING, REMEDI-**
15 **ATION, AND RESTORATION.**

16 Section 349 of the Energy Policy Act of 2005 (42
17 U.S.C. 15907) is amended to read as follows:

18 **“SEC. 349. ORPHANED WELL SITE PLUGGING, REMEDI-**
19 **ATION, AND RESTORATION.**

20 “(a) *DEFINITIONS.*—In this section:

21 “(1) *FEDERAL LAND.*—The term ‘Federal land’
22 means land administered by a land management
23 agency within—

24 “(A) the Department of Agriculture; or

25 “(B) the Department of the Interior.

1 “(2) *IDLED WELL*.—The term ‘idled well’ means
2 a well—

3 “(A) that has been nonoperational for not
4 fewer than 4 years; and

5 “(B) for which there is no anticipated bene-
6 ficial future use.

7 “(3) *INDIAN TRIBE*.—The term ‘Indian Tribe’
8 has the meaning given the term in section 4 of the In-
9 dian Self-Determination and Education Assistance
10 Act (25 U.S.C. 5304).

11 “(4) *OPERATOR*.—The term ‘operator’, with re-
12 spect to an oil or gas operation, means any entity,
13 including a lessee or operating rights owner, that has
14 provided to a relevant authority a written statement
15 that the entity is responsible for the oil or gas oper-
16 ation, or any portion of the operation.

17 “(5) *ORPHANED WELL*.—The term ‘orphaned
18 well’—

19 “(A) with respect to Federal land or Tribal
20 land, means a well—

21 “(i)(I) that is not used for an author-
22 ized purpose, such as production, injection,
23 or monitoring; and

24 “(II)(aa) for which no operator can be
25 located;

1 “(bb) the operator of which is unable—

2 “(AA) to plug the well; and

3 “(BB) to remediate and reclaim
4 the well site; or

5 “(cc) that is within the National Petro-
6 leum Reserve—Alaska; and

7 “(B) with respect to State or private land—

8 “(i) has the meaning given the term by
9 the applicable State; or

10 “(ii) if that State uses different termi-
11 nology, has the meaning given another term
12 used by the State to describe a well eligible
13 for plugging, remediation, and reclamation
14 by the State.

15 “(6) TRIBAL LAND.—The term ‘Tribal land’
16 means any land or interest in land owned by an In-
17 dian Tribe, the title to which is—

18 “(A) held in trust by the United States; or

19 “(B) subject to a restriction against alien-
20 ation under Federal law.

21 “(b) FEDERAL PROGRAM.—

22 “(1) ESTABLISHMENT.—Not later than 60 days
23 after the date of enactment of the Infrastructure In-
24 vestment and Jobs Act, the Secretary shall establish

1 *a program to plug, remediate, and reclaim orphaned*
2 *wells located on Federal land.*

3 “(2) *INCLUDED ACTIVITIES.*—*The program*
4 *under this subsection shall—*

5 “(A) *include a method of—*

6 “(i) *identifying, characterizing, and*
7 *inventorying orphaned wells and associated*
8 *pipelines, facilities, and infrastructure on*
9 *Federal land; and*

10 “(ii) *ranking those orphaned wells for*
11 *priority in plugging, remediation, and rec-*
12 *lamation, based on—*

13 “(I) *public health and safety;*

14 “(II) *potential environmental*
15 *harm; and*

16 “(III) *other subsurface impacts or*
17 *land use priorities;*

18 “(B) *distribute funding in accordance with*
19 *the priorities established under subparagraph*
20 *(A)(i) for—*

21 “(i) *plugging orphaned wells;*

22 “(ii) *remediating and reclaiming well*
23 *pads and facilities associated with orphaned*
24 *wells;*

1 “(iii) remediating soil and restoring
2 native species habitat that has been de-
3 graded due to the presence of orphaned wells
4 and associated pipelines, facilities, and in-
5 frastructure; and

6 “(iv) remediating land adjacent to or-
7 phaned wells and decommissioning or re-
8 moving associated pipelines, facilities, and
9 infrastructure;

10 “(C) provide a public accounting of the
11 costs of plugging, remediation, and reclamation
12 for each orphaned well;

13 “(D) seek to determine the identities of po-
14 tentially responsible parties associated with the
15 orphaned well (or a surety or guarantor of such
16 a party), to the extent such information can be
17 ascertained, and make efforts to obtain reim-
18 bursement for expenditures to the extent prac-
19 ticable;

20 “(E) measure or estimate and track—

21 “(i) emissions of methane and other
22 gases associated with orphaned wells; and

23 “(ii) contamination of groundwater or
24 surface water associated with orphaned
25 wells; and

1 “(F) identify and address any disproportio-
2 nate burden of adverse human health or envi-
3 ronmental effects of orphaned wells on commu-
4 nities of color, low-income communities, and
5 Tribal and indigenous communities.

6 “(3) IDLED WELLS.—The Secretary, acting
7 through the Director of the Bureau of Land Manage-
8 ment, shall—

9 “(A) periodically review all idled wells on
10 Federal land; and

11 “(B) reduce the inventory of idled wells on
12 Federal land.

13 “(4) COOPERATION AND CONSULTATION.—In car-
14 rying out the program under this subsection, the Sec-
15 retary shall—

16 “(A) work cooperatively with—

17 “(i) the Secretary of Agriculture;

18 “(ii) affected Indian Tribes; and

19 “(iii) each State within which Federal
20 land is located; and

21 “(B) consult with—

22 “(i) the Secretary of Energy; and

23 “(ii) the Interstate Oil and Gas Com-
24 pact Commission.

25 “(c) FUNDING FOR STATE PROGRAMS.—

1 “(1) *IN GENERAL.*—*The Secretary shall provide*
2 *to States, in accordance with this subsection—*

3 “(A) *initial grants under paragraph (3);*

4 “(B) *formula grants under paragraph (4);*

5 *and*

6 “(C) *performance grants under paragraph*
7 *(5).*

8 “(2) *ACTIVITIES.*—

9 “(A) *IN GENERAL.*—*A State may use fund-*
10 *ing provided under this subsection for any of the*
11 *following purposes:*

12 “(i) *To plug, remediate, and reclaim*
13 *orphaned wells located on State-owned or*
14 *privately owned land.*

15 “(ii) *To identify and characterize un-*
16 *documented orphaned wells on State and*
17 *private land.*

18 “(iii) *To rank orphaned wells based on*
19 *factors including—*

20 “(I) *public health and safety;*

21 “(II) *potential environmental*
22 *harm; and*

23 “(III) *other land use priorities.*

1 “(iv) To make information regarding
2 the use of funds received under this sub-
3 section available on a public website.

4 “(v) To measure and track—

5 “(I) emissions of methane and
6 other gases associated with orphaned
7 wells; and

8 “(II) contamination of ground-
9 water or surface water associated with
10 orphaned wells.

11 “(vi) To remediate soil and restore na-
12 tive species habitat that has been degraded
13 due to the presence of orphaned wells and
14 associated pipelines, facilities, and infra-
15 structure.

16 “(vii) To remediate land adjacent to
17 orphaned wells and decommission or remove
18 associated pipelines, facilities, and infra-
19 structure.

20 “(viii) To identify and address any
21 disproportionate burden of adverse human
22 health or environmental effects of orphaned
23 wells on communities of color, low-income
24 communities, and Tribal and indigenous
25 communities.

1 “(ix) Subject to subparagraph (B), to
2 administer a program to carry out any ac-
3 tivities described in clauses (i) through
4 (viii).

5 “(B) ADMINISTRATIVE COST LIMITATION.—

6 “(i) IN GENERAL.—Except as provided
7 in clause (ii), a State shall not use more
8 than 10 percent of the funds received under
9 this subsection during a fiscal year for ad-
10 ministrative costs under subparagraph
11 (A)(ix).

12 “(ii) EXCEPTION.—The limitation
13 under clause (i) shall not apply to funds
14 used by a State as described in paragraph
15 (3)(A)(ii).

16 “(3) INITIAL GRANTS.—

17 “(A) IN GENERAL.—Subject to the avail-
18 ability of appropriations, the Secretary shall dis-
19 tribute—

20 “(i) not more than \$25,000,000 to each
21 State that submits to the Secretary, by not
22 later than 180 days after the date of enact-
23 ment of the Infrastructure Investment and
24 Jobs Act, a request for funding under this
25 clause, including—

1 “(I) an estimate of the number of
2 jobs that will be created or saved
3 through the activities proposed to be
4 funded; and

5 “(II) a certification that—

6 “(aa) the State is a Member
7 State or Associate Member State
8 of the Interstate Oil and Gas
9 Compact Commission;

10 “(bb) there are 1 or more
11 documented orphaned wells lo-
12 cated in the State; and

13 “(cc) the State will use not
14 less than 90 percent of the fund-
15 ing requested under this sub-
16 section to issue new contracts,
17 amend existing contracts, or issue
18 grants for plugging, remediation,
19 and reclamation work by not later
20 than 90 days after the date of re-
21 ceipt of the funds; and

22 “(ii) not more than \$5,000,000 to each
23 State that—

24 “(I) requests funding under this
25 clause;

1 “(II) does not receive a grant
2 under clause (i); and

3 “(III) certifies to the Secretary
4 that—

5 “(aa) the State—

6 “(AA) has in effect a
7 plugging, remediation, and
8 reclamation program for or-
9 phaned wells; or

10 “(BB) the capacity to
11 initiate such a program; or

12 “(bb) the funds provided
13 under this paragraph will be used
14 to carry out any administrative
15 actions necessary to develop an
16 application for a formula grant
17 under paragraph (4) or a per-
18 formance grant under paragraph
19 (5).

20 “(B) DISTRIBUTION.—Subject to the avail-
21 ability of appropriations, the Secretary shall dis-
22 tribute funds to a State under this paragraph by
23 not later than the date that is 30 days after the
24 date on which the State submits to the Secretary

1 *the certification required under clause (i)(II) or*
2 *(ii)(III) of subparagraph (A), as applicable.*

3 “(C) *DEADLINE FOR EXPENDITURE.*—A
4 *State that receives funds under this paragraph*
5 *shall reimburse the Secretary in an amount*
6 *equal to the amount of the funds that remain un-*
7 *obligated on the date that is 1 year after the date*
8 *of receipt of the funds.*

9 “(D) *REPORT.*—Not later than 15 months
10 *after the date on which a State receives funds*
11 *under this paragraph, the State shall submit to*
12 *the Secretary a report that describes the means*
13 *by which the State used the funds in accordance*
14 *with the certification submitted by the State*
15 *under subparagraph (A).*

16 “(4) *FORMULA GRANTS.*—

17 “(A) *ESTABLISHMENT.*—

18 “(i) *IN GENERAL.*—The Secretary shall
19 *establish a formula for the distribution to*
20 *each State described in clause (ii) of funds*
21 *under this paragraph.*

22 “(ii) *DESCRIPTION OF STATES.*—A
23 *State referred to in clause (i) is a State*
24 *that, by not later than 45 days after the*
25 *date of enactment of the Infrastructure In-*

1 *vestment and Jobs Act, submits to the Sec-*
2 *retary a notice of the intent of the State to*
3 *submit an application under subparagraph*
4 *(B), including a description of the factors*
5 *described in clause (iii) with respect to the*
6 *State.*

7 “(iii) *FACTORS.—The formula estab-*
8 *lished under clause (i) shall account for,*
9 *with respect to an applicant State, the fol-*
10 *lowing factors:*

11 “(I) *Job losses in the oil and gas*
12 *industry in the State during the pe-*
13 *riod—*

14 “(aa) *beginning on March 1,*
15 *2020; and*

16 “(bb) *ending on the date of*
17 *enactment of the Infrastructure*
18 *Investment and Jobs Act.*

19 “(II) *The number of documented*
20 *orphaned wells located in the State,*
21 *and the projected cost—*

22 “(aa) *to plug or reclaim*
23 *those orphaned wells;*

24 “(bb) *to reclaim adjacent*
25 *land; and*

1 “(cc) to decommission or re-
2 move associated pipelines, facili-
3 ties, and infrastructure.

4 “(iv) *PUBLICATION*.—Not later than 75
5 days after the date of enactment of the In-
6 frastructure Investment and Jobs Act, the
7 Secretary shall publish on a public website
8 the amount that each State is eligible to re-
9 ceive under the formula under this subpara-
10 graph.

11 “(B) *APPLICATION*.—To be eligible to re-
12 ceive a formula grant under this paragraph, a
13 State shall submit to the Secretary an applica-
14 tion that includes—

15 “(i) a description of—

16 “(I) the State program for or-
17 phaned well plugging, remediation,
18 and restoration, including legal au-
19 thorities, processes used to identify and
20 prioritize orphaned wells, procurement
21 mechanisms, and other program ele-
22 ments demonstrating the readiness of
23 the State to carry out proposed activi-
24 ties using the grant;

1 “(II) the activities to be carried
2 out with the grant, including an iden-
3 tification of the estimated health, safe-
4 ty, habitat, and environmental benefits
5 of plugging, remediating, or reclaiming
6 orphaned wells; and

7 “(III) the means by which the in-
8 formation regarding the activities of
9 the State under this paragraph will be
10 made available on a public website;

11 “(ii) an estimate of—

12 “(I) the number of orphaned wells
13 in the State that will be plugged, reme-
14 diated, or reclaimed;

15 “(II) the projected cost of—

16 “(aa) plugging, remediating,
17 or reclaiming orphaned wells;

18 “(bb) remediating or re-
19 claiming adjacent land; and

20 “(cc) decommissioning or re-
21 moving associated pipelines, fa-
22 cilities, and infrastructure;

23 “(III) the amount of that pro-
24 jected cost that will be offset by the for-
25 feiture of financial assurance instru-

1 *ments, the estimated salvage of well*
2 *site equipment, or other proceeds from*
3 *the orphaned wells and adjacent land;*

4 “(IV) *the number of jobs that will*
5 *be created or saved through the activi-*
6 *ties to be funded under this paragraph;*
7 *and*

8 “(V) *the amount of funds to be*
9 *spent on administrative costs;*

10 “(iii) *a certification that any financial*
11 *assurance instruments available to cover*
12 *plugging, remediation, or reclamation costs*
13 *will be used by the State; and*

14 “(iv) *the definitions and processes used*
15 *by the State to formally identify a well*
16 *as—*

17 “(I) *an orphaned well; or*

18 “(II) *if the State uses different*
19 *terminology, otherwise eligible for*
20 *plugging, remediation, and reclama-*
21 *tion by the State.*

22 “(C) *DISTRIBUTION.—Subject to the avail-*
23 *ability of appropriations, the Secretary shall dis-*
24 *tribute funds to a State under this paragraph by*
25 *not later than the date that is 60 days after the*

1 *date on which the State submits to the Secretary*
2 *a completed application under subparagraph*
3 *(B).*

4 “(D) *DEADLINE FOR EXPENDITURE.—A*
5 *State that receives funds under this paragraph*
6 *shall reimburse the Secretary in an amount*
7 *equal to the amount of the funds that remain un-*
8 *obligated on the date that is 5 years after the*
9 *date of receipt of the funds.*

10 “(E) *CONSULTATION.—In making a deter-*
11 *mination under this paragraph regarding the*
12 *eligibility of a State to receive a formula grant,*
13 *the Secretary shall consult with—*

14 “(i) *the Administrator of the Environ-*
15 *mental Protection Agency;*

16 “(ii) *the Secretary of Energy; and*

17 “(iii) *the Interstate Oil and Gas Com-*
18 *pact Commission.*

19 “(5) *PERFORMANCE GRANTS.—*

20 “(A) *ESTABLISHMENT.—The Secretary shall*
21 *provide to States, in accordance with this para-*
22 *graph—*

23 “(i) *regulatory improvement grants*
24 *under subparagraph (E); and*

1 “(ii) matching grants under subpara-
2 graph (F).

3 “(B) APPLICATION.—To be eligible to re-
4 ceive a grant under this paragraph, a State shall
5 submit to the Secretary an application includ-
6 ing—

7 “(i) each element described in an ap-
8 plication for a grant under paragraph
9 (4)(B);

10 “(ii) activities carried out by the State
11 to address orphaned wells located in the
12 State, including—

13 “(I) increasing State spending on
14 well plugging, remediation, and rec-
15 lamation; or

16 “(II) improving regulation of oil
17 and gas wells; and

18 “(iii) the means by which the State
19 will use funds provided under this para-
20 graph—

21 “(I) to lower unemployment in
22 the State; and

23 “(II) to improve economic condi-
24 tions in economically distressed areas
25 of the State.

1 “(C) *DISTRIBUTION.*—*Subject to the avail-*
2 *ability of appropriations, the Secretary shall dis-*
3 *tribute funds to a State under this paragraph by*
4 *not later than the date that is 60 days after the*
5 *date on which the State submits to the Secretary*
6 *a completed application under subparagraph*
7 *(B).*

8 “(D) *CONSULTATION.*—*In making a deter-*
9 *mination under this paragraph regarding the*
10 *eligibility of a State to receive a grant under*
11 *subparagraph (E) or (F), the Secretary shall*
12 *consult with—*

13 “(i) *the Administrator of the Environ-*
14 *mental Protection Agency;*

15 “(ii) *the Secretary of Energy; and*

16 “(iii) *the Interstate Oil and Gas Com-*
17 *compact Commission.*

18 “(E) *REGULATORY IMPROVEMENT*
19 *GRANTS.—*

20 “(i) *IN GENERAL.*—*Beginning on the*
21 *date that is 180 days after the date on*
22 *which an initial grant is provided to a*
23 *State under paragraph (3), the Secretary*
24 *shall, subject to the availability of appro-*
25 *priations, provide to the State a regulatory*

1 *improvement grant under this subpara-*
2 *graph, if the State meets, during the 10-*
3 *year period ending on the date on which the*
4 *State submits to the Secretary an applica-*
5 *tion under subparagraph (B), 1 of the fol-*
6 *lowing criteria:*

7 “(I) *The State has strengthened*
8 *plugging standards and procedures de-*
9 *signed to ensure that wells located in*
10 *the State are plugged in an effective*
11 *manner that protects groundwater and*
12 *other natural resources, public health*
13 *and safety, and the environment.*

14 “(II) *The State has made im-*
15 *provements to State programs designed*
16 *to reduce future orphaned well burdens,*
17 *such as financial assurance reform, al-*
18 *ternative funding mechanisms for or-*
19 *phaned well programs, and reforms to*
20 *programs relating to well transfer or*
21 *temporary abandonment.*

22 “(ii) *LIMITATIONS.—*

23 “(I) *NUMBER.—The Secretary*
24 *may issue to a State under this sub-*
25 *paragraph not more than 1 grant for*

1 each criterion described in subclause
2 (I) or (II) of clause (i).

3 “(II) *MAXIMUM AMOUNT.*—The
4 amount of a single grant provided to a
5 State under this subparagraph shall be
6 not more than \$20,000,000.

7 “(iii) *REIMBURSEMENT FOR FAILURE*
8 *TO MAINTAIN PROTECTIONS.*—A State that
9 receives a grant under this subparagraph
10 shall reimburse the Secretary in an amount
11 equal to the amount of the grant in any
12 case in which, during the 10-year period be-
13 ginning on the date of receipt of the grant,
14 the State enacts a law or regulation that, if
15 in effect on the date of submission of the ap-
16 plication under subparagraph (B), would
17 have prevented the State from being eligible
18 to receive the grant under clause (i).

19 “(F) *MATCHING GRANTS.*—

20 “(i) *IN GENERAL.*—Beginning on the
21 date that is 180 days after the date on
22 which an initial grant is provided to a
23 State under paragraph (3), the Secretary
24 shall, subject to the availability of appro-

1 *priations, provide to the State funding, in*
2 *an amount equal to the difference between—*

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, and*
8 *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 will*
14 *expend, during the fiscal year in which*
15 *the State will receive the grant under*
16 *this subparagraph—*

17 *“(aa) to plug, remediate, and*
18 *reclaim orphaned wells;*

19 *“(bb) to remediate or reclaim*
20 *adjacent land; and*

21 *“(cc) to decommission or re-*
22 *move associated pipelines, facili-*
23 *ties, and infrastructure.*

24 *“(ii) LIMITATIONS.—*

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 PROVIDED.*—
6 *The Secretary may provide to a State*
7 *under this subparagraph a total*
8 *amount equal to not more than*
9 *\$30,000,000 during the period of fiscal*
10 *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—*

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 infrastruc-
7 ture on Tribal land;

8 “(iii) to remediate Tribal land adja-
9 cent to orphaned wells and decommission or
10 remove associated pipelines, facilities, and
11 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 LIMITATION.—

23 “(i) IN GENERAL.—Except as provided
24 in clause (ii), an Indian Tribe shall not use
25 more than 10 percent of the funds received

1 *under this subsection during a fiscal year*
2 *for administrative costs under subpara-*
3 *graph (A)(vi).*

4 “(i) *EXCEPTION.—The limitation*
5 *under clause (i) shall not apply to any*
6 *funds used to carry out an administrative*
7 *action necessary for the development of a*
8 *Tribal program described in subparagraph*
9 *(A)(vi).*

10 “(3) *FACTORS FOR CONSIDERATION.—In deter-*
11 *mining whether to provide to an Indian Tribe a*
12 *grant under this subsection, the Secretary shall take*
13 *into consideration—*

14 “(A) *the unemployment rate of the Indian*
15 *Tribe on the date on which the Indian Tribe sub-*
16 *mits an application under paragraph (4); and*

17 “(B) *the estimated number of orphaned*
18 *wells on the Tribal land of the Indian Tribe.*

19 “(4) *APPLICATION.—To be eligible to receive a*
20 *grant under this subsection, an Indian Tribe shall*
21 *submit to the Secretary an application that in-*
22 *cludes—*

23 “(A) *a description of—*

24 “(i) *the Tribal program for orphaned*
25 *well plugging, remediation, and restoration,*

1 including legal authorities, processes used to
2 identify and prioritize orphaned wells, pro-
3 curement mechanisms, and other program
4 elements demonstrating the readiness of the
5 Indian Tribe to carry out the proposed ac-
6 tivities, or plans to develop such a program;
7 and

8 “(ii) the activities to be carried out
9 with the grant, including an identification
10 of the estimated health, safety, habitat, and
11 environmental benefits of plugging, remedi-
12 ating, or reclaiming orphaned wells and re-
13 mediating or reclaiming adjacent land; and
14 “(B) an estimate of—

15 “(i) the number of orphaned wells that
16 will be plugged, remediated, or reclaimed;
17 and

18 “(ii) the projected cost of—

19 “(I) plugging, remediating, or re-
20 claiming orphaned wells;

21 “(II) remediating or reclaiming
22 adjacent land; and

23 “(III) decommissioning or remov-
24 ing associated pipelines, facilities, and
25 infrastructure.

1 “(5) *DISTRIBUTION.*—Subject to the availability
2 of appropriations, the Secretary shall distribute funds
3 to an Indian Tribe under this subsection by not later
4 than the date that is 60 days after the date on which
5 the Indian Tribe submits to the Secretary a completed
6 application under paragraph (4).

7 “(6) *DEADLINE FOR EXPENDITURE.*—An Indian
8 Tribe that receives funds under this subsection shall
9 reimburse the Secretary in an amount equal to the
10 amount of the funds that remain unobligated on the
11 date that is 5 years after the date of receipt of the
12 funds, except for cases in which the Secretary has
13 granted the Indian Tribe an extended deadline for
14 completion of the eligible activities after consultation.

15 “(7) *DELEGATION TO SECRETARY IN LIEU OF A*
16 *GRANT.*—

17 “(A) *IN GENERAL.*—In lieu of a grant
18 under this subsection, an Indian Tribe may sub-
19 mit to the Secretary a request for the Secretary
20 to administer and carry out plugging, remedi-
21 ation, and reclamation activities relating to an
22 orphaned well on behalf of the Indian Tribe.

23 “(B) *ADMINISTRATION.*—Subject to the
24 availability of appropriations under subsection
25 (h)(1)(E), on submission of a request under sub-

1 *paragraph (A), the Secretary shall administer or*
2 *carry out plugging, remediation, and reclama-*
3 *tion activities for an orphaned well on Tribal*
4 *land.*

5 “(e) *TECHNICAL ASSISTANCE.*—*The Secretary of En-*
6 *ergy, in cooperation with the Secretary and the Interstate*
7 *Oil and Gas Compact Commission, shall provide technical*
8 *assistance to the Federal land management agencies and*
9 *oil and gas producing States and Indian Tribes to support*
10 *practical and economical remedies for environmental prob-*
11 *lems caused by orphaned wells on Federal land, Tribal*
12 *land, and State and private land, including the sharing*
13 *of best practices in the management of oil and gas well in-*
14 *ventories to ensure the availability of funds to plug, reme-*
15 *diate, and restore oil and gas well sites on cessation of oper-*
16 *ation.*

17 “(f) *REPORT TO CONGRESS.*—*Not later than 1 year*
18 *after the date of enactment of the Infrastructure Investment*
19 *and Jobs Act, and not less frequently than annually there-*
20 *after, the Secretary shall submit to the Committees on Ap-*
21 *propriations and Energy and Natural Resources of the Sen-*
22 *ate and the Committees on Appropriations and Natural Re-*
23 *sources of the House of Representatives a report describing*
24 *the program established and grants awarded under this sec-*
25 *tion, including—*

1 “(1) an updated inventory of wells located on
2 *Federal land, Tribal land, and State and private*
3 *land that are—*

4 “(A) orphaned wells; or

5 “(B) at risk of becoming orphaned wells;

6 “(2) an estimate of the quantities of—

7 “(A) methane and other gasses emitted from
8 *orphaned wells; and*

9 “(B) emissions reduced as a result of plug-
10 *ging, remediating, and reclaiming orphaned*
11 *wells;*

12 “(3) the number of jobs created and saved
13 *through the plugging, remediation, and reclamation*
14 *of orphaned wells; and*

15 “(4) the acreage of habitat restored using grants
16 *awarded to plug, remediate, and reclaim orphaned*
17 *wells and to remediate or reclaim adjacent land, to-*
18 *gether with a description of the purposes for which*
19 *that land is likely to be used in the future.*

20 “(g) *EFFECT OF SECTION.—*

21 “(1) *NO EXPANSION OF LIABILITY.—Nothing in*
22 *this section establishes or expands the responsibility*
23 *or liability of any entity with respect to—*

24 “(A) *plugging any well; or*

1 “(B) *remediating or reclaiming any well*
2 *site.*

3 “(2) *TRIBAL LAND.—Nothing in this section—*

4 *“(A) relieves the Secretary of any obligation*
5 *under section 3 of the Act of May 11, 1938 (25*
6 *U.S.C. 396c; 52 Stat. 348, chapter 198), to plug,*
7 *remediate, or reclaim an orphaned well located*
8 *on Tribal land; or*

9 *“(B) absolves the United States from a re-*
10 *responsibility to plug, remediate, or reclaim an or-*
11 *phaned well located on Tribal land or any other*
12 *responsibility to an Indian Tribe, including any*
13 *responsibility that derives from—*

14 *“(i) the trust relationship between the*
15 *United States and Indian Tribes;*

16 *“(ii) any treaty, law, or Executive*
17 *order; or*

18 *“(iii) any agreement between the*
19 *United States and an Indian Tribe.*

20 “(3) *OWNER OR OPERATOR NOT ABSOLVED.—*
21 *Nothing in this section absolves the owner or operator*
22 *of an oil or gas well of any potential liability for—*

23 *“(A) reimbursement of any plugging or rec-*
24 *lamation costs associated with the well; or*

1 “(B) any adverse effect of the well on the
2 environment.

3 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—There
4 are authorized to be appropriated for fiscal year 2022, to
5 remain available until September 30, 2030:

6 “(1) to the Secretary—

7 “(A) \$250,000,000 to carry out the program
8 under subsection (b);

9 “(B) \$775,000,000 to provide grants under
10 subsection (c)(3);

11 “(C) \$2,000,000,000 to provide grants
12 under subsection (c)(4);

13 “(D) \$1,500,000,000 to provide grants
14 under subsection (c)(5); and

15 “(E) \$150,000,000 to carry out the program
16 under subsection (d);

17 “(2) to the Secretary of Energy, \$30,000,000 to
18 conduct research and development activities in co-
19 operation with the Interstate Oil and Gas Compact
20 Commission to assist the Federal land management
21 agencies, States, and Indian Tribes in—

22 “(A) identifying and characterizing un-
23 documented orphaned wells; and

24 “(B) mitigating the environmental risks of
25 undocumented orphaned wells; and

1 “(3) to the Interstate Oil and Gas Compact
2 Commission, \$2,000,000 to carry out this section.”.

3 **TITLE VII—ABANDONED MINE**
4 **LAND RECLAMATION**

5 **SEC. 40701. ABANDONED MINE RECLAMATION FUND AU-**
6 **THORIZATION OF APPROPRIATIONS.**

7 (a) *IN GENERAL.*—There is authorized to be appro-
8 priated, for deposit into the Abandoned Mine Reclamation
9 Fund established by section 401(a) of the Surface Mining
10 Control and Reclamation Act of 1977 (30 U.S.C. 1231(a))
11 \$11,293,000,000 for fiscal year 2022, to remain available
12 until expended.

13 (b) *USE OF FUNDS.*—

14 (1) *IN GENERAL.*—Subject to subsection (g),
15 amounts made available under subsection (a) shall be
16 used to provide, as expeditiously as practicable, to
17 States and Indian Tribes described in paragraph (2)
18 annual grants for abandoned mine land and water
19 reclamation projects under the Surface Mining Con-
20 trol and Reclamation Act of 1977 (30 U.S.C. 1201 et
21 seq.).

22 (2) *ELIGIBLE GRANT RECIPIENTS.*—Grants may
23 be made under paragraph (1) to—

24 (A) States and Indian Tribes that have a
25 State or Tribal program approved under section

1 *405 of the Surface Mining Control and Reclama-*
2 *tion Act of 1977 (30 U.S.C. 1235);*

3 *(B) States and Indian Tribes that are cer-*
4 *tified under section 411(a) of that Act (30 U.S.C.*
5 *1240a(a)); and*

6 *(C) States and Indian Tribes that are re-*
7 *ferred to in section 402(g)(8)(B) of that Act (30*
8 *U.S.C. 1232(g)(8)(B)).*

9 (3) *CONTRACT AGGREGATION.—In applying for*
10 *grants under paragraph (1), States and Indian*
11 *Tribes may aggregate bids into larger statewide or re-*
12 *gional contracts.*

13 (c) *COVERED ACTIVITIES.—Grants under subsection*
14 *(b)(1) shall only be used for activities described in sub-*
15 *sections (a) and (b) of section 403 and section 410 of the*
16 *Surface Mining Control and Reclamation Act of 1977 (30*
17 *U.S.C. 1233, 1240).*

18 (d) *ALLOCATION.—*

19 (1) *IN GENERAL.—Subject to subsection (e), the*
20 *Secretary of the Interior shall allocate and distribute*
21 *amounts made available for grants under subsection*
22 *(b)(1) to States and Indian Tribes on an equal an-*
23 *nuual basis over a 15-year period beginning on the*
24 *date of enactment of this Act, based on the number of*
25 *tons of coal historically produced in the States or*

1 *from the applicable Indian land before August 3,*
2 *1977, regardless of whether the State or Indian Tribe*
3 *is certified under section 411(a) of the Surface Min-*
4 *ing Control and Reclamation Act of 1977 (30 U.S.C.*
5 *1240a(a)).*

6 (2) *SURFACE MINING CONTROL AND RECLAMA-*
7 *TION ACT EXCEPTION.*—*Section 401(f)(3)(B) of the*
8 *Surface Mining Control and Reclamation Act of 1977*
9 *(30 U.S.C. 1231(f)(3)(B)) shall not apply to grant*
10 *funds distributed under subsection (b)(1).*

11 (3) *REPORT TO CONGRESS ON ALLOCATIONS.*—

12 (A) *IN GENERAL.*—*Not later than 6 years*
13 *after the date on which the first allocation to*
14 *States and Indian Tribes is made under para-*
15 *graph (1), the Secretary of the Interior shall sub-*
16 *mit to Congress a report that describes any*
17 *progress made under this section in addressing*
18 *outstanding reclamation needs under subsection*
19 *(a) or (b) of section 403 or section 410 of the*
20 *Surface Mining Control and Reclamation and*
21 *Act of 1977 (30 U.S.C. 1233, 1240).*

22 (B) *INPUT.*—*The Secretary of the Interior*
23 *shall—*

24 (i) *prior to submitting the report*
25 *under subparagraph (A), solicit the input of*

1 *the States and Indian Tribes regarding the*
2 *progress referred to in that subparagraph;*
3 *and*

4 *(ii) include in the report submitted to*
5 *Congress under that subparagraph a de-*
6 *scription of any input received under clause*
7 *(i).*

8 (4) *REDISTRIBUTION OF FUNDS.—*

9 (A) *EVALUATION.—Not later than 20 years*
10 *after the date of enactment of this Act, the Sec-*
11 *retary of the Interior shall evaluate grant pay-*
12 *ments to States and Indian Tribes made under*
13 *this section.*

14 (B) *UNUSED FUNDS.—On completion of the*
15 *evaluation under subparagraph (A), States and*
16 *Indian Tribes shall return any unused funds*
17 *under this section to the Abandoned Mine Rec-*
18 *lamation Fund.*

19 (e) *TOTAL AMOUNT OF GRANT.—The total amount of*
20 *grant funding provided under subsection (b)(1) to an eligi-*
21 *ble State or Indian Tribe shall be not less than \$20,000,000,*
22 *to the extent that the amount needed for reclamation*
23 *projects described in that subsection on the land of the State*
24 *or Indian Tribe is not less than \$20,000,000.*

1 (f) *PRIORITY.*—*In addition to the priorities described*
2 *in section 403(a) of the Surface Mining Control and Rec-*
3 *lamation Act of 1977 (30 U.S.C. 1233(a)), in providing*
4 *grants under this section, priority may also be given to rec-*
5 *lamation projects described in subsection (b)(1) that provide*
6 *employment for current and former employees of the coal*
7 *industry.*

8 (g) *RESERVATION.*—*Of the funds made available under*
9 *subsection (a), \$25,000,000 shall be made available to the*
10 *Secretary of the Interior to provide States and Indian*
11 *Tribes with the financial and technical assistance necessary*
12 *for the purpose of making amendments to the inventory*
13 *maintained under section 403(c) of the Surface Mining*
14 *Control and Reclamation Act of 1977 (30 U.S.C. 1233(c)).*

15 **SEC. 40702. ABANDONED MINE RECLAMATION FEE.**

16 (a) *AMOUNT.*—*Section 402(a) of the Surface Mining*
17 *Control and Reclamation Act of 1977 (30 U.S.C. 1232(a))*
18 *is amended—*

19 (1) *by striking “28 cents” and inserting “22.4*
20 *cents”;*

21 (2) *by striking “12 cents” and inserting “9.6*
22 *cents”; and*

23 (3) *by striking “8 cents” and inserting “6.4*
24 *cents”.*

1 (b) *DURATION.*—Section 402(b) of the Surface Mining
2 *Control and Reclamation Act of 1977 (30 U.S.C. 1232(b))*
3 *is amended by striking “September 30, 2021” and inserting*
4 *“September 30, 2034”.*

5 **SEC. 40703. AMOUNTS DISTRIBUTED FROM ABANDONED**
6 **MINE RECLAMATION FUND.**

7 Section 401(f)(2) of the Surface Mining Control and
8 *Reclamation Act of 1977 (30 U.S.C. 1231(f)(2)) is amend-*
9 *ed—*

10 (1) *in subparagraph (A)—*

11 (A) *in the subparagraph heading, by strik-*
12 *ing “2022” and inserting “2035”; and*

13 (B) *in the matter preceding clause (i), by*
14 *striking “2022” and inserting “2035”; and*

15 (2) *in subparagraph (B)—*

16 (A) *in the subparagraph heading, by strik-*
17 *ing “2023” and inserting “2036”;*

18 (B) *by striking “2023” and inserting*
19 *“2036”; and*

20 (C) *by striking “2022” and inserting*
21 *“2035”.*

22 **SEC. 40704. ABANDONED HARDROCK MINE RECLAMATION.**

23 (a) *ESTABLISHMENT.*—Not later than 90 days after
24 *the date of enactment of this Act, the Secretary of the Inte-*
25 *rior (referred to in this section as the “Secretary”) shall*

1 *establish a program to inventory, assess, decommission, re-*
2 *claim, respond to hazardous substance releases on, and re-*
3 *mediate abandoned hardrock mine land based on conditions*
4 *including need, public health and safety, potential environ-*
5 *mental harm, and other land use priorities.*

6 (b) *AWARD OF GRANTS.*—*Subject to the availability*
7 *of funds, the Secretary shall provide grants on a competitive*
8 *or formula basis to States and Indian Tribes that have ju-*
9 *risdiction over abandoned hardrock mine land to reclaim*
10 *that land.*

11 (c) *ELIGIBILITY.*—*Amounts made available under this*
12 *section may only be used for Federal, State, Tribal, local,*
13 *and private land that has been affected by past hardrock*
14 *mining activities, and water resources that traverse or are*
15 *contiguous to such land, including any of the following:*

16 (1) *Land and water resources that were—*

17 (A) *used for, or affected by, hardrock min-*
18 *ing activities; and*

19 (B) *abandoned or left in an inadequate rec-*
20 *lamation status before the date of enactment of*
21 *this Act.*

22 (2) *Land for which the Secretary makes a deter-*
23 *mination that there is no continuing reclamation re-*
24 *sponsibility of a claim holder, liable party, operator,*
25 *or other person that abandoned the site prior to com-*

1 *pletion of required reclamation under Federal or*
2 *State law.*

3 *(d) ELIGIBLE ACTIVITIES.—*

4 *(1) IN GENERAL.—Amounts made available to*
5 *carry out this section shall be used to inventory, as-*
6 *sess, decommission, reclaim, respond to hazardous*
7 *substance releases on, and remediate abandoned*
8 *hardrock mine land based on the priorities described*
9 *in subsection (a).*

10 *(2) EXCLUSION.—Amounts made available to*
11 *carry out this section may not be used to fulfill obli-*
12 *gations under the Comprehensive Environmental Re-*
13 *sponse, Compensation, and Liability Act of 1980 (42*
14 *U.S.C. 9601 et seq.) agreed to in a legal settlement or*
15 *imposed by a court, whether for payment of funds or*
16 *for work to be performed.*

17 *(e) AUTHORIZATION OF APPROPRIATIONS.—*

18 *(1) IN GENERAL.—There is authorized to be ap-*
19 *propriated to carry out this section \$3,000,000,000, to*
20 *remain available until expended, of which—*

21 *(A) 50 percent shall be for grants to States*
22 *and Indian Tribes under subsection (b) for eligi-*
23 *ble activities described in subsection (d)(1); and*

1 (B) 50 percent shall be for available to the
2 Secretary for eligible activities described in sub-
3 section (d)(1) on Federal land.

4 (2) *TRANSFER.*—The Secretary may transfer
5 amounts made available to the Secretary under para-
6 graph (1)(B) to the Secretary of Agriculture for ac-
7 tivities described in subsection (a) on National Forest
8 System land.

9 **TITLE VIII—NATURAL RE-**
10 **SOURCES-RELATED INFRA-**
11 **STRUCTURE, WILDFIRE MAN-**
12 **AGEMENT, AND ECOSYSTEM**
13 **RESTORATION**

14 **SEC. 40801. FOREST SERVICE LEGACY ROAD AND TRAIL RE-**
15 **MEDIATION PROGRAM.**

16 (a) *ESTABLISHMENT.*—Public Law 88–657 (16 U.S.C.
17 532 *et seq.*) (commonly known as the “Forest Roads and
18 Trails Act”) is amended by adding at the end the following:

19 **“SEC. 8. FOREST SERVICE LEGACY ROAD AND TRAIL REME-**
20 **DIATION PROGRAM.**

21 “(a) *ESTABLISHMENT.*—The Secretary shall establish
22 the Forest Service Legacy Road and Trail Remediation
23 Program (referred to in this section as the ‘Program’).

1 “(b) *ACTIVITIES.*—*In carrying out the Program, the*
2 *Secretary shall, taking into account foreseeable changes in*
3 *weather and hydrology—*

4 “(1) *restore passages for fish and other aquatic*
5 *species by—*

6 “(A) *improving, repairing, or replacing cul-*
7 *verts and other infrastructure; and*

8 “(B) *removing barriers, as the Secretary de-*
9 *termines appropriate, from the passages;*

10 “(2) *decommission unauthorized user-created*
11 *roads and trails that are not a National Forest Sys-*
12 *tem road or a National Forest System trail, if the ap-*
13 *plicable unit of the National Forest System has pub-*
14 *lished—*

15 “(A) *a Motor Vehicle Use Map and the road*
16 *is not identified as a National Forest System*
17 *road on that Motor Vehicle Use Map; or*

18 “(B) *a map depicting the authorized trails*
19 *in the applicable unit of the National Forest*
20 *System and the trail is not identified as a Na-*
21 *tional Forest System trail on that map;*

22 “(3) *prepare previously closed National Forest*
23 *System roads for long-term storage, in accordance*
24 *with subsections (c)(1) and (d), in a manner that—*

1 “(A) prevents motor vehicle use, as appro-
2 priate to conform to route designations;

3 “(B) prevents the roads from damaging ad-
4 jacent resources, including aquatic and wildlife
5 resources;

6 “(C) reduces or eliminates the need for road
7 maintenance; and

8 “(D) preserves the roads for future use;

9 “(4) decommission previously closed National
10 Forest System roads and trails in accordance with
11 subsections (c)(1) and (d);

12 “(5) relocate National Forest System roads and
13 trails—

14 “(A) to increase resilience to extreme weath-
15 er events, flooding, and other natural disasters;
16 and

17 “(B) to respond to changing resource condi-
18 tions and public input;

19 “(6) convert National Forest System roads to
20 National Forest System trails, while allowing for con-
21 tinued use for motorized and nonmotorized recreation,
22 to the extent the use is compatible with the manage-
23 ment status of the road or trail;

24 “(7) decommission temporary roads—

1 “(A) that were constructed before the date of
2 enactment of this section—

3 “(i) for emergency operations; or

4 “(ii) to facilitate a resource extraction
5 project;

6 “(B) that were designated as a temporary
7 road by the Secretary; and

8 “(C)(i) in violation of section 10(b) of the
9 Forest and Rangeland Renewable Resources
10 Planning Act of 1974 (16 U.S.C. 1608(b)), on
11 which vegetation cover has not been reestablished;
12 or

13 “(ii) that have not been fully decommis-
14 sioned; and

15 “(8) carry out projects on National Forest Sys-
16 tem roads, trails, and bridges to improve resilience to
17 extreme weather events, flooding, or other natural dis-
18 asters.

19 “(c) PROJECT SELECTION.—

20 “(1) PROJECT ELIGIBILITY.—

21 “(A) IN GENERAL.—The Secretary may
22 only fund under the Program a project described
23 in paragraph (3) or (4) of subsection (b) if the
24 Secretary previously and separately—

1 “(i) solicited public comment for
2 changing the management status of the ap-
3 plicable National Forest System road or
4 trail—

5 “(I) to close the road or trail to
6 access; and

7 “(II) to minimize impacts to nat-
8 ural resources; and

9 “(ii) has closed the road or trail to ac-
10 cess as described in clause (i)(I).

11 “(B) REQUIREMENT.—Each project carried
12 out under the Program shall be on a National
13 Forest System road or trail, except with respect
14 to—

15 “(i) a project described in subsection
16 (b)(2); or

17 “(ii) a project carried out on a water-
18 shed for which the Secretary has entered
19 into a cooperative agreement under section
20 323 of the Department of the Interior and
21 Related Agencies Appropriations Act, 1999
22 (16 U.S.C. 1011a).

23 “(2) ANNUAL SELECTION OF PROJECTS FOR
24 FUNDING.—The Secretary shall—

1 “(A) establish a process for annually select-
2 ing projects for funding under the Program, con-
3 sistent with the requirements of this section;

4 “(B) solicit and consider public input re-
5 gionally in the ranking of projects for funding
6 under the Program;

7 “(C) give priority for funding under the
8 Program to projects that would—

9 “(i) protect or improve water quality
10 in public drinking water source areas;

11 “(ii) restore the habitat of a threat-
12 ened, endangered, or sensitive fish or wild-
13 life species; or

14 “(iii) maintain future access to the ad-
15 jacent area for the public, contractors, per-
16 mittees, or firefighters; and

17 “(D) publish on the website of the Forest
18 Service—

19 “(i) the selection process established
20 under subparagraph (A); and

21 “(ii) a list that includes a description
22 and the proposed outcome of each project
23 funded under the Program in each fiscal
24 year.

1 “(d) *IMPLEMENTATION.*—*In implementing the Pro-*
2 *gram, the Secretary shall ensure that—*

3 “(1) *the system of roads and trails on the appli-*
4 *cable unit of the National Forest System—*

5 “(A) *is adequate to meet any increasing de-*
6 *mands for timber, recreation, and other uses;*

7 “(B) *provides for intensive use, protection,*
8 *development, and management of the land under*
9 *principles of multiple use and sustained yield of*
10 *products and services;*

11 “(C) *does not damage, degrade, or impair*
12 *adjacent resources, including aquatic and wild-*
13 *life resources, to the extent practicable;*

14 “(D) *reflects long-term funding expecta-*
15 *tions; and*

16 “(E) *is adequate for supporting emergency*
17 *operations, such as evacuation routes during*
18 *wildfires, floods, and other natural disasters; and*

19 “(2) *all projects funded under the Program are*
20 *consistent with any applicable forest plan or travel*
21 *management plan.*

22 “(e) *SAVINGS CLAUSE.*—*A decision to fund a project*
23 *under the Program shall not affect any determination made*
24 *previously or to be made in the future by the Secretary with*
25 *regard to road or trail closures.”.*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
2 *authorized to be appropriated to the Secretary of Agri-*
3 *culture to carry out section 8 of Public Law 88–657 (com-*
4 *monly known as the “Forest Roads and Trails Act”)*
5 *\$250,000,000 for the period of fiscal years 2022 through*
6 *2026.*

7 **SEC. 40802. STUDY AND REPORT ON FEASIBILITY OF RE-**
8 **VEGETATING RECLAIMED MINE SITES.**

9 (a) *IN GENERAL.*—*Not later than 1 year after the date*
10 *of enactment of this Act, the Secretary of the Interior, act-*
11 *ing through the Director of the Office of Surface Mining*
12 *Reclamation and Enforcement, shall conduct, and submit*
13 *to Congress a report describing the results of, a study on*
14 *the feasibility of revegetating reclaimed mined sites.*

15 (b) *INCLUSIONS.*—*The report submitted under sub-*
16 *section (a) shall include—*

17 (1) *recommendations for how a program could be*
18 *implemented through the Office of Surface Mining*
19 *Reclamation and Enforcement to revegetate reclaimed*
20 *mined sites;*

21 (2) *identifications of reclaimed mine sites that*
22 *would be suitable for inclusion in such a program, in-*
23 *cluding sites on land that—*

1 (A) is subject to title IV of the Surface Min-
2 ing Control and Reclamation Act of 1977 (30
3 U.S.C. 1231 et seq.); and

4 (B) is not subject to that title;

5 (3) a description of any barriers to implementa-
6 tion of such a program, including whether the pro-
7 gram would potentially interfere with the authorities
8 contained in, or the implementation of, the Surface
9 Mining Control and Reclamation Act of 1977 (30
10 U.S.C. 1201 et seq.), including the Abandoned Mine
11 Reclamation Fund created by section 401 of that Act
12 (30 U.S.C. 1231) and State reclamation programs
13 under section 405 of that Act (30 U.S.C. 1235); and

14 (4) a description of the potential for job creation
15 and workforce needs if such a program was imple-
16 mented.

17 **SEC. 40803. WILDFIRE RISK REDUCTION.**

18 (a) *AUTHORIZATION OF APPROPRIATIONS.*—There is
19 authorized to be appropriated to the Secretary of the Inte-
20 rior and the Secretary of Agriculture, acting through the
21 Chief of the Forest Service, for the activities described in
22 subsection (c), \$3,369,200,000 for the period of fiscal years
23 2022 through 2026.

24 (b) *TREATMENT.*—Of the Federal land or Indian forest
25 land or rangeland that has been identified as having a very

1 *high wildfire hazard potential, the Secretary of the Interior*
2 *and the Secretary of Agriculture, acting through the Chief*
3 *of the Forest Service, shall, by not later than September*
4 *30, 2027, conduct restoration treatments and improve the*
5 *Fire Regime Condition Class of 10,000,000 acres that are*
6 *located in—*

7 (1) *the wildland-urban interface; or*

8 (2) *a public drinking water source area.*

9 (c) *ACTIVITIES.—Of the amounts made available*
10 *under subsection (a) for the period of fiscal years 2022*
11 *through 2026—*

12 (1) *\$20,000,000 shall be made available for en-*
13 *tering into an agreement with the Administrator of*
14 *the National Oceanic and Atmospheric Administra-*
15 *tion to establish and operate a program that makes*
16 *use of the Geostationary Operational Environmental*
17 *Satellite Program to rapidly detect and report wild-*
18 *fire starts in all areas in which the Secretary of the*
19 *Interior or the Secretary of Agriculture has financial*
20 *responsibility for wildland fire protection and preven-*
21 *tion, of which—*

22 (A) *\$10,000,000 shall be made available to*
23 *the Secretary of the Interior; and*

24 (B) *\$10,000,000 shall be made available to*
25 *the Secretary of Agriculture;*

1 (2) \$600,000,000 shall be made available for the
2 salaries and expenses of Federal wildland firefighters
3 in accordance with subsection (d), of which—

4 (A) \$120,000,000 shall be made available to
5 the Secretary of the Interior; and

6 (B) \$480,000,000 shall be made available to
7 the Secretary of Agriculture;

8 (3) \$10,000,000 shall be made available to the
9 Secretary of the Interior to acquire technology and
10 infrastructure for each Type I and Type II incident
11 management team to maintain interoperability with
12 respect to the radio frequencies used by any respond-
13 ing agency;

14 (4) \$30,000,000 shall be made available to the
15 Secretary of Agriculture to provide financial assist-
16 ance to States, Indian Tribes, and units of local gov-
17 ernment to establish and operate Reverse-911 tele-
18 communication systems;

19 (5) \$50,000,000 shall be made available to the
20 Secretary of the Interior to establish and implement
21 a pilot program to provide to local governments fi-
22 nancial assistance for the acquisition of slip-on tank-
23 er units to establish fleets of vehicles that can be
24 quickly converted to be operated as fire engines;

1 (6) \$1,200,000 shall be made available to the
2 Secretary of Agriculture, in coordination with the
3 Secretary of the Interior, to develop and publish, not
4 later than 180 days after the date of enactment of this
5 Act, and every 5 years thereafter, a map depicting at-
6 risk communities (as defined in section 101 of the
7 Healthy Forests Restoration Act of 2003 (16 U.S.C.
8 6511)), including Tribal at-risk communities;

9 (7) \$100,000,000 shall be made available to the
10 Secretary of the Interior and the Secretary of Agri-
11 culture—

12 (A) for—

13 (i) preplanning fire response work-
14 shops that develop—

15 (I) potential operational delineations; and

16 (II) select potential control locations; and

17 (ii) workforce training for staff, non-
18 Federal firefighters, and Native village fire
19 crews for—

20 (I) wildland firefighting; and

21 (II) increasing the pace and scale
22 of vegetation treatments, including
23
24

1 *training on how to prepare and imple-*
2 *ment large landscape treatments; and*

3 *(B) of which—*

4 *(i) \$50,000,000 shall be made available*
5 *to the Secretary of the Interior; and*

6 *(ii) \$50,000,000 shall be made avail-*
7 *able to the Secretary of Agriculture;*

8 *(8) \$20,000,000 shall be made available to the*
9 *Secretary of Agriculture to enter into an agreement*
10 *with a Southwest Ecological Restoration Institute es-*
11 *tablished under the Southwest Forest Health and*
12 *Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et*
13 *seq.)—*

14 *(A) to compile and display existing data,*
15 *including geographic data, for hazardous fuel re-*
16 *duction or wildfire prevention treatments under-*
17 *taken by the Secretary of the Interior or the Sec-*
18 *retary of Agriculture, including treatments un-*
19 *dertaken with funding provided under this title;*

20 *(B) to compile and display existing data,*
21 *including geographic data, for large wildfires, as*
22 *defined by the National Wildfire Coordinating*
23 *Group, that occur in the United States;*

24 *(C) to facilitate coordination and use of ex-*
25 *isting and future interagency fuel treatment*

1 data, including geographic data, for the purposes
2 of—

3 (i) assessing and planning cross-
4 boundary fuel treatments; and

5 (ii) monitoring the effects of treatments
6 on wildfire outcomes and ecosystem restora-
7 tion services, using the data compiled under
8 subparagraphs (A) and (B);

9 (D) to publish a report every 5 years show-
10 ing the extent to which treatments described in
11 subparagraph (A) and previous wildfires affect
12 the boundaries of wildfires, categorized by—

13 (i) Federal land management agency;

14 (ii) region of the United States; and

15 (iii) treatment type; and

16 (E) to carry out other related activities of
17 a Southwest Ecological Restoration Institute, as
18 authorized by the Southwest Forest Health and
19 Wildfire Prevention Act of 2004 (16 U.S.C. 6701
20 et seq.);

21 (9) \$20,000,000 shall be available for activities
22 conducted under the Joint Fire Science Program, of
23 which—

24 (A) \$10,000,000 shall be made available to
25 the Secretary of the Interior; and

1 (B) \$10,000,000 shall be made available to
2 the Secretary of Agriculture;

3 (10) \$100,000,000 shall be made available to the
4 Secretary of Agriculture for collaboration and collabo-
5 ration-based activities, including facilitation, certifi-
6 cation of collaboratives, and planning and imple-
7 menting projects under the Collaborative Forest
8 Landscape Restoration Program established under
9 section 4003 of the Omnibus Public Land Manage-
10 ment Act of 2009 (16 U.S.C. 7303) in accordance
11 with subsection (e);

12 (11) \$500,000,000 shall be made available to the
13 Secretary of the Interior and the Secretary of Agri-
14 culture—

15 (A) for—

16 (i) conducting mechanical thinning
17 and timber harvesting in an ecologically
18 appropriate manner that maximizes the re-
19 tention of large trees, as appropriate for the
20 forest type, to the extent that the trees pro-
21 mote fire-resilient stands; or

22 (ii) precommercial thinning in young
23 growth stands for wildlife habitat benefits to
24 provide subsistence resources; and

25 (B) of which—

1 (i) \$100,000,000 shall be made avail-
2 able to the Secretary of the Interior; and

3 (ii) \$400,000,000 shall be made avail-
4 able to the Secretary of Agriculture;

5 (12) \$500,000,000 shall be made available to the
6 Secretary of Agriculture, in cooperation with States,
7 to award community wildfire defense grants to at-risk
8 communities in accordance with subsection (f);

9 (13) \$500,000,000 shall be made available for
10 planning and conducting prescribed fires and related
11 activities, of which—

12 (A) \$250,000,000 shall be made available to
13 the Secretary of the Interior; and

14 (B) \$250,000,000 shall be made available to
15 the Secretary of Agriculture;

16 (14) \$500,000,000 shall be made available for de-
17 veloping or improving potential control locations, in
18 accordance with paragraph (7)(A)(i)(II), including
19 installing fuelbreaks (including fuelbreaks studied
20 under subsection (i)), with a focus on shaded
21 fuelbreaks when ecologically appropriate, of which—

22 (A) \$250,000,000 shall be made available to
23 the Secretary of the Interior; and

24 (B) \$250,000,000 shall be made available to
25 the Secretary of Agriculture;

1 (15) \$200,000,000 shall be made available for
2 contracting or employing crews of laborers to modify
3 and remove flammable vegetation on Federal land
4 and for using materials from treatments, to the extent
5 practicable, to produce biochar and other innovative
6 wood products, including through the use of existing
7 locally based organizations that engage young adults,
8 Native youth, and veterans in service projects, such as
9 youth and conservation corps, of which—

10 (A) \$100,000,000 shall be made available to
11 the Secretary of the Interior; and

12 (B) \$100,000,000 shall be made available to
13 the Secretary of Agriculture;

14 (16) \$200,000,000 shall be made available for
15 post-fire restoration activities that are implemented
16 not later than 3 years after the date that a wildland
17 fire is contained, of which—

18 (A) \$100,000,000 shall be made available to
19 the Secretary of the Interior; and

20 (B) \$100,000,000 shall be made available to
21 the Secretary of Agriculture;

22 (17) \$8,000,000 shall be made available to the
23 Secretary of Agriculture—

24 (A) to provide feedstock to firewood banks;

25 and

1 (B) to provide financial assistance for the
2 operation of firewood banks; and

3 (18) \$10,000,000 shall be available to the Sec-
4 retary of the Interior and the Secretary of Agriculture
5 for the procurement and placement of wildfire detec-
6 tion and real-time monitoring equipment, such as
7 sensors, cameras, and other relevant equipment, in
8 areas at risk of wildfire or post-burned areas.

9 (d) *WILDLAND FIREFIGHTERS.*—

10 (1) *IN GENERAL.*—Subject to the availability of
11 appropriations, not later than 180 days after the date
12 of enactment of this Act, the Secretary of the Interior
13 and the Secretary of Agriculture shall, using the
14 amounts made available under subsection (c)(2), co-
15 ordinate with the Director of the Office of Personnel
16 Management to develop a distinct “wildland fire-
17 fighter” occupational series.

18 (2) *HAZARDOUS DUTY DIFFERENTIAL NOT AF-*
19 *FECTED.*—Section 5545(d)(1) of title 5, United States
20 Code, is amended by striking “except” and all that
21 follows through “and” at the end and inserting the
22 following: “except—

23 “(A) an employee in an occupational series
24 covering positions for which the primary duties
25 involve the prevention, control, suppression, or

1 *management of wildland fires, as determined by*
2 *the Office; and*

3 *“(B) in such other circumstances as the Of-*
4 *fice may by regulation prescribe; and”.*

5 (3) *CURRENT EMPLOYEES.*—*Any individual em-*
6 *ployed as a wildland firefighter on the date on which*
7 *the occupational series established under paragraph*
8 *(1) takes effect may elect—*

9 *(A) to remain in the occupational series in*
10 *which the individual is employed; or*

11 *(B) to be included in the “wildland fire-*
12 *fighter” occupational series established under*
13 *that paragraph.*

14 (4) *PERMANENT EMPLOYEES; INCREASE IN SAL-*
15 *ARY.*—*Using the amounts made available under sub-*
16 *section (c)(2), beginning October 1, 2021, the Sec-*
17 *retary of the Interior and the Secretary of Agriculture*
18 *shall—*

19 *(A) seek to convert not fewer than 1,000 sea-*
20 *sonal wildland firefighters to wildland fire-*
21 *fighters that—*

22 *(i) are full-time, permanent, year-*
23 *round Federal employees; and*

1 (ii) reduce hazardous fuels on Federal
2 land not fewer than 800 hours per year;
3 and

4 (B) increase the base salary of a Federal
5 wildland firefighter by the lesser of an amount
6 that is commensurate with an increase of
7 \$20,000 per year or an amount equal to 50 per-
8 cent of the base salary, if the Secretary con-
9 cerned, in coordination with the Director of the
10 Office of Personnel Management, makes a writ-
11 ten determination that the position of the Fed-
12 eral wildland firefighter is located within a spec-
13 ified geographic area in which it is difficult to
14 recruit or retain a Federal wildland firefighter.

15 (5) NATIONAL WILDFIRE COORDINATING
16 GROUP.—Using the amounts made available under
17 subsection (c)(2), not later than October 1, 2022, the
18 Secretary of the Interior and the Secretary of Agri-
19 culture shall—

20 (A) develop and adhere to recommendations
21 for mitigation strategies for wildland firefighters
22 to minimize exposure due to line-of-duty envi-
23 ronmental hazards; and

24 (B) establish programs for permanent, tem-
25 porary, seasonal, and year-round wildland fire-

1 *fighters to recognize and address mental health*
2 *needs, including post-traumatic stress disorder*
3 *care.*

4 *(e) COLLABORATIVE FOREST LANDSCAPE RESTORA-*
5 *TION PROGRAM.—Subject to the availability of appropria-*
6 *tions, not later than 180 days after the date of enactment*
7 *of this Act, the Secretary of Agriculture shall, using the*
8 *amounts made available under subsection (c)(10)—*

9 *(1) solicit new project proposals under the Col-*
10 *laborative Forest Landscape Restoration Program es-*
11 *tablished under section 4003 of the Omnibus Public*
12 *Land Management Act of 2009 (16 U.S.C. 7303) (re-*
13 *ferred to in this subsection as the “Program”);*

14 *(2) provide up to 5 years of additional funding*
15 *of any proposal originally selected for funding under*
16 *the Program prior to September 30, 2018—*

17 *(A) that has been approved for an extension*
18 *of funding by the Secretary of Agriculture prior*
19 *to the date of enactment of this Act; or*

20 *(B) that has been recommended for an ex-*
21 *tension of funding by the advisory panel estab-*
22 *lished under section 4003(e) of the Omnibus Pub-*
23 *lic Land Management Act of 2009 (16 U.S.C.*
24 *7303(e)) prior to the date of enactment of this*

1 *Act that the Secretary of Agriculture subse-*
2 *quently approves; and*

3 *(3) select project proposals for funding under the*
4 *Program in a manner that—*

5 *(A) gives priority to a project proposal that*
6 *will treat acres that—*

7 *(i) have been identified as having very*
8 *high wildfire hazard potential; and*

9 *(ii) are located in—*

10 *(I) the wildland-urban interface;*

11 *or*

12 *(II) a public drinking water*
13 *source area;*

14 *(B) takes into consideration—*

15 *(i) the cost per acre of Federal land or*
16 *Indian forest land or rangeland acres de-*
17 *scribed in subparagraph (A) to be treated;*
18 *and*

19 *(ii) the number of acres described in*
20 *subparagraph (A) to be treated;*

21 *(C) gives priority to a project proposal that*
22 *is proposed by a collaborative that has success-*
23 *fully accomplished treatments consistent with a*
24 *written plan that included a proposed schedule*
25 *of completing those treatments, which is not lim-*

1 *ited to an earlier proposal funded under the Pro-*
2 *gram; and*

3 *(D) discontinues funding for a project that*
4 *fails to achieve the results included in a project*
5 *proposal submitted under paragraph (1) for*
6 *more than 2 consecutive years.*

7 *(f) COMMUNITY WILDFIRE DEFENSE GRANT PRO-*
8 *GRAM.—*

9 *(1) ESTABLISHMENT.—Subject to the avail-*
10 *ability of appropriations, not later than 180 days*
11 *after the date of enactment of this Act, the Secretary*
12 *of Agriculture shall, using amounts made available*
13 *under subsection (c)(12), establish a program, which*
14 *shall be separate from the program established under*
15 *section 203 of the Robert T. Stafford Disaster Relief*
16 *and Emergency Assistance Act (42 U.S.C. 5133),*
17 *under which the Secretary of Agriculture, in coopera-*
18 *tion with the States, shall award grants to at-risk*
19 *communities, including Indian Tribes—*

20 *(A) to develop or revise a community wild-*
21 *fire protection plan; and*

22 *(B) to carry out projects described in a*
23 *community wildfire protection plan that is not*
24 *more than 10 years old.*

1 (2) *PRIORITY.*—*In awarding grants under the*
2 *program described in paragraph (1), the Secretary of*
3 *Agriculture shall give priority to an at-risk commu-*
4 *nity that is—*

5 (A) *in an area identified by the Secretary*
6 *of Agriculture as having high or very high wild-*
7 *fire hazard potential;*

8 (B) *a low-income community; or*

9 (C) *a community impacted by a severe dis-*
10 *aster.*

11 (3) *COMMUNITY WILDFIRE DEFENSE GRANTS.*—

12 (A) *GRANT AMOUNTS.*—*A grant—*

13 (i) *awarded under paragraph (1)(A)*
14 *shall be for not more than \$250,000; and*

15 (ii) *awarded under paragraph (1)(B)*
16 *shall be for not more than \$10,000,000.*

17 (B) *COST SHARING REQUIREMENT.*—

18 (i) *IN GENERAL.*—*Except as provided*
19 *in clause (ii), the non-Federal cost (includ-*
20 *ing the administrative cost) of carrying out*
21 *a project using funds from a grant awarded*
22 *under the program described in paragraph*
23 *(1) shall be—*

1 (I) not less than 10 percent for a
2 grant awarded under paragraph
3 (1)(A); and

4 (II) not less than 25 percent for a
5 grant awarded under paragraph
6 (1)(B).

7 (ii) *WAIVER.*—The Secretary of Agri-
8 culture may waive the cost-sharing require-
9 ment under clause (i) for a project that
10 serves an underserved community.

11 (C) *ELIGIBILITY.*—The Secretary of Agri-
12 culture shall not award a grant under para-
13 graph (1) to an at-risk community that is lo-
14 cated in a county or community that—

15 (i) is located in the continental United
16 States; and

17 (ii) has not adopted an ordinance or
18 regulation that requires the construction of
19 new roofs on buildings to adhere to stand-
20 ards that are similar to, or more stringent
21 than—

22 (I) the roof construction standards
23 established by the National Fire Pro-
24 tection Association; or

1 (II) *an applicable model building*
2 *code established by the International*
3 *Code Council.*

4 (g) *PRIORITIES.—In carrying out projects using*
5 *amounts made available under this section, the Secretary*
6 *of the Interior or the Secretary of Agriculture, acting*
7 *through the Chief of the Forest Service, as applicable, shall*
8 *prioritize funding for projects—*

9 (1) *for which any applicable processes under the*
10 *National Environmental Policy Act of 1969 (42*
11 *U.S.C. 4321 et seq.) have been completed on the date*
12 *of enactment of this Act;*

13 (2) *that reduce the likelihood of experiencing*
14 *uncharacteristically severe effects from a potential*
15 *wildfire by focusing on areas strategically important*
16 *for reducing the risks associated with wildfires;*

17 (3) *that maximize the retention of large trees, as*
18 *appropriate for the forest type, to the extent that the*
19 *trees promote fire-resilient stands;*

20 (4) *that do not include the establishment of per-*
21 *manent roads;*

22 (5) *for which funding would be committed to de-*
23 *commission all temporary roads constructed to carry*
24 *out the project; and*

1 (6) *that fully maintain or contribute toward the*
2 *restoration of the structure and composition of old*
3 *growth stands consistent with the characteristics of*
4 *that forest type, taking into account the contribution*
5 *of the old growth stand to landscape fire adaption*
6 *and watershed health, unless the old growth stand is*
7 *part of a science-based ecological restoration project*
8 *authorized by the Secretary concerned that meets ap-*
9 *plicable protection and old growth enhancement objec-*
10 *tives, as determined by the Secretary concerned.*

11 *(h) REPORTS.— The Secretary of the Interior and the*
12 *Secretary of Agriculture, acting through the Chief of the*
13 *Forest Service, shall complete and submit to the Committee*
14 *on Energy and Natural Resources of the Senate and the*
15 *Committee on Natural Resources of the House of Represent-*
16 *atives an annual report describing the number of acres of*
17 *land on which projects carried out using funds made avail-*
18 *able under this section improved the Fire Regime Condition*
19 *Class of the land described in subsection (b).*

20 *(i) WILDFIRE PREVENTION STUDY.—*

21 *(1) IN GENERAL.—Not later than 180 days after*
22 *the date of enactment of this Act, the Secretary of Ag-*
23 *riculture shall initiate a study of the construction*
24 *and maintenance of a system of strategically placed*
25 *fuelbreaks to control wildfires in western States.*

1 (2) *REVIEW.*—*The study under paragraph (1)*
2 *shall review—*

3 (A) *a full suite of manual, chemical, and*
4 *mechanical treatments; and*

5 (B) *the effectiveness of the system described*
6 *in that paragraph in reducing wildfire risk and*
7 *protecting communities.*

8 (3) *DETERMINATION.*—*Not later than 90 days*
9 *after the date of completion of the study under para-*
10 *graph (1), the Secretary of Agriculture shall deter-*
11 *mine whether to initiate the preparation of a pro-*
12 *grammatic environmental impact statement imple-*
13 *menting the system described in that paragraph in*
14 *appropriate locations.*

15 (j) *MONITORING, MAINTENANCE, AND TREATMENT*
16 *PLAN AND STRATEGY.*—

17 (1) *IN GENERAL.*—*Not later than 120 days after*
18 *the date of enactment of this Act, the Secretary of Ag-*
19 *riculture and the Secretary of the Interior shall estab-*
20 *lish a 5-year monitoring, maintenance, and treatment*
21 *plan that—*

22 (A) *describes activities under subsection (c)*
23 *that the Secretary of Agriculture and the Sec-*
24 *retary of the Interior will take to reduce the risk*
25 *of wildfire by conducting restoration treatments*

1 *and improving the Fire Regime Condition Class*
2 *of 10,000,000 acres of Federal land or Tribal*
3 *Forest land or rangeland that is identified as*
4 *having very high wildfire hazard potential, not*
5 *including annual treatments otherwise scheduled;*

6 *(B) establishes a process for prioritizing*
7 *treatments in areas and communities at the*
8 *highest risk of catastrophic wildfires;*

9 *(C) includes an innovative plan and proc-*
10 *ess—*

11 *(i) to leverage public-private partner-*
12 *ships and resources, shared stewardship*
13 *agreements, good neighbor agreements, and*
14 *similar contracting authorities;*

15 *(ii) to prioritize projects for which any*
16 *applicable processes under the National En-*
17 *vironmental Policy Act of 1969 (42 U.S.C.*
18 *4321 et seq.) have been completed as of the*
19 *date of enactment of this Act;*

20 *(iii) to streamline subsequent projects*
21 *based on existing statutory or regulatory*
22 *authorities; and*

23 *(iv) to develop interagency teams to in-*
24 *crease coordination and efficiency under the*

1 *National Environmental Policy Act of 1969*
2 *(42 U.S.C. 4321); and*

3 *(D) establishes a process for coordinating*
4 *prioritization and treatment with State and*
5 *local entities and affected stakeholders.*

6 *(2) STRATEGY.—Not later than 5 years after the*
7 *date of enactment of this Act, the Secretary of Agri-*
8 *culture and the Secretary of the Interior, in coordina-*
9 *tion with State and local governments, shall publish*
10 *a long-term, outcome-based monitoring, maintenance,*
11 *and treatment strategy—*

12 *(A) to maintain forest health improvements*
13 *and wildfire risk reduction accomplished under*
14 *this section;*

15 *(B) to continue treatment at levels nec-*
16 *essary to address the 20,000,000 acres needing*
17 *priority treatment over the 10-year period begin-*
18 *ning on the date of publication of the strategy;*
19 *and*

20 *(C) to proactively conduct treatment at a*
21 *level necessary to minimize the risk of wildfire to*
22 *surrounding at-risk communities.*

23 *(k) AUTHORIZED HAZARDOUS FUELS PROJECTS.—A*
24 *project carried out using funding authorized under para-*
25 *graphs (11)(A)(i), (13), or (14) of subsection (c) shall be*

1 *considered an authorized hazardous fuel reduction project*
2 *pursuant to section 102 of the Healthy Forests Restoration*
3 *Act of 2003 (16 U.S.C. 6512).*

4 **SEC. 40804. ECOSYSTEM RESTORATION.**

5 (a) *AUTHORIZATION OF APPROPRIATIONS.—There is*
6 *authorized to be appropriated to the Secretary of the Inte-*
7 *rior and the Secretary of Agriculture, acting through the*
8 *Chief of the Forest Service, for the activities described in*
9 *subsection (b), \$2,130,000,000 for the period of fiscal years*
10 *2022 through 2026.*

11 (b) *ACTIVITIES.—Of the amounts made available*
12 *under subsection (a) for the period of fiscal years 2022*
13 *through 2026—*

14 (1) *\$300,000,000 shall be made available, in ac-*
15 *cordance with subsection (c), to the Secretary of the*
16 *Interior and the Secretary of Agriculture—*

17 (A) *for—*

18 (i) *entering into contracts, including*
19 *stewardship contracts or agreements, the*
20 *purpose of each of which shall be to restore*
21 *ecological health on not fewer than 10,000*
22 *acres of Federal land, including Indian for-*
23 *est land or rangeland, and for salaries and*
24 *expenses associated with preparing and exe-*
25 *cuting those contracts; and*

1 (ii) *establishing a Working Capital*
2 *Fund that may be accessed by the Secretary*
3 *of the Interior or the Secretary of Agri-*
4 *culture to fund requirements of contracts de-*
5 *scribed in clause (i), including cancellation*
6 *and termination costs, consistent with sec-*
7 *tion 604(h) of the Healthy Forests Restora-*
8 *tion Act of 2003 (16 U.S.C. 6591c(h)), and*
9 *periodic payments over the span of the con-*
10 *tract period; and*

11 *(B) of which—*

12 (i) *\$50,000,000 shall be made available*
13 *to the Secretary of the Interior to enter into*
14 *contracts described in subparagraph (A)(i);*

15 (ii) *\$150,000,000 shall be made avail-*
16 *able to the Secretary of Agriculture to enter*
17 *into contracts described in subparagraph*
18 *(A)(i); and*

19 (iii) *\$100,000,000 shall be made avail-*
20 *able until expended to the Secretary of the*
21 *Interior, notwithstanding any other provi-*
22 *sion of this Act, to establish the Working*
23 *Capital Fund described in subparagraph*
24 *(A)(i);*

1 (2) \$200,000,000 shall be made available to pro-
2 vide to States and Indian Tribes for implementing
3 restoration projects on Federal land pursuant to good
4 neighbor agreements entered into under section 8206
5 of the Agricultural Act of 2014 (16 U.S.C. 2113a) or
6 agreements entered into under section 2(b) of the
7 Tribal Forest Protection Act of 2004 (25 U.S.C.
8 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 to
12 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 accordance
17 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 for
21 implementing voluntary ecosystem restoration projects
22 on private or public land, in consultation with the
23 Secretary of Agriculture, that—

24 (A) prioritizes funding cross-boundary
25 projects; and

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 to
19 the Secretary of the Interior; and

20 (B) \$100,000,000 shall be made available to
21 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 to
6 the Secretary of the Interior; and

7 (B) \$100,000,000 shall be made available to
8 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 imple-
12 ment the National Seed Strategy for Rehabilitation
13 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 to
17 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 restore
22 water quality or fish passage on Federal land, includ-
23 ing Indian forest land or rangeland, in accordance
24 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 Com-*
9 *mittee on Energy and Natural Resources and the*
10 *Committee on Appropriations of the Senate and the*
11 *Committee on Natural Resources and the Committee*
12 *on Appropriations of the House of Representatives a*
13 *list of projects to be funded under that subsection in*
14 *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 Con-*
25 *gress has not enacted legislation establishing alternate*

1 *allocations described in paragraph (2) by the date on*
2 *which the Act making full-year appropriations for the*
3 *Department of the Interior, Environment, and Re-*
4 *lated Agencies for the applicable fiscal year is enacted*
5 *into law, amounts made available under subsection*
6 *(b)(1)(B) shall be allocated by the President.*

7 *(d) WOOD PRODUCTS INFRASTRUCTURE.—The Sec-*
8 *retary of Agriculture, in coordination with the Secretary*
9 *of the Interior, shall—*

10 *(1) develop a ranking system that categorizes*
11 *units of Federal land, including Indian forest land or*
12 *rangeland, with regard to treating areas at risk of*
13 *unnaturally severe wildfire or insect or disease infes-*
14 *tation, as being—*

15 *(A) very low priority for ecological restora-*
16 *tion involving vegetation removal;*

17 *(B) low priority for ecological restoration*
18 *involving vegetation removal;*

19 *(C) medium priority for ecological restora-*
20 *tion involving vegetation removal;*

21 *(D) high priority for ecological restoration*
22 *involving vegetation removal; or*

23 *(E) very high priority for ecological restora-*
24 *tion 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 wood-*
10 *processing facility would substantially decrease*
11 *or does substantially decrease the cost of con-*
12 *ducting ecological restoration projects involving*
13 *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 seeking*
19 *to establish, reopen, retrofit, expand, or improve a*
20 *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 a*
24 *sawmill or other wood-processing facility would sub-*
25 *stantially decrease or does substantially decrease the*

1 *cost of conducting ecological restoration projects in-*
2 *volving 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 (1)*
10 *as being high or very high priority for ecological*
11 *restoration involving vegetation removal; and*

12 *(B) has a sawmill or other wood-processing*
13 *facility—*

14 *(i) that, as determined under para-*
15 *graph (2)—*

16 *(I) exists in close proximity to the*
17 *unit; and*

18 *(II) does substantially decrease*
19 *the cost of conducting ecological res-*
20 *toration projects involving vegetation*
21 *removal on the unit; or*

22 *(ii) that has received financial assist-*
23 *ance under paragraph (3).*

24 *(e) RECREATION SITES.—*

1 (1) *SITE RESTORATION AND IMPROVEMENTS.*—Of
2 the amounts made available under subsection (b)(7),
3 \$45,000,000 shall be made available to the Secretary
4 of the Interior and \$35,000,000 shall be made avail-
5 able the Secretary of Agriculture to restore, prepare,
6 or adapt recreation sites on Federal land, including
7 Indian forest land or rangeland, that have experi-
8 enced or may likely experience visitation and use be-
9 yond 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 Agri-
14 culture 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 of
22 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 asso-

1 *ciated salaries and expenses in carrying out that*
2 *subparagraph.*

3 (C) *AGREEMENTS.*—*The Secretary of Agri-*
4 *culture 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 Sec-*
18 *retary of Agriculture has identified the project*
19 *for funding from the National Parks and Public*
20 *Land Legacy Restoration Fund established by*
21 *section 200402(a) of title 54, United States Code.*

22 (f) *COLLABORATIVE-BASED, AQUATIC-FOCUSED, LAND-*
23 *SCAPE-SCALE RESTORATION PROGRAM.*—*Subject to the*
24 *availability of appropriations, not later than 180 days after*
25 *the date of enactment of this Act, the Secretary of Agri-*

1 *culture shall, in coordination with the Secretary of the Inte-*
2 *rior and using the amounts made available under sub-*
3 *section (b)(10)—*

4 (1) *solicit collaboratively developed proposals*
5 *that—*

6 (A) *are for 5-year projects to restore fish*
7 *passage or water quality on Federal land and*
8 *non-Federal land to the extent allowed under sec-*
9 *tion 323(a) of the Department of the Interior*
10 *and Related Agencies Appropriations Act, 1999*
11 *(16 U.S.C. 1011a(a)), including Indian forest*
12 *land or rangeland;*

13 (B) *contain proposed accomplishments and*
14 *proposed non-Federal funding; and*

15 (C) *request not more than \$5,000,000 in*
16 *funding made available under subsection (b)(10);*

17 (2) *select project proposals for funding in a*
18 *manner that—*

19 (A) *gives priority to a project proposal that*
20 *would result in the most miles of streams being*
21 *restored for the lowest amount of Federal fund-*
22 *ing; and*

23 (B) *discontinues funding for a project that*
24 *fails to achieve the results included in a proposal*

1 *submitted under paragraph (1) for more than 2*
2 *consecutive years; and*

3 *(3) publish a list of—*

4 *(A) all of the priority watersheds on Na-*
5 *tional Forest System land;*

6 *(B) the condition of each priority watershed*
7 *on the date of enactment of this Act; and*

8 *(C) the condition of each priority watershed*
9 *on the date that is 5 years after the date of en-*
10 *actment of this Act.*

11 **SEC. 40805. GAO STUDY.**

12 *(a) STUDY.—Not later than 6 years after the date of*
13 *enactment of this Act, the Comptroller General of the United*
14 *States shall—*

15 *(1) conduct a study on the implementation of*
16 *this title and the amendments made by this title, in-*
17 *cluding whether this title and the amendments made*
18 *by this title have—*

19 *(A) effectively reduced wildfire risk, includ-*
20 *ing the extent to which the wildfire hazard on*
21 *Federal land has changed; and*

22 *(B) restored ecosystems on Federal and non-*
23 *Federal land; and*

24 *(2) submit to Congress a report that describes the*
25 *results of the study under paragraph (1).*

1 (b) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
 2 *authorized to be appropriated to the Comptroller General*
 3 *of the United States for the activities described in subsection*
 4 *(a) \$800,000.*

5 **SEC. 40806. ESTABLISHMENT OF FUEL BREAKS IN FORESTS**
 6 **AND OTHER WILDLAND VEGETATION.**

7 (a) *DEFINITION OF SECRETARY CONCERNED.*—*In this*
 8 *section, the term “Secretary concerned” means—*

9 (1) *the Secretary of Agriculture, with respect to*
 10 *National Forest System land; and*

11 (2) *the Secretary of the Interior, with respect to*
 12 *public lands (as defined in section 103 of the Federal*
 13 *Land Policy and Management Act of 1976 (43 U.S.C.*
 14 *1702)) administered by the Bureau of Land Manage-*
 15 *ment.*

16 (b) *CATEGORICAL EXCLUSION ESTABLISHED.*—*Forest*
 17 *management activities described in subsection (c) are a cat-*
 18 *egory of actions designated as being categorically excluded*
 19 *from the preparation of an environmental assessment or an*
 20 *environmental impact statement under the National Envi-*
 21 *ronmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if*
 22 *the categorical exclusion is documented through a sup-*
 23 *porting record and decision memorandum.*

24 (c) *FOREST MANAGEMENT ACTIVITIES DESIGNATED*
 25 *FOR CATEGORICAL EXCLUSION.*—

1 (1) *IN GENERAL.*—*The category of forest man-*
2 *agement activities designated under subsection (b) for*
3 *a categorical exclusion are forest management activi-*
4 *ties described in paragraph (2) that are carried out*
5 *by the Secretary concerned on public lands (as de-*
6 *fined in section 103 of the Federal Land Policy and*
7 *Management Act of 1976 (43 U.S.C. 1702)) adminis-*
8 *tered by the Bureau of Land Management or National*
9 *Forest System land the primary purpose of which is*
10 *to establish and maintain linear fuel breaks that*
11 *are—*

12 (A) *up to 1,000 feet in width contiguous*
13 *with or incorporating existing linear features,*
14 *such as roads, water infrastructure, transmission*
15 *and distribution lines, and pipelines of any*
16 *length on Federal land; and*

17 (B) *intended to reduce the risk of*
18 *uncharacteristic wildfire on Federal land or cat-*
19 *astrophic wildfire for an adjacent at-risk com-*
20 *munity.*

21 (2) *ACTIVITIES.*—*Subject to paragraph (3), the*
22 *forest management activities that may be carried out*
23 *pursuant to the categorical exclusion established*
24 *under subsection (b) are—*

25 (A) *mowing or masticating;*

1 (B) *thinning by manual and mechanical*
2 *cutting;*

3 (C) *piling, yarding, and removal of slash or*
4 *hazardous fuels;*

5 (D) *selling of vegetation products, including*
6 *timber, firewood, biomass, slash, and fenceposts;*

7 (E) *targeted grazing;*

8 (F) *application of—*

9 (i) *pesticide;*

10 (ii) *biopesticide; or*

11 (iii) *herbicide;*

12 (G) *seeding of native species;*

13 (H) *controlled burns and broadcast burn-*
14 *ing; and*

15 (I) *burning of piles, including jackpot piles.*

16 (3) *EXCLUDED ACTIVITIES.—A forest manage-*
17 *ment activity described in paragraph (2) may not be*
18 *carried out pursuant to the categorical exclusion es-*
19 *tablished under subsection (b) if the activity is con-*
20 *ducted—*

21 (A) *in a component of the National Wilder-*
22 *ness Preservation System;*

23 (B) *on Federal land on which the removal*
24 *of vegetation is prohibited or restricted by Act of*
25 *Congress, Presidential proclamation (including*

1 *the applicable implementation plan), or regula-*
2 *tion;*

3 *(C) in a wilderness study area; or*

4 *(D) in an area in which carrying out the*
5 *activity would be inconsistent with the applica-*
6 *ble land management plan or resource manage-*
7 *ment plan.*

8 (4) *EXTRAORDINARY CIRCUMSTANCES.*—*The Sec-*
9 *retary concerned shall apply the extraordinary cir-*
10 *cumstances procedures under section 220.6 of title 36,*
11 *Code of Federal Regulations (or a successor regula-*
12 *tion), in determining whether to use a categorical ex-*
13 *clusion under subsection (b).*

14 (d) *ACREAGE AND LOCATION LIMITATIONS.*—*Treat-*
15 *ments of vegetation in linear fuel breaks covered by the cat-*
16 *egorical exclusion established under subsection (b)—*

17 (1) *may not contain treatment units in excess of*
18 *3,000 acres;*

19 (2) *shall be located primarily in—*

20 (A) *the wildland-urban interface or a public*
21 *drinking water source area;*

22 (B) *if located outside the wildland-urban*
23 *interface or a public drinking water source area,*
24 *an area within Condition Class 2 or 3 in Fire*

1 *Regime Group I, II, or III that contains very*
2 *high wildfire hazard potential; or*

3 *(C) an insect or disease area designated by*
4 *the Secretary concerned as of the date of enact-*
5 *ment of this Act; and*

6 *(3) shall consider the best available scientific in-*
7 *formation.*

8 *(e) ROADS.—*

9 *(1) PERMANENT ROADS.—A project under this*
10 *section shall not include the establishment of perma-*
11 *nent roads.*

12 *(2) EXISTING ROADS.—The Secretary concerned*
13 *may carry out necessary maintenance and repairs on*
14 *existing permanent roads for the purposes of this sec-*
15 *tion.*

16 *(3) TEMPORARY ROADS.—The Secretary con-*
17 *cerned shall decommission any temporary road con-*
18 *structed under a project under this section not later*
19 *than 3 years after the date on which the project is*
20 *completed.*

21 *(f) PUBLIC COLLABORATION.—To encourage meaning-*
22 *ful public participation during the preparation of a project*
23 *under this section, the Secretary concerned shall facilitate,*
24 *during the preparation of each project—*

1 (1) *collaboration among State and local govern-*
2 *ments and Indian Tribes; and*

3 (2) *participation of interested persons.*

4 **SEC. 40807. EMERGENCY ACTIONS.**

5 (a) *DEFINITIONS.—In this section:*

6 (1) *AUTHORIZED EMERGENCY ACTION.—The*
7 *term “authorized emergency action” means an action*
8 *carried out pursuant to an emergency situation deter-*
9 *mination issued under this section to mitigate the*
10 *harm to life, property, or important natural or cul-*
11 *tural resources on National Forest System land or ad-*
12 *acent land.*

13 (2) *EMERGENCY SITUATION.—The term “emer-*
14 *gency situation” means a situation on National For-*
15 *est System land for which immediate implementation*
16 *of 1 or more authorized emergency actions is nec-*
17 *essary to achieve 1 or more of the following results:*

18 (A) *Relief from hazards threatening human*
19 *health and safety.*

20 (B) *Mitigation of threats to natural re-*
21 *sources on National Forest System land or adja-*
22 *cent land.*

23 (3) *EMERGENCY SITUATION DETERMINATION.—*
24 *The term “emergency situation determination” means*

1 *a determination made by the Secretary under sub-*
2 *section (b)(1)(A).*

3 (4) *LAND AND RESOURCE MANAGEMENT PLAN.*—
4 *The term “land and resource management plan”*
5 *means a plan developed under section 6 of the Forest*
6 *and Rangeland Renewable Resources Planning Act of*
7 *1974 (16 U.S.C. 1604).*

8 (5) *NATIONAL FOREST SYSTEM LAND.*—*The term*
9 *“National Forest System land” means land of the Na-*
10 *tional Forest System (as defined in section 11(a) of*
11 *the Forest and Rangeland Renewable Resources Plan-*
12 *ning Act of 1974 (16 U.S.C. 1609(a)).*

13 (6) *SECRETARY.*—*The term “Secretary” means*
14 *the Secretary of Agriculture.*

15 (b) *AUTHORIZED EMERGENCY ACTIONS TO RESPOND*
16 *TO EMERGENCY SITUATIONS.*—

17 (1) *DETERMINATION.*—

18 (A) *IN GENERAL.*—*The Secretary may make*
19 *a determination that an emergency situation ex-*
20 *ists with respect to National Forest System land.*

21 (B) *REVIEW.*—*An emergency situation de-*
22 *termination shall not be subject to objection*
23 *under the predecisional administrative review*
24 *processes under part 218 of title 36, Code of Fed-*
25 *eral Regulations (or successor regulations).*

1 (C) *BASIS OF DETERMINATION.*—*An emer-*
2 *gency situation determination shall be based on*
3 *an examination of the relevant information.*

4 (2) *AUTHORIZED EMERGENCY ACTIONS.*—*After*
5 *making an emergency situation determination with*
6 *respect to National Forest System land, the Secretary*
7 *may carry out authorized emergency actions on that*
8 *National Forest System land in order to achieve re-*
9 *liefs from hazards threatening human health and safe-*
10 *ty or mitigation of threats to natural resources on*
11 *National Forest System land or adjacent land, in-*
12 *cluding through—*

13 (A) *the salvage of dead or dying trees;*

14 (B) *the harvest of trees damaged by wind or*
15 *ice;*

16 (C) *the commercial and noncommercial*
17 *sanitation harvest of trees to control insects or*
18 *disease, including trees already infested with in-*
19 *sects or disease;*

20 (D) *the reforestation or replanting of fire-*
21 *impacted areas through planting, control of com-*
22 *peting vegetation, or other activities that en-*
23 *hance natural regeneration and restore forest*
24 *species;*

1 (E) the removal of hazardous trees in close
2 proximity to roads and trails;

3 (F) the removal of hazardous fuels;

4 (G) the restoration of water sources or in-
5 frastructure;

6 (H) the reconstruction of existing utility
7 lines; and

8 (I) the replacement of underground cables.

9 (3) *RELATION TO LAND AND RESOURCE MANAGE-*
10 *MENT PLANS.—Any authorized emergency action car-*
11 *ried out under paragraph (2) on National Forest Sys-*
12 *tem land shall be conducted consistent with the appli-*
13 *cable land and resource management plan.*

14 (c) *ENVIRONMENTAL ANALYSIS.—*

15 (1) *ENVIRONMENTAL ASSESSMENT OR ENVIRON-*
16 *MENTAL IMPACT STATEMENT.—If the Secretary deter-*
17 *mines that an authorized emergency action requires*
18 *an environmental assessment or an environmental*
19 *impact statement pursuant to section 102(2) of the*
20 *National Environmental Policy Act of 1969 (42*
21 *U.S.C. 4332(2)), the Secretary shall study, develop,*
22 *and describe—*

23 (A) *the proposed agency action, taking into*
24 *account the probable environmental consequences*
25 *of the authorized emergency action and miti-*

1 *gating foreseeable adverse environmental effects,*
2 *to the extent practicable; and*

3 *(B) the alternative of no action.*

4 (2) *PUBLIC NOTICE.*—*The Secretary shall pro-*
5 *vide notice of each authorized emergency action that*
6 *the Secretary determines requires an environmental*
7 *assessment or environmental impact statement under*
8 *paragraph (1), in accordance with applicable regula-*
9 *tions and administrative guidelines.*

10 (3) *PUBLIC COMMENT.*—*The Secretary shall pro-*
11 *vide an opportunity for public comment during the*
12 *preparation of any environmental assessment or envi-*
13 *ronmental impact statement under paragraph (1).*

14 (4) *SAVINGS CLAUSE.*—*Nothing in this sub-*
15 *section prohibits the Secretary from—*

16 *(A) making an emergency situation deter-*
17 *mination, including a determination that an*
18 *emergency exists pursuant to section 218.21(a) of*
19 *title 36, Code of Federal Regulations (or suc-*
20 *cessor regulations); or*

21 *(B) taking an emergency action under sec-*
22 *tion 220.4(b) of title 36, Code of Federal Regula-*
23 *tions (or successor regulations).*

24 (d) *ADMINISTRATIVE REVIEW OF AUTHORIZED EMER-*
25 *GENCY ACTIONS.*—*An authorized emergency action carried*

1 *out under this section shall not be subject to objection under*
2 *the predecisional administrative review processes estab-*
3 *lished under section 105 of the Healthy Forests Restoration*
4 *Act of 2003 (16 U.S.C. 6515) and section 428 of the Depart-*
5 *ment of the Interior, Environment, and Related Agencies*
6 *Appropriations Act, 2012 (16 U.S.C. 6515 note; Public Law*
7 *112–74).*

8 *(e) JUDICIAL REVIEW OF EMERGENCY ACTIONS.—A*
9 *court shall not enjoin an authorized emergency action*
10 *under this section if the court determines that the plaintiff*
11 *is unable to demonstrate that the claim of the plaintiff is*
12 *likely to succeed on the merits.*

13 *(f) NOTIFICATION AND GUIDANCE.—The Secretary*
14 *shall provide notification and guidance to each local field*
15 *office of the Forest Service to ensure awareness of, compli-*
16 *ance with, and appropriate use of the authorized emergency*
17 *action authority under this section.*

18 **SEC. 40808. JOINT CHIEFS LANDSCAPE RESTORATION**
19 **PARTNERSHIP PROGRAM.**

20 *(a) DEFINITIONS.—In this section:*

21 *(1) CHIEFS.—The term “Chiefs” means the Chief*
22 *of the Forest Service and the Chief of the Natural Re-*
23 *sources Conservation Service.*

24 *(2) ELIGIBLE ACTIVITY.—The term “eligible ac-*
25 *tivity” means an activity—*

- 1 (A) to reduce the risk of wildfire;
2 (B) to protect water quality and supply; or
3 (C) to improve wildlife habitat for at-risk
4 species.

5 (3) *PROGRAM.*—The term “Program” means the
6 Joint Chiefs Landscape Restoration Partnership pro-
7 gram established under subsection (b)(1).

8 (4) *SECRETARY.*—The term “Secretary” means
9 the Secretary of Agriculture.

10 (5) *WILDLAND-URBAN INTERFACE.*—The term
11 “wildland-urban interface” has the meaning given the
12 term in section 101 of the Healthy Forests Restora-
13 tion Act of 2003 (16 U.S.C. 6511).

14 (b) *ESTABLISHMENT.*—

15 (1) *IN GENERAL.*—The Secretary shall establish
16 a Joint Chiefs Landscape Restoration Partnership
17 program to improve the health and resilience of forest
18 landscapes across National Forest System land and
19 State, Tribal, and private land.

20 (2) *ADMINISTRATION.*—The Secretary shall ad-
21 minister the Program by coordinating eligible activi-
22 ties conducted on National Forest System land and
23 State, Tribal, or private land across a forest land-
24 scape to improve the health and resilience of the forest
25 landscape by—

1 (A) assisting producers and landowners in
2 implementing eligible activities on eligible pri-
3 vate or Tribal land using the applicable pro-
4 grams and authorities administered by the Chief
5 of the Natural Resources Conservation Service
6 under title XII of the Food Security Act of 1985
7 (16 U.S.C. 3801 et seq.), not including the con-
8 servation reserve program established under sub-
9 chapter B of chapter 1 of subtitle D of that title
10 (16 U.S.C. 3831 et seq.); and

11 (B) conducting eligible activities on Na-
12 tional Forest System land or assisting land-
13 owners in implementing eligible activities on
14 State, Tribal, or private land using the applica-
15 ble programs and authorities administered by
16 the Chief of the Forest Service.

17 (c) *SELECTION OF ELIGIBLE ACTIVITIES.*—The appro-
18 priate Regional Forester and State Conservationist shall
19 jointly submit to the Chiefs on an annual basis proposals
20 for eligible activities under the Program.

21 (d) *EVALUATION CRITERIA.*—In evaluating and select-
22 ing proposals submitted under subsection (c), the Chiefs
23 shall consider—

24 (1) criteria including whether the proposal—

1 (A) reduces wildfire risk in a municipal
2 watershed or the wildland-urban interface;

3 (B) was developed through a collaborative
4 process with participation from diverse stake-
5 holders;

6 (C) increases forest workforce capacity or
7 forest business infrastructure and development;

8 (D) leverages existing authorities and non-
9 Federal funding;

10 (E) provides measurable outcomes; or

11 (F) supports established State and regional
12 priorities; and

13 (2) such other criteria relating to the merits of
14 the proposals as the Chiefs determine to be appro-
15 priate.

16 (e) *OUTREACH.*—The Secretary shall provide—

17 (1) public notice on the websites of the Forest
18 Service and the Natural Resources Conservation Serv-
19 ice describing—

20 (A) the solicitation of proposals under sub-
21 section (c); and

22 (B) the criteria for selecting proposals in
23 accordance with subsection (d); and

24 (2) information relating to the Program and ac-
25 tivities funded under the Program to States, Indian

1 *Tribes, units of local government, and private land-*
2 *owners.*

3 *(f) EXCLUSIONS.—An eligible activity may not be car-*
4 *ried out under the Program—*

5 *(1) in a wilderness area or designated wilderness*
6 *study area;*

7 *(2) in an inventoried roadless area;*

8 *(3) on any Federal land on which, by Act of*
9 *Congress or Presidential proclamation, the removal of*
10 *vegetation is restricted or prohibited; or*

11 *(4) in an area in which the eligible activity*
12 *would be inconsistent with the applicable land and*
13 *resource management plan.*

14 *(g) ACCOUNTABILITY.—*

15 *(1) INITIAL REPORT.—Not later than 1 year*
16 *after the date of enactment of this Act, the Secretary*
17 *shall submit to Congress a report providing rec-*
18 *ommendations to Congress relating to the Program,*
19 *including a review of—*

20 *(A) funding mechanisms for the Program;*

21 *(B) staff capacity to carry out the Program;*

22 *(C) privacy laws applicable to the Program;*

23 *(D) data collection under the Program;*

24 *(E) monitoring and outcomes under the*
25 *Program; and*

1 (F) such other matters as the Secretary con-
2 siders to be appropriate.

3 (2) *ADDITIONAL REPORTS.*—For each of fiscal
4 years 2022 and 2023, the Chiefs shall submit to the
5 Committee on Agriculture, Nutrition, and Forestry
6 and the Committee on Appropriations of the Senate
7 and the Committee on Agriculture and the Committee
8 on Appropriations of the House of Representatives a
9 report describing projects for which funding is pro-
10 vided under the Program, including the status and
11 outcomes of those projects.

12 (h) *FUNDING.*—

13 (1) *AUTHORIZATION OF APPROPRIATIONS.*—
14 There is authorized to be appropriated to the Sec-
15 retary to carry out the Program \$90,000,000 for each
16 of fiscal years 2022 and 2023.

17 (2) *ADDITIONAL FUNDS.*—In addition to the
18 funds described in paragraph (1), the Secretary may
19 obligate available funds from accounts used to carry
20 out the existing Joint Chiefs' Landscape Restoration
21 Partnership prior to the date of enactment of this Act
22 to carry out the Program.

23 (3) *DURATION OF AVAILABILITY.*—Funds made
24 available under paragraph (1) shall remain available
25 until expended.

1 (4) *DISTRIBUTION OF FUNDS.—Of the funds*
2 *made available under paragraph (1)—*

3 (A) *not less than 40 percent shall be allo-*
4 *cated to carry out eligible activities through the*
5 *Natural Resources Conservation Service;*

6 (B) *not less than 40 percent shall be allo-*
7 *cated to carry out eligible activities through the*
8 *Forest Service; and*

9 (C) *the remaining funds shall be allocated*
10 *by the Chiefs to the Natural Resources Conserva-*
11 *tion Service or the Forest Service—*

12 (i) *to carry out eligible activities; or*

13 (ii) *for other purposes, such as tech-*
14 *anical assistance, project development, or*
15 *local capacity building.*

16 ***TITLE IX—WESTERN WATER***
17 ***INFRASTRUCTURE***

18 ***SEC. 40901. AUTHORIZATIONS OF APPROPRIATIONS.***

19 *There are authorized to be appropriated to the Sec-*
20 *retary of the Interior, acting through the Commissioner of*
21 *Reclamation (referred to in this title as the “Secretary”),*
22 *for the period of fiscal years 2022 through 2026—*

23 (1) *\$1,150,000,000 for water storage, ground-*
24 *water storage, and conveyance projects in accordance*
25 *with section 40902, of which \$100,000,000 shall be*

1 *made available to provide grants to plan and con-*
2 *struct small surface water and groundwater storage*
3 *projects in accordance with section 40903;*

4 (2) *\$3,200,000,000 for the Aging Infrastructure*
5 *Account established by subsection (d)(1) of section*
6 *9603 of the Omnibus Public Land Management Act*
7 *of 2009 (43 U.S.C. 510b), to be made available for ac-*
8 *tivities in accordance with that subsection, including*
9 *major rehabilitation and replacement activities, as*
10 *identified in the Asset Management Report of the Bu-*
11 *reau of Reclamation dated April 2021, of which—*

12 (A) *\$100,000,000 shall be made available*
13 *for Bureau of Reclamation reserved or trans-*
14 *ferred works that have suffered a critical failure,*
15 *in accordance with section 40904(a); and*

16 (B) *\$100,000,000 shall be made available*
17 *for the rehabilitation, reconstruction, or replace-*
18 *ment of a dam in accordance with section*
19 *40904(b);*

20 (3) *\$1,000,000,000 for rural water projects that*
21 *have been authorized by an Act of Congress before*
22 *July 1, 2021, in accordance with the Reclamation*
23 *Rural Water Supply Act of 2006 (43 U.S.C. 2401 et*
24 *seq.);*

1 (4) \$1,000,000,000 for water recycling and reuse
2 projects, of which—

3 (A) \$550,000,000 shall be made available
4 for water recycling and reuse projects authorized
5 in accordance with the Reclamation Wastewater
6 and Groundwater Study and Facilities Act (43
7 U.S.C. 390h et seq.) that are—

8 (i) authorized or approved for con-
9 struction funding by an Act of Congress be-
10 fore the date of enactment of this Act; or

11 (ii) selected for funding under the com-
12 petitive grant program authorized pursuant
13 to section 1602(f) of the Reclamation Waste-
14 water and Groundwater Study and Facili-
15 ties Act (43 U.S.C. 390h(f)), with funding
16 under this subparagraph to be provided in
17 accordance with that section, notwith-
18 standing section 4013 of the Water Infra-
19 structure Improvements for the Nation Act
20 (43 U.S.C. 390b note; Public Law 114–
21 322), except that section 1602(g)(2) of the
22 Reclamation Wastewater and Groundwater
23 Study and Facilities Act (43 U.S.C.
24 390h(g)(2)) shall not apply to amounts

1 *made available under this subparagraph;*

2 *and*

3 *(B) \$450,000,000 shall be made available*
4 *for large-scale water recycling and reuse projects*
5 *in accordance with section 40905;*

6 *(5) \$250,000,000 for water desalination projects*
7 *and studies authorized in accordance with the Water*
8 *Desalination Act of 1996 (42 U.S.C. 10301 note; Pub-*
9 *lic Law 104–298) that are—*

10 *(A) authorized or approved for construction*
11 *funding by an Act of Congress before July 1,*
12 *2021; or*

13 *(B) selected for funding under the program*
14 *authorized pursuant to section 4(a) of the Water*
15 *Desalination Act of 1996 (42 U.S.C. 10301 note;*
16 *Public Law 104–298), with funding to be made*
17 *available under this paragraph in accordance*
18 *with that subsection, notwithstanding section*
19 *4013 of the Water Infrastructure Improvements*
20 *for the Nation Act (43 U.S.C. 390b note; Public*
21 *Law 114–322), except that paragraph (2)(F) of*
22 *section 4(a) of the Water Desalination Act of*
23 *1996 (42 U.S.C. 10301 note; Public Law 104–*
24 *298) (as redesignated by section 40908) shall not*

1 *apply to amounts made available under this*
2 *paragraph;*

3 (6) \$500,000,000 for the safety of dams program,
4 *in accordance with the Reclamation Safety of Dams*
5 *Act of 1978 (43 U.S.C. 506 et seq.);*

6 (7) \$400,000,000 for WaterSMART grants in ac-
7 *cordance with section 9504 of the Omnibus Public*
8 *Land Management Act of 2009 (42 U.S.C. 10364), of*
9 *which \$100,000,000 shall be made available for*
10 *projects that would improve the condition of a nat-*
11 *ural feature or nature-based feature (as those terms*
12 *are defined in section 9502 of the Omnibus Public*
13 *Land Management Act of 2009 (42 U.S.C. 10362));*

14 (8) subject to section 40906, \$300,000,000 for
15 *implementing the Colorado River Basin Drought*
16 *Contingency Plan, consistent with the obligations of*
17 *the Secretary under the Colorado River Drought Con-*
18 *tingency Plan Authorization Act (Public Law 116-*
19 *14; 133 Stat. 850) and related agreements, of which*
20 *\$50,000,000 shall be made available for use in accord-*
21 *ance with the Drought Contingency Plan for the*
22 *Upper Colorado River Basin;*

23 (9) \$100,000,000 to provide financial assistance
24 *for watershed management projects in accordance*
25 *with subtitle A of title VI of the Omnibus Public*

1 *Land Management Act of 2009 (16 U.S.C. 1015 et*
2 *seq.);*

3 (10) \$250,000,000 for design, study, and con-
4 struction of aquatic ecosystem restoration and protec-
5 tion projects in accordance with section 1109 of divi-
6 sion FF of the Consolidated Appropriations Act, 2021
7 (Public Law 116–260);

8 (11) \$100,000,000 for multi-benefit projects to
9 improve watershed health in accordance with section
10 40907; and

11 (12) \$50,000,000 for endangered species recovery
12 and conservation programs in the Colorado River
13 Basin in accordance with—

14 (A) Public Law 106–392 (114 Stat. 1602);

15 (B) the Grand Canyon Protection Act of
16 1992 (Public Law 102–575; 106 Stat. 4669); and

17 (C) subtitle E of title IX of the Omnibus
18 Public Land Management Act of 2009 (Public
19 Law 111–11; 123 Stat. 1327).

20 **SEC. 40902. WATER STORAGE, GROUNDWATER STORAGE,**
21 **AND CONVEYANCE PROJECTS.**

22 (a) *ELIGIBILITY FOR FUNDING.*—

23 (1) *FEASIBILITY STUDIES.*—

1 (A) *IN GENERAL.*—*A feasibility study shall*
 2 *only be eligible for funding under section*
 3 *40901(1) if—*

4 (i) *the feasibility study has been au-*
 5 *thorized by an Act of Congress before the*
 6 *date of enactment of this Act;*

7 (ii) *Congress has approved funding for*
 8 *the feasibility study in accordance with sec-*
 9 *tion 4007 of the Water Infrastructure Im-*
 10 *provements for the Nation Act (43 U.S.C.*
 11 *390b note; Public Law 114–322) before the*
 12 *date of enactment of this Act; or*

13 (iii) *the feasibility study is authorized*
 14 *under subparagraph (B).*

15 (B) *FEASIBILITY STUDY AUTHORIZA-*
 16 *TIONS.*—*The Secretary may carry out feasibility*
 17 *studies for the following projects:*

18 (i) *The Verde Reservoirs Sediment*
 19 *Mitigation Project in the State of Arizona.*

20 (ii) *The Tualatin River Basin Project*
 21 *in the State of Oregon.*

22 (2) *CONSTRUCTION.*—*A project shall only be eli-*
 23 *gible for construction funding under section 40901(1)*
 24 *if—*

1 (A) an Act of Congress enacted before the
2 date of enactment of this Act authorizes construc-
3 tion of the project;

4 (B) Congress has approved funding for con-
5 struction of the project in accordance with sec-
6 tion 4007 of the Water Infrastructure Improve-
7 ments for the Nation Act (43 U.S.C. 390b note;
8 Public Law 114–322) before the date of enact-
9 ment of this Act, except for any project for
10 which—

11 (i) Congress did not approve the rec-
12 ommendation of the Secretary for funding
13 under subsection (h)(2) of that section for at
14 least 1 fiscal year before the date of enact-
15 ment of this Act; or

16 (ii) State funding for the project was
17 rescinded by the State before the date of en-
18 actment of this Act; or

19 (C)(i) Congress has authorized or approved
20 funding for a feasibility study for the project in
21 accordance with clause (i) or (ii) of paragraph
22 (1)(A) (except that projects described in clauses
23 (i) and (ii) of subparagraph (B) shall not be eli-
24 gible); and

1 (ii) on completion of the feasibility study
2 for the project, the Secretary—

3 (I) finds the project to be technically
4 and financially feasible in accordance with
5 the reclamation laws;

6 (II) determines that sufficient non-Fed-
7 eral funding is available for the non-Fed-
8 eral cost share of the project; and

9 (III)(aa) finds the project to be in the
10 public interest; and

11 (bb) recommends the project for con-
12 struction.

13 (b) *COST-SHARING REQUIREMENT.*—

14 (1) *IN GENERAL.*—The Federal share—

15 (A) for a project authorized by an Act of
16 Congress shall be determined in accordance with
17 that Act;

18 (B) for a project approved by Congress in
19 accordance with section 4007 of the Water Infra-
20 structure Improvements for the Nation Act (43
21 U.S.C. 390b note; Public Law 114–322) (includ-
22 ing construction resulting from a feasibility
23 study authorized under that Act) shall be as pro-
24 vided in that Act; and

1 (C) for a project not described in subpara-
2 graph (A) or (B)—

3 (i) in the case of a federally owned
4 project, shall not exceed 50 percent of the
5 total cost of the project; and

6 (ii) in the case of a non-Federal
7 project, shall not exceed 25 percent of the
8 total cost of the project.

9 (2) *FEDERAL BENEFITS.*—Before funding a
10 project under this section, the Secretary shall deter-
11 mine that, in return for the Federal investment in the
12 project, at least a proportionate share of the benefits
13 are Federal benefits.

14 (3) *REIMBURSABILITY.*—The reimbursability of
15 Federal funding of projects under this section shall be
16 in accordance with the reclamation laws.

17 (c) *ENVIRONMENTAL LAWS.*—In providing funding for
18 a project under this section, the Secretary shall comply with
19 all applicable environmental laws, including the National
20 Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

21 **SEC. 40903. SMALL WATER STORAGE AND GROUNDWATER**
22 **STORAGE PROJECTS.**

23 (a) *ESTABLISHMENT OF A COMPETITIVE GRANT PRO-*
24 *GRAM FOR SMALL WATER STORAGE AND GROUNDWATER*
25 *STORAGE PROJECTS.*—The Secretary shall establish a com-

1 *petitive grant program, under which the non-Federal*
2 *project sponsor of any project in a Reclamation State, in-*
3 *cluding the State of Alaska or Hawaii, determined by the*
4 *Secretary to be feasible under subsection (b)(2)(B) shall be*
5 *eligible to apply for funding for the planning, design, and*
6 *construction of the project.*

7 *(b) ELIGIBILITY AND SELECTION.—*

8 *(1) SUBMISSION TO THE SECRETARY.—*

9 *(A) IN GENERAL.—A non-Federal project*
10 *sponsor described in subsection (a) may submit*
11 *to the Secretary a proposal for a project eligible*
12 *to receive a grant under this section in the form*
13 *of a completed feasibility study.*

14 *(B) ELIGIBLE PROJECTS.—A project shall*
15 *be considered eligible for consideration for a*
16 *grant under this section if the project—*

17 *(i) has water storage capacity of not*
18 *less than 2,000 acre-feet and not more than*
19 *30,000 acre-feet; and*

20 *(ii)(I) increases surface water or*
21 *groundwater storage; or*

22 *(II) conveys water, directly or indi-*
23 *rectly, to or from surface water or ground-*
24 *water storage.*

1 (C) *GUIDELINES.*—Not later than 60 days
2 after the date of enactment of this Act, the Sec-
3 retary shall issue guidelines for feasibility stud-
4 ies for small storage projects to provide sufficient
5 information for the formulation of the studies.

6 (2) *REVIEW BY THE SECRETARY.*—The Secretary
7 shall review each feasibility study received under
8 paragraph (1)(A) for the purpose of determining
9 whether—

10 (A) the feasibility study, and the process
11 under which the study was developed, each com-
12 ply with Federal laws (including regulations)
13 applicable to feasibility studies of small storage
14 projects;

15 (B) the project is technically and finan-
16 cially feasible, in accordance with—

17 (i) the guidelines developed under
18 paragraph (1)(C); and

19 (ii) the reclamation laws; and

20 (C) the project provides a Federal benefit,
21 as determined by the Secretary.

22 (3) *SUBMISSION TO CONGRESS.*—Not later than
23 180 days after the date of receipt of a feasibility
24 study received under paragraph (1)(A), the Secretary
25 shall submit to the Committee on Energy and Natural

1 *Resources of the Senate and the Committee on Nat-*
2 *ural Resources of the House of Representatives a re-*
3 *port that describes—*

4 *(A) the results of the review of the study by*
5 *the Secretary under paragraph (2), including a*
6 *determination of whether the project is feasible*
7 *and provides a Federal benefit;*

8 *(B) any recommendations that the Sec-*
9 *retary may have concerning the plan or design*
10 *of the project; and*

11 *(C) any conditions the Secretary may re-*
12 *quire for construction of the project.*

13 *(4) ELIGIBILITY FOR FUNDING.—*

14 *(A) IN GENERAL.—The non-Federal project*
15 *sponsor of any project determined by the Sec-*
16 *retary to be feasible under paragraph (3)(A)*
17 *shall be eligible to apply to the Secretary for a*
18 *grant to cover the Federal share of the costs of*
19 *planning, designing, and constructing the project*
20 *pursuant to subsection (c).*

21 *(B) REQUIRED DETERMINATION.—Prior to*
22 *awarding grants to a small storage project, the*
23 *Secretary shall determine whether there is suffi-*
24 *cient non-Federal funding available to complete*
25 *the project.*

1 (5) *PRIORITY.*—*In awarding grants to projects*
2 *under this section, the Secretary shall give priority to*
3 *projects that meet 1 or more of the following criteria:*

4 (A) *Projects that are likely to provide a*
5 *more reliable water supply for States, Indian*
6 *Tribes, and local governments, including subdivi-*
7 *sions of those entities.*

8 (B) *Projects that are likely to increase*
9 *water management flexibility and reduce im-*
10 *pacts on environmental resources from projects*
11 *operated by Federal and State agencies.*

12 (C) *Projects that are regional in nature.*

13 (D) *Projects with multiple stakeholders.*

14 (E) *Projects that provide multiple benefits,*
15 *including water supply reliability, ecosystem*
16 *benefits, groundwater management and enhance-*
17 *ments, and water quality improvements.*

18 (c) *CEILING ON FEDERAL SHARE.*—*The Federal share*
19 *of the costs of each of the individual projects selected under*
20 *this section shall not exceed the lesser of—*

21 (1) *25 percent of the total project cost; or*

22 (2) *\$30,000,000.*

23 (d) *ENVIRONMENTAL LAWS.*—*In providing funding for*
24 *a grant for a project under this section, the Secretary shall*
25 *comply with all applicable environmental laws, including*

1 *the National Environmental Policy Act of 1969 (42 U.S.C.*
2 *4321 et seq.).*

3 (e) *TERMINATION OF AUTHORITY.*—*The authority to*
4 *carry out this section terminates on the date that is 5 years*
5 *after the date of enactment of this Act.*

6 **SEC. 40904. CRITICAL MAINTENANCE AND REPAIR.**

7 (a) *CRITICAL FAILURE AT A RESERVED OR TRANS-*
8 *FERRED WORK.*—

9 (1) *IN GENERAL.*—*A reserved or transferred work*
10 *shall only be eligible for funding under section*
11 *40901(2)(A) if—*

12 (A) *construction of the reserved or trans-*
13 *ferred work began on or before January 1, 1915;*
14 *and*

15 (B) *a unit of the reserved or transferred*
16 *work suffered a critical failure in Bureau of Rec-*
17 *lamation infrastructure during the 2-year period*
18 *ending on the date of enactment of this Act that*
19 *resulted in the failure to deliver water to project*
20 *beneficiaries.*

21 (2) *USE OF FUNDS.*—*Rehabilitation, repair, and*
22 *replacement activities for a transferred or reserved*
23 *work using amounts made available under section*
24 *40901(2)(A) may be used for the entire transferred or*

1 reserved work, regardless of whether the critical fail-
2 ure was limited to a single project of the overall work.

3 (3) *NONREIMBURSABLE FUNDS.*—Notwith-
4 standing section 9603(b) of the Omnibus Public Land
5 Management Act of 2009 (43 U.S.C. 510b(b)),
6 amounts made available to a reserved or transferred
7 work under section 40901(2)(A) shall be nonreimburs-
8 able to the United States.

9 (b) *CAREY ACT PROJECTS.*—The Secretary shall use
10 amounts made available under section 40901(2)(B) to fund
11 the rehabilitation, reconstruction, or replacement of a
12 dam—

13 (1) the construction of which began on or after
14 January 1, 1905;

15 (2) that was developed pursuant to section 4 of
16 the Act of August 18, 1894 (commonly known as the
17 “Carey Act”) (43 U.S.C. 641; 28 Stat. 422, chapter
18 301);

19 (3) that the Governor of the State in which the
20 dam is located has—

21 (A) determined the dam has reached its use-
22 ful life;

23 (B) determined the dam poses significant
24 health and safety concerns; and

25 (C) requested Federal support; and

1 (4) *for which the estimated rehabilitation, recon-*
2 *struction, or replacement, engineering, and permit-*
3 *ting costs would exceed \$50,000,000.*

4 **SEC. 40905. COMPETITIVE GRANT PROGRAM FOR LARGE-**
5 **SCALE WATER RECYCLING AND REUSE PRO-**
6 **GRAM.**

7 (a) *DEFINITIONS.—In this section:*

8 (1) *ELIGIBLE ENTITY.—The term “eligible enti-*
9 *ty” means—*

10 (A) *a State, Indian Tribe, municipality, ir-*
11 *rigation district, water district, wastewater dis-*
12 *trict, or other organization with water or power*
13 *delivery authority;*

14 (B) *a State, regional, or local authority, the*
15 *members of which include 1 or more organiza-*
16 *tions with water or power delivery authority; or*

17 (C) *an agency established under State law*
18 *for the joint exercise of powers or a combination*
19 *of entities described in subparagraphs (A) and*
20 *(B).*

21 (2) *ELIGIBLE PROJECT.—The term “eligible*
22 *project” means a project described in subsection (c).*

23 (3) *PROGRAM.—The term “program” means the*
24 *grant program established under subsection (b).*

1 (4) *RECLAMATION STATE*.—The term “Reclama-
2 tion State” means a State or territory described in
3 the first section of the Act of June 17, 1902 (43
4 U.S.C. 391; 32 Stat. 388, chapter 1093).

5 (b) *ESTABLISHMENT*.—The Secretary shall establish a
6 program to provide grants to eligible entities on a competi-
7 tive basis for the planning, design, and construction of
8 large-scale water recycling and reuse projects that provide
9 substantial water supply and other benefits to the Reclama-
10 tion States in accordance with this section.

11 (c) *ELIGIBLE PROJECT*.—A project shall be eligible for
12 a grant under this section if the project—

13 (1) *reclaims and reuses—*

14 (A) *municipal, industrial, domestic, or ag-*
15 *ricultural wastewater; or*

16 (B) *impaired groundwater or surface water;*

17 (2) *has a total estimated cost of \$500,000,000 or*
18 *more;*

19 (3) *is located in a Reclamation State;*

20 (4) *is constructed, operated, and maintained by*
21 *an eligible entity; and*

22 (5) *provides a Federal benefit in accordance with*
23 *the reclamation laws.*

24 (d) *PROJECT EVALUATION*.—The Secretary may pro-
25 vide a grant to an eligible project under the program if—

1 (1) *the eligible entity determines through the*
2 *preparation of a feasibility study or equivalent study,*
3 *and the Secretary concurs, that the eligible project—*

4 (A) *is technically and financially feasible;*

5 (B) *provides a Federal benefit in accord-*
6 *ance with the reclamation laws; and*

7 (C) *is consistent with applicable Federal*
8 *and State laws;*

9 (2) *the eligible entity has sufficient non-Federal*
10 *funding available to complete the eligible project, as*
11 *determined by the Secretary;*

12 (3) *the eligible entity is financially solvent, as*
13 *determined by the Secretary; and*

14 (4) *not later than 30 days after the date on*
15 *which the Secretary concurs with the determinations*
16 *under paragraph (1) with respect to the eligible*
17 *project, the Secretary submits to Congress written no-*
18 *tice of the determinations.*

19 (e) *PRIORITY.—In providing grants to eligible projects*
20 *under the program, the Secretary shall give priority to eli-*
21 *gible projects that meet 1 or more of the following criteria:*

22 (1) *The eligible project provides multiple bene-*
23 *fits, including—*

24 (A) *water supply reliability benefits for*
25 *drought-stricken States and communities;*

1 (B) fish and wildlife benefits; and

2 (C) water quality improvements.

3 (2) *The eligible project is likely to reduce im-*
4 *pacts on environmental resources from water projects*
5 *owned or operated by Federal and State agencies, in-*
6 *cluding through measurable reductions in water di-*
7 *versions from imperiled ecosystems.*

8 (3) *The eligible project would advance water*
9 *management plans across a multi-State area, such as*
10 *drought contingency plans in the Colorado River*
11 *Basin.*

12 (4) *The eligible project is regional in nature.*

13 (5) *The eligible project is collaboratively devel-*
14 *oped or supported by multiple stakeholders.*

15 (f) *FEDERAL ASSISTANCE.—*

16 (1) *FEDERAL COST SHARE.—The Federal share*
17 *of the cost of any project provided a grant under the*
18 *program shall not exceed 25 percent of the total cost*
19 *of the eligible project.*

20 (2) *TOTAL DOLLAR CAP.—The Secretary shall*
21 *not impose a total dollar cap on Federal contribu-*
22 *tions for all eligible individual projects provided a*
23 *grant under the program.*

1 (3) *NONREIMBURSABLE FUNDS.*—Any funds pro-
2 vided by the Secretary to an eligible entity under the
3 program shall be considered nonreimbursable.

4 (4) *FUNDING ELIGIBILITY.*—An eligible project
5 shall not be considered ineligible for assistance under
6 the program because the eligible project has received
7 assistance under—

8 (A) *the Reclamation Wastewater and*
9 *Groundwater Study and Facilities Act (43*
10 *U.S.C. 390h et seq.);*

11 (B) *section 4(a) of the Water Desalination*
12 *Act of 1996 (42 U.S.C. 10301 note; Public Law*
13 *104–298) for eligible desalination projects; or*

14 (C) *section 1602(e) of the Reclamation*
15 *Wastewater and Groundwater Study and Facili-*
16 *ties Act (43 U.S.C. 390h(e)).*

17 (g) *ENVIRONMENTAL LAWS.*—In providing a grant for
18 an eligible project under the program, the Secretary shall
19 comply with all applicable environmental laws, including
20 the *National Environmental Policy Act of 1969 (42 U.S.C.*
21 *4321 et seq.)*.

22 (h) *GUIDANCE.*—Not later than 1 year after the date
23 of enactment of this Act, the Secretary shall issue guidance
24 on the implementation of the program, including guidelines

1 *for the preparation of feasibility studies or equivalent stud-*
2 *ies by eligible entities.*

3 (i) *REPORTS.—*

4 (1) *ANNUAL REPORT.—At the end of each fiscal*
5 *year, the Secretary shall make available on the*
6 *website of the Department of the Interior an annual*
7 *report that lists each eligible project for which a grant*
8 *has been awarded under this section during the fiscal*
9 *year.*

10 (2) *COMPTROLLER GENERAL.—*

11 (A) *ASSESSMENT.—The Comptroller Gen-*
12 *eral of the United States shall conduct an assess-*
13 *ment of the administrative establishment, solici-*
14 *tation, selection, and justification process with*
15 *respect to the funding of grants under this sec-*
16 *tion.*

17 (B) *REPORT.—Not later than 1 year after*
18 *the date of the initial award of grants under this*
19 *section, the Comptroller General shall submit to*
20 *the Committee on Energy and Natural Resources*
21 *of the Senate and the Committee on Natural Re-*
22 *sources of the House of Representatives a report*
23 *that describes—*

1 (b) *LIMITATION.*—None of the funds made available
2 under section 40901(8) may be used for the operation of
3 the Yuma Desalting Plant.

4 (c) *EFFECT.*—Nothing in section 40901(8) limits exist-
5 ing or future opportunities to augment the water supplies
6 of the Colorado River.

7 **SEC. 40907. MULTI-BENEFIT PROJECTS TO IMPROVE WATER-**
8 **SHED HEALTH.**

9 (a) *DEFINITION OF ELIGIBLE APPLICANT.*—In this
10 section, the term “eligible applicant” means—

11 (1) a State;

12 (2) a Tribal or local government;

13 (3) an organization with power or water deliv-
14 ery authority;

15 (4) a regional authority; or

16 (5) a nonprofit conservation organization.

17 (b) *ESTABLISHMENT OF COMPETITIVE GRANT PRO-*
18 *GRAM.*—Not later than 1 year after the date of enactment
19 of this Act, the Secretary, in consultation with the heads
20 of relevant agencies, shall establish a competitive grant pro-
21 gram under which the Secretary shall award grants to eligi-
22 ble applicants for the design, implementation, and moni-
23 toring of conservation outcomes of habitat restoration
24 projects that improve watershed health in a river basin that

1 *is adversely impacted by a Bureau of Reclamation water*
2 *project by accomplishing 1 or more of the following:*

3 (1) *Ecosystem benefits.*

4 (2) *Restoration of native species.*

5 (3) *Mitigation against the impacts of climate*
6 *change to fish and wildlife habitats.*

7 (4) *Protection against invasive species.*

8 (5) *Restoration of aspects of the natural eco-*
9 *system.*

10 (6) *Enhancement of commercial, recreational,*
11 *subsistence, or Tribal ceremonial fishing.*

12 (7) *Enhancement of river-based recreation.*

13 (c) *REQUIREMENTS.—*

14 (1) *IN GENERAL.—In awarding a grant to an el-*
15 *igible applicant under subsection (b), the Secretary—*

16 (A) *shall give priority to an eligible appli-*
17 *cant that would carry out a habitat restoration*
18 *project that achieves more than 1 of the benefits*
19 *described in that subsection; and*

20 (B) *may not provide a grant to carry out*
21 *a habitat restoration project the purpose of*
22 *which is to meet existing environmental mitiga-*
23 *tion or compliance obligations under Federal or*
24 *State law.*

1 (2) *COMPLIANCE.*—*A habitat restoration project*
2 *awarded a grant under subsection (b) shall comply*
3 *with all applicable Federal and State laws.*

4 (d) *COST-SHARING REQUIREMENT.*—*The Federal*
5 *share of the cost of any habitat restoration project that is*
6 *awarded a grant under subsection (b)—*

7 (1) *shall not exceed 50 percent of the cost of the*
8 *habitat restoration project; or*

9 (2) *in the case of a habitat restoration project*
10 *that provides benefits to ecological or recreational val-*
11 *ues in which the nonconsumptive water conservation*
12 *benefit or habitat restoration benefit accounts for at*
13 *least 75 percent of the cost of the habitat restoration*
14 *project, as determined by the Secretary, shall not ex-*
15 *ceed 75 percent of the cost of the habitat restoration*
16 *project.*

17 **SEC. 40908. ELIGIBLE DESALINATION PROJECTS.**

18 *Section 4(a) of the Water Desalination Act of 1996 (42*
19 *U.S.C. 10301 note; Public Law 104–298) is amended by*
20 *redesignating the second paragraph (1) (relating to eligible*
21 *desalination projects) as paragraph (2).*

1 **SEC. 40909. CLARIFICATION OF AUTHORITY TO USE**
2 **CORONAVIRUS FISCAL RECOVERY FUNDS TO**
3 **MEET A NON-FEDERAL MATCHING REQUIRE-**
4 **MENT FOR AUTHORIZED BUREAU OF REC-**
5 **LAMATION WATER PROJECTS.**

6 (a) *CORONAVIRUS STATE FISCAL RECOVERY FUND.*—
7 *Section 602(c) of the Social Security Act (42 U.S.C. 802(c))*
8 *is amended by adding at the end the following:*

9 “(4) *USE OF FUNDS TO SATISFY NON-FEDERAL*
10 *MATCHING REQUIREMENTS FOR AUTHORIZED BUREAU*
11 *OF RECLAMATION WATER PROJECTS.*—*Funds provided*
12 *under this section for an authorized Bureau of Rec-*
13 *lamation project may be used for purposes of satis-*
14 *fying any non-Federal matching requirement required*
15 *for the project.”.*

16 (b) *CORONAVIRUS LOCAL FISCAL RECOVERY FUND.*—
17 *Section 603(c) of the Social Security Act (42 U.S.C. 803(c))*
18 *is amended by adding at the end the following:*

19 “(5) *USE OF FUNDS TO SATISFY NON-FEDERAL*
20 *MATCHING, MAINTENANCE OF EFFORT, OR OTHER EX-*
21 *PENDITURE REQUIREMENT.*—*Funds provided under*
22 *this section for an authorized Bureau of Reclamation*
23 *project may be used for purposes of satisfying any*
24 *non-Federal matching requirement required for the*
25 *project.”.*

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall take effect as if included in the enactment of*
3 *section 9901 of the American Rescue Plan Act of 2021 (Pub-*
4 *lic Law 117–2; 135 Stat. 223).*

5 **SEC. 40910. FEDERAL ASSISTANCE FOR GROUNDWATER RE-**
6 **CHARGE, AQUIFER STORAGE, AND WATER**
7 **SOURCE SUBSTITUTION PROJECTS.**

8 (a) *IN GENERAL.*—*The Secretary, at the request of and*
9 *in coordination with affected Indian Tribes, States (includ-*
10 *ing subdivisions and departments of a State), or a public*
11 *agency organized pursuant to State law, may provide tech-*
12 *nical or financial assistance for, participate in, and enter*
13 *into agreements (including agreements with irrigation enti-*
14 *ties) for—*

15 (1) *groundwater recharge projects;*

16 (2) *aquifer storage and recovery projects; or*

17 (3) *water source substitution for aquifer protec-*
18 *tion projects.*

19 (b) *LIMITATION.*—*Nothing in this section authorizes*
20 *additional technical or financial assistance for, or partici-*
21 *pation in an agreement for, a surface water storage facility*
22 *to be constructed or expanded.*

23 (c) *REQUIREMENT.*—*A construction project shall only*
24 *be eligible for financial assistance under this section if the*

1 *project meets the conditions for funding under section*
2 *40902(a)(2)(C)(i).*

3 *(d) COST SHARING.—Cost sharing for a project funded*
4 *under this section shall be in accordance with section*
5 *40902(b).*

6 *(e) ENVIRONMENTAL LAWS.—In providing funding for*
7 *a project under this section, the Secretary shall comply with*
8 *all applicable environmental laws, including —*

9 *(1) the National Environmental Policy Act of*
10 *1969 (42 U.S.C. 4321 et seq.);*

11 *(2) any obligations for fish, wildlife, or water*
12 *quality protection in permits or licenses granted by*
13 *a Federal agency or a State; and*

14 *(3) any applicable Federal or State laws (in-*
15 *cluding regulations).*

16 *(f) AUTHORIZATION BY CONGRESS FOR MAJOR*
17 *PROJECT CONSTRUCTION.—A project with a total estimated*
18 *cost of \$500,000,000 or more shall only be eligible for con-*
19 *struction funding under this section if the project is author-*
20 *ized for construction by an Act of Congress.*

1 **TITLE X—AUTHORIZATION OF**
2 **APPROPRIATIONS FOR EN-**
3 **ERGY ACT OF 2020**

4 **SEC. 41001. ENERGY STORAGE DEMONSTRATION PROJECTS.**

5 (a) *ENERGY STORAGE DEMONSTRATION PROJECTS;*
6 *PILOT GRANT PROGRAM.—There is authorized to be appro-*
7 *priated to the Secretary to carry out activities under section*
8 *3201(c) of the Energy Act of 2020 (42 U.S.C. 17232(c))*
9 *\$355,000,000 for the period of fiscal years 2022 through*
10 *2025.*

11 (b) *LONG-DURATION DEMONSTRATION INITIATIVE AND*
12 *JOINT PROGRAM.—There is authorized to be appropriated*
13 *to the Secretary to carry out activities under section*
14 *3201(d) of the Energy Act of 2020 (42 U.S.C. 17232(d))*
15 *\$150,000,000 for the period of fiscal years 2022 through*
16 *2025.*

17 **SEC. 41002. ADVANCED REACTOR DEMONSTRATION PRO-**
18 **GRAM.**

19 (a) *AUTHORIZATION OF APPROPRIATIONS.—There are*
20 *authorized to be appropriated to the Secretary to carry out*
21 *activities under section 959A of the Energy Policy Act of*
22 *2005 (42 U.S.C. 16279a) pursuant to the funding oppor-*
23 *tunity announcement of the Department numbered DE-*
24 *FOA–0002271 for Pathway 1, Advanced Reactor Dem-*
25 *onstrations—*

- 1 (1) \$511,000,000 for fiscal year 2022;
- 2 (2) \$506,000,000 for fiscal year 2023;
- 3 (3) \$636,000,000 for fiscal year 2024;
- 4 (4) \$824,000,000 for fiscal year 2025;
- 5 (5) \$453,000,000 for fiscal year 2026; and
- 6 (6) \$281,000,000 for fiscal year 2027.

7 (b) *TECHNICAL CORRECTIONS.*—

8 (1) *DEFINITION OF ADVANCED NUCLEAR REAC-*
9 *TOR.*—Section 951(b)(1) of the Energy Policy Act of
10 2005 (42 U.S.C. 16271(b)(1)) is amended—

11 (A) in subparagraph (A)(xi), by striking “;
12 and” and inserting a semicolon;

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

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

16 “(C) a radioisotope power system that uti-
17 lizes heat from radioactive decay to generate en-
18 ergy.”.

19 (2) *NUCLEAR ENERGY UNIVERSITY PROGRAM*
20 *FUNDING.*—Section 954(a)(6) of the Energy Policy
21 Act of 2005 (42 U.S.C. 16274(a)(6)) is amended by
22 inserting “, excluding funds appropriated for the Ad-
23 vanced Reactor Demonstration Program of the De-
24 partment,” after “annually”.

1 **SEC. 41003. MINERAL SECURITY PROJECTS.**

2 (a) *NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA*
3 *PRESERVATION PROGRAM.*—*There are authorized to be ap-*
4 *propriated to the Secretary of the Interior to carry out ac-*
5 *tivities under section 351 of the Energy Policy Act of 2005*
6 *(42 U.S.C. 15908)—*

- 7 (1) \$8,668,000 for fiscal year 2022; and
8 (2) \$5,000,000 for each of fiscal years 2023
9 through 2025.

10 (b) *RARE EARTH MINERAL SECURITY.*—*There are au-*
11 *thorized to be appropriated to the Secretary to carry out*
12 *activities under section 7001(a) of the Energy Act of 2020*
13 *(42 U.S.C. 13344(a))—*

- 14 (1) \$23,000,000 for fiscal year 2022;
15 (2) \$24,200,000 for fiscal year 2023;
16 (3) \$25,400,000 for fiscal year 2024;
17 (4) \$26,600,000 for fiscal year 2025; and
18 (5) \$27,800,000 for fiscal year 2026.

19 (c) *CRITICAL MATERIAL INNOVATION, EFFICIENCY,*
20 *AND ALTERNATIVES.*—*There are authorized to be appro-*
21 *priated to the Secretary to carry out activities under section*
22 *7002(g) of the Energy Act of 2020 (30 U.S.C. 1606(g))—*

- 23 (1) \$230,000,000 for fiscal year 2022;
24 (2) \$100,000,000 for fiscal year 2023; and
25 (3) \$135,000,000 for each of fiscal years 2024
26 and 2025.

1 (d) *CRITICAL MATERIAL SUPPLY CHAIN RESEARCH*
2 *FACILITY.*—*There are authorized to be appropriated to the*
3 *Secretary to carry out activities under section 7002(h) of*
4 *the Energy Act of 2020 (30 U.S.C. 1606(h))—*

5 (1) \$40,000,000 for fiscal year 2022; and

6 (2) \$35,000,000 for fiscal year 2023.

7 **SEC. 41004. CARBON CAPTURE DEMONSTRATION AND PILOT**
8 **PROGRAMS.**

9 (a) *CARBON CAPTURE LARGE-SCALE PILOT*
10 *PROJECTS.*—*There are authorized to be appropriated to the*
11 *Secretary to carry out activities under section 962(b)(2)(B)*
12 *of the Energy Policy Act of 2005 (42 U.S.C.*
13 *16292(b)(2)(B))—*

14 (1) \$387,000,000 for fiscal year 2022;

15 (2) \$200,000,000 for fiscal year 2023;

16 (3) \$200,000,000 for fiscal year 2024; and

17 (4) \$150,000,000 for fiscal year 2025.

18 (b) *CARBON CAPTURE DEMONSTRATION PROJECTS*
19 *PROGRAM.*—*There are authorized to be appropriated to the*
20 *Secretary to carry out activities under section 962(b)(2)(C)*
21 *of the Energy Policy Act of 2005 (42 U.S.C.*
22 *16292(b)(2)(C))—*

23 (1) \$937,000,000 for fiscal year 2022;

24 (2) \$500,000,000 for each of fiscal years 2023

25 and 2024; and

1 (3) \$600,000,000 for fiscal year 2025.

2 **SEC. 41005. DIRECT AIR CAPTURE TECHNOLOGIES PRIZE**
3 **COMPETITIONS.**

4 (a) *PRECOMMERCIAL.*—*There is authorized to be ap-*
5 *propriated to the Secretary to carry out activities under*
6 *section 969D(e)(2)(A) of the Energy Policy Act of 2005 (42*
7 *U.S.C. 16298d(e)(2)(A)) \$15,000,000 for fiscal year 2022.*

8 (b) *COMMERCIAL.*—*There is authorized to be appro-*
9 *priated to the Secretary to carry out activities under section*
10 *969D(e)(2)(B) of the Energy Policy Act of 2005 (42 U.S.C.*
11 *16298d(e)(2)(B)) \$100,000,000 for fiscal year 2022.*

12 **SEC. 41006. WATER POWER PROJECTS.**

13 (a) *HYDROPOWER AND MARINE ENERGY.*—*There are*
14 *authorized to be appropriated to the Secretary—*

15 (1) *to carry out activities under section 634 of*
16 *the Energy Independence and Security Act of 2007*
17 *(42 U.S.C. 17213), \$36,000,000 for the period of fiscal*
18 *years 2022 through 2025; and*

19 (2) *to carry out activities under section 635 of*
20 *the Energy Independence and Security Act of 2007*
21 *(42 U.S.C. 17214), \$70,400,000 for the period of fiscal*
22 *years 2022 through 2025.*

23 (b) *NATIONAL MARINE ENERGY CENTERS.*—*There is*
24 *authorized to be appropriated to the Secretary to carry out*
25 *activities under section 636 of the Energy Independence and*

1 *Security Act of 2007 (42 U.S.C. 17215) \$40,000,000 for the*
2 *period of fiscal years 2022 through 2025.*

3 **SEC. 41007. RENEWABLE ENERGY PROJECTS.**

4 (a) *GEOTHERMAL ENERGY.*—*There is authorized to be*
5 *appropriated to the Secretary to carry out activities under*
6 *section 615(d) of the Energy Independence and Security Act*
7 *of 2007 (42 U.S.C. 17194(d)) \$84,000,000 for the period*
8 *of fiscal years 2022 through 2025.*

9 (b) *WIND ENERGY.*—*There are authorized to be appro-*
10 *propriated to the Secretary—*

11 (1) *to carry out activities under section*
12 *3003(b)(2) of the Energy Act of 2020 (42 U.S.C.*
13 *16237(b)(2)), \$60,000,000 for the period of fiscal*
14 *years 2022 through 2025; and*

15 (2) *to carry out activities under section*
16 *3003(b)(4) of the Energy Act of 2020 (42 U.S.C.*
17 *16237(b)(4)), \$40,000,000 for the period of fiscal*
18 *years 2022 through 2025.*

19 (c) *SOLAR ENERGY.*—*There are authorized to be ap-*
20 *propriated to the Secretary—*

21 (1) *to carry out activities under section*
22 *3004(b)(2) of the Energy Act of 2020 (42 U.S.C.*
23 *16238(b)(2)), \$40,000,000 for the period of fiscal*
24 *years 2022 through 2025;*

1 (2) to carry out activities under section
2 3004(b)(3) of the Energy Act of 2020 (42 U.S.C.
3 16238(b)(3)), \$20,000,000 for the period of fiscal
4 years 2022 through 2025; and

5 (3) to carry out activities under section
6 3004(b)(4) of the Energy Act of 2020 (42 U.S.C.
7 16238(b)(4)), \$20,000,000 for the period of fiscal
8 years 2022 through 2025.

9 (d) *CLARIFICATION.*—Amounts authorized to be appro-
10 priated under subsection (b) are authorized to be a part
11 of, and not in addition to, any amounts authorized to be
12 appropriated by section 3003(b)(7) of the Energy Act of
13 2020 (42 U.S.C. 16237(b)(7)).

14 **SEC. 41008. INDUSTRIAL EMISSIONS DEMONSTRATION**
15 **PROJECTS.**

16 There are authorized to be appropriated to the Sec-
17 retary to carry out activities under section 454(d)(3) of the
18 Energy Independence and Security Act of 2007 (42 U.S.C.
19 17113(d)(3))—

20 (1) \$100,000,000 for each of fiscal years 2022
21 and 2023; and

22 (2) \$150,000,000 for each of fiscal years 2024
23 and 2025.

1 **TITLE XI—WAGE RATE**
2 **REQUIREMENTS**

3 **SEC. 41101. WAGE RATE REQUIREMENTS.**

4 (a) *DAVIS-BACON.*—All laborers and mechanics em-
5 ployed by contractors or subcontractors in the performance
6 of construction, alteration, or repair work on a project as-
7 sisted in whole or in part by funding made available under
8 this division or an amendment made by this division shall
9 be paid wages at rates not less than those prevailing on
10 similar projects in the locality, as determined by the Sec-
11 retary of Labor in accordance with subchapter IV of chapter
12 31 of title 40, United States Code (commonly referred to
13 as the “Davis-Bacon Act”).

14 (b) *AUTHORITY.*—With respect to the labor standards
15 specified in subsection (a), the Secretary of Labor shall have
16 the authority and functions set forth in Reorganization
17 Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.)
18 and section 3145 of title 40, United States Code.

19 **TITLE XII—MISCELLANEOUS**

20 **SEC. 41201. OFFICE OF CLEAN ENERGY DEMONSTRATIONS.**

21 (a) *DEFINITIONS.*—In this section:

22 (1) *COVERED PROJECT.*—The term “covered
23 project” means a demonstration project of the Depart-
24 ment that—

1 (A) receives or is eligible to receive funding
2 from the Secretary; and

3 (B) is authorized under—

4 (i) this division; or

5 (ii) the Energy Act of 2020 (Public
6 Law 116–260; 134 Stat. 1182).

7 (2) PROGRAM.—The term “program” means the
8 program established under subsection (b).

9 (b) ESTABLISHMENT.—The Secretary, in coordination
10 with the heads of relevant program offices of the Depart-
11 ment, shall establish a program to conduct project manage-
12 ment and oversight of covered projects, including by—

13 (1) conducting evaluations of proposals for cov-
14 ered projects before the selection of a covered project
15 for funding;

16 (2) conducting independent oversight of the exe-
17 cution of a covered project after funding has been
18 awarded for that covered project; and

19 (3) ensuring a balanced portfolio of investments
20 in covered projects.

21 (c) DUTIES.—The Secretary shall appoint a head of
22 the program who shall, in coordination with the heads of
23 relevant program offices of the Department—

24 (1) evaluate proposals for covered projects, in-
25 cluding scope, technical specifications, maturity of de-

1 *sign, funding profile, estimated costs, proposed sched-*
2 *ule, proposed technical and financial milestones, and*
3 *potential for commercial success based on economic*
4 *and policy projections;*

5 *(2) develop independent cost estimates for a pro-*
6 *posal for a covered project, if appropriate;*

7 *(3) recommend to the head of a program office*
8 *of the Department, as appropriate, whether to fund a*
9 *proposal for a covered project;*

10 *(4) oversee the execution of covered projects that*
11 *receive funding from the Secretary, including recon-*
12 *ciling estimated costs as compared to actual costs;*

13 *(5) conduct reviews of ongoing covered projects,*
14 *including—*

15 *(A) evaluating the progress of a covered*
16 *project based on the proposed schedule and tech-*
17 *nical and financial milestones; and*

18 *(B) providing the evaluations under sub-*
19 *paragraph (A) to the Secretary; and*

20 *(6) assess the lessons learned in overseeing cov-*
21 *ered projects and implement improvements in the*
22 *process of evaluating and overseeing covered projects.*

23 *(d) EMPLOYEES.—To carry out the program, the Sec-*
24 *retary may hire appropriate personnel to perform the du-*
25 *ties of the program.*

1 (e) *COORDINATION.*—*In carrying out the program, the*
2 *head of the program shall coordinate with—*

3 (1) *project management and acquisition manage-*
4 *ment entities with the Department, including the Of-*
5 *ice of Project Management; and*

6 (2) *professional organizations in project manage-*
7 *ment, construction, cost estimation, and other rel-*
8 *evant fields.*

9 (f) *REPORTS.*—

10 (1) *REPORT BY SECRETARY.*—*The Secretary*
11 *shall include in each updated technology transfer exe-*
12 *cution plan submitted under subsection (h)(2) of sec-*
13 *tion 1001 of the Energy Policy Act of 2005 (42*
14 *U.S.C. 16391) information on the implementation of*
15 *and progress made under the program, including, for*
16 *the year covered by the report—*

17 (A) *the covered projects under the purview*
18 *of the program; and*

19 (B) *the review of each covered project car-*
20 *ried out under subsection (c)(5).*

21 (2) *REPORT BY COMPTROLLER GENERAL.*—*Not*
22 *later than 3 years after the date of enactment of this*
23 *Act, the Comptroller General of the United States*
24 *shall submit to the Committee on Energy and Natural*
25 *Resources of the Senate and the Committee on*

1 *Science, Space, and Technology of the House of Rep-*
2 *resentatives a report evaluating the operation of the*
3 *program, including—*

4 *(A) a description of the processes and proce-*
5 *dures used by the program to evaluate proposals*
6 *of covered projects and the oversight of covered*
7 *projects; and*

8 *(B) any recommended changes in the pro-*
9 *gram, including changes to—*

10 *(i) the processes and procedures de-*
11 *scribed in subparagraph (A); and*

12 *(ii) the structure of the program, for*
13 *the purpose of better carrying out the pro-*
14 *gram.*

15 *(g) TECHNICAL AMENDMENT.—Section 1001 of the*
16 *Energy Policy Act of 2005 (42 U.S.C. 16391) is amended*
17 *by redesignating the second subsections (f) (relating to plan-*
18 *ning and reporting) and (g) (relating to additional tech-*
19 *nology transfer programs) as subsections (h) and (i), respec-*
20 *tively.*

21 **SEC. 41202. EXTENSION OF SECURE RURAL SCHOOLS AND**
22 **COMMUNITY SELF-DETERMINATION ACT OF**
23 **2000.**

24 *(a) DEFINITION OF FULL FUNDING AMOUNT.—Section*
25 *3(11) of the Secure Rural Schools and Community Self-De-*

1 *termination Act of 2000 (16 U.S.C. 7102(11)) is amended*
2 *by striking subparagraphs (D) and (E) and inserting the*
3 *following:*

4 “(D) for fiscal year 2017, the amount that
5 is equal to 95 percent of the full funding amount
6 for fiscal year 2015;

7 “(E) for each of fiscal years 2018 through
8 2020, the amount that is equal to 95 percent of
9 the full funding amount for the preceding fiscal
10 year; and

11 “(F) for fiscal year 2021 and each fiscal
12 year thereafter, the amount that is equal to the
13 full funding amount for fiscal year 2017.”.

14 (b) *SECURE PAYMENTS FOR STATES AND COUNTIES*
15 *CONTAINING FEDERAL LAND.—*

16 (1) *SECURE PAYMENTS.—Section 101 of the Se-*
17 *cure Rural Schools and Community Self-Determina-*
18 *tion Act of 2000 (16 U.S.C. 7111) is amended, in*
19 *subsections (a) and (b), by striking “2015, 2017,*
20 *2018, 2019, and 2020” each place it appears and in-*
21 *serting “2015 and 2017 through 2023”.*

22 (2) *DISTRIBUTION OF PAYMENTS TO ELIGIBLE*
23 *COUNTIES.—Section 103(d)(2) of the Secure Rural*
24 *Schools and Community Self-Determination Act of*

1 2000 (16 U.S.C. 7113(d)(2)) is amended by striking
2 “2020” and inserting “2023”.

3 (c) *PILOT PROGRAM TO STREAMLINE NOMINATION OF*
4 *MEMBERS OF RESOURCE ADVISORY COMMITTEES.*—Sec-
5 *tion 205 of the Secure Rural Schools and Community Self-*
6 *Determination Act of 2000 (16 U.S.C. 7125) is amended*
7 *by striking subsection (g) and inserting the following:*

8 “(g) *RESOURCE ADVISORY COMMITTEE APPOINTMENT*
9 *PILOT PROGRAMS.*—

10 “(1) *DEFINITIONS.*—*In this subsection:*

11 “(A) *APPLICABLE DESIGNEE.*—*The term*
12 *‘applicable designee’ means the applicable re-*
13 *gional forester.*

14 “(B) *NATIONAL PILOT PROGRAM.*—*The term*
15 *‘national pilot program’ means the national*
16 *pilot program established under paragraph*
17 *(4)(A).*

18 “(C) *REGIONAL PILOT PROGRAM.*—*The term*
19 *‘regional pilot program’ means the regional pilot*
20 *program established under paragraph (3)(A).*

21 “(2) *ESTABLISHMENT OF PILOT PROGRAMS.*—*In*
22 *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.*—

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 resource*
7 *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 was*
19 *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-*

1 *pointment to a resource advisory committee*
2 *that is in effect on December 20, 2018, in-*
3 *cluding any requirement for advertising a*
4 *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 Di-*
9 *rector of the Bureau of Land Management, as*
10 *applicable, to submit to the Secretary concerned*
11 *nominations of individuals for appointment as*
12 *members of resource advisory committees.*

13 “(B) APPOINTMENT.—*Under the national*
14 *pilot program, subject to subparagraph (C), not*
15 *later than 30 days after the date on which a*
16 *nomination is transmitted to the Secretary con-*
17 *cerned under subparagraph (A), the Secretary*
18 *concerned shall—*

19 “(i) *appoint the nominee to the appli-*
20 *cable resource advisory committee; or*

21 “(ii) *reject the nomination.*

22 “(C) AUTOMATIC APPOINTMENT.—*If the*
23 *Secretary concerned does not act on a nomina-*
24 *tion in accordance with subparagraph (B) by the*
25 *date described in that subparagraph, the nomi-*

1 *nee shall be deemed appointed to the applicable*
2 *resource advisory committee.*

3 “(D) *GEOGRAPHIC LIMITATION.*—*The na-*
4 *tional pilot program shall apply to a resource*
5 *advisory committee chartered in any State other*
6 *than—*

7 “(i) *the State of Montana; or*

8 “(ii) *the State of Arizona.*

9 “(E) *SAVINGS CLAUSE.*—*Nothing in this*
10 *paragraph relieves the Secretary concerned from*
11 *any requirement relating to an appointment to*
12 *a resource advisory committee, including any re-*
13 *quirement with respect to civil rights or adver-*
14 *tising a vacancy.*

15 “(5) *TERMINATION OF EFFECTIVENESS.*—*The*
16 *authority provided under this subsection terminates*
17 *on October 1, 2023.*

18 “(6) *REPORT TO CONGRESS.*—*Not later 180 days*
19 *after the date described in paragraph (5), the Sec-*
20 *retary concerned shall submit to Congress a report*
21 *that includes—*

22 “(A) *with respect to appointments made*
23 *under the regional pilot program compared to*
24 *appointments made under the national pilot*
25 *program, a description of the extent to which—*

1 “(i) appointments were faster or slow-
2 er; and

3 “(ii) the requirements described in
4 paragraph (3)(C)(i) differ; and

5 “(B) a recommendation with respect to
6 whether Congress should terminate, continue,
7 modify, or expand the pilot programs.”.

8 (d) *EXTENSION OF AUTHORITY TO CONDUCT SPECIAL*
9 *PROJECTS ON FEDERAL LAND.*—

10 (1) *EXISTING ADVISORY COMMITTEES.*—Section
11 205(a)(4) of the Secure Rural Schools and Commu-
12 nity Self-Determination Act of 2000 (16 U.S.C.
13 7125(a)(4)) is amended by striking “December 20,
14 2021” each place it appears and inserting “December
15 20, 2023”.

16 (2) *EXTENSION OF AUTHORITY.*—Section 208 of
17 the Secure Rural Schools and Community Self-Deter-
18 mination Act of 2000 (16 U.S.C. 7128) is amended—

19 (A) in subsection (a), by striking “2022”
20 and inserting “2025”; and

21 (B) in subsection (b), by striking “2023”
22 and inserting “2026”.

23 (e) *ACCESS TO BROADBAND AND OTHER TECH-*
24 *NOLOGY.*—Section 302(a) of the Secure Rural Schools and

1 *Community Self-Determination Act of 2000 (16 U.S.C.*
2 *7142(a)) is amended—*

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

5 (2) *in paragraph (4), by striking the period at*
6 *the end and inserting “; and”; and*

7 (3) *by adding at the end the following:*

8 “(5) *to provide or expand access to—*

9 “(A) *broadband telecommunications services*
10 *at local schools; or*

11 “(B) *the technology and connectivity nec-*
12 *essary for students to use a digital learning tool*
13 *at or outside of a local school campus.”.*

14 (f) *EXTENSION OF AUTHORITY TO EXPEND COUNTY*
15 *FUNDS.—Section 304 of the Secure Rural Schools and*
16 *Community Self-Determination Act of 2000 (16 U.S.C.*
17 *7144) is amended—*

18 (1) *in subsection (a), by striking “2022” and in-*
19 *serting “2025”; and*

20 (2) *in subsection (b), by striking “2023” and in-*
21 *serting “2026”.*

22 (g) *AMOUNTS OBLIGATED BUT UNSPENT; PROHIBI-*
23 *TION ON USE OF FUNDS.—Title III of the Secure Rural*
24 *Schools and Community Self-Determination Act of 2000*
25 *(16 U.S.C. 7141 et seq.) is amended—*

1 (1) *by redesignating section 304 as section 305;*

2 *and*

3 (2) *by inserting after section 303 the following:*

4 **“SEC. 304. AMOUNTS OBLIGATED BUT UNSPENT; PROHIBI-**
5 **TION ON USE OF FUNDS.**

6 “(a) *AMOUNTS OBLIGATED BUT UNSPENT.—Any*
7 *county funds that were obligated by the applicable partici-*
8 *parting county before October 1, 2017, but are unspent on*
9 *October 1, 2020—*

10 “(1) *may, at the option of the participating*
11 *county, be deemed to have been reserved by the par-*
12 *ticipating county on October 1, 2020, for expenditure*
13 *in accordance with this title; and*

14 “(2)(A) *may be used by the participating county*
15 *for any authorized use under section 302(a); and*

16 “(B) *on a determination by the participating*
17 *county under subparagraph (A) to use the county*
18 *funds, shall be available for projects initiated after*
19 *October 1, 2020, subject to section 305.*

20 “(b) *PROHIBITION ON USE OF FUNDS.—Notwith-*
21 *standing any other provision of law, effective beginning on*
22 *the date of enactment of the Infrastructure Investment and*
23 *Jobs Act, no county funds made available under this title*
24 *may be used by any participating county for any lobbying*

1 activity, regardless of the purpose for which the funds are
2 obligated on or before that date.”.

3 ***DIVISION E—DRINKING WATER***
4 ***AND WASTEWATER INFRA-***
5 ***STRUCTURE***

6 ***SEC. 50001. SHORT TITLE.***

7 *This division may be cited as the “Drinking Water*
8 *and Wastewater Infrastructure Act of 2021”.*

9 ***SEC. 50002. DEFINITION OF ADMINISTRATOR.***

10 *In this division, the term “Administrator” means the*
11 *Administrator of the Environmental Protection Agency.*

12 ***TITLE I—DRINKING WATER***

13 ***SEC. 50101. TECHNICAL ASSISTANCE AND GRANTS FOR***
14 ***EMERGENCIES AFFECTING PUBLIC WATER***
15 ***SYSTEMS.***

16 *Section 1442 of the Safe Drinking Water Act (42*
17 *U.S.C. 300j–1) is amended—*

18 *(1) in subsection (a), by adding at the end the*
19 *following:*

20 *“(11) COMPLIANCE EVALUATION.—*

21 *“(A) IN GENERAL.—Not later than 1 year after*
22 *the date of enactment of this paragraph, the Adminis-*
23 *trator shall—*

24 *“(i) evaluate, based on the compliance data*
25 *found in the Safe Drinking Water Information*

1 *System of the Administrator, the compliance of*
2 *community water systems and wastewater sys-*
3 *tems with environmental, health, and safety re-*
4 *quirements under this title, including water*
5 *quality sampling, testing, and reporting require-*
6 *ments; and*

7 *“(i) submit to Congress a report describing*
8 *trends seen as a result of the evaluation under*
9 *clause (i), including trends that demonstrate how*
10 *the characteristics of community water systems*
11 *and wastewater systems correlate to trends in*
12 *compliance or noncompliance with the require-*
13 *ments described in that clause.*

14 *“(B) REQUIREMENT.—To the extent practicable,*
15 *in carrying out subparagraph (A), the Administrator*
16 *shall determine whether, in aggregate, community*
17 *water systems and wastewater systems maintain asset*
18 *management plans.”;*

19 *(2) in subsection (b), in the first sentence—*

20 *(A) by inserting “(including an emergency*
21 *situation resulting from a cybersecurity event)”*
22 *after “emergency situation”; and*

23 *(B) by inserting “, including a threat to*
24 *public health resulting from contaminants, such*

1 *as, but not limited to, heightened exposure to*
2 *lead in drinking water” after “public health”;*

3 *(3) by striking subsection (d) and inserting the*
4 *following:*

5 “(d) *AUTHORIZATION OF APPROPRIATIONS.—There is*
6 *authorized to be appropriated to carry out subsection (b)*
7 *\$35,000,000 for each of fiscal years 2022 through 2026.”;*

8 *(4) in subsection (e), by striking paragraph (5)*
9 *and inserting the following:*

10 “(5) *AUTHORIZATION OF APPROPRIATIONS.—*
11 *There is authorized to be appropriated to the Admin-*
12 *istrator to carry out this subsection \$15,000,000 for*
13 *each of fiscal years 2022 through 2026.”;*

14 *(5) by redesignating subsection (f) as subsection*
15 *(g); and*

16 *(6) by inserting after subsection (e) the following:*

17 “(f) *STATE-BASED NONPROFIT ORGANIZATIONS.—*

18 “(1) *IN GENERAL.—The Administrator may pro-*
19 *vide technical assistance consistent with the authority*
20 *provided under subsection (e) to State-based nonprofit*
21 *organizations that are governed by community water*
22 *systems.*

23 “(2) *COMMUNICATION.—Each State-based non-*
24 *profit organization that receives funding under para-*
25 *graph (1) shall, before using that funding to under-*

1 *take activities to carry out this subsection, consult*
 2 *with the State in which the assistance is to be ex-*
 3 *pended or otherwise made available.”.*

4 **SEC. 50102. DRINKING WATER STATE REVOLVING LOAN**
 5 **FUNDS.**

6 *(a) DRINKING WATER STATE REVOLVING FUNDS CAP-*
 7 *ITALIZATION GRANT REAUTHORIZATION.—Section 1452 of*
 8 *the Safe Drinking Water Act (42 U.S.C. 300j–12) is amend-*
 9 *ed—*

10 *(1) in subsection (a)(4)(A), by striking “During*
 11 *fiscal years 2019 through 2023, funds” and inserting*
 12 *“Funds”;*

13 *(2) in subsection (m)(1) —*

14 *(A) in subparagraph (B), by striking*
 15 *“and”;*

16 *(B) in subparagraph (C), by striking the*
 17 *period at the end and inserting a semicolon; and*

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

19 *“(D) \$2,400,000,000 for fiscal year 2022;*

20 *“(E) \$2,750,000,000 for fiscal year 2023;*

21 *“(F) \$3,000,000,000 for fiscal year 2024;*

22 *and*

23 *“(G) \$3,250,000,000 for each of fiscal years*
 24 *2025 and 2026.”; and*

1 (3) *in subsection (q), by striking “2016 through*
2 *2021” and inserting “2022 through 2026”.*

3 (b) *ASSISTANCE FOR DISADVANTAGED COMMU-*
4 *NITIES.—Section 1452(d) of the Safe Drinking Water Act*
5 *(42 U.S.C. 300j–12(d)) is amended—*

6 (1) *in paragraph (1)—*

7 (A) *by striking “Notwithstanding any” and*
8 *inserting the following:*

9 “(A) *IN GENERAL.—Notwithstanding any*”;

10 (B) *in subparagraph (A) (as so designated),*
11 *by inserting “, grants, negative interest loans,*
12 *other loan forgiveness, and through buying, refi-*
13 *nancing, or restructuring debt” after “forgiveness*
14 *of principal”; and*

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

16 “(B) *EXCLUSION.—A loan from a State*
17 *loan fund with an interest rate equal to or great-*
18 *er than 0 percent shall not be considered addi-*
19 *tional subsidization for purposes of this sub-*
20 *section.”; and*

21 (2) *in paragraph (2), by striking subparagraph*
22 *(B) and inserting the following:*

23 “(B) *to the extent that there are sufficient*
24 *applications for loans to communities described*

1 *in paragraph (1), may not be less than 12 per-*
2 *cent.”.*

3 **SEC. 50103. SOURCE WATER PETITION PROGRAM.**

4 *Section 1454 of the Safe Drinking Water Act (42*
5 *U.S.C. 300j-14) is amended—*

6 (1) *in subsection (a)—*

7 (A) *in paragraph (1)(A), in the matter pre-*
8 *ceding clause (i), by striking “political subdivi-*
9 *sion of a State,” and inserting “political sub-*
10 *division of a State (including a county that is*
11 *designated by the State to act on behalf of an*
12 *unincorporated area within that county, with*
13 *the agreement of that unincorporated area),”;*

14 (B) *in paragraph (4)(D)(i), by inserting*
15 *“(including a county that is designated by the*
16 *State to act on behalf of an unincorporated area*
17 *within that county)” after “of the State”; and*

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

19 “(5) *SAVINGS PROVISION.—Unless otherwise pro-*
20 *vided within the agreement, an agreement between an*
21 *unincorporated area and a county for the county to*
22 *submit a petition under paragraph (1)(A) on behalf*
23 *of the unincorporated area shall not authorize the*
24 *county to act on behalf of the unincorporated area in*

1 *any matter not within a program under this sec-*
2 *tion.”; and*

3 (2) *in subsection (e), in the first sentence, by*
4 *striking “2021” and inserting “2026”.*

5 **SEC. 50104. ASSISTANCE FOR SMALL AND DISADVANTAGED**
6 **COMMUNITIES.**

7 (a) *EXISTING PROGRAMS.—Section 1459A of the Safe*
8 *Drinking Water Act (42 U.S.C. 300j–19a) is amended—*

9 (1) *in subsection (b)(2)—*

10 (A) *in subparagraph (B), by striking “and”*
11 *at the end;*

12 (B) *in subparagraph (C), by striking the*
13 *period at the end and inserting a semicolon; and*

14 (C) *by adding at the end the following:*

15 “(D) *the purchase of point-of-entry or*
16 *point-of-use filters and filtration systems that*
17 *are certified by a third party using science-based*
18 *test methods for the removal of contaminants of*
19 *concern;*

20 “(E) *investments necessary for providing*
21 *accurate and current information about—*

22 “(i) *the need for filtration and filter*
23 *safety, including proper use and mainte-*
24 *nance practices; and*

1 “(ii) the options for replacing lead
2 service lines (as defined in section
3 1459B(a)) and removing other sources of
4 lead in water; and

5 “(F) entering into contracts, including con-
6 tracts with nonprofit organizations that have
7 water system technical expertise, to assist—

8 “(i) an eligible entity; or

9 “(ii) the State of an eligible entity, on
10 behalf of that eligible entity.”;

11 (2) in subsection (c), in the matter preceding
12 paragraph (1), by striking “An eligible entity” and
13 inserting “Except for purposes of subsections (j) and
14 (m), an eligible entity”;

15 (3) in subsection (g)(1), by striking “to pay not
16 less than 45 percent” and inserting “except as pro-
17 vided in subsection (l)(5) and subject to subsection
18 (h), to pay not less than 10 percent”;

19 (4) by striking subsection (k) and inserting the
20 following:

21 “(k) *AUTHORIZATION OF APPROPRIATIONS.*—There
22 are authorized to be appropriated to carry out subsections
23 (a) through (j)—

24 “(1) \$70,000,000 for fiscal year 2022;

25 “(2) \$80,000,000 for fiscal year 2023;

1 “(3) \$100,000,000 for fiscal year 2024;
2 “(4) \$120,000,000 for fiscal year 2025; and
3 “(5) \$140,000,000 for fiscal year 2026.”; and
4 (5) in subsection (l)—

5 (A) in paragraph (2)—

6 (i) by striking “The Administrator
7 may” and inserting “The Administrator
8 shall”; and

9 (ii) by striking “fiscal years 2019 and
10 2020” and inserting “fiscal years 2022
11 through 2026”;

12 (B) in paragraph (5), by striking
13 “\$4,000,000 for each of fiscal years 2019 and
14 2020” and inserting “\$25,000,000 for each of fis-
15 cal years 2022 through 2026”;

16 (C) by redesignating paragraph (5) as
17 paragraph (6); and

18 (D) by inserting after paragraph (4) the fol-
19 lowing:

20 “(5) *FEDERAL SHARE FOR SMALL, RURAL, AND*
21 *DISADVANTAGED COMMUNITIES.*—

22 “(A) *IN GENERAL.*—Subject to subpara-
23 graph (B), with respect to a program or project
24 that serves an eligible entity and is carried out
25 using a grant under this subsection, the Federal

1 *share of the cost of the program or project shall*
2 *be 90 percent.*

3 “(B) *WAIVER.—The Administrator may in-*
4 *crease the Federal share under subparagraph (A)*
5 *to 100 percent if the Administrator determines*
6 *that an eligible entity is unable to pay, or would*
7 *experience significant financial hardship if re-*
8 *quired to pay, the non-Federal share.”.*

9 **(b) CONNECTION TO PUBLIC WATER SYSTEMS.—***Sec-*
10 *tion 1459A of the Safe Drinking Water Act (42 U.S.C.*
11 *300j–19a) is amended by adding at the end the following:*

12 “(m) **CONNECTION TO PUBLIC WATER SYSTEMS.—**

13 “(1) **DEFINITIONS.—***In this subsection:*

14 “(A) **ELIGIBLE ENTITY.—***The term ‘eligible*
15 *entity’ means—*

16 “(i) *an owner or operator of a public*
17 *water system that assists or is seeking to as-*
18 *sist eligible individuals with connecting the*
19 *household of the eligible individual to the*
20 *public water system; or*

21 “(ii) *a nonprofit entity that assists or*
22 *is seeking to assist eligible individuals with*
23 *the costs associated with connecting the*
24 *household of the eligible individual to a*
25 *public water system.*

1 “(B) *ELIGIBLE INDIVIDUAL*.—The term ‘eli-
2 gible individual’ has the meaning given the term
3 in section 603(j) of the Federal Water Pollution
4 Control Act (33 U.S.C. 1383(j)).

5 “(C) *PROGRAM*.—The term ‘program’
6 means the competitive grant program established
7 under paragraph (2).

8 “(2) *ESTABLISHMENT*.—Subject to the avail-
9 ability of appropriations, the Administrator shall es-
10 tablish a competitive grant program for the purpose
11 of improving the general welfare under which the Ad-
12 ministrator awards grants to eligible entities to pro-
13 vide funds to assist eligible individuals in covering
14 the costs incurred by the eligible individual in con-
15 necting the household of the eligible individual to a
16 public water system.

17 “(3) *APPLICATION*.—An eligible entity seeking a
18 grant under the program shall submit to the Admin-
19 istrator an application at such time, in such manner,
20 and containing such information as the Adminis-
21 trator may require.

22 “(4) *VOLUNTARY CONNECTION*.—Before pro-
23 viding funds to an eligible individual for the costs de-
24 scribed in paragraph (2), an eligible entity shall en-
25 sure and certify to the Administrator that—

1 “(A) *the eligible individual is voluntarily*
2 *seeking connection to the public water system;*

3 “(B) *if the eligible entity is not the owner*
4 *or operator of the public water system to which*
5 *the eligible individual seeks to connect, the public*
6 *water system to which the eligible individual*
7 *seeks to connect has agreed to the connection;*
8 *and*

9 “(C) *the connection of the household of the*
10 *eligible individual to the public water system*
11 *meets all applicable local and State regulations,*
12 *requirements, and codes.*

13 “(5) *REPORT.—Not later than 3 years after the*
14 *date of enactment of this subsection, the Adminis-*
15 *trator shall submit to Congress a report that describes*
16 *the implementation of the program, which shall in-*
17 *clude a description of the use and deployment of*
18 *amounts made available under the program.*

19 “(6) *AUTHORIZATION OF APPROPRIATIONS.—*
20 *There is authorized to be appropriated to carry out*
21 *the program \$20,000,000 for each of fiscal years 2022*
22 *through 2026.”.*

23 “(c) *COMPETITIVE GRANT PILOT PROGRAM.—Section*
24 *1459A of the Safe Drinking Water Act (42 U.S.C. 300j—*

1 19a) (as amended by subsection (b)) is amended by adding
2 at the end the following:

3 “(n) STATE COMPETITIVE GRANTS FOR UNDER-
4 SERVED COMMUNITIES.—

5 “(1) IN GENERAL.—In addition to amounts au-
6 thorized to be appropriated under subsection (k), there
7 is authorized to be appropriated to carry out sub-
8 sections (a) through (j) \$50,000,000 for each of fiscal
9 years 2022 through 2026 in accordance with para-
10 graph (2).

11 “(2) COMPETITIVE GRANTS.—

12 “(A) IN GENERAL.—Notwithstanding any
13 other provision of this section, the Administrator
14 shall distribute amounts made available under
15 paragraph (1) to States through a competitive
16 grant program.

17 “(B) APPLICATIONS.—To seek a grant
18 under the competitive grant program under sub-
19 paragraph (A), a State shall submit to the Ad-
20 ministrator an application at such time, in such
21 manner, and containing such information as the
22 Administrator may require.

23 “(C) CRITERIA.—In selecting recipients of
24 grants under the competitive grant program
25 under subparagraph (A), the Administrator shall

1 *establish criteria that give priority to States*
2 *with a high proportion of underserved commu-*
3 *nities that meet the condition described in sub-*
4 *section (a)(2)(A).*

5 “(3) *REPORT.*—*Not later than 2 years after the*
6 *date of enactment of this subsection, the Adminis-*
7 *trator shall submit to Congress a report that describes*
8 *the implementation of the competitive grant program*
9 *under paragraph (2)(A), which shall include a de-*
10 *scription of the use and deployment of amounts made*
11 *available under the competitive grant program.*

12 “(4) *SAVINGS PROVISION.*—*Nothing in this para-*
13 *graph affects the distribution of amounts made avail-*
14 *able under subsection (k), including any methods used*
15 *by the Administrator for distribution of amounts*
16 *made available under that subsection as in effect on*
17 *the day before the date of enactment of this sub-*
18 *section.”.*

19 **SEC. 50105. REDUCING LEAD IN DRINKING WATER.**

20 *Section 1459B of the Safe Drinking Water Act (42*
21 *U.S.C. 300j-19b) is amended—*

22 *(1) in subsection (a)—*

23 *(A) in paragraph (1), by striking subpara-*
24 *graph (D) and inserting the following:*

1 “(D) a qualified nonprofit organization
2 with experience in lead reduction, as determined
3 by the Administrator; and”;

4 (B) in paragraph (2)(A)—

5 (i) in clause (i), by striking “publicly
6 owned”; and

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

9 “(iii) providing assistance to eligible
10 entities to replace lead service lines, with
11 priority for disadvantaged communities
12 based on the affordability criteria estab-
13 lished by the applicable State under section
14 1452(d)(3), low-income homeowners, and
15 landlords or property owners providing
16 housing to low-income renters.”; and

17 (C) in paragraph (3), by striking “an indi-
18 vidual provided”;

19 (2) in subsection (b)—

20 (A) in paragraph (5)—

21 (i) in subparagraph (A), by striking
22 “to provide assistance” and all that follows
23 through the period at the end and inserting
24 “to replace lead service lines, with first pri-
25 ority given to assisting disadvantaged com-

1 *munities based on the affordability criteria*
2 *established by the applicable State under*
3 *section 1452(d)(3), low-income homeowners,*
4 *and landlords or property owners providing*
5 *housing to low-income renters.”; and*

6 *(ii) in subparagraph (B), by striking*
7 *“line” and inserting “lines”; and*
8 *(B) in paragraph (6)—*

9 *(i) in subparagraph (A), by striking*
10 *“any publicly owned portion of”;*

11 *(ii) in subparagraph (C), in the matter*
12 *preceding clause (i)—*

13 *(I) by striking “may” and insert-*
14 *ing “shall”;*

15 *(II) by inserting “and may, for*
16 *other homeowners,” after “low-income*
17 *homeowner,”; and*

18 *(III) by striking “a cost that” and*
19 *all that follows through the semicolon*
20 *at the end of clause (ii) and inserting*
21 *“no cost to the homeowner;”;*

22 *(iii) in subparagraph (D), by striking*
23 *“and” at the end;*

24 *(iv) in subparagraph (E), by striking*
25 *“other options” and all that follows through*

1 the period at the end and inserting “feasible
2 alternatives for reducing the concentration
3 of lead in drinking water, such as corrosion
4 control; and”; and

5 (v) by adding at the end the following:

6 “(F) shall notify the State of any planned
7 replacement of lead service lines under this pro-
8 gram and coordinate, where practicable, with
9 other relevant infrastructure projects.”;

10 (3) in subsection (d)—

11 (A) by inserting “(except for subsection
12 (d))” after “this section”; and

13 (B) by striking “\$60,000,000 for each of fis-
14 cal years 2017 through 2021” and inserting
15 “\$100,000,000 for each of fiscal years 2022
16 through 2026”;

17 (4) by redesignating subsections (d) and (e) as
18 subsections (e) and (f), respectively; and

19 (5) by inserting after subsection (c) the fol-
20 lowing:

21 “(d) *LEAD INVENTORYING UTILIZATION GRANT PILOT*
22 *PROGRAM.*—

23 “(1) *DEFINITIONS.*—In this subsection:

24 “(A) *ELIGIBLE ENTITY.*—The term ‘eligible
25 entity’ means a municipality that is served by

1 *a community water system or a nontransient*
2 *noncommunity water system in which not less*
3 *than 30 percent of the service lines are known,*
4 *or suspected, to contain lead, based on available*
5 *data, information, or resources, including exist-*
6 *ing lead inventorying.*

7 “(B) *PILOT PROGRAM.*—*The term ‘pilot*
8 *program’ means the pilot program established*
9 *under paragraph (2).*

10 “(2) *ESTABLISHMENT.*—*The Administrator shall*
11 *establish a pilot program under which the Adminis-*
12 *trator shall provide grants to eligible entities to carry*
13 *out lead reduction projects that are demonstrated to*
14 *exist or are suspected to exist, based on available*
15 *data, information, or resources, including existing*
16 *lead inventorying of those eligible entities.*

17 “(3) *SELECTION.*—

18 “(A) *APPLICATION.*—*To be eligible to re-*
19 *ceive a grant under the pilot program, an eligi-*
20 *ble entity shall submit to the Administrator an*
21 *application at such time, in such manner, and*
22 *containing such information as the Adminis-*
23 *trator may require.*

1 “(B) *PRIORITIZATION.*—*In selecting recipi-*
2 *ents under the pilot program, the Administrator*
3 *shall give priority to—*

4 “(i) *an eligible entity that meets the*
5 *affordability criteria of the applicable State*
6 *established under section 1452(d)(3); and*

7 “(ii) *an eligible entity that is located*
8 *in an area other than a State that has es-*
9 *tablished affordability criteria under section*
10 *1452(d)(3).*

11 “(4) *REPORT.*—*Not later 2 years after the Ad-*
12 *ministrator first awards a grant under the pilot pro-*
13 *gram, the Administrator shall submit to the Com-*
14 *mittee on Environment and Public Works of the Sen-*
15 *ate and the Committee on Energy and Commerce of*
16 *the House of Representatives a report describing—*

17 “(A) *the recipients of grants under the pilot*
18 *program;*

19 “(B) *the existing lead inventorying that*
20 *was available to recipients of grants under the*
21 *pilot program; and*

22 “(C) *how useful and accurate the lead*
23 *inventorying described in subparagraph (B) was*
24 *in locating lead service lines of the eligible enti-*
25 *ty.*

1 “(5) *AUTHORIZATION OF APPROPRIATIONS.*—
 2 *There is authorized to be appropriated to carry out*
 3 *the pilot program \$10,000,000, to remain available*
 4 *until expended.*”.

5 **SEC. 50106. OPERATIONAL SUSTAINABILITY OF SMALL PUB-**
 6 **LIC WATER SYSTEMS.**

7 *Part E of the Safe Drinking Water Act (42 U.S.C. 300j*
 8 *et seq.) is amended by adding at the end the following:*

9 **“SEC. 1459E. OPERATIONAL SUSTAINABILITY OF SMALL**
 10 **PUBLIC WATER SYSTEMS.**

11 “(a) *DEFINITIONS.*—*In this section:*

12 “(1) *ELIGIBLE ENTITY.*—*The term ‘eligible enti-*
 13 *ty’ means—*

14 “(A) *a State;*

15 “(B) *a unit of local government;*

16 “(C) *a public corporation established by a*
 17 *unit of local government to provide water service;*

18 “(D) *a nonprofit corporation, public trust,*
 19 *or cooperative association that owns or operates*
 20 *a public water system;*

21 “(E) *an Indian Tribe that owns or operates*
 22 *a public water system;*

23 “(F) *a nonprofit organization that provides*
 24 *technical assistance to public water systems; and*

25 “(G) *a Tribal consortium.*

1 “(2) *OPERATIONAL SUSTAINABILITY*.—The term
2 ‘operational sustainability’ means the ability to im-
3 prove the operation of a small system through the
4 identification and prevention of potable water loss
5 due to leaks, breaks, and other metering or infrastruc-
6 ture failures.

7 “(3) *PROGRAM*.—The term ‘program’ means the
8 grant program established under subsection (b).

9 “(4) *SMALL SYSTEM*.—The term ‘small system’,
10 for the purposes of this section, means a public water
11 system that—

12 “(A) serves fewer than 10,000 people; and

13 “(B) is owned or operated by—

14 “(i) a unit of local government;

15 “(ii) a public corporation;

16 “(iii) a nonprofit corporation;

17 “(iv) a public trust;

18 “(v) a cooperative association; or

19 “(vi) an Indian Tribe.

20 “(b) *ESTABLISHMENT*.—Subject to the availability of
21 appropriations, the Administrator shall establish a pro-
22 gram to award grants to eligible entities for the purpose
23 of improving the operational sustainability of 1 or more
24 small systems.

1 “(c) *APPLICATIONS.*—*To be eligible to receive a grant*
2 *under the program, an eligible entity shall submit to the*
3 *Administrator an application at such time, in such man-*
4 *ner, and containing such information as the Administrator*
5 *may require, including—*

6 “(1) *a proposal of the project to be carried out*
7 *using grant funds under the program;*

8 “(2) *documentation provided by the eligible enti-*
9 *ty describing the deficiencies or suspected deficiencies*
10 *in operational sustainability of 1 or more small sys-*
11 *tems that are to be addressed through the proposed*
12 *project;*

13 “(3) *a description of how the proposed project*
14 *will improve the operational sustainability of 1 or*
15 *more small systems;*

16 “(4) *a description of how the improvements de-*
17 *scribed in paragraph (3) will be maintained beyond*
18 *the life of the proposed project, including a plan to*
19 *maintain and update any asset data collected as a re-*
20 *sult of the proposed project; and*

21 “(5) *any additional information the Adminis-*
22 *trator may require.*

23 “(d) *ADDITIONAL REQUIRED INFORMATION.*—*Before*
24 *the award of funds for a grant under the program to a*

1 *grant recipient, the grant recipient shall submit to the Ad-*
2 *ministrator—*

3 “(1) *if the grant recipient is located in a State*
4 *that has established a State drinking water treatment*
5 *revolving loan fund under section 1452, a copy of a*
6 *written agreement between the grant recipient and the*
7 *State in which the grant recipient agrees to provide*
8 *a copy of any data collected under the proposed*
9 *project to the State agency administering the State*
10 *drinking water treatment revolving loan fund (or a*
11 *designee); or*

12 “(2) *if the grant recipient is located in an area*
13 *other than a State that has established a State drink-*
14 *ing water treatment revolving loan fund under section*
15 *1452, a copy of a written agreement between the*
16 *grant recipient and the Administrator in which the*
17 *eligible entity agrees to provide a copy of any data*
18 *collected under the proposed project to the Adminis-*
19 *trator (or a designee).*

20 “(e) *USE OF FUNDS.—An eligible entity that receives*
21 *a grant under the program shall use the grant funds to*
22 *carry out projects that improve the operational sustain-*
23 *ability of 1 or more small systems through—*

24 “(1) *the development of a detailed asset inven-*
25 *tory, which may include drinking water sources,*

1 *wells, storage, valves, treatment systems, distribution*
2 *lines, hydrants, pumps, controls, and other essential*
3 *infrastructure;*

4 “(2) *the development of an infrastructure asset*
5 *map, including a map that uses technology such as—*

6 “(A) *geographic information system soft-*
7 *ware; and*

8 “(B) *global positioning system software;*

9 “(3) *the deployment of leak detection technology;*

10 “(4) *the deployment of metering technology;*

11 “(5) *training in asset management strategies,*
12 *techniques, and technologies for appropriate staff em-*
13 *ployed by—*

14 “(A) *the eligible entity; or*

15 “(B) *the small systems for which the grant*
16 *was received;*

17 “(6) *the deployment of strategies, techniques, and*
18 *technologies to enhance the operational sustainability*
19 *and effective use of water resources through water*
20 *reuse; and*

21 “(7) *the development or deployment of other*
22 *strategies, techniques, or technologies that the Admin-*
23 *istrator may determine to be appropriate under the*
24 *program.*

25 “(f) *COST SHARE.—*

1 “(1) *IN GENERAL.*—Subject to paragraph (2), the
2 *Federal share of the cost of a project carried out using*
3 *a grant under the program shall be 90 percent of the*
4 *total cost of the project.*

5 “(2) *WAIVER.*—The Administrator may increase
6 *the Federal share under paragraph (1) to 100 percent.*

7 “(g) *REPORT.*—Not later than 2 years after the date
8 *of enactment of this section, the Administrator shall submit*
9 *to Congress a report that describes the implementation of*
10 *the program, which shall include a description of the use*
11 *and deployment of amounts made available under the pro-*
12 *gram.*

13 “(h) *AUTHORIZATION OF APPROPRIATIONS.*—There is
14 *authorized to be appropriated to carry out this section*
15 *\$50,000,000 for each of fiscal years 2022 through 2026.”.*

16 ***SEC. 50107. MIDSIZE AND LARGE DRINKING WATER SYSTEM***
17 ***INFRASTRUCTURE RESILIENCE AND SUS-***
18 ***TAINABILITY PROGRAM.***

19 *Part E of the Safe Drinking Water Act (42 U.S.C. 300j*
20 *et seq.) (as amended by section 50106) is amended by add-*
21 *ing at the end the following:*

22 ***“SEC. 1459F. MIDSIZE AND LARGE DRINKING WATER SYS-***
23 ***TEM INFRASTRUCTURE RESILIENCE AND***
24 ***SUSTAINABILITY PROGRAM.***

25 “(a) *DEFINITIONS.*—In this section:

1 “(1) *ELIGIBLE ENTITY.*—The term ‘eligible enti-
2 ty’ means a public water system that serves a commu-
3 nity with a population of 10,000 or more.

4 “(2) *NATURAL HAZARD; RESILIENCE.*—The
5 terms ‘resilience’ and ‘natural hazard’ have the mean-
6 ings given those terms in section 1433(h).

7 “(3) *RESILIENCE AND SUSTAINABILITY PRO-*
8 *GRAM.*—The term ‘resilience and sustainability pro-
9 gram’ means the Midsize and Large Drinking Water
10 System Infrastructure Resilience and Sustainability
11 Program established under subsection (b).

12 “(b) *ESTABLISHMENT.*—The Administrator shall es-
13 tablish and carry out a program, to be known as the
14 ‘Midsize and Large Drinking Water System Infrastructure
15 Resilience and Sustainability Program’, under which the
16 Administrator, subject to the availability of appropriations
17 for the resilience and sustainability program, shall award
18 grants to eligible entities for the purpose of—

19 “(1) increasing resilience to natural hazards and
20 extreme weather events; and

21 “(2) reducing cybersecurity vulnerabilities.

22 “(c) *USE OF FUNDS.*—An eligible entity may only use
23 grant funds received under the resilience and sustainability
24 program to assist in the planning, design, construction, im-
25 plementation, operation, or maintenance of a program or

1 *project that increases resilience to natural hazards and ex-*
2 *treme weather events, or reduces cybersecurity*
3 *vulnerabilities, through—*

4 “(1) *the conservation of water or the enhance-*
5 *ment of water-use efficiency;*

6 “(2) *the modification or relocation of existing*
7 *drinking water system infrastructure made, or that is*
8 *at risk of being, significantly impaired by natural*
9 *hazards or extreme weather events, including risks to*
10 *drinking water from flooding;*

11 “(3) *the design or construction of new or modi-*
12 *fied desalination facilities to serve existing commu-*
13 *nities;*

14 “(4) *the enhancement of water supply through*
15 *the use of watershed management and source water*
16 *protection;*

17 “(5) *the enhancement of energy efficiency or the*
18 *use and generation of renewable energy in the convey-*
19 *ance or treatment of drinking water;*

20 “(6) *the development and implementation of*
21 *measures—*

22 “(A) *to increase the resilience of the eligible*
23 *entity to natural hazards and extreme weather*
24 *events; or*

25 “(B) *to reduce cybersecurity vulnerabilities;*

1 “(7) *the conservation of water or the enhance-*
2 *ment of a water supply through the implementation*
3 *of water reuse measures; or*

4 “(8) *the formation of regional water partner-*
5 *ships to collaboratively address documented water*
6 *shortages.*

7 “(d) *APPLICATION.—To seek a grant under the resil-*
8 *ience and sustainability program, an eligible entity shall*
9 *submit to the Administrator an application at such time,*
10 *in such manner, and containing such information as the*
11 *Administrator may require, including—*

12 “(1) *a proposal of the program or project to be*
13 *planned, designed, constructed, implemented, oper-*
14 *ated, or maintained by the eligible entity;*

15 “(2) *an identification of the natural hazard*
16 *risks, extreme weather events, or potential cybersecu-*
17 *rity vulnerabilities, as applicable, to be addressed by*
18 *the proposed program or project;*

19 “(3) *documentation prepared by a Federal,*
20 *State, regional, or local government agency of the nat-*
21 *ural hazard risk, potential cybersecurity vulner-*
22 *ability, or risk for extreme weather events to the area*
23 *where the proposed program or project is to be lo-*
24 *cated;*

1 “(4) a description of any recent natural hazards,
2 cybersecurity events, or extreme weather events that
3 have affected the community water system of the eligi-
4 ble entity;

5 “(5) a description of how the proposed program
6 or project would improve the performance of the com-
7 munity water system of the eligible entity under the
8 anticipated natural hazards, cybersecurity
9 vulnerabilities, or extreme weather events; and

10 “(6) an explanation of how the proposed pro-
11 gram or project is expected—

12 “(A) to enhance the resilience of the commu-
13 nity water system of the eligible entity to the an-
14 ticipated natural hazards or extreme weather
15 events; or

16 “(B) to reduce cybersecurity vulnerabilities.

17 “(e) *REPORT.*—Not later than 2 years after the date
18 of enactment of this section, the Administrator shall submit
19 to Congress a report that describes the implementation of
20 the resilience and sustainability program, which shall in-
21 clude a description of the use and deployment of amounts
22 made available to carry out the resilience and sustain-
23 ability program.

24 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—

1 “(1) *IN GENERAL.*—*There is authorized to be ap-*
2 *propriated to carry out the resilience and sustain-*
3 *ability program \$50,000,000 for each of fiscal years*
4 *2022 through 2026.*”

5 “(2) *USE OF FUNDS.*—*Of the amounts made*
6 *available under paragraph (1) for grants to eligible*
7 *entities under the resilience and sustainability pro-*
8 *gram—*

9 “(A) *50 percent shall be used to provide*
10 *grants to eligible entities that serve a population*
11 *of—*

12 “(i) *equal to or greater than 10,000;*
13 *and*

14 “(ii) *fewer than 100,000; and*

15 “(B) *50 percent shall be used to provide*
16 *grants to eligible entities that serve a population*
17 *equal to or greater than 100,000.*”

18 “(3) *ADMINISTRATIVE COSTS.*—*Of the amounts*
19 *made available under paragraph (1), not more than*
20 *2 percent may be used by the Administrator for the*
21 *administrative costs of carrying out the resilience and*
22 *sustainability program.”.*”

1 **SEC. 50108. NEEDS ASSESSMENT FOR NATIONWIDE RURAL**
2 **AND URBAN LOW-INCOME COMMUNITY**
3 **WATER ASSISTANCE.**

4 (a) *DEFINITIONS.—In this section and section 50109:*

5 (1) *COMMUNITY WATER SYSTEM.—The term*
6 *“community water system” has the meaning given the*
7 *term in section 1401 of the Safe Drinking Water Act*
8 *(42 U.S.C. 300f).*

9 (2) *LARGE WATER SERVICE PROVIDER.—The*
10 *term “large water service provider” means a commu-*
11 *nity water system, treatment works, or municipal*
12 *separate storm sewer system that serves more than*
13 *100,000 people.*

14 (3) *MEDIUM WATER SERVICE PROVIDER.—The*
15 *term “medium water service provider” means a com-*
16 *munity water system, treatment works, or municipal*
17 *separate storm sewer system that serves more than*
18 *10,000 people and not more than 100,000 people.*

19 (4) *NEED.—The term “need”, with respect to a*
20 *qualifying household, means the expenditure of a dis-*
21 *proportionate amount of household income on access*
22 *to public drinking water or wastewater services.*

23 (5) *QUALIFYING HOUSEHOLD.—The term “quali-*
24 *fying household” means a household that—*

25 (A) *includes an individual who is—*

1 (i) the holder of an account for drink-
2 ing water or wastewater service that is pro-
3 vided to that household by a large water
4 service provider, a medium water service
5 provider, or a rural water service provider;
6 or

7 (ii) separately billed by a landlord
8 that holds an account with a large water
9 service provider, a medium water service
10 provider, or a rural water service provider
11 for the cost of drinking water or wastewater
12 service provided to that household by the re-
13 spective large water service provider, me-
14 dium water service provider, or rural water
15 service provider; and

16 (B) is determined—

17 (i) by a large water service provider, a
18 medium water service provider, or a rural
19 water service provider to be eligible for as-
20 sistance through a low-income ratepayer as-
21 sistance program;

22 (ii) by the Governor of the State in
23 which the household is located to be low-in-
24 come, based on the affordability criteria es-
25 tablished by the State under section

1 *1452(d)(3) of the Safe Drinking Water Act*
2 *(42 U.S.C. 300j-12(d)(3));*

3 *(iii) by the Administrator to experi-*
4 *ence drinking water and wastewater service*
5 *costs that exceed the metrics of affordability*
6 *established in the most recent guidance of*
7 *the Administrator entitled “Financial Ca-*
8 *pability Assessment Guidance”; or*

9 *(iv) in the case of a household serviced*
10 *by a rural water service provider, by the*
11 *State in which the household is located to*
12 *have an annual income that does not exceed*
13 *the greater of—*

14 *(I) an amount equal to 150 per-*
15 *cent of the poverty level of that State;*
16 *and*

17 *(II) an amount equal to 60 per-*
18 *cent of the State median income for*
19 *that State.*

20 *(6) RURAL WATER SERVICE PROVIDER.—The*
21 *term “rural water service provider” means a commu-*
22 *nity water system, treatment works, or municipal*
23 *separate storm sewer system that serves not more than*
24 *10,000 people.*

1 (7) *TREATMENT WORKS.*—*The term “treatment*
2 *works” has the meaning given the term in section 212*
3 *of the Federal Water Pollution Control Act (33 U.S.C.*
4 *1292).*

5 **(b) STUDY; REPORT.**—

6 (1) *IN GENERAL.*—*The Administrator shall con-*
7 *duct, and submit to Congress a report describing the*
8 *results of, a study that examines the prevalence*
9 *throughout the United States of municipalities, public*
10 *entities, or Tribal governments that—*

11 (A) *are serviced by rural water service pro-*
12 *viders, medium water service providers, or large*
13 *water service providers that service a dispropor-*
14 *tionate percentage, as determined by the Admin-*
15 *istrator, of qualifying households with need; or*

16 (B) *as determined by the Administrator,*
17 *have taken on an unsustainable level of debt due*
18 *to customer nonpayment for the services provided*
19 *by a large water service provider, a medium*
20 *water service provider, or a rural water service*
21 *provider.*

22 (2) *AFFORDABILITY INCLUSIONS.*—*The report*
23 *under paragraph (1) shall include—*

24 (A) *a definition of the term “affordable ac-*
25 *cess to water services”;*

1 (B) a description of the criteria used in de-
2 fining “affordable access to water services” under
3 subparagraph (A);

4 (C) a definition of the term “lack of afford-
5 able access to water services”;

6 (D) a description of the methodology and
7 criteria used in defining “lack of affordable ac-
8 cess to water services” under subparagraph (C);

9 (E) a determination of the prevalence of a
10 lack of affordable access to water services, as de-
11 fined under subparagraph (C);

12 (F) the methodology and criteria used to de-
13 termine the prevalence of a lack of affordable ac-
14 cess to water services under subparagraph (E);

15 (G) any additional information with re-
16 spect to the affordable access to water services, as
17 defined under subparagraph (A), provided by
18 rural water service providers, medium water
19 service providers, and large water service pro-
20 viders;

21 (H) with respect to the development of the
22 report, a consultation with all relevant stake-
23 holders, including rural advocacy associations;

24 (I) recommendations of the Administrator
25 regarding the best methods to reduce the preva-

1 *lence of a lack of affordable access to water serv-*
2 *ices, as defined under subparagraph (C); and*

3 *(J) a description of the cost of each method*
4 *described in subparagraph (I).*

5 *(3) AGREEMENTS.—The Administrator may*
6 *enter into an agreement with another Federal agency*
7 *to carry out the study under paragraph (1).*

8 **SEC. 50109. RURAL AND LOW-INCOME WATER ASSISTANCE**
9 **PILOT PROGRAM.**

10 *(a) DEFINITIONS.—In this section:*

11 *(1) ELIGIBLE ENTITY.—The term “eligible enti-*
12 *ty” means—*

13 *(A) a municipality, Tribal government, or*
14 *other entity that—*

15 *(i) owns or operates a community*
16 *water system, treatment works, or munic-*
17 *ipal separate storm sewer system; or*

18 *(ii) as determined by the Adminis-*
19 *trator, has taken on an unsustainable level*
20 *of debt due to customer nonpayment for the*
21 *services provided by a community water*
22 *system, treatment works, or municipal sepa-*
23 *rate storm sewer system; and*

24 *(B) a State exercising primary enforcement*
25 *responsibility over a rural water service provider*

1 *under the Safe Drinking Water Act (42 U.S.C.*
2 *300f et seq.) or the Federal Water Pollution Con-*
3 *trol Act (33 U.S.C. 1251 et seq.), as applicable.*

4 (2) *PILOT PROGRAM.*—*The term “pilot program”*
5 *means the pilot program established by the Adminis-*
6 *trator under subsection (b)(1).*

7 (3) *WATER SERVICES NEEDS ASSESSMENT.*—*The*
8 *term “water services needs assessment” means the re-*
9 *port required under section 50108(b)(1).*

10 (b) *ESTABLISHMENT.*—

11 (1) *IN GENERAL.*—*Not later than 2 years after*
12 *the date of enactment of this Act, the Administrator*
13 *shall establish a pilot program to award grants to eli-*
14 *gible entities to develop and implement programs to*
15 *assist qualifying households with need in maintaining*
16 *access to drinking water and wastewater treatment.*

17 (2) *REQUIREMENT.*—*In establishing the pilot*
18 *program, the Administrator shall ensure that data*
19 *from the water services needs assessment directly con-*
20 *tributes to the structure of the pilot program by in-*
21 *forming the types of assistance and criteria used for*
22 *priority consideration with the demonstrated need*
23 *from the study conducted under section 50108(b)(1)*
24 *and the water services needs assessment.*

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 under
9 the pilot program shall be subject to the availability
10 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 de-

1 *terminated by the Administrator to be in the inter-*
2 *est 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 enti-*
7 *ties 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 enti-*
14 *ties that own or operate a medium water service*
15 *provider;*

16 (C) *not more than 8 shall be to eligible enti-*
17 *ties that own or operate a large water service*
18 *provider that serves not more than 500,000 peo-*
19 *ple;*

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 enti-*
25 *ties that own or operate a community water sys-*

1 *tem, treatment works, or municipal separate*
2 *storm sewer system that services a disadvantaged*
3 *community (consistent with the affordability cri-*
4 *teria established by the applicable State under*
5 *section 1452(d)(3) of the Safe Drinking Water*
6 *Act (42 U.S.C. 300j-12(d)(3)) or section*
7 *603(i)(2) of the Federal Water Pollution Control*
8 *Act (33 U.S.C. 1383(i)(2)), as applicable).*

9 *(7) CRITERIA.—In addition to any priority cri-*
10 *teria established by the Administrator in response to*
11 *the findings in the water services needs assessment, in*
12 *awarding grants under the pilot program, the Admin-*
13 *istrator shall give priority consideration to eligible*
14 *entities that—*

15 *(A) serve a disproportionate percentage, as*
16 *determined by the Administrator, of qualifying*
17 *households with need, as identified in the water*
18 *services needs assessment;*

19 *(B) are subject to State or Federal enforce-*
20 *ment actions relating to compliance with the*
21 *Federal Water Pollution Control Act (33 U.S.C.*
22 *1251 et seq.) or the Safe Drinking Water Act (42*
23 *U.S.C. 300f et seq.); or*

24 *(C) maintain or participate in an existing*
25 *community assistance program with objectives*

1 *similar to the objectives of the pilot program, as*
2 *determined by the Administrator.*

3 (8) *REPORTING REQUIREMENTS.*—

4 (A) *IN GENERAL.*—*In addition to any other*
5 *applicable Federal or agency-specific grant re-*
6 *porting requirements, as a condition of receiving*
7 *a grant under the pilot program, an eligible en-*
8 *tity (or a State, on behalf of an eligible entity)*
9 *shall submit to the Administrator an annual re-*
10 *port that summarizes, in a manner determined*
11 *by the Administrator, the use of grant funds by*
12 *the eligible entity, including—*

13 (i) *key features of the assistance pro-*
14 *vided by the eligible entity;*

15 (ii) *sources of funding used to supple-*
16 *ment Federal funds; and*

17 (iii) *eligibility criteria.*

18 (B) *PUBLICATION.*—*The Administrator*
19 *shall publish each report submitted under sub-*
20 *paragraph (A).*

21 (c) *TECHNICAL ASSISTANCE.*—*The Administrator*
22 *shall provide technical assistance to each eligible entity, and*
23 *each State, on behalf of an eligible entity, that receives a*
24 *grant under the pilot program to support implementation*
25 *of the program.*

1 (d) *REPORT.*—Not later than 2 years after the date
2 on which grant funds are first disbursed to an eligible enti-
3 ty (or a State, on behalf of an eligible entity) under the
4 program, and every year thereafter for the duration of the
5 terms of the grants, the Administrator shall submit to Con-
6 gress a report on the results of the pilot program.

7 **SEC. 50110. LEAD CONTAMINATION IN SCHOOL DRINKING**
8 **WATER.**

9 Section 1464 of the Safe Drinking Water Act (42
10 U.S.C. 300j-24) is amended—

11 (1) in subsection (b)—

12 (A) in the first sentence, by inserting “pub-
13 lic water systems and” after “to assist”; and

14 (B) in the third sentence, by inserting “pub-
15 lic water systems,” after “schools,”; and

16 (2) in subsection (d)—

17 (A) in the subsection heading, by inserting
18 “AND REDUCTION” after “LEAD TESTING”;

19 (B) in paragraph (2)—

20 (i) in subparagraph (A), by striking
21 “the Administrator” and all that follows
22 through the period at the end and inserting
23 the following: “the Administrator shall es-
24 tablish a voluntary school and child care
25 program lead testing, compliance moni-

1 *toring, and lead reduction grant program to*
2 *make grants available to—*

3 *“(i) States to assist local educational*
4 *agencies, public water systems that serve*
5 *schools and child care programs under the*
6 *jurisdiction of those local educational agen-*
7 *cies, and qualified nonprofit organizations*
8 *in voluntary testing or compliance moni-*
9 *toring for and remediation of lead contami-*
10 *nation in drinking water at schools and*
11 *child care programs under the jurisdiction*
12 *of those local educational agencies; and*

13 *“(ii) tribal consortia to assist tribal*
14 *education agencies (as defined in section 3*
15 *of the National Environmental Education*
16 *Act (20 U.S.C. 5502)), public water systems*
17 *that serve schools and child care programs*
18 *under the jurisdiction of those tribal edu-*
19 *cation agencies, and qualified nonprofit or-*
20 *ganizations in voluntary testing or compli-*
21 *ance monitoring for and remediation of*
22 *lead contamination in drinking water at*
23 *schools and child care programs under the*
24 *jurisdiction of those tribal education agen-*
25 *cies.”; and*

1 (ii) in subparagraph (B)—

2 (I) in the matter preceding clause
3 (i), by inserting “or compliance moni-
4 toring for or remediation of lead con-
5 tamination” after “voluntary testing”;

6 (II) in clause (i), by striking “or”
7 at the end;

8 (III) in clause (ii), by striking the
9 period at the end and inserting a semi-
10 colon; and

11 (IV) by adding at the end the fol-
12 lowing:

13 “(iii) any public water system that is
14 located in a State that does not participate
15 in the voluntary grant program established
16 under subparagraph (A) that—

17 “(I) assists schools or child care
18 programs in lead testing;

19 “(II) assists schools or child care
20 programs with compliance monitoring;

21 “(III) assists schools with car-
22 rying out projects to remediate lead
23 contamination in drinking water; or

1 “(IV) provides technical assistance
2 to schools or child care programs in
3 carrying out lead testing; or

4 “(iv) a qualified nonprofit organiza-
5 tion, as determined by the Administrator.”;

6 (C) in paragraphs (3), (5), (6), and (7), by
7 striking “State or local educational agency” each
8 place it appears and inserting “State, local edu-
9 cational agency, public water system, tribal con-
10 sortium, or qualified nonprofit organization”;

11 (D) in paragraph (4)—

12 (i) by striking “States and local edu-
13 cational agencies” and inserting “States,
14 local educational agencies, public water sys-
15 tems, tribal consortia, and qualified non-
16 profit organizations”; and

17 (ii) by inserting “or the remediation
18 of” after “testing for”;

19 (E) in paragraph (6)—

20 (i) in the matter preceding subpara-
21 graph (A)—

22 (I) by striking “State or local
23 educational agency” and inserting
24 “State, local educational agency, pub-

1 *lic water system, tribal consortium, or*
2 *qualified nonprofit agency*”; and

3 (II) by inserting “, public water
4 *system, tribal consortium, or qualified*
5 *nonprofit organization*” after “*each*
6 *local educational agency*”;

7 (ii) in subparagraph (A)(ii)—

8 (I) by inserting “or tribal” after
9 “*applicable State*”; and

10 (II) by striking “*reducing lead*”
11 and inserting “*voluntary testing or*
12 *compliance monitoring for and remedi-*
13 *ation of lead contamination*”; and

14 (iii) in subparagraph (B)(i), by insert-
15 ing “*applicable*” before “*local educational*
16 *agency*”;

17 (F) in paragraph (7), by striking “*testing*
18 *for*” and inserting “*testing or compliance moni-*
19 *toring for or remediation of*”; and

20 (G) by striking paragraph (8) and inserting
21 the following:

22 “(8) *AUTHORIZATION OF APPROPRIATIONS.—*
23 *There are authorized to be appropriated to carry out*
24 *this subsection—*

25 “(A) \$30,000,000 for fiscal year 2022;

- 1 “(B) \$35,000,000 for fiscal year 2023;
2 “(C) \$40,000,000 for fiscal year 2024;
3 “(D) \$45,000,000 for fiscal year 2025; and
4 “(E) \$50,000,000 for fiscal year 2026.”.

5 **SEC. 50111. INDIAN RESERVATION DRINKING WATER PRO-**
6 **GRAM.**

7 *Section 2001 of the America’s Water Infrastructure*
8 *Act of 2018 (42 U.S.C. 300j–3c note; Public Law 115–270)*
9 *is amended—*

10 (1) *in subsection (a)—*

11 (A) *in the matter preceding paragraph (1),*
12 *by striking “Subject to the availability of appro-*
13 *priations, the Administrator of the Environ-*
14 *mental Protection Agency” and inserting “The*
15 *Administrator of the Environmental Protection*
16 *Agency (referred to in this section as the ‘Ad-*
17 *ministrator’); and*

18 (B) *by striking “to implement” in the mat-*
19 *ter preceding paragraph (1) and all that follows*
20 *through the period at the end of paragraph (2)*
21 *and inserting “to implement eligible projects de-*
22 *scribed in subsection (b).”;*

23 (2) *in subsection (b), by striking paragraph (2)*
24 *and inserting the following:*

25 “(2) that will—

1 “(A) improve water quality, water pressure,
2 or water services through means such as con-
3 necting to, expanding, repairing, improving, or
4 obtaining water from a public water system (as
5 defined in section 1401 of the Safe Drinking
6 Water Act (42 U.S.C. 300f)); or

7 “(B) improve water quality or sanitation or
8 wastewater services at a treatment works (as de-
9 fined in section 212 of the Federal Water Pollu-
10 tion Control Act (33 U.S.C. 1292)).”;

11 (3) by redesignating subsection (d) as subsection
12 (g);

13 (4) by striking subsection (c) and inserting the
14 following:

15 “(c) *REQUIRED PROJECTS.*—

16 “(1) *IN GENERAL.*—If sufficient projects exist, of
17 the funds made available to carry out this section, the
18 Administrator shall use 50 percent to carry out—

19 “(A) 10 eligible projects described in sub-
20 section (b) that are within the Upper Missouri
21 River Basin;

22 “(B) 10 eligible projects described in sub-
23 section (b) that are within the Upper Rio
24 Grande Basin;

1 “(C) 10 eligible projects described in sub-
2 section (b) that are within the Columbia River
3 Basin;

4 “(D) 10 eligible projects described in sub-
5 section (b) that are within the Lower Colorado
6 River Basin; and

7 “(E) 10 eligible projects described in sub-
8 section (b) that are within the Arkansas-White-
9 Red River Basin.

10 “(2) REQUIREMENT.—In carrying out para-
11 graph (1)(A), the Administrator shall select not fewer
12 than 2 eligible projects for a reservation that serves
13 more than 1 federally recognized Indian Tribe.

14 “(d) PRIORITY.—In selecting projects to carry out
15 under this section, the Administrator shall give priority to
16 projects that—

17 “(1) respond to emergency situations occurring
18 due to or resulting in a lack of access to clean drink-
19 ing water that threatens the health of Tribal popu-
20 lations;

21 “(2) would serve a Tribal population that would
22 qualify as a disadvantaged community based on the
23 affordability criteria established by the applicable
24 State under section 1452(d)(3) of the Safe Drinking
25 Water Act (42 U.S.C. 300j–12(d)(3)); or

1 “(3) would address the underlying factors con-
2 tributing to—

3 “(A) an enforcement action commenced pur-
4 suant to the Safe Drinking Water Act (42 U.S.C.
5 300f et seq.) against the applicable public water
6 system (as defined in section 1401 of that Act
7 (42 U.S.C. 300f)) as of the date of enactment of
8 this subparagraph; or

9 “(B) an enforcement action commenced pur-
10 suant to the Federal Water Pollution Control Act
11 (33 U.S.C. 1251 et seq.) against the applicable
12 treatment works (as defined in section 212 of
13 that Act (33 U.S.C. 1292)) as of the date of en-
14 actment of this subparagraph.

15 “(e) FEDERAL SHARE.—The Federal share of the cost
16 of a project carried out under this section shall be 100 per-
17 cent.

18 “(f) REPORT.—Not later than 2 years after the date
19 of enactment of this subsection, the Administrator shall sub-
20 mit to Congress a report that describes the implementation
21 of the program established under subsection (a), which shall
22 include a description of the use and deployment of amounts
23 made available under that program.”; and

24 (5) in subsection (g) (as so redesignated)—

1 (A) by striking “There is” and inserting
2 “*There are*”;

3 (B) by striking “subsection (a)
4 \$20,000,000” and inserting the following: “sub-
5 section (a)—

6 “(1) \$20,000,000”;

7 (C) in paragraph (1) (as so designated), by
8 striking “2022.” and inserting “2021; and”;

9 (D) by adding at the end the following:

10 “(2) \$50,000,000 for each of fiscal years 2022
11 through 2026.”.

12 **SEC. 50112. ADVANCED DRINKING WATER TECHNOLOGIES.**

13 *Part E of the Safe Drinking Water Act (42 U.S.C. 300j*
14 *et seq.) (as amended by section 50107) is amended by add-*
15 *ing at the end the following:*

16 **“SEC. 1459G. ADVANCED DRINKING WATER TECHNOLOGIES.**

17 “(a) *STUDY.—*

18 “(1) *IN GENERAL.—Subject to the availability of*
19 *appropriations, not later than 1 year after the date*
20 *of enactment of this section, the Administrator shall*
21 *carry out a study that examines the state of existing*
22 *and potential future technology, including technology*
23 *that could address cybersecurity vulnerabilities, that*
24 *enhances or could enhance the treatment, monitoring,*

1 *affordability, efficiency, and safety of drinking water*
2 *provided by a public water system.*

3 “(2) *REPORT.*—*The Administrator shall submit*
4 *to the Committee on Environment and Public Works*
5 *of the Senate and the Committee on Energy and Com-*
6 *merce of the House of Representatives a report that*
7 *describes the results of the study under paragraph (1).*

8 “(b) *ADVANCED DRINKING WATER TECHNOLOGY*
9 *GRANT PROGRAM.*—

10 “(1) *DEFINITIONS.*—*In this subsection:*

11 “(A) *ELIGIBLE ENTITY.*—*The term ‘eligible*
12 *entity’ means the owner or operator of a public*
13 *water system that—*

14 “(i) *serves—*

15 “(I) *a population of not more*
16 *than 100,000 people; or*

17 “(II) *a community described in*
18 *section 1459A(c)(2);*

19 “(ii) *has plans to identify or has iden-*
20 *tified opportunities in the operations of the*
21 *public water system to employ new, exist-*
22 *ing, or emerging, yet proven, technologies,*
23 *including technology that could address cy-*
24 *bersecurity vulnerabilities, as determined by*
25 *the Administrator, that enhance treatment,*

1 *monitoring, affordability, efficiency, or safe-*
2 *ty of the drinking water provided by the*
3 *public water system, including technologies*
4 *not identified in the study conducted under*
5 *subsection (a)(1); and*

6 *“(iii) has expressed an interest in the*
7 *opportunities in the operation of the public*
8 *water system to employ new, existing, or*
9 *emerging, yet proven, technologies, includ-*
10 *ing technology that could address cybersecu-*
11 *rity vulnerabilities, as determined by the*
12 *Administrator, that enhance treatment,*
13 *monitoring, affordability, efficiency, or safe-*
14 *ty of the drinking water provided by the*
15 *public water system, including technologies*
16 *not identified in the study conducted under*
17 *subsection (a)(1).*

18 *“(B) PROGRAM.—The term ‘program’*
19 *means the competitive grant program established*
20 *under paragraph (2).*

21 *“(2) ESTABLISHMENT.—The Administrator shall*
22 *establish a competitive grant program under which*
23 *the Administrator shall award grants to eligible enti-*
24 *ties for the purpose of identifying, deploying, or iden-*

1 *tifying and deploying technologies described in para-*
2 *graph (1)(A)(ii).*

3 “(3) *REQUIREMENTS.*—

4 “(A) *APPLICATIONS.*—*To be eligible to re-*
5 *ceive a grant under the program, an eligible en-*
6 *tity shall submit to the Administrator an appli-*
7 *cation at such time, in such manner, and con-*
8 *taining such information as the Administrator*
9 *may require.*

10 “(B) *FEDERAL SHARE.*—

11 “(i) *IN GENERAL.*—*Subject to clause*
12 *(ii), the Federal share of the cost of a*
13 *project carried out using a grant under the*
14 *program shall not exceed 90 percent of the*
15 *total cost of the project.*

16 “(ii) *WAIVER.*—*The Administrator*
17 *may increase the Federal share under clause*
18 *(i) to 100 percent if the Administrator de-*
19 *termines that an eligible entity is unable to*
20 *pay, or would experience significant finan-*
21 *cial hardship if required to pay, the non-*
22 *Federal share.*

23 “(4) *REPORT.*—*Not later than 2 years after the*
24 *date on which the Administrator first awards a grant*
25 *under the program, and annually thereafter, the Ad-*

1 *administrator shall submit to Congress a report describ-*
2 *ing—*

3 *“(A) each recipient of a grant under the*
4 *program during the previous 1-year period; and*

5 *“(B) a summary of the activities carried*
6 *out using grants awarded under the program.*

7 *“(5) FUNDING.—*

8 *“(A) AUTHORIZATION OF APPROPRIA-*
9 *TIONS.—There is authorized to be appropriated*
10 *to carry out the program \$10,000,000 for each of*
11 *fiscal years 2022 through 2026, to remain avail-*
12 *able until expended.*

13 *“(B) ADMINISTRATIVE COSTS.—Not more*
14 *than 2 percent of the amount made available for*
15 *a fiscal year under subparagraph (A) to carry*
16 *out the program may be used by the Adminis-*
17 *trator for the administrative costs of carrying*
18 *out the program.”.*

19 **SEC. 50113. CYBERSECURITY SUPPORT FOR PUBLIC WATER**
20 **SYSTEMS.**

21 *Part B of the Safe Drinking Water Act (42 U.S.C.*
22 *300g et seq.) is amended by adding at the end the following:*

23 **“SEC. 1420A. CYBERSECURITY SUPPORT FOR PUBLIC**
24 **WATER SYSTEMS.**

25 *“(a) DEFINITIONS.—In this section:*

1 “(1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term ‘appropriate Congressional commit-*
3 *tees’ means—*

4 “(A) *the Committee on Environment and*
5 *Public Works of the Senate;*

6 “(B) *the Committee on Homeland Security*
7 *and Governmental Affairs of the Senate;*

8 “(C) *the Committee on Energy and Com-*
9 *merce of the House of Representatives; and*

10 “(D) *the Committee on Homeland Security*
11 *of the House of Representatives.*

12 “(2) *DIRECTOR.*—*The term ‘Director’ means the*
13 *Director of the Cybersecurity and Infrastructure Se-*
14 *curity Agency.*

15 “(3) *INCIDENT.*—*The term ‘incident’ has the*
16 *meaning given the term in section 3552 of title 44,*
17 *United States Code.*

18 “(4) *PRIORITIZATION FRAMEWORK.*—*The term*
19 *‘Prioritization Framework’ means the prioritization*
20 *framework developed by the Administrator under sub-*
21 *section (b)(1)(A).*

22 “(5) *SUPPORT PLAN.*—*The term ‘Support Plan’*
23 *means the Technical Cybersecurity Support Plan de-*
24 *veloped by the Administrator under subsection*
25 *(b)(2)(A).*

1 “(b) *IDENTIFICATION OF AND SUPPORT FOR PUBLIC*
2 *WATER SYSTEMS.*—

3 “(1) *PRIORITIZATION FRAMEWORK.*—

4 “(A) *IN GENERAL.*—*Not later than 180*
5 *days after the date of enactment of this section,*
6 *the Administrator, in coordination with the Di-*
7 *rector, shall develop a prioritization framework*
8 *to identify public water systems (including*
9 *sources of water for those public water systems)*
10 *that, if degraded or rendered inoperable due to*
11 *an incident, would lead to significant impacts*
12 *on the health and safety of the public.*

13 “(B) *CONSIDERATIONS.*—*In developing the*
14 *Prioritization Framework, to the extent prac-*
15 *ticable, the Administrator shall incorporate con-*
16 *sideration of—*

17 “(i) *whether cybersecurity*
18 *vulnerabilities for a public water system*
19 *have been identified under section 1433;*

20 “(ii) *the capacity of a public water*
21 *system to remediate a cybersecurity vulner-*
22 *ability without additional Federal support;*

23 “(iii) *whether a public water system*
24 *serves a defense installation or critical na-*
25 *tional security asset; and*

1 “(iv) *whether a public water system, if*
2 *degraded or rendered inoperable due to an*
3 *incident, would cause a cascading failure of*
4 *other critical infrastructure.*

5 “(2) *TECHNICAL CYBERSECURITY SUPPORT*
6 *PLAN.—*

7 “(A) *IN GENERAL.—Not later than 270*
8 *days after the date of enactment of this section,*
9 *the Administrator, in coordination with the Di-*
10 *rector and using existing authorities of the Ad-*
11 *ministrator and the Director for providing vol-*
12 *untary support to public water systems and the*
13 *Prioritization Framework, shall develop a Tech-*
14 *nical Cybersecurity Support Plan for public*
15 *water systems.*

16 “(B) *REQUIREMENTS.—The Support*
17 *Plan—*

18 “(i) *shall establish a methodology for*
19 *identifying specific public water systems for*
20 *which cybersecurity support should be*
21 *prioritized;*

22 “(ii) *shall establish timelines for mak-*
23 *ing voluntary technical support for cyberse-*
24 *curity available to specific public water sys-*
25 *tems;*

1 “(iii) may include public water sys-
2 tems identified by the Administrator, in co-
3 ordination with the Director, as needing
4 technical support for cybersecurity;

5 “(iv) shall include specific capabilities
6 of the Administrator and the Director that
7 may be utilized to provide support to public
8 water systems under the Support Plan, in-
9 cluding—

10 “(I) site vulnerability and risk as-
11 sessments;

12 “(II) penetration tests; and

13 “(III) any additional support de-
14 termined to be appropriate by the Ad-
15 ministrator; and

16 “(v) shall only include plans for pro-
17 viding voluntary support to public water
18 systems.

19 “(3) CONSULTATION REQUIRED.—In developing
20 the Prioritization Framework pursuant to paragraph
21 (1) and the Support Plan pursuant to paragraph (2),
22 the Administrator shall consult with such Federal or
23 non-Federal entities as determined to be appropriate
24 by the Administrator.

25 “(4) REPORTS REQUIRED.—

1 “(A) *PRIORITIZATION FRAMEWORK.*—Not
2 *later than 190 days after the date of enactment*
3 *of this section, the Administrator shall submit to*
4 *the appropriate Congressional committees a re-*
5 *port describing the Prioritization Framework.*

6 “(B) *TECHNICAL CYBERSECURITY SUPPORT*
7 *PLAN.*—Not later than 280 days after the date of
8 *enactment of this section, the Administrator*
9 *shall submit to the appropriate Congressional*
10 *committees—*

11 “(i) *the Support Plan; and*

12 “(ii) *a list describing any public water*
13 *systems identified by the Administrator, in*
14 *coordination with the Director, as needing*
15 *technical support for cybersecurity during*
16 *the development of the Support Plan.*

17 “(c) *RULES OF CONSTRUCTION.*—Nothing in this sec-
18 *tion—*

19 “(1) *alters the existing authorities of the Admin-*
20 *istrator; or*

21 “(2) *compels a public water system to accept*
22 *technical support offered by the Administrator.”.*

23 **SEC. 50114. STATE RESPONSE TO CONTAMINANTS.**

24 *Section 1459A(j)(1) of the Safe Drinking Water Act*
25 *(42 U.S.C. 300j–19a(j)(1)) is amended—*

1 (1) *in the matter preceding subparagraph (A),*
2 *by striking “an underserved community” and insert-*
3 *ing “a community described in subsection (c)(2)”;*
4 *and*

5 (2) *in subparagraph (A)(i), by striking “such*
6 *underserved” and inserting “that”.*

7 **SEC. 50115. ANNUAL STUDY ON BOIL WATER ADVISORIES.**

8 (a) *IN GENERAL.*—*Not later than 1 year after the date*
9 *of enactment of this Act, and annually thereafter, the Ad-*
10 *ministrator shall conduct a study on the prevalence of boil*
11 *water advisories issued in the United States.*

12 (b) *REPORT.*—

13 (1) *IN GENERAL.*—*The Administrator shall sub-*
14 *mit to Congress a report describing the results of the*
15 *most recent study conducted under subsection (a) as*
16 *part of the annual budget request transmitted to Con-*
17 *gress under section 1105(a) of title 31, United States*
18 *Code.*

19 (2) *REQUIREMENT.*—*In the annual report re-*
20 *quired under paragraph (1), the Administrator shall*
21 *include a description of the reasons for which boil*
22 *water advisories were issued during the year covered*
23 *by the report.*

TITLE II—CLEAN WATER**SEC. 50201. RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION.**

(a) *REAUTHORIZATION.*—Section 104(u) of the Federal Water Pollution Control Act (33 U.S.C. 1254(u)) is amended—

(1) by striking “and (7)” and inserting “(7)”; and

and

(2) in paragraph (7)—

(A) by striking “2023” and inserting “2021”; and

(B) by striking the period at the end and inserting “; and (8) not to exceed \$75,000,000 for each of fiscal years 2022 through 2026 for carrying out subsections (b)(3), (b)(8), and (g), of which not less than \$50,000,000 each fiscal year shall be used to carry out subsection (b)(8).”.

(b) *COMMUNICATION.*—Each nonprofit organization that receives funding under paragraph (8) of section 104(b) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b)) shall, before using that funding to undertake activities to carry out that paragraph, consult with the State in which the assistance is to be expended or otherwise made available.

1 (c) *REPORT.*—Not later than 2 years after the date of
2 enactment of this Act, the Administrator shall submit to
3 Congress a report that describes the implementation of the
4 grants authorized under subsections (b)(3), (b)(8), and (g)
5 of section 104 of the Federal Water Pollution Control Act
6 (33 U.S.C. 1254), which shall include a description of the
7 grant recipients and grant amounts made available to
8 carry out those subsections.

9 **SEC. 50202. WASTEWATER EFFICIENCY GRANT PILOT PRO-**
10 **GRAM.**

11 *Title II of the Federal Water Pollution Control Act (33*
12 *U.S.C. 1281 et seq.) is amended by adding at the end the*
13 *following:*

14 **“SEC. 222. WASTEWATER EFFICIENCY GRANT PILOT PRO-**
15 **GRAM.**

16 “(a) *ESTABLISHMENT.*—Subject to the availability of
17 appropriations, the Administrator shall establish a waste-
18 water efficiency grant pilot program (referred to in this sec-
19 tion as the ‘pilot program’) to award grants to owners or
20 operators of publicly owned treatment works to carry out
21 projects that create or improve waste-to-energy systems.

22 “(b) *SELECTION.*—

23 “(1) *APPLICATIONS.*—To be eligible to receive a
24 grant under the pilot program, an owner or operator
25 of a treatment works shall submit to the Adminis-

1 *trator an application at such time, in such manner,*
2 *and containing such information as the Adminis-*
3 *trator may require.*

4 “(2) *NUMBER OF RECIPIENTS.*—*The Adminis-*
5 *trator shall select not more than 15 recipients of*
6 *grants under the pilot program from applications*
7 *submitted under paragraph (1).*

8 “(c) *USE OF FUNDS.*—

9 “(1) *IN GENERAL.*—*Subject to paragraph (2), a*
10 *recipient of a grant under the pilot program may use*
11 *grant funds for—*

12 “(A) *sludge collection;*

13 “(B) *installation of anaerobic digesters;*

14 “(C) *methane capture;*

15 “(D) *methane transfer;*

16 “(E) *facility upgrades and retrofits nec-*
17 *essary to create or improve waste-to-energy sys-*
18 *tems; and*

19 “(F) *other new and emerging, but proven,*
20 *technologies that transform waste to energy.*

21 “(2) *LIMITATION.*—*A grant to a recipient under*
22 *the pilot program shall be not more than \$4,000,000.*

23 “(d) *REPORTS.*—

24 “(1) *REPORT TO THE ADMINISTRATOR.*—*Not*
25 *later than 2 years after receiving a grant under the*

1 *pilot program and each year thereafter for which*
2 *amounts are made available for the pilot program*
3 *under subsection (e), the recipient of the grant shall*
4 *submit to the Administrator a report describing the*
5 *impact of that project on the communities within 3*
6 *miles of the treatment works.*

7 “(2) *REPORT TO CONGRESS.*—Not later than 1
8 *year after first awarding grants under the pilot pro-*
9 *gram and each year thereafter for which amounts are*
10 *made available for the pilot program under subsection*
11 *(e), the Administrator shall submit to Congress a re-*
12 *port describing—*

13 “(A) *the applications received by the Ad-*
14 *ministrator for grants under the pilot program;*
15 *and*

16 “(B) *the projects for which grants were*
17 *awarded under the pilot program.*

18 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—

19 “(1) *IN GENERAL.*—There is authorized to be ap-
20 *propriated to carry out the pilot program*
21 *\$20,000,000 for each of fiscal years 2022 through*
22 *2026, to remain available until expended.*

23 “(2) *LIMITATION ON USE OF FUNDS.*—Of the
24 *amounts made available for grants under paragraph*

1 (1), not more than 2 percent may be used to pay the
2 administrative costs of the Administrator.”.

3 **SEC. 50203. PILOT PROGRAM FOR ALTERNATIVE WATER**
4 **SOURCE PROJECTS.**

5 Section 220 of the Federal Water Pollution Control Act
6 (33 U.S.C. 1300) is amended—

7 (1) in subsection (b), in the heading, by striking
8 “IN GENERAL” and inserting “ESTABLISHMENT”;

9 (2) in subsection (d)—

10 (A) in paragraph (1), by inserting “con-
11 struction” before “funds”;

12 (B) by striking paragraph (2); and

13 (C) by redesignating paragraph (3) as
14 paragraph (2);

15 (3) by striking subsection (e);

16 (4) in subsection (i)—

17 (A) in the matter preceding paragraph (1),
18 by striking “, the following definitions apply”;
19 and

20 (B) in paragraph (1), in the first sentence,
21 by striking “water or wastewater or by treating
22 wastewater” and inserting “water, wastewater,
23 or stormwater or by treating wastewater or
24 stormwater for groundwater recharge, potable
25 reuse, or other purposes”;

1 (5) in subsection (j)—

2 (A) in the first sentence, by striking “There
3 is” and inserting the following:

4 “(1) *IN GENERAL.—There is*”;

5 (B) in paragraph (1) (as so designated), by
6 striking “a total of \$75,000,000 for fiscal years
7 2002 through 2004. Such sums shall” and insert-
8 ing “\$25,000,000 for each of fiscal years 2022
9 through 2026, to”; and

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

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.”; and*

15 (6) by redesignating subsections (b), (c), (d), (i),
16 and (j) as subsections (c), (d), (e), (b), and (i), respec-
17 tively, and moving those subsections so as to appear
18 in alphabetical order.

19 **SEC. 50204. SEWER OVERFLOW AND STORMWATER REUSE**
20 **MUNICIPAL GRANTS.**

21 Section 221 of the Federal Water Pollution Control Act
22 (33 U.S.C. 1301) is amended—

23 (1) in subsection (a)(1) —

24 (A) in subparagraph (A), by striking “and”
25 at the end;

1 (B) by redesignating subparagraph (B) as
2 subparagraph (C); and

3 (C) by inserting after subparagraph (A) the
4 following:

5 “(B) notification systems to inform the pub-
6 lic of combined sewer or sanitary overflows that
7 result in sewage being released into rivers and
8 other waters; and”;

9 (2) in subsection (d)—

10 (A) in the second sentence, by striking “The
11 non-Federal share of the cost” and inserting the
12 following:

13 “(3) TYPES OF NON-FEDERAL SHARE.—The ap-
14 plicable non-Federal share of the cost under this sub-
15 section”;

16 (B) in the first sentence, by striking “The
17 Federal” and inserting the following:

18 “(1) IN GENERAL.—The Federal”; and

19 (C) by inserting after paragraph (1) (as so
20 designated) the following:

21 “(2) RURAL AND FINANCIALLY DISTRESSED COM-
22 MUNITIES.—To the maximum extent practicable, the
23 Administrator shall work with States to prevent the
24 non-Federal share requirements under this subsection
25 from being passed on to rural communities and fi-

1 *nancially distressed communities (as those terms are*
2 *defined in subsection (f)(2)(B)(i)).”;*

3 *(3) in subsection (f)—*

4 *(A) by striking paragraph (1) and inserting*
5 *the following:*

6 *“(1) IN GENERAL.—There is authorized to be ap-*
7 *propriated to carry out this section \$280,000,000 for*
8 *each of fiscal years 2022 through 2026.”; and*

9 *(B) in paragraph (2)—*

10 *(i) by striking “To the extent” and in-*
11 *serting the following:*

12 *“(A) GREEN PROJECTS.—To the extent”;*

13 *and*

14 *(ii) by adding at the end the following:*

15 *“(B) RURAL OR FINANCIALLY DISTRESSED*
16 *COMMUNITY ALLOCATION.—*

17 *“(i) DEFINITIONS.—In this subpara-*
18 *graph:*

19 *“(I) FINANCIALLY DISTRESSED*
20 *COMMUNITY.—The term ‘financially*
21 *distressed community’ has the meaning*
22 *given the term in subsection (c)(1).*

23 *“(II) RURAL COMMUNITY.—The*
24 *term ‘rural community’ means a city,*
25 *town, or unincorporated area that has*

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 25
8 percent of the amount of the grants
9 made to the State under subsection (a)
10 in a fiscal year to carry out projects in
11 rural communities or financially dis-
12 tressed communities for the purpose of
13 planning, design, and construction
14 of—

15 “(aa) treatment works to
16 intercept, transport, control, treat,
17 or reuse municipal sewer over-
18 flows, sanitary sewer overflows, or
19 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).

1 “(II) *RURAL COMMUNITIES.*—Of
2 *the funds allocated under subclause (I)*
3 *for the purposes described in that sub-*
4 *clause, to the extent there are sufficient*
5 *eligible project applications, the Ad-*
6 *ministrator shall ensure that a State*
7 *uses not less than 60 percent to carry*
8 *out projects in rural communities.”;*
9 *and*

10 (4) *in subsection (i)*—

11 (A) *in the second sentence, by striking “The*
12 *recommended funding levels” and inserting the*
13 *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”;*

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 Ad-
17 ministrator shall submit to the Committee on Envi-
18 ronment 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 grant
23 recipients, sources of funds for non-Federal share re-
24 quirements under subsection (d), and grant amounts
25 made available under the program.”.

1 **SEC. 50205. CLEAN WATER INFRASTRUCTURE RESILIENCY**
2 **AND SUSTAINABILITY PROGRAM.**

3 *Title II of the Federal Water Pollution Control Act (33*
4 *U.S.C. 1281 et seq.) (as amended by section 50202) is*
5 *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 enti-*
10 *ty’ means—*

11 *“(A) a municipality; or*

12 *“(B) an intermunicipal, interstate, or State*
13 *agency.*

14 *“(2) NATURAL HAZARD.—The term ‘natural haz-*
15 *ard’ means a hazard caused by natural forces, includ-*
16 *ing extreme weather events, sea-level rise, and extreme*
17 *drought conditions.*

18 *“(3) PROGRAM.—The term ‘program’ means the*
19 *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*

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 existing*
20 *publicly owned treatment works, conveyance, or dis-*
21 *charge system component that is at risk of being sig-*
22 *nificantly impaired or damaged by a natural hazard;*

23 “(5) *the development and implementation of*
24 *projects to increase the resilience of publicly owned*

1 *treatment works to a natural hazard or cybersecurity*
2 *vulnerabilities, as applicable; or*

3 *“(6) the enhancement of energy efficiency or the*
4 *use and generation of recovered or renewable energy*
5 *in the management, treatment, or conveyance of*
6 *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 program;*

14 *“(2) an identification of the natural hazard risk*
15 *of the area where the proposed project is to be located*
16 *or potential cybersecurity vulnerability, as applicable,*
17 *to be addressed by the proposed project;*

18 *“(3) documentation prepared by a Federal,*
19 *State, regional, or local government agency of the nat-*
20 *ural hazard risk of the area where the proposed*
21 *project is to be located or potential cybersecurity vul-*
22 *nerability, as applicable, of the area where the pro-*
23 *posed project is to be located;*

24 *“(4) a description of any recent natural hazard*
25 *risk of the area where the proposed project is to be lo-*

1 *cated or potential cybersecurity vulnerabilities that*
2 *have affected the publicly owned treatment works;*

3 *“(5) a description of how the proposed project*
4 *would improve the performance of the publicly owned*
5 *treatment works under an anticipated natural hazard*
6 *or natural hazard risk of the area where the proposed*
7 *project is to be located or a potential cybersecurity*
8 *vulnerability, as applicable; and*

9 *“(6) an explanation of how the proposed project*
10 *is expected to enhance the resilience of the publicly*
11 *owned treatment works to a natural hazard risk of*
12 *the area where the proposed project is to be located or*
13 *a potential cybersecurity vulnerability, as applicable.*

14 *“(e) GRANT AMOUNT AND OTHER FEDERAL REQUIRE-*
15 *MENTS.—*

16 *“(1) COST SHARE.—Except as provided in para-*
17 *graph (2), a grant under the program shall not exceed*
18 *75 percent of the total cost of the proposed project.*

19 *“(2) EXCEPTION.—*

20 *“(A) IN GENERAL.—Except as provided in*
21 *subparagraph (B), a grant under the program*
22 *shall not exceed 90 percent of the total cost of the*
23 *proposed project if the project serves a commu-*
24 *nity that—*

1 “(i) has a population of fewer than
2 10,000 individuals; or

3 “(ii) meets the affordability criteria es-
4 tablished by the State in which the commu-
5 nity is located under section 603(i)(2).

6 “(B) WAIVER.—At the discretion of the Ad-
7 ministrators, a grant for a project described in
8 subparagraph (A) may cover 100 percent of the
9 total cost of the proposed project.

10 “(3) REQUIREMENTS.—The requirements of sec-
11 tion 608 shall apply to a project funded with a grant
12 under the program.

13 “(f) REPORT.—Not later than 2 years after the date
14 of enactment of this section, the Administrator shall submit
15 to Congress a report that describes the implementation of
16 the program, which shall include an accounting of all
17 grants awarded under the program, including a description
18 of each grant recipient and each project funded using a
19 grant under the program.

20 “(g) AUTHORIZATION OF APPROPRIATIONS.—

21 “(1) IN GENERAL.—There is authorized to be ap-
22 propriated to carry out this section \$25,000,000 for
23 each of fiscal years 2022 through 2026.

24 “(2) LIMITATION ON USE OF FUNDS.—Of the
25 amounts made available for grants under paragraph

1 (1), not more than 2 percent may be used to pay the
2 administrative costs of the Administrator.”.

3 **SEC. 50206. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**
4 **MENT WORKS CIRCUIT RIDER PROGRAM.**

5 *Title II of the Federal Water Pollution Control Act (33*
6 *U.S.C. 1281 et seq.) (as amended by section 50205) is*
7 *amended by adding at the end the following:*

8 **“SEC. 224. SMALL AND MEDIUM PUBLICLY OWNED TREAT-**
9 **MENT WORKS CIRCUIT RIDER PROGRAM.**

10 “(a) *ESTABLISHMENT.*—Subject to the availability of
11 appropriations, not later than 180 days after the date of
12 enactment of this section, the Administrator shall establish
13 a circuit rider program (referred to in this section as the
14 ‘circuit rider program’) under which the Administrator
15 shall award grants to qualified nonprofit entities, as deter-
16 mined by the Administrator, to provide assistance to owners
17 and operators of small and medium publicly owned treat-
18 ment works to carry out the activities described in section
19 602(b)(13).

20 “(b) *LIMITATION.*—A grant provided under the circuit
21 rider program shall be in an amount that is not more than
22 \$75,000.

23 “(c) *PRIORITIZATION.*—In selecting recipients of
24 grants under the circuit rider program, the Administrator
25 shall give priority to qualified nonprofit entities, as deter-

1 *mined by the Administrator, that would serve a community*
2 *that—*

3 “(1) *has a history, for not less than the 10 years*
4 *prior to the award of the grant, of unresolved waste-*
5 *water issues, stormwater issues, or a combination of*
6 *wastewater and stormwater issues;*

7 “(2) *is considered financially distressed;*

8 “(3) *faces the cumulative burden of stormwater*
9 *and wastewater overflow issues; or*

10 “(4) *has previously failed to access Federal tech-*
11 *nical assistance due to cost-sharing requirements.*

12 “(d) *COMMUNICATION.—Each qualified nonprofit enti-*
13 *ty that receives funding under this section shall, before*
14 *using that funding to undertake activities to carry out this*
15 *section, consult with the State in which the assistance is*
16 *to be expended or otherwise made available.*

17 “(e) *REPORT.—Not later than 2 years after the date*
18 *on which the Administrator establishes the circuit rider*
19 *program, and every 2 years thereafter, the Administrator*
20 *shall submit to Congress a report describing—*

21 “(1) *each recipient of a grant under the circuit*
22 *rider program; and*

23 “(2) *a summary of the activities carried out*
24 *under the circuit rider program.*

25 “(f) *AUTHORIZATION OF APPROPRIATIONS.—*

1 “(1) *IN GENERAL.*—*There is authorized to be ap-*
2 *propriated to carry out this section \$10,000,000 for*
3 *the period 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. 50207. SMALL PUBLICLY OWNED TREATMENT WORKS**
9 **EFFICIENCY GRANT PROGRAM.**

10 *Title II of the Federal Water Pollution Control Act (33*
11 *U.S.C. 1281 et seq.) (as amended by section 50206) is*
12 *amended by adding at the end the following:*

13 **“SEC. 225. SMALL PUBLICLY OWNED TREATMENT WORKS**
14 **EFFICIENCY GRANT 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 establish*
18 *an efficiency grant program (referred to in this section as*
19 *the ‘efficiency grant program’) under which the Adminis-*
20 *trator shall award grants to eligible entities for the replace-*
21 *ment or repair of equipment that improves water or energy*
22 *efficiency of small publicly owned treatment works, as iden-*
23 *tified in an efficiency audit.*

24 “(b) *ELIGIBLE ENTITIES.*—*The Administrator may*
25 *award a grant under the efficiency grant program to—*

1 “(1) an owner or operator of a small publicly
2 owned treatment works that serves—

3 “(A) a population of not more than 10,000
4 people; or

5 “(B) a disadvantaged community; or

6 “(2) a nonprofit organization that seeks to assist
7 a small publicly owned treatment works described in
8 paragraph (1) to carry out the activities described in
9 subsection (a).

10 “(c) *REPORT.*—Not later than 2 years after the date
11 on which the Administrator establishes the efficiency grant
12 program, and every 2 years thereafter, the Administrator
13 shall submit to Congress a report describing—

14 “(1) each recipient of a grant under the effi-
15 ciency grant program; and

16 “(2) a summary of the activities carried out
17 under the efficiency grant program.

18 “(d) *USE OF FUNDS.*—

19 “(1) *SMALL SYSTEMS.*—Of the amounts made
20 available for grants under this section, to the extent
21 that there are sufficient applications, not less than 15
22 percent shall be used for grants to publicly owned
23 treatment works that serve fewer than 3,300 people.

24 “(2) *LIMITATION ON USE OF FUNDS.*—Of the
25 amounts made available for grants under this section,

1 *not more than 2 percent may be used to pay the ad-*
 2 *ministrative costs of the Administrator.”.*

3 **SEC. 50208. GRANTS FOR CONSTRUCTION AND REFUR-**
 4 **BISHING OF INDIVIDUAL HOUSEHOLD DE-**
 5 **CENTRALIZED WASTEWATER SYSTEMS FOR**
 6 **INDIVIDUALS WITH LOW OR MODERATE IN-**
 7 **COME.**

8 *Title II of the Federal Water Pollution Control Act (33*
 9 *U.S.C. 1281 et seq.) (as amended by section 50207) is*
 10 *amended by adding at the end the following:*

11 **“SEC. 226. GRANTS FOR CONSTRUCTION AND REFUR-**
 12 **BISHING OF INDIVIDUAL HOUSEHOLD DE-**
 13 **CENTRALIZED WASTEWATER SYSTEMS FOR**
 14 **INDIVIDUALS WITH LOW OR MODERATE IN-**
 15 **COME.**

16 *“(a) DEFINITION OF ELIGIBLE INDIVIDUAL.—In this*
 17 *section, the term ‘eligible individual’ means a member of*
 18 *a low-income or moderate-income household, the members*
 19 *of which have a combined income (for the most recent 12-*
 20 *month period for which information is available) equal to*
 21 *not more than 50 percent of the median nonmetropolitan*
 22 *household income for the State or territory in which the*
 23 *household is located, according to the most recent decennial*
 24 *census.*

25 *“(b) GRANT PROGRAM.—*

1 “(1) *IN GENERAL.*—Subject to the availability of
2 appropriations, the Administrator shall establish a
3 program under which the Administrator shall provide
4 grants to private nonprofit organizations for the pur-
5 pose of improving general welfare by providing assist-
6 ance to eligible individuals—

7 “(A) for the construction, repair, or replace-
8 ment of an individual household decentralized
9 wastewater treatment system; or

10 “(B) for the installation of a larger decen-
11 tralized wastewater system designed to provide
12 treatment for 2 or more households in which eli-
13 gible individuals reside, if—

14 “(i) site conditions at the households
15 are unsuitable for the installation of an in-
16 dividually owned decentralized wastewater
17 system;

18 “(ii) multiple examples of unsuitable
19 site conditions exist in close geographic
20 proximity to each other; and

21 “(iii) a larger decentralized wastewater
22 system could be cost-effectively installed.

23 “(2) *APPLICATION.*—To be eligible to receive a
24 grant under this subsection, a private nonprofit orga-
25 nization shall submit to the Administrator an appli-

1 *cation at such time, in such manner, and containing*
2 *such information as the Administrator determines to*
3 *be appropriate.*

4 “(3) *PRIORITY.*—*In awarding grants under this*
5 *subsection, the Administrator shall give priority to*
6 *applicants that have substantial expertise and experi-*
7 *ence in promoting the safe and effective use of indi-*
8 *vidual household decentralized wastewater systems.*

9 “(4) *ADMINISTRATIVE EXPENSES.*—*A private*
10 *nonprofit organization may use amounts provided*
11 *under this subsection to pay the administrative ex-*
12 *penses associated with the provision of the services de-*
13 *scribed in paragraph (1), as the Administrator deter-*
14 *mines to be appropriate.*

15 “(c) *GRANTS.*—

16 “(1) *IN GENERAL.*—*Subject to paragraph (2), a*
17 *private nonprofit organization shall use a grant pro-*
18 *vided under subsection (b) for the services described in*
19 *paragraph (1) of that subsection.*

20 “(2) *APPLICATION.*—*To be eligible to receive the*
21 *services described in subsection (b)(1), an eligible in-*
22 *dividual shall submit to the private nonprofit organi-*
23 *zation serving the area in which the individual house-*
24 *hold decentralized wastewater system of the eligible*
25 *individuals is, or is proposed to be, located an appli-*

1 *cation at such time, in such manner, and containing*
2 *such information as the private nonprofit organiza-*
3 *tion determines to be appropriate.*

4 “(3) *PRIORITY.*—*In awarding grants under this*
5 *subsection, a private nonprofit organization shall give*
6 *priority to any eligible individual who does not have*
7 *access to a sanitary sewage disposal system.*

8 “(d) *REPORT.*—*Not later than 2 years after the date*
9 *of enactment of this section, the Administrator shall submit*
10 *to the Committee on Environment and Public Works of the*
11 *Senate and the Committee on Transportation and Infra-*
12 *structure of the House of Representatives a report describing*
13 *the recipients of grants under the program under this sec-*
14 *tion and the results of the program under this section.*

15 “(e) *AUTHORIZATION OF APPROPRIATIONS.*—

16 “(1) *IN GENERAL.*—*There is authorized to be ap-*
17 *propriated to the Administrator to carry out this sec-*
18 *tion \$50,000,000 for each of fiscal years 2022 through*
19 *2026.*

20 “(2) *LIMITATION ON USE OF FUNDS.*—*Of the*
21 *amounts made available for grants under paragraph*
22 *(1), not more than 2 percent may be used to pay the*
23 *administrative costs of the Administrator.”.*

1 **SEC. 50209. CONNECTION TO PUBLICLY OWNED TREAT-**
 2 **MENT WORKS.**

3 *Title II of the Federal Water Pollution Control Act (33*
 4 *U.S.C. 1281 et seq.) (as amended by section 50208) is*
 5 *amended by adding at the end the following:*

6 **“SEC. 227. CONNECTION TO PUBLICLY OWNED TREATMENT**
 7 **WORKS.**

8 *“(a) DEFINITIONS.—In this section:*

9 *“(1) ELIGIBLE ENTITY.—The term ‘eligible enti-*
 10 *ty’ means—*

11 *“(A) an owner or operator of a publicly*
 12 *owned treatment works that assists or is seeking*
 13 *to assist low-income or moderate-income individ-*
 14 *uals with connecting the household of the indi-*
 15 *vidual to the publicly owned treatment works; or*

16 *“(B) a nonprofit entity that assists low-in-*
 17 *come or moderate-income individuals with the*
 18 *costs associated with connecting the household of*
 19 *the individual to a publicly owned treatment*
 20 *works.*

21 *“(2) PROGRAM.—The term ‘program’ means the*
 22 *competitive grant program established under sub-*
 23 *section (b).*

24 *“(3) QUALIFIED INDIVIDUAL.—The term ‘quali-*
 25 *fied individual’ has the meaning given the term ‘eligi-*
 26 *ble individual’ in section 603(j).*

1 “(b) *ESTABLISHMENT.*—Subject to the availability of
2 appropriations, the Administrator shall establish a com-
3 petitive grant program with the purpose of improving gen-
4 eral welfare, under which the Administrator awards grants
5 to eligible entities to provide funds to assist qualified indi-
6 viduals in covering the costs incurred by the qualified indi-
7 vidual in connecting the household of the qualified indi-
8 vidual to a publicly owned treatment works.

9 “(c) *APPLICATION.*—

10 “(1) *IN GENERAL.*—An eligible entity seeking a
11 grant under the program shall submit to the Admin-
12 istrator an application at such time, in such manner,
13 and containing such information as the Adminis-
14 trator may by regulation require.

15 “(2) *REQUIREMENT.*—Not later than 90 days
16 after the date on which the Administrator receives an
17 application from an eligible entity under paragraph
18 (1), the Administrator shall notify the eligible entity
19 of whether the Administrator will award a grant to
20 the eligible entity under the program.

21 “(d) *SELECTION CRITERIA.*—In selecting recipients of
22 grants under the program, the Administrator shall use the
23 following criteria:

1 “(1) *Whether the eligible entity seeking a grant*
2 *provides services to, or works directly with, qualified*
3 *individuals.*

4 “(2) *Whether the eligible entity seeking a*
5 *grant—*

6 “(A) *has an existing program to assist in*
7 *covering the costs incurred in connecting a*
8 *household to a publicly owned treatment works;*
9 *or*

10 “(B) *seeks to create a program described in*
11 *subparagraph (A).*

12 “(e) *REQUIREMENTS.—*

13 “(1) *VOLUNTARY CONNECTION.—Before pro-*
14 *viding funds to a qualified individual for the costs de-*
15 *scribed in subsection (b), an eligible entity shall en-*
16 *sure that—*

17 “(A) *the qualified individual has connected*
18 *to the publicly owned treatment works volun-*
19 *tarily; and*

20 “(B) *if the eligible entity is not the owner*
21 *or operator of the publicly owned treatment*
22 *works to which the qualified individual has con-*
23 *ected, the publicly owned treatment works to*
24 *which the qualified individual has connected has*
25 *agreed to the connection.*

1 “(2) *REIMBURSEMENTS FROM PUBLICLY OWNED*
2 *TREATMENT WORKS.*—*An eligible entity that is an*
3 *owner or operator of a publicly owned treatment*
4 *works may reimburse a qualified individual that has*
5 *already incurred the costs described in subsection (b)*
6 *by—*

7 “(A) *reducing the amount otherwise owed*
8 *by the qualified individual to the owner or oper-*
9 *ator for wastewater or other services provided by*
10 *the owner or operator; or*

11 “(B) *providing a direct payment to the*
12 *qualified individual.*

13 “(f) *AUTHORIZATION OF APPROPRIATIONS.*—

14 “(1) *IN GENERAL.*—*There is authorized to be ap-*
15 *propriated to carry out the program \$40,000,000 for*
16 *each of fiscal years 2022 through 2026.*

17 “(2) *LIMITATIONS ON USE OF FUNDS.*—

18 “(A) *SMALL SYSTEMS.*—*Of the amounts*
19 *made available for grants under paragraph (1),*
20 *to the extent that there are sufficient applica-*
21 *tions, not less than 15 percent shall be used to*
22 *make grants to—*

23 “(i) *eligible entities described in sub-*
24 *section (a)(1)(A) that are owners and oper-*

1 *ators of publicly owned treatment works*
2 *that serve fewer than 3,300 people; and*

3 *“(ii) eligible entities described in sub-*
4 *section (a)(1)(B) that provide the assistance*
5 *described in that subsection in areas that*
6 *are served by publicly owned treatment*
7 *works that serve fewer than 3,300 people.*

8 *“(B) ADMINISTRATIVE COSTS.—Of the*
9 *amounts made available for grants under para-*
10 *graph (1), not more than 2 percent may be used*
11 *to pay the administrative costs of the Adminis-*
12 *trator.”.*

13 **SEC. 50210. CLEAN WATER STATE REVOLVING FUNDS.**

14 *(a) USE OF FUNDS.—*

15 *(1) IN GENERAL.—Section 603 of the Federal*
16 *Water Pollution Control Act (33 U.S.C. 1383) is*
17 *amended—*

18 *(A) in subsection (d), in the matter pre-*
19 *ceding paragraph (1), by inserting “and pro-*
20 *vided in subsection (k)” after “State law”;*

21 *(B) in subsection (i)—*

22 *(i) in paragraph (1), in the matter*
23 *preceding subparagraph (A), by striking “,*
24 *including forgiveness of principal and nega-*
25 *tive interest loans” and inserting “(includ-*

1 *ing forgiveness of principal, grants, nega-*
2 *tive interest loans, other loan forgiveness,*
3 *and through buying, refinancing, or restruc-*
4 *turing debt)”; and*

5 *(ii) in paragraph (3), by striking sub-*
6 *paragraph (B) and inserting the following:*

7 *“(B) TOTAL AMOUNT OF SUBSIDIZATION.—*

8 *“(i) IN GENERAL.—For each fiscal*
9 *year, of the amount of the capitalization*
10 *grant received by the State under this title,*
11 *the total amount of additional subsidization*
12 *made available by a State under paragraph*
13 *(1)—*

14 *“(I) may not exceed 30 percent;*

15 *and*

16 *“(II) to the extent that there are*
17 *sufficient applications for assistance to*
18 *communities described in that para-*
19 *graph, may not be less than 10 per-*
20 *cent.*

21 *“(ii) EXCLUSION.—A loan from the*
22 *water pollution control revolving fund of a*
23 *State with an interest rate equal to or*
24 *greater than 0 percent shall not be consid-*

1 ered additional subsidization for purposes of
2 this subparagraph.”; and

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

4 “(k) *ADDITIONAL USE OF FUNDS.*—A State may use
5 an additional 2 percent of the funds annually awarded to
6 each State under this title for nonprofit organizations (as
7 defined in section 104(w)) or State, regional, interstate, or
8 municipal entities to provide technical assistance to rural,
9 small, and tribal publicly owned treatment works (within
10 the meaning of section 104(b)(8)(B)) in the State.”.

11 (2) *TECHNICAL AMENDMENT.*—Section 104(w) of
12 the Federal Water Pollution Control Act (33 U.S.C.
13 1254(w)) is amended by striking “treatments works”
14 and inserting “treatment works”.

15 (b) *CAPITALIZATION GRANT REAUTHORIZATION.*—
16 Section 607 of the Federal Water Pollution Control Act (33
17 U.S.C. 1387) is amended to read as follows:

18 **“SEC. 607. AUTHORIZATION OF APPROPRIATIONS.**

19 “There are authorized to be appropriated to carry out
20 the purposes of this title—

21 “(1) \$2,400,000,000 for fiscal year 2022;

22 “(2) \$2,750,000,000 for fiscal year 2023;

23 “(3) \$3,000,000,000 for fiscal year 2024; and

24 “(4) \$3,250,000,000 for each of fiscal years 2025
25 and 2026.”.

1 **SEC. 50211. WATER INFRASTRUCTURE AND WORKFORCE IN-**
2 **VESTMENT.**

3 *Section 4304 of the America's Water Infrastructure*
4 *Act of 2018 (42 U.S.C. 300j-19e) is amended—*

5 *(1) in subsection (a)(3)—*

6 *(A) in subparagraph (A), by inserting*
7 *“Tribal,” after “State,”; and*

8 *(B) in subparagraph (B), by striking “com-*
9 *munity-based organizations” and all that follows*
10 *through the period at the end and inserting the*
11 *following: “community-based organizations and*
12 *public works departments or agencies to align*
13 *water and wastewater utility workforce recruit-*
14 *ment efforts, training programs, retention efforts,*
15 *and community resources with water and waste-*
16 *water utilities—*

17 *“(i) to accelerate career pipelines;*

18 *“(ii) to ensure the sustainability of the*
19 *water and wastewater utility workforce; and*

20 *“(iii) to provide access to workforce op-*
21 *portunities.”;*

22 *(2) in subsection (b)—*

23 *(A) in paragraph (1)—*

24 *(i) by striking subparagraph (B);*

1 (ii) in subparagraph (A), by striking
2 “; and” at the end and inserting “, which
3 may include—”

4 (iii) in the matter preceding subpara-
5 graph (A), by striking “program—” and all
6 that follows through “to assist” in subpara-
7 graph (A) and inserting “program to as-
8 sist”; and

9 (iv) by adding at the end the following:

10 “(A) expanding the use and availability of
11 activities and resources that relate to the recruit-
12 ment, including the promotion of diversity with-
13 in that recruitment, of individuals to careers in
14 the water and wastewater utility sector;

15 “(B) expanding the availability of training
16 opportunities for—

17 “(i) individuals entering into the
18 water and wastewater utility sector; and

19 “(ii) individuals seeking to advance
20 careers within the water and wastewater
21 utility sector; and

22 “(C) expanding the use and availability of
23 activities and strategies, including the develop-
24 ment of innovative activities and strategies, that
25 relate to the maintenance and retention of a sus-

1 *tainable workforce in the water and wastewater*
2 *utility sector.”;*

3 *(B) in paragraph (2)—*

4 *(i) in the matter preceding subpara-*
5 *graph (A), by striking “institutions—” and*
6 *inserting “institutions, or public works de-*
7 *partments and agencies—”;* and

8 *(ii) in subparagraph (A)—*

9 *(I) by striking clauses (ii) and*
10 *(iii);*

11 *(II) in clause (i), by adding “or”*
12 *at the end;*

13 *(III) by redesignating clause (i)*
14 *as clause (ii);*

15 *(IV) by inserting before clause (ii)*
16 *(as so redesignated) the following:*

17 *“(i) in the development of educational*
18 *or recruitment materials and activities, in-*
19 *cluding those materials and activities that*
20 *specifically promote diversity within re-*
21 *ruitment, for the water and wastewater*
22 *utility workforce;”;* and

23 *(V) by adding at the end the fol-*
24 *lowing:*

1 “(iii) developing activities and strate-
2 gies that relate to the maintenance and re-
3 tention of a sustainable workforce in the
4 water and wastewater utility sector; and”;

5 (C) in paragraph (3)—

6 (i) in subparagraph (D)(ii), by insert-
7 ing “or certification” after “training”; and

8 (ii) in subparagraph (E), by striking
9 “ensure that incumbent water and waste
10 water utilities workers” and inserting “are
11 designed to retain incumbent water and
12 wastewater utility workforce workers by en-
13 suring that those workers”; and

14 (D) by striking paragraph (4) and insert-
15 ing the following:

16 “(4) WORKING GROUP; REPORT.—

17 “(A) IN GENERAL.—The Administrator
18 shall establish and coordinate a Federal inter-
19 agency working group to address recruitment,
20 training, and retention challenges in the water
21 and wastewater utility workforce, which shall in-
22 clude representatives from—

23 “(i) the Department of Education;

24 “(ii) the Department of Labor;

25 “(iii) the Department of Agriculture;

1 “(iv) the Department of Veterans Af-
2 fairs; and

3 “(v) other Federal agencies, as deter-
4 mined to be appropriate by the Adminis-
5 trator.

6 “(B) REPORT.—Not later than 2 years after
7 the date of enactment of this subparagraph, the
8 Administrator, in coordination with the working
9 group established under subparagraph (A), shall
10 submit to Congress a report describing potential
11 solutions to recruitment, training, and retention
12 challenges in the water and wastewater utility
13 workforce.

14 “(C) CONSULTATION.—In carrying out the
15 duties of the working group established under
16 subparagraph (A), the working group shall con-
17 sult with State operator certification programs.

18 “(5) AUTHORIZATION OF APPROPRIATIONS.—
19 There is authorized to be appropriated to carry out
20 this subsection \$5,000,000 for each of fiscal years
21 2022 through 2026.”;

22 (3) by redesignating subsections (a) and (b) as
23 subsections (b) and (c), respectively; and

24 (4) by inserting before subsection (b) (as so re-
25 designated) the following:

1 “(a) *DEFINITION OF PUBLIC WORKS DEPARTMENT OR*
 2 *AGENCY.*—*In this section, the term ‘public works depart-*
 3 *ment or agency’ means a political subdivision of a local,*
 4 *county, or regional government that designs, builds, oper-*
 5 *ates, and maintains water infrastructure, sewage and refuse*
 6 *disposal systems, and other public water systems and facili-*
 7 *ties.’.*”

8 **SEC. 50212. GRANTS TO ALASKA TO IMPROVE SANITATION**
 9 **IN RURAL AND NATIVE VILLAGES.**

10 *Section 303 of the Safe Drinking Water Act Amend-*
 11 *ments of 1996 (33 U.S.C. 1263a) is amended—*

12 (1) *in subsection (b), by striking “50 percent”*
 13 *and inserting “75 percent”; and*

14 (2) *in subsection (e), by striking “this section”*
 15 *and all that follows through the period at the end and*
 16 *inserting the following: “this section—*

17 *“(1) \$40,000,000 for each of fiscal years 2022*
 18 *through 2024;*

19 *“(2) \$50,000,000 for fiscal year 2025; and*

20 *“(3) \$60,000,000 for fiscal year 2026.”.*

21 **SEC. 50213. WATER DATA SHARING PILOT PROGRAM.**

22 (a) *ESTABLISHMENT.*—

23 (1) *IN GENERAL.*—*Subject to the availability of*
 24 *appropriations, the Administrator shall establish a*
 25 *competitive grant pilot program (referred to in this*

1 section as the “pilot program”) under which the Ad-
2 ministrator may award grants to eligible entities
3 under subsection (b) to establish systems that improve
4 the sharing of information concerning water quality,
5 water infrastructure needs, and water technology, in-
6 cluding cybersecurity technology, between States or
7 among counties and other units of local government
8 within a State, which may include—

9 (A) establishing a website or data hub to ex-
10 change water data, including data on water
11 quality or water technology, including new and
12 emerging, but proven, water technology; and

13 (B) intercounty communications initiatives
14 related to water data.

15 (2) *REQUIREMENTS.*—

16 (A) *DATA SHARING.*—*The Internet of Water*
17 *principles developed by the Nicholas Institute for*
18 *Environmental Policy Solutions shall, to the ex-*
19 *tent practicable, guide any water data sharing*
20 *efforts under the pilot program.*

21 (B) *USE OF EXISTING DATA.*—*The recipient*
22 *of a grant under the pilot program to establish*
23 *a website or data hub described in paragraph*
24 *(1)(A) shall, to the extent practicable, leverage*
25 *existing data sharing infrastructure.*

1 (b) *ELIGIBLE ENTITIES.*—An entity eligible for a
2 grant under the pilot program is—

3 (1) a State, county, or other unit of local govern-
4 ment that—

5 (A) has a coastal watershed with significant
6 pollution levels;

7 (B) has a water system with significant
8 pollution levels; or

9 (C) has significant individual water infra-
10 structure deficits; or

11 (2) a regional consortium established under sub-
12 section (d).

13 (c) *APPLICATIONS.*—To be eligible to receive a grant
14 under the pilot program, an eligible entity under subsection
15 (b) shall submit to the Administrator an application at
16 such time, in such manner, and containing such informa-
17 tion as the Administrator may require.

18 (d) *REGIONAL CONSORTIA.*—

19 (1) *ESTABLISHMENT.*—States may establish re-
20 gional consortia in accordance with this subsection.

21 (2) *REQUIREMENTS.*—A regional consortium es-
22 tablished under paragraph (1) shall—

23 (A) include not fewer than 2 States that
24 have entered into a memorandum of under-
25 standing—

1 (i) to exchange water data, including
2 data on water quality; or

3 (ii) to share information, protocols,
4 and procedures with respect to projects that
5 evaluate, demonstrate, or install new and
6 emerging, but proven, water technology;

7 (B) carry out projects—

8 (i) to exchange water data, including
9 data on water quality; or

10 (ii) that evaluate, demonstrate, or in-
11 stall new and emerging, but proven, water
12 technology; and

13 (C) develop a regional intended use plan, in
14 accordance with paragraph (3), to identify
15 projects to carry out, including projects using
16 grants received under this section.

17 (3) *REGIONAL INTENDED USE PLAN.*—A regional
18 intended use plan of a regional consortium established
19 under paragraph (1)—

20 (A) shall identify projects that the regional
21 consortium intends to carry out, including
22 projects that meet the requirements of paragraph
23 (2)(B); and

24 (B) may include—

1 (i) projects included in an intended use
2 plan of a State prepared under section
3 606(c) of the Federal Water Pollution Con-
4 trol Act (33 U.S.C. 1386(c)) within the re-
5 gional consortium; and

6 (ii) projects not included in an in-
7 tended use plan of a State prepared under
8 section 606(c) of the Federal Water Pollu-
9 tion Control Act (33 U.S.C. 1386(c)) within
10 the regional consortium.

11 (e) *REPORT.*—Not later than 2 years after the date of
12 enactment of this Act, the Administrator shall submit to
13 Congress a report that describes the implementation of the
14 pilot program, which shall include—

15 (1) a description of the use and deployment of
16 amounts made available under the pilot program;
17 and

18 (2) an accounting of all grants awarded under
19 the program, including a description of each grant re-
20 cipient and each project funded using a grant under
21 the pilot program.

22 (f) *FUNDING.*—

23 (1) *AUTHORIZATION OF APPROPRIATIONS.*—
24 There is authorized to be appropriated to carry out
25 the pilot program \$15,000,000 for each of fiscal years

1 2022 through 2026, to remain available until ex-
2 pended.

3 (2) *REQUIREMENT.*—Of the funds made avail-
4 able under paragraph (1), not more than 35 percent
5 may be used to provide grants to regional consortia
6 established under subsection (d).

7 **SEC. 50214. FINAL RATING OPINION LETTERS.**

8 Section 5028(a)(1)(D)(ii) of the Water Infrastructure
9 Finance and Innovation Act of 2014 (33 U.S.C.
10 3907(a)(1)(D)(ii)) is amended by striking “final rating
11 opinion letters from at least 2 rating agencies” and insert-
12 ing “a final rating opinion letter from at least 1 rating
13 agency”.

14 **SEC. 50215. WATER INFRASTRUCTURE FINANCING REAU-**
15 **THORIZATION.**

16 (a) *IN GENERAL.*—Section 5033 of the Water Infra-
17 structure Finance and Innovation Act of 2014 (33 U.S.C.
18 3912) is amended—

19 (1) in subsection (a), by adding at the end the
20 following:

21 “(3) *FISCAL YEARS 2022 THROUGH 2026.*—There
22 is authorized to be appropriated to the Administrator
23 to carry out this subtitle \$50,000,000 for each of fiscal
24 years 2022 through 2026, to remain available until
25 expended.”;

1 *of the Environmental Protection Agency, including data*
2 *from the environmental justice mapping and screening tool*
3 *of the Environmental Protection Agency, the Administrator*
4 *shall carry out an analysis under which the Administrator*
5 *shall assess the programs under title VI of the Federal*
6 *Water Pollution Control Act (33 U.S.C. 1381 et seq.) and*
7 *section 1452 of the Safe Drinking Water Act (42 U.S.C.*
8 *300j-12) to identify historical distributions of funds to*
9 *small and disadvantaged communities and new opportuni-*
10 *ties and methods to improve on the distribution of funds*
11 *under those programs to low-income communities, rural*
12 *communities, minority communities, and communities of*
13 *indigenous peoples, in accordance with Executive Order*
14 *12898 (42 U.S.C. 4321 note; 60 Fed. Reg. 6381; relating*
15 *to Federal actions to address environmental justice in mi-*
16 *nority populations and low-income populations).*

17 (b) *REQUIREMENT.*—*The analysis under subsection*
18 *(a) shall include an analysis, to the extent practicable, of*
19 *communities in the United States that do not have access*
20 *to drinking water or wastewater services.*

21 (c) *REPORT.*—*On completion of the analysis under*
22 *subsection (a), the Administrator shall submit to the Com-*
23 *mittee on Environment and Public Works of the Senate and*
24 *the Committees on Energy and Commerce and Transpor-*

1 *tation and Infrastructure of the House of Representatives*
2 *a report describing—*

3 *(1) the results of the analysis; and*

4 *(2) the criteria the Administrator used in car-*
5 *rying out the analysis.*

6 **SEC. 50217. STORMWATER INFRASTRUCTURE TECHNOLOGY.**

7 *(a) DEFINITIONS.—In this section:*

8 *(1) CENTER.—The term “center” means a center*
9 *of excellence for stormwater control infrastructure es-*
10 *tablished under subsection (b)(1).*

11 *(2) ELIGIBLE ENTITY.—The term “eligible enti-*
12 *ty” means—*

13 *(A) a State, Tribal, or local government; or*

14 *(B) a local, regional, or other public entity*
15 *that manages stormwater or wastewater re-*
16 *sources or other related water infrastructure.*

17 *(3) ELIGIBLE INSTITUTION.—The term “eligible*
18 *institution” means an institution of higher education,*
19 *a research institution, or a nonprofit organization—*

20 *(A) that has demonstrated excellence in re-*
21 *searching and developing new and emerging*
22 *stormwater control infrastructure technologies;*
23 *and*

24 *(B) with respect to a nonprofit organiza-*
25 *tion, the core mission of which includes water*

1 *management, as determined by the Adminis-*
2 *trator.*

3 **(b) CENTERS OF EXCELLENCE FOR STORMWATER**
4 **CONTROL INFRASTRUCTURE TECHNOLOGIES.—**

5 **(1) ESTABLISHMENT OF CENTERS.—**

6 **(A) IN GENERAL.—***Subject to the avail-*
7 *ability of appropriations, the Administrator*
8 *shall provide grants, on a competitive basis, to*
9 *eligible institutions to establish and maintain*
10 *not less than 3, and not more than 5, centers of*
11 *excellence for new and emerging stormwater con-*
12 *trol infrastructure technologies, to be located in*
13 *various regions throughout the United States.*

14 **(B) GENERAL OPERATION.—***Each center*
15 *shall—*

16 **(i)** *conduct research on new and*
17 *emerging stormwater control infrastructure*
18 *technologies that are relevant to the geo-*
19 *graphical region in which the center is lo-*
20 *cated, including stormwater and sewer over-*
21 *flow reduction, other approaches to water*
22 *resource enhancement, alternative funding*
23 *approaches, and other environmental, eco-*
24 *nomical, and social benefits, with the goal of*
25 *improving the effectiveness, cost efficiency,*

1 *and protection of public safety and water*
2 *quality;*

3 *(ii) maintain a listing of—*

4 *(I) stormwater control infrastruc-*
5 *ture needs; and*

6 *(II) an analysis of new and*
7 *emerging stormwater control infra-*
8 *structure technologies that are avail-*
9 *able;*

10 *(iii) analyze whether additional finan-*
11 *cial programs for the implementation of*
12 *new and emerging, but proven, stormwater*
13 *control infrastructure technologies would be*
14 *useful;*

15 *(iv) provide information regarding re-*
16 *search conducted under clause (i) to the na-*
17 *tional electronic clearinghouse center for*
18 *publication on the Internet website estab-*
19 *lished under paragraph (3)(B)(i) to provide*
20 *to the Federal Government and State, Trib-*
21 *al, and local governments and the private*
22 *sector information regarding new and*
23 *emerging, but proven, stormwater control*
24 *infrastructure technologies;*

1 (v) provide technical assistance to
2 State, Tribal, and local governments to as-
3 sist with the design, construction, operation,
4 and maintenance of stormwater control in-
5 frastructure projects that use innovative
6 technologies;

7 (vi) collaborate with institutions of
8 higher education and private and public or-
9 ganizations, including community-based
10 public-private partnerships and other stake-
11 holders, in the geographical region in which
12 the center is located; and

13 (vii) coordinate with the other centers
14 to avoid duplication of efforts.

15 (2) *APPLICATION.*—To be eligible to receive a
16 grant under this subsection, an eligible institution
17 shall prepare and submit to the Administrator an ap-
18 plication at such time, in such form, and containing
19 such information as the Administrator may require.

20 (3) *NATIONAL ELECTRONIC CLEARINGHOUSE*
21 *CENTER.*—Of the centers established under paragraph
22 (1)(A), 1 shall—

23 (A) be designated as the “national electronic
24 clearinghouse center”; and

1 (B) *in addition to the other functions of*
2 *that center—*

3 (i) *develop, operate, and maintain an*
4 *Internet website and a public database that*
5 *contains information relating to new and*
6 *emerging, but proven, stormwater control*
7 *infrastructure technologies; and*

8 (ii) *post to the website information*
9 *from all centers.*

10 (4) *AUTHORIZATION OF APPROPRIATIONS.—*

11 (A) *IN GENERAL.—There is authorized to be*
12 *appropriated to carry out this subsection*
13 *\$5,000,000 for each of fiscal years 2022 through*
14 *2026.*

15 (B) *LIMITATION ON USE OF FUNDS.—Of the*
16 *amounts made available for grants under sub-*
17 *paragraph (A), not more than 2 percent may be*
18 *used to pay the administrative costs of the Ad-*
19 *ministrator.*

20 (c) *STORMWATER CONTROL INFRASTRUCTURE*
21 *PROJECT GRANTS.—*

22 (1) *GRANT AUTHORITY.—Subject to the avail-*
23 *ability of appropriations, the Administrator shall*
24 *provide grants, on a competitive basis, to eligible en-*
25 *tities to carry out stormwater control infrastructure*

1 *projects that incorporate new and emerging, but proven,*
2 *stormwater control technologies in accordance*
3 *with this subsection.*

4 (2) *STORMWATER CONTROL INFRASTRUCTURE*
5 *PROJECTS.—*

6 (A) *PLANNING AND DEVELOPMENT*
7 *GRANTS.—The Administrator may make plan-*
8 *ning and development grants under this sub-*
9 *section for the following projects:*

10 (i) *Planning and designing stormwater*
11 *control infrastructure projects that incor-*
12 *porate new and emerging, but proven,*
13 *stormwater control technologies, including*
14 *engineering surveys, landscape plans, maps,*
15 *long-term operations and maintenance*
16 *plans, and implementation plans.*

17 (ii) *Identifying and developing stand-*
18 *ards necessary to accommodate stormwater*
19 *control infrastructure projects, including*
20 *those projects that incorporate new and*
21 *emerging, but proven, stormwater control*
22 *technologies.*

23 (iii) *Identifying and developing fee*
24 *structures to provide financial support for*
25 *design, installation, and operations and*

1 *maintenance of stormwater control infra-*
2 *structure, including new and emerging, but*
3 *proven, stormwater control infrastructure*
4 *technologies.*

5 *(iv) Developing approaches for commu-*
6 *nity-based public-private partnerships for*
7 *the financing and construction of*
8 *stormwater control infrastructure tech-*
9 *nologies, including feasibility studies, stake-*
10 *holder outreach, and needs assessments.*

11 *(v) Developing and delivering training*
12 *and educational materials regarding new*
13 *and emerging, but proven, stormwater con-*
14 *trol infrastructure technologies for distribu-*
15 *tion to—*

16 *(I) individuals and entities with*
17 *applicable technical knowledge; and*

18 *(II) the public.*

19 *(B) IMPLEMENTATION GRANTS.—The Ad-*
20 *ministrator may make implementation grants*
21 *under this subsection for the following projects:*

22 *(i) Installing new and emerging, but*
23 *proven, stormwater control infrastructure*
24 *technologies.*

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 emerging,*
8 *but proven, stormwater control technology.*

9 (iv) *Implementing a best practices*
10 *standard for stormwater control infrastruc-*
11 *ture programs.*

12 (3) *APPLICATION.—Except as otherwise provided*
13 *in this section, to be eligible to receive a grant under*
14 *this subsection, an eligible entity shall prepare and*
15 *submit to the Administrator an application at such*
16 *time, in such form, and containing such information*
17 *as the Administrator may require, including, as ap-*
18 *plicable—*

19 (A) *a description of the stormwater control*
20 *infrastructure project that incorporates new and*
21 *emerging, but proven, technologies;*

22 (B) *a plan for monitoring the impacts and*
23 *pollutant load reductions associated with the*
24 *stormwater control infrastructure project on the*
25 *water quality and quantity;*

1 (C) an evaluation of other environmental,
2 economic, and social benefits of the stormwater
3 control infrastructure project; and

4 (D) a plan for the long-term operation and
5 maintenance of the stormwater control infra-
6 structure project and a tracking system, such as
7 asset management practices.

8 (4) *PRIORITY.*—In making grants under this
9 subsection, the Administrator shall give priority to
10 applications submitted on behalf of—

11 (A) a community that—

12 (i) has municipal combined storm and
13 sanitary sewers in the collection system of
14 the community; or

15 (ii) is a small, rural, or disadvantaged
16 community, as determined by the Adminis-
17 trator; or

18 (B) an eligible entity that will use not less
19 than 15 percent of the grant to provide service
20 to a small, rural, or disadvantaged community,
21 as determined by the Administrator.

22 (5) *MAXIMUM AMOUNTS.*—

23 (A) *PLANNING AND DEVELOPMENT*
24 *GRANTS.*—

1 (i) *SINGLE GRANT.*—*The amount of a*
2 *single planning and development grant pro-*
3 *vided under this subsection shall be not*
4 *more than \$200,000.*

5 (ii) *AGGREGATE AMOUNT.*—*The total*
6 *amount of all planning and development*
7 *grants provided under this subsection for a*
8 *fiscal year shall be not more than $\frac{1}{3}$ of the*
9 *total amount made available to carry out*
10 *this subsection.*

11 (B) *IMPLEMENTATION GRANTS.*—

12 (i) *SINGLE GRANT.*—*The amount of a*
13 *single implementation grant provided under*
14 *this subsection shall be not more than*
15 *\$2,000,000.*

16 (ii) *AGGREGATE AMOUNT.*—*The total*
17 *amount of all implementation grants pro-*
18 *vided under this subsection for a fiscal year*
19 *shall be not more than $\frac{2}{3}$ of the total*
20 *amount made available to carry out this*
21 *subsection.*

22 (6) *FEDERAL SHARE.*—

23 (A) *IN GENERAL.*—*Except as provided in*
24 *subparagraph (C), the Federal share of a grant*

1 *provided under this subsection shall not exceed*
2 *80 percent of the total project cost.*

3 (B) *CREDIT FOR IMPLEMENTATION*
4 *GRANTS.—The Administrator shall credit toward*
5 *the non-Federal share of the cost of an imple-*
6 *mentation project carried out under this sub-*
7 *section the cost of planning, design, and con-*
8 *struction work completed for the project using*
9 *funds other than funds provided under this sec-*
10 *tion.*

11 (C) *EXCEPTION.—The Administrator may*
12 *waive the Federal share limitation under sub-*
13 *paragraph (A) for an eligible entity that has*
14 *adequately demonstrated financial need.*

15 (d) *REPORT TO CONGRESS.—Not later than 2 years*
16 *after the date on which the Administrator first awards a*
17 *grant under this section, the Administrator shall submit to*
18 *Congress a report that includes, with respect to the period*
19 *covered by the report—*

20 (1) *a description of all grants provided under*
21 *this section;*

22 (2) *a detailed description of—*

23 (A) *the projects supported by those grants;*

24 *and*

25 (B) *the outcomes of those projects;*

1 (3) *a description of the improvements in tech-*
2 *nology, environmental benefits, resources conserved,*
3 *efficiencies, and other benefits of the projects funded*
4 *under this section;*

5 (4) *recommendations for improvements to pro-*
6 *mote and support new and emerging, but proven,*
7 *stormwater control infrastructure, including research*
8 *into new and emerging technologies, for the centers,*
9 *grants, and activities under this section; and*

10 (5) *a description of existing challenges con-*
11 *cerning the use of new and emerging, but proven,*
12 *stormwater control infrastructure.*

13 (e) *AUTHORIZATION OF APPROPRIATIONS.—*

14 (1) *IN GENERAL.—There is authorized to be ap-*
15 *propriated to carry out this section (except for sub-*
16 *section (b)) \$10,000,000 for each of fiscal years 2022*
17 *through 2026.*

18 (2) *LIMITATION ON USE OF FUNDS.—Of the*
19 *amounts made available for grants under paragraph*
20 *(1), not more than 2 percent may be used to pay the*
21 *administrative costs of the Administrator.*

22 **SEC. 50218. WATER REUSE INTERAGENCY WORKING GROUP.**

23 (a) *IN GENERAL.—Not later than 180 days after the*
24 *date of enactment of this Act, the Administrator shall estab-*

1 *lish a Water Reuse Interagency Working Group (referred*
2 *to in this section as the “Working Group”).*

3 **(b) PURPOSE.**—*The purpose of the Working Group is*
4 *to develop and coordinate actions, tools, and resources to*
5 *advance water reuse across the United States, including*
6 *through the implementation of the February 2020 National*
7 *Water Reuse Action Plan, which creates opportunities for*
8 *water reuse in the mission areas of each of the Federal agen-*
9 *cies included in the Working Group under subsection (c)*
10 *(referred to in this section as the “Action Plan”).*

11 **(c) CHAIRPERSON; MEMBERSHIP.**—*The Working*
12 *Group shall be—*

13 **(1)** *chaired by the Administrator; and*

14 **(2)** *comprised of senior representatives from such*
15 *Federal agencies as the Administrator determines to*
16 *be appropriate.*

17 **(d) DUTIES OF THE WORKING GROUP.**—*In carrying*
18 *out this section, the Working Group shall—*

19 **(1)** *with respect to water reuse, leverage the ex-*
20 *pertise of industry, the research community, non-*
21 *governmental organizations, and government;*

22 **(2)** *seek to foster water reuse as an important*
23 *component of integrated water resources management;*

24 **(3)** *conduct an assessment of new opportunities*
25 *to advance water reuse and annually update the Ac-*

1 *of this Act, the Administrator shall carry out a study that*
2 *examines the state of existing and potential future tech-*
3 *nology, including technology that could address cybersecu-*
4 *rity vulnerabilities, that enhances or could enhance the*
5 *treatment, monitoring, affordability, efficiency, and safety*
6 *of wastewater services provided by a treatment works (as*
7 *defined in section 212 of the Federal Water Pollution Con-*
8 *trol Act (33 U.S.C. 1292)).*

9 **(b) REPORT.**—*The Administrator shall submit to the*
10 *Committee on Environment and Public Works of the Senate*
11 *and the Committee on Energy and Commerce of the House*
12 *of Representatives a report that describes the results of the*
13 *study under subsection (a).*

14 **SEC. 50220. CLEAN WATERSHEDS NEEDS SURVEY.**

15 *Title VI of the Federal Water Pollution Control Act*
16 *(33 U.S.C. 1381 et seq.) is amended by adding at the end*
17 *the following:*

18 **“SEC. 609. CLEAN WATERSHEDS NEEDS SURVEY.**

19 **“(a) REQUIREMENT.**—*Not later than 2 years after the*
20 *date of enactment of this section, and not less frequently*
21 *than once every 4 years thereafter, the Administrator*
22 *shall—*

23 **“(1) conduct and complete an assessment of cap-**
24 *ital improvement needs for all projects that are eligi-*

1 “(1) *IN GENERAL.*—From the sums appropriated
2 pursuant to subsection (f), the Secretary shall make
3 grants to each institute to be matched on a basis of
4 no less than 1 non-Federal dollar for every 1 Federal
5 dollar.

6 “(2) *REPORT.*—Not later than December 31 of
7 each fiscal year, the Secretary shall submit to the
8 Committee on Environment and Public Works of the
9 Senate, the Committee on the Budget of the Senate,
10 the Committee on Transportation and Infrastructure
11 of the House of Representatives, and the Committee
12 on the Budget of the House of Representatives a re-
13 port regarding the compliance of each funding recipi-
14 ent with this subsection for the immediately preceding
15 fiscal year.”.

16 (c) *EVALUATION OF WATER RESOURCES RESEARCH*
17 PROGRAM.—Section 104 of the Water Resources Research
18 Act of 1984 (42 U.S.C. 10303) is amended by striking sub-
19 section (e) and inserting the following:

20 “(e) *EVALUATION OF WATER RESOURCES RESEARCH*
21 PROGRAM.—

22 “(1) *IN GENERAL.*—The Secretary shall conduct
23 a careful and detailed evaluation of each institute at
24 least once every 5 years to determine—

1 “(A) the quality and relevance of the water
2 resources research of the institute;

3 “(B) the effectiveness of the institute at pro-
4 ducing measured results and applied water sup-
5 ply research; and

6 “(C) whether the effectiveness of the institute
7 as an institution for planning, conducting, and
8 arranging for research warrants continued sup-
9 port under this section.

10 “(2) *PROHIBITION ON FURTHER SUPPORT.*—If,
11 as a result of an evaluation under paragraph (1), the
12 Secretary determines that an institute does not qual-
13 ify for further support under this section, no further
14 grants to the institute may be provided until the
15 qualifications of the institute are reestablished to the
16 satisfaction of the Secretary.”

17 *(d) AUTHORIZATION OF APPROPRIATIONS.*—Section
18 104(f)(1) of the Water Resources Research Act of 1984 (42
19 U.S.C. 10303(f)(1)) is amended by striking “fiscal years
20 2007 through 2011” and inserting “fiscal years 2022
21 through 2025”.

22 *(e) ADDITIONAL APPROPRIATIONS WHERE RESEARCH*
23 *FOCUSED ON WATER PROBLEMS OF INTERSTATE NA-*
24 *TURE.*—Section 104(g)(1) of the Water Resources Research
25 Act of 1984 (42 U.S.C. 10303(g)(1)) is amended in the first

1 sentence by striking “\$6,000,000 for each of fiscal years
2 2007 through 2011” and inserting “\$3,000,000 for each of
3 fiscal years 2022 through 2025”.

4 **SEC. 50222. ENHANCED AQUIFER USE AND RECHARGE.**

5 *Title I of the Federal Water Pollution Control Act (33*
6 *U.S.C. 1251 et seq.) is amended by adding at the end the*
7 *following:*

8 **“SEC. 124. ENHANCED AQUIFER USE AND RECHARGE.**

9 *“(a) IN GENERAL.—Subject to the availability of ap-*
10 *propriations, the Administrator shall provide funding to*
11 *carry out groundwater research on enhanced aquifer use*
12 *and recharge in support of sole-source aquifers, of which—*

13 *“(1) not less than 50 percent shall be used to*
14 *provide 1 grant to a State, unit of local government,*
15 *or Indian Tribe to carry out activities that would di-*
16 *rectly support that research; and*

17 *“(2) the remainder shall be provided to 1 appro-*
18 *priate research center.*

19 *“(b) COORDINATION.—As a condition of accepting*
20 *funds under subsection (a), the State, unit of local govern-*
21 *ment, or Indian Tribe and the appropriate research center*
22 *that receive funds under that subsection shall establish a*
23 *formal research relationship for the purpose of coordinating*
24 *efforts under this section.*

1 “(c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
2 *authorized to be appropriated to the Administrator to carry*
3 *out this section \$5,000,000 for each of fiscal years 2022*
4 *through 2026.”.*

5 ***DIVISION F—BROADBAND***
6 ***TITLE I—BROADBAND GRANTS***
7 ***FOR STATES, DISTRICT OF CO-***
8 ***LUMBIA, PUERTO RICO, AND***
9 ***TERRITORIES***

10 ***SEC. 60101. FINDINGS.***

11 *Congress finds the following:*

12 (1) *Access to affordable, reliable, high-speed*
13 *broadband is essential to full participation in modern*
14 *life in the United States.*

15 (2) *The persistent “digital divide” in the United*
16 *States is a barrier to the economic competitiveness of*
17 *the United States and equitable distribution of essen-*
18 *tial public services, including health care and edu-*
19 *cation.*

20 (3) *The digital divide disproportionately affects*
21 *communities of color, lower-income areas, and rural*
22 *areas, and the benefits of broadband should be broadly*
23 *enjoyed by all.*

24 (4) *In many communities across the country, in-*
25 *creased competition among broadband providers has*

1 *the potential to offer consumers more affordable, high-*
2 *quality options for broadband service.*

3 (5) *The 2019 novel coronavirus pandemic has*
4 *underscored the critical importance of affordable,*
5 *high-speed broadband for individuals, families, and*
6 *communities to be able to work, learn, and connect re-*
7 *motely while supporting social distancing.*

8 **SEC. 60102. GRANTS FOR BROADBAND DEPLOYMENT.**

9 (a) *DEFINITIONS.—*

10 (1) *AREAS, LOCATIONS, AND INSTITUTIONS LACK-*
11 *ING BROADBAND ACCESS.—In this section:*

12 (A) *UNSERVED LOCATION.—The term*
13 *“unserved location” means a broadband-service-*
14 *able location, as determined in accordance with*
15 *the broadband DATA maps, that—*

16 (i) *has no access to broadband service;*

17 *or*

18 (ii) *lacks access to reliable broadband*
19 *service offered with—*

20 (I) *a speed of not less than—*

21 (aa) *25 megabits per second*
22 *for downloads; and*

23 (bb) *3 megabits per second*
24 *for uploads; and*

1 (ii) a latency sufficient to support
2 real-time, interactive applications.

3 (B) *UNSERVED SERVICE PROJECT*.—The
4 term “unserved service project” means a project
5 in which not less than 80 percent of broadband-
6 serviceable locations served by the project are
7 unserved locations.

8 (C) *UNDERSERVED LOCATION*.—The term
9 “underserved location” means a location—

10 (i) that is not an unserved location;

11 and

12 (ii) as determined in accordance with
13 the broadband DATA maps, lacks access to
14 reliable broadband service offered with—

15 (I) a speed of not less than—

16 (aa) 100 megabits per second
17 for downloads; and

18 (bb) 20 megabits per second
19 for uploads; and

20 (II) a latency sufficient to support
21 real-time, interactive applications.

22 (D) *UNDERSERVED SERVICE PROJECT*.—
23 The term “underserved service project” means a
24 project in which not less than 80 percent of
25 broadband-serviceable locations served by the

1 *project are unserved locations or underserved lo-*
2 *cations.*

3 (E) *ELIGIBLE COMMUNITY ANCHOR INSTI-*
4 *TUTION.—The term “eligible community anchor*
5 *institution” means a community anchor institu-*
6 *tion that lacks access to gigabit-level broadband*
7 *service.*

8 (2) *OTHER DEFINITIONS.—In this section:*

9 (A) *ASSISTANT SECRETARY.—The term “As-*
10 *stant Secretary” means the Assistant Secretary*
11 *of Commerce for Communications and Informa-*
12 *tion.*

13 (B) *BROADBAND; BROADBAND SERVICE.—*
14 *The term “broadband” or “broadband service”*
15 *has the meaning given the term “broadband*
16 *internet access service” in section 8.1(b) of title*
17 *47, Code of Federal Regulations, or any successor*
18 *regulation.*

19 (C) *BROADBAND DATA MAPS.—The term*
20 *“broadband DATA maps” means the maps cre-*
21 *ated under section 802(c)(1) of the Communica-*
22 *tions Act of 1934 (47 U.S.C. 642(c)(1)).*

23 (D) *COMMISSION.—The term “Commission”*
24 *means the Federal Communications Commission.*

1 (E) *COMMUNITY ANCHOR INSTITUTION.*—
2 The term “community anchor institution”
3 means an entity such as a school, library, health
4 clinic, health center, hospital or other medical
5 provider, public safety entity, institution of
6 higher education, public housing organization, or
7 community support organization that facilitates
8 greater use of broadband service by vulnerable
9 populations, including low-income individuals,
10 unemployed individuals, and aged individuals.

11 (F) *ELIGIBLE ENTITY.*—The term “eligible
12 entity” means a State.

13 (G) *HIGH-COST AREA.*—

14 (i) *IN GENERAL.*—The term “high-cost
15 area” means an unserved area in which the
16 cost of building out broadband service is
17 higher, as compared with the average cost of
18 building out broadband service in unserved
19 areas in the United States (as determined
20 by the Assistant Secretary, in consultation
21 with the Commission), incorporating factors
22 that include—

23 (I) the remote location of the area;

24 (II) the lack of population density
25 of the area;

1 (III) *the unique topography of the*
2 *area;*

3 (IV) *a high rate of poverty in the*
4 *area; or*

5 (V) *any other factor identified by*
6 *the Assistant Secretary, in consultation*
7 *with the Commission, that contributes*
8 *to the higher cost of deploying*
9 *broadband service in the area.*

10 (ii) *UNSERVED AREA.—For purposes of*
11 *clause (i), the term “unserved area” means*
12 *an area in which not less than 80 percent*
13 *of broadband-serviceable locations are*
14 *unserved locations.*

15 (H) *LOCATION; BROADBAND-SERVICEABLE*
16 *LOCATION.—The terms “location” and*
17 *“broadband-serviceable location” have the mean-*
18 *ings given those terms by the Commission under*
19 *rules and guidance that are in effect, as of the*
20 *date of enactment of this Act.*

21 (I) *PRIORITY BROADBAND PROJECT.—The*
22 *term “priority broadband project” means a*
23 *project designed to—*

24 (i) *provide broadband service that*
25 *meets speed, latency, reliability, consistency*

1 *in quality of service, and related criteria as*
2 *the Assistant Secretary shall determine; and*

3 (ii) *ensure that the network built by*
4 *the project can easily scale speeds over time*
5 *to—*

6 (I) *meet the evolving connectivity*
7 *needs of households and businesses; and*

8 (II) *support the deployment of*
9 *5G, successor wireless technologies, and*
10 *other advanced services.*

11 (J) *PROGRAM.—The term “Program”*
12 *means the Broadband Equity, Access, and De-*
13 *ployment Program established under subsection*
14 *(b)(1).*

15 (K) *PROJECT.—The term “project” means*
16 *an undertaking by a subgrantee under this sec-*
17 *tion to construct and deploy infrastructure for*
18 *the provision of broadband service.*

19 (L) *RELIABLE BROADBAND SERVICE.—The*
20 *term “reliable broadband service” means*
21 *broadband service that meets performance cri-*
22 *teria for service availability, adaptability to*
23 *changing end-user requirements, length of serv-*
24 *iceable life, or other criteria, other than upload*
25 *and download speeds, as determined by the As-*

1 *sistant Secretary in coordination with the Com-*
2 *mission.*

3 (M) *STATE.*—*The term “State” has the*
4 *meaning given the term in section 158 of the Na-*
5 *tional Telecommunications and Information Ad-*
6 *ministration Organization Act (47 U.S.C. 942),*
7 *except that that definition shall be applied by*
8 *striking “, and any other territory or possession*
9 *of the United States”.*

10 (N) *SUBGRANTEE.*—*The term “subgrantee”*
11 *means an entity that receives grant funds from*
12 *an eligible entity to carry out activities under*
13 *subsection (f).*

14 (b) *BROADBAND EQUITY, ACCESS, AND DEPLOYMENT*
15 *PROGRAM.*—

16 (1) *ESTABLISHMENT.*—*Not later than 180 days*
17 *after the date of enactment of this Act, the Assistant*
18 *Secretary shall establish a grant program, to be*
19 *known as the “Broadband Equity, Access, and De-*
20 *ployment Program”, under which the Assistant Sec-*
21 *retary makes grants to eligible entities, in accordance*
22 *with this section, to bridge the digital divide.*

23 (2) *AUTHORIZATION OF APPROPRIATIONS.*—
24 *There is authorized to be appropriated to the Assist-*

1 *ant Secretary to carry out the Program*
2 *\$42,450,000,000.*

3 (3) *OBLIGATION TIMELINE.*—*The Assistant Sec-*
4 *retary shall obligate all amounts appropriated pursu-*
5 *ant to paragraph (2) in an expedient manner after*
6 *the Assistant Secretary issues the notice of funding*
7 *opportunity under subsection (e)(1).*

8 (4) *TECHNICAL SUPPORT AND ASSISTANCE.*—

9 (A) *PROGRAM ASSISTANCE.*—*As part of the*
10 *Program, the Assistant Secretary, in consulta-*
11 *tion with the Commission, shall provide tech-*
12 *nical support and assistance to eligible entities*
13 *to facilitate their participation in the Program,*
14 *including by assisting eligible entities with—*

15 (i) *the development of grant applica-*
16 *tions under the Program;*

17 (ii) *the development of plans and pro-*
18 *cedures for distribution of funds under the*
19 *Program; and*

20 (iii) *other technical support as deter-*
21 *mined by the Assistant Secretary.*

22 (B) *GENERAL ASSISTANCE.*—*The Assistant*
23 *Secretary shall provide technical and other as-*
24 *istance to eligible entities—*

1 (i) to support the expansion of
2 broadband, with priority for—

3 (I) expansion in rural areas; and

4 (II) eligible entities that consist-
5 ently rank below most other eligible en-
6 tities with respect to broadband access
7 and deployment; and

8 (ii) regarding cybersecurity resources
9 and programs available through Federal
10 agencies, including the Election Assistance
11 Commission, the Cybersecurity and Infra-
12 structure Security Agency, the Federal
13 Trade Commission, and the National Insti-
14 tute of Standards and Technology.

15 (c) ALLOCATION.—

16 (1) ALLOCATION FOR HIGH-COST AREAS.—

17 (A) IN GENERAL.—On or after the date on
18 which the broadband DATA maps are made pub-
19 lic, the Assistant Secretary shall allocate to eligi-
20 ble entities, in accordance with subparagraph
21 (B) of this paragraph, 10 percent of the amount
22 appropriated pursuant to subsection (b)(2).

23 (B) FORMULA.—The Assistant Secretary
24 shall calculate the amount allocated to an eligi-
25 ble entity under subparagraph (A) by—

1 (i) *dividing the number of unserved lo-*
2 *cations in high-cost areas in the eligible en-*
3 *tity by the total number of unserved loca-*
4 *tions in high-cost areas in the United*
5 *States; and*

6 (ii) *multiplying the quotient obtained*
7 *under clause (i) by the amount made avail-*
8 *able under subparagraph (A).*

9 (2) *MINIMUM INITIAL ALLOCATION.—Of the*
10 *amount appropriated pursuant to subsection (b)(2)—*

11 (A) *except as provided in subparagraph (B)*
12 *of this paragraph, \$100,000,000 shall be allo-*
13 *cated to each State; and*

14 (B) *\$100,000,000 shall be allocated to, and*
15 *divided equally among, the United States Virgin*
16 *Islands, Guam, American Samoa, and the Com-*
17 *monwealth of the Northern Mariana Islands.*

18 (3) *ALLOCATION OF REMAINING AMOUNTS.—*

19 (A) *IN GENERAL.—On or after the date on*
20 *which the broadband DATA maps are made pub-*
21 *lic, of the amount appropriated pursuant to sub-*
22 *section (b)(2), the Assistant Secretary shall allo-*
23 *cate to eligible entities, in accordance with sub-*
24 *paragraph (B) of this paragraph, the amount re-*

1 *maintaining after compliance with paragraphs (1)*
2 *and (2) of this subsection.*

3 *(B) ALLOCATION.—The amount allocated to*
4 *an eligible entity under subparagraph (B) shall*
5 *be calculated by—*

6 *(i) dividing the number of unserved lo-*
7 *cations in the eligible entity by the total*
8 *number of unserved locations in the United*
9 *States; and*

10 *(ii) multiplying the quotient obtained*
11 *under clause (i) by the amount made avail-*
12 *able under subparagraph (A).*

13 *(4) AVAILABILITY CONDITIONED ON APPROVAL OF*
14 *APPLICATIONS.—The availability of amounts allo-*
15 *cated under paragraph (1), (2), or (3) to an eligible*
16 *entity shall be subject to approval by the Assistant*
17 *Secretary of the letter of intent, initial proposal, or*
18 *final proposal of the eligible entity, as applicable,*
19 *under subsection (e).*

20 *(5) CONTINGENCY PROCEDURES.—*

21 *(A) DEFINITION.—In this paragraph, the*
22 *term “covered application” means a letter of in-*
23 *tent, initial proposal, or final proposal under*
24 *this section.*

1 (B) *POLITICAL SUBDIVISIONS AND CON-*
2 *SORTIA.*—

3 (i) *APPLICATION FAILURES.*—*The As-*
4 *stant Secretary, in carrying out the Pro-*
5 *gram, shall provide that if an eligible entity*
6 *fails to submit a covered application by the*
7 *applicable deadline, or a covered applica-*
8 *tion submitted by an eligible entity is not*
9 *approved by the applicable deadline, a po-*
10 *litical subdivision or consortium of political*
11 *subdivisions of the eligible entity may sub-*
12 *mit the applicable type of covered applica-*
13 *tion in place of the eligible entity.*

14 (ii) *TREATMENT OF POLITICAL SUB-*
15 *DIVISION OR CONSORTIUM AS ELIGIBLE EN-*
16 *TITY.*—*In the case of a political subdivision*
17 *or consortium of political subdivisions that*
18 *submits a covered application under clause*
19 *(i) that is approved by the Assistant Sec-*
20 *retary—*

21 (i) *except as provided in sub-*
22 *clause (II) of this clause, any reference*
23 *in this section to an eligible entity*
24 *shall be deemed to refer to the political*
25 *subdivision or consortium; and*

1 (II) any reference in this section
2 to an eligible entity in a geographic
3 sense shall be deemed to refer to the eli-
4 gible entity in whose place the political
5 subdivision or consortium submitted
6 the covered application.

7 (C) *REALLOCATION TO OTHER ELIGIBLE*
8 *ENTITIES.*—

9 (i) *APPLICATION FAILURES.*—*The As-*
10 *stant Secretary, in carrying out the Pro-*
11 *gram, shall provide that if an eligible entity*
12 *fails to submit a covered application by the*
13 *applicable deadline, or a covered applica-*
14 *tion submitted by an eligible entity is not*
15 *approved by the applicable deadline, as pro-*
16 *vided in subparagraph (A)), and no polit-*
17 *ical subdivision or consortium of political*
18 *subdivisions of the eligible entity submits a*
19 *covered application by the applicable dead-*
20 *line, or no covered application submitted by*
21 *such a political subdivision or consortium*
22 *is approved by the applicable deadline, as*
23 *provided in subparagraph (B), the Assistant*
24 *Secretary—*

1 (I) shall reallocate the amounts
2 that would have been available to the
3 eligible entity pursuant to that type of
4 covered application to other eligible en-
5 tities that submitted that type of cov-
6 ered application by the applicable
7 deadline; and

8 (II) shall reallocate the amounts
9 described in subclause (I) of this clause
10 in accordance with the formula under
11 paragraph (3).

12 (ii) *FAILURE TO USE FULL ALLOCA-*
13 *TION.—The Assistant Secretary, in carrying*
14 *out the Program, shall provide that if an el-*
15 *igible entity fails to use the full amount al-*
16 *located to the eligible entity under this sub-*
17 *section by the applicable deadline, the As-*
18 *stant Secretary—*

19 (I) shall reallocate the unused
20 amounts to other eligible entities with
21 approved final proposals; and

22 (II) shall reallocate the amounts
23 described in subclause (I) in accord-
24 ance with the formula under para-
25 graph (3).

1 (d) *ADMINISTRATIVE EXPENSES.*—

2 (1) *ASSISTANT SECRETARY.*—*The Assistant Sec-*
3 *retary may use not more than 2 percent of amounts*
4 *appropriated pursuant to subsection (b) for adminis-*
5 *trative purposes.*

6 (2) *ELIGIBLE ENTITIES.*—

7 (A) *PRE-DEPLOYMENT PLANNING.*—*An eli-*
8 *gible entity may use not more than 5 percent of*
9 *the amount allocated to the eligible entity under*
10 *subsection (c)(2) for the planning and pre-de-*
11 *ployment activities under subsection (e)(1)(C).*

12 (B) *ADMINISTRATION.*—*An eligible entity*
13 *may use not more than 2 percent of the grant*
14 *amounts made available to the eligible entity*
15 *under subsection (e) for expenses relating (di-*
16 *rectly or indirectly) to administration of the*
17 *grant.*

18 (e) *IMPLEMENTATION.*—

19 (1) *INITIAL PROGRAM DEPLOYMENT AND PLAN-*
20 *NING.*—

21 (A) *NOTICE OF FUNDING OPPORTUNITY;*
22 *PROCESS.*—*Not later than 180 days after the*
23 *date of enactment of this Act, the Assistant Sec-*
24 *retary shall—*

- 1 (i) *issue a notice of funding oppor-*
- 2 *tunity for the Program that—*
- 3 (I) *notifies eligible entities of—*
- 4 (aa) *the establishment of the*
- 5 *Program; and*
- 6 (bb) *the amount of the min-*
- 7 *imum initial allocation to each el-*
- 8 *igible entity under subsection*
- 9 *(c)(2);*
- 10 (II) *invites eligible entities to sub-*
- 11 *mit letters of intent under subpara-*
- 12 *graph (B) in order to—*
- 13 (aa) *participate in the Pro-*
- 14 *gram; and*
- 15 (bb) *receive funding for plan-*
- 16 *ning and pre-deployment activi-*
- 17 *ties under subparagraph (C);*
- 18 (III) *contains details about the*
- 19 *Program, including an outline of the*
- 20 *requirements for—*
- 21 (aa) *applications for grants*
- 22 *under the Program, which shall*
- 23 *consist of letters of intent, initial*
- 24 *proposals, and final proposals;*
- 25 *and*

1 *(bb) allowed uses of grant*
2 *amounts awarded under this sec-*
3 *tion, as provided in subsection (f);*
4 *and*

5 *(IV) includes any other informa-*
6 *tion determined relevant by the Assist-*
7 *ant Secretary;*

8 *(ii) establish a process, in accordance*
9 *with subparagraph (C), through which to*
10 *provide funding to eligible entities for plan-*
11 *ning and pre-deployment activities;*

12 *(iii) develop and make public a stand-*
13 *ard online application form that an eligible*
14 *entity may use to submit an initial pro-*
15 *posal and final proposal for the grant*
16 *amounts allocated to the eligible entity*
17 *under subsection (c);*

18 *(iv) publish a template—*

19 *(I) initial proposal that complies*
20 *with paragraph (3)(A); and*

21 *(II) final proposal that complies*
22 *with paragraph (4)(A); and*

23 *(v) in consultation with the Commis-*
24 *sion, establish standards for how an eligible*
25 *entity shall assess the capabilities and ca-*

1 *pacities of a prospective subgrantee under*
2 *subsection (g)(2)(A).*

3 *(B) LETTER OF INTENT.—*

4 *(i) IN GENERAL.—An eligible entity*
5 *that wishes to participate in the Program*
6 *shall file a letter of intent to participate in*
7 *the Program consistent with this subpara-*
8 *graph.*

9 *(ii) FORM AND CONTENTS.—The As-*
10 *stant Secretary may establish the form*
11 *and contents required for a letter of intent*
12 *under this subparagraph, which contents*
13 *may include—*

14 *(I) details of—*

15 *(aa) the existing broadband*
16 *program or office of the eligible*
17 *entity, including—*

18 *(AA) activities that the*
19 *program or office currently*
20 *conducts;*

21 *(BB) the number of*
22 *rounds of broadband deploy-*
23 *ment grants that the eligible*
24 *entity has awarded, if appli-*
25 *cable;*

1 (CC) whether the eligible
2 entity has an eligible entity-
3 wide plan and goal for avail-
4 ability of broadband, and
5 any relevant deadlines, as
6 applicable; and

7 (DD) the amount of
8 funding that the eligible enti-
9 ty has available for
10 broadband deployment or
11 other broadband-related ac-
12 tivities, including data col-
13 lection and local planning,
14 and the sources of that fund-
15 ing, including whether the
16 funds are from the eligible
17 entity or from the Federal
18 Government under the Amer-
19 ican Rescue Plan Act of 2021
20 (Public Law 117–2);

21 (bb) the number of full-time
22 employees and part-time employ-
23 ees of the eligible entity who will
24 assist in administering amounts
25 received under the Program and

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1 the duties assigned to those em-
2 ployees;

3 (cc) relevant contracted sup-
4 port; and

5 (dd) the goals of the eligible
6 entity for the use of amounts re-
7 ceived under the Program, the
8 process that the eligible entity will
9 use to distribute those amounts to
10 subgrantees, the timeline for
11 awarding subgrants, and over-
12 sight and reporting requirements
13 that the eligible entity will impose
14 on subgrantees;

15 (II) the identification of known
16 barriers or challenges to developing
17 and administering a program to ad-
18 minister grants received under the Pro-
19 gram, if applicable;

20 (III) the identification of the ad-
21 ditional capacity needed by the eligible
22 entity to implement the requirements
23 under this section, such as—

24 (aa) enhancing the capacity
25 of the broadband program or of-

1 *fice of the eligible entity by receiv-*
2 *ing technical assistance from Fed-*
3 *eral entities or other partners,*
4 *hiring additional employees, or*
5 *obtaining support from contracted*
6 *entities; or*

7 *(bb) acquiring additional*
8 *programmatic information or*
9 *data, such as through surveys or*
10 *asset inventories;*

11 *(IV) an explanation of how the*
12 *needs described in subclause (III) were*
13 *identified and how funds may be used*
14 *to address those needs, including target*
15 *areas;*

16 *(V) details of any relevant part-*
17 *ners, such as organizations that may*
18 *inform broadband deployment and*
19 *adoption planning; and*

20 *(VI) any other information deter-*
21 *mined relevant by the Assistant Sec-*
22 *retary.*

23 *(C) PLANNING FUNDS.—*

24 *(i) IN GENERAL.—The Assistant Sec-*
25 *retary shall establish a process through*

1 *which an eligible entity, in submitting a*
2 *letter of intent under subparagraph (B),*
3 *may request access to not more than 5 per-*
4 *cent of the amount allocated to the eligible*
5 *entity under subsection (c)(2) for use con-*
6 *sistent with this subparagraph.*

7 *(ii) FUNDING AVAILABILITY.—If the*
8 *Assistant Secretary approves a request from*
9 *an eligible entity under clause (i), the As-*
10 *stant Secretary shall make available to the*
11 *eligible entity an amount, as determined*
12 *appropriate by the Assistant Secretary, that*
13 *is not more than 5 percent of the amount*
14 *allocated to the eligible entity under sub-*
15 *section (c)(2).*

16 *(iii) ELIGIBLE USE.—The Assistant*
17 *Secretary shall determine the allowable uses*
18 *of amounts made available under clause*
19 *(ii), which may include—*

20 *(I) research and data collection,*
21 *including initial identification of*
22 *unserved locations and underserved lo-*
23 *cations;*

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1 (II) *the development of a preliminary budget for pre-planning activities;*

2
3
4 (III) *publications, outreach, and communications support;*

5
6 (IV) *providing technical assistance, including through workshops and events;*

7
8
9 (V) *training for employees of the broadband program or office of the eligible entity or employees of political subdivisions of the eligible entity, and related staffing capacity or consulting or contracted support; and*

10
11
12
13
14
15 (VI) *with respect to an office that oversees broadband programs and broadband deployment in an eligible entity, establishing, operating, or increasing the capacity of such a broadband office.*

16
17
18
19
20
21 (D) *ACTION PLAN.—*

22 (i) *IN GENERAL.—An eligible entity that receives funding from the Assistant Secretary under subparagraph (C) shall*

1 submit to the Assistant Secretary a 5-year
2 action plan, which shall—

3 (I) be informed by collaboration
4 with local and regional entities; and

5 (II) detail—

6 (aa) investment priorities
7 and associated costs;

8 (bb) alignment of planned
9 spending with economic develop-
10 ment, telehealth, and related
11 connectivity efforts.

12 (ii) *REQUIREMENTS OF ACTION*
13 *PLANS.*—The Assistant Secretary shall es-
14 tablish requirements for the 5-year action
15 plan submitted by an eligible entity under
16 clause (i), which may include requirements
17 to—

18 (I) address local and regional
19 needs in the eligible entity with respect
20 to broadband service;

21 (II) propose solutions for the de-
22 ployment of affordable broadband serv-
23 ice in the eligible entity;

24 (III) include localized data with
25 respect to the deployment of broadband

1 *service in the eligible entity, including*
2 *by identifying locations that should be*
3 *prioritized for Federal support with re-*
4 *spect to that deployment;*

5 *(IV) ascertain how best to serve*
6 *unserved locations in the eligible enti-*
7 *ty, whether through the establishment*
8 *of cooperatives or public-private part-*
9 *nerships;*

10 *(V) identify the technical assist-*
11 *ance that would be necessary to carry*
12 *out the plan; and*

13 *(VI) assess the amount of time it*
14 *would take to build out universal*
15 *broadband service in the eligible entity.*

16 (2) *NOTICE OF AVAILABLE AMOUNTS; INVITATION*
17 *TO SUBMIT INITIAL AND FINAL PROPOSALS.—On or*
18 *after the date on which the broadband DATA maps*
19 *are made public, the Assistant Secretary, in coordina-*
20 *tion with the Commission, shall issue a notice to each*
21 *eligible entity that—*

22 *(A) contains the estimated amount available*
23 *to the eligible entity under subsection (c); and*

24 *(B) invites the eligible entity to submit an*
25 *initial proposal and final proposal for a grant*

1 *under this section, in accordance with para-*
2 *graphs (3) and (4) of this subsection.*

3 (3) *INITIAL PROPOSAL.—*

4 (A) *SUBMISSION.—*

5 (i) *IN GENERAL.—After the Assistant*
6 *Secretary issues the notice under paragraph*
7 *(2), an eligible entity that wishes to receive*
8 *a grant under this section shall submit an*
9 *initial proposal for a grant, using the on-*
10 *line application form developed by the As-*
11 *stant Secretary under paragraph*
12 *(1)(A)(iii), that—*

13 (I) *outlines long-term objectives*
14 *for deploying broadband, closing the*
15 *digital divide, and enhancing economic*
16 *growth and job creation, including—*

17 (aa) *information developed*
18 *by the eligible entity as part of*
19 *the action plan submitted under*
20 *paragraph (1)(D), if applicable;*
21 *and*

22 (bb) *information from any*
23 *comparable strategic plan other-*
24 *wise developed by the eligible enti-*
25 *ty, if applicable;*

1 (II)(aa) identifies, and outlines
2 steps to support, local and regional
3 broadband planning processes or ongo-
4 ing efforts to deploy broadband or close
5 the digital divide; and

6 (bb) describes coordination with
7 local governments, along with local
8 and regional broadband planning
9 processes;

10 (III) identifies existing efforts
11 funded by the Federal Government or a
12 State within the jurisdiction of the eli-
13 gible entity to deploy broadband and
14 close the digital divide;

15 (IV) includes a plan to competi-
16 tively award subgrants to ensure time-
17 ly deployment of broadband;

18 (V) identifies—

19 (aa) each unserved location
20 or underserved location under the
21 jurisdiction of the eligible entity;
22 and

23 (bb) each community anchor
24 institution under the jurisdiction
25 of the eligible entity that is an eli-

1 *gible community anchor institu-*
2 *tion; and*

3 *(VI) certifies the intent of the eli-*
4 *gible entity to comply with all applica-*
5 *ble requirements under this section, in-*
6 *cluding the reporting requirements*
7 *under subsection (j)(1).*

8 *(ii) LOCAL COORDINATION.—*

9 *(I) IN GENERAL.—The Assistant*
10 *Secretary shall establish local coordi-*
11 *nation requirements for eligible entities*
12 *to follow, to the greatest extent prac-*
13 *ticable.*

14 *(II) REQUIREMENTS.— The local*
15 *coordination requirements established*
16 *under subclause (I) shall include, at*
17 *minimum, an opportunity for political*
18 *subdivisions of an eligible entity to—*

19 *(aa) submit plans for consid-*
20 *eration by the eligible entity; and*

21 *(bb) comment on the initial*
22 *proposal of the eligible entity be-*
23 *fore the initial proposal is sub-*
24 *mitted to the Assistant Secretary.*

1 (B) *SINGLE INITIAL PROPOSAL.*—*An eligible*
2 *entity may submit only 1 initial proposal under*
3 *this paragraph.*

4 (C) *CORRECTIONS TO INITIAL PROPOSAL.*—
5 *The Assistant Secretary may accept corrections*
6 *to the initial proposal of an eligible entity after*
7 *the initial proposal has been submitted.*

8 (D) *CONSIDERATION OF INITIAL PRO-*
9 *POSAL.*—*After receipt of an initial proposal for*
10 *a grant under this paragraph, the Assistant Sec-*
11 *retary—*

12 (i) *shall acknowledge receipt;*

13 (ii) *if the initial proposal is com-*
14 *plete—*

15 (I) *shall determine whether the*
16 *use of funds proposed in the initial*
17 *proposal—*

18 (aa) *complies with subsection*

19 (f);

20 (bb) *is in the public interest;*

21 and

22 (cc) *effectuates the purposes*
23 *of this Act;*

1 (ii) shall approve or disapprove
2 the initial proposal based on the deter-
3 minations 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 el-
10 igible entity under subsection (c);

11 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 of
16 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 INI-
23 TIAL PROPOSAL.—After receipt of a resubmitted
24 initial proposal for a grant under this para-
25 graph, the Assistant Secretary—

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 subsection
8 (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 deter-
15 minations under subclause (I); and

16 (III) if the Assistant Secretary
17 approves the initial proposal under
18 clause (i)(II), shall make available to
19 the eligible entity—

20 (aa) 20 percent of the grant
21 funds that were allocated to the el-
22 igible entity under subsection (c);
23 or

24 (bb) a higher percentage of
25 the grant funds that were allo-

1 cated to the eligible entity under
2 subsection (c), at the discretion of
3 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 to
16 the eligible entity under subsection (c),
17 using the online application form developed
18 by the Assistant Secretary under paragraph
19 (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-

1 *ance with subsection (h)(1)(A)(i);*
2 *and*

3 *(bb) align the grant funds al-*
4 *located to the eligible entity under*
5 *subsection (c), where practicable,*
6 *with the use of other funds that*
7 *the eligible entity receives from*
8 *the Federal Government, a State,*
9 *or a private entity for related*
10 *purposes;*

11 *(II) a timeline for implementa-*
12 *tion;*

13 *(III) processes for oversight and*
14 *accountability to ensure the proper use*
15 *of the grant funds allocated to the eli-*
16 *gible entity under subsection (c); and*

17 *(IV) a description of coordination*
18 *with local governments, along with*
19 *local and regional broadband planning*
20 *processes.*

21 *(ii) LOCAL COORDINATION.—*

22 *(I) IN GENERAL.—The Assistant*
23 *Secretary shall establish local coordi-*
24 *nation requirements for eligible entities*

1 to follow, to the greatest extent prac-
2 ticable.

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 Secretary.*

14 (iii) *FEDERAL COORDINATION.*—*To en-*
15 *sure efficient and effective use of taxpayer*
16 *funds, an eligible entity shall, to the great-*
17 *est extent practicable, align the use of grant*
18 *funds proposed in the final proposal under*
19 *clause (i) with funds available from other*
20 *Federal programs that support broadband*
21 *deployment and access.*

22 (B) *SINGLE FINAL PROPOSAL.*—*An eligible*
23 *entity may submit only 1 final proposal under*
24 *this paragraph.*

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 PROPOSAL.*—

6 *After receipt of a final proposal for a grant*
7 *under this paragraph, the Assistant Secretary—*

8 (i) *shall acknowledge receipt;*

9 (ii) *if the final proposal is complete—*

10 (I) *shall determine whether the*
11 *use of funds proposed in the final pro-*
12 *posal—*

13 (aa) *complies with subsection*

14 (f);

15 (bb) *is in the public interest;*

16 and

17 (cc) *effectuates the purposes*
18 *of this Act;*

19 (II) *shall approve or disapprove*
20 *the final proposal based on the deter-*
21 *minations under subclause (I); and*

22 (III) *if the Assistant Secretary*
23 *approves the final proposal under*
24 *clause (i)(II), shall make available to*
25 *the eligible entity the remainder of the*

1 *grant funds allocated to the eligible en-*
2 *tity under subsection (c); and*

3 *(iii) if the final proposal is incomplete,*
4 *or is disapproved under clause (ii)(II), shall*
5 *notify the eligible entity and provide the eli-*
6 *gible entity with an opportunity to resub-*
7 *mit the final proposal.*

8 *(E) CONSIDERATION OF RESUBMITTED*
9 *FINAL PROPOSAL.—After receipt of a resubmitted*
10 *final proposal for a grant under this paragraph,*
11 *the Assistant Secretary—*

12 *(i) shall acknowledge receipt;*

13 *(ii) if the final proposal is complete—*

14 *(I) shall determine whether the*
15 *use of funds proposed in the final pro-*
16 *posal—*

17 *(aa) complies with subsection*

18 *(f);*

19 *(bb) is in the public interest;*

20 *and*

21 *(cc) effectuates the purposes*
22 *of this Act;*

23 *(II) shall approve or disapprove*
24 *the final proposal based on the deter-*
25 *minations under subclause (I); and*

1 (III) if the Assistant Secretary
2 approves the final proposal under
3 clause (ii)(II), shall make available to
4 the eligible entity the remainder of the
5 grant funds allocated to the eligible en-
6 tity under subsection (c); and
7 (iii) if the final proposal is incomplete,
8 or is disapproved under clause (ii)(II), shall
9 notify the eligible entity and provide the eli-
10 gible entity with an opportunity to resub-
11 mit the final proposal.

12 (f) *USE OF FUNDS.*—An eligible entity may use grant
13 funds received under this section to competitively award
14 subgrants for—

15 (1) unserved service projects and underserved
16 service projects;

17 (2) connecting eligible community anchor insti-
18 tutions;

19 (3) data collection, broadband mapping, and
20 planning;

21 (4) installing internet and Wi-Fi infrastructure
22 or providing reduced-cost broadband within a multi-
23 family residential building, with priority given to a
24 residential building that—

1 (A) has a substantial share of unserved
2 households; or

3 (B) is in a location in which the percentage
4 of individuals with a household income that is at
5 or below 150 percent of the poverty line applica-
6 ble to a family of the size involved (as deter-
7 mined under section 673(2) of the Community
8 Services Block Grant Act (42 U.S.C. 9902(2)) is
9 higher than the national percentage of such indi-
10 viduals;

11 (5) broadband adoption, including programs to
12 provide affordable internet-capable devices; and

13 (6) any use determined necessary by the Assist-
14 ant Secretary to facilitate the goals of the Program.

15 (g) *GENERAL PROGRAM REQUIREMENTS.*—

16 (1) *SUBGRANTEE OBLIGATIONS.*—A subgrantee,
17 in carrying out activities using amounts received
18 from an eligible entity under this section—

19 (A) shall adhere to quality-of-service stand-
20 ards, as established by the Assistant Secretary;

21 (B) shall comply with prudent cybersecurity
22 and supply chain risk management practices, as
23 specified by the Assistant Secretary, in consulta-
24 tion with the Director of the National Institute

1 *of Standards and Technology and the Commis-*
2 *sion;*

3 *(C) shall incorporate best practices, as de-*
4 *finied by the Assistant Secretary, for ensuring re-*
5 *liability and resilience of broadband infrastruc-*
6 *ture; and*

7 *(D) may not use the amounts to purchase*
8 *or support—*

9 *(i) any covered communications equip-*
10 *ment or service, as defined in section 9 of*
11 *the Secure and Trusted Communications*
12 *Networks Act of 2019 (47 U.S.C. 1608); or*

13 *(ii) fiber optic cable and optical trans-*
14 *mission equipment manufactured in the*
15 *People’s Republic of China, except that the*
16 *Assistant Secretary may waive the applica-*
17 *tion of this clause with respect to a project*
18 *if the eligible entity that awards a subgrant*
19 *for the project shows that such application*
20 *would unreasonably increase the cost of the*
21 *project.*

22 (2) *ELIGIBLE ENTITY OBLIGATIONS.—In distrib-*
23 *uting funds to subgrantees under this section, an eli-*
24 *gible entity shall—*

1 (A) ensure that any prospective sub-
2 grantee—

3 (i) is capable of carrying out activities
4 funded by the subgrant in a competent
5 manner in compliance with all applicable
6 Federal, State, and local laws;

7 (ii) has the financial and managerial
8 capacity to meet—

9 (I) the commitments of the sub-
10 grantee under the subgrant;

11 (II) the requirements of the Pro-
12 gram; and

13 (III) such requirements as may be
14 further prescribed by the Assistant Sec-
15 retary; and

16 (iii) has the technical and operational
17 capability to provide the services promised
18 in the subgrant in the manner contemplated
19 by the subgrant award;

20 (B) stipulate, in any contract with a sub-
21 grantee for the use of such funds, reasonable pro-
22 visions for recovery of funds for nonperformance;
23 and

24 (C)(i) distribute the funds in an equitable
25 and non-discriminatory manner; and

1 (ii) ensure, through a stipulation in any
2 contract with a subgrantee for the use of such
3 funds, that each subgrantee uses the funds in an
4 equitable and nondiscriminatory manner.

5 (3) *DEOBLIGATION OF AWARDS; INTERNET DIS-*
6 *CLOSURE.—The Assistant Secretary—*

7 (A) shall establish, in coordination with rel-
8 evant Federal and State partners, appropriate
9 mechanisms to ensure appropriate use of funds
10 made available under this section;

11 (B) may, in addition to other authority
12 under applicable law—

13 (i) deobligate grant funds awarded to
14 an eligible entity that—

15 (I) violates paragraph (2); or

16 (II) demonstrates an insufficient
17 level of performance, or wasteful or
18 fraudulent spending, as defined in ad-
19 vance by the Assistant Secretary; and

20 (ii) award grant funds that are
21 deobligated under clause (i) to new or exist-
22 ing applicants consistent with this section;
23 and

24 (C) shall create and maintain a fully
25 searchable database, accessible on the internet at

1 *no cost to the public, that contains information*
2 *sufficient to allow the public to understand and*
3 *monitor grants and subgrants awarded under the*
4 *Program.*

5 *(h) BROADBAND NETWORK DEPLOYMENT.—*

6 *(1) ORDER OF AWARDS; PRIORITY.—*

7 *(A) IN GENERAL.—An eligible entity, in*
8 *awarding subgrants for the deployment of a*
9 *broadband network using grant funds received*
10 *under this section, as authorized under sub-*
11 *section (f)(1)—*

12 *(i) shall award funding in a manner*
13 *that—*

14 *(I) prioritizes unserved service*
15 *projects;*

16 *(II) after certifying to the Assist-*
17 *ant Secretary that the eligible entity*
18 *will ensure coverage of broadband serv-*
19 *ice to all unserved locations within the*
20 *eligible entity, prioritizes underserved*
21 *service projects; and*

22 *(III) after prioritizing under-*
23 *served service projects, provides fund-*
24 *ing to connect eligible community an-*
25 *chor institutions;*

1 (ii) in providing funding under sub-
2 clauses (I), (II), and (III) of clause (i),
3 shall prioritize funding for deployment of
4 broadband infrastructure for priority
5 broadband projects;

6 (iii) may not exclude cooperatives,
7 nonprofit organizations, public-private
8 partnerships, private companies, public or
9 private utilities, public utility districts, or
10 local governments from eligibility for such
11 grant funds; and

12 (iv) shall give priority to projects
13 based on—

14 (I) deployment of a broadband
15 network to persistent poverty counties
16 or high-poverty areas;

17 (II) the speeds of the proposed
18 broadband service;

19 (III) the expediency with which a
20 project can be completed; and

21 (IV) a demonstrated record of and
22 plans to be in compliance with Federal
23 labor and employment laws.

24 (B) *AUTHORITY OF ASSISTANT SEC-*
25 *RETARY.—The Assistant Secretary may provide*

1 *additional guidance on the prioritization of sub-*
2 *grants awarded for the deployment of a*
3 *broadband network using grant funds received*
4 *under this section.*

5 (2) *CHALLENGE PROCESS.*—

6 (A) *IN GENERAL.*—*After submitting an ini-*
7 *tial proposal under subsection (e)(3) and before*
8 *allocating grant funds received under this section*
9 *for the deployment of broadband networks, an el-*
10 *igible entity shall ensure a transparent, evidence-*
11 *based, and expeditious challenge process under*
12 *which a unit of local government, nonprofit or-*
13 *ganization, or other broadband service provider*
14 *can challenge a determination made by the eligi-*
15 *ble entity in the initial proposal as to whether*
16 *a particular location or community anchor in-*
17 *stitution within the jurisdiction of the eligible*
18 *entity is eligible for the grant funds, including*
19 *whether a particular location is unserved or un-*
20 *derserved.*

21 (B) *FINAL IDENTIFICATION; NOTIFICATION*
22 *OF FUNDING ELIGIBILITY.*—*After resolving each*
23 *challenge under subparagraph (A), and not later*
24 *than 60 days before allocating grant funds re-*
25 *ceived under this section for the deployment of*

1 *broadband networks, an eligible entity shall pro-*
2 *vide public notice of the final classification of*
3 *each unserved location, underserved location, or*
4 *eligible community anchor institution within the*
5 *jurisdiction of the eligible entity.*

6 (C) *CONSULTATION WITH NTIA.*—*An eligible*
7 *entity shall notify the Assistant Secretary of any*
8 *modification to the initial proposal of the eligible*
9 *entity submitted under subsection (e)(3) that is*
10 *necessitated by a successful challenge under sub-*
11 *paragraph (A) of this paragraph.*

12 (D) *NTIA AUTHORITY.*—*The Assistant Sec-*
13 *retary—*

14 (i) *may modify the challenge process*
15 *required under subparagraph (A) as nec-*
16 *essary; and*

17 (ii) *may reverse the determination of*
18 *an eligible entity with respect to the eligi-*
19 *bility of a particular location or commu-*
20 *nity anchor institution for grant funds*
21 *under this section.*

22 (E) *EXPEDITING BROADBAND DATA COLLEC-*
23 *TION ACTIVITIES.*—

24 (i) *DEADLINE FOR RESOLUTION OF*
25 *CHALLENGE PROCESS UNDER BROADBAND*

1 *DATA ACT.*—Section 802(b)(5)(C)(i) of the
2 *Communications Act of 1934 (47 U.S.C.*
3 *642(b)(5)(C)(i)) is amended by striking*
4 *“challenges” and inserting the following:*
5 *“challenges, which shall require that the*
6 *Commission resolve a challenge not later*
7 *than 90 days after the date on which a final*
8 *response by a provider to a challenge to the*
9 *accuracy of a map or information described*
10 *in subparagraph (A) is complete”.*

11 *(ii) PAPERWORK REDUCTION ACT EX-*
12 *EMPTION EXPANSION.*—Section 806(b) of the
13 *Communications Act of 1934 (47 U.S.C.*
14 *646(b)) is amended by striking “the initial*
15 *rule making required under section*
16 *802(a)(1)” and inserting “any rule making*
17 *or other action by the Commission required*
18 *under this title”.*

19 *(iii) IMPLEMENTATION.*—The Commis-
20 *sion shall implement the amendments made*
21 *by this subparagraph as soon as possible*
22 *after the date of enactment of this Act.*

23 (3) *NON-FEDERAL SHARE OF BROADBAND INFRA-*
24 *STRUCTURE DEPLOYMENT COSTS.*—

25 (A) *IN GENERAL.*—

1 (i) *MATCHING REQUIREMENT.*—*In al-*
2 *locating grant funds received under this sec-*
3 *tion for deployment of broadband networks,*
4 *an eligible entity shall provide, or require a*
5 *subgrantee to provide, a contribution, de-*
6 *rived from non-Federal funds (or funds*
7 *from a Federal regional commission or au-*
8 *thority), except in high-cost areas or as oth-*
9 *erwise provided by this Act, of not less than*
10 *25 percent of project costs.*

11 (ii) *WAIVER.*—*Upon request by an eli-*
12 *gible entity or a subgrantee, the Assistant*
13 *Secretary may reduce or waive the required*
14 *matching contribution under clause (i).*

15 (B) *SOURCE OF MATCH.*—*A matching con-*
16 *tribution under subparagraph (A)—*

17 (i) *may be provided by an eligible en-*
18 *tity, a unit of local government, a utility*
19 *company, a cooperative, a nonprofit organi-*
20 *zation, a for-profit company, regional plan-*
21 *ning or governmental organization, a Fed-*
22 *eral regional commission or authority, or*
23 *any combination thereof;*

24 (ii) *may include in-kind contributions;*
25 *and*

1 (iii) may include funds that were pro-
2 vided to an eligible entity or a subgrantee—

3 (I) under—

4 (aa) the Families First
5 Coronavirus Response Act (Public
6 Law 116–127; 134 Stat. 178);

7 (bb) the CARES Act (Public
8 Law 116–136; 134 Stat. 281);

9 (cc) the Consolidated Appro-
10 priations Act, 2021 (Public Law
11 116–260; 134 Stat. 1182);

12 (dd) the American Rescue
13 Plan Act of 2021 (Public Law
14 117–2; 135 Stat. 4); or

15 (ee) any amendment made
16 by an Act described in any of
17 items (aa) through (dd); and

18 (II) for the purpose of deployment
19 of broadband service, as described in
20 the applicable provision of law de-
21 scribed in subclause (I).

22 (C) DEFINITION.—For purposes of this
23 paragraph, the term “Federal regional commis-
24 sion or authority” means—

- 1 (i) the Appalachian Regional Commis-
2 sion;
3 (ii) the Delta Regional Authority;
4 (iii) the Denali Commission; and
5 (iv) the Northern Border Regional
6 Commission.

7 (4) *DEPLOYMENT AND PROVISION OF SERVICE*
8 *REQUIREMENTS.*—An entity that receives a subgrant
9 under subsection (f)(1) for the deployment of a
10 broadband network—

11 (A) in providing broadband service using
12 the network—

13 (i) shall provide broadband service—

14 (I) at a speed of not less than 100
15 megabits per second for downloads and
16 20 megabits per second for uploads;

17 (II) with a latency that is suffi-
18 ciently low to allow reasonably foresee-
19 able, real-time, interactive applica-
20 tions; and

21 (III) with network outages that do
22 not exceed, on average, 48 hours over
23 any 365-day period; and

1 (ii) shall provide access to broadband
2 service to each customer served by the
3 project that desires broadband service;

4 (B) shall offer not less than 1 low-cost
5 broadband service option for eligible subscribers,
6 as those terms are defined in paragraph (5) of
7 this subsection;

8 (C) shall deploy the broadband network and
9 begin providing broadband service to each cus-
10 tomer that desires broadband service not later
11 than 4 years after the date on which the entity
12 receives the subgrant, except that an eligible enti-
13 ty may extend the deadline under this subpara-
14 graph if—

15 (i) the eligible entity has a plan for use
16 of the grant funds;

17 (ii) the construction project is under-
18 way; or

19 (iii) extenuating circumstances require
20 an extension of time to allow the project to
21 be completed;

22 (D) for any project that involves laying
23 fiber optic cables or conduit underground or
24 along a roadway, shall include interspersed con-
25 duit access points at regular and short intervals;

1 (E) may use the subgrant to deploy
2 broadband infrastructure in or through any area
3 required to reach interconnection points or other-
4 wise to ensure the technical feasibility and fi-
5 nancial sustainability of a project providing
6 broadband service to an unserved location, un-
7 derserved location, or eligible community anchor
8 institution;

9 (F) once the network has been deployed,
10 shall provide public notice, online and through
11 other means, of that fact to the locations and
12 areas to which broadband service has been pro-
13 vided and share the public notice with the eligi-
14 ble entity that awarded the subgrant;

15 (G) shall carry out public awareness cam-
16 paigns in service areas that are designed to high-
17 light the value and benefits of broadband service
18 in order to increase the adoption of broadband
19 service by consumers; and

20 (H) if the entity is no longer able to provide
21 broadband service to the locations covered by the
22 subgrant at any time, shall sell the network ca-
23 pacity at a reasonable, wholesale rate on a non-
24 discriminatory basis to other broadband service
25 providers or public sector entities.

1 (5) *LOW-COST BROADBAND SERVICE OPTION*.—

2 (A) *DEFINITIONS*.—*In this paragraph—*

3 (i) *the term “eligible subscriber” shall*
4 *have the meaning given the term by the As-*
5 *stant Secretary for purposes of this para-*
6 *graph; and*

7 (ii) *the term “low-cost broadband serv-*
8 *ice option” shall be defined by an eligible*
9 *entity for subgrantees of the eligible entity*
10 *in accordance with subparagraph (B).*

11 (B) *DEFINING “LOW-COST BROADBAND*
12 *SERVICE OPTION”*.—

13 (i) *PROPOSAL*.—*An eligible entity shall*
14 *submit to the Assistant Secretary for ap-*
15 *proval, in the final proposal of the eligible*
16 *entity submitted under subsection (e)(4), a*
17 *proposed definition of “low-cost broadband*
18 *service option” that shall apply to sub-*
19 *grantees of the eligible entity for purposes of*
20 *the requirement under paragraph (4)(B) of*
21 *this subsection.*

22 (ii) *CONSULTATION*.—*An eligible enti-*
23 *ty shall consult with the Assistant Secretary*
24 *and prospective subgrantees regarding a*
25 *proposed definition of “low-cost broadband*

1 *service option” before submitting the pro-*
2 *posed definition to the Assistant Secretary*
3 *under clause (i).*

4 *(iii) APPROVAL OF ASSISTANT SEC-*
5 *RETARY.—*

6 *(I) IN GENERAL.—A proposed def-*
7 *inition of “low-cost broadband service*
8 *option” submitted by an eligible entity*
9 *under clause (i) shall not take effect*
10 *until the Assistant Secretary approves*
11 *the final proposal of the eligible entity*
12 *submitted under subsection (e)(4), in-*
13 *cluding approval of the proposed defi-*
14 *inition of “low-cost broadband service*
15 *option”.*

16 *(II) RESUBMISSION.—If the As-*
17 *stant Secretary does not approve a*
18 *proposed definition of “low-cost*
19 *broadband service option” submitted*
20 *by an eligible entity under clause (i),*
21 *the Assistant Secretary shall—*

22 *(aa) notify the eligible entity*
23 *and provide the eligible entity*
24 *with an opportunity to resubmit*
25 *the final proposal, as provided in*

1 subsection (e)(4), with an im-
2 proved definition of “low-cost
3 broadband service option”; and

4 (bb) provide the eligible enti-
5 ty with instructions on how to
6 cure the defects in the proposed
7 definition.

8 (iv) *PUBLIC DISCLOSURE.*—After the
9 Assistant Secretary approves the final pro-
10 posal of an eligible entity under subsection
11 (e)(4), and before the Assistant Secretary
12 disburses any funds to the eligible entity
13 based on that approval, the Assistant Sec-
14 retary shall publicly disclose the eligible en-
15 tity’s definition of “low-cost broadband
16 service option”.

17 (C) *NONPERFORMANCE.*—The Assistant Sec-
18 retary shall develop procedures under which the
19 Assistant Secretary or an eligible entity may—

20 (i) evaluate the compliance of a sub-
21 grantee with the requirement under para-
22 graph (4)(B); and

23 (ii) take corrective action, including
24 recoupment of funds from the subgrantee,

1 *for noncompliance with the requirement*
2 *under paragraph (4)(B).*

3 (D) *NO REGULATION OF RATES PER-*
4 *MITTED.—Nothing in this title may be construed*
5 *to authorize the Assistant Secretary or the Na-*
6 *tional Telecommunications and Information Ad-*
7 *ministration to regulate the rates charged for*
8 *broadband service.*

9 (E) *GUIDANCE.—The Assistant Secretary*
10 *may issue guidance to eligible entities to carry*
11 *out the purposes of this paragraph.*

12 (6) *RETURN OF FUNDS.—An entity that receives*
13 *a subgrant from an eligible entity under subsection*
14 *(f) and fails to comply with any requirement under*
15 *this subsection shall return up to the entire amount*
16 *of the subgrant to the eligible entity, at the discretion*
17 *of the eligible entity or the Assistant Secretary.*

18 (i) *REGULATIONS.—The Assistant Secretary may issue*
19 *such regulations or other guidance, forms, instructions, and*
20 *publications as may be necessary or appropriate to carry*
21 *out the programs, projects, or activities authorized under*
22 *this section, including to ensure that those programs,*
23 *projects, or activities are completed in a timely and effective*
24 *manner.*

25 (j) *REPORTING.—*

1 (1) *ELIGIBLE ENTITIES.*—

2 (A) *INITIAL REPORT.*—Not later than 90
3 days after receiving grant funds under this sec-
4 tion, for the sole purposes of providing trans-
5 parency and providing information to inform
6 future Federal broadband planning, an eligible
7 entity shall submit to the Assistant Secretary a
8 report that—

9 (i) describes the planned and actual
10 use of funds;

11 (ii) describes the planned and actual
12 process of subgranting;

13 (iii) identifies the establishment of ap-
14 propriate mechanisms by the eligible entity
15 to ensure that all subgrantees of the eligible
16 entity comply with the eligible uses pre-
17 scribed under subsection (f); and

18 (iv) includes any other information re-
19 quired by the Assistant Secretary.

20 (B) *SEMIANNUAL REPORT.*—Not later than
21 1 year after receiving grant funds under this sec-
22 tion, and semiannually thereafter until the funds
23 have been expended, an eligible entity shall sub-
24 mit to the Assistant Secretary a report, with re-

1 *spect to the 6-month period immediately pre-*
2 *ceding the report date, that—*

3 *(i) describes how the eligible entity ex-*
4 *pended the grant funds;*

5 *(ii) describes each service provided*
6 *with the grant funds;*

7 *(iii) describes the number of locations*
8 *at which broadband service was made avail-*
9 *able using the grant funds, and the number*
10 *of those locations at which broadband serv-*
11 *ice was utilized; and*

12 *(iv) certifies that the eligible entity*
13 *complied with the requirements of this sec-*
14 *tion and with any additional reporting re-*
15 *quirements prescribed by the Assistant Sec-*
16 *retary.*

17 *(C) FINAL REPORT.—Not later than 1 year*
18 *after an eligible entity has expended all grant*
19 *funds received under this section, the eligible en-*
20 *tity shall submit to the Assistant Secretary a re-*
21 *port that—*

22 *(i) describes how the eligible entity ex-*
23 *pended the funds;*

24 *(ii) describes each service provided*
25 *with the grant funds;*

1 (iii) describes the number of locations
2 at which broadband service was made avail-
3 able using the grant funds, and the number
4 of those locations at which broadband serv-
5 ice was utilized;

6 (iv) includes each report that the eligi-
7 ble entity received from a subgrantee under
8 paragraph (2); and

9 (v) certifies that the eligible entity
10 complied with the requirements of this sec-
11 tion and with any additional reporting re-
12 quirements prescribed by the Assistant Sec-
13 retary.

14 (D) *PROVISION TO FCC AND USDA.*—Subject
15 to section 904(b)(2) of division FF of the Con-
16 solidated Appropriations Act, 2021 (Public Law
17 116–260) (relating to an interagency agreement),
18 the Assistant Secretary shall coordinate with the
19 Commission and the Department of Agriculture,
20 including providing the final reports received
21 under subparagraph (C) to the Commission and
22 the Department of Agriculture to be used when
23 determining whether to award funds for the de-
24 ployment of broadband under any program ad-
25 ministered by those agencies.

1 (E) *FEDERAL AGENCY REPORTING RE-*
2 *QUIREMENT.*—

3 (i) *DEFINITIONS.*—*In this subpara-*
4 *graph, the terms “agency” and “Federal*
5 *broadband support program” have the*
6 *meanings given those terms in section 903*
7 *of division FF of the Consolidated Appro-*
8 *priations Act, 2021 (Public Law 116–260)*
9 *(also known as the “ACCESS*
10 *BROADBAND Act”).*

11 (ii) *REQUIREMENT.*—*An agency that*
12 *offers a Federal broadband support program*
13 *shall provide data to the Assistant Sec-*
14 *retary, in a manner and format prescribed*
15 *by the Assistant Secretary, to promote co-*
16 *ordination of efforts to track construction*
17 *and use of broadband infrastructure.*

18 (2) *SUBGRANTEES.*—

19 (A) *SEMIANNUAL REPORT.*—*The recipient of*
20 *a subgrant from an eligible entity under this sec-*
21 *tion shall submit to the eligible entity a semi-*
22 *annual report for the duration of the subgrant to*
23 *track the effectiveness of the use of funds pro-*
24 *vided.*

1 (B) *CONTENTS.*—*Each report submitted*
2 *under subparagraph (A) shall—*

3 (i) *describe each type of project carried*
4 *out using the subgrant and the duration of*
5 *the subgrant;*

6 (ii) *in the case of a broadband infra-*
7 *structure project—*

8 (I) *include a list of addresses or*
9 *locations that constitute the service lo-*
10 *cations that will be served by the*
11 *broadband infrastructure to be con-*
12 *structed;*

13 (II) *identify whether each address*
14 *or location described in subclause (I) is*
15 *residential, commercial, or a commu-*
16 *nity anchor institution;*

17 (III) *describe the types of facili-*
18 *ties that have been constructed and in-*
19 *stalled;*

20 (IV) *describe the peak and off-*
21 *peak actual speeds of the broadband*
22 *service being offered;*

23 (V) *describe the maximum adver-*
24 *tised speed of the broadband service*
25 *being offered;*

1 (VI) describe the non-promotional
2 prices, including any associated fees,
3 charged for different tiers of broadband
4 service being offered;

5 (VII) include any other data that
6 would be required to comply with the
7 data and mapping collection standards
8 of the Commission under section
9 1.7004 of title 47, Code of Federal Reg-
10 ulations, or any successor regulation,
11 for broadband infrastructure projects;
12 and

13 (VIII) comply with any other rea-
14 sonable reporting requirements deter-
15 mined by the eligible entity or the As-
16 sistant Secretary; and

17 (iii) certify that the information in the
18 report is accurate.

19 (3) STANDARDIZATION AND COORDINATION.—The
20 Assistant Secretary and the Commission shall collabo-
21 rate to—

22 (A) standardize and coordinate reporting of
23 locations at which broadband service was pro-
24 vided using grant funds received under this sec-
25 tion in accordance with title VIII of the Commu-

1 *nications Act of 1934 (47 U.S.C. 641 et seq.);*
2 *and*

3 *(B) provide a standardized methodology to*
4 *recipients of grants and subgrantees under this*
5 *section for reporting the information described in*
6 *subparagraph (A).*

7 *(4) INFORMATION ON BROADBAND SUBSIDIES*
8 *AND LOW-INCOME PLANS.—*

9 *(A) ESTABLISHMENT OF WEBSITE.—Not*
10 *later than 2 years after the date of enactment of*
11 *this Act, the Assistant Secretary, in consultation*
12 *with the Commission, shall establish a publicly*
13 *available website that—*

14 *(i) allows a consumer to determine,*
15 *based on financial information entered by*
16 *the consumer, whether the consumer is eligi-*
17 *ble—*

18 *(I) to receive a Federal or State*
19 *subsidy with respect to broadband serv-*
20 *ice; or*

21 *(II) for a low-income plan with*
22 *respect to broadband service; and*

23 *(ii) contains information regarding*
24 *how to apply for the applicable benefit de-*
25 *scribed in clause (i).*

1 (B) *PROVISION OF DATA.*—*A Federal entity,*
2 *State entity receiving Federal funds, or provider*
3 *of broadband service that offers a subsidy or low-*
4 *income plan, as applicable, with respect to*
5 *broadband service shall provide data to the As-*
6 *stant Secretary in a manner and format as es-*
7 *tablished by the Assistant Secretary as necessary*
8 *for the Assistant Secretary to carry out subpara-*
9 *graph (A).*

10 (k) *RELATION TO OTHER PUBLIC FUNDING.*—*Not-*
11 *withstanding any other provision of law—*

12 (1) *an entity that has received amounts from the*
13 *Federal Government or a State or local government*
14 *for the purpose of expanding access to broadband*
15 *service may receive a subgrant under subsection (f) in*
16 *accordance with this section; and*

17 (2) *the receipt of a subgrant under subsection (f)*
18 *by an entity described in paragraph (1) of this sub-*
19 *section shall not affect the eligibility of the entity to*
20 *receive the amounts from the Federal Government or*
21 *a State or local government described in that para-*
22 *graph.*

23 (l) *SUPPLEMENT NOT SUPPLANT.*—*Grant funds*
24 *awarded to an eligible entity under this section shall be*
25 *used to supplement, and not supplant, the amounts that*

1 *the eligible entity would otherwise make available for the*
2 *purposes for which the grant funds may be used.*

3 (m) *SENSE OF CONGRESS REGARDING FEDERAL*
4 *AGENCY COORDINATION.—It is the sense of Congress that*
5 *Federal agencies responsible for supporting broadband de-*
6 *ployment, including the Commission, the Department of*
7 *Commerce, and the Department of Agriculture, to the extent*
8 *possible, should align the goals, application and reporting*
9 *processes, and project requirements with respect to*
10 *broadband deployment supported by those agencies.*

11 (n) *JUDICIAL REVIEW.—*

12 (1) *IN GENERAL.—The United States District*
13 *Court for the District of Columbia shall have exclusive*
14 *jurisdiction to review a decision of the Assistant Sec-*
15 *retary made under this section.*

16 (2) *STANDARD OF REVIEW.—In carrying out*
17 *any review described in paragraph (1), the court shall*
18 *affirm the decision of the Assistant Secretary unless—*

19 (A) *the decision was procured by corrup-*
20 *tion, fraud, or undue means;*

21 (B) *there was actual partiality or corrup-*
22 *tion in the Assistant Secretary; or*

23 (C) *the Assistant Secretary was guilty of—*

24 (i) *misconduct in refusing to review*
25 *the administrative record; or*

1 (ii) any other misbehavior by which
2 the rights of any party have been preju-
3 diced.

4 (o) *EXEMPTION FROM CERTAIN LAWS.*—Any action
5 taken or decision made by the Assistant Secretary under
6 this section shall be exempt from the requirements of—

7 (1) section 3506 of title 44, United States Code
8 (commonly referred to as the “Paperwork Reduction
9 Act”);

10 (2) chapter 5 or 7 of title 5, United States Code
11 (commonly referred to as the “Administrative Proce-
12 dures Act”); and

13 (3) chapter 6 of title 5, United States Code (com-
14 monly referred to as the “Regulatory Flexibility
15 Act”).

16 **SEC. 60103. BROADBAND DATA MAPS.**

17 (a) *DEFINITION.*—In this section, the term “Commis-
18 sion” means the Federal Communications Commission.

19 (b) *PROVISION OF INFORMATION.*—A broadband pro-
20 vider shall provide the Commission with any information,
21 in the format, type, or specification requested by the Com-
22 mission, necessary to augment the collection of data by the
23 Commission under—

24 (1) title VIII of the Communications Act of 1934
25 (47 U.S.C. 641 et seq.); or

1 (2) *the Form 477 data collection program.*

2 (c) *NOTICE OF INITIAL BROADBAND DATA COLLEC-*
3 *TION FILING DEADLINE.—The Commission—*

4 (1) *shall provide notice to broadband providers*
5 *not later than 60 days before the initial deadline for*
6 *submission of data under section 802(a)(1)(A) of the*
7 *Communications Act of 1934 (47 U.S.C.*
8 *642(a)(1)(A)); and*

9 (2) *notwithstanding any prior decision of the*
10 *Commission to the contrary, shall not be required to*
11 *provide notice not later than 6 months before the ini-*
12 *tial deadline described in paragraph (1).*

13 (d) *AVAILABILITY OF CENSUS DATA.—*

14 (1) *IN GENERAL.—Section 802(b)(1) of the Com-*
15 *munications Act of 1934 (47 U.S.C. 802(b)(1)) is*
16 *amended by adding at the end the following:*

17 “(D) *AVAILABILITY OF CENSUS DATA.—The*
18 *Secretary of Commerce shall submit to the Com-*
19 *mission, for inclusion in the Fabric, a count of*
20 *the aggregate number of housing units in each*
21 *census block, as collected by the Bureau of the*
22 *Census.”.*

23 (2) *PROVISION OF UPDATED 2020 CENSUS*
24 *DATA.—Not later than 30 days after receiving a re-*
25 *quest from the Commission, the Secretary of Com-*

1 *sion should achieve the universal service goals for*
2 *broadband.*

3 *(c) REPORT.—*

4 *(1) IN GENERAL.—Not later than 270 days after*
5 *the date of enactment of this Act, the Commission*
6 *shall submit to Congress a report on the options of the*
7 *Commission for improving its effectiveness in achiev-*
8 *ing the universal service goals for broadband in light*
9 *of this Act and the amendments made by this Act,*
10 *and other legislation that addresses those goals.*

11 *(2) RECOMMENDATIONS.—In the report sub-*
12 *mitted under paragraph (1), the Commission may*
13 *make recommendations for Congress on further ac-*
14 *tions the Commission and Congress could take to im-*
15 *prove the ability of the Commission to achieve the*
16 *universal service goals for broadband.*

17 *(3) SCOPE OF UNIVERSAL SERVICE.—In submit-*
18 *ting the report under paragraph (1), the Commis-*
19 *sion—*

20 *(A) may not in any way reduce the congres-*
21 *sional mandate to achieve the universal service*
22 *goals for broadband; and*

23 *(B) may provide recommendations for Con-*
24 *gress to expand the universal service goals for*

1 *broadband, if the Commission believes such an*
2 *expansion is in the public interest.*

3 **SEC. 60105. BROADBAND DEPLOYMENT LOCATIONS MAP.**

4 *(a) DEFINITIONS.—In this section:*

5 (1) *BROADBAND INFRASTRUCTURE.—The term*
6 *“broadband infrastructure” means any cables, fiber*
7 *optics, wiring, or other permanent (integral to the*
8 *structure) infrastructure, including wireless infra-*
9 *structure, that—*

10 *(A) is capable of providing access to inter-*
11 *net connections in individual locations; and*

12 *(B) is an advanced telecommunications ca-*
13 *pability, as defined in section 706(d) of the Tele-*
14 *communications Act of 1996 (47 U.S.C.*
15 *1302(d)).*

16 (2) *COMMISSION.—The term “Commission”*
17 *means the Federal Communications Commission.*

18 (3) *DEPLOYMENT LOCATIONS MAP.—The term*
19 *“Deployment Locations Map” means the mapping*
20 *tool required to be established under subsection (b).*

21 (b) *ESTABLISHMENT OF DEPLOYMENT LOCATIONS*
22 *MAP.—Not later than 18 months after the date of enactment*
23 *of this Act, the Commission shall, in consultation with all*
24 *relevant Federal agencies, establish an online mapping tool*
25 *to provide a locations overview of the overall geographic*

1 *footprint of each broadband infrastructure deployment*
2 *project funded by the Federal Government.*

3 (c) *REQUIREMENTS.—The Deployment Locations Map*
4 *shall be—*

5 (1) *the centralized, authoritative source of infor-*
6 *mation on funding made available by the Federal*
7 *Government for broadband infrastructure deployment*
8 *in the United States; and*

9 (2) *made publicly available on the website of the*
10 *Commission.*

11 (d) *FUNCTIONS.—In establishing the Deployment Lo-*
12 *cations Map, the Commission shall ensure that the Deploy-*
13 *ment Locations Map—*

14 (1) *compiles data related to Federal funding for*
15 *broadband infrastructure deployment provided by the*
16 *Commission, the National Telecommunications and*
17 *Information Administration, the Department of Agri-*
18 *culture, the Department of Health and Human Serv-*
19 *ices, the Department of the Treasury, the Department*
20 *of Housing and Urban Development, the Institute of*
21 *Museum and Library Sciences, and any other Federal*
22 *agency that provides such data relating to broadband*
23 *infrastructure deployment funding to the Commis-*
24 *sion, including funding under—*

25 (A) *this Act;*

1 (B) *the Coronavirus Aid, Relief, and Eco-*
2 *nomics Security Act (Public Law 116–136);*

3 (C) *the Consolidated Appropriations Act,*
4 *2021 (Public Law 116–260);*

5 (D) *American Rescue Plan Act of 2021*
6 *(Public Law 117–2); or*

7 (E) *any Federal amounts appropriated or*
8 *any Federal program authorized after the date of*
9 *enactment of this Act to fund broadband infra-*
10 *structure deployment;*

11 (2) *contains data, with respect to each*
12 *broadband infrastructure deployment program, relat-*
13 *ing to—*

14 (A) *the Federal agency of jurisdiction;*

15 (B) *the program title; and*

16 (C) *the network type, including wired, ter-*
17 *restrial fixed, wireless, mobile, and satellite*
18 *broadband infrastructure deployment;*

19 (3) *allows users to manipulate the Deployment*
20 *Locations Map to identify, search, and filter*
21 *broadband infrastructure deployment projects by—*

22 (A) *company name;*

23 (B) *duration timeline, including the dates*
24 *of a project’s beginning and ending, or antici-*
25 *ipated beginning or ending date;*

1 (C) total number of locations to which a
2 project makes service available; and

3 (D) relevant download and upload speeds;
4 and

5 (4) incorporates broadband service availability
6 data as depicted in the Broadband Map created under
7 section 802(c)(1) of the Communications Act of 1934
8 (47 U.S.C. 642(c)(1)).

9 (e) *PERIODIC UPDATES.*—

10 (1) *IN GENERAL.*—The Commission shall, in
11 consultation with relevant Federal agencies, ensure
12 the Deployment Locations Map is maintained and up
13 to date on a periodic basis, but not less frequently
14 than once every 180 days.

15 (2) *OTHER FEDERAL AGENCIES.*—Each Federal
16 agency providing funding for broadband infrastruc-
17 ture deployment shall report relevant data to the
18 Commission on a periodic basis.

19 (f) *NO EFFECT ON PROGRAMMATIC MISSIONS.*—Noth-
20 ing in this section shall be construed to affect the pro-
21 grammatic missions of Federal agencies providing funding
22 for broadband infrastructure development.

23 (g) *NONDUPLICATION.*—The requirements in this sec-
24 tion shall be consistent with and avoid duplication with

1 *the provisions of section 903 of division FF of the Consoli-*
 2 *dated Appropriations Act, 2021 (Public Law 116–260).*

3 *(h) FUNDING.—Of the amounts appropriated to carry*
 4 *out this division under this Act, \$10,000,000 shall be made*
 5 *available to carry out this section.*

6 ***TITLE II—TRIBAL CONNECTIVITY***
 7 ***TECHNICAL AMENDMENTS.***

8 ***SEC. 60201. TRIBAL CONNECTIVITY TECHNICAL AMEND-***
 9 ***MENTS.***

10 *Section 905 of division N of the Consolidated Appro-*
 11 *priations Act, 2021 (Public Law 116–260) is amended—*

12 *(1) in subsection (c)—*

13 *(A) in paragraph (1)(B), by striking “dur-*
 14 *ing the COVID–19 pandemic”;*

15 *(B) in paragraph (4)—*

16 *(i) in subparagraph (A)—*

17 *(I) in clause (i), by striking “180*
 18 *days after receiving grant funds” and*
 19 *inserting “18 months after receiving*
 20 *an allocation of funds pursuant to a*
 21 *specific grant award”;* and

22 *(II) in clause (ii), by striking “re-*
 23 *vert to the general fund of the Treas-*
 24 *ury” and inserting “be made available*

1 to other eligible entities for the pur-
2 poses provided in this subsection”;

3 (ii) in subparagraph (B)—

4 (I) in clause (i), by striking “1
5 year after receiving grant funds” and
6 inserting “4 years after receiving an
7 allocation of funds pursuant to a spe-
8 cific grant award”;

9 (II) by redesignating clause (iii)
10 as clause (iv); and

11 (III) by inserting after clause (ii)
12 the following:

13 “(iii) EXTENSIONS FOR OTHER
14 PROJECTS.—The Assistant Secretary may,
15 for good cause shown, extend the period
16 under clause (i) for an eligible entity that
17 proposes to use the grant funds for an eligi-
18 ble use other than construction of broadband
19 infrastructure, based on a detailed showing
20 by the eligible entity of the need for an ex-
21 tension.”; and

22 (iii) by adding at the end the fol-
23 lowing:

24 “(C) MULTIPLE GRANT AWARDS.—If the As-
25 sistant Secretary awards multiple grants to an

1 *eligible entity under this subsection, the dead-*
2 *lines under subparagraphs (A) and (B) shall*
3 *apply individually to each grant award.”; and*

4 *(C) by striking paragraph (6) and inserting*
5 *the following:*

6 “*(6) ADMINISTRATIVE EXPENSES OF ELIGIBLE*
7 *ENTITIES.—*

8 “*(A) IN GENERAL.—Except as provided in*
9 *subparagraph (B), an eligible entity may use not*
10 *more than 2 percent of grant funds received*
11 *under this subsection for administrative pur-*
12 *poses.*

13 “*(B) BROADBAND INFRASTRUCTURE*
14 *PROJECTS.—An eligible entity that proposes to*
15 *use grant funds for the construction of*
16 *broadband infrastructure may use an amount of*
17 *the grant funds equal to not more than 2.5 per-*
18 *cent of the total project cost for planning, feasi-*
19 *bility, and sustainability studies related to the*
20 *project.”; and*

21 *(2) in subsection (e), by adding at the end the*
22 *following:*

23 “*(6) ADDITIONAL APPROPRIATIONS FOR TRIBAL*
24 *BROADBAND CONNECTIVITY PROGRAM.—*

1 “(A) *DEFINITION.*—*In this paragraph, the*
2 *term ‘initial round of funding’—*

3 “(i) *means the allocation under para-*
4 *graph (2)(E) of funds appropriated under*
5 *subsection (b)(1); and*

6 “(ii) *does not include any reallocation*
7 *of funds under paragraph (2)(F).*

8 “(B) *NEW FUNDING.*—*If Congress appro-*
9 *priates additional funds for grants under sub-*
10 *section (c) after the date of enactment of this Act,*
11 *the Assistant Secretary—*

12 “(i) *may use a portion of the funds to*
13 *fully fund any grants under that subsection*
14 *for which the Assistant Secretary received*
15 *an application and which the Assistant Sec-*
16 *retary did not fully fund during the initial*
17 *round of funding; and*

18 “(ii) *shall allocate any remaining*
19 *funds through subsequent funding rounds*
20 *consistent with the requirements of this sec-*
21 *tion, except as provided in subparagraph*
22 *(C) of this paragraph.*

23 “(C) *EXCEPTIONS.*—*If Congress appro-*
24 *priates additional funds for grants under sub-*

1 *section (c) after the date of enactment of this*
2 *Act—*

3 *“(i) the Assistant Secretary shall not*
4 *be required to issue an additional notice*
5 *under paragraph (1) of this subsection, but*
6 *shall inform eligible entities that additional*
7 *funding has been made available for grants*
8 *under subsection (c) and describe the*
9 *changes made to the Tribal Broadband*
10 *Connectivity Program under that subsection*
11 *by section 60201 of the Infrastructure In-*
12 *vestment and Jobs Act;*

13 *“(ii) the requirement under paragraph*
14 *(2)(C) of this subsection shall be applied in-*
15 *dividually to each round of funding for*
16 *grants under subsection (c);*

17 *“(iii) paragraph (2)(A) of this sub-*
18 *section shall be applied by substituting*
19 *‘180-day period beginning on the date on*
20 *which the Assistant Secretary informs eligi-*
21 *ble entities that additional funding has been*
22 *made available for grants under subsection*
23 *(c)’ for ‘90-day period beginning on the*
24 *date on which the Assistant Secretary issues*
25 *the notice under paragraph (1)’; and*

1 “(iv) notwithstanding paragraph
2 (2)(F) of this subsection, in the case of
3 funds appropriated under subsection (b)(1)
4 that were not allocated during the initial
5 round of funding, the Assistant Secretary
6 may elect to allocate the funds during any
7 subsequent round of funding for grants
8 under subsection (c).”

9 **TITLE III—DIGITAL EQUITY ACT**
10 **OF 2021**

11 **SEC. 60301. SHORT TITLE.**

12 *This title may be cited as the “Digital Equity Act of*
13 *2021”.*

14 **SEC. 60302. DEFINITIONS.**

15 *In this title:*

16 (1) *ADOPTION OF BROADBAND.—The term*
17 *“adoption of broadband” means the process by which*
18 *an individual obtains daily access to the internet—*

19 (A) *at a speed, quality, and capacity—*

20 (i) *that is necessary for the individual*
21 *to accomplish common tasks; and*

22 (ii) *such that the access qualifies as an*
23 *advanced telecommunications capability;*

24 (B) *with the digital skills that are necessary*
25 *for the individual to participate online; and*

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 ca-*
6 *pability” has the meaning given the term in section*
7 *706(d) of the Telecommunications Act of 1996 (47*
8 *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 of*
12 *1965 (42 U.S.C. 3002).*

13 (4) *APPROPRIATE COMMITTEES OF CONGRESS.*—
14 *The term “appropriate committees of Congress”*
15 *means—*

16 (A) *the Committee on Appropriations of the*
17 *Senate;*

18 (B) *the Committee on Commerce, Science,*
19 *and Transportation of the Senate;*

20 (C) *the Committee on Appropriations of the*
21 *House of Representatives; and*

22 (D) *the Committee on Energy and Com-*
23 *merce of the House of Representatives.*

1 (5) *ASSISTANT SECRETARY*.—The term “*Assis-*
2 *tant Secretary*” means the Assistant Secretary of Com-
3 *merce for Communications and Information*.

4 (6) *COMMUNITY ANCHOR INSTITUTION*.—The
5 term “*community anchor institution*” means a public
6 school, a public or multi-family housing authority, a
7 library, a medical or healthcare provider, a commu-
8 nity college or other institution of higher education,
9 a State library agency, and any other nonprofit or
10 governmental community support organization.

11 (7) *COVERED HOUSEHOLD*.—The term “*covered*
12 *household*” means a household, the income of which
13 for the most recently completed year is not more than
14 150 percent of an amount equal to the poverty level,
15 as determined by using criteria of poverty established
16 by the Bureau of the Census.

17 (8) *COVERED POPULATIONS*.—The term “*covered*
18 *populations*” means—

19 (A) *individuals who live in covered house-*
20 *holds;*

21 (B) *aging individuals;*

22 (C) *incarcerated individuals, other than in-*
23 *dividuals who are incarcerated in a Federal cor-*
24 *rectional facility;*

25 (D) *veterans;*

- 1 (E) *individuals with disabilities;*
2 (F) *individuals with a language barrier, in-*
3 *cluding individuals who—*
4 (i) *are English learners; and*
5 (ii) *have low levels of literacy;*
6 (G) *individuals who are members of a ra-*
7 *cial or ethnic minority group; and*
8 (H) *individuals who primarily reside in a*
9 *rural area.*

10 (9) *COVERED PROGRAMS.—The term “covered*
11 *programs” means the State Digital Equity Capacity*
12 *Grant Program established under section 60304 and*
13 *the Digital Equity Competitive Grant Program estab-*
14 *lished under section 60305.*

15 (10) *DIGITAL EQUITY.—The term “digital eq-*
16 *uity” means the condition in which individuals and*
17 *communities have the information technology capac-*
18 *ity that is needed for full participation in the society*
19 *and economy of the United States.*

20 (11) *DIGITAL INCLUSION.—The term “digital in-*
21 *clusion”—*

22 (A) *means the activities that are necessary*
23 *to ensure that all individuals in the United*
24 *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-suffi-*
9 *ciency, 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, cre-*
22 *ate, and communicate information.*

23 (13) *DISABILITY.—The term “disability” has the*
24 *meaning given the term in section 3 of the Americans*
25 *with Disabilities Act of 1990 (42 U.S.C. 12102).*

1 (14) *ELIGIBLE STATE*.—The term “eligible
2 *State*” means—

3 (A) *with respect to planning grants made*
4 *available under section 60304(c)(3), a State with*
5 *respect to which the Assistant Secretary has ap-*
6 *proved an application submitted to the Assistant*
7 *Secretary under section 60304(c)(3)(C); and*

8 (B) *with respect to capacity grants awarded*
9 *under section 60304(d), a State with respect to*
10 *which the Assistant Secretary has approved an*
11 *application submitted to the Assistant Secretary*
12 *under section 60304(d)(2), including approval of*
13 *the State Digital Equity Plan developed by the*
14 *State under section 60304(c).*

15 (15) *GENDER IDENTITY*.—The term “gender
16 *identity*” has the meaning given the term in section
17 *249(c) of title 18, United States Code.*

18 (16) *INDIAN TRIBE*.—The term “*Indian Tribe*”
19 *has the meaning given the term in section 4(e) of the*
20 *Indian Self-Determination and Education Assistance*
21 *Act (25 U.S.C. 5304(e)).*

22 (17) *INSTITUTION OF HIGHER EDUCATION*.—The
23 *term “institution of higher education”—*

1 (A) has the meaning given the term in sec-
2 tion 101 of the Higher Education Act of 1965
3 (20 U.S.C. 1001); and

4 (B) includes a postsecondary vocational in-
5 stitution.

6 (18) LOCAL EDUCATIONAL AGENCY.—The term
7 “local educational agency” has the meaning given the
8 term in section 8101(30) of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C. 7801(30)).

10 (19) POSTSECONDARY VOCATIONAL INSTITU-
11 TION.—The term “postsecondary vocational institu-
12 tion” has the meaning given the term in section
13 102(c) of the Higher Education Act of 1965 (20
14 U.S.C. 1002(c)).

15 (20) RURAL AREA.—The term “rural area” has
16 the meaning given the term in section 601(b)(3) of the
17 Rural Electrification Act of 1936 (7 U.S.C.
18 950bb(b)(3)).

19 (21) STATE.—The term “State” means—

20 (A) any State of the United States;

21 (B) the District of Columbia; and

22 (C) the Commonwealth of Puerto Rico.

23 (22) VETERAN.—The term “veteran” has the
24 meaning given the term in section 101 of title 38,
25 United States Code.

1 (23) *WORKFORCE DEVELOPMENT PROGRAM.*—
2 *The term “workforce development program” has the*
3 *meaning given the term in section 3(66) of the Work-*
4 *force Innovation and Opportunity Act (29 U.S.C.*
5 *3102(66)).*

6 **SEC. 60303. SENSE OF CONGRESS.**

7 *It is the sense of Congress that—*

8 (1) *a broadband connection and digital literacy*
9 *are increasingly critical to how individuals—*

10 (A) *participate in the society, economy, and*
11 *civic institutions of the United States; and*

12 (B) *access health care and essential services,*
13 *obtain education, and build careers;*

14 (2) *digital exclusion—*

15 (A) *carries a high societal and economic*
16 *cost;*

17 (B) *materially harms the opportunity of an*
18 *individual with respect to the economic success,*
19 *educational achievement, positive health out-*
20 *comes, social inclusion, and civic engagement of*
21 *that individual; and*

22 (C) *exacerbates existing wealth and income*
23 *gaps, especially those experienced by covered*
24 *populations;*

1 (3) *achieving digital equity for all people of the*
2 *United States requires additional and sustained in-*
3 *vestment and research efforts;*

4 (4) *the Federal Government, as well as State,*
5 *tribal, territorial, and local governments, have made*
6 *social, legal, and economic obligations that necessarily*
7 *extend to how the citizens and residents of those gov-*
8 *ernments access and use the internet; and*

9 (5) *achieving digital equity is a matter of social*
10 *and economic justice and is worth pursuing.*

11 **SEC. 60304. STATE DIGITAL EQUITY CAPACITY GRANT PRO-**
12 **GRAM.**

13 (a) *ESTABLISHMENT; PURPOSE.—*

14 (1) *IN GENERAL.—The Assistant Secretary shall*
15 *establish in the Department of Commerce the State*
16 *Digital Equity Capacity Grant Program (referred to*
17 *in this section as the “Program”)—*

18 (A) *the purpose of which is to promote the*
19 *achievement of digital equity, support digital in-*
20 *clusion activities, and build capacity for efforts*
21 *by States relating to the adoption of broadband*
22 *by residents of those States;*

23 (B) *through which the Assistant Secretary*
24 *shall make grants to States in accordance with*
25 *the requirements of this section; and*

1 (C) which shall ensure that States have the
2 capacity to promote the achievement of digital
3 equity and support digital inclusion activities.

4 (2) CONSULTATION WITH OTHER FEDERAL AGEN-
5 CIES; NO CONFLICT.—In establishing the Program
6 under paragraph (1), the Assistant Secretary shall—

7 (A) consult with—

8 (i) the Secretary of Agriculture;

9 (ii) the Secretary of Housing and
10 Urban Development;

11 (iii) the Secretary of Education;

12 (iv) the Secretary of Labor;

13 (v) the Secretary of Health and
14 Human Services;

15 (vi) the Secretary of Veterans Affairs;

16 (vii) the Secretary of the Interior;

17 (viii) the Federal Communications
18 Commission;

19 (ix) the Federal Trade Commission;

20 (x) the Director of the Institute of Mu-
21 seum and Library Services;

22 (xi) the Administrator of the Small
23 Business Administration;

24 (xii) the Federal Co-Chair of the Appa-
25 lachian Regional Commission; and

1 *(xiii) the head of any other agency that*
2 *the Assistant Secretary determines to be ap-*
3 *propriate; and*

4 *(B) ensure that the Program complements*
5 *and enhances, and does not conflict with, other*
6 *Federal broadband initiatives and programs.*

7 ***(b) ADMINISTERING ENTITY.—***

8 ***(1) SELECTION; FUNCTION.—****The governor (or*
9 *equivalent official) of a State that wishes to be*
10 *awarded a grant under this section shall, from among*
11 *entities that are eligible under paragraph (2), select*
12 *an administering entity for that State, which shall—*

13 ***(A) serve as the recipient of, and admin-***
14 ***istering agent for, any grant awarded to the***
15 ***State under this section;***

16 ***(B) develop, implement, and oversee the***
17 ***State Digital Equity Plan for the State described***
18 ***in subsection (c);***

19 ***(C) make subgrants to any entity described***
20 ***in subsection (c)(1)(D) that is located in the***
21 ***State in support of—***

22 ***(i) the State Digital Equity Plan for***
23 ***the State; and***

24 ***(ii) digital inclusion activities in the***
25 ***State generally; and***

1 (D) serve as—

2 (i) an advocate for digital equity pol-
3 icy and digital inclusion activities; and

4 (ii) a repository of best practice mate-
5 rials regarding the policies and activities
6 described in clause (i).

7 (2) *ELIGIBLE ENTITIES*.—Any of the following
8 entities may serve as the administering entity for a
9 State for the purposes of this section if the entity has
10 demonstrated a capacity to administer the Program
11 on a statewide level:

12 (A) The State, a political subdivision, agen-
13 cy, or instrumentality of the State, an Indian
14 Tribe located in the State, an Alaska Native en-
15 tity located in the State, or a Native Hawaiian
16 organization located in the State.

17 (B) A foundation, corporation, institution,
18 association, or coalition that is—

19 (i) a not-for-profit entity;

20 (ii) providing services in the State;

21 and

22 (iii) not a school.

23 (C) A community anchor institution, other
24 than a school, that is located in the State.

1 (D) *A local educational agency that is lo-*
2 *cated in the State.*

3 (E) *An entity located in the State that car-*
4 *ries out a workforce development program.*

5 (F) *An agency of the State that is respon-*
6 *sible for administering or supervising adult edu-*
7 *cation and literacy activities in the State.*

8 (G) *A public or multi-family housing au-*
9 *thority that is located in the State.*

10 (H) *A partnership between any of the enti-*
11 *ties described in subparagraphs (A) through (G).*

12 (c) *STATE DIGITAL EQUITY PLAN.—*

13 (1) *DEVELOPMENT; CONTENTS.—A State that*
14 *wishes to be awarded a grant under subsection (d)*
15 *shall develop a State Digital Equity Plan for the*
16 *State, which shall include—*

17 (A) *the identification of the barriers to dig-*
18 *ital equity faced by covered populations in the*
19 *State;*

20 (B) *measurable objectives for documenting*
21 *and promoting, among each group described in*
22 *subparagraphs (A) through (H) of section*
23 *60302(8) located in that State—*

1 (i) the availability of, and afford-
2 ability of access to, fixed and wireless
3 broadband technology;

4 (ii) the online accessibility and
5 inclusivity of public resources and services;

6 (iii) digital literacy;

7 (iv) awareness of, and the use of, meas-
8 ures to secure the online privacy of, and cy-
9 bersecurity with respect to, an individual;
10 and

11 (v) the availability and affordability of
12 consumer devices and technical support for
13 those devices;

14 (C) an assessment of how the objectives de-
15 scribed in subparagraph (B) will impact and
16 interact with the State's—

17 (i) economic and workforce develop-
18 ment goals, plans, and outcomes;

19 (ii) educational outcomes;

20 (iii) health outcomes;

21 (iv) civic and social engagement; and

22 (v) delivery of other essential services;

23 (D) in order to achieve the objectives de-
24 scribed in subparagraph (B), a description of

- 1 *how the State plans to collaborate with key*
2 *stakeholders in the State, which may include—*
- 3 *(i) community anchor institutions;*
 - 4 *(ii) county and municipal govern-*
5 *ments;*
 - 6 *(iii) local educational agencies;*
 - 7 *(iv) where applicable, Indian Tribes,*
8 *Alaska Native entities, or Native Hawaiian*
9 *organizations;*
 - 10 *(v) nonprofit organizations;*
 - 11 *(vi) organizations that represent—*
 - 12 *(I) individuals with disabilities,*
13 *including organizations that represent*
14 *children with disabilities;*
 - 15 *(II) aging individuals;*
 - 16 *(III) individuals with language*
17 *barriers, including—*
 - 18 *(aa) individuals who are*
19 *English learners; and*
 - 20 *(bb) individuals who have*
21 *low levels of literacy;*
 - 22 *(IV) veterans; and*
 - 23 *(V) individuals in that State who*
24 *are incarcerated in facilities other than*
25 *Federal correctional facilities;*

1 (vii) *civil rights organizations;*

2 (viii) *entities that carry out workforce*
3 *development programs;*

4 (ix) *agencies of the State that are re-*
5 *sponsible for administering or supervising*
6 *adult education and literacy activities in*
7 *the State;*

8 (x) *public housing authorities in the*
9 *State; and*

10 (xi) *a partnership between any of the*
11 *entities described in clauses (i) through (x);*
12 *and*

13 (E) *a list of organizations with which the*
14 *administering entity for the State collaborated*
15 *in developing and implementing the Plan.*

16 (2) *PUBLIC AVAILABILITY.—*

17 (A) *IN GENERAL.—The administering enti-*
18 *ty for a State shall make the State Digital Eq-*
19 *uity Plan of the State available for public com-*
20 *ment for a period of not less than 30 days before*
21 *the date on which the State submits an applica-*
22 *tion to the Assistant Secretary under subsection*
23 *(d)(2).*

24 (B) *CONSIDERATION OF COMMENTS RE-*
25 *CEIVED.—The administering entity for a State*

1 *shall, with respect to an application submitted to*
2 *the Assistant Secretary under subsection*
3 *(d)(2)—*

4 *(i) before submitting the application—*

5 *(I) consider all comments received*
6 *during the comment period described*
7 *in subparagraph (A) with respect to*
8 *the application (referred to in this sub-*
9 *paragraph as the “comment period”);*
10 *and*

11 *(II) make any changes to the plan*
12 *that the administering entity deter-*
13 *mines to be worthwhile; and*

14 *(ii) when submitting the application—*

15 *(I) describe any changes pursued*
16 *by the administering entity in response*
17 *to comments received during the com-*
18 *ment period; and*

19 *(II) include a written response to*
20 *each comment received during the com-*
21 *ment period.*

22 (3) *PLANNING GRANTS.—*

23 (A) *IN GENERAL.—Beginning in the first*
24 *fiscal year that begins after the date of enact-*
25 *ment of this Act, the Assistant Secretary shall, in*

1 *accordance with the requirements of this para-*
2 *graph, award planning grants to States for the*
3 *purpose of developing the State Digital Equity*
4 *Plans of those States under this subsection.*

5 *(B) ELIGIBILITY.—In order to be awarded*
6 *a planning grant under this paragraph, a*
7 *State—*

8 *(i) shall submit to the Assistant Sec-*
9 *retary an application under subparagraph*
10 *(C); and*

11 *(ii) may not have been awarded, at*
12 *any time, a planning grant under this*
13 *paragraph.*

14 *(C) APPLICATION.—A State that wishes to*
15 *be awarded a planning grant under this para-*
16 *graph shall, not later than 60 days after the date*
17 *on which the notice of funding availability with*
18 *respect to the grant is released, submit to the As-*
19 *stant Secretary an application, in a format to*
20 *be determined by the Assistant Secretary, that*
21 *contains the following materials:*

22 *(i) A description of the entity selected*
23 *to serve as the administering entity for the*
24 *State, as described in subsection (b).*

1 (ii) *A certification from the State that,*
2 *not later than 1 year after the date on*
3 *which the Assistant Secretary awards the*
4 *planning grant to the State, the admin-*
5 *istering entity for that State shall develop a*
6 *State Digital Equity Plan under this sub-*
7 *section, which—*

8 (I) *the administering entity shall*
9 *submit to the Assistant Secretary; and*

10 (II) *shall comply with the require-*
11 *ments of this subsection, including the*
12 *requirement under paragraph (2)(B).*

13 (iii) *The assurances required under*
14 *subsection (e).*

15 (D) *AWARDS.—*

16 (i) *AMOUNT OF GRANT.—A planning*
17 *grant awarded to an eligible State under*
18 *this paragraph shall be determined accord-*
19 *ing to the formula under subsection*
20 *(d)(3)(A)(i).*

21 (ii) *DURATION.—*

22 (I) *IN GENERAL.—Except as pro-*
23 *vided in subclause (II), with respect to*
24 *a planning grant awarded to an eligi-*
25 *ble State under this paragraph, the*

1 *State shall expend the grant funds dur-*
2 *ing the 1-year period beginning on the*
3 *date on which the State is awarded the*
4 *grant funds.*

5 (II) *EXCEPTION.—The Assistant*
6 *Secretary may grant an extension of*
7 *not longer than 180 days with respect*
8 *to the requirement under subclause (I).*

9 (iii) *CHALLENGE MECHANISM.—The*
10 *Assistant Secretary shall ensure that any el-*
11 *igible State to which a planning grant is*
12 *awarded under this paragraph may appeal*
13 *or otherwise challenge in a timely fashion*
14 *the amount of the grant awarded to the*
15 *State, as determined under clause (i).*

16 (E) *USE OF FUNDS.—An eligible State to*
17 *which a planning grant is awarded under this*
18 *paragraph shall, through the administering enti-*
19 *ty for that State, use the grant funds only for the*
20 *following purposes:*

21 (i) *To develop the State Digital Equity*
22 *Plan of the State under this subsection.*

23 (ii)(I) *Subject to subclause (II), to*
24 *make subgrants to any of the entities de-*
25 *scribed in paragraph (1)(D) to assist in the*

1 *development of the State Digital Equity*
2 *Plan of the State under this subsection.*

3 (II) *If the administering entity for a*
4 *State makes a subgrant described in sub-*
5 *clause (I), the administering entity shall,*
6 *with respect to the subgrant, provide to the*
7 *State the assurances required under sub-*
8 *section (e).*

9 (d) *STATE CAPACITY GRANTS.—*

10 (1) *IN GENERAL.—Beginning not later than 2*
11 *years after the date on which the Assistant Secretary*
12 *begins awarding planning grants under subsection*
13 *(c)(3), the Assistant Secretary shall each year award*
14 *grants to eligible States to support—*

15 (A) *the implementation of the State Digital*
16 *Equity Plans of those States; and*

17 (B) *digital inclusion activities in those*
18 *States.*

19 (2) *APPLICATION.—A State that wishes to be*
20 *awarded a grant under this subsection shall, not later*
21 *than 60 days after the date on which the notice of*
22 *funding availability with respect to the grant is re-*
23 *leased, submit to the Assistant Secretary an applica-*
24 *tion, in a format to be determined by the Assistant*
25 *Secretary, that contains the following materials:*

1 (A) *A description of the entity selected to*
2 *serve as the administering entity for the State,*
3 *as described in subsection (b).*

4 (B) *The State Digital Equity Plan of that*
5 *State, as described in subsection (c).*

6 (C) *A certification that the State, acting*
7 *through the administering entity for the State,*
8 *shall—*

9 (i) *implement the State Digital Equity*
10 *Plan of the State; and*

11 (ii) *make grants in a manner that is*
12 *consistent with the aims of the Plan de-*
13 *scribed in clause (i).*

14 (D) *The assurances required under sub-*
15 *section (e).*

16 (E) *In the case of a State to which the As-*
17 *stant Secretary has previously awarded a*
18 *grant under this subsection, any amendments to*
19 *the State Digital Equity Plan of that State, as*
20 *compared with the State Digital Equity Plan of*
21 *the State previously submitted.*

22 (3) *AWARDS.—*

23 (A) *AMOUNT OF GRANT.—*

24 (i) *FORMULA.—Subject to clauses (ii),*
25 *(iii), and (iv), the Assistant Secretary shall*

1 *calculate the amount of a grant awarded to*
2 *an eligible State under this subsection in*
3 *accordance with the following criteria,*
4 *using the best available data for all States*
5 *for the fiscal year in which the grant is*
6 *awarded:*

7 (I) *50 percent of the total grant*
8 *amount shall be based on the popu-*
9 *lation of the eligible State in propor-*
10 *tion to the total population of all eligi-*
11 *ble States.*

12 (II) *25 percent of the total grant*
13 *amount shall be based on the number*
14 *of individuals in the eligible State who*
15 *are members of covered populations in*
16 *proportion to the total number of indi-*
17 *viduals in all eligible States who are*
18 *members of covered populations.*

19 (III) *25 percent of the total grant*
20 *amount shall be based on the compara-*
21 *tive lack of availability and adoption*
22 *of broadband in the eligible State in*
23 *proportion to the lack of availability*
24 *and adoption of broadband of all eligi-*

1 *ble States, which shall be determined*
2 *according to data collected from—*

3 *(aa) the annual inquiry of*
4 *the Federal Communications*
5 *Commission conducted under sec-*
6 *tion 706(b) of the Telecommuni-*
7 *cations Act of 1996 (47 U.S.C.*
8 *1302(b));*

9 *(bb) the American Commu-*
10 *nity Survey or, if necessary, other*
11 *data collected by the Bureau of*
12 *the Census;*

13 *(cc) the NTIA Internet Use*
14 *Survey, which is administered as*
15 *the Computer and Internet Use*
16 *Supplement to the Current Popu-*
17 *lation Survey of the Bureau of the*
18 *Census; and*

19 *(dd) any other source that*
20 *the Assistant Secretary, after ap-*
21 *propriate notice and opportunity*
22 *for public comment, determines to*
23 *be appropriate.*

24 *(ii) MINIMUM AWARD.—The amount of*
25 *a grant awarded to an eligible State under*

1 *this subsection in a fiscal year shall be not*
2 *less than 0.5 percent of the total amount*
3 *made available to award grants to eligible*
4 *States for that fiscal year.*

5 *(iii) ADDITIONAL AMOUNTS.—If, after*
6 *awarding planning grants to States under*
7 *subsection (c)(3) and capacity grants to eli-*
8 *gible States under this subsection in a fiscal*
9 *year, there are amounts remaining to carry*
10 *out this section, the Assistant Secretary*
11 *shall distribute those amounts—*

12 *(I) to eligible States to which the*
13 *Assistant Secretary has awarded*
14 *grants under this subsection for that*
15 *fiscal year; and*

16 *(II) in accordance with the for-*
17 *mula described in clause (i).*

18 *(iv) DATA UNAVAILABLE.—If, in a fis-*
19 *cal year, the Commonwealth of Puerto Rico*
20 *(referred to in this clause as “Puerto Rico”)*
21 *is an eligible State and specific data for*
22 *Puerto Rico is unavailable for a factor de-*
23 *scribed in subclause (I), (II), or (II) of*
24 *clause (i), the Assistant Secretary shall use*
25 *the median data point with respect to that*

1 *factor among all eligible States and assign*
2 *it to Puerto Rico for the purposes of making*
3 *any calculation under that clause for that*
4 *fiscal year.*

5 *(B) DURATION.—With respect to a grant*
6 *awarded to an eligible State under this sub-*
7 *section, the eligible State shall expend the grant*
8 *funds during the 5-year period beginning on the*
9 *date on which the eligible State is awarded the*
10 *grant funds.*

11 *(C) CHALLENGE MECHANISM.—The Assist-*
12 *ant Secretary shall ensure that any eligible State*
13 *to which a grant is awarded under this sub-*
14 *section may appeal or otherwise challenge in a*
15 *timely fashion the amount of the grant awarded*
16 *to the State, as determined under subparagraph*
17 *(A).*

18 *(D) USE OF FUNDS.—The administering*
19 *entity for an eligible State to which a grant is*
20 *awarded under this subsection shall use the grant*
21 *amounts for the following purposes:*

22 *(i)(I) Subject to subclause (II), to up-*
23 *date or maintain the State Digital Equity*
24 *Plan of the State.*

1 (ii) *An administering entity for an el-*
2 *igible State to which a grant is awarded*
3 *under this subsection may use not more*
4 *than 20 percent of the amount of the grant*
5 *for the purpose described in subclause (I).*

6 (ii) *To implement the State Digital*
7 *Equity Plan of the State.*

8 (iii)(I) *Subject to subclause (II), to*
9 *award a grant to any entity that is de-*
10 *scribed in section 60305(b) and is located in*
11 *the eligible State in order to—*

12 (aa) *assist in the implementation*
13 *of the State Digital Equity Plan of the*
14 *State;*

15 (bb) *pursue digital inclusion ac-*
16 *tivities in the State consistent with the*
17 *State Digital Equity Plan of the State;*
18 *and*

19 (cc) *report to the State regarding*
20 *the digital inclusion activities of the*
21 *entity.*

22 (II) *Before an administering entity for*
23 *an eligible State may award a grant under*
24 *subclause (I), the administering entity shall*

1 *require the entity to which the grant is*
2 *awarded to certify that—*

3 *(aa) the entity shall carry out the*
4 *activities required under items (aa),*
5 *(bb), and (cc) of that subclause;*

6 *(bb) the receipt of the grant shall*
7 *not result in unjust enrichment of the*
8 *entity; and*

9 *(cc) the entity shall cooperate with*
10 *any evaluation—*

11 *(AA) of any program that re-*
12 *lates to a grant awarded to the*
13 *entity; and*

14 *(BB) that is carried out by*
15 *or for the administering entity,*
16 *the Assistant Secretary, or an-*
17 *other Federal official.*

18 *(iv)(I) Subject to subclause (II), to*
19 *evaluate the efficacy of the efforts funded by*
20 *grants made under clause (iii).*

21 *(II) An administering entity for an el-*
22 *igible State to which a grant is awarded*
23 *under this subsection may use not more*
24 *than 5 percent of the amount of the grant*
25 *for a purpose described in subclause (I).*

1 (v)(I) *Subject to subclause (II), for the*
2 *administrative costs incurred in carrying*
3 *out the activities described in clauses (i)*
4 *through (iv).*

5 (II) *An administering entity for an el-*
6 *igible State to which a grant is awarded*
7 *under this subsection may use not more*
8 *than 3 percent of the amount of the grant*
9 *for a purpose described in subclause (I).*

10 (e) *ASSURANCES.—When applying for a grant under*
11 *this section, a State shall include in the application for that*
12 *grant assurances that—*

13 (1) *if an entity described in section 60305(b) is*
14 *awarded grant funds under this section (referred to in*
15 *this subsection as a “covered recipient”), provide*
16 *that—*

17 (A) *the covered recipient shall use the grant*
18 *funds in accordance with any applicable statute,*
19 *regulation, and application procedure;*

20 (B) *the administering entity for that State*
21 *shall adopt and use proper methods of admin-*
22 *istering any grant that the covered recipient is*
23 *awarded, including by—*

24 (i) *enforcing any obligation imposed*
25 *under law on any agency, institution, orga-*

1 nization, or other entity that is responsible
2 for carrying out the program to which the
3 grant relates;

4 (ii) correcting any deficiency in the
5 operation of a program to which the grant
6 relates, as identified through an audit or
7 another monitoring or evaluation procedure;
8 and

9 (iii) adopting written procedures for
10 the receipt and resolution of complaints al-
11 leging a violation of law with respect to a
12 program to which the grant relates; and

13 (C) the administering entity for that State
14 shall cooperate in carrying out any evaluation—

15 (i) of any program that relates to a
16 grant awarded to the covered recipient; and

17 (ii) that is carried out by or for the
18 Assistant Secretary or another Federal offi-
19 cial;

20 (2) the administering entity for that State
21 shall—

22 (A) use fiscal control and fund accounting
23 procedures that ensure the proper disbursement
24 of, and accounting for, any Federal funds that
25 the State is awarded under this section;

1 (B) submit to the Assistant Secretary any
2 reports that may be necessary to enable the As-
3 sistant Secretary to perform the duties of the As-
4 sistant Secretary under this section;

5 (C) maintain any records and provide any
6 information to the Assistant Secretary, including
7 those records, that the Assistant Secretary deter-
8 mines is necessary to enable the Assistant Sec-
9 retary to perform the duties of the Assistant Sec-
10 retary under this section; and

11 (D) with respect to any significant proposed
12 change or amendment to the State Digital Eq-
13 uity Plan for the State, make the change or
14 amendment available for public comment in ac-
15 cordance with subsection (c)(2); and

16 (3) the State, before submitting to the Assistant
17 Secretary the State Digital Equity Plan of the State,
18 has complied with the requirements of subsection
19 (c)(2).

20 (f) *TERMINATION OF GRANT.*—

21 (1) *IN GENERAL.*—The Assistant Secretary shall
22 terminate a grant awarded to an eligible State under
23 this section if, after notice to the State and oppor-
24 tunity for a hearing, the Assistant Secretary—

1 (A) presents to the State a rationale and
2 supporting information that clearly demonstrates
3 that—

4 (i) the grant funds are not contrib-
5 uting to the development or execution of the
6 State Digital Equity Plan of the State, as
7 applicable; and

8 (ii) the State is not upholding assur-
9 ances made by the State to the Assistant
10 Secretary under subsection (e); and

11 (B) determines that the grant is no longer
12 necessary to achieve the original purpose for
13 which Assistant Secretary awarded the grant.

14 (2) REDISTRIBUTION.—If the Assistant Sec-
15 retary, in a fiscal year, terminates a grant under
16 paragraph (1), the Assistant Secretary shall redis-
17 tribute the unspent grant amounts—

18 (A) to eligible States to which the Assistant
19 Secretary has awarded grants under subsection
20 (d) for that fiscal year; and

21 (B) in accordance with the formula de-
22 scribed in subsection (d)(3)(A)(i).

23 (g) REPORTING AND INFORMATION REQUIREMENTS;
24 INTERNET DISCLOSURE.—The Assistant Secretary—

25 (1) shall—

1 (A) require any entity to which a grant, in-
2 cluding a subgrant, is awarded under this sec-
3 tion to publicly report, for each year during the
4 period described in subsection (c)(3)(D)(ii) or
5 (d)(3)(B), as applicable, with respect to the
6 grant, and in a format specified by the Assistant
7 Secretary, on—

8 (i) the use of that grant by the entity;

9 (ii) the progress of the entity towards
10 fulfilling the objectives for which the grant
11 was awarded; and

12 (iii) the implementation of the State
13 Digital Equity Plan of the State;

14 (B) establish appropriate mechanisms to en-
15 sure that each eligible State to which a grant is
16 awarded under this section—

17 (i) uses the grant amounts in an ap-
18 propriate manner; and

19 (ii) complies with all terms with re-
20 spect to the use of the grant amounts; and

21 (C) create and maintain a fully searchable
22 database, which shall be accessible on the inter-
23 net at no cost to the public, that contains, at a
24 minimum—

1 (i) the application of each State that
2 has applied for a grant under this section;

3 (ii) the status of each application de-
4 scribed in clause (i);

5 (iii) each report submitted by an enti-
6 ty under subparagraph (A);

7 (iv) a record of public comments made
8 regarding the State Digital Equity Plan of
9 a State, as well as any written responses to
10 or actions taken as a result of those com-
11 ments; and

12 (v) any other information that is suffi-
13 cient to allow the public to understand and
14 monitor grants awarded under this section;
15 and

16 (2) may establish additional reporting and in-
17 formation requirements for any recipient of a grant
18 under this section.

19 (h) *SUPPLEMENT NOT SUPPLANT.*—A grant or
20 subgrant awarded under this section shall supplement, not
21 supplant, other Federal or State funds that have been made
22 available to carry out activities described in this section.

23 (i) *SET ASIDES.*—From amounts made available in
24 a fiscal year to carry out the Program, the Assistant Sec-
25 retary shall reserve—

1 (1) *not more than 5 percent for the implementa-*
2 *tion and administration of the Program, which shall*
3 *include—*

4 (A) *providing technical support and assist-*
5 *ance, including ensuring consistency in data re-*
6 *porting;*

7 (B) *providing assistance to—*

8 (i) *States, or administering entities for*
9 *States, to prepare the applications of those*
10 *States; and*

11 (ii) *administering entities with respect*
12 *to grants awarded under this section; and*

13 (C) *developing the report required under*
14 *section 60306(a);*

15 (2) *not less than 5 percent to award grants to,*
16 *or enter into contracts or cooperative agreements*
17 *with, Indian Tribes, Alaska Native entities, and Na-*
18 *tive Hawaiian organizations to allow those tribes, en-*
19 *tities, and organizations to carry out the activities*
20 *described in this section; and*

21 (3) *not less than 1 percent to award grants to,*
22 *or enter into contracts or cooperative agreements*
23 *with, the United States Virgin Islands, Guam, Amer-*
24 *ican Samoa, the Commonwealth of the Northern Mar-*
25 *iana Islands, and any other territory or possession of*

1 *the United States that is not a State to enable those*
2 *entities to carry out the activities described in this*
3 *section.*

4 (j) *RULES.—The Assistant Secretary may prescribe*
5 *such rules as may be necessary to carry out this section.*

6 (k) *AUTHORIZATION OF APPROPRIATIONS.—There are*
7 *authorized to be appropriated—*

8 (1) *\$60,000,000 for the award of grants under*
9 *subsection (c)(3), which shall remain available until*
10 *expended;*

11 (2) *for the award of grants under subsection*
12 *(d)—*

13 (A) *\$240,000,000 for fiscal year 2022; and*

14 (B) *\$300,000,000 for each of fiscal years*
15 *2023 through 2026; and*

16 (3) *such sums as may be necessary to carry out*
17 *this section for each fiscal year after the end of the*
18 *5-fiscal year period described in paragraph (2).*

19 **SEC. 60305. DIGITAL EQUITY COMPETITIVE GRANT PRO-**
20 **GRAM.**

21 (a) *ESTABLISHMENT.—*

22 (1) *IN GENERAL.—Not later than 30 days after*
23 *the date on which the Assistant Secretary begins*
24 *awarding grants under section 60304(d), and not be-*
25 *fore that date, the Assistant Secretary shall establish*

1 *in the Department of Commerce the Digital Equity*
2 *Competitive Grant Program (referred to in this sec-*
3 *tion as the “Program”), the purpose of which is to*
4 *award grants to support efforts to achieve digital eq-*
5 *uity, promote digital inclusion activities, and spur*
6 *greater adoption of broadband among covered popu-*
7 *lations.*

8 (2) *CONSULTATION; NO CONFLICT.—In estab-*
9 *lishing the Program under paragraph (1), the Assist-*
10 *ant Secretary—*

11 (A) *may consult a State with respect to—*

12 (i) *the identification of groups de-*
13 *scribed in subparagraphs (A) through (H)*
14 *of section 60302(8) located in that State;*
15 *and*

16 (ii) *the allocation of grant funds with-*
17 *in that State for projects in or affecting the*
18 *State; and*

19 (B) *shall—*

20 (i) *consult with—*

21 (I) *the Secretary of Agriculture;*

22 (II) *the Secretary of Housing and*
23 *Urban Development;*

24 (III) *the Secretary of Education;*

25 (IV) *the Secretary of Labor;*

1 (V) the Secretary of Health and
2 Human Services;

3 (VI) the Secretary of Veterans Af-
4 fairs;

5 (VII) the Secretary of the Interior;

6 (VIII) the Federal Communica-
7 tions Commission;

8 (IX) the Federal Trade Commis-
9 sion;

10 (X) the Director of the Institute of
11 Museum and Library Services;

12 (XI) the Administrator of the
13 Small Business Administration;

14 (XII) the Federal Co-Chair of the
15 Appalachian Regional Commission;

16 and

17 (XIII) the head of any other agen-
18 cy that the Assistant Secretary deter-
19 mines to be appropriate; and

20 (ii) ensure that the Program com-
21 plements and enhances, and does not con-
22 flict with, other Federal broadband initia-
23 tives and programs.

24 (b) *ELIGIBILITY.*—The Assistant Secretary may award
25 a grant under the Program to any of the following entities

1 *if the entity is not serving, and has not served, as the ad-*
2 *ministering entity for a State under section 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, or*
9 *a Native Hawaiian organization.*

10 (3) *A foundation, corporation, institution, or as-*
11 *sociation 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 de-*
19 *scribed 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, de-*
25 *termines to be in the public interest; and*

1 (ii) is not a school.

2 (c) *APPLICATION.*—An entity that wishes to be award-
3 ed a grant under the Program shall submit to the Assistant
4 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 appli-
15 cant will expend the grant funds awarded under
16 the Program;

17 (C) includes—

18 (i) a justification for the amount of the
19 grant that the applicant is requesting; and

20 (ii) for each fiscal year in which the
21 applicant will expend the grant funds, a
22 budget for the activities that the grant funds
23 will support;

24 (D) demonstrates to the satisfaction of the
25 Assistant Secretary that the entity—

- 1 (i) is capable of carrying out—
- 2 (I) the project or function to
- 3 which the application relates; and
- 4 (II) the activities described in
- 5 subsection (h)—
- 6 (aa) in a competent manner;
- 7 and
- 8 (bb) in compliance with all
- 9 applicable Federal, State, and
- 10 local laws; and
- 11 (ii) if the applicant is an entity de-
- 12 scribed in subsection (b)(1), shall appro-
- 13 priate or otherwise unconditionally obligate
- 14 from non-Federal sources funds that are
- 15 necessary to meet the requirements of sub-
- 16 section (e);
- 17 (E) discloses to the Assistant Secretary the
- 18 source and amount of other Federal, State, or
- 19 outside funding sources from which the entity re-
- 20 ceives, or has applied for, funding for activities
- 21 or projects to which the application relates; and
- 22 (F) provides—
- 23 (i) the assurances that are required
- 24 under subsection (f); and

1 (ii) an assurance that the entity shall
2 follow such additional procedures as the As-
3 sistant Secretary may require to ensure that
4 grant funds are used and accounted for in
5 an appropriate manner.

6 (d) AWARD OF GRANTS.—

7 (1) FACTORS CONSIDERED IN AWARD OF
8 GRANTS.—In deciding whether to award a grant
9 under the Program, the Assistant Secretary shall, to
10 the extent practicable, consider—

11 (A) whether an application shall, if ap-
12 proved—

13 (i) increase internet access and the
14 adoption of broadband among covered popu-
15 lations to be served by the applicant; and

16 (ii) not result in unjust enrichment;

17 (B) the comparative geographic diversity of
18 the application in relation to other eligible ap-
19 plications; and

20 (C) the extent to which an application may
21 duplicate or conflict with another program.

22 (2) USE OF FUNDS.—

23 (A) IN GENERAL.—In addition to the ac-
24 tivities required under subparagraph (B), an en-
25 tity to which the Assistant Secretary awards a

1 *grant under the Program shall use the grant*
2 *amounts to support not less than 1 of the fol-*
3 *lowing activities:*

4 *(i) To develop and implement digital*
5 *inclusion activities that benefit covered pop-*
6 *ulations.*

7 *(ii) To facilitate the adoption of*
8 *broadband by covered populations in order*
9 *to provide educational and employment op-*
10 *portunities to those populations.*

11 *(iii) To implement, consistent with the*
12 *purposes of this title—*

13 *(I) training programs for covered*
14 *populations that cover basic, advanced,*
15 *and applied skills; or*

16 *(II) other workforce development*
17 *programs.*

18 *(iv) To make available equipment, in-*
19 *strumentation, networking capability, hard-*
20 *ware and software, or digital network tech-*
21 *nology for broadband services to covered*
22 *populations at low or no cost.*

23 *(v) To construct, upgrade, expend, or*
24 *operate new or existing public access com-*

1 *puting centers for covered populations*
2 *through community anchor institutions.*

3 *(vi) To undertake any other project*
4 *and activity that the Assistant Secretary*
5 *finds to be consistent with the purposes for*
6 *which the Program is established.*

7 *(B) EVALUATION.—*

8 *(i) IN GENERAL.—An entity to which*
9 *the Assistant Secretary awards a grant*
10 *under the Program shall use not more than*
11 *10 percent of the grant amounts to measure*
12 *and evaluate the activities supported with*
13 *the grant amounts.*

14 *(ii) SUBMISSION TO ASSISTANT SEC-*
15 *RETARY.—An entity to which the Assistant*
16 *Secretary awards a grant under the Pro-*
17 *gram shall submit to the Assistant Sec-*
18 *retary each measurement and evaluation*
19 *performed under clause (i)—*

20 *(I) in a manner specified by the*
21 *Assistant Secretary;*

22 *(II) not later than 15 months*
23 *after the date on which the entity is*
24 *awarded the grant amounts; and*

1 (III) annually after the submis-
2 sion described in subclause (II) for any
3 year in which the entity expends grant
4 amounts.

5 (C) *ADMINISTRATIVE COSTS.*—An entity to
6 which the Assistant Secretary awards a grant
7 under the Program may use not more than 10
8 percent of the amount of the grant for adminis-
9 trative costs in carrying out any of the activities
10 described in subparagraph (A).

11 (D) *TIME LIMITATIONS.*—With respect to a
12 grant awarded to an entity under the Program,
13 the entity—

14 (i) except as provided in clause (ii),
15 shall expend the grant amounts during the
16 4-year period beginning on the date on
17 which the entity is awarded the grant
18 amounts; and

19 (ii) during the 1-year period beginning
20 on the date that is 4 years after the date on
21 which the entity is awarded the grant
22 amounts, may continue to measure and
23 evaluate the activities supported with the
24 grant amounts, as required under subpara-
25 graph (B).

1 (e) *FEDERAL SHARE.*—

2 (1) *IN GENERAL.*—*Except as provided in para-*
3 *graph (2), the Federal share of any project for which*
4 *the Assistant Secretary awards a grant under the*
5 *Program may not exceed 90 percent.*

6 (2) *EXCEPTION.*—*The Assistant Secretary may*
7 *grant a waiver with respect to the limitation on the*
8 *Federal share of a project described in paragraph (1)*
9 *if—*

10 (A) *the applicant with respect to the project*
11 *petitions the Assistant Secretary for the waiver;*
12 *and*

13 (B) *the Assistant Secretary determines that*
14 *the petition described in subparagraph (A) dem-*
15 *onstrates financial need.*

16 (f) *ASSURANCES.*—*When applying for a grant under*
17 *this section, an entity shall include in the application for*
18 *that grant assurances that the entity shall—*

19 (1) *use any grant funds that the entity is award-*
20 *ed—*

21 (A) *in accordance with any applicable stat-*
22 *ute, regulation, and application procedure; and*

23 (B) *to the extent required under applicable*
24 *law;*

1 (2) *adopt and use proper methods of admin-*
2 *istering any grant that the entity is awarded, includ-*
3 *ing by—*

4 (A) *enforcing any obligation imposed under*
5 *law on any agency, institution, organization, or*
6 *other entity that is responsible for carrying out*
7 *a program to which the grant relates;*

8 (B) *correcting any deficiency in the oper-*
9 *ation of a program to which the grant relates, as*
10 *identified through an audit or another moni-*
11 *toring or evaluation procedure; and*

12 (C) *adopting written procedures for the re-*
13 *ceipt and resolution of complaints alleging a vio-*
14 *lation of law with respect to a program to which*
15 *the grant relates;*

16 (3) *cooperate with respect to any evaluation—*

17 (A) *of any program that relates to a grant*
18 *awarded to the entity; and*

19 (B) *that is carried out by or for the Assist-*
20 *ant Secretary or another Federal official;*

21 (4) *use fiscal control and fund accounting proce-*
22 *dures that ensure the proper disbursement of, and ac-*
23 *counting for, any Federal funds that the entity is*
24 *awarded under the Program;*

1 (5) *submit to the Assistant Secretary any reports*
2 *that may be necessary to enable the Assistant Sec-*
3 *retary to perform the duties of the Assistant Secretary*
4 *under the Program; and*

5 (6) *maintain any records and provide any infor-*
6 *mation to the Assistant Secretary, including those*
7 *records, that the Assistant Secretary determines is*
8 *necessary to enable the Assistant Secretary to perform*
9 *the duties of the Assistant Secretary under the Pro-*
10 *gram.*

11 (g) *DEOBLIGATION OR TERMINATION OF GRANT.—In*
12 *addition to other authority under applicable law, the As-*
13 *sistant Secretary may—*

14 (1) *deobligate or terminate a grant awarded to*
15 *an entity under this section if, after notice to the en-*
16 *tity and opportunity for a hearing, the Assistant Sec-*
17 *retary—*

18 (A) *presents to the entity a rationale and*
19 *supporting information that clearly demonstrates*
20 *that—*

21 (i) *the grant funds are not being used*
22 *in a manner that is consistent with the ap-*
23 *plication with respect to the grant sub-*
24 *mitted by the entity under subsection (c);*
25 *and*

1 (ii) the entity is not upholding assur-
2 ances made by the entity to the Assistant
3 Secretary under subsection (f); and

4 (B) determines that the grant is no longer
5 necessary to achieve the original purpose for
6 which Assistant Secretary awarded the grant;
7 and

8 (2) with respect to any grant funds that the As-
9 sistant Secretary deobligates or terminates under
10 paragraph (1), competitively award the grant funds
11 to another applicant, consistent with the requirements
12 of this section.

13 (h) *REPORTING AND INFORMATION REQUIREMENTS;*
14 *INTERNET DISCLOSURE.—The Assistant Secretary—*

15 (1) shall—

16 (A) require any entity to which the Assist-
17 ant Secretary awards a grant under the Pro-
18 gram to, for each year during the period de-
19 scribed in subsection (d)(2)(D) with respect to
20 the grant, submit to the Assistant Secretary a re-
21 port, in a format specified by the Assistant Sec-
22 retary, regarding—

23 (i) the amount of the grant;

24 (ii) the use by the entity of the grant
25 amounts; and

1 (iii) the progress of the entity towards
2 fulfilling the objectives for which the grant
3 was awarded;

4 (B) establish mechanisms to ensure appro-
5 priate use of, and compliance with respect to all
6 terms regarding, grant funds awarded under the
7 Program;

8 (C) create and maintain a fully searchable
9 database, which shall be accessible on the inter-
10 net at no cost to the public, that contains, at a
11 minimum—

12 (i) a list of each entity that has ap-
13 plied for a grant under the Program;

14 (ii) a description of each application
15 described in clause (i), including the pro-
16 posed purpose of each grant described in
17 that clause;

18 (iii) the status of each application de-
19 scribed in clause (i), including whether the
20 Assistant Secretary has awarded a grant
21 with respect to the application and, if so,
22 the amount of the grant;

23 (iv) each report submitted by an entity
24 under subparagraph (A); and

1 (v) any other information that is suffi-
2 cient to allow the public to understand and
3 monitor grants awarded under the Pro-
4 gram; and

5 (D) ensure that any entity with respect to
6 which an award is deobligated or terminated
7 under subsection (g) may, in a timely manner,
8 appeal or otherwise challenge that deobligation
9 or termination, as applicable; and

10 (2) may establish additional reporting and in-
11 formation requirements for any recipient of a grant
12 under the Program.

13 (i) *SUPPLEMENT NOT SUPPLANT.*—A grant awarded
14 to an entity under the Program shall supplement, not sup-
15 plant, other Federal or State funds that have been made
16 available to the entity to carry out activities described in
17 this section.

18 (j) *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) 5 percent for the implementation and admin-
22 istration of the Program, which shall include—

23 (A) providing technical support and assist-
24 ance, including ensuring consistency in data re-
25 porting;

1 (B) providing assistance to entities to pre-
2 pare the applications of those entities with re-
3 spect to grants awarded under this section;

4 (C) developing the report required under
5 section 60306(a); and

6 (D) conducting outreach to entities that
7 may be eligible to be awarded a grant under the
8 Program regarding opportunities to apply for
9 such a grant;

10 (2) 5 percent to award grants to, or enter into
11 contracts or cooperative agreements with, Indian
12 Tribes, Alaska Native entities, and Native Hawaiian
13 organizations to allow those tribes, entities, and orga-
14 nizations to carry out the activities described in this
15 section; and

16 (3) 1 percent to award grants to, or enter into
17 contracts or cooperative agreements with, the United
18 States Virgin Islands, Guam, American Samoa, the
19 Commonwealth of the Northern Mariana Islands, and
20 any other territory or possession of the United States
21 that is not a State to enable those entities to carry
22 out the activities described in this section.

23 (k) *RULES.*—The Assistant Secretary may prescribe
24 such rules as may be necessary to carry out this section.

1 (l) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
2 *authorized to be appropriated to carry out this section—*

3 (1) *\$250,000,000 for each of the first 5 fiscal*
4 *years in which funds are made available to carry out*
5 *this section; and*

6 (2) *such sums as may be necessary for each fiscal*
7 *year after the end of the 5-fiscal year period described*
8 *in paragraph (1).*

9 **SEC. 60306. POLICY RESEARCH, DATA COLLECTION, ANAL-**
10 **YSIS AND MODELING, EVALUATION, AND DIS-**
11 **SEMINATION.**

12 (a) *REPORTING REQUIREMENTS.*—

13 (1) *IN GENERAL.*—*Not later than 1 year after*
14 *the date on which the Assistant Secretary begins*
15 *awarding grants under section 60304(d)(1), and an-*
16 *nually thereafter, the Assistant Secretary shall—*

17 (A) *submit to the appropriate committees of*
18 *Congress a report that documents, for the year*
19 *covered by the report—*

20 (i) *the findings of each evaluation con-*
21 *ducted under subparagraph (B);*

22 (ii) *a list of each grant awarded under*
23 *each covered program, which shall in-*
24 *clude—*

25 (I) *the amount of each such grant;*

1 (II) the recipient of each such
2 grant; and

3 (III) the purpose for which each
4 such grant was awarded;

5 (iii) any deobligation, termination, or
6 modification of a grant awarded under the
7 covered programs, which shall include a de-
8 scription of the subsequent usage of any
9 funds to which such an action applies; and

10 (iv) each challenge made by an appli-
11 cant for, or a recipient of, a grant under
12 the covered programs and the outcome of
13 each such challenge; and

14 (B) conduct evaluations of the activities
15 carried out under the covered programs, which
16 shall include an evaluation of—

17 (i) whether eligible States to which
18 grants are awarded under the program es-
19 tablished under section 60304 are—

20 (I) abiding by the assurances
21 made by those States under subsection
22 (e) of that section;

23 (II) meeting, or have met, the
24 stated goals of the Digital Equity

1 *Plans developed by the States under*
2 *subsection (c) of that section;*

3 *(III) satisfying the requirements*
4 *imposed by the Assistant Secretary on*
5 *those States under subsection (g) of*
6 *that section; and*

7 *(IV) in compliance with any other*
8 *rules, requirements, or regulations pro-*
9 *mulgated by the Assistant Secretary in*
10 *implementing that program; and*

11 *(ii) whether entities to which grants*
12 *are awarded under the program established*
13 *under section 60305 are—*

14 *(I) abiding by the assurances*
15 *made by those entities under subsection*
16 *(f) of that section;*

17 *(II) meeting, or have met, the*
18 *stated goals of those entities with re-*
19 *spect to the use of the grant amounts;*

20 *(III) satisfying the requirements*
21 *imposed by the Assistant Secretary on*
22 *those States under subsection (h) of*
23 *that section; and*

24 *(IV) in compliance with any other*
25 *rules, requirements, or regulations pro-*

1 *mulgated by the Assistant Secretary in*
2 *implementing that program.*

3 (2) *PUBLIC AVAILABILITY.—The Assistant Sec-*
4 *retary shall make each report submitted under para-*
5 *graph (1)(A) publicly available in an online format*
6 *that—*

7 (A) *facilitates access and ease of use;*

8 (B) *is searchable; and*

9 (C) *is accessible—*

10 (i) *to individuals with disabilities; and*

11 (ii) *in languages other than English.*

12 (b) *AUTHORITY TO CONTRACT AND ENTER INTO*
13 *OTHER ARRANGEMENTS.—The Assistant Secretary may*
14 *award grants and enter into contracts, cooperative agree-*
15 *ments, and other arrangements with Federal agencies, pub-*
16 *lic and private organizations, and other entities with exper-*
17 *tise that the Assistant Secretary determines appropriate in*
18 *order to—*

19 (1) *evaluate the impact and efficacy of activities*
20 *supported by grants awarded under the covered pro-*
21 *grams; and*

22 (2) *develop, catalog, disseminate, and promote*
23 *the exchange of best practices, both with respect to*
24 *and independent of the covered programs, in order to*
25 *achieve digital equity.*

1 (c) *CONSULTATION AND PUBLIC ENGAGEMENT.*—*In*
2 *carrying out subsection (a), and to further the objectives*
3 *described in paragraphs (1) and (2) of subsection (b), the*
4 *Assistant Secretary shall conduct ongoing collaboration and*
5 *consult with—*

6 (1) *the Secretary of Agriculture;*

7 (2) *the Secretary of Housing and Urban Devel-*
8 *opment;*

9 (3) *the Secretary of Education;*

10 (4) *the Secretary of Labor;*

11 (5) *the Secretary of Health and Human Serv-*
12 *ices;*

13 (6) *the Secretary of Veterans Affairs;*

14 (7) *the Secretary of the Interior;*

15 (8) *the Federal Communications Commission;*

16 (9) *the Federal Trade Commission;*

17 (10) *the Director of the Institute of Museum and*
18 *Library Services;*

19 (11) *the Administrator of the Small Business*
20 *Administration;*

21 (12) *the Federal Co-Chair of the Appalachian*
22 *Regional Commission;*

23 (13) *State agencies and governors of States (or*
24 *equivalent officials);*

1 (14) entities serving as administering entities for
2 States under section 60304(b);

3 (15) national, State, tribal, and local organiza-
4 tions that provide digital inclusion, digital equity, or
5 digital literacy services;

6 (16) researchers, academics, and philanthropic
7 organizations; and

8 (17) other agencies, organizations (including
9 international organizations), entities (including enti-
10 ties with expertise in the fields of data collection,
11 analysis and modeling, and evaluation), and commu-
12 nity stakeholders, as determined appropriate by the
13 Assistant Secretary.

14 (d) *TECHNICAL SUPPORT AND ASSISTANCE.*—The As-
15 sistant Secretary shall provide technical support and assist-
16 ance, assistance to entities to prepare the applications of
17 those entities with respect to grants awarded under the cov-
18 ered programs, and other resources, to the extent prac-
19 ticable, to ensure consistency in data reporting and to meet
20 the objectives of this section.

21 (e) *AUTHORIZATION OF APPROPRIATIONS.*—There are
22 authorized to be appropriated such sums as may be nec-
23 essary to carry out this section, which shall remain avail-
24 able until expended.

1 **SEC. 60307. GENERAL PROVISIONS.**

2 (a) *NONDISCRIMINATION.*—

3 (1) *IN GENERAL.*—*No individual in the United*
4 *States may, on the basis of actual or perceived race,*
5 *color, religion, national origin, sex, gender identity,*
6 *sexual orientation, age, or disability, be excluded from*
7 *participation in, be denied the benefits of, or be sub-*
8 *jected to discrimination under any program or activ-*
9 *ity that is funded in whole or in part with funds*
10 *made available to carry out this title.*

11 (2) *ENFORCEMENT.*—*The Assistant Secretary*
12 *shall effectuate paragraph (1) with respect to any*
13 *program or activity described in that paragraph by*
14 *issuing regulations and taking actions consistent with*
15 *section 602 of the Civil Rights Act of 1964 (42 U.S.C.*
16 *2000d–1).*

17 (3) *JUDICIAL REVIEW.*—*Judicial review of an*
18 *action taken by the Assistant Secretary under para-*
19 *graph (2) shall be available to the extent provided in*
20 *section 603 of the Civil Rights Act of 1964 (42 U.S.C.*
21 *2000d–2).*

22 (b) *TECHNOLOGICAL NEUTRALITY.*—*The Assistant*
23 *Secretary shall, to the extent practicable, carry out this title*
24 *in a technologically neutral manner.*

25 (c) *AUDIT AND OVERSIGHT.*—*Beginning in the first*
26 *fiscal year in which amounts are made available to carry*

1 out an activity authorized under this title, and in each of
2 the 4 fiscal years thereafter, there is authorized to be appro-
3 priated to the Office of Inspector General for the Depart-
4 ment of Commerce \$1,000,000 for audits and oversight of
5 funds made available to carry out this title, which shall
6 remain available until expended.

7 **TITLE IV—ENABLING MIDDLE**
8 **MILE BROADBAND INFRA-**
9 **STRUCTURE**

10 **SEC. 60401. ENABLING MIDDLE MILE BROADBAND INFRA-**
11 **STRUCTURE.**

12 (a) *DEFINITIONS.*—*In this section:*

13 (1) *ANCHOR INSTITUTION.*—*The term “anchor*
14 *institution” means a school, library, medical or*
15 *healthcare provider, community college or other insti-*
16 *tution of higher education, or other community sup-*
17 *port organization or entity.*

18 (2) *ASSISTANT SECRETARY.*—*The term “Assist-*
19 *ant Secretary” means the Assistant Secretary of Com-*
20 *merce for Communications and Information.*

21 (3) *COMMISSION.*—*The term “Commission”*
22 *means the Federal Communications Commission.*

23 (4) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
24 *ty” means—*

1 (A) a State, political subdivision of a State,
2 Tribal government, technology company, electric
3 utility, utility cooperative, public utility district,
4 telecommunications company, telecommuni-
5 cations cooperative, nonprofit foundation, non-
6 profit corporation, nonprofit institution, non-
7 profit association, regional planning counsel,
8 Native entity, or economic development author-
9 ity; or

10 (B) a partnership of 2 or more entities de-
11 scribed in subparagraph (A).

12 (5) *FCC FIXED BROADBAND MAP*.—The term
13 “FCC fixed broadband map” means the map created
14 by the Commission under section 802(c)(1)(B) of the
15 Communications Act of 1934 (47 U.S.C.
16 642(c)(1)(B)).

17 (6) *INDIAN TRIBE*.—The term “Indian Tribe”
18 has the meaning given the term in section 4 of the In-
19 dian Self-Determination and Education Assistance
20 Act (25 U.S.C. 5304)).

21 (7) *INTERCONNECT*.—The term “interconnect”
22 means the physical linking of 2 networks for the mu-
23 tual exchange of traffic on non-discriminatory terms
24 and conditions.

1 (8) *INTERNET EXCHANGE FACILITY*.—The term
2 “internet exchange facility” means physical infra-
3 structure through which internet service providers
4 and content delivery networks exchange internet traf-
5 fic between their networks.

6 (9) *MIDDLE MILE INFRASTRUCTURE*.—The term
7 “middle mile infrastructure”—

8 (A) means any broadband infrastructure
9 that does not connect directly to an end-user lo-
10 cation, including an anchor institution; and

11 (B) includes—

12 (i) leased dark fiber, interoffice trans-
13 port, backhaul, carrier-neutral internet ex-
14 change facilities, carrier-neutral submarine
15 cable landing stations, undersea cables,
16 transport connectivity to data centers, spe-
17 cial access transport, and other similar
18 services; and

19 (ii) wired or private wireless
20 broadband infrastructure, including micro-
21 wave capacity, radio tower access, and
22 other services or infrastructure for a private
23 wireless broadband network, such as towers,
24 fiber, and microwave links.

1 (10) *MIDDLE MILE GRANT*.—The term “middle
2 mile grant” means a grant awarded under subsection
3 (c).

4 (11) *NATIVE ENTITY*.—The term “Native entity”
5 means—

6 (A) an Indian Tribe;

7 (B) an Alaska Native Corporation;

8 (C) a Native Hawaiian organization (as de-
9 fined in section 6207 of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C.
11 7517));

12 (D) the Department of Hawaiian Home
13 Lands; and

14 (E) the Office of Hawaiian Affairs.

15 (12) *STATE*.—The term “State” has the meaning
16 given the term in section 3 of the Communications
17 Act of 1934 (47 U.S.C. 153).

18 (13) *SUBMARINE CABLE LANDING STATION*.—The
19 term “submarine cable landing station” means a
20 cable landing station, as that term is used in section
21 1.767(a)(5) of title 47, Code of Federal Regulations
22 (or any successor regulation), that can be utilized to
23 land a submarine cable by an entity that has ob-
24 tained a license under the first section of the Act enti-
25 tled “An Act relating to the landing and operation of

1 *submarine cables in the United States*”, approved
2 *May 27, 1921 (47 U.S.C. 34) (commonly known as*
3 *the “Cable Landing Licensing Act”*).

4 (14) *TRIBAL GOVERNMENT.*—*The term “Tribal*
5 *government” means the recognized governing body of*
6 *any Indian or Alaska Native tribe, band, nation,*
7 *pueblo, village, community, component band, or com-*
8 *ponent reservation, individually identified (including*
9 *parenthetically) in the list published most recently as*
10 *of the date of enactment of this Act pursuant to sec-*
11 *tion 104 of the Federally Recognized Indian Tribe*
12 *List Act of 1994 (25 U.S.C. 5131).*

13 (15) *TRUST LAND.*—*The term “trust land” has*
14 *the meaning given the term in section 3765 of title*
15 *38, United States Code.*

16 (16) *UNDERSERVED.*—*The term “underserved”,*
17 *with respect to an area, means an area—*

18 (A) *that is designated as a Tribally under-*
19 *served area through the process described in sub-*
20 *section (g); or*

21 (B) *that—*

22 (i) *is of a standard size not larger*
23 *than a census block, as established by the*
24 *Commission;*

25 (ii) *is not an unserved area; and*

1 (iii) as determined in accordance with
2 the FCC fixed broadband map, does not
3 have access to broadband service with—

4 (I) except as provided in sub-
5 clause (II)—

6 (aa) a download speed of not
7 less than 100 megabits per second;
8 and

9 (bb) an upload speed of not
10 less than 20 megabits per second;
11 or

12 (II) minimum download and
13 upload speeds established as bench-
14 marks by the Commission for purposes
15 of this Act after the date of enactment
16 of this Act, if those minimum speeds
17 are higher than the minimum speeds
18 required under subclause (I).

19 (17) *UNSERVED*.—The term “unserved”, with re-
20 spect to an area, means an area—

21 (A) that is designated as a Tribally under-
22 served area through the process described in sub-
23 section (g); or

24 (B) that—

1 (i) is of a standard size not larger
2 than a census block, as established by the
3 Commission; and

4 (ii) as determined in accordance with
5 the FCC fixed broadband map, does not
6 have access to broadband service with—

7 (I) except as provided in sub-
8 clause (II)—

9 (aa) a download speed of not
10 less than 25 megabits per second;
11 and

12 (bb) an upload speed of not
13 less than 3 megabits per second;
14 or

15 (II) minimum download and
16 upload speeds established as bench-
17 marks by the Commission for purposes
18 of this Act after the date of enactment
19 of this Act, if those minimum speeds
20 are higher than the minimum speeds
21 required under subclause (I).

22 (b) *PURPOSE; SENSE OF CONGRESS.*—

23 (1) *PURPOSE.*—The purposes of this section
24 are—

1 (A) to encourage the expansion and exten-
2 sion of middle mile infrastructure to reduce the
3 cost of connecting unserved and underserved
4 areas to the backbone of the internet (commonly
5 referred to as the “last mile”); and

6 (B) to promote broadband connection resil-
7 iency through the creation of alternative network
8 connection paths that can be designed to prevent
9 single points of failure on a broadband network.

10 (2) *SENSE OF CONGRESS.*—It is the sense of
11 Congress that—

12 (A) in awarding middle mile grants, the
13 Assistant Secretary should give priority to—

14 (i) projects that leverage existing
15 rights-of-way, assets, and infrastructure to
16 minimize financial, regulatory, and permit-
17 ting challenges;

18 (ii) projects in which the eligible entity
19 designs the route of the middle mile infra-
20 structure to enable the connection of
21 unserved anchor institutions, including
22 Tribal anchor institutions; and

23 (iii) projects that facilitate the develop-
24 ment of carrier-neutral interconnection fa-
25 cilities; and

1 (iv) projects that—

2 (I) improve the redundancy and
3 resiliency of existing middle mile in-
4 frastructure; and

5 (II) reduce regulatory and per-
6 mitting barriers to promote the con-
7 struction of new middle mile infra-
8 structure; and

9 (B) a regulated utility should use funds re-
10 ceived from a middle mile grant as a supplement
11 to the core utility capital investment plan of the
12 regulated utility to—

13 (i) facilitate increased broadband resil-
14 iency or redundancy of existing middle mile
15 infrastructure; or

16 (ii) provide connectivity to unserved
17 areas and underserved areas within the
18 service territory of the utility and nearby
19 communities.

20 (c) *MIDDLE MILE GRANTS.*—The Assistant Secretary
21 shall establish a program under which the Assistant Sec-
22 retary makes grants on a technology-neutral, competitive
23 basis to eligible entities for the construction, improvement,
24 or acquisition of middle mile infrastructure.

25 (d) *APPLICATIONS FOR GRANTS.*—

1 (1) *IN GENERAL.*—*The Assistant Secretary shall*
2 *establish an application process for middle mile*
3 *grants in accordance with this subsection.*

4 (2) *EVALUATION OF APPLICATIONS.*—*In estab-*
5 *lishing an application process for middle mile grants*
6 *under paragraph (1), the Assistant Secretary shall*
7 *give priority to an application from an eligible entity*
8 *that satisfies 2 or more of the following conditions:*

9 (A) *The eligible entity adopts fiscally sus-*
10 *tainable middle mile strategies.*

11 (B) *The eligible entity commits to offering*
12 *non-discriminatory interconnect to terrestrial*
13 *and wireless last mile broadband providers and*
14 *any other party making a bona fide request.*

15 (C) *The eligible entity identifies specific ter-*
16 *restrial and wireless last mile broadband pro-*
17 *viders that have—*

18 (i) *expressed written interest in inter-*
19 *connecting with middle mile infrastructure*
20 *planned to be deployed by the eligible enti-*
21 *ty; and*

22 (ii) *demonstrated sustainable business*
23 *plans or adequate funding sources with re-*
24 *spect to the interconnect described in clause*
25 *(i).*

1 (D) *The eligible entity has identified sup-*
2 *plemental investments or in-kind support (such*
3 *as waived franchise or permitting fees) that will*
4 *accelerate the completion of the planned project.*

5 (E) *The eligible entity has demonstrated*
6 *that the middle mile infrastructure will benefit*
7 *national security interests of the United States*
8 *and the Department of Defense.*

9 (3) *GRANT APPLICATION COMPETENCE.—The As-*
10 *stant Secretary shall include in the application*
11 *process established under paragraph (1) a require-*
12 *ment that an eligible entity provide evidence that the*
13 *eligible entity is capable of carrying out a proposed*
14 *project in a competent manner, including by dem-*
15 *onstrating that the eligible entity has the financial,*
16 *technical, and operational capability to carry out the*
17 *proposed project and operate the resulting middle*
18 *mile broadband network.*

19 (e) *ELIGIBILITY.—*

20 (1) *PRIORITIZATION.—To be eligible to obtain a*
21 *middle mile grant, an eligible entity shall agree, in*
22 *the application submitted through the process estab-*
23 *lished under subsection (d), to prioritize—*

24 (A) *connecting middle mile infrastructure*
25 *to last mile networks that provide or plan to*

1 *provide broadband service to households in*
2 *unserved areas;*

3 *(B) connecting non-contiguous trust lands;*

4 *or*

5 *(C) the offering of wholesale broadband serv-*
6 *ice at reasonable rates on a carrier-neutral basis.*

7 (2) *BUILDOUT TIMELINE.*—*Subject to paragraph*
8 *(5), to be eligible to obtain a middle mile grant, an*
9 *eligible entity shall agree, in the application sub-*
10 *mitted through the process established under sub-*
11 *section (d), to complete buildout of the middle mile*
12 *infrastructure described in the application by not*
13 *later than 5 years after the date on which amounts*
14 *from the grant are made available to the eligible enti-*
15 *ty.*

16 (3) *PROJECT ELIGIBILITY REQUIREMENTS.*—

17 (A) *CAPABILITY TO SUPPORT RETAIL*
18 *BROADBAND SERVICE.*—*A project shall be eligible*
19 *for a middle mile grant if, at the time of the ap-*
20 *plication, the Assistant Secretary determines*
21 *that the proposed middle mile broadband net-*
22 *work will be capable of supporting retail*
23 *broadband service.*

24 (B) *MAPPING DATA.*—

1 (i) *USE OF MOST RECENT DATA.*—*In*
2 *mapping out gaps in broadband coverage,*
3 *an eligible entity that uses a middle mile*
4 *grant to build out terrestrial or fixed wire-*
5 *less middle mile infrastructure shall use the*
6 *most recent broadband mapping data avail-*
7 *able from one of the following sources:*

8 (I) *The FCC fixed broadband*
9 *map.*

10 (II) *The State in which the area*
11 *that will be served by the middle mile*
12 *infrastructure is located, or the Tribal*
13 *government with jurisdiction over the*
14 *area that will be served by the middle*
15 *mile infrastructure (if applicable).*

16 (III) *Speed and usage surveys of*
17 *existing broadband service that—*

18 (aa) *demonstrate that more*
19 *than 25 percent of the respondents*
20 *display a broadband service speed*
21 *that is slower than the speeds re-*
22 *quired for an area to qualify as*
23 *unserved; and*

24 (bb) *are conducted by—*

25 (AA) *the eligible entity;*

1 *(BB) the State in which*
2 *the area that will be served*
3 *by the middle mile infra-*
4 *structure is located; or*

5 *(CC) the Tribal govern-*
6 *ment with jurisdiction over*
7 *the area that will be served*
8 *by the middle mile infra-*
9 *structure (if applicable).*

10 *(ii) SHARING FACILITY LOCATIONS.—*

11 *(I) DEFINITION.—In this clause,*
12 *the term “covered recipient”, with re-*
13 *spect to an eligible entity, means—*

14 *(aa) the Assistant Secretary;*

15 *(bb) the Commission;*

16 *(cc) the Tribal government*
17 *with jurisdiction over the area*
18 *that will be served by the middle*
19 *mile infrastructure (if applicable);*
20 *and*

21 *(dd) the State broadband of-*
22 *fice for the State in which the*
23 *area that will be served by the*
24 *middle mile infrastructure is lo-*
25 *cated.*

1 (II) *PROVISION OF INFORMA-*
2 *TION.—Subject to subclauses (III) and*
3 *(IV), an eligible entity that constructs,*
4 *improves, or acquires middle mile in-*
5 *frastructure using a middle mile grant*
6 *shall share with each covered recipient*
7 *the location of all the middle mile*
8 *broadband infrastructure.*

9 (III) *FORMAT.—An eligible entity*
10 *shall provide the information required*
11 *under subclause (II) to each covered re-*
12 *ipient in a uniform format deter-*
13 *mined by the Assistant Secretary.*

14 (IV) *PROTECTION OF INFORMA-*
15 *TION.—*

16 (aa) *IN GENERAL.—The in-*
17 *formation provided by an eligible*
18 *entity under subclause (II) may*
19 *only be used for purposes of car-*
20 *rying out the grant program*
21 *under subsection (c) and any re-*
22 *porting related thereto.*

23 (bb) *LEGAL DEFENSES.—*

24 (AA) *IN GENERAL.—A*
25 *covered recipient may not re-*

1 *ceive information under sub-*
2 *clause (II) unless the covered*
3 *recipient agrees in writing to*
4 *assert all available legal de-*
5 *fenses to the disclosure of the*
6 *information if a person or*
7 *entity seeks disclosure from*
8 *the covered recipient under*
9 *any Federal, State, or local*
10 *public disclosure law.*

11 *(BB) RULE OF CON-*
12 *STRUCTION.—Nothing in*
13 *subitem (AA) is intended to*
14 *be or shall be construed as a*
15 *waiver of Tribal sovereign*
16 *immunity.*

17 *(C) CONNECTION TO ANCHOR INSTITU-*
18 *TIONS.—To the extent feasible, an eligible entity*
19 *that receives a middle mile grant to build middle*
20 *mile infrastructure using fiber optic technology*
21 *shall—*

22 *(i) ensure that the proposed middle*
23 *mile broadband network will be capable of*
24 *providing broadband to an anchor institu-*
25 *tion at a speed of not less than—*

1 (I) 1 gigabit per second for
2 downloads; and

3 (II) 1 gigabit per second for
4 uploads to an anchor institution; and

5 (ii) include direct interconnect facili-
6 ties that will facilitate the provision of
7 broadband service to anchor institutions lo-
8 cated within 1,000 feet of the middle mile
9 infrastructure.

10 (D) INTERCONNECTION AND NON-
11 DISCRIMINATION.—

12 (i) IN GENERAL.—An eligible entity
13 that receives a middle mile grant to build
14 a middle mile project using fiber optic tech-
15 nology shall offer interconnection in per-
16 petuity, where technically feasible without
17 exceeding current or reasonably anticipated
18 capacity limitations, on reasonable rates
19 and terms to be negotiated with requesting
20 parties.

21 (ii) NATURE OF INTERCONNECTION.—
22 The interconnection required to be offered
23 under clause (i) includes both the ability to
24 connect to the public internet and physical
25 interconnection for the exchange of traffic.

1 (iii) *INCLUSION IN APPLICATION.*—An
2 applicant for a middle mile grant shall dis-
3 close the applicant’s proposed interconnec-
4 tion, nondiscrimination, and network man-
5 agement practices in the application sub-
6 mitted through the process established under
7 subsection (d).

8 (4) *ACCOUNTABILITY.*—The Assistant Secretary
9 shall—

10 (A) establish sufficient transparency, ac-
11 countability, reporting, and oversight measures
12 for the grant program established under sub-
13 section (c) to deter waste, fraud, and abuse of
14 program funds; and

15 (B) establish—

16 (i) buildout requirements for each eli-
17 gible entity that receives a middle mile
18 grant, which shall require the completion of
19 a certain percentage of project miles by a
20 certain date; and

21 (ii) penalties, which may include re-
22 scission of funds, for grantees that do not
23 meet requirements described in clause (i) or
24 the deadline under paragraph (2).

25 (5) *EXTENSIONS.*—

1 (A) *IN GENERAL.*—*At the request of an eli-*
2 *gible entity, the Assistant Secretary may extend*
3 *the buildout deadline under paragraph (2) by*
4 *not more than 1 year if the eligible entity cer-*
5 *tifies that—*

6 (i) *the eligible entity has a plan for use*
7 *of the middle mile grant;*

8 (ii) *the project to build out middle*
9 *mile infrastructure is underway; or*

10 (iii) *extenuating circumstances require*
11 *an extension of time to allow completion of*
12 *the project to build out middle mile infra-*
13 *structure.*

14 (B) *EFFECT ON INTERIM BUILDOUT RE-*
15 *QUIREMENTS.*—*If the Assistant Secretary grants*
16 *an extension under subparagraph (A), the Assist-*
17 *ant Secretary shall modify any buildout require-*
18 *ments established under paragraph (4)(B)(i) as*
19 *necessary.*

20 (f) *FEDERAL SHARE.*—*The amount of a middle mile*
21 *grant awarded to an eligible entity may not exceed 70 per-*
22 *cent of the total project cost.*

23 (g) *SPECIAL RULES FOR TRIBAL GOVERNMENTS.*—

24 (1) *WAIVERS; ALTERNATIVE REQUIREMENTS.*—

25 *The Assistant Secretary, in consultation with Tribal*

1 *governments and Native entities, may waive, or speci-*
2 *fy alternative requirements for, any provision of sub-*
3 *sections (c) through (f) if the Assistant Secretary*
4 *finds that the waiver or alternative requirement is*
5 *necessary—*

6 *(A) for the effective delivery and adminis-*
7 *tration of middle mile grants to Tribal govern-*
8 *ments; or*

9 *(B) the construction, improvement, or ac-*
10 *quisition of middle mile infrastructure on trust*
11 *land.*

12 *(2) TRIBALLY UNSERVED AREAS; TRIBALLY UN-*
13 *DERSERVED AREAS.—The Assistant Secretary, in con-*
14 *sultation with Tribal governments and Native enti-*
15 *ties, shall develop a process for designating Tribally*
16 *unserved areas and Tribally underserved areas for*
17 *purposes of this section.*

18 *(h) AUTHORIZATION OF APPROPRIATIONS.—There is*
19 *authorized to be appropriated to carry out this section*
20 *\$1,000,000,000 for fiscal years 2022 through 2026.*

21 **TITLE V—BROADBAND**

22 **AFFORDABILITY**

23 **SEC. 60501. DEFINITIONS.**

24 *In this title—*

1 (1) the term “broadband internet access service”
2 has the meaning given the term in section 8.1(b) of
3 title 47, Code of Federal Regulations, or any successor
4 regulation; and

5 (2) the term “Commission” means the Federal
6 Communications Commission.

7 **SEC. 60502. BROADBAND AFFORDABILITY.**

8 (a) *EXTENSION AND MODIFICATION OF EMERGENCY*
9 *BROADBAND BENEFIT.*—

10 (1) *EXTENSION.*—Section 904 of division N of
11 the Consolidated Appropriations Act, 2021 (Public
12 Law 116–260) is amended—

13 (A) in the heading, by striking “**DURING**
14 **EMERGENCY PERIOD RELATING TO COVID–**
15 **19**”;

16 (B) in subsection (a)—

17 (i) by striking paragraph (8); and

18 (ii) by redesignating paragraphs (9)
19 through (13) as paragraphs (8) through
20 (12), respectively; and

21 (C) in subsection (b)—

22 (i) in paragraph (1), by striking “dur-
23 ing the emergency period”;

24 (ii) in paragraph (4), by striking
25 “during the emergency period”; and

1 (iii) in paragraph (5), by striking
2 “during the emergency period,”.

3 (2) *CHANGE TO PROGRAM NAME.*—Section 904 of
4 division N of the Consolidated Appropriations Act,
5 2021 (Public Law 116–260), as amended by para-
6 graph (1) of this subsection, is amended—

7 (A) in subsection (a)(7), in the heading, by
8 striking “EMERGENCY BROADBAND” and insert-
9 ing “AFFORDABLE CONNECTIVITY”;

10 (B) in subsection (b), in the heading, by
11 striking “EMERGENCY BROADBAND BENEFIT”
12 and inserting “AFFORDABLE CONNECTIVITY”;

13 (C) in subsection (i), in the heading, by
14 striking “EMERGENCY BROADBAND” and insert-
15 ing “AFFORDABLE”;

16 (D) by striking “Emergency Broadband
17 Benefit” each place the term appears and insert-
18 ing “Affordable Connectivity”;

19 (E) by striking “Emergency Broadband”
20 each place the term appears and inserting “Af-
21 fordable”; and

22 (F) by striking “emergency broadband”
23 each place the term appears and inserting “af-
24 fordable connectivity”.

1 (3) *OTHER INITIAL MODIFICATIONS.*—Section
2 904 of division N of the Consolidated Appropriations
3 Act, 2021 (Public Law 116–260), as amended by
4 paragraph (2) of this subsection, is amended—

5 (A) in subsection (a)(7)—

6 (i) by striking “The term” and insert-
7 ing the following:

8 “(A) *IN GENERAL.*—Subject to subpara-
9 graph (B), the term”; and

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

11 “(B) *HIGH-COST AREAS.*—The Commission
12 shall, by regulation, establish a mechanism by
13 which a participating provider in a high-cost
14 area (as defined in section 60102(a)(2) of the In-
15 frastructure Investment and Jobs Act) may pro-
16 vide an affordable connectivity benefit in an
17 amount up to the amount specified in subpara-
18 graph (A) for an internet service offering pro-
19 vided on Tribal land upon a showing that the
20 applicability of the lower limit under subpara-
21 graph (A) to the provision of the affordable
22 connectivity benefit by the provider would cause
23 particularized economic hardship to the provider
24 such that the provider may not be able to main-

1 tain the operation of part or all of its broadband
2 network.”;

3 (B) in subsection (b)—

4 (i) by redesignating paragraphs (7)
5 through (10) as paragraphs (12) through
6 (15), respectively;

7 (ii) by inserting after paragraph (6)
8 the following:

9 “(7) *REQUIREMENT TO ALLOW CUSTOMERS TO*
10 *APPLY AFFORDABLE CONNECTIVITY BENEFIT TO ANY*
11 *INTERNET SERVICE OFFERING.—*

12 “(A) *IN GENERAL.—A participating pro-*
13 *vider—*

14 “(i) *shall allow an eligible household to*
15 *apply the affordable connectivity benefit to*
16 *any internet service offering of the partici-*
17 *parting provider at the same terms available*
18 *to households that are not eligible house-*
19 *holds; and*

20 “(ii) *may not require the eligible*
21 *household to submit to a credit check in*
22 *order to apply the affordable connectivity*
23 *benefit to an internet service offering of the*
24 *participating provider.*

1 “(B) *NONPAYMENT.*—*Nothing in subpara-*
2 *graph (A) shall prevent a participating provider*
3 *from terminating the provision of broadband*
4 *internet access service to a subscriber after 90*
5 *days of nonpayment.*

6 “(8) *PUBLIC AWARENESS.*—*A participating pro-*
7 *vider, in collaboration with the applicable State agen-*
8 *cies, public interest groups, and non-profit organiza-*
9 *tions, in order to increase the adoption of broadband*
10 *internet access service by consumers, shall carry out*
11 *public awareness campaigns in service areas that are*
12 *designed to highlight—*

13 “(A) *the value and benefits of broadband*
14 *internet access service; and*

15 “(B) *the existence of the Affordable*
16 *Connectivity Program.*

17 “(9) *OVERSIGHT.*—*The Commission—*

18 “(A) *shall establish a dedicated complaint*
19 *process for consumers who participate in the Af-*
20 *fordable Connectivity Program to file complaints*
21 *about the compliance of participating providers*
22 *with, including with respect to the quality of*
23 *service received under, the Program;*

24 “(B) *shall require a participating provider*
25 *to supply information about the existence of the*

1 *complaint process described in subparagraph (A)*
2 *to subscribers who participate in the Affordable*
3 *Connectivity Program;*

4 *“(C)(i) shall act expeditiously to investigate*
5 *potential violations of and enforce compliance*
6 *with this section, including under clause (ii) of*
7 *this subparagraph; and*

8 *“(i) in enforcing compliance with this sec-*
9 *tion, may impose forfeiture penalties under sec-*
10 *tion 503 of the Communications Act of 1934 (47*
11 *U.S.C. 503); and*

12 *“(D) shall regularly issue public reports*
13 *about complaints regarding the compliance of*
14 *participating providers with the Affordable*
15 *Connectivity Program.*

16 *“(10) INFORMATION ON AFFORDABLE*
17 *CONNECTIVITY PROGRAM.—*

18 *“(A) PARTICIPATING PROVIDERS.—When a*
19 *customer subscribes to, or renews a subscription*
20 *to, an internet service offering of a participating*
21 *provider, the participating provider shall notify*
22 *the customer about the existence of the Affordable*
23 *Connectivity Program and how to enroll in the*
24 *Program.*

1 “(B) *FEDERAL AGENCIES.*—*The Commission shall collaborate with relevant Federal agencies, including to ensure relevant Federal agencies update their System of Records Notices, to ensure that a household that participates in any program that qualifies the household for the Affordable Connectivity Program is provided information about the Program, including how to enroll in the Program.*

10 “(C) *COMMISSION OUTREACH.*—

11 “(i) *IN GENERAL.*—*The Commission may conduct outreach efforts to encourage eligible households to enroll in the Affordable Connectivity Program.*

15 “(ii) *ACTIVITIES.*—*In carrying out clause (i), the Commission may—*

17 “(I) *facilitate consumer research;*

18 “(II) *conduct focus groups;*

19 “(III) *engage in paid media campaigns;*

21 “(IV) *provide grants to outreach partners; and*

22 “(V) *provide an orderly transition for participating providers and consumers from the Emergency Broadband*

1 *Benefit Program established under*
2 *paragraph (1) (as that paragraph was*
3 *in effect on the day before the date of*
4 *enactment of the Infrastructure Invest-*
5 *ment and Jobs Act) to the Affordable*
6 *Connectivity Program.*

7 “(11) CONSUMER PROTECTION ISSUES.—

8 “(A) IN GENERAL.—*The Commission shall,*
9 *after providing notice and opportunity for com-*
10 *ment in accordance with section 553 of title 5,*
11 *United States Code, promulgate rules to protect*
12 *consumers who participate in, or seek to partici-*
13 *pate in, the Affordable Connectivity Program*
14 *from—*

15 “(i) *inappropriate upselling or*
16 *downselling by a participating provider;*

17 “(ii) *inappropriate requirements that*
18 *a consumer opt in to an extended service*
19 *contract as a condition of participating in*
20 *the Affordable Connectivity Program;*

21 “(iii) *inappropriate restrictions on the*
22 *ability of a consumer to switch internet*
23 *service offerings or otherwise apply support*
24 *from the Affordable Connectivity Program*

1 to a different internet service offering with
2 a participating provider;

3 “(iv) inappropriate restrictions on the
4 ability of a consumer to switch partici-
5 pating providers, other than a requirement
6 that the customer return any customer
7 premises equipment provided by a partici-
8 pating provider; and

9 “(v) similar restrictions that amount
10 to unjust and unreasonable acts or practices
11 that undermine the purpose, intent, or in-
12 tegrity of the Affordable Connectivity Pro-
13 gram.

14 “(B) EXCEPTIONS.—In complying with this
15 paragraph, the Commission may take advantage
16 of the exceptions set forth in subsections (e) and
17 (f).”; and

18 (iii) in paragraph (14), as so redesign-
19 ated, by striking “paragraph (7)” and in-
20 serting “paragraph (12)”.

21 (b) DELAYED AMENDMENTS TO AFFORDABLE
22 CONNECTIVITY PROGRAM.—

23 (1) IN GENERAL.—Effective on the date on which
24 the Commission submits the certification required
25 under paragraph (4), or December 31, 2021, which-

1 *ever is earlier, section 904 of division N of the Con-*
2 *solidated Appropriations Act, 2021 (Public Law 116-*
3 *260), as amended by subsection (a) of this section, is*
4 *amended—*

5 *(A) in subsection (a)—*

6 *(i) in paragraph (6)—*

7 *(I) in subparagraph (A), by in-*
8 *serting before the semicolon at the end*
9 *the following: “except that such sub-*
10 *section (a), including for purposes of*
11 *such subsection (b), shall be applied by*
12 *substituting ‘200 percent’ for ‘135 per-*
13 *cent’”;*

14 *(II) by striking subparagraph (C);*

15 *(III) by redesignating subpara-*
16 *graphs (D) and (E) as subparagraphs*
17 *(C) and (D), respectively;*

18 *(IV) in subparagraph (C), as so*
19 *redesignated, by striking “or” at the*
20 *end;*

21 *(V) in subparagraph (D), as so*
22 *redesignated—*

23 *(aa) by striking “or COVID-*
24 *19”;* and

1 *(bb) by striking the period at*
2 *the end and inserting “; or”; and*
3 *(VI) by adding at the end the fol-*
4 *lowing:*

5 *“(E) at least one member of the household*
6 *receives assistance through the special supple-*
7 *mental nutritional program for women, infants,*
8 *and children established by section 17 of the*
9 *Child Nutrition Act of 1996 (42 U.S.C. 1786).”;*

10 *(ii) in paragraph (7)—*

11 *(I) by striking “which shall be no*
12 *more than the standard rate for an*
13 *internet service offering and associated*
14 *equipment,”; and*

15 *(II) by striking “\$50” and insert-*
16 *ing “\$30”;*

17 *(iii) in paragraph (8), as so redesign-*
18 *ated by subsection (a) of this section, by*
19 *striking “, offered in the same manner, and*
20 *on the same terms, as described in any of*
21 *such provider’s offerings for broadband*
22 *internet access service to such household, as*
23 *on December 1, 2020”; and*

1 (iv) by striking paragraph (12), as so
2 redesignated by subsection (a) of this sec-
3 tion; and
4 (B) in subsection (b)(6)—
5 (i) by striking subparagraph (A);
6 (ii) by redesignating subparagraphs
7 (B), (C), and (D) as subparagraphs (A),
8 (B), and (C), respectively; and
9 (iii) in subparagraph (A), as so redес-
10 ignated—
11 (I) by striking clause (i); and
12 (II) by redesignating clauses (ii),
13 (iii), and (iv) as clauses (i), (ii), and
14 (iii), respectively.
15 (2) *APPLICABILITY OF AMENDMENT TO ELIGI-*
16 *BILITY.—* A household that qualified for the Afford-
17 able Connectivity Program under section 904 of divi-
18 sion N of the Consolidated Appropriations Act, 2021
19 (Public Law 116–260) before the effective date in
20 paragraph (1) and, as of that effective date, would,
21 but for this subparagraph, see a reduction in the
22 amount of the affordable connectivity benefit under
23 the Program, shall, during the 60-day period begin-
24 ning on that effective date, be eligible for the afford-
25 able connectivity benefit in the amount in effect with

1 *respect to that household, as of the day before that ef-*
2 *fective date.*

3 (3) *TRANSITION.*—*After the effective date under*
4 *paragraph (1), an eligible household that was partici-*
5 *parting in the Emergency Broadband Benefit Program*
6 *under section 904 of division N of the Consolidated*
7 *Appropriations Act, 2021 (Public Law 116–260) on*
8 *the day before the date of enactment of this Act and*
9 *qualifies for the Affordable Connectivity Program es-*
10 *tablished under that section (as amended by this sec-*
11 *tion) shall continue to have access to an affordable*
12 *service offering.*

13 (4) *CERTIFICATION REQUIRED.*—*On the date on*
14 *which the amounts appropriated under section*
15 *904(i)(2) of division N of the Consolidated Appro-*
16 *priations Act, 2021 (Public Law 116–260) have been*
17 *fully expended, the Commission shall submit to Con-*
18 *gress a certification regarding that fact.*

19 (c) *BROADBAND TRANSPARENCY RULES.*—

20 (1) *RULES.*—*Not later than 1 year after the date*
21 *of enactment of this Act, the Commission shall issue*
22 *final rules regarding the annual collection by the*
23 *Commission of data relating to the price and sub-*
24 *scription rates of each internet service offering of a*
25 *participating provider under the Affordable*

1 *Connectivity Program established under section 904*
2 *of division N of the Consolidated Appropriations Act,*
3 *2021 (Public Law 116–260) (as amended by this sec-*
4 *tion) to which an eligible household subscribes.*

5 (2) *UPDATES.*—*Not later than 180 days after the*
6 *date on which rules are issued under paragraph (1),*
7 *and when determined to be necessary by the Commis-*
8 *sion thereafter, the Commission shall revise the rules*
9 *to verify the accuracy of data submitted pursuant to*
10 *the rules.*

11 (3) *REDUNDANCY AVOIDANCE.*—*Nothing in this*
12 *subsection shall be construed to require the Commis-*
13 *sion, in order to meet a requirement of this sub-*
14 *section, to duplicate an activity that the Commission*
15 *is undertaking as of the date of enactment of this Act,*
16 *if—*

17 (A) *the Commission refers to the activity in*
18 *the rules issued under paragraph (1);*

19 (B) *the activity meets the requirements of*
20 *this subsection; and*

21 (C) *the Commission discloses the activity to*
22 *the public.*

23 (4) *AVAILABILITY OF DATA.*—

24 (A) *PUBLIC AVAILABILITY.*—*The Commis-*
25 *sion shall make data relating to broadband*

1 *internet access service collected under the rules*
2 *issued under paragraph (1) available to the pub-*
3 *lic in a commonly used electronic format without*
4 *risking the disclosure of personally identifiable*
5 *information or proprietary information, con-*
6 *sistent with section 0.459 of title 47, Code of*
7 *Federal Regulations (or any successor regula-*
8 *tion).*

9 *(B) DETERMINATION OF PERSONALLY IDEN-*
10 *TIFIABLE INFORMATION.—The Commission—*

11 *(i) shall define the term “personally*
12 *identifiable information”, for purposes of*
13 *subparagraph (A) through notice and com-*
14 *ment rulemaking; and*

15 *(ii) may not make any data available*
16 *to the public under subparagraph (A) before*
17 *completing the rulemaking under clause (i)*
18 *of this subparagraph.*

19 *(d) GUIDANCE.—The Commission may issue such*
20 *guidance, forms, instructions, or publications, or provide*
21 *such technical assistance, as may be necessary or appro-*
22 *priate to carry out the programs, projects, or activities au-*
23 *thorized under this section and the amendments made by*
24 *this section, including to ensure that such programs,*

1 *projects, or activities are completed in a timely and effective*
2 *manner.*

3 *(e) COORDINATION.—The Secretary of Agriculture, the*
4 *Secretary of Education, and the Secretary of Health and*
5 *Human Services shall—*

6 *(1) not later than 60 days after the date of en-*
7 *actment of this Act, enter into a memorandum of un-*
8 *derstanding with the Universal Service Administra-*
9 *tive Company to provide for the expeditious sharing*
10 *of data through the National Verifier (as that term is*
11 *defined in section 54.400 of title 47, Code of Federal*
12 *Regulations, or any successor regulation), or any suc-*
13 *cessor system, for the purposes of verifying consumer*
14 *eligibility for the program established under section*
15 *904 of division N of the Consolidated Appropriations*
16 *Act, 2021 (Public Law 116–260), as amended by this*
17 *section; and*

18 *(2) not later than 90 days after the date of en-*
19 *actment of this Act, begin to share data under the*
20 *memorandum of understanding described in para-*
21 *graph (1) for the purposes described in that para-*
22 *graph.*

1 **SEC. 60503. COORDINATION WITH CERTAIN OTHER FED-**
2 **ERAL AGENCIES.**

3 *Section 804(b)(2) of the Communications Act of 1934*
4 *(47 U.S.C. 644(b)(2)), as added by section 2 of the*
5 *Broadband DATA Act (Public Law 116–130), is amend-*
6 *ed—*

7 *(1) in subparagraph (A), by adding “and” at the*
8 *end; and*

9 *(2) by striking subparagraphs (B) and (C) and*
10 *inserting the following:*

11 *“(B) coordinate with the Postmaster Gen-*
12 *eral, the heads of other Federal agencies that op-*
13 *erate delivery fleet vehicles, and the Director of*
14 *the Bureau of the Census for assistance with*
15 *data collection whenever coordination could fea-*
16 *sibly yield more specific geographic data.”.*

17 **SEC. 60504. ADOPTION OF CONSUMER BROADBAND LABELS.**

18 *(a) FINAL RULE.—Not later than 1 year after the date*
19 *of enactment of this Act, the Commission shall promulgate*
20 *regulations to require the display of broadband consumer*
21 *labels, as described in the Public Notice of the Commission*
22 *issued on April 4, 2016 (DA 16–357), to disclose to con-*
23 *sumers information regarding broadband internet access*
24 *service plans.*

25 *(b) INTRODUCTORY RATE INFORMATION.—*

1 (1) *IN GENERAL.*—*The broadband consumer label*
2 *required under subsection (a) shall also include infor-*
3 *mation regarding whether the offered price is an in-*
4 *troductory rate and, if so, the price the consumer will*
5 *be required to pay following the introductory period.*

6 (2) *USE IN BROADBAND DATA COLLECTION.*—*The*
7 *Commission shall rely on the price information dis-*
8 *played on the broadband consumer label required*
9 *under subsection (a) for any collection of data relat-*
10 *ing to the price and subscription rates of each covered*
11 *broadband internet access service under section*
12 *60502(c).*

13 (c) *HEARINGS.*—*In issuing the final rule under sub-*
14 *section (a), the Commission shall conduct a series of public*
15 *hearings to assess, at the time of the proceeding—*

16 (1) *how consumers evaluate broadband internet*
17 *access service plans; and*

18 (2) *whether disclosures to consumers of informa-*
19 *tion regarding broadband internet access service*
20 *plans, including the disclosures required under section*
21 *8.1 of title 47, Code of Federal Regulations, are avail-*
22 *able, effective, and sufficient.*

23 **SEC. 60505. GAO REPORT.**

24 (a) *DEFINITIONS.*—*In this section, the term “appro-*
25 *priate committees of Congress” means—*

1 (1) *the Committee on Appropriations of the Sen-*
2 *ate;*

3 (2) *the Committee on Appropriations of the*
4 *House of Representatives;*

5 (3) *the Committee on Commerce, Science, and*
6 *Transportation of the Senate;*

7 (4) *the Committee on Environment and Public*
8 *Works of the Senate;*

9 (5) *the Committee on Agriculture, Nutrition, and*
10 *Forestry of the Senate;*

11 (6) *the Committee on Energy and Commerce of*
12 *the House of Representatives;*

13 (7) *the Committee on Agriculture of the House of*
14 *Representatives; and*

15 (8) *the Committee on Transportation and Infra-*
16 *structure of the House of the Representatives.*

17 (b) *REPORT.*—*Not later than 1 year after the date of*
18 *enactment of this Act, the Comptroller General of the United*
19 *States shall submit to the appropriate committees of Con-*
20 *gress a report that evaluates the process used by the Com-*
21 *mission for establishing, reviewing, and updating the*
22 *upload and download speed thresholds for broadband inter-*
23 *net access service, including—*

24 (1) *how the Commission reviews and updates*
25 *broadband internet access speed thresholds;*

1 (2) *whether the Commission should consider fu-*
2 *ture broadband internet access service speed needs*
3 *when establishing broadband internet access service*
4 *speed thresholds, including whether the Commission*
5 *considers the need, or the anticipated need, for higher*
6 *upload or download broadband internet access service*
7 *speeds in the 5-year period and the 10-year period*
8 *after the date on which a broadband internet access*
9 *service speed threshold is to be established; and*

10 (3) *whether the Commission should consider the*
11 *impacts of changing uses of the internet in estab-*
12 *lishing, reviewing, or updating broadband internet*
13 *access service speed thresholds, including—*

14 (A) *the proliferation of internet-based busi-*
15 *ness;*

16 (B) *working remotely and running a busi-*
17 *ness from home;*

18 (C) *video conferencing;*

19 (D) *distance learning;*

20 (E) *in-house web hosting; and*

21 (F) *cloud data storage.*

22 **SEC. 60506. DIGITAL DISCRIMINATION.**

23 (a) *STATEMENT OF POLICY.—It is the policy of the*
24 *United States that, insofar as technically and economically*
25 *feasible—*

1 (1) *subscribers should benefit from equal access*
2 *to broadband internet access service within the service*
3 *area of a provider of such service;*

4 (2) *the term “equal access”, for purposes of this*
5 *section, means the equal opportunity to subscribe to*
6 *an offered service that provides comparable speeds, ca-*
7 *pacities, latency, and other quality of service metrics*
8 *in a given area, for comparable terms and conditions;*
9 *and*

10 (3) *the Commission should take steps to ensure*
11 *that all people of the United States benefit from equal*
12 *access to broadband internet access service.*

13 (b) *ADOPTION OF RULES.—Not later than 2 years*
14 *after the date of enactment of this Act, the Commission shall*
15 *adopt final rules to facilitate equal access to broadband*
16 *internet access service, taking into account the issues of*
17 *technical and economic feasibility presented by that objec-*
18 *tive, including—*

19 (1) *preventing digital discrimination of access*
20 *based on income level, race, ethnicity, color, religion,*
21 *or national origin; and*

22 (2) *identifying necessary steps for the Commis-*
23 *sions to take to eliminate discrimination described in*
24 *paragraph (1).*

1 (c) *FEDERAL POLICIES.*—*The Commission and the At-*
 2 *torney General shall ensure that Federal policies promote*
 3 *equal access to robust broadband internet access service by*
 4 *prohibiting deployment discrimination based on—*

5 (1) *the income level of an area;*

6 (2) *the predominant race or ethnicity composi-*
 7 *tion of an area; or*

8 (3) *other factors the Commission determines to*
 9 *be relevant based on the findings in the record devel-*
 10 *oped from the rulemaking under subsection (b).*

11 (d) *MODEL STATE AND LOCAL POLICIES.*—*The Com-*
 12 *mission shall develop model policies and best practices that*
 13 *can be adopted by States and localities to ensure that*
 14 *broadband internet access service providers do not engage*
 15 *in digital discrimination.*

16 (e) *COMPLAINTS.*—*The Commission shall revise its*
 17 *public complaint process to accept complaints from con-*
 18 *sumers or other members of the public that relate to digital*
 19 *discrimination.*

20 **TITLE VI—TELECOMMUNI-**
 21 **CATIONS INDUSTRY WORK-**
 22 **FORCE**

23 **SEC. 60601. SHORT TITLE.**

24 *This title may be cited as the “Telecommunications*
 25 *Skilled Workforce Act”.*

1 **SEC. 60602. TELECOMMUNICATIONS INTERAGENCY WORK-**
2 **ING GROUP.**

3 (a) *IN GENERAL.*—Part I of title III of the Commu-
4 nications Act of 1934 (47 U.S.C. 301 et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 344. TELECOMMUNICATIONS INTERAGENCY WORKING**
7 **GROUP.**

8 “(a) *DEFINITION.*—In this section, the term ‘tele-
9 communications interagency working group’ means the
10 interagency working group established under subsection
11 (b)(1).

12 “(b) *ESTABLISHMENT.*—

13 “(1) *IN GENERAL.*—Not later than 60 days after
14 the date of enactment of this section, the Chairman of
15 the Commission, in partnership with the Secretary of
16 Labor, shall establish within the Commission an
17 interagency working group to develop recommenda-
18 tions to address the workforce needs of the tele-
19 communications industry, including the safety of that
20 workforce.

21 “(2) *DATE OF ESTABLISHMENT.*—The tele-
22 communications interagency working group shall be
23 considered established on the date on which a major-
24 ity of the members of the working group have been
25 appointed, consistent with subsection (d).

1 “(c) *DUTIES.*—*In developing recommendations under*
2 *subsection (b), the telecommunications interagency working*
3 *group shall—*

4 “(1) *determine whether, and if so how, any Fed-*
5 *eral laws, regulations, guidance, policies, or practices,*
6 *or any budgetary constraints, may be amended to*
7 *strengthen the ability of institutions of higher edu-*
8 *cation (as defined in section 101 of the Higher Edu-*
9 *cation Act of 1965 (20 U.S.C. 1001)) or for-profit*
10 *businesses to establish, adopt, or expand programs in-*
11 *tended to address the workforce needs of the tele-*
12 *communications industry, including the workforce*
13 *needed to build and maintain the 5G wireless infra-*
14 *structure necessary to support 5G wireless technology;*

15 “(2) *identify potential policies and programs*
16 *that could encourage and improve coordination*
17 *among Federal agencies, between Federal agencies*
18 *and States, and among States, on telecommunications*
19 *workforce needs;*

20 “(3) *identify ways in which existing Federal*
21 *programs, including programs that help facilitate the*
22 *employment of veterans and military personnel*
23 *transitioning into civilian life, could be leveraged to*
24 *help address the workforce needs of the telecommuni-*
25 *cations industry;*

1 “(4) identify ways to improve recruitment in
2 workforce development programs in the telecommuni-
3 cations industry;

4 “(5) identify Federal incentives that could be
5 provided to institutions of higher education, for-profit
6 businesses, State workforce development boards estab-
7 lished under section 101 of the Workforce Innovation
8 and Opportunity Act (29 U.S.C. 3111), or other rel-
9 evant stakeholders to establish or adopt new pro-
10 grams, expand current programs, or partner with reg-
11 istered apprenticeship programs, to address the work-
12 force needs of the telecommunications industry, in-
13 cluding such needs in rural areas;

14 “(6) identify ways to improve the safety of tele-
15 communications workers, including tower climbers;
16 and

17 “(7) identify ways that trends in wages, benefits,
18 and working conditions in the telecommunications in-
19 dustry impact recruitment of employees in the sector.

20 “(d) MEMBERS.—The telecommunications interagency
21 working group shall be composed of the following represent-
22 atives of Federal agencies and relevant non-Federal indus-
23 try and labor stakeholder organizations:

24 “(1) A representative of the Department of Edu-
25 cation, appointed by the Secretary of Education.

1 “(2) *A representative of the National Tele-*
2 *communications and Information Administration,*
3 *appointed by the Assistant Secretary of Commerce for*
4 *Communications and Information.*

5 “(3) *A representative of the Commission, ap-*
6 *pointed by the Chairman of the Commission.*

7 “(4) *A representative of a registered apprentice-*
8 *ship program in construction or maintenance, ap-*
9 *pointed by the Secretary of Labor.*

10 “(5) *A representative of a telecommunications*
11 *industry association, appointed by the Chairman of*
12 *the Commission.*

13 “(6) *A representative of an Indian Tribe or*
14 *Tribal organization, appointed by the Chairman of*
15 *the Commission.*

16 “(7) *A representative of a rural telecommuni-*
17 *cations carrier, appointed by the Chairman of the*
18 *Commission.*

19 “(8) *A representative of a telecommunications*
20 *contractor firm, appointed by the Chairman of the*
21 *Commission.*

22 “(9) *A representative of an institution of higher*
23 *education described in section 371(a) of the Higher*
24 *Education Act of 1965 (20 U.S.C. 1067q(a)), ap-*
25 *pointed by the Secretary of Education.*

1 “(10) *A public interest advocate for tower climber safety, appointed by the Secretary of Labor.*

3 “(11) *A representative of the Directorate of Construction of the Occupational Safety and Health Administration, appointed by the Secretary of Labor.*

6 “(12) *A representative of a labor organization representing the telecommunications workforce, appointed by the Secretary of Labor.*

9 “(e) *NO COMPENSATION.—A member of the telecommunications interagency working group shall serve without compensation.*

12 “(f) *OTHER MATTERS.—*

13 “(1) *CHAIR AND VICE CHAIR.—The telecommunications interagency working group shall name a chair and a vice chair, who shall be responsible for organizing the business of the working group.*

17 “(2) *SUBGROUPS.—The chair and vice chair of the telecommunications interagency working group, in consultation with the other members of the telecommunications interagency working group, may establish such subgroups as necessary to help conduct the work of the telecommunications interagency working group.*

24 “(3) *SUPPORT.—The Commission and the Secretary of Labor may detail employees of the Commis-*

1 *sion and the Department of Labor, respectively, to as-*
2 *ist and support the work of the telecommunications*
3 *interagency working group, though such a detailee*
4 *shall not be considered to be a member of the working*
5 *group.*

6 “(g) *REPORT TO CONGRESS.*—

7 “(1) *REPORT TO CONGRESS.*—*Not later than 1*
8 *year after the date on which the telecommunications*
9 *interagency working group is established, the working*
10 *group shall submit a report containing its rec-*
11 *ommendations to address the workforce needs of the*
12 *telecommunications industry to—*

13 “(A) *the Committee on Commerce, Science,*
14 *and Transportation of the Senate;*

15 “(B) *the Committee on Health, Education,*
16 *Labor, and Pensions of the Senate;*

17 “(C) *the Committee on Energy and Com-*
18 *merce of the House of Representatives;*

19 “(D) *the Committee on Education and*
20 *Labor of the House of Representatives;*

21 “(E) *the Department of Labor; and*

22 “(F) *the Commission.*

23 “(2) *MAJORITY SUPPORT.*—*The telecommuni-*
24 *cations interagency working group may not submit*
25 *the report under paragraph (1) unless the report has*

1 *the support of not less than the majority of the mem-*
2 *bers of the working group.*

3 “(3) *VIEWS.—The telecommunications inter-*
4 *agency working group shall—*

5 “(A) *include with the report submitted*
6 *under paragraph (1) any concurring or dis-*
7 *senting view offered by a member of the working*
8 *group; and*

9 “(B) *identify each member to whom each*
10 *concurring or dissenting view described in sub-*
11 *paragraph (A) should be attributed.*

12 “(4) *PUBLIC POSTING.—The Commission and*
13 *the Secretary of Labor shall make a copy of the report*
14 *submitted under paragraph (1) available to the public*
15 *on the websites of the Commission and the Depart-*
16 *ment of Labor, respectively.*

17 “(h) *NONAPPLICABILITY OF FACCA.—The Federal Ad-*
18 *visory Committee Act (5 U.S.C. App.) shall not apply to*
19 *the telecommunications interagency working group.”.*

20 “(b) *SUNSET.—Section 344 of the Communications Act*
21 *of 1934, as added by subsection (a), shall be repealed on*
22 *the day after the date on which the interagency working*
23 *group established under subsection (b)(1) of that section*
24 *submits the report to Congress under subsection (g) of that*
25 *section.*

1 **SEC. 60603. TELECOMMUNICATIONS WORKFORCE GUID-**
2 **ANCE.**

3 *Not later than 1 year after the date of enactment of*
4 *this Act, the Secretary of Labor, in partnership with the*
5 *Chairman of the Federal Communications Commission,*
6 *shall establish and issue guidance on how States can ad-*
7 *dress the workforce needs and safety of the telecommuni-*
8 *cations industry, including guidance on how a State work-*
9 *force development board established under section 101 of the*
10 *Workforce Innovation and Opportunity Act (29 U.S.C.*
11 *3111) can—*

12 *(1) utilize Federal resources available to States*
13 *to meet the workforce needs of the telecommunications*
14 *industry;*

15 *(2) promote and improve recruitment in work-*
16 *force development programs in the telecommuni-*
17 *cations industry; and*

18 *(3) ensure the safety of the telecommunications*
19 *workforce, including tower climbers.*

20 **SEC. 60604. GAO ASSESSMENT OF WORKFORCE NEEDS OF**
21 **THE TELECOMMUNICATIONS INDUSTRY.**

22 *(a) DEFINITIONS.—In this section, the term “appro-*
23 *priate congressional committees” means—*

24 *(1) the Committee on Commerce, Science, and*
25 *Transportation of the Senate;*

1 (2) *the Committee on Health, Education, Labor,*
2 *and Pensions of the Senate;*

3 (3) *the Committee on Energy and Commerce of*
4 *the House of Representatives; and*

5 (4) *the Committee on Education and Labor of*
6 *the House of Representatives.*

7 (b) *REPORT.*—*Not later than 180 days after the date*
8 *of enactment of this Act, the Comptroller General of the*
9 *United States shall submit to the appropriate congressional*
10 *committees a report that estimates the number of skilled*
11 *telecommunications workers that will be required to build*
12 *and maintain—*

13 (1) *broadband infrastructure in rural areas, in-*
14 *cluding estimates based on—*

15 (A) *current need; and*

16 (B) *projected need, if Congress enacts legis-*
17 *lation that accelerates broadband infrastructure*
18 *construction in the United States; and*

19 (2) *the wireless infrastructure needed to support*
20 *5G wireless technology.*

1 **DIVISION G—OTHER**
2 **AUTHORIZATIONS**
3 **TITLE I—INDIAN WATER RIGHTS**
4 **SETTLEMENT COMPLETION**
5 **FUND**

6 **SEC. 70101. INDIAN WATER RIGHTS SETTLEMENT COMPLE-**
7 **TION FUND.**

8 (a) *ESTABLISHMENT.*—*There is established in the*
9 *Treasury of the United States a fund to be known as the*
10 *“Indian Water Rights Settlement Completion Fund” (re-*
11 *ferred to in this section as the “Fund”).*

12 (b) *DEPOSITS.*—

13 (1) *IN GENERAL.*—*On the later of October 1,*
14 *2021, and the date of enactment of this Act, out of*
15 *any funds in the Treasury not otherwise appro-*
16 *priated, the Secretary of the Treasury shall deposit in*
17 *the Fund \$2,500,000,000, to remain available until*
18 *expended.*

19 (2) *AVAILABILITY.*—*Amounts deposited in the*
20 *Fund under paragraph (1) shall be available to the*
21 *Secretary of the Interior, without further appropria-*
22 *tion or fiscal year limitation, for the uses described*
23 *in subsection (c).*

24 (c) *USES.*—*Subject to subsection (d), amounts depos-*
25 *ited in the Fund under subsection (b) shall be used by the*

1 *Secretary of the Interior for transfers to funds or accounts*
2 *authorized to receive discretionary appropriations, or to*
3 *satisfy other obligations identified by the Secretary of the*
4 *Interior, under an Indian water settlement approved and*
5 *authorized by an Act of Congress before the date of enact-*
6 *ment of this Act.*

7 (d) *SCOPE OF TRANSFERS.—*

8 (1) *IN GENERAL.—Transfers authorized under*
9 *subsection (c) shall be made in such amounts as are*
10 *determined by the Secretary of the Interior to be ap-*
11 *propriate to satisfy the obligations of the United*
12 *States, including appropriate indexing, pursuant to*
13 *the applicable Indian water settlement.*

14 (2) *SEQUENCE AND TIMING.—The Secretary of*
15 *the Interior shall have the discretion to determine the*
16 *sequence and timing of transfers from the Fund under*
17 *subsection (c) in order to substantially complete the*
18 *eligible Indian water settlements as expeditiously as*
19 *practicable.*

20 **TITLE II—WILDFIRE MITIGATION**

21 **SEC. 70201. SHORT TITLE.**

22 *This title may be cited as the “Wildland Fire Mitiga-*
23 *tion and Management Commission Act of 2021”.*

24 **SEC. 70202. DEFINITIONS.**

25 *In this title:*

1 (1) *APPROPRIATE COMMITTEES OF CONGRESS.*—

2 The term “appropriate committees of Congress”
3 means—

4 (A) *the Committee on Energy and Natural*
5 *Resources of the Senate;*

6 (B) *the Committee on Agriculture, Nutri-*
7 *tion, and Forestry of the Senate;*

8 (C) *the Committee on Homeland Security*
9 *and Governmental Affairs of the Senate;*

10 (D) *the Committee on Appropriations of the*
11 *Senate;*

12 (E) *the Committee on Environment and*
13 *Public Works of the Senate;*

14 (F) *the Committee on Natural Resources of*
15 *the House of Representatives;*

16 (G) *the Committee on Agriculture of the*
17 *House of Representatives;*

18 (H) *the Committee on Homeland Security*
19 *of the House of Representatives;*

20 (I) *the Committee on Appropriations of the*
21 *House of Representatives;*

22 (J) *the Committee on Ways and Means of*
23 *the House of Representatives; and*

24 (K) *the Committee on Natural Resources of*
25 *the House of Representatives.*

1 (2) *COMMISSION.*—*The term “Commission”*
2 *means the commission established under section*
3 *70203(a).*

4 (3) *HIGH-RISK INDIAN TRIBAL GOVERNMENT.*—
5 *The term “high-risk Indian tribal government” means*
6 *an Indian tribal government, during not fewer than*
7 *4 of the 5 years preceding the date of enactment of*
8 *this Act—*

9 (A) *that received fire management assist-*
10 *ance under section 420 of the Robert T. Stafford*
11 *Disaster Relief and Emergency Assistance Act*
12 *(42 U.S.C. 5187); or*

13 (B) *land of which included an area for*
14 *which the President declared a major disaster for*
15 *fire in accordance with section 401 of that Act*
16 *(42 U.S.C. 5170).*

17 (4) *HIGH-RISK STATE.*—*The term “high-risk*
18 *State” means a State that, during not fewer than 4*
19 *of the 5 years preceding the date of enactment of this*
20 *Act—*

21 (A) *received fire management assistance*
22 *under section 420 of the Robert T. Stafford Dis-*
23 *aster Relief and Emergency Assistance Act (42*
24 *U.S.C. 5187); or*

1 (B) included an area for which the Presi-
2 dent declared a major disaster for fire in accord-
3 ance with section 401 of that Act (42 U.S.C.
4 5170).

5 (5) *INDIAN TRIBAL GOVERNMENT.*—The term
6 “Indian tribal government” has the meaning given
7 the term in section 102 of the Robert T. Stafford Dis-
8 aster Relief and Emergency Assistance Act (42 U.S.C.
9 5122).

10 (6) *SECRETARIES.*—The term “Secretaries”
11 means—

12 (A) the Secretary of the Interior;

13 (B) the Secretary of Agriculture; and

14 (C) the Secretary of Homeland Security,
15 acting through the Administrator of the Federal
16 Emergency Management Agency.

17 (7) *STATE.*—The term “State” has the meaning
18 given the term in section 102 of the Robert T. Staf-
19 ford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5122).

21 (8) *WILDLAND-URBAN INTERFACE.*—The term
22 “wildland-urban interface” has the meaning given the
23 term in section 101 of the Healthy Forests Restora-
24 tion Act of 2003 (16 U.S.C. 6511).

1 **SEC. 70203. ESTABLISHMENT OF COMMISSION.**

2 (a) *ESTABLISHMENT.*—Not later than 30 days after
3 the date of enactment of this Act, the Secretaries shall joint-
4 ly establish a commission to study and make recommenda-
5 tions to improve Federal policies relating to—

6 (1) *the prevention, mitigation, suppression, and*
7 *management of wildland fires in the United States;*
8 *and*

9 (2) *the rehabilitation of land in the United*
10 *States devastated by wildland fires.*

11 (b) *MEMBERSHIP.*—

12 (1) *COMPOSITION.*—The Commission shall be
13 composed of—

14 (A) *each of the Secretaries (or designees),*
15 *who shall jointly serve as the co-chairpersons of*
16 *the Commission;*

17 (B) *9 representatives of Federal depart-*
18 *ments or agencies, to be appointed by the Secre-*
19 *taries, including—*

20 (i) *not fewer than 1 representative*
21 *from each of—*

22 (I) *the Bureau of Land Manage-*
23 *ment;*

24 (II) *the National Park Service;*

25 (III) *the Bureau of Indian Af-*
26 *airs;*

1 *(IV) the United States Fish and*
2 *Wildlife Service; and*

3 *(V) the Forest Service;*

4 *(ii) a representative of or liaison to the*
5 *Mitigation Framework Leadership Group of*
6 *the Federal Emergency Management Agen-*
7 *cy;*

8 *(iii) a representative to the National*
9 *Interagency Coordination Center, which is*
10 *part of the National Wildfire Coordination*
11 *Group;*

12 *(iv) a representative from 1 of the co-*
13 *ordinating agencies of the Recovery Support*
14 *Function Leadership Group; and*

15 *(v) if the Secretaries determine it to be*
16 *appropriate, a representative of any other*
17 *Federal department or agency, such as the*
18 *Department of Energy, the Environmental*
19 *Protection Agency, or the Department of*
20 *Defense; and*

21 *(C) 18 non-Federal stakeholders with exper-*
22 *tise in wildland fire preparedness, mitigation,*
23 *suppression, or management, who collectively*
24 *have a combination of backgrounds, experiences,*
25 *and viewpoints and are representative of rural,*

1 urban, and suburban areas, to be appointed by
2 the Secretaries, including—

3 (i) not fewer than 1 State hazard miti-
4 gation officer of a high-risk State (or a des-
5 ignee);

6 (ii) with preference given to represent-
7 atives from high-risk States and high-risk
8 Indian tribal governments, not fewer than 1
9 representative from each of—

10 (I) a State department of natural
11 resources, forestry, or agriculture or a
12 similar State agency;

13 (II) a State department of energy
14 or a similar State agency;

15 (III) a county government, with
16 preference given to counties at least a
17 portion of which is in the wildland-
18 urban interface; and

19 (IV) a municipal government,
20 with preference given to municipalities
21 at least a portion of which is in the
22 wildland-urban interface;

23 (iii) with preference given to represent-
24 atives from high-risk States and high-risk

1 *Indian tribal governments, not fewer than 1*
2 *representative from each of—*

3 *(I) the public utility industry;*

4 *(II) the property development in-*
5 *dustry;*

6 *(III) Indian tribal governments;*

7 *(IV) wildland firefighters; and*

8 *(V) an organization—*

9 *(aa) described in section*
10 *501(c)(3) of the Internal Revenue*
11 *Code of 1986 and exempt from*
12 *taxation under section 501(a) of*
13 *that Code; and*

14 *(bb) with expertise in forest*
15 *management and environmental*
16 *conservation;*

17 *(iv) not greater than 2 other appro-*
18 *priate non-Federal stakeholders, which may*
19 *include the private sector; and*

20 *(v) any other appropriate non-Federal*
21 *stakeholders, which may include the private*
22 *sector, with preference given to non-Federal*
23 *stakeholders from high-risk States and high-*
24 *risk Indian tribal governments.*

1 (2) *STATE LIMITATION.*—Each member of the
2 Commission appointed under clauses (i) and (ii) of
3 paragraph (1)(C) shall represent a different State.

4 (3) *DATE.*—The appointments of the members of
5 the Commission shall be made not later than 60 days
6 after the date of enactment of this Act.

7 (c) *PERIOD OF APPOINTMENT; VACANCIES.*—

8 (1) *IN GENERAL.*—A member of the Commission
9 shall be appointed for the life of the Commission.

10 (2) *VACANCIES.*—A vacancy in the Commis-
11 sion—

12 (A) shall not affect the powers of the Com-
13 mission; and

14 (B) shall be filled in the same manner as
15 the original appointment.

16 (d) *MEETINGS.*—

17 (1) *INITIAL MEETING.*—Not later than 30 days
18 after the date on which all members of the Commis-
19 sion have been appointed, the Commission shall hold
20 the first meeting of the Commission.

21 (2) *FREQUENCY.*—The Commission shall meet
22 not less frequently than once every 30 days.

23 (3) *TYPE.*—The Commission may hold meetings,
24 and a member of the Commission may participate in

1 *a meeting, remotely through teleconference, video con-*
2 *ference, or similar means.*

3 (4) *QUORUM.*—*A majority of the members of the*
4 *Commission shall constitute a quorum, but a lesser*
5 *number of members may hold hearings.*

6 **SEC. 70204. DUTIES OF COMMISSION.**

7 (a) *REPORT ON RECOMMENDATIONS TO MITIGATE AND*
8 *MANAGE WILDLAND FIRES.*—

9 (1) *IN GENERAL.*—*Not later than 1 year after*
10 *the date of the first meeting of the Commission, the*
11 *Commission shall submit to the appropriate commit-*
12 *tees of Congress a report describing recommendations*
13 *to prevent, mitigate, suppress, and manage wildland*
14 *fires, including—*

15 (A) *policy recommendations, including rec-*
16 *ommendations—*

17 (i) *to maximize the protection of*
18 *human life, community water supplies,*
19 *homes, and other essential structures, which*
20 *may include recommendations to expand*
21 *the use of initial attack strategies;*

22 (ii) *to facilitate efficient short- and*
23 *long-term forest management in residential*
24 *and nonresidential at-risk areas, which*

1 *may include a review of community wild-*
2 *fire protection plans;*

3 *(iii) to manage the wildland-urban*
4 *interface;*

5 *(iv) to manage utility corridors;*

6 *(v) to rehabilitate land devastated by*
7 *wildland fire; and*

8 *(vi) to improve the capacity of the Sec-*
9 *retary of Agriculture and the Secretary of*
10 *the Interior to conduct hazardous fuels re-*
11 *duction projects;*

12 *(B) policy recommendations described in*
13 *subparagraph (A) with respect to any rec-*
14 *ommendations for—*

15 *(i) categorical exclusions from the re-*
16 *quirement to prepare an environmental im-*
17 *pact statement or analysis under the Na-*
18 *tional Environmental Policy Act of 1969*
19 *(42 U.S.C. 4321 et seq.); or*

20 *(ii) additional staffing or resources*
21 *that may be necessary to more expeditiously*
22 *prepare an environmental impact statement*
23 *or analysis under that Act;*

24 *(C) policy recommendations for modern-*
25 *izing and expanding the use of technology, in-*

1 *cluding satellite technology, remote sensing, un-*
2 *manned aircraft systems, and any other type of*
3 *emerging technology, to prevent, mitigate, sup-*
4 *press, and manage wildland fires, including any*
5 *recommendations with respect to—*

6 *(i) the implementation of section 1114*
7 *of the John D. Dingell, Jr. Conservation,*
8 *Management, and Recreation Act (43*
9 *U.S.C. 1748b–1); or*

10 *(ii) improving early wildland fire de-*
11 *tection;*

12 *(D) an assessment of Federal spending on*
13 *wildland fire-related disaster management, in-*
14 *cluding—*

15 *(i) a description and assessment of*
16 *Federal grant programs for States and*
17 *units of local government for pre- and post-*
18 *wildland fire disaster mitigation and recov-*
19 *ery, including—*

20 *(I) the amount of funding pro-*
21 *vided under each program;*

22 *(II) the effectiveness of each pro-*
23 *gram with respect to long-term forest*
24 *management and maintenance; and*

1 *(III) recommendations to improve*
2 *the effectiveness of each program, in-*
3 *cluding with respect to—*

4 *(aa) the conditions on the use*
5 *of funds received under the pro-*
6 *gram; and*

7 *(bb) the extent to which addi-*
8 *tional funds are necessary for the*
9 *program;*

10 *(ii) an evaluation, including rec-*
11 *ommendations to improve the effectiveness*
12 *in mitigating wildland fires, which may in-*
13 *clude authorizing prescribed fires, of—*

14 *(I) the Building Resilient Infra-*
15 *structure and Communities program*
16 *under section 203 of the Robert T.*
17 *Stafford Disaster Relief and Emer-*
18 *gency Assistance Act (42 U.S.C. 5133);*

19 *(II) the Pre-Disaster Mitigation*
20 *program under that section (42 U.S.C.*
21 *5133);*

22 *(III) the Hazard Mitigation*
23 *Grant Program under section 404 of*
24 *that Act (42 U.S.C. 5170c);*

1 (IV) *Hazard Mitigation Grant*
2 *Program post-fire assistance under sec-*
3 *tions 404 and 420 of that Act (42*
4 *U.S.C. 5170c, 5187); and*

5 (V) *such other programs as the*
6 *Commission determines to be appro-*
7 *priate;*

8 (iii) *an assessment of the definition of*
9 *“small impoverished community” under sec-*
10 *tion 203(a) of the Robert T. Stafford Dis-*
11 *aster Relief and Emergency Assistance Act*
12 *(42 U.S.C. 5133(a)), specifically—*

13 (I) *the exclusion of the percentage*
14 *of land owned by an entity other than*
15 *a State or unit of local government;*
16 *and*

17 (II) *any related economic impact*
18 *of that exclusion; and*

19 (iv) *recommendations for Federal*
20 *budgeting for wildland fires and post-wild-*
21 *fire recovery;*

22 (E) *any recommendations for matters under*
23 *subparagraph (A), (B), (C), or (D) specific to—*

24 (i) *forest type, vegetation type, or for-*
25 *est and vegetation type; or*

1 (ii) *State land, Tribal land, or private*
2 *land;*

3 (F)(i) *a review of the national strategy de-*
4 *scribed in the report entitled “The National*
5 *Strategy: The Final Phase in the Development of*
6 *the National Cohesive Wildland Fire Manage-*
7 *ment Strategy” and dated April 2014; and*

8 (ii) *any recommendations for changes to*
9 *that national strategy to improve its effective-*
10 *ness; and*

11 (G)(i) *an evaluation of coordination of re-*
12 *sponse to, and suppression of, wildfires occurring*
13 *on Federal, Tribal, State, and local land among*
14 *Federal, Tribal, State, and local agencies with*
15 *jurisdiction over that land; and*

16 (ii) *any recommendations to improve the*
17 *coordination described in clause (i).*

18 (2) *SPECIFIC POLICY RECOMMENDATIONS.—To*
19 *the maximum extent practicable, the report described*
20 *in paragraph (1) shall include detailed short- and*
21 *long-term policy recommendations, including any rec-*
22 *ommendations for Federal legislation.*

23 (3) *INTERIM REPORTS.—Before the submission of*
24 *the report under paragraph (1), on approval of all*
25 *members of the Commission, the Commission may*

1 *submit to the appropriate committees of Congress 1 or*
2 *more interim reports, as the Commission determines*
3 *to be appropriate, relating to any matters described*
4 *in paragraph (1).*

5 *(b) REPORT ON AERIAL WILDLAND FIREFIGHTING*
6 *EQUIPMENT STRATEGY AND INVENTORY ASSESSMENT.—*

7 *(1) SUBMISSION OF INVENTORY TO THE COMMIS-*
8 *SION.—Not later than 45 days after the date on which*
9 *the Commission holds the first meeting of the Com-*
10 *mission, the Secretary of Defense and the heads of*
11 *other relevant Federal departments and agencies shall*
12 *submit to the Commission an inventory of surplus*
13 *cargo and passenger aircraft and excess common-use*
14 *aircraft parts that may be used for wildland fire-*
15 *fighting purposes, excluding any aircraft or aircraft*
16 *parts that are—*

17 *(A) reasonably anticipated to be necessary*
18 *for military operations, readiness, or fleet man-*
19 *agement in the future; or*

20 *(B) already obligated for purposes other*
21 *than fighting wildland fires.*

22 *(2) SUBMISSION OF REPORT TO CONGRESS.—Not*
23 *later than 90 days after the date on which the Com-*
24 *mission receives the inventory described in paragraph*
25 *(1), the Commission shall submit to the appropriate*

1 *committees of Congress a report outlining a strategy*
2 *to meet aerial firefighting equipment needs through*
3 *2030 in the most cost-effective manner, including—*

4 *(A) an assessment of the expected number of*
5 *aircraft and aircraft parts needed to fight*
6 *wildland fires through 2030;*

7 *(B) an assessment of existing authorities of*
8 *the Secretary of Defense and the heads of other*
9 *relevant Federal departments and agencies to*
10 *provide or sell surplus aircraft or aircraft parts*
11 *to Federal, State, or local authorities for*
12 *wildland firefighting use, including—*

13 *(i) a description of the current use of*
14 *each existing authority; and*

15 *(ii) a description of any additional au-*
16 *thorities that are needed for the Secretary of*
17 *Defense and the heads of other relevant Fed-*
18 *eral departments and agencies to provide or*
19 *sell surplus aircraft or aircraft parts to*
20 *Federal, State, or local authorities for*
21 *wildland firefighting use; and*

22 *(C) recommendations to ensure the avail-*
23 *ability of aircraft and aircraft parts that the*
24 *Commission expects will be necessary to fight*

1 *wildland fires through 2030 in the most cost-ef-*
2 *fective manner.*

3 (3) *CONSIDERATIONS FOR ACCESSING AIRCRAFT*
4 *AND AIRCRAFT PARTS.—In developing the strategy in*
5 *the report required under paragraph (2) and the rec-*
6 *ommendations under paragraph (2)(C), the Commis-*
7 *sion shall consider all private and public sector op-*
8 *tions for accessing necessary aircraft and aircraft*
9 *parts, including procurement, contracting, retro-*
10 *fitting, and public-private partnerships.*

11 (4) *UNCLASSIFIED REPORT.—The inventory and*
12 *report submitted under paragraphs (1) and (2), re-*
13 *spectively—*

14 (A) *shall be unclassified; but*

15 (B) *may include a classified annex.*

16 (c) *MAJORITY REQUIREMENT.—Not less than $\frac{2}{3}$ of the*
17 *members of the Commission shall approve the recommenda-*
18 *tions contained in each report submitted under subsection*
19 *(a) or (b)(2).*

20 **SEC. 70205. POWERS OF COMMISSION.**

21 (a) *HEARINGS.—The Commission may hold such hear-*
22 *ings, sit and act at such times and places, take such testi-*
23 *mony, and receive such evidence as the Commission con-*
24 *siders advisable to carry out this title.*

25 (b) *INFORMATION FROM FEDERAL AGENCIES.—*

1 (1) *IN GENERAL.*—*The Commission may secure*
2 *directly from a Federal department or agency such*
3 *information as the Commission considers necessary to*
4 *carry out this title.*

5 (2) *FURNISHING INFORMATION.*—*On request of*
6 *the Chairpersons of the Commission, the head of the*
7 *department or agency shall furnish the information to*
8 *the Commission.*

9 (c) *POSTAL SERVICES.*—*The Commission may use the*
10 *United States mails in the same manner and under the*
11 *same conditions as other departments and agencies of the*
12 *Federal Government.*

13 (d) *GIFTS.*—*The Commission may accept, use, and*
14 *dispose of such gifts or donations of services or property*
15 *as the Commission considers necessary to carry out this*
16 *title.*

17 **SEC. 70206. COMMISSION PERSONNEL MATTERS.**

18 (a) *NO COMPENSATION.*—*A member of the Commission*
19 *shall serve without compensation.*

20 (b) *TRAVEL EXPENSES.*—*A member of the Commission*
21 *shall be allowed travel expenses, including per diem in lieu*
22 *of subsistence, at rates authorized for employees of agencies*
23 *under subchapter I of chapter 57 of title 5, United States*
24 *Code, while away from their homes or regular places of*
25 *business in the performance of services for the Commission.*

1 (c) *STAFF.*—

2 (1) *IN GENERAL.*—*The Chairpersons of the Com-*
3 *mission may, without regard to the civil service laws*
4 *(including regulations), appoint and terminate an ex-*
5 *ecutive director and such other additional personnel*
6 *as may be necessary to enable the Commission to per-*
7 *form its duties, except that the employment of an ex-*
8 *ecutive director shall be subject to confirmation by the*
9 *Commission.*

10 (2) *COMPENSATION.*—*The Chairpersons of the*
11 *Commission may fix the compensation of the execu-*
12 *tive director and other personnel without regard to*
13 *chapter 51 and subchapter III of chapter 53 of title*
14 *5, United States Code, relating to classification of po-*
15 *sitions and General Schedule pay rates, except that*
16 *the rate of pay for the executive director and other*
17 *personnel may not exceed the rate payable for level V*
18 *of the Executive Schedule under section 5316 of that*
19 *title.*

20 (d) *DETAIL OF GOVERNMENT EMPLOYEES.*—*A Federal*
21 *Government employee may be detailed to the Commission*
22 *without reimbursement, and such detail shall be without*
23 *interruption or loss of civil service status or privilege.*

24 (e) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
25 *TENT SERVICES.*—*The Chairpersons of the Commission*

1 *may procure temporary and intermittent services under*
 2 *section 3109(b) of title 5, United States Code, at rates for*
 3 *individuals that do not exceed the daily equivalent of the*
 4 *annual rate of basic pay prescribed for level V of the Execu-*
 5 *tive Schedule under section 5316 of that title.*

6 **SEC. 70207. TERMINATION OF COMMISSION.**

7 *The Commission shall terminate on the date that is*
 8 *180 days after the date on which the Commission has sub-*
 9 *mitted the reports under subsections (a) and (b) of section*
 10 *70204.*

11 **TITLE III—REFORESTATION**

12 **SEC. 70301. SHORT TITLE.**

13 *This title may be cited as the “Repairing Existing*
 14 *Public Land by Adding Necessary Trees Act” or the “RE-*
 15 *PLANT Act”.*

16 **SEC. 70302. REFORESTATION FOLLOWING WILDFIRES AND**
 17 **OTHER UNPLANNED EVENTS.**

18 *(a) FOREST AND RANGELAND RENEWABLE RE-*
 19 *SOURCES PLANNING ACT OF 1974.—*

20 *(1) NATIONAL FOREST COVER POLICY.—*

21 *(A) IN GENERAL.—Section 3 of the Forest*
 22 *and Rangeland Renewable Resources Planning*
 23 *Act of 1974 (16 U.S.C. 1601) is amended—*

24 *(i) by redesignating subsection (e) as*
 25 *subsection (f);*

1 (ii) by redesignating the second sub-
2 section (d) (relating to the policy of Con-
3 gress regarding forested land in the Na-
4 tional Forest System) as subsection (e); and
5 (iii) in subsection (e) (as so redesign-
6 ated)—

7 (I) in paragraph (2)—

8 (aa) in the first sentence—

9 (AA) by striking “9 of
10 this Act, the Secretary shall
11 annually for eight years fol-
12 lowing the enactment of this
13 subsection” and inserting “9,
14 the Secretary shall, annually
15 during each of the 10 years
16 beginning after the date of
17 enactment of the *REPLANT*
18 Act”; and

19 (BB) by striking “eight-
20 year” and inserting “10-
21 year”;

22 (bb) in the second sentence,
23 by striking “such eight-year pe-
24 riod” and inserting “the 10-year
25 period”; and

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 fol-
8 lowing:

9 “(4) REFORESTATION REQUIREMENTS.—

10 “(A) DEFINITIONS.—In this paragraph:

11 “(i) NATURAL REGENERATION.—

12 “(I) IN GENERAL.—The term ‘nat-
13 ural regeneration’ means the establish-
14 ment of a tree or tree age class from
15 natural seeding, sprouting, or suck-
16 ering in accordance with the manage-
17 ment objectives of an applicable land
18 management plan.

19 “(II) INCLUSION.—The term ‘nat-
20 ural regeneration’ may include any
21 site preparation activity to enhance the
22 success of regeneration to the desired
23 species composition and structure.

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 ‘re-
14 *forestation*’ means *the act of renewing tree*
15 *cover, taking into consideration species com-*
16 *position and resilience, by establishing*
17 *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 through*
24 *the Chief of the Forest Service.*

25 “(v) *UNPLANNED EVENT.*—

1 “(I) *IN GENERAL.*—The term ‘un-
2 planned event’ means any unplanned
3 disturbance that—

4 “(aa) *disrupts ecosystem or*
5 *forest structure or composition; or*

6 “(bb) *changes resources, sub-*
7 *strate availability, or the physical*
8 *environment.*

9 “(II) *INCLUSIONS.*—The term ‘un-
10 planned event’ may include—

11 “(aa) *a wildfire;*

12 “(bb) *an infestation of in-*
13 *sects or disease;*

14 “(cc) *a weather event; and*

15 “(dd) *animal damage.*

16 “(B) *REQUIREMENT.*—Each *reforestation*
17 *activity under this section shall be carried out in*
18 *accordance with applicable Forest Service man-*
19 *agement practices and definitions, including*
20 *definitions relating to silvicultural practices and*
21 *forest management.*

22 “(C) *REFORESTATION PRIORITY.*—

23 “(i) *IN GENERAL.*—*In carrying out*
24 *this subsection, the Secretary shall give pri-*

1 *ority to projects on the priority list de-*
2 *scribed in clause (i).*

3 “(ii) *PRIORITY LIST.*—

4 “(I) *IN GENERAL.*—*The Secretary*
5 *shall, based on recommendations from*
6 *regional foresters, create a priority list*
7 *of reforestation projects that—*

8 “(aa) *primarily take place*
9 *on priority land;*

10 “(bb) *promote effective refor-*
11 *estation following unplanned*
12 *events; and*

13 “(cc) *may include activities*
14 *to ensure adequate and appro-*
15 *priate seed availability.*

16 “(II) *RANKING.*—*The Secretary*
17 *shall rank projects on the priority list*
18 *under subclause (I) based on—*

19 “(aa) *documentation of an*
20 *effective reforestation project plan;*

21 “(bb) *the ability to measure*
22 *the progress and success of the*
23 *project; and*

24 “(cc) *the ability of a project*
25 *to provide benefits relating to for-*

1 *est function and health, soil health*
2 *and productivity, wildlife habitat,*
3 *improved air and water quality,*
4 *carbon sequestration potential, re-*
5 *silience, job creation, and en-*
6 *hanced recreational opportuni-*
7 *ties.”.*

8 (B) *CONFORMING AMENDMENT.*—Section 9
9 *of the Cooperative Forestry Assistance Act of*
10 *1978 (16 U.S.C. 2105) is amended, in the undes-*
11 *ignated matter following paragraph (5) of sub-*
12 *section (g)—*

13 (i) *by striking “section 3(d)” and in-*
14 *serting “subsection (e) of section 3”; and*

15 (ii) *by striking “1601(d)” and insert-*
16 *ing “1601”.*

17 (2) *NATIONAL FOREST SYSTEM PROGRAM ELE-*
18 *MENTS.*—Section 9 of the *Forest and Rangeland Re-*
19 *newable Resources Planning Act of 1974 (16 U.S.C.*
20 *1607) is amended, in the second sentence, by striking*
21 *“2000” and inserting “2030”.*

22 (b) *REFORESTATION TRUST FUND.*—Section 303 of
23 *Public Law 96–451 (16 U.S.C. 1606a) is amended—*

24 (1) *in subsection (b)—*

25 (A) *by striking paragraph (2);*

1 (B) in paragraph (3)—

2 (i) in the second sentence, by striking
3 “Proper adjustment” and inserting the fol-
4 lowing:

5 “(3) *ADJUSTMENT OF ESTIMATES.*—*Proper ad-*
6 *justment*”; and

7 (ii) by striking “(3) *The amounts*” and
8 inserting the following:

9 “(2) *FREQUENCY.*—*The amounts*”; and

10 (C) by striking the subsection designation
11 and all that follows through “*the Secretary*” in
12 paragraph (1) and inserting the following:

13 “(b) *TRANSFERS TO TRUST FUND.*—

14 “(1) *IN GENERAL.*—*The Secretary*”; and

15 (2) in subsection (d)(1)—

16 (A) by striking “*section 3(d)*” and inserting
17 “*subsection (e) of section 3*”; and

18 (B) by striking “*1601(d)*” and inserting
19 “*1601*”.

20 **SEC. 70303. REPORT.**

21 *Not later than 1 year after the date of enactment of*
22 *this Act, and annually thereafter, the Secretary of Agri-*
23 *culture shall submit to the Committee on Agriculture, Nu-*
24 *trition, and Forestry of the Senate and the Committee on*
25 *Agriculture of the House of Representatives, and make pub-*

1 *licly available on the website of the Forest Service, a report*
2 *that describes, with respect to the preceding year—*

3 *(1) an evaluation of the degree to which the Sec-*
4 *retary has achieved compliance with the requirements*
5 *contained in the amendments made by this title, in-*
6 *cluding, as a result of those amendments, the number*
7 *of acres covered by reforestation projects that follow*
8 *unplanned events (such as wildfires);*

9 *(2) the total number of acres of land reforested*
10 *under each authority of the Secretary under which re-*
11 *forestation projects have been carried out;*

12 *(3) the number of acres of National Forest Sys-*
13 *tem land affected by, and the substance of reforest-*
14 *ation needs on that land resulting from, unplanned*
15 *events; and*

16 *(4) the number of acres in need of reforestation*
17 *under subsection (e)(1) of section 3 of the Forest and*
18 *Rangeland Renewable Resources Planning Act of*
19 *1974 (16 U.S.C. 1601).*

20 **TITLE IV—RECYCLING**
21 **PRACTICES**

22 **SEC. 70401. BEST PRACTICES FOR BATTERY RECYCLING**
23 **AND LABELING GUIDELINES.**

24 *(a) DEFINITIONS.—In this section:*

1 (1) *ADMINISTRATOR.*—*The term “Adminis-*
2 *trator” means the Administrator of the Environ-*
3 *mental Protection Agency.*

4 (2) *BATTERY.*—*The term “battery” means a de-*
5 *vice that—*

6 (A) *consists of 1 or more electrochemical*
7 *cells that are electrically connected; and*

8 (B) *is designed to store and deliver electric*
9 *energy.*

10 (3) *RECYCLING.*—*The term “recycling” means*
11 *the series of activities—*

12 (A) *during which recyclable materials are*
13 *processed into specification-grade commodities,*
14 *and consumed as raw-material feedstock, in lieu*
15 *of virgin materials, in the manufacturing of new*
16 *products;*

17 (B) *that may include collection, processing,*
18 *and brokering; and*

19 (C) *that result in subsequent consumption*
20 *by a materials manufacturer, including for the*
21 *manufacturing of new products.*

22 (b) *BEST PRACTICES FOR COLLECTION OF BATTERIES*
23 *TO BE RECYCLED.*—

24 (1) *IN GENERAL.*—*The Administrator shall de-*
25 *velop best practices that may be implemented by*

1 *State, Tribal, and local governments with respect to*
2 *the collection of batteries to be recycled in a manner*
3 *that—*

4 *(A) to the maximum extent practicable, is*
5 *technically and economically feasible for State,*
6 *Tribal, and local governments;*

7 *(B) is environmentally sound and safe for*
8 *waste management workers; and*

9 *(C) optimizes the value and use of material*
10 *derived from recycling of batteries.*

11 (2) *CONSULTATION.*—*The Administrator shall*
12 *develop the best practices described in paragraph (1)*
13 *in coordination with State, Tribal, and local govern-*
14 *ments and relevant nongovernmental and private sec-*
15 *tor entities.*

16 (3) *REPORT.*—*Not later than 2 years after the*
17 *date of enactment of this Act, the Administrator shall*
18 *submit to Congress a report describing the best prac-*
19 *tices developed under paragraph (1).*

20 (4) *AUTHORIZATION OF APPROPRIATIONS.*—
21 *There is authorized to be appropriated to the Admin-*
22 *istrator to carry out this subsection \$10,000,000 for*
23 *fiscal year 2022, to remain available until September*
24 *30, 2026.*

25 (c) *VOLUNTARY LABELING GUIDELINES.*—

1 (1) *IN GENERAL.*—*There is established within*
2 *the Environmental Protection Agency a program (re-*
3 *ferred to in this subsection as the “program”) to pro-*
4 *mote battery recycling through the development of—*

5 (A) *voluntary labeling guidelines for bat-*
6 *teries; and*

7 (B) *other forms of communication materials*
8 *for battery producers and consumers about the*
9 *reuse and recycling of critical materials from*
10 *batteries.*

11 (2) *PURPOSES.*—*The purposes of the program*
12 *are to improve battery collection and reduce battery*
13 *waste, including by—*

14 (A) *identifying battery collection locations*
15 *and increasing accessibility to those locations;*

16 (B) *promoting consumer education about*
17 *battery collection and recycling; and*

18 (C) *reducing safety concerns relating to the*
19 *improper disposal of batteries.*

20 (3) *OTHER STANDARDS AND LAW.*—*The Admin-*
21 *istrator shall make every reasonable effort to ensure*
22 *that voluntary labeling guidelines and other forms of*
23 *communication materials developed under the pro-*
24 *gram are consistent with—*

1 (A) *international battery labeling stand-*
2 *ards; and*

3 (B) *the Mercury-Containing and Recharge-*
4 *able Battery Management Act (42 U.S.C. 14301*
5 *et seq.).*

6 (4) *AUTHORIZATION OF APPROPRIATIONS.—*
7 *There is authorized to be appropriated to the Admin-*
8 *istrator to carry out this subsection \$15,000,000 for*
9 *fiscal year 2022, to remain available until September*
10 *30, 2026.*

11 **SEC. 70402. CONSUMER RECYCLING EDUCATION AND OUT-**
12 **REACH GRANT PROGRAM; FEDERAL PRO-**
13 **CUREMENT.**

14 (a) *DEFINITION OF ADMINISTRATOR.—In this section,*
15 *the term “Administrator” means the Administrator of the*
16 *Environmental Protection Agency.*

17 (b) *CONSUMER RECYCLING EDUCATION AND OUT-*
18 *REACH GRANT PROGRAM.—*

19 (1) *IN GENERAL.—The Administrator shall es-*
20 *tablish a program (referred to in this subsection as*
21 *the “grant program”) to award competitive grants to*
22 *eligible entities to improve the effectiveness of residen-*
23 *tial and community recycling programs through pub-*
24 *lic education and outreach.*

1 (2) *CRITERIA.*—*The Administrator shall award*
2 *grants under the grant program for projects that, by*
3 *using one or more eligible activities described in*
4 *paragraph (5)—*

5 (A) *inform the public about residential or*
6 *community recycling programs;*

7 (B) *provide information about the recycled*
8 *materials that are accepted as part of a residen-*
9 *tial or community recycling program that pro-*
10 *vides for the separate collection of residential*
11 *solid waste from recycled material; and*

12 (C) *increase collection rates and decrease*
13 *contamination in residential and community re-*
14 *cycling programs.*

15 (3) *ELIGIBLE ENTITIES.*—

16 (A) *IN GENERAL.*—*An entity that is eligible*
17 *to receive a grant under the grant program is—*

18 (i) *a State;*

19 (ii) *a unit of local government;*

20 (iii) *an Indian Tribe (as defined in*
21 *section 4 of the Indian Self-Determination*
22 *and Education Assistance Act (25 U.S.C.*
23 *5304));*

24 (iv) *a Native Hawaiian organization*
25 *(as defined in section 6207 of the Elemen-*

1 *tary and Secondary Education Act of 1965*
2 *(20 U.S.C. 7517));*

3 *(v) the Department of Hawaiian Home*
4 *Lands;*

5 *(vi) the Office of Hawaiian Affairs;*

6 *(vii) a nonprofit organization; or*

7 *(viii) a public-private partnership.*

8 *(B) COORDINATION OF ACTIVITIES.—2 or*
9 *more entities described in subparagraph (A) may*
10 *receive a grant under the grant program to co-*
11 *ordinate the provision of information to resi-*
12 *dents that may access 2 or more residential recy-*
13 *cling programs, including programs that accept*
14 *different recycled materials, to provide to the*
15 *residents information regarding differences*
16 *among those residential recycling programs.*

17 *(4) REQUIREMENT.—*

18 *(A) IN GENERAL.—To receive a grant under*
19 *the grant program, an eligible entity shall dem-*
20 *onstrate to the Administrator that the grant*
21 *funds will be used to encourage the collection of*
22 *recycled materials that are sold to an existing or*
23 *developing market.*

24 *(B) BUSINESS PLANS AND FINANCIAL*
25 *DATA.—*

1 (i) *IN GENERAL.*—*An eligible entity*
2 *may make a demonstration under subpara-*
3 *graph (A) through the submission to the Ad-*
4 *ministrator of appropriate business plans*
5 *and financial data.*

6 (ii) *CONFIDENTIALITY.*—*The Adminis-*
7 *trator shall treat any business plans or fi-*
8 *nancial data received under clause (i) as*
9 *confidential information.*

10 (5) *ELIGIBLE ACTIVITIES.*—*An eligible entity*
11 *that receives a grant under the grant program may*
12 *use the grant funds for activities including—*

13 (A) *public service announcements;*

14 (B) *a door-to-door education and outreach*
15 *campaign;*

16 (C) *social media and digital outreach;*

17 (D) *an advertising campaign on recycling*
18 *awareness;*

19 (E) *the development and dissemination of—*

20 (i) *a toolkit for a municipal and com-*
21 *mercial recycling program;*

22 (ii) *information on the importance of*
23 *quality in the recycling stream;*

24 (iii) *information on the economic and*
25 *environmental benefits of recycling; and*

1 (iv) information on what happens to
2 materials after the materials are placed into
3 a residential or community recycling pro-
4 gram;

5 (F) businesses recycling outreach;

6 (G) bin, cart, and other receptacle labeling
7 and signs; and

8 (H) such other activities that the Adminis-
9 trator determines are appropriate to carry out
10 the purposes of this subsection.

11 (6) *PROHIBITION ON USE OF FUNDS.*—No funds
12 may be awarded under the grant program for a resi-
13 dential recycling program that—

14 (A) does not provide for the separate collec-
15 tion of residential solid waste (as defined in sec-
16 tion 246.101 of title 40, Code of Federal Regula-
17 tions (as in effect on the date of enactment of
18 this Act)) from recycled material (as defined in
19 that section), unless the funds are used to pro-
20 mote a transition to a system that separately
21 collects recycled materials; or

22 (B) promotes the establishment of, or con-
23 version to, a residential collection system that
24 does not provide for the separate collection of res-
25 idential solid waste from recycled material (as

1 *those terms are defined under subparagraph*
2 *(A).*

3 *(7) MODEL RECYCLING PROGRAM TOOLKIT.—*

4 *(A) IN GENERAL.—In carrying out the*
5 *grant program, the Administrator, in consulta-*
6 *tion with other relevant Federal agencies, States,*
7 *Indian Tribes, units of local government, non-*
8 *profit organizations, and the private sector, shall*
9 *develop a model recycling program toolkit for*
10 *States, Indian Tribes, and units of local govern-*
11 *ment that includes, at a minimum—*

12 *(i) a standardized set of terms and ex-*
13 *amples that may be used to describe mate-*
14 *rials that are accepted by a residential recy-*
15 *cling program;*

16 *(ii) information that the Adminis-*
17 *trator determines can be widely applied*
18 *across residential recycling programs, tak-*
19 *ing into consideration the differences in re-*
20 *cycled materials accepted by residential re-*
21 *cycling programs;*

22 *(iii) educational principles on best*
23 *practices for the collection and processing of*
24 *recycled materials;*

1 (iv) a community self-assessment guide
2 to identify gaps in existing recycling pro-
3 grams;

4 (v) training modules that enable States
5 and nonprofit organizations to provide tech-
6 nical assistance to units of local govern-
7 ment;

8 (vi) access to consumer educational
9 materials that States, Indian Tribes, and
10 units of local government can adapt and
11 use in recycling programs; and

12 (vii) a guide to measure the effective-
13 ness of a grant received under the grant
14 program, including standardized measure-
15 ments for recycling rates and decreases in
16 contamination.

17 (B) REQUIREMENT.—In developing the
18 standardized set of terms and examples under
19 subparagraph (A)(i), the Administrator may not
20 establish any requirements for—

21 (i) what materials shall be accepted by
22 a residential recycling program; or

23 (ii) the labeling of products.

24 (8) SCHOOL CURRICULUM.—The Administrator
25 shall provide assistance to the educational commu-

1 *nity, including nonprofit organizations, such as an*
2 *organization the science, technology, engineering, and*
3 *mathematics program of which incorporates recycling,*
4 *to promote the introduction of recycling principles*
5 *and best practices into public school curricula.*

6 (9) *REPORTS.*—

7 (A) *TO THE ADMINISTRATOR.*—*Not earlier*
8 *than 180 days, and not later than 2 years, after*
9 *the date on which a grant under the grant pro-*
10 *gram is awarded to an eligible entity, the eligible*
11 *entity shall submit to the Administrator a report*
12 *describing, by using the guide developed under*
13 *paragraph (7)(A)(vii)—*

14 (i) *the change in volume of recycled*
15 *material collected through the activities*
16 *funded with the grant;*

17 (ii) *the change in participation rate of*
18 *the recycling program funded with the*
19 *grant;*

20 (iii) *the reduction of contamination in*
21 *the recycling stream as a result of the ac-*
22 *tivities funded with the grant; and*

23 (iv) *such other information as the Ad-*
24 *ministrator determines to be appropriate.*

1 (B) *TO CONGRESS.*—*The Administrator*
2 *shall submit to Congress an annual report de-*
3 *scribing—*

4 (i) *the effectiveness of residential recy-*
5 *cling programs awarded funds under the*
6 *grant program, including statistics com-*
7 *paring the quantity and quality of recycled*
8 *materials collected by those programs, as de-*
9 *scribed in the reports submitted to the Ad-*
10 *ministrator under subparagraph (A); and*

11 (ii) *recommendations on additional ac-*
12 *tions to improve residential recycling.*

13 (c) *FEDERAL PROCUREMENT.*—*Section 6002 of the*
14 *Solid Waste Disposal Act (42 U.S.C. 6962) is amended—*

15 (1) *in subsection (e), in the matter preceding*
16 *paragraph (1), by striking “and from time to time,*
17 *revise” and inserting “review not less frequently than*
18 *once every 5 years, and, if appropriate, revise, in con-*
19 *sultation with recyclers and manufacturers of prod-*
20 *ucts containing recycled content, not later than 2*
21 *years after the completion of the initial review after*
22 *the date of enactment of the Infrastructure Investment*
23 *and Jobs Act and thereafter, as appropriate”;* and

24 (2) *by adding at the end the following:*

1 “(j) *CONSULTATION AND PROVISION OF INFORMATION*
2 *BY ADMINISTRATOR.*—*The Administrator shall—*

3 “(1) *consult with each procuring agency, includ-*
4 *ing contractors of the procuring agency, to clarify the*
5 *responsibilities of the procuring agency under this*
6 *section; and*

7 “(2) *provide to each procuring agency informa-*
8 *tion on the requirements under this section and the*
9 *responsibilities of the procuring agency under this*
10 *section.*

11 “(k) *REPORTS.*—*The Administrator, in consultation*
12 *with the Administrator of General Services, shall submit*
13 *to Congress an annual report describing—*

14 “(1) *the quantity of federally procured recycled*
15 *products listed in the guidelines under subsection (e);*
16 *and*

17 “(2) *with respect to the products described in*
18 *paragraph (1), the percentage of recycled material in*
19 *each product.”.*

20 “(d) *AUTHORIZATION OF APPROPRIATIONS.*—

21 “(1) *IN GENERAL.*—*There is authorized to be ap-*
22 *propriated to the Administrator to carry out this sec-*
23 *tion and the amendments made by this section*
24 *\$15,000,000 for each of fiscal years 2022 through*
25 *2026.*

1 (2) *REQUIREMENT.*—Of the amount made avail-
2 able under paragraph (1) for a fiscal year, not less
3 than 20 percent shall be allocated to—

4 (A) *low-income communities;*

5 (B) *rural communities; and*

6 (C) *communities identified as Native Amer-*
7 *ican pursuant to section 2(9) of the Native*
8 *American Graves Protection and Repatriation*
9 *Act (25 U.S.C. 3001(9)).*

10 ***TITLE V—BIOPRODUCT PILOT***
11 ***PROGRAM***

12 ***SEC. 70501. PILOT PROGRAM ON USE OF AGRICULTURAL***
13 ***COMMODITIES IN CONSTRUCTION AND CON-***
14 ***SUMER PRODUCTS.***

15 (a) *DEFINITIONS.*—*In this section:*

16 (1) *CONSTRUCTION PRODUCT.*—*The term “con-*
17 *struction product” means any article, or component*
18 *part thereof, produced or distributed for use during*
19 *the construction, maintenance, or preservation of a*
20 *highway, road, street, bridge, building, dam, port, or*
21 *airport construction project.*

22 (2) *CONSUMER PRODUCT.*—*The term “consumer*
23 *product” means—*

24 (A) *any article, or component part thereof,*
25 *produced or distributed—*

1 (i) for sale to a consumer for use in or
2 around a permanent or temporary house-
3 hold or residence, a school, in recreation, or
4 otherwise; or

5 (ii) for the personal use, consumption
6 or enjoyment of a consumer in or around a
7 permanent or temporary household or resi-
8 dence, a school, in recreation, or otherwise;
9 and

10 (B) any product or product category de-
11 scribed in subparagraphs (A) through (I) of sec-
12 tion 3(a)(5) of the Consumer Product Safety Act
13 (15 U.S.C. 2052(a)(5)).

14 (3) COVERED AGRICULTURAL COMMODITY.—The
15 term “covered agricultural commodity” means any
16 agricultural commodity, food, feed, fiber, livestock, oil,
17 or a derivative thereof, that the Secretary determines
18 to have been used in the production of materials that
19 have demonstrated market viability and benefits (as
20 described in paragraphs (1) through (7) of subsection
21 (b)) as of the date of enactment of this Act.

22 (4) QUALIFIED INSTITUTION.—The term “quali-
23 fied institution” means a bioproducts research facility
24 that—

25 (A) is funded, in part, by a State;

1 (B) is located within a reasonable distance,
2 not to exceed 3 miles, of the primary residence
3 hall of an institution of higher education (as de-
4 fined in section 101(a) of the Higher Education
5 Act of 1965 (20 U.S.C. 1001(a)));

6 (C) provides students opportunities to en-
7 gage in research activities; and

8 (D) provides opportunities for an institu-
9 tion of higher education (as defined in section
10 101(a) of the Higher Education Act of 1965 (20
11 U.S.C. 1001(a))) to collaborate with private en-
12 terprise.

13 (5) *SECRETARY*.—The term “Secretary” means
14 the Secretary of Agriculture.

15 (b) *ESTABLISHMENT*.—The Secretary shall carry out
16 a pilot program under which the Secretary shall partner
17 with not less than 1 qualified institution to study the bene-
18 fits of using materials derived from covered agricultural
19 commodities in the production of construction products and
20 consumer products, including—

21 (1) cost savings relative to other commonly used
22 alternative materials;

23 (2) greenhouse gas emission reductions and other
24 environmental benefits relative to other commonly
25 used alternative materials;

1 (3) *life-cycle and longevity-extending characteris-*
2 *tics relative to other commonly used alternative mate-*
3 *rials;*

4 (4) *life-cycle and longevity-reducing characteris-*
5 *tics relative to other commonly used alternative mate-*
6 *rials;*

7 (5) *landfill quantity and waste management cost*
8 *reductions;*

9 (6) *product development and production scale-*
10 *up; and*

11 (7) *any other benefits that the Secretary deter-*
12 *mines to be appropriate.*

13 (c) *AUTHORIZATION OF APPROPRIATIONS.—There is*
14 *authorized to be appropriated to the Secretary to carry out*
15 *this section \$2,000,000 for each of fiscal years 2022 through*
16 *2023.*

17 **TITLE VI—CYBERSECURITY**
18 **Subtitle A—Cyber Response and**
19 **Recovery Act**

20 **SEC. 70601. SHORT TITLE.**

21 *This subtitle may be cited as the “Cyber Response and*
22 *Recovery Act”.*

1 **SEC. 70602. DECLARATION OF A SIGNIFICANT INCIDENT.**

2 (a) *IN GENERAL.*—*Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended by adding at the end the following:*

3 **“Subtitle C—Declaration of a**
4 **Significant Incident**

5 **“SEC. 2231. SENSE OF CONGRESS.**

6 *“It is the sense of Congress that—*

7 *“(1) the purpose of this subtitle is to authorize*
8 *the Secretary to declare that a significant incident*
9 *has occurred and to establish the authorities that are*
10 *provided under the declaration to respond to and re-*
11 *cover from the significant incident; and*

12 *“(2) the authorities established under this sub-*
13 *title are intended to enable the Secretary to provide*
14 *voluntary assistance to non-Federal entities impacted*
15 *by a significant incident.*

16 **“SEC. 2232. DEFINITIONS.**

17 *“For the purposes of this subtitle:*

18 *“(1) ASSET RESPONSE ACTIVITY.—The term*
19 *‘asset response activity’ means an activity to support*
20 *an entity impacted by an incident with the response*
21 *to, remediation of, or recovery from, the incident, in-*
22 *cluding—*

23 *“(A) furnishing technical and advisory as-*
24 *istance to the entity to protect the assets of the*

1 *entity, mitigate vulnerabilities, and reduce the*
2 *related impacts;*

3 “(B) *assessing potential risks to the critical*
4 *infrastructure sector or geographic region im-*
5 *acted by the incident, including potential cas-*
6 *cading effects of the incident on other critical in-*
7 *frastructure sectors or geographic regions;*

8 “(C) *developing courses of action to miti-*
9 *gate the risks assessed under subparagraph (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 use*
14 *Federal resources and capabilities in a timely,*
15 *effective manner to speed recovery from the inci-*
16 *dent.*

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 the*
21 *Director of the Cybersecurity and Infrastructure Se-*
22 *curity 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 Cyber
2 *Response and Recovery Fund* established under sec-
3 tion 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 re-
8 newal of a declaration under section 2233(d).

9 “(8) *SIGNIFICANT INCIDENT*.—The term ‘signifi-
10 cant incident’—

11 “(A) means an incident or a group of re-
12 lated incidents that results, or is likely to result,
13 in demonstrable harm to—

14 “(i) the national security interests, for-
15 eign 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 “(ii) an information system described
2 in paragraph (2) or (3) of section 3553(e)
3 of title 44, United States Code.

4 **“SEC. 2233. DECLARATION.**

5 “(a) *IN GENERAL.*—

6 “(1) *DECLARATION.*—*The Secretary, in consulta-*
7 *tion with the National Cyber Director, may make a*
8 *declaration of a significant incident in accordance*
9 *with this section for the purpose of enabling the ac-*
10 *tivities described in this subtitle if the Secretary de-*
11 *termines that—*

12 “(A) *a specific significant incident—*

13 “(i) *has occurred; or*

14 “(ii) *is likely to occur imminently; and*

15 “(B) *otherwise available resources, other*
16 *than the Fund, are likely insufficient to respond*
17 *effectively to, or to mitigate effectively, the spe-*
18 *cific significant incident described in subpara-*
19 *graph (A).*

20 “(2) *PROHIBITION ON DELEGATION.*—*The Sec-*
21 *retary may not delegate the authority provided to the*
22 *Secretary under paragraph (1).*

23 “(b) *ASSET RESPONSE ACTIVITIES.*—*Upon a declara-*
24 *tion, the Director shall coordinate—*

1 “(1) the asset response activities of each Federal
2 agency in response to the specific significant incident
3 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 emergency
15 management and response agencies.

16 “(c) DURATION.—Subject to subsection (d), a declara-
17 tion 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.—

1 “(1) *IN GENERAL.*—Not later than 72 hours after
2 a declaration or a renewal, the Secretary shall pub-
3 lish the declaration or renewal in the *Federal Reg-*
4 *ister.*

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 ad-
14 ditional resources for asset response activities or
15 technical assistance the Secretary determines
16 necessary, which may include entering into
17 standby contracts with private entities for cyber-
18 security services or incident responders in the
19 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 in
24 addition to any other appropriations available to the

1 *Cybersecurity and Infrastructure Security Agency for*
2 *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 the
20 Fund for the purposes of this subtitle shall be made
21 from amounts available in the Fund from a deposit
22 described in paragraph (1), and amounts available in
23 the Fund shall be in addition to any other appropria-
24 tions available to the Cybersecurity and Infrastruc-
25 ture Security Agency for such purposes.

1 “(c) *SUPPLEMENT NOT SUPPLANT.*—Amounts in the
2 *Fund shall be used to supplement, not supplant, other Fed-*
3 *eral, State, local, or Tribal funding for activities in re-*
4 *sponse to a declaration.*

5 “(d) *REPORTING.*—The Secretary shall require an en-
6 *tity that receives amounts from the Fund to submit a report*
7 *to the Secretary that details the specific use of the amounts.*

8 “**SEC. 2235. NOTIFICATION AND REPORTING.**

9 “(a) *NOTIFICATION.*—Upon a declaration or renewal,
10 *the Secretary shall immediately notify the National Cyber*
11 *Director and appropriate congressional committees and in-*
12 *clude in the notification—*

13 “(1) *an estimation of the planned duration of*
14 *the declaration;*

15 “(2) *with respect to a notification of a declara-*
16 *tion, the reason for the declaration, including infor-*
17 *mation relating to the specific significant incident or*
18 *imminent specific significant incident, including—*

19 “(A) *the operational or mission impact or*
20 *anticipated impact of the specific significant in-*
21 *cident on Federal and non-Federal entities;*

22 “(B) *if known, the perpetrator of the spe-*
23 *cific significant incident; and*

1 “(C) *the scope of the Federal and non-Federal*
2 *entities impacted or anticipated to be im-*
3 *acted by the specific significant incident;*

4 “(3) *with respect to a notification of a renewal,*
5 *the reason for the renewal;*

6 “(4) *justification as to why available resources,*
7 *other than the Fund, are insufficient to respond to or*
8 *mitigate the specific significant incident; and*

9 “(5) *a description of the coordination activities*
10 *described in section 2233(b) that the Secretary antici-*
11 *pates the Director to perform.*

12 “(b) *REPORT TO CONGRESS.—Not later than 180 days*
13 *after the date of a declaration or renewal, the Secretary*
14 *shall submit to the appropriate congressional committees a*
15 *report that includes—*

16 “(1) *the reason for the declaration or renewal,*
17 *including information and intelligence relating to the*
18 *specific significant incident that led to the declaration*
19 *or renewal;*

20 “(2) *the use of any funds from the Fund for the*
21 *purpose of responding to the incident or threat de-*
22 *scribed in paragraph (1);*

23 “(3) *a description of the actions, initiatives, and*
24 *projects undertaken by the Department and State and*
25 *local governments and public and private entities in*

1 *responding to and recovering from the specific signifi-*
2 *cant incident described in paragraph (1);*

3 *“(4) an accounting of the specific obligations*
4 *and outlays of the Fund; and*

5 *“(5) an analysis of—*

6 *“(A) the impact of the specific significant*
7 *incident described in paragraph (1) on Federal*
8 *and non-Federal entities;*

9 *“(B) the impact of the declaration or re-*
10 *newal on the response to, and recovery from, the*
11 *specific significant incident described in para-*
12 *graph (1); and*

13 *“(C) the impact of the funds made available*
14 *from the Fund as a result of the declaration or*
15 *renewal on the recovery from, and response to,*
16 *the specific significant incident described in*
17 *paragraph (1).*

18 *“(c) CLASSIFICATION.—Each notification made under*
19 *subsection (a) and each report submitted under subsection*
20 *(b)—*

21 *“(1) shall be in an unclassified form with appro-*
22 *prate markings to indicate information that is ex-*
23 *empt from disclosure under section 552 of title 5,*
24 *United States Code (commonly known as the ‘Free-*
25 *dom of Information Act’); and*

1 “(2) may include a classified annex.

2 “(d) *CONSOLIDATED REPORT.*—The Secretary shall
3 not be required to submit multiple reports under subsection
4 (b) for multiple declarations or renewals if the Secretary
5 determines that the declarations or renewals substantively
6 relate to the same specific significant incident.

7 “(e) *EXEMPTION.*—The requirements of subchapter I
8 of chapter 35 of title 44 (commonly known as the ‘Paper-
9 work Reduction Act’) shall not apply to the voluntary col-
10 lection of information by the Department during an inves-
11 tigation of, a response to, or an immediate post-response
12 review of, the specific significant incident leading to a dec-
13 laration or renewal.

14 **“SEC. 2236. RULE OF CONSTRUCTION.**

15 “Nothing in this subtitle shall be construed to impair
16 or limit the ability of the Director to carry out the author-
17 ized activities of the Cybersecurity and Infrastructure Secu-
18 rity Agency.

19 **“SEC. 2237. AUTHORIZATION OF APPROPRIATIONS.**

20 “There are authorized to be appropriated to the Fund
21 \$20,000,000 for fiscal year 2022 and each fiscal year there-
22 after until September 30, 2028, which shall remain avail-
23 able until September 30, 2028.

1 **“SEC. 2238. SUNSET.**

2 *“The authorities granted to the Secretary or the Direc-*
 3 *tor under this subtitle shall expire on the date that is 7*
 4 *years after the date of enactment of this subtitle.”.*

5 **(b) CLERICAL AMENDMENT.**—*The table of contents in*
 6 *section 1(b) of the Homeland Security Act of 2002 (Public*
 7 *Law 107–296; 116 Stat. 2135) is amended by adding at*
 8 *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.”.

9 ***Subtitle B—State and Local***
 10 ***Cybersecurity Improvement Act***

11 **SEC. 70611. SHORT TITLE.**

12 *This subtitle may be cited as the “State and Local Cy-*
 13 *bersecurity Improvement Act”.*

14 **SEC. 70612. STATE AND LOCAL CYBERSECURITY GRANT**
 15 **PROGRAM.**

16 **(a) IN GENERAL.**—*Subtitle A of title XXII of the*
 17 *Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is*
 18 *amended by adding at the end the following:*

19 **“SEC. 2218. STATE AND LOCAL CYBERSECURITY GRANT**
 20 **PROGRAM.**

21 **“(a) DEFINITIONS.**—*In this section:*

1 “(1) *APPROPRIATE COMMITTEES OF CON-*
2 *GRESS.—The term ‘appropriate committees of Con-*
3 *gress’ means—*

4 “(A) *the Committee on Homeland Security*
5 *and Governmental Affairs of the Senate; and*

6 “(B) *the Committee on Homeland Security*
7 *of the House of Representatives.*

8 “(2) *CYBER THREAT INDICATOR.—The term*
9 *‘cyber threat indicator’ has the meaning given the*
10 *term in section 102 of the Cybersecurity Act of 2015*
11 *(6 U.S.C. 1501).*

12 “(3) *CYBERSECURITY PLAN.—The term ‘Cyberse-*
13 *curity Plan’ means a plan submitted by an eligible*
14 *entity under subsection (e)(1).*

15 “(4) *ELIGIBLE ENTITY.—The term ‘eligible enti-*
16 *ty’ means a—*

17 “(A) *State; or*

18 “(B) *Tribal government.*

19 “(5) *INCIDENT.—The term ‘incident’ has the*
20 *meaning given the term in section 2209.*

21 “(6) *INFORMATION SHARING AND ANALYSIS OR-*
22 *GANIZATION.—The term ‘information sharing and*
23 *analysis organization’ has the meaning given the*
24 *term in section 2222.*

1 “(7) *INFORMATION SYSTEM*.—The term ‘infor-
2 mation system’ has the meaning given the term in sec-
3 tion 102 of the Cybersecurity Act of 2015 (6 U.S.C.
4 1501).

5 “(8) *MULTI-ENTITY GROUP*.—The term ‘multi-
6 entity group’ means a group of 2 or more eligible en-
7 tities desiring a grant under this section.

8 “(9) *ONLINE SERVICE*.—The term ‘online service’
9 means any internet-facing service, including a
10 website, email, virtual private network, or custom ap-
11 plication.

12 “(10) *RURAL AREA*.—The term ‘rural area’ has
13 the meaning given the term in section 5302 of title
14 49, United States Code.

15 “(11) *STATE AND LOCAL CYBERSECURITY GRANT*
16 *PROGRAM*.—The term ‘State and Local Cybersecurity
17 Grant Program’ means the program established under
18 subsection (b).

19 “(12) *TRIBAL GOVERNMENT*.—The term ‘Tribal
20 government’ means the recognized governing body of
21 any Indian or Alaska Native Tribe, band, nation,
22 pueblo, village, community, component band, or com-
23 ponent reservation, that is individually identified (in-
24 cluding parenthetically) in the most recent list pub-
25 lished pursuant to Section 104 of the Federally Recog-

1 *nized Indian Tribe List Act of 1994 (25 U.S.C.*
2 *5131).*

3 “(b) *ESTABLISHMENT.*—

4 “(1) *IN GENERAL.*—*There is established within*
5 *the Department a program to award grants to eligible*
6 *entities to address cybersecurity risks and cybersecu-*
7 *rity threats to information systems owned or operated*
8 *by, or on behalf of, State, local, or Tribal govern-*
9 *ments.*

10 “(2) *APPLICATION.*—*An eligible entity desiring a*
11 *grant under the State and Local Cybersecurity Grant*
12 *Program shall submit to the Secretary an application*
13 *at such time, in such manner, and containing such*
14 *information as the Secretary may require.*

15 “(c) *ADMINISTRATION.*—*The State and Local Cyberse-*
16 *curity Grant Program shall be administered in the same*
17 *office of the Department that administers grants made*
18 *under sections 2003 and 2004.*

19 “(d) *USE OF FUNDS.*—*An eligible entity that receives*
20 *a grant under this section and a local government that re-*
21 *ceives funds from a grant under this section, as appro-*
22 *priate, shall use the grant to—*

23 “(1) *implement the Cybersecurity Plan of the eli-*
24 *gible entity;*

1 “(2) *develop or revise the Cybersecurity Plan of*
2 *the eligible entity;*

3 “(3) *pay expenses directly relating to the admin-*
4 *istration of the grant, which shall not exceed 5 per-*
5 *cent of the amount of the grant;*

6 “(4) *assist with activities that address imminent*
7 *cybersecurity threats, as confirmed by the Secretary,*
8 *acting through the Director, to the information sys-*
9 *tems owned or operated by, or on behalf of, the eligi-*
10 *ble entity or a local government within the jurisdic-*
11 *tion of the eligible entity; or*

12 “(5) *fund any other appropriate activity deter-*
13 *mined by the Secretary, acting through the Director.*

14 “(e) *CYBERSECURITY PLANS.—*

15 “(1) *IN GENERAL.—An eligible entity applying*
16 *for a grant under this section shall submit to the Sec-*
17 *retary a Cybersecurity Plan for review in accordance*
18 *with subsection (i).*

19 “(2) *REQUIRED ELEMENTS.—A Cybersecurity*
20 *Plan of an eligible entity shall—*

21 “(A) *incorporate, to the extent practicable—*

22 “(i) *any existing plans of the eligible*
23 *entity to protect against cybersecurity risks*
24 *and cybersecurity threats to information*

1 *systems owned or operated by, or on behalf*
2 *of, State, local, or Tribal governments; and*

3 *“(ii) if the eligible entity is a State,*
4 *consultation and feedback from local govern-*
5 *ments and associations of local governments*
6 *within the jurisdiction of the eligible entity;*

7 *“(B) describe, to the extent practicable, how*
8 *the eligible entity will—*

9 *“(i) manage, monitor, and track infor-*
10 *mation systems, applications, and user ac-*
11 *counts owned or operated by, or on behalf*
12 *of, the eligible entity or, if the eligible entity*
13 *is a State, local governments within the ju-*
14 *risdiction of the eligible entity, and the in-*
15 *formation technology deployed on those in-*
16 *formation systems, including legacy infor-*
17 *mation systems and information technology*
18 *that are no longer supported by the manu-*
19 *facturer of the systems or technology;*

20 *“(ii) monitor, audit, and, track net-*
21 *work traffic and activity transiting or trav-*
22 *eling to or from information systems, appli-*
23 *cations, and user accounts owned or oper-*
24 *ated by, or on behalf of, the eligible entity*
25 *or, if the eligible entity is a State, local gov-*

1 *ernments within the jurisdiction of the eli-*
2 *gible entity;*

3 “(iii) *enhance the preparation, re-*
4 *sponse, and resiliency of information sys-*
5 *tems, applications, and user accounts owned*
6 *or operated by, or on behalf of, the eligible*
7 *entity or, if the eligible entity is a State,*
8 *local governments within the jurisdiction of*
9 *the eligible entity, against cybersecurity*
10 *risks and cybersecurity threats;*

11 “(iv) *implement a process of contin-*
12 *uous cybersecurity vulnerability assessments*
13 *and threat mitigation practices prioritized*
14 *by degree of risk to address cybersecurity*
15 *risks and cybersecurity threats on informa-*
16 *tion systems, applications, and user ac-*
17 *counts owned or operated by, or on behalf*
18 *of, the eligible entity or, if the eligible entity*
19 *is a State, local governments within the ju-*
20 *risdiction of the eligible entity;*

21 “(v) *ensure that the eligible entity and,*
22 *if the eligible entity is a State, local govern-*
23 *ments within the jurisdiction of the eligible*
24 *entity, adopt and use best practices and*

1 *methodologies to enhance cybersecurity, such*
2 *as—*

3 *“(I) the practices set forth in the*
4 *cybersecurity framework developed by*
5 *the National Institute of Standards*
6 *and Technology;*

7 *“(II) cyber chain supply chain*
8 *risk management best practices identi-*
9 *fied by the National Institute of Stand-*
10 *ards and Technology; and*

11 *“(III) knowledge bases of adver-*
12 *sary tools and tactics;*

13 *“(vi) promote the delivery of safe, rec-*
14 *ognizable, and trustworthy online services*
15 *by the eligible entity and, if the eligible en-*
16 *tity is a State, local governments within the*
17 *jurisdiction of the eligible entity, including*
18 *through the use of the .gov internet domain;*

19 *“(vii) ensure continuity of operations*
20 *of the eligible entity and, if the eligible enti-*
21 *ty is a State, local governments within the*
22 *jurisdiction of the eligible entity, in the*
23 *event of a cybersecurity incident, including*
24 *by conducting exercises to practice respond-*
25 *ing to a cybersecurity incident;*

1 “(viii) use the National Initiative for
2 *Cybersecurity Education Workforce Frame-*
3 *work for Cybersecurity developed by the Na-*
4 *tional Institute of Standards and Tech-*
5 *nology to identify and mitigate any gaps in*
6 *the cybersecurity workforces of the eligible*
7 *entity and, if the eligible entity is a State,*
8 *local governments within the jurisdiction of*
9 *the eligible entity, enhance recruitment and*
10 *retention efforts for those workforces, and*
11 *bolster the knowledge, skills, and abilities of*
12 *personnel of the eligible entity and, if the el-*
13 *igible entity is a State, local governments*
14 *within the jurisdiction of the eligible entity,*
15 *to address cybersecurity risks and cyberse-*
16 *curity threats, such as through cybersecurity*
17 *hygiene training;*

18 “(ix) if the eligible entity is a State,
19 *ensure continuity of communications and*
20 *data networks within the jurisdiction of the*
21 *eligible entity between the eligible entity*
22 *and local governments within the jurisdic-*
23 *tion of the eligible entity in the event of an*
24 *incident involving those communications or*
25 *data networks;*

1 “(x) assess and mitigate, to the greatest
2 degree possible, cybersecurity risks and cy-
3 bersecurity threats relating to critical infra-
4 structure and key resources, the degradation
5 of which may impact the performance of in-
6 formation systems within the jurisdiction of
7 the eligible entity;

8 “(xi) enhance capabilities to share
9 cyber threat indicators and related informa-
10 tion between the eligible entity and—

11 “(I) if the eligible entity is a
12 State, local governments within the ju-
13 risdiction of the eligible entity, includ-
14 ing by expanding information sharing
15 agreements with the Department; and

16 “(II) the Department;

17 “(xii) leverage cybersecurity services of-
18 fered by the Department;

19 “(xiii) implement an information tech-
20 nology and operational technology mod-
21 ernization cybersecurity review process that
22 ensures alignment between information
23 technology and operational technology cy-
24 bersecurity objectives;

1 “(xiv) develop and coordinate strate-
2 gies to address cybersecurity risks and cy-
3 bersecurity threats in consultation with—

4 “(I) if the eligible entity is a
5 State, local governments and associa-
6 tions of local governments within the
7 jurisdiction of the eligible entity; and

8 “(II) as applicable—

9 “(aa) eligible entities that
10 neighbor the jurisdiction of the el-
11 igible entity or, as appropriate,
12 members of an information shar-
13 ing and analysis organization;
14 and

15 “(bb) countries that neighbor
16 the jurisdiction of the eligible en-
17 tity;

18 “(xv) ensure adequate access to, and
19 participation in, the services and programs
20 described in this subparagraph by rural
21 areas within the jurisdiction of the eligible
22 entity; and

23 “(xvi) distribute funds, items, services,
24 capabilities, or activities to local govern-
25 ments under subsection (n)(2)(A), including

1 *the fraction of that distribution the eligible*
2 *entity plans to distribute to rural areas*
3 *under subsection (n)(2)(B);*

4 “(C) *assess the capabilities of the eligible*
5 *entity relating to the actions described in sub-*
6 *paragraph (B);*

7 “(D) *describe, as appropriate and to the ex-*
8 *tent practicable, the individual responsibilities of*
9 *the eligible entity and local governments within*
10 *the jurisdiction of the eligible entity in imple-*
11 *menting the plan;*

12 “(E) *outline, to the extent practicable, the*
13 *necessary resources and a timeline for imple-*
14 *menting the plan; and*

15 “(F) *describe the metrics the eligible entity*
16 *will use to measure progress towards—*

17 “(i) *implementing the plan; and*

18 “(ii) *reducing cybersecurity risks to,*
19 *and identifying, responding to, and recov-*
20 *ering from cybersecurity threats to, infor-*
21 *mation systems owned or operated by, or on*
22 *behalf of, the eligible entity or, if the eligible*
23 *entity is a State, local governments within*
24 *the jurisdiction of the eligible entity.*

1 “(3) *DISCRETIONARY ELEMENTS.*—*In drafting a*
2 *Cybersecurity Plan, an eligible entity may—*

3 “(A) *consult with the Multi-State Informa-*
4 *tion Sharing and Analysis Center;*

5 “(B) *include a description of cooperative*
6 *programs developed by groups of local govern-*
7 *ments within the jurisdiction of the eligible enti-*
8 *ty to address cybersecurity risks and cybersecu-*
9 *rity threats; and*

10 “(C) *include a description of programs pro-*
11 *vided by the eligible entity to support local gov-*
12 *ernments and owners and operators of critical*
13 *infrastructure to address cybersecurity risks and*
14 *cybersecurity threats.*

15 “(f) *MULTI-ENTITY GRANTS.*—

16 “(1) *IN GENERAL.*—*The Secretary may award*
17 *grants under this section to a multi-entity group to*
18 *support multi-entity efforts to address cybersecurity*
19 *risks and cybersecurity threats to information systems*
20 *within the jurisdictions of the eligible entities that*
21 *comprise the multi-entity group.*

22 “(2) *SATISFACTION OF OTHER REQUIRE-*
23 *MENTS.*—*In order to be eligible for a multi-entity*
24 *grant under this subsection, each eligible entity that*
25 *comprises a multi-entity group shall have—*

1 “(A) a Cybersecurity Plan that has been re-
2 viewed by the Secretary in accordance with sub-
3 section (i); and

4 “(B) a cybersecurity planning committee es-
5 tablished in accordance with subsection (g).

6 “(3) APPLICATION.—

7 “(A) IN GENERAL.—A multi-entity group
8 applying for a multi-entity grant under para-
9 graph (1) shall submit to the Secretary an appli-
10 cation at such time, in such manner, and con-
11 taining such information as the Secretary may
12 require.

13 “(B) MULTI-ENTITY PROJECT PLAN.—An
14 application for a grant under this section of a
15 multi-entity group under subparagraph (A) shall
16 include a plan describing—

17 “(i) the division of responsibilities
18 among the eligible entities that comprise the
19 multi-entity group;

20 “(ii) the distribution of funding from
21 the grant among the eligible entities that
22 comprise the multi-entity group; and

23 “(iii) how the eligible entities that
24 comprise the multi-entity group will work

1 *together to implement the Cybersecurity*
2 *Plan of each of those eligible entities.*

3 “(g) *PLANNING COMMITTEES.*—

4 “(1) *IN GENERAL.*—*An eligible entity that re-*
5 *ceives a grant under this section shall establish a cy-*
6 *bersecurity planning committee to—*

7 “(A) *assist with the development, implemen-*
8 *tation, and revision of the Cybersecurity Plan of*
9 *the eligible entity;*

10 “(B) *approve the Cybersecurity Plan of the*
11 *eligible entity; and*

12 “(C) *assist with the determination of effec-*
13 *tive funding priorities for a grant under this sec-*
14 *tion in accordance with subsections (d) and (j).*

15 “(2) *COMPOSITION.*—*A committee of an eligible*
16 *entity established under paragraph (1) shall—*

17 “(A) *be comprised of representatives from—*

18 “(i) *the eligible entity;*

19 “(ii) *if the eligible entity is a State,*
20 *counties, cities, and towns within the juris-*
21 *isdiction of the eligible entity; and*

22 “(iii) *institutions of public education*
23 *and health within the jurisdiction of the eli-*
24 *gible entity; and*

1 “(B) include, as appropriate, representa-
2 tives of rural, suburban, and high-population ju-
3 risdictions.

4 “(3) *CYBERSECURITY EXPERTISE*.—Not less than
5 one-half of the representatives of a committee estab-
6 lished under paragraph (1) shall have professional ex-
7 perience relating to cybersecurity or information tech-
8 nology.

9 “(4) *RULE OF CONSTRUCTION REGARDING EXIST-*
10 *ING PLANNING COMMITTEES*.—Nothing in this sub-
11 section shall be construed to require an eligible entity
12 to establish a cybersecurity planning committee if the
13 eligible entity has established and uses a multijuris-
14 dictional planning committee or commission that—

15 “(A) meets the requirements of this sub-
16 section; or

17 “(B) may be expanded or leveraged to meet
18 the requirements of this subsection, including
19 through the formation of a cybersecurity plan-
20 ning subcommittee.

21 “(5) *RULE OF CONSTRUCTION REGARDING CON-*
22 *TROL OF INFORMATION SYSTEMS OF ELIGIBLE ENTI-*
23 *TIES*.—Nothing in this subsection shall be construed
24 to permit a cybersecurity planning committee of an
25 eligible entity that meets the requirements of this sub-

1 *section to make decisions relating to information sys-*
2 *tems owned or operated by, or on behalf of, the eligi-*
3 *ble entity.*

4 “(h) *SPECIAL RULE FOR TRIBAL GOVERNMENTS.—*
5 *With respect to any requirement under subsection (e) or (g),*
6 *the Secretary, in consultation with the Secretary of the In-*
7 *terior and Tribal governments, may prescribe an alter-*
8 *native substantively similar requirement for Tribal govern-*
9 *ments if the Secretary finds that the alternative require-*
10 *ment is necessary for the effective delivery and administra-*
11 *tion of grants to Tribal governments under this section.*

12 “(i) *REVIEW OF PLANS.—*

13 “(1) *REVIEW AS CONDITION OF GRANT.—*

14 “(A) *IN GENERAL.—Subject to paragraph*
15 *(3), before an eligible entity may receive a grant*
16 *under this section, the Secretary, acting through*
17 *the Director, shall—*

18 “(i) *review the Cybersecurity Plan of*
19 *the eligible entity, including any revised*
20 *Cybersecurity Plans of the eligible entity;*
21 *and*

22 “(ii) *determine that the Cybersecurity*
23 *Plan reviewed under clause (i) satisfies the*
24 *requirements under paragraph (2).*

1 “(B) *DURATION OF DETERMINATION.*—*In*
2 *the case of a determination under subparagraph*
3 *(A)(ii) that a Cybersecurity Plan satisfies the re-*
4 *quirements under paragraph (2), the determina-*
5 *tion shall be effective for the 2-year period begin-*
6 *ning on the date of the determination.*

7 “(C) *ANNUAL RENEWAL.*—*Not later than 2*
8 *years after the date on which the Secretary deter-*
9 *mines under subparagraph (A)(ii) that a Cyber-*
10 *security Plan satisfies the requirements under*
11 *paragraph (2), and annually thereafter, the Sec-*
12 *retary, acting through the Director, shall—*

13 “(i) *determine whether the Cybersecu-*
14 *rity Plan and any revisions continue to*
15 *meet the criteria described in paragraph*
16 *(2); and*

17 “(ii) *renew the determination if the*
18 *Secretary, acting through the Director,*
19 *makes a positive determination under*
20 *clause (i).*

21 “(2) *PLAN REQUIREMENTS.*—*In reviewing a Cy-*
22 *bersecurity Plan of an eligible entity under this sub-*
23 *section, the Secretary, acting through the Director,*
24 *shall ensure that the Cybersecurity Plan—*

1 “(A) satisfies the requirements of subsection
2 (e)(2); and

3 “(B) has been approved by—

4 “(i) the cybersecurity planning com-
5 mittee of the eligible entity established
6 under subsection (g); and

7 “(ii) the Chief Information Officer, the
8 Chief Information Security Officer, or an
9 equivalent official of the eligible entity.

10 “(3) *EXCEPTION.*—Notwithstanding subsection
11 (e) and paragraph (1) of this subsection, the Sec-
12 retary may award a grant under this section to an
13 eligible entity that does not submit a Cybersecurity
14 Plan to the Secretary for review before September 30,
15 2023, if the eligible entity certifies to the Secretary
16 that—

17 “(A) the activities that will be supported by
18 the grant are—

19 “(i) integral to the development of the
20 Cybersecurity Plan of the eligible entity; or

21 “(ii) necessary to assist with activities
22 described in subsection (d)(4), as confirmed
23 by the Director; and

1 “(B) the eligible entity will submit to the
2 Secretary a Cybersecurity Plan for review under
3 this subsection by September 30, 2023.

4 “(4) *RULE OF CONSTRUCTION.*—Nothing in this
5 subsection shall be construed to provide authority to
6 the Secretary to—

7 “(A) regulate the manner by which an eligi-
8 ble entity or local government improves the cy-
9 bersecurity of the information systems owned or
10 operated by, or on behalf of, the eligible entity or
11 local government; or

12 “(B) condition the receipt of grants under
13 this section on—

14 “(i) participation in a particular Fed-
15 eral program; or

16 “(ii) the use of a specific product or
17 technology.

18 “(j) *LIMITATIONS ON USES OF FUNDS.*—

19 “(1) *IN GENERAL.*—Any entity that receives
20 funds from a grant under this section may not use the
21 grant—

22 “(A) to supplant State or local funds;

23 “(B) for any recipient cost-sharing con-
24 tribution;

25 “(C) to pay a ransom;

1 “(D) for recreational or social purposes; or

2 “(E) for any purpose that does not address
3 cybersecurity risks or cybersecurity threats on
4 information systems owned or operated by, or on
5 behalf of, the eligible entity that receives the
6 grant or a local government within the jurisdic-
7 tion of the eligible entity.

8 “(2) COMPLIANCE OVERSIGHT.—In addition to
9 any other remedy available, the Secretary may take
10 such actions as are necessary to ensure that a recipi-
11 ent of a grant under this section uses the grant for
12 the purposes for which the grant is awarded.

13 “(3) RULE OF CONSTRUCTION.—Nothing in
14 paragraph (1)(A) shall be construed to prohibit the
15 use of funds from a grant under this section awarded
16 to a State, local, or Tribal government for otherwise
17 permissible uses under this section on the basis that
18 the State, local, or Tribal government has previously
19 used State, local, or Tribal funds to support the same
20 or similar uses.

21 “(k) OPPORTUNITY TO AMEND APPLICATIONS.—In
22 considering applications for grants under this section, the
23 Secretary shall provide applicants with a reasonable oppor-
24 tunity to correct any defects in those applications before

1 *making final awards, including by allowing applicants to*
2 *revise a submitted Cybersecurity Plan.*

3 “(l) *APPORTIONMENT.*—*For fiscal year 2022 and each*
4 *fiscal year thereafter, the Secretary shall apportion*
5 *amounts appropriated to carry out this section among eligi-*
6 *ble entities as follows:*

7 “(1) *BASELINE AMOUNT.*—*The Secretary shall*
8 *first apportion—*

9 “(A) *0.25 percent of such amounts to each*
10 *of American Samoa, the Commonwealth of the*
11 *Northern Mariana Islands, Guam, and the*
12 *United States Virgin Islands;*

13 “(B) *1 percent of such amounts to each of*
14 *the remaining States; and*

15 “(C) *3 percent of such amounts to Tribal*
16 *governments.*

17 “(2) *REMAINDER.*—*The Secretary shall appor-*
18 *tion the remainder of such amounts to States as fol-*
19 *lows:*

20 “(A) *50 percent of such remainder in the*
21 *ratio that the population of each State, bears to*
22 *the population of all States; and*

23 “(B) *50 percent of such remainder in the*
24 *ratio that the population of each State that re-*

1 *sides in rural areas, bears to the population of*
2 *all States that resides in rural areas.*

3 “(3) *APPORTIONMENT AMONG TRIBAL GOVERN-*
4 *MENTS.—In determining how to apportion amounts*
5 *to Tribal governments under paragraph (1)(C), the*
6 *Secretary shall consult with the Secretary of the Inte-*
7 *rior and Tribal governments.*

8 “(4) *MULTI-ENTITY GRANTS.—An amount re-*
9 *ceived from a multi-entity grant awarded under sub-*
10 *section (f)(1) by a State or Tribal government that is*
11 *a member of the multi-entity group shall qualify as*
12 *an apportionment for the purpose of this subsection.*

13 “(m) *FEDERAL SHARE.—*

14 “(1) *IN GENERAL.—The Federal share of the cost*
15 *of an activity carried out using funds made available*
16 *with a grant under this section may not exceed—*

17 “(A) *in the case of a grant to an eligible en-*
18 *tity—*

19 “(i) *for fiscal year 2022, 90 percent;*

20 “(ii) *for fiscal year 2023, 80 percent;*

21 “(iii) *for fiscal year 2024, 70 percent;*

22 *and*

23 “(iv) *for fiscal year 2025, 60 percent;*

24 *and*

1 “(B) *in the case of a grant to a multi-entity*
2 *group—*

3 “(i) *for fiscal year 2022, 100 percent;*

4 “(ii) *for fiscal year 2023, 90 percent;*

5 “(iii) *for fiscal year 2024, 80 percent;*

6 *and*

7 “(iv) *for fiscal year 2025, 70 percent.*

8 “(2) *WAIVER.—*

9 “(A) *IN GENERAL.—The Secretary may*
10 *waive or modify the requirements of paragraph*
11 *(1) if an eligible entity or multi-entity group*
12 *demonstrates economic hardship.*

13 “(B) *GUIDELINES.—The Secretary shall es-*
14 *tablish and publish guidelines for determining*
15 *what constitutes economic hardship for the pur-*
16 *poses of this subsection.*

17 “(C) *CONSIDERATIONS.—In developing*
18 *guidelines under subparagraph (B), the Sec-*
19 *retary shall consider, with respect to the jurisdic-*
20 *tion of an eligible entity—*

21 “(i) *changes in rates of unemployment*
22 *in the jurisdiction from previous years;*

23 “(ii) *changes in the percentage of indi-*
24 *viduals who are eligible to receive benefits*
25 *under the supplemental nutrition assistance*

1 *program established under the Food and*
2 *Nutrition Act of 2008 (7 U.S.C. 2011 et*
3 *seq.) from previous years; and*

4 *“(iii) any other factors the Secretary*
5 *considers appropriate.*

6 *“(3) WAIVER FOR TRIBAL GOVERNMENTS.—Not-*
7 *withstanding paragraph (2), the Secretary, in con-*
8 *sultation with the Secretary of the Interior and Trib-*
9 *al governments, may waive or modify the require-*
10 *ments of paragraph (1) for 1 or more Tribal govern-*
11 *ments if the Secretary determines that the waiver is*
12 *in the public interest.*

13 *“(n) RESPONSIBILITIES OF GRANTEES.—*

14 *“(1) CERTIFICATION.—Each eligible entity or*
15 *multi-entity group that receives a grant under this*
16 *section shall certify to the Secretary that the grant*
17 *will be used—*

18 *“(A) for the purpose for which the grant is*
19 *awarded; and*

20 *“(B) in compliance with subsections (d)*
21 *and (j).*

22 *“(2) AVAILABILITY OF FUNDS TO LOCAL GOVERN-*
23 *MENTS AND RURAL AREAS.—*

24 *“(A) IN GENERAL.—Subject to subpara-*
25 *graph (C), not later than 45 days after the date*

1 *on which an eligible entity or multi-entity group*
2 *receives a grant under this section, the eligible*
3 *entity or multi-entity group shall, without im-*
4 *posing unreasonable or unduly burdensome re-*
5 *quirements as a condition of receipt, obligate or*
6 *otherwise make available to local governments*
7 *within the jurisdiction of the eligible entity or*
8 *the eligible entities that comprise the multi-enti-*
9 *ty group, consistent with the Cybersecurity Plan*
10 *of the eligible entity or the Cybersecurity Plans*
11 *of the eligible entities that comprise the multi-en-*
12 *ty group—*

13 “(i) *not less than 80 percent of funds*
14 *available under the grant;*

15 “(ii) *with the consent of the local gov-*
16 *ernments, items, services, capabilities, or ac-*
17 *tivities having a value of not less than 80*
18 *percent of the amount of the grant; or*

19 “(iii) *with the consent of the local gov-*
20 *ernments, grant funds combined with other*
21 *items, services, capabilities, or activities*
22 *having the total value of not less than 80*
23 *percent of the amount of the grant.*

24 “(B) *AVAILABILITY TO RURAL AREAS.—In*
25 *obligating funds, items, services, capabilities, or*

1 *activities to local governments under subpara-*
2 *graph (A), the eligible entity or eligible entities*
3 *that comprise the multi-entity group shall ensure*
4 *that rural areas within the jurisdiction of the el-*
5 *igible entity or the eligible entities that comprise*
6 *the multi-entity group receive not less than—*

7 *“(i) 25 percent of the amount of the*
8 *grant awarded to the eligible entity;*

9 *“(ii) items, services, capabilities, or ac-*
10 *tivities having a value of not less than 25*
11 *percent of the amount of the grant awarded*
12 *to the eligible entity; or*

13 *“(iii) grant funds combined with other*
14 *items, services, capabilities, or activities*
15 *having the total value of not less than 25*
16 *percent of the grant awarded to the eligible*
17 *entity.*

18 *“(C) EXCEPTIONS.—This paragraph shall*
19 *not apply to—*

20 *“(i) any grant awarded under this sec-*
21 *tion that solely supports activities that are*
22 *integral to the development or revision of*
23 *the Cybersecurity Plan of the eligible entity;*
24 *or*

1 “(ii) *the District of Columbia, the*
2 *Commonwealth of Puerto Rico, American*
3 *Samoa, the Commonwealth of the Northern*
4 *Mariana Islands, Guam, the United States*
5 *Virgin Islands, or a Tribal government.*

6 “(3) *CERTIFICATIONS REGARDING DISTRIBUTION*
7 *OF GRANT FUNDS TO LOCAL GOVERNMENTS.—An eli-*
8 *gible entity or multi-entity group shall certify to the*
9 *Secretary that the eligible entity or multi-entity*
10 *group has made the distribution to local governments*
11 *required under paragraph (2).*

12 “(4) *EXTENSION OF PERIOD.—*

13 “(A) *IN GENERAL.—An eligible entity or*
14 *multi-entity group may request in writing that*
15 *the Secretary extend the period of time specified*
16 *in paragraph (2) for an additional period of*
17 *time.*

18 “(B) *APPROVAL.—The Secretary may ap-*
19 *prove a request for an extension under subpara-*
20 *graph (A) if the Secretary determines the exten-*
21 *sion is necessary to ensure that the obligation*
22 *and expenditure of grant funds align with the*
23 *purpose of the State and Local Cybersecurity*
24 *Grant Program.*

1 “(5) *DIRECT FUNDING.*—If an eligible entity
2 does not make a distribution to a local government re-
3 quired under paragraph (2) in a timely fashion, the
4 local government may petition the Secretary to re-
5 quest the Secretary to provide funds directly to the
6 local government.

7 “(6) *LIMITATION ON CONSTRUCTION.*—A grant
8 awarded under this section may not be used to ac-
9 quire land or to construct, remodel, or perform alter-
10 ations of buildings or other physical facilities.

11 “(7) *CONSULTATION IN ALLOCATING FUNDS.*—An
12 eligible entity applying for a grant under this section
13 shall agree to consult the Chief Information Officer,
14 the Chief Information Security Officer, or an equiva-
15 lent official of the eligible entity in allocating funds
16 from a grant awarded under this section.

17 “(8) *PENALTIES.*—In addition to other remedies
18 available to the Secretary, if an eligible entity violates
19 a requirement of this subsection, the Secretary may—

20 “(A) terminate or reduce the amount of a
21 grant awarded under this section to the eligible
22 entity; or

23 “(B) distribute grant funds previously
24 awarded to the eligible entity—

1 “(i) in the case of an eligible entity
2 that is a State, directly to the appropriate
3 local government as a replacement grant in
4 an amount determined by the Secretary; or

5 “(ii) in the case of an eligible entity
6 that is a Tribal government, to another
7 Tribal government or Tribal governments as
8 a replacement grant in an amount deter-
9 mined by the Secretary.

10 “(o) CONSULTATION WITH STATE, LOCAL, AND TRIBAL
11 REPRESENTATIVES.—In carrying out this section, the Sec-
12 retary shall consult with State, local, and Tribal represent-
13 atives with professional experience relating to cybersecurity,
14 including representatives of associations representing State,
15 local, and Tribal governments, to inform—

16 “(1) guidance for applicants for grants under
17 this section, including guidance for Cybersecurity
18 Plans;

19 “(2) the study of risk-based formulas required
20 under subsection (q)(4);

21 “(3) the development of guidelines required
22 under subsection (m)(2)(B); and

23 “(4) any modifications described in subsection
24 (q)(2)(D).

1 “(p) *NOTIFICATION TO CONGRESS.*—Not later than 3
2 *business days before the date on which the Department an-*
3 *nounces the award of a grant to an eligible entity under*
4 *this section, including an announcement to the eligible enti-*
5 *ty, the Secretary shall provide to the appropriate commit-*
6 *tees of Congress notice of the announcement.*

7 “(q) *REPORTS, STUDY, AND REVIEW.*—

8 “(1) *ANNUAL REPORTS BY GRANT RECIPIENTS.*—

9 “(A) *IN GENERAL.*—Not later than 1 year
10 *after the date on which an eligible entity receives*
11 *a grant under this section for the purpose of im-*
12 *plementing the Cybersecurity Plan of the eligible*
13 *entity, including an eligible entity that com-*
14 *prises a multi-entity group that receives a grant*
15 *for that purpose, and annually thereafter until 1*
16 *year after the date on which funds from the*
17 *grant are expended or returned, the eligible enti-*
18 *ty shall submit to the Secretary a report that,*
19 *using the metrics described in the Cybersecurity*
20 *Plan of the eligible entity, describes the progress*
21 *of the eligible entity in—*

22 “(i) *implementing the Cybersecurity*
23 *Plan of the eligible entity; 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 on*
3 *behalf of, the eligible entity or, if the eligible*
4 *entity is a State, local governments within*
5 *the jurisdiction of the eligible entity.*

6 “(B) *ABSENCE OF PLAN.*—Not later than 1
7 *year after the date on which an eligible entity*
8 *that does not have a Cybersecurity Plan receives*
9 *funds under this section, and annually thereafter*
10 *until 1 year after the date on which funds from*
11 *the grant are expended or returned, the eligible*
12 *entity shall submit to the Secretary a report de-*
13 *scribing how the eligible entity obligated and ex-*
14 *pended grant funds to—*

15 *“(i) develop or revise a Cybersecurity*
16 *Plan; or*

17 *“(ii) assist with the activities described*
18 *in subsection (d)(4).*

19 “(2) *ANNUAL REPORTS TO CONGRESS.*—Not less
20 *frequently than annually, the Secretary, acting*
21 *through the Director, shall submit to Congress a re-*
22 *port on—*

23 *“(A) the use of grants awarded under this*
24 *section;*

1 “(B) the proportion of grants used to sup-
2 port cybersecurity in rural areas;

3 “(C) the effectiveness of the State and Local
4 Cybersecurity Grant Program;

5 “(D) any necessary modifications to the
6 State and Local Cybersecurity Grant Program;
7 and

8 “(E) any progress made toward—

9 “(i) developing, implementing, or re-
10 vising Cybersecurity Plans; 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 on
15 behalf of, State, local, or Tribal governments
16 as a result of the award of grants under this
17 section.

18 “(3) PUBLIC AVAILABILITY.—

19 “(A) IN GENERAL.—The Secretary, acting
20 through the Director, shall make each report sub-
21 mitted under paragraph (2) publicly available,
22 including by making each report available on the
23 website of the Agency.

24 “(B) REDACTIONS.—In making each report
25 publicly available under subparagraph (A), the

1 *Director may make redactions that the Director,*
2 *in consultation with each eligible entity, deter-*
3 *mines necessary to protect classified or other in-*
4 *formation exempt from disclosure under section*
5 *552 of title 5, United States Code (commonly re-*
6 *ferred to as the ‘Freedom of Information Act’).*

7 *“(4) STUDY OF RISK-BASED FORMULAS.—*

8 *“(A) IN GENERAL.—Not later than Sep-*
9 *tember 30, 2024, the Secretary, acting through*
10 *the Director, shall submit to the appropriate*
11 *committees of Congress a study and legislative*
12 *recommendations on the potential use of a risk-*
13 *based formula for apportioning funds under this*
14 *section, including—*

15 *“(i) potential components that could be*
16 *included in a risk-based formula, including*
17 *the potential impact of those components on*
18 *support for rural areas under this section;*

19 *“(ii) potential sources of data and in-*
20 *formation necessary for the implementation*
21 *of a risk-based formula;*

22 *“(iii) any obstacles to implementing a*
23 *risk-based formula, including obstacles that*
24 *require a legislative solution;*

1 “(iv) if a risk-based formula were to be
2 implemented for fiscal year 2026, a rec-
3 ommended risk-based formula for the State
4 and Local Cybersecurity Grant Program;
5 and

6 “(v) any other information that the
7 Secretary, acting through the Director, de-
8 termines necessary to help Congress under-
9 stand the progress towards, and obstacles to,
10 implementing a risk-based formula.

11 “(B) *INAPPLICABILITY OF PAPERWORK RE-*
12 *DUCTION ACT.*—The requirements of chapter 35
13 of title 44, United States Code (commonly re-
14 ferred to as the ‘Paperwork Reduction Act’),
15 shall not apply to any action taken to carry out
16 this paragraph.

17 “(5) *TRIBAL CYBERSECURITY NEEDS REPORT.*—
18 Not later than 2 years after the date of enactment of
19 this section, the Secretary, acting through the Direc-
20 tor, shall submit to Congress a report that—

21 “(A) describes the cybersecurity needs of
22 Tribal governments, which shall be determined
23 in consultation with the Secretary of the Interior
24 and Tribal governments; and

1 “(B) includes any recommendations for ad-
2 dressing the cybersecurity needs of Tribal govern-
3 ments, including any necessary modifications to
4 the State and Local Cybersecurity Grant Pro-
5 gram to better serve Tribal governments.

6 “(6) GAO REVIEW.—Not later than 3 years after
7 the date of enactment of this section, the Comptroller
8 General of the United States shall conduct a review
9 of the State and Local Cybersecurity Grant Program,
10 including—

11 “(A) the grant selection process of the Sec-
12 retary; and

13 “(B) a sample of grants awarded under this
14 section.

15 “(r) AUTHORIZATION OF APPROPRIATIONS.—

16 “(1) IN GENERAL.—There are authorized to be
17 appropriated for activities under this section—

18 “(A) for fiscal year 2022, \$200,000,000;

19 “(B) for fiscal year 2023, \$400,000,000;

20 “(C) for fiscal year 2024, \$300,000,000; and

21 “(D) for fiscal year 2025, \$100,000,000.

22 “(2) TRANSFERS AUTHORIZED.—

23 “(A) IN GENERAL.—During a fiscal year,
24 the Secretary or the head of any component of
25 the Department that administers the State and

1 *Local Cybersecurity Grant Program may trans-*
2 *fer not more than 5 percent of the amounts ap-*
3 *propriated pursuant to paragraph (1) or other*
4 *amounts appropriated to carry out the State and*
5 *Local Cybersecurity Grant Program for that fis-*
6 *cal year to an account of the Department for sal-*
7 *aries, expenses, and other administrative costs*
8 *incurred for the management, administration, or*
9 *evaluation of this section.*

10 “(B) *ADDITIONAL APPROPRIATIONS.—Any*
11 *funds transferred under subparagraph (A) shall*
12 *be in addition to any funds appropriated to the*
13 *Department or the components described in sub-*
14 *paragraph (A) for salaries, expenses, and other*
15 *administrative costs.*

16 “(s) *TERMINATION.—*

17 “(1) *IN GENERAL.—Subject to paragraph (2), the*
18 *requirements of this section shall terminate on Sep-*
19 *tember 30, 2025.*

20 “(2) *EXCEPTION.—The reporting requirements*
21 *under subsection (q) shall terminate on the date that*
22 *is 1 year after the date on which the final funds from*
23 *a grant under this section are expended or returned.”.*

24 “(b) *CLERICAL AMENDMENT.—The table of contents in*
25 *section 1(b) of the Homeland Security Act of 2002 (Public*

1 *Law 107–296; 116 Stat. 2135*), is amended by inserting
 2 *after the item relating to section 2217 the following:*

“*Sec. 2218. State and Local Cybersecurity Grant Program.*”.

3 **TITLE VII—PUBLIC-PRIVATE**
 4 **PARTNERSHIPS**

5 **SEC. 70701. VALUE FOR MONEY ANALYSIS.**

6 *(a) IN GENERAL.—Notwithstanding any other provi-*
 7 *sion of law, in the case of a project described in subsection*
 8 *(b), the entity carrying out the project shall, during the*
 9 *planning and project development process and prior to*
 10 *signing any Project Development Agreement, conduct a*
 11 *value for money analysis or comparable analysis of the*
 12 *project, which shall include an evaluation of—*

13 *(1) the life-cycle cost and project delivery sched-*
 14 *ule;*

15 *(2) the costs of using public funding versus pri-*
 16 *vate financing for the project;*

17 *(3) a description of the key assumptions made in*
 18 *developing the analysis, including—*

19 *(A) an analysis of any Federal grants or*
 20 *loans and subsidies received or expected (includ-*
 21 *ing tax depreciation costs);*

22 *(B) the key terms of the proposed public-*
 23 *private partnership agreement, if applicable (in-*
 24 *cluding the expected rate of return for private*

1 *debt and equity), and major compensation*
2 *events;*

3 *(C) a discussion of the benefits and costs as-*
4 *sociated with the allocation of risk;*

5 *(D) the determination of risk premiums as-*
6 *signed to various project delivery scenarios;*

7 *(E) assumptions about use, demand, and*
8 *any user fee revenue generated by the project;*
9 *and*

10 *(F) any externality benefits for the public*
11 *generated by the project;*

12 *(4) a forecast of user fees and other revenues ex-*
13 *pected to be generated by the project, if applicable;*
14 *and*

15 *(5) any other information the Secretary of*
16 *Transportation determines to be appropriate.*

17 *(b) PROJECT DESCRIBED.—A project referred to in*
18 *subsection (a) is a transportation project—*

19 *(1) with an estimated total cost of more than*
20 *\$750,000,000;*

21 *(2) carried out—*

22 *(A) by a public entity that is a State, terri-*
23 *tory, Indian Tribe, unit of local government,*
24 *transit agency, port authority, metropolitan*
25 *planning organization, airport authority, or*

1 *other political subdivision of a State or local*
2 *government; and*

3 *(B) in a State in which there is in effect a*
4 *State law authorizing the use and implementa-*
5 *tion of public-private partnerships for transpor-*
6 *tation projects; and*

7 *(3)(A) that intends to submit a letter of interest,*
8 *or has submitted a letter of interest after the date of*
9 *enactment of this Act, to be carried out with—*

10 *(i) assistance under the TIFIA program*
11 *under chapter 6 of title 23, United States Code;*

12 *or*

13 *(ii) assistance under the Railroad Rehabili-*
14 *tation and Improvement Financing Program of*
15 *the Federal Railroad Administration established*
16 *under chapter 224 of title 49, United States*
17 *Code; and*

18 *(B) that is anticipated to generate user fees or*
19 *other revenues that could support the capital and op-*
20 *erating costs of such project.*

21 *(c) REPORTING REQUIREMENTS.—*

22 *(1) PROJECT REPORTS.—For each project de-*
23 *scribed in subsection (b), the entity carrying out the*
24 *project shall—*

1 (A) include the results of the analysis under
2 subsection (a) on the website of the project; and

3 (B) submit the results of the analysis to the
4 Build America Bureau and the Secretary of
5 Transportation.

6 (2) *REPORT TO CONGRESS.*—The Secretary of
7 Transportation, in coordination with the Build
8 America Bureau, shall, not later than 2 years after
9 the date of enactment of this Act—

10 (A) compile the analyses submitted under
11 paragraph (1)(B); and

12 (B) submit to Congress a report that—

13 (i) includes the analyses submitted
14 under paragraph (1)(B);

15 (ii) describes—

16 (I) the use of private financing for
17 projects described in subsection (b);
18 and

19 (II) the costs and benefits of con-
20 ducting a value for money analysis;
21 and

22 (iii) identifies best practices for private
23 financing of projects described in subsection
24 (b).

1 (d) *GUIDANCE.*—*The Secretary of Transportation, in*
 2 *coordination with the Build America Bureau, shall issue*
 3 *guidance on performance benchmarks, risk premiums, and*
 4 *expected rates of return on private financing for projects*
 5 *described in subsection (b).*

6 **TITLE VIII—FEDERAL**
 7 **PERMITTING IMPROVEMENT**

8 **SEC. 70801. FEDERAL PERMITTING IMPROVEMENT.**

9 (a) *DEFINITIONS.*—*Section 41001 of the FAST Act (42*
 10 *U.S.C. 4370m) is amended—*

11 (1) *in paragraph (3), by inserting “and any*
 12 *interagency consultation” after “issued by an agen-*
 13 *cy”;*

14 (2) *in paragraph (4), by striking “means” and*
 15 *all that follows through the period at the end of sub-*
 16 *paragraph (B) and inserting “has the meaning given*
 17 *the term in section 1508.1 of title 40, Code of Federal*
 18 *Regulations (or successor regulations).”;*

19 (3) *in paragraph (5), by striking “Federal Infra-*
 20 *structure Permitting Improvement Steering Council”*
 21 *and inserting “Federal Permitting Improvement*
 22 *Steering Council”;*

23 (4) *in paragraph (6)(A)—*

24 (A) *in clause (ii), by striking “or” at the*
 25 *end;*

1 (B) by redesignating clause (iii) as clause
2 (iv); and

3 (C) by inserting after clause (ii) the fol-
4 lowing:

5 “(iii) is—

6 “(I) subject to NEPA;

7 “(II) sponsored by an Indian
8 Tribe (as defined in section 4 of the In-
9 dian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C.
11 5304)), an Alaska Native Corporation,
12 a Native Hawaiian organization (as
13 defined in section 6207 of the Elemen-
14 tary and Secondary Education Act of
15 1965 (20 U.S.C. 7517)), the Depart-
16 ment of Hawaiian Home Lands, or the
17 Office of Hawaiian Affairs; and

18 “(III) located on land owned or
19 under the jurisdiction of the entity that
20 sponsors the activity under subclause
21 (II); or”; and

22 (5) in paragraph (8), by striking “means” and
23 all that follows through the period at the end and in-
24 serting “has the meaning given the term in section

1 1508.1 of title 40, Code of Federal Regulations (or
2 successor regulations).”.

3 (b) *FEDERAL PERMITTING IMPROVEMENT STEERING*
4 *COUNCIL*.—Section 41002 of the FAST Act (42 U.S.C.
5 4370m–1) is amended—

6 (1) in the section heading, by striking “**FED-**
7 **ERAL PERMITTING IMPROVEMENT COUNCIL**”
8 and inserting “**FEDERAL PERMITTING IMPROVE-**
9 **MENT STEERING COUNCIL**”;

10 (2) in subsection (b)(2)(A)—

11 (A) in clause (i)—

12 (i) by striking “Each” and inserting
13 the following:

14 “(I) *IN GENERAL*.—Each”; and

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

16 “(II) *REDESIGNATION*.—If an in-
17 dividual listed in subparagraph (B)
18 designates a different member to serve
19 on the Council than the member des-
20 ignated under subclause (I), the indi-
21 vidual shall notify the Executive Direc-
22 tor of the designation by not later than
23 30 days after the date on which the
24 designation is made.”; and

1 (B) in clause (iii)(II), by striking “a dep-
2 uty secretary (or the equivalent) or higher” and
3 inserting “the applicable agency
4 councilmember”;

5 (3) in subsection (c)—

6 (A) in paragraph (1)(C)(ii)—

7 (i) by striking subclause (I) and insert-
8 ing the following:

9 “(I) *IN GENERAL.*—The perform-
10 ance schedules shall reflect employment
11 of the most sound and efficient appli-
12 cable processes, including the align-
13 ment of Federal reviews of projects, re-
14 duction of permitting and project de-
15 livery time, and consideration of the
16 best practices for public participa-
17 tion.”;

18 (ii) by redesignating subclause (II) as
19 subclause (III);

20 (iii) by inserting after subclause (I) the
21 following:

22 “(II) *GOAL.*—

23 “(aa) *IN GENERAL.*—To the
24 maximum extent practicable, and
25 consistent with applicable Federal

1 law, the Executive Director, in
2 consultation with the Council,
3 shall aim to develop recommended
4 performance schedules under
5 clause (i) of not more than 2
6 years.

7 “(bb) EXCEPTION.—If a rec-
8 ommended performance schedule
9 developed under clause (i) exceeds
10 2 years, the relevant agencies, in
11 consultation with the Executive
12 Director and the Council, shall ex-
13 plain in that recommended per-
14 formance schedule the factors that
15 cause the environmental reviews
16 and authorizations in that cat-
17 egory of covered projects to take
18 longer than 2 years.”; and

19 (iv) in subclause (III)(bb) (as so redes-
20 ignated), by striking “on the basis of data
21 from the preceding 2 calendar years” and
22 inserting “based on relevant historical data,
23 as determined by the Executive Director,”;
24 (B) in paragraph (2)(B)—

1 *(i) in the matter preceding clause (i),*
2 *by striking “later than” and all that follows*
3 *through “practices for” and inserting “less*
4 *frequently than annually, the Council shall*
5 *issue recommendations on the best practices*
6 *for improving the Federal permitting proc-*
7 *ess for covered projects, which may in-*
8 *clude”;*

9 *(ii) in clause (i)—*

10 *(I) by striking “stakeholder en-*
11 *gagement, including fully considering”*
12 *and inserting “stakeholder engagement,*
13 *including—*

14 *“(II) fully considering”; and*

15 *(II) by inserting before subclause*
16 *(II) (as added by subclause (I)) the fol-*
17 *lowing:*

18 *“(I) engaging with Native Amer-*
19 *ican stakeholders to ensure that project*
20 *sponsors and agencies identify poten-*
21 *tial natural, archeological, and cul-*
22 *tural resources and locations of historic*
23 *and religious significance in the area*
24 *of a covered project; and”;*

1 (iii) in clause (vii), by striking “and”
2 at the end;

3 (iv) by redesignating clause (viii) as
4 clause (x); and

5 (v) by inserting after clause (vii) the
6 following:

7 “(viii) in coordination with the Execu-
8 tive Director, improving preliminary en-
9 gagement with project sponsors in devel-
10 oping coordinated project plans;

11 “(ix) using programmatic assessments,
12 templates, and other tools based on the best
13 available science and data; and”;

14 (C) in paragraph (3)(A), by inserting “, in-
15 cluding agency compliance with intermediate
16 and final completion dates described in coordi-
17 nated project plans” after “authorizations”; and
18 (4) by striking subsection (d).

19 (c) *PERMITTING PROCESS IMPROVEMENT.*—Section
20 41003 of the FAST Act (42 U.S.C. 4370m–2) is amended—

21 (1) in subsection (a)—

22 (A) in paragraph (1), by adding at the end
23 the following:

24 “(D) *CONFIDENTIALITY.*—Any information
25 relating to Native American natural, cultural,

1 *and historical resources submitted in a notice by*
2 *a project sponsor under subparagraph (A) shall*
3 *be—*

4 “(i) *kept confidential; and*

5 “(ii) *exempt from the disclosure re-*
6 *quirements under section 552 of title 5,*
7 *United States Code (commonly known as*
8 *the ‘Freedom of Information Act’), and the*
9 *Federal Advisory Committee Act (5 U.S.C.*
10 *App.).”;*

11 *(B) in paragraph (2)—*

12 *(i) in subparagraph (A), in the matter*
13 *preceding clause (i), by striking “45 days”*
14 *and inserting “21 calendar days”; and*

15 *(ii) in subparagraph (B), by inserting*
16 *“14 calendar day” before “deadline”; and*

17 *(C) in paragraph (3)(A), in the matter pre-*
18 *ceding clause (i), by inserting “and the Execu-*
19 *tive Director” after “as applicable,”;*

20 *(2) in subsection (b)—*

21 *(A) in paragraph (2)(A), by adding at the*
22 *end the following:*

23 “(iii) *PROJECTS OTHER THAN COV-*
24 *ERED PROJECTS.—*

1 “(I) *IN GENERAL.*—*The Executive*
2 *Director may direct a lead agency to*
3 *create a specific entry on the Dash-*
4 *board for a project that is not a cov-*
5 *ered project and is under review by the*
6 *lead agency if the Executive Director*
7 *determines that a Dashboard entry for*
8 *that project is in the interest of trans-*
9 *parency.*

10 “(II) *REQUIREMENTS.*—*Not later*
11 *than 14 days after the date on which*
12 *the Executive Director directs the lead*
13 *agency to create a specific entry on the*
14 *Dashboard for a project described in*
15 *subclause (I), the lead agency shall cre-*
16 *ate and maintain a specific entry on*
17 *the Dashboard for the project that con-*
18 *tains—*

19 “(aa) *a comprehensive per-*
20 *mitting timetable, as described in*
21 *subsection (c)(2)(A);*

22 “(bb) *the status of the com-*
23 *pliance of each lead agency, co-*
24 *operating agency, and partici-*
25 *pating agency with the permitting*

1 *timetable required under item*
2 *(aa);*

3 “(cc) *any modifications of*
4 *the permitting timetable required*
5 *under item (aa), including an ex-*
6 *planation as to why the permit-*
7 *ting timetable was modified; and*

8 “(dd) *information about*
9 *project-related public meetings,*
10 *public hearings, and public com-*
11 *ment periods, which shall be pre-*
12 *sented in English and the pre-*
13 *dominant language of the commu-*
14 *nity or communities most affected*
15 *by the project, as that information*
16 *becomes available.”; and*

17 *(B) in paragraph (3)(A)—*

18 *(i) in clause (i)—*

19 *(I) in subclause (IV), by striking*
20 *“and” at the end;*

21 *(II) by redesignating subclause*
22 *(V) as subclause (VI);*

23 *(III) by inserting after subclause*
24 *(IV) the following:*

1 “(V) information on the status of
2 mitigation measures that were agreed
3 to as part of the environmental review
4 and permitting process, including
5 whether and when the mitigation
6 measures have been fully implemented;
7 and”;

8 (IV) in subclause (VI) (as so re-
9 designated), by striking “and” at the
10 end;

11 (ii) in clause (ii), by striking the pe-
12 riod at the end and inserting “; and”;

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

15 “(iii) information about project-related
16 public meetings, public hearings, and public
17 comment periods, which shall be presented
18 in English and the predominant language
19 of the community or communities most af-
20 fected by the project, as that information be-
21 comes available.”;

22 (3) in subsection (c)(2)—

23 (A) in subparagraph (A), strike “coordina-
24 tion” and insert “coordinated”;

25 (B) in subparagraph (D)(i)—

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 Ex-
8 ecutive Director regarding the poten-
9 tial modification not less than 15 days
10 before engaging in the consultation
11 under subclause (II);” and

12 (iii) in subclause (II) (as so redesign-
13 ated), by inserting “, the Executive Direc-
14 tor,” 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

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 agen-*
6 *cy will fail to conform with a comple-*
7 *tion 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.—Section*
14 *41005 of the FAST Act (42 U.S.C. 4370m–4) is amended—*

15 *(1) in subsection (a)—*

16 *(A) in paragraph (1), by striking “and” at*
17 *the end;*

18 *(B) in paragraph (2), by striking the period*
19 *at the end and inserting “; and”; and*

20 *(C) by adding at the end the following:*

21 *“(3) where an environmental impact statement*
22 *is required for a project, prepare a single, joint inter-*
23 *agency environmental impact statement for the*
24 *project unless the lead agency provides justification in*
25 *the coordinated project plan that multiple environ-*

1 *mental documents are more efficient for project review*
2 *and authorization.”;*

3 *(2) in subsection (b)—*

4 *(A) by striking “(1) STATE ENVIRON-*
5 *MENTAL DOCUMENTS; SUPPLEMENTAL DOCU-*
6 *MENTS.—”;*

7 *(B) by redesignating subparagraphs (A)*
8 *through (E) as paragraphs (1) through (5), re-*
9 *spectively, and indenting appropriately;*

10 *(C) in paragraph (1) (as so redesignated)—*

11 *(i) by redesignating clauses (i) and (ii)*
12 *as subparagraphs (A) and (B), respectively,*
13 *and indenting appropriately; and*

14 *(ii) in subparagraph (A) (as so redesi-*
15 *gnated)—*

16 *(I) by striking “State laws and*
17 *procedures” and inserting “the laws*
18 *and procedures of a State or Indian*
19 *Tribe (as defined in section 102 of the*
20 *Federally Recognized Indian Tribe*
21 *List Act of 1994 (25 U.S.C. 5130))”;*
22 *and*

23 *(II) by inserting “developed pur-*
24 *suant to laws and procedures of that*
25 *State or Indian Tribe (as so defined)*

1 that are of equal or greater rigor to
2 each applicable Federal law and proce-
3 dure, and” after “Council on Environ-
4 mental Quality,”;

5 (D) in paragraph (2) (as so redesignated),
6 by striking “subparagraph (A)” each place it ap-
7 pears and inserting “paragraph (1)”;

8 (E) in paragraph (3) (as so redesignated)—
9 (i) in the matter preceding clause (i),
10 by striking “subparagraph (A)” and insert-
11 ing “paragraph (1)”;

12 (ii) by redesignating clauses (i) and
13 (ii) as subparagraphs (A) and (B), respec-
14 tively, and indenting appropriately;

15 (F) in paragraph (4) (as so redesignated)—
16 (i) in the matter preceding clause (i),
17 by striking “subparagraph (C)” and insert-
18 ing “paragraph (3)”;

19 (ii) by redesignating clauses (i) and
20 (ii) as subparagraphs (A) and (B), respec-
21 tively, and indenting appropriately; and

22 (G) in paragraph (5) (as so redesignated)—
23 (i) by striking “subparagraph (A)”
24 and inserting “paragraph (1)”;

1 (ii) by striking “subparagraph (C)”
2 and inserting “paragraph (3)”;

3 (3) in subsection (c)(4)—

4 (A) in the matter preceding subparagraph
5 (A), by striking “determines that the develop-
6 ment of the higher level of detail will not pre-
7 vent—” and inserting “determines that—”;

8 (B) in subparagraph (A), by inserting “the
9 development of the higher level of detail will not
10 prevent” before “the lead agency”; and

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

13 “(B) the preferred and other alternatives
14 are developed in sufficient detail to enable the
15 public to comment on the alternatives.”;

16 (4) by redesignating subsection (f) as subsection
17 (g); and

18 (5) by inserting after subsection (e) the following:

19 “(f) *RECORD OF DECISION*.—When an environmental
20 impact statement is prepared, Federal agencies must, to the
21 maximum extent practicable, issue a record of decision not
22 later than 90 days after the date on which the final environ-
23 mental impact statement is issued.”.

1 (e) *LITIGATION, JUDICIAL REVIEW, AND SAVINGS PRO-*
2 *VISION.*—Section 41007 of the *FAST Act* (42 U.S.C.
3 4370m–6) is amended—

4 (1) in subsection (a)(1)—

5 (A) in subparagraph (A)—

6 (i) by striking “the action” and insert-
7 ing “the claim”; and

8 (ii) by striking “of the final record of
9 decision or approval or denial of a permit”
10 and inserting “of notice of final agency ac-
11 tion on the authorization”; and

12 (B) in subparagraph (B)(i), by striking
13 “the action” and inserting “the claim”; and

14 (2) in subsection (e), in the matter preceding
15 paragraph (1), by striking “this section” and insert-
16 ing “this title”.

17 (f) *REPORTS.*—Section 41008 of the *FAST Act* (42
18 U.S.C. 4370m–7) is amended by striking subsection (a) and
19 inserting the following:

20 “(a) *REPORTS TO CONGRESS.*—

21 “(1) *EXECUTIVE DIRECTOR ANNUAL REPORT.*—

22 “(A) *IN GENERAL.*—Not later than April 15
23 of each year for 10 years beginning on the date
24 of enactment of the *Infrastructure Investment*
25 *and Jobs Act*, the Executive Director shall sub-

1 *mit to Congress a report detailing the progress*
2 *accomplished under this title during the previous*
3 *fiscal year.*

4 “(B) *OPPORTUNITY TO INCLUDE COM-*
5 *MENTS.—Each councilmember, with input from*
6 *the respective agency CERPO, shall have the op-*
7 *portunity to include comments concerning the*
8 *performance of the agency in the report described*
9 *in subparagraph (A).*”

10 “(2) *QUARTERLY AGENCY PERFORMANCE RE-*
11 *PORT.—The Executive Director shall submit to Con-*
12 *gress a quarterly report evaluating agency compliance*
13 *with the provisions of this title, which shall include*
14 *a description of the implementation and adherence of*
15 *each agency to the coordinated project plan and per-*
16 *mitting timetable requirements under section*
17 *41003(c).*”

18 “(3) *AGENCY BEST PRACTICES REPORT.—Not*
19 *later than April 15 of each year, each participating*
20 *agency and lead agency shall submit to Congress and*
21 *the Director of the Office of Management and Budget*
22 *a report assessing the performance of the agency in*
23 *implementing the best practices described in section*
24 *41002(c)(2)(B).”.*

1 (g) *FUNDING FOR GOVERNANCE, OVERSIGHT, AND*
2 *PROCESSING OF ENVIRONMENTAL REVIEWS AND PER-*
3 *MITS.—Section 41009 of the FAST Act (42 U.S.C. 4370m–*
4 *8) is amended—*

5 (1) *by striking subsection (a) and inserting the*
6 *following:*

7 “(a) *IN GENERAL.—For the purpose of carrying out*
8 *this title, the Executive Director, in consultation with the*
9 *heads of the agencies listed in section 41002(b)(2)(B) and*
10 *with the guidance of the Director of the Office of Manage-*
11 *ment and Budget, may, after public notice and opportunity*
12 *for comment, issue regulations establishing a fee structure*
13 *for sponsors of covered projects to reimburse the United*
14 *States for reasonable costs incurred in conducting environ-*
15 *mental reviews and authorizations for covered projects.”;*

16 (2) *in subsection (b), by striking “and 41003”*
17 *and inserting “through 41008”; and*

18 (3) *in subsection (d)—*

19 (A) *in the subsection heading, by striking*
20 *“AND PERMITTING”; and*

21 (B) *by striking paragraphs (2) and (3) and*
22 *inserting the following:*

23 “(2) *AVAILABILITY.—Amounts in the Fund shall*
24 *be available to the Executive Director, without fiscal*
25 *year limitation, solely for the purposes of admin-*

1 *istering, implementing, and enforcing this title, in-*
2 *cluding the expenses of the Council, staffing of the Of-*
3 *fice of the Executive Director, and support of the role*
4 *of the Council as a Federal center for permitting ex-*
5 *cellence, which may include supporting interagency*
6 *detailee and rotation opportunities, advanced train-*
7 *ing, enhanced support for agency project managers,*
8 *and fora for sharing information and lessons learned.*

9 “(3) *TRANSFER.—For the purpose of carrying*
10 *out this title, the Executive Director, with the ap-*
11 *proval of the Director of the Office of Management*
12 *and Budget, may transfer amounts in the Fund to*
13 *other Federal agencies and State, Tribal, and local*
14 *governments to facilitate timely and efficient environ-*
15 *mental reviews and authorizations for covered projects*
16 *and other projects under this title, including direct*
17 *reimbursement agreements with agency CERPOs, re-*
18 *imbursable agreements, and approval and consulta-*
19 *tion processes and staff for covered projects.”.*

20 (h) *SUNSET.—Section 41013 of the FAST Act (42*
21 *U.S.C. 4370m–12) is repealed.*

22 (i) *TECHNICAL CORRECTION.—Section*
23 *41002(b)(2)(A)(ii) of the FAST Act (42 U.S.C. 4370m–*
24 *1(b)(2)(A)(ii)) is amended by striking “councilmem-ber”*
25 *and inserting “councilmember”.*

1 (j) *CLERICAL AMENDMENT.*—*The table of contents in*
 2 *section 1(b) of the FAST Act (Public Law 114–94; 129 Stat.*
 3 *1319) is amended by striking the item relating to section*
 4 *41002 and inserting the following:*

“Sec. 41002. Federal Permitting Improvement Steering Council.”.

5 ***TITLE IX—BUILD AMERICA, BUY***
 6 ***AMERICA***
 7 ***Subtitle A—Build America, Buy***
 8 ***America***

9 ***SEC. 70901. SHORT TITLE.***

10 *This subtitle may be cited as the “Build America, Buy*
 11 *America Act”.*

12 ***PART I—BUY AMERICA SOURCING***
 13 ***REQUIREMENTS***

14 ***SEC. 70911. FINDINGS.***

15 *Congress finds that—*

16 (1) *the United States must make significant in-*
 17 *vestments to install, upgrade, or replace the public*
 18 *works infrastructure of the United States;*

19 (2) *with respect to investments in the infrastruc-*
 20 *ture of the United States, taxpayers expect that their*
 21 *public works infrastructure will be produced in the*
 22 *United States by American workers;*

23 (3) *United States taxpayer dollars invested in*
 24 *public infrastructure should not be used to reward*
 25 *companies that have moved their operations, invest-*

1 *ment dollars, and jobs to foreign countries or foreign*
2 *factories, particularly those that do not share or open-*
3 *ly flout the commitments of the United States to envi-*
4 *ronmental, worker, and workplace safety protections;*

5 *(4) in procuring materials for public works*
6 *projects, entities using taxpayer-financed Federal as-*
7 *sistance should give a commonsense procurement pref-*
8 *erence for the materials and products produced by*
9 *companies and workers in the United States in ac-*
10 *cordance with the high ideals embodied in the envi-*
11 *ronmental, worker, workplace safety, and other regu-*
12 *latory requirements of the United States;*

13 *(5) common construction materials used in pub-*
14 *lic works infrastructure projects, including steel, iron,*
15 *manufactured products, non-ferrous metals, plastic*
16 *and polymer-based products (including*
17 *polyvinylchloride, composite building materials, and*
18 *polymers used in fiber optic cables), glass (including*
19 *optic glass), lumber, and drywall are not adequately*
20 *covered by a domestic content procurement preference,*
21 *thus limiting the impact of taxpayer purchases to en-*
22 *hance supply chains in the United States;*

23 *(6) the benefits of domestic content procurement*
24 *preferences extend beyond economics;*

1 (7) *by incentivizing domestic manufacturing, do-*
2 *mestic content procurement preferences reinvest tax*
3 *dollars in companies and processes using the highest*
4 *labor and environmental standards in the world;*

5 (8) *strong domestic content procurement pref-*
6 *erence policies act to prevent shifts in production to*
7 *countries that rely on production practices that are*
8 *significantly less energy efficient and far more pol-*
9 *luting than those in the United States;*

10 (9) *for over 75 years, Buy America and other do-*
11 *mestic content procurement preference laws have been*
12 *part of the United States procurement policy, ensur-*
13 *ing that the United States can build and rebuild the*
14 *infrastructure of the United States with high-quality*
15 *American-made materials;*

16 (10) *before the date of enactment of this Act, a*
17 *domestic content procurement preference requirement*
18 *may not apply, may apply only to a narrow scope*
19 *of products and materials, or may be limited by*
20 *waiver with respect to many infrastructure programs,*
21 *which necessitates a review of such programs, includ-*
22 *ing programs for roads, highways, and bridges, public*
23 *transportation, dams, ports, harbors, and other mari-*
24 *time facilities, intercity passenger and freight rail-*
25 *roads, freight and intermodal facilities, airports,*

1 *water systems, including drinking water and waste-*
2 *water systems, electrical transmission facilities and*
3 *systems, utilities, broadband infrastructure, and*
4 *buildings and real property;*

5 *(11) Buy America laws create demand for do-*
6 *mestically produced goods, helping to sustain and*
7 *grow domestic manufacturing and the millions of jobs*
8 *domestic manufacturing supports throughout product*
9 *supply chains;*

10 *(12) as of the date of enactment of this Act, do-*
11 *mestic content procurement preference policies apply*
12 *to all Federal Government procurement and to var-*
13 *ious Federal-aid infrastructure programs;*

14 *(13) a robust domestic manufacturing sector is a*
15 *vital component of the national security of the United*
16 *States;*

17 *(14) as more manufacturing operations of the*
18 *United States have moved offshore, the strength and*
19 *readiness of the defense industrial base of the United*
20 *States has been diminished; and*

21 *(15) domestic content procurement preference*
22 *laws—*

23 *(A) are fully consistent with the inter-*
24 *national obligations of the United States; and*

1 (B) together with the government procure-
2 ments to which the laws apply, are important le-
3 vers for ensuring that United States manufactur-
4 ers can access the government procurement mar-
5 kets of the trading partners of the United States.

6 **SEC. 70912. DEFINITIONS.**

7 In this part:

8 (1) *DEFICIENT PROGRAM.*—The term “deficient
9 program” means a program identified by the head of
10 a Federal agency under section 70913(c).

11 (2) *DOMESTIC CONTENT PROCUREMENT PREFERRED.*—The term “domestic content procurement
12 preference” means a requirement that no amounts
13 made available through a program for Federal finan-
14 cial assistance may be obligated for a project unless—

15 (A) all iron and steel used in the project are
16 produced in the United States;

17 (B) the manufactured products used in the
18 project are produced in the United States; or

19 (C) the construction materials used in the
20 project are produced in the United States.

21 (3) *FEDERAL AGENCY.*—The term “Federal agen-
22 cy” means any authority of the United States that is
23 an “agency” (as defined in section 3502 of title 44,
24

1 *United States Code), other than an independent regu-*
2 *latory agency (as defined in that section).*

3 (4) *FEDERAL FINANCIAL ASSISTANCE.—*

4 (A) *IN GENERAL.—The term “Federal fi-*
5 *nancial assistance” has the meaning given the*
6 *term in section 200.1 of title 2, Code of Federal*
7 *Regulations (or successor regulations).*

8 (B) *INCLUSION.—The term “Federal finan-*
9 *cial assistance” includes all expenditures by a*
10 *Federal agency to a non-Federal entity for an*
11 *infrastructure project, except that it does not in-*
12 *clude expenditures for assistance authorized*
13 *under section 402, 403, 404, 406, 408, or 502 of*
14 *the Robert T. Stafford Disaster Relief and Emer-*
15 *gency Assistance Act (42 U.S.C. 5170a, 5170b,*
16 *5170c, 5172, 5174, or 5192) relating to a major*
17 *disaster or emergency declared by the President*
18 *under section 401 or 501, respectively, of such*
19 *Act (42 U.S.C. 5170, 5191) or pre and post dis-*
20 *aster or emergency response expenditures.*

21 (5) *INFRASTRUCTURE.—The term “infrastruc-*
22 *ture” includes, at a minimum, the structures, facili-*
23 *ties, and equipment for, in the United States—*

24 (A) *roads, highways, and bridges;*

25 (B) *public transportation;*

1 (C) dams, ports, harbors, and other mari-
2 time facilities;

3 (D) intercity passenger and freight rail-
4 roads;

5 (E) freight and intermodal facilities;

6 (F) airports;

7 (G) water systems, including drinking
8 water and wastewater systems;

9 (H) electrical transmission facilities and
10 systems;

11 (I) utilities;

12 (J) broadband infrastructure; and

13 (K) buildings and real property.

14 (6) *PRODUCED IN THE UNITED STATES*.—The
15 term “produced in the United States” means—

16 (A) in the case of iron or steel products,
17 that all manufacturing processes, from the ini-
18 tial melting stage through the application of
19 coatings, occurred in the United States;

20 (B) in the case of manufactured products,
21 that—

22 (i) the manufactured product was
23 manufactured in the United States; and

24 (ii) the cost of the components of the
25 manufactured product that are mined, pro-

1 duced, or manufactured in the United
2 States is greater than 55 percent of the total
3 cost of all components of the manufactured
4 product, unless another standard for deter-
5 mining the minimum amount of domestic
6 content of the manufactured product has
7 been established under applicable law or
8 regulation; and

9 (C) in the case of construction materials,
10 that all manufacturing processes for the con-
11 struction material occurred in the United States.

12 (7) *PROJECT*.—The term “project” means the
13 construction, alteration, maintenance, or repair of in-
14 frastructure in the United States.

15 **SEC. 70913. IDENTIFICATION OF DEFICIENT PROGRAMS.**

16 (a) *IN GENERAL*.—Not later than 60 days after the
17 date of enactment of this Act, the head of each Federal agen-
18 cy shall—

19 (1) submit to the Office of Management and
20 Budget and to Congress, including a separate notice
21 to each appropriate congressional committee, a report
22 that identifies each Federal financial assistance pro-
23 gram for infrastructure administered by the Federal
24 agency; and

1 (2) *publish in the Federal Register the report*
2 *under paragraph (1).*

3 (b) *REQUIREMENTS.—In the report under subsection*
4 *(a), the head of each Federal agency shall, for each Federal*
5 *financial assistance program—*

6 (1) *identify all domestic content procurement*
7 *preferences applicable to the Federal financial assist-*
8 *ance;*

9 (2) *assess the applicability of the domestic con-*
10 *tent procurement preference requirements, includ-*
11 *ing—*

12 (A) *section 313 of title 23, United States*
13 *Code;*

14 (B) *section 5323(j) of title 49, United States*
15 *Code;*

16 (C) *section 22905(a) of title 49, United*
17 *States Code;*

18 (D) *section 50101 of title 49, United States*
19 *Code;*

20 (E) *section 603 of the Federal Water Pollu-*
21 *tion Control Act (33 U.S.C. 1388);*

22 (F) *section 1452(a)(4) of the Safe Drinking*
23 *Water Act (42 U.S.C. 300j–12(a)(4));*

1 (G) section 5035 of the Water Infrastructure
2 Finance and Innovation Act of 2014 (33 U.S.C.
3 3914);

4 (H) any domestic content procurement pref-
5 erence included in an appropriations Act; and

6 (I) any other domestic content procurement
7 preference in Federal law (including regula-
8 tions);

9 (3) provide details on any applicable domestic
10 content procurement preference requirement, includ-
11 ing the purpose, scope, applicability, and any excep-
12 tions and waivers issued under the requirement; and

13 (4) include a description of the type of infra-
14 structure projects that receive funding under the pro-
15 gram, including information relating to—

16 (A) the number of entities that are partici-
17 pating in the program;

18 (B) the amount of Federal funds that are
19 made available for the program for each fiscal
20 year; and

21 (C) any other information the head of the
22 Federal agency determines to be relevant.

23 (c) *LIST OF DEFICIENT PROGRAMS.*—In the report
24 under subsection (a), the head of each Federal agency shall
25 include a list of Federal financial assistance programs for

1 *infrastructure identified under that subsection for which a*
2 *domestic content procurement preference requirement—*

3 *(1) does not apply in a manner consistent with*
4 *section 70914; or*

5 *(2) is subject to a waiver of general applicability*
6 *not limited to the use of specific products for use in*
7 *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 agen-*
11 *cy shall ensure that none of the funds made available for*
12 *a Federal financial assistance program for infrastructure,*
13 *including each deficient program, may be obligated for a*
14 *project unless all of the iron, steel, manufactured products,*
15 *and construction materials used in the project are produced*
16 *in the United States.*

17 *(b) WAIVER.—The head of a Federal agency that ap-*
18 *plies a domestic content procurement preference under this*
19 *section may waive the application of that preference in any*
20 *case in which the head of the Federal agency finds that—*

21 *(1) applying the domestic content procurement*
22 *preference would be inconsistent with the public inter-*
23 *est;*

24 *(2) types of iron, steel, manufactured products,*
25 *or construction materials are not produced in the*

1 *United States in sufficient and reasonably available*
2 *quantities or of a satisfactory quality; or*

3 *(3) the inclusion of iron, steel, manufactured*
4 *products, or construction materials produced in the*
5 *United States will increase the cost of the overall*
6 *project by more than 25 percent.*

7 *(c) WRITTEN JUSTIFICATION.—Before issuing a waiv-*
8 *er under subsection (b), the head of the Federal agency*
9 *shall—*

10 *(1) make publicly available in an easily acces-*
11 *sible location on a website designated by the Office of*
12 *Management and Budget and on the website of the*
13 *Federal agency a detailed written explanation for the*
14 *proposed determination to issue the waiver; and*

15 *(2) provide a period of not less than 15 days for*
16 *public comment on the proposed waiver.*

17 *(d) REVIEW OF WAIVERS OF GENERAL APPLICA-*
18 *BILITY.—*

19 *(1) IN GENERAL.—An existing general applica-*
20 *bility waiver or a general applicability waiver issued*
21 *under subsection (b) shall be reviewed every 5 years*
22 *after the date on which the waiver is issued.*

23 *(2) REVIEW.—In conducting a review of a gen-*
24 *eral applicability waiver, the head of a Federal agen-*
25 *cy shall—*

1 (A) *publish in the Federal Register a notice*
2 *that—*

3 (i) *describes the justification for a gen-*
4 *eral applicability waiver; and*

5 (ii) *requests public comments for a pe-*
6 *riod of not less than 30 days on the contin-*
7 *ued need for a general applicability waiver;*
8 *and*

9 (B) *publish in the Federal Register a deter-*
10 *mination on whether to continue or discontinue*
11 *the general applicability waiver, taking into ac-*
12 *count the comments received in response to the*
13 *notice published under subparagraph (A).*

14 (3) *LIMITATION ON THE REVIEW OF EXISTING*
15 *WAIVERS OF GENERAL APPLICABILITY.—For a period*
16 *of 5 years beginning on the date of enactment of this*
17 *Act, paragraphs (1) and (2) shall not apply to any*
18 *product-specific general applicability waiver that was*
19 *issued more than 180 days before the date of enact-*
20 *ment of this Act.*

21 (e) *CONSISTENCY WITH INTERNATIONAL AGREE-*
22 *MENTS.—This section shall be applied in a manner con-*
23 *sistent with United States obligations under international*
24 *agreements.*

1 **SEC. 70915. OMB GUIDANCE AND STANDARDS.**

2 (a) *GUIDANCE.*—*The Director of the Office of Manage-*
3 *ment and Budget shall—*

4 (1) *issue guidance to the head of each Federal*
5 *agency—*

6 (A) *to assist in identifying deficient pro-*
7 *grams under section 70913(c); and*

8 (B) *to assist in applying new domestic con-*
9 *tent procurement preferences under section*
10 *70914; and*

11 (2) *if necessary, amend subtitle A of title 2, Code*
12 *of Federal Regulations (or successor regulations), to*
13 *ensure that domestic content procurement preference*
14 *requirements required by this part or other Federal*
15 *law are imposed through the terms and conditions of*
16 *awards of Federal financial assistance.*

17 (b) *STANDARDS FOR CONSTRUCTION MATERIALS.*—

18 (1) *IN GENERAL.*—*Not later than 180 days after*
19 *the date of enactment of this Act, the Director of the*
20 *Office of Management and Budget shall issue stand-*
21 *ards that define the term “all manufacturing proc-*
22 *esses” in the case of construction materials.*

23 (2) *CONSIDERATIONS.*—*In issuing standards*
24 *under paragraph (1), the Director shall—*

25 (A) *ensure that the standards require that*
26 *each manufacturing process required for the*

1 *manufacture of the construction material and the*
2 *inputs of the construction material occurs in the*
3 *United States; and*

4 *(B) take into consideration and seek to*
5 *maximize the direct and indirect jobs benefited*
6 *or created in the production of the construction*
7 *material.*

8 **SEC. 70916. TECHNICAL ASSISTANCE PARTNERSHIP AND**
9 **CONSULTATION SUPPORTING DEPARTMENT**
10 **OF TRANSPORTATION BUY AMERICA RE-**
11 **QUIREMENTS.**

12 *(a) DEFINITIONS.—In this section:*

13 *(1) BUY AMERICA LAW.—The term “Buy Amer-*
14 *ica law” means—*

15 *(A) section 313 of title 23, United States*
16 *Code;*

17 *(B) section 5323(j) of title 49, United States*
18 *Code;*

19 *(C) section 22905(a) of title 49, United*
20 *States Code;*

21 *(D) section 50101 of title 49, United States*
22 *Code; and*

23 *(E) any other domestic content procurement*
24 *preference for an infrastructure project under the*
25 *jurisdiction of the Secretary.*

1 (2) *SECRETARY.*—*The term “Secretary” means*
2 *the Secretary of Transportation.*

3 (b) *TECHNICAL ASSISTANCE PARTNERSHIP.*—*Not later*
4 *than 90 days after the date of the enactment of this Act,*
5 *the Secretary shall enter into a technical assistance part-*
6 *nership with the Secretary of Commerce, acting through the*
7 *Director of the National Institute of Standards and Tech-*
8 *nology—*

9 (1) *to ensure the development of a domestic sup-*
10 *ply base to support intermodal transportation in the*
11 *United States, such as intercity high speed rail trans-*
12 *portation, public transportation systems, highway*
13 *construction or reconstruction, airport improvement*
14 *projects, and other infrastructure projects under the*
15 *jurisdiction of the Secretary;*

16 (2) *to ensure compliance with Buy America laws*
17 *that apply to a project that receives assistance from*
18 *the Federal Highway Administration, the Federal*
19 *Transit Administration, the Federal Railroad Ad-*
20 *ministration, the Federal Aviation Administration, or*
21 *another office or modal administration of the Sec-*
22 *retary of Transportation;*

23 (3) *to encourage technologies developed with the*
24 *support of and resources from the Secretary to be*

1 *transitioned into commercial market and applica-*
2 *tions; and*

3 *(4) to establish procedures for consultation under*
4 *subsection (c).*

5 *(c) CONSULTATION.—Before granting a written waiver*
6 *under a Buy America law, the Secretary shall consult with*
7 *the Director of the Hollings Manufacturing Extension Part-*
8 *nership regarding whether there is a domestic entity that*
9 *could provide the iron, steel, manufactured product, or con-*
10 *struction material that is the subject of the proposed waiver.*

11 *(d) ANNUAL REPORT.—Not later than 1 year after the*
12 *date of enactment of this Act, and annually thereafter, the*
13 *Secretary shall submit to the Committee on Commerce,*
14 *Science, and Transportation, the Committee on Banking,*
15 *Housing, and Urban Affairs, the Committee on Environ-*
16 *ment and Public Works, and the Committee on Homeland*
17 *Security and Governmental Affairs of the Senate and the*
18 *Committee on Transportation and Infrastructure and the*
19 *Committee on Oversight and Reform of the House of Rep-*
20 *resentatives a report that includes—*

21 *(1) a detailed description of the consultation pro-*
22 *cedures developed under subsection (b)(4);*

23 *(2) a detailed description of each waiver re-*
24 *quested under a Buy America law in the preceding*

1 year that was subject to consultation under subsection
2 (c), and the results of the consultation;

3 (3) a detailed description of each waiver granted
4 under a Buy America law in the preceding year, in-
5 cluding the type of waiver and the reasoning for
6 granting the waiver; and

7 (4) an update on challenges and gaps in the do-
8 mestic supply base identified in carrying out sub-
9 section (b)(1), including a list of actions and policy
10 changes the Secretary recommends be taken to address
11 those challenges and gaps.

12 **SEC. 70917. APPLICATION.**

13 (a) *IN GENERAL.*—This part shall apply to a Federal
14 financial assistance program for infrastructure only to the
15 extent that a domestic content procurement preference as
16 described in section 70914 does not already apply to iron,
17 steel, manufactured products, and construction materials.

18 (b) *SAVINGS PROVISION.*—Nothing in this part affects
19 a domestic content procurement preference for a Federal fi-
20 nancial assistance program for infrastructure that is in ef-
21 fect and that meets the requirements of section 70914.

22 (c) *LIMITATION WITH RESPECT TO AGGREGATES.*—In
23 this part—

24 (1) the term “construction materials” shall not
25 include cement and cementitious materials, aggregates

1 *such as stone, sand, or gravel, or aggregate binding*
2 *agents or additives; and*

3 (2) *the standards developed under section*
4 *70915(b)(1) shall not include cement and cementi-*
5 *tious materials, aggregates such as stone, sand, or*
6 *gravel, or aggregate binding agents or additives as in-*
7 *puts of the construction material.*

8 **PART II—MAKE IT IN AMERICA**

9 **SEC. 70921. REGULATIONS RELATING TO BUY AMERICAN**
10 **ACT.**

11 (a) *IN GENERAL.*—*Not later than 1 year after the date*
12 *of the enactment of this Act, the Director of the Office of*
13 *Management and Budget (“Director”), acting through the*
14 *Administrator for Federal Procurement Policy and, in con-*
15 *sultation with the Federal Acquisition Regulatory Council,*
16 *shall promulgate final regulations or other policy or man-*
17 *agement guidance, as appropriate, to standardize and sim-*
18 *plify how Federal agencies comply with, report on, and en-*
19 *force the Buy American Act. The regulations or other policy*
20 *or management guidance shall include, at a minimum, the*
21 *following:*

22 (1) *Guidelines for Federal agencies to determine,*
23 *for the purposes of applying sections 8302(a) and*
24 *8303(b)(3) of title 41, United States Code, the cir-*
25 *cumstances under which the acquisition of articles,*

1 *materials, or supplies mined, produced, or manufac-*
2 *tured in the United States is inconsistent with the*
3 *public interest.*

4 (2) *Guidelines to ensure Federal agencies base*
5 *determinations of non-availability on appropriate*
6 *considerations, including anticipated project delays*
7 *and lack of substitutable articles, materials, and sup-*
8 *plies mined, produced, or manufactured in the United*
9 *States, when making determinations of non-avail-*
10 *ability under section 8302(a)(1) of title 41, United*
11 *States Code.*

12 (3)(A) *Uniform procedures for each Federal*
13 *agency to make publicly available, in an easily iden-*
14 *tifiable location on the website of the agency, and*
15 *within the following time periods, the following infor-*
16 *mation:*

17 (i) *A written description of the cir-*
18 *cumstances in which the head of the agency may*
19 *waive the requirements of the Buy American Act.*

20 (ii) *Each waiver made by the head of the*
21 *agency within 30 days after making such waiv-*
22 *er, including a justification with sufficient detail*
23 *to explain the basis for the waiver.*

24 (B) *The procedures established under this para-*
25 *graph shall ensure that the head of an agency, in con-*

1 *sultation with the head of the Made in America Office*
2 *established under section 70923(a), may limit the*
3 *publication of classified information, trade secrets, or*
4 *other information that could damage the United*
5 *States.*

6 *(4) Guidelines for Federal agencies to ensure that*
7 *a project is not disaggregated for purposes of avoiding*
8 *the applicability of the requirements under the Buy*
9 *American Act.*

10 *(5) An increase to the price preferences for do-*
11 *mestic end products and domestic construction mate-*
12 *rials.*

13 *(6) Amending the definitions of “domestic end*
14 *product” and “domestic construction material” to en-*
15 *sure that iron and steel products are, to the greatest*
16 *extent possible, made with domestic components.*

17 *(b) GUIDELINES RELATING TO WAIVERS.—*

18 *(1) INCONSISTENCY WITH PUBLIC INTEREST.—*

19 *(A) IN GENERAL.—With respect to the*
20 *guidelines developed under subsection (a)(1), the*
21 *Administrator shall seek to minimize waivers re-*
22 *lated to contract awards that—*

23 *(i) result in a decrease in employment*
24 *in the United States, including employment*

1 among entities that manufacture the arti-
2 cles, materials, or supplies; or

3 (ii) result in awarding a contract that
4 would decrease domestic employment.

5 (B) COVERED EMPLOYMENT.—For purposes
6 of subparagraph (A), employment refers to posi-
7 tions directly involved in the manufacture of ar-
8 ticles, materials, or supplies, and does not in-
9 clude positions related to management, research
10 and development, or engineering and design.

11 (2) ASSESSMENT ON USE OF DUMPED OR SUB-
12 SIDIZED FOREIGN PRODUCTS.—

13 (A) IN GENERAL.—To the extent otherwise
14 permitted by law, before granting a waiver in
15 the public interest to the guidelines developed
16 under subsection (a)(1) with respect to a product
17 sourced from a foreign country, a Federal agency
18 shall assess whether a significant portion of the
19 cost advantage of the product is the result of the
20 use of dumped steel, iron, or manufactured goods
21 or the use of injuriously subsidized steel, iron, or
22 manufactured goods.

23 (B) CONSULTATION.—The Federal agency
24 conducting the assessment under subparagraph
25 (A) shall consult with the International Trade

1 41, *United States Code*, is amended by adding at the end
2 the following new subsection:

3 “(c) *SPECIAL RULES.*—*The following rules apply in*
4 *carrying out the provisions of subsection (a):*

5 “(1) *IRON AND STEEL MANUFACTURED IN THE*
6 *UNITED STATES.*—*For purposes of this section, manu-*
7 *factured articles, materials, and supplies of iron and*
8 *steel are deemed manufactured in the United States*
9 *only if all manufacturing processes involved in the*
10 *production of such iron and steel, from the initial*
11 *melting stage through the application of coatings, oc-*
12 *curs in the United States.*

13 “(2) *LIMITATION ON EXCEPTION FOR COMMER-*
14 *CIALY AVAILABLE OFF-THE-SHELF ITEMS.*—*Notwith-*
15 *standing any law or regulation to the contrary, in-*
16 *cluding section 1907 of this title and the Federal Ac-*
17 *quisition Regulation, the requirements of this section*
18 *apply to all iron and steel articles, materials, and*
19 *supplies.”.*

20 (b) *PRODUCTION OF IRON AND STEEL FOR PURPOSES*
21 *OF CONTRACTS FOR PUBLIC WORKS.*—*Section 8303 of title*
22 *41, United States Code, is amended—*

23 (1) *by redesignating subsection (c) as subsection*
24 *(d); and*

1 (2) *by inserting after subsection (b) the following*
2 *new subsection:*

3 “(c) *SPECIAL RULES.—*

4 “(1) *PRODUCTION OF IRON AND STEEL.—For*
5 *purposes of this section, manufactured articles, mate-*
6 *rials, and supplies of iron and steel are deemed man-*
7 *ufactured in the United States only if all manufac-*
8 *turing processes involved in the production of such*
9 *iron and steel, from the initial melting stage through*
10 *the application of coatings, occurs in the United*
11 *States.*

12 “(2) *LIMITATION ON EXCEPTION FOR COMMER-*
13 *CIALY AVAILABLE OFF-THE-SHELF ITEMS.—Notwith-*
14 *standing any law or regulation to the contrary, in-*
15 *cluding section 1907 of this title and the Federal Ac-*
16 *quisition Regulation, the requirements of this section*
17 *apply to all iron and steel articles, materials, and*
18 *supplies used in contracts described in subsection*
19 *(a).”.*

20 (c) *ANNUAL REPORT.—Subsection (b) of section 8302*
21 *of title 41, United States Code, is amended to read as fol-*
22 *lows:*

23 “(b) *REPORTS.—*

24 “(1) *IN GENERAL.—Not later than 180 days*
25 *after the end of the fiscal year during which the Build*

1 *America, Buy America Act is enacted, and annually*
2 *thereafter for 4 years, the Director of the Office of*
3 *Management and Budget, in consultation with the*
4 *Administrator of General Services, shall submit to the*
5 *Committee on Homeland Security and Governmental*
6 *Affairs of the Senate and the Committee on Oversight*
7 *and Reform of the House of Representatives a report*
8 *on the total amount of acquisitions made by Federal*
9 *agencies in the relevant fiscal year of articles, mate-*
10 *rials, or supplies acquired from entities that mine,*
11 *produce, or manufacture the articles, materials, or*
12 *supplies outside the United States.*

13 “(2) *EXCEPTION FOR INTELLIGENCE COMMU-*
14 *NITY.—This subsection does not apply to acquisitions*
15 *made by an agency, or component of an agency, that*
16 *is an element of the intelligence community as speci-*
17 *fied in, or designated under, section 3 of the National*
18 *Security Act of 1947 (50 U.S.C. 3003).”.*

19 “(d) *DEFINITION.—Section 8301 of title 41, United*
20 *States Code, is amended by adding at the end the following*
21 *new paragraph:*

22 “(3) *FEDERAL AGENCY.—The term ‘Federal*
23 *agency’ has the meaning given the term ‘executive*
24 *agency’ in section 133 of this title.”.*

1 (e) *CONFORMING AMENDMENTS.—Title 41, United*
2 *States Code, is amended—*

3 (1) *in section 8302(a)—*

4 (A) *in paragraph (1)—*

5 (i) *by striking “department or inde-*
6 *pendent establishment” and inserting “Fed-*
7 *eral agency”; and*

8 (ii) *by striking “their acquisition to be*
9 *inconsistent with the public interest or their*
10 *cost to be unreasonable” and inserting*
11 *“their acquisition to be inconsistent with*
12 *the public interest, their cost to be unrea-*
13 *sonable, or that the articles, materials, or*
14 *supplies of the class or kind to be used, or*
15 *the articles, materials, or supplies from*
16 *which they are manufactured, are not*
17 *mined, produced, or manufactured in the*
18 *United States in sufficient and reasonably*
19 *available commercial quantities and of a*
20 *satisfactory quality”; and*

21 (B) *in paragraph (2), by amending sub-*
22 *paragraph (B) to read as follows:*

23 *“(B) to any articles, materials, or supplies*
24 *procured pursuant to a reciprocal defense pro-*
25 *curement memorandum of understanding (as de-*

1 *scribed in section 8304 of this title), or a trade*
2 *agreement or least developed country designation*
3 *described in subpart 25.400 of the Federal Acqui-*
4 *sition Regulation; and”;* and

5 (2) *in section 8303—*

6 (A) *in subsection (b)—*

7 (i) *by striking “department or inde-*
8 *pendent establishment” each place it ap-*
9 *pears and inserting “Federal agency”;*

10 (ii) *by amending subparagraph (B) of*
11 *paragraph (1) to read as follows:*

12 *“(B) to any articles, materials, or supplies*
13 *procured pursuant to a reciprocal defense pro-*
14 *curement memorandum of understanding (as de-*
15 *scribed in section 8304), or a trade agreement or*
16 *least developed country designation described in*
17 *subpart 25.400 of the Federal Acquisition Regu-*
18 *lation; and”;* and

19 (iii) *in paragraph (3)—*

20 (I) *in the heading, by striking*

21 *“INCONSISTENT WITH PUBLIC INTER-*
22 *EST” and inserting “WAIVER AUTHOR-*
23 *ITY”;* and

24 (II) *by striking “their purchase to*
25 *be inconsistent with the public interest*

1 or their cost to be unreasonable” and
2 inserting “their acquisition to be in-
3 consistent with the public interest,
4 their cost to be unreasonable, or that
5 the articles, materials, or supplies of
6 the class or kind to be used, or the arti-
7 cles, materials, or supplies from which
8 they are manufactured, are not mined,
9 produced, or manufactured in the
10 United States in sufficient and reason-
11 ably available commercial quantities
12 and of a satisfactory quality”; and

13 (B) in subsection (d), as redesignated by
14 subsection (b)(1) of this section, by striking “de-
15 partment, bureau, agency, or independent estab-
16 lishment” each place it appears and inserting
17 “Federal agency”.

18 (f) *EXCLUSION FROM INFLATION ADJUSTMENT OF AC-*
19 *QUISITION-RELATED DOLLAR THRESHOLDS.*—Subpara-
20 graph (A) of section 1908(b)(2) of title 41, United States
21 Code, is amended by striking “chapter 67” and inserting
22 “chapters 67 and 83”.

23 **SEC. 70923. MADE IN AMERICA OFFICE.**

24 (a) *ESTABLISHMENT.*—The Director of the Office of
25 Management and Budget shall establish within the Office

1 of Management and Budget an office to be known as the
2 “Made in America Office”. The head of the office shall be
3 appointed by the Director of the Office of Management and
4 Budget (in this section referred to as the “Made in America
5 Director”).

6 (b) DUTIES.—The Made in America Director shall
7 have the following duties:

8 (1) Maximize and enforce compliance with do-
9 mestic preference statutes.

10 (2) Develop and implement procedures to review
11 waiver requests or inapplicability requests related to
12 domestic preference statutes.

13 (3) Prepare the reports required under sub-
14 sections (c) and (e).

15 (4) Ensure that Federal contracting personnel,
16 financial assistance personnel, and non-Federal re-
17 cipients are regularly trained on obligations under
18 the Buy American Act and other agency-specific do-
19 mestic preference statutes.

20 (5) Conduct the review of reciprocal defense
21 agreements required under subsection (d).

22 (6) Ensure that Federal agencies, Federal finan-
23 cial assistance recipients, and the Hollings Manufac-
24 turing Extension Partnership partner with each other

1 to promote compliance with domestic preference stat-
2 utes.

3 (7) Support executive branch efforts to develop
4 and sustain a domestic supply base to meet Federal
5 procurement requirements.

6 (c) *OFFICE OF MANAGEMENT AND BUDGET REPORT.*—
7 Not later than 1 year after the date of the enactment of
8 this Act, the Director of the Office of Management and
9 Budget, working through the Made in America Director,
10 shall report to the relevant congressional committees on the
11 extent to which, in each of the three fiscal years prior to
12 the date of enactment of this Act, articles, materials, or sup-
13 plies acquired by the Federal Government were mined, pro-
14 duced, or manufactured outside the United States. Such re-
15 port shall include for each Federal agency the following:

16 (1) A summary of total procurement funds ex-
17 pended on articles, materials, and supplies mined,
18 produced, or manufactured—

19 (A) inside the United States;

20 (B) outside the United States; and

21 (C) outside the United States—

22 (i) under each category of waiver
23 under the Buy American Act;

24 (ii) under each category of exception
25 under such chapter; and

1 (iii) for each country that mined, pro-
2 duced, or manufactured such articles, mate-
3 rials, and supplies.

4 (2) For each fiscal year covered by the report—

5 (A) the dollar value of any articles, mate-
6 rials, or supplies that were mined, produced, or
7 manufactured outside the United States, in the
8 aggregate and by country;

9 (B) an itemized list of all waivers made
10 under the Buy American Act with respect to ar-
11 ticles, materials, or supplies, where available,
12 and the country where such articles, materials,
13 or supplies were mined, produced, or manufac-
14 tured;

15 (C) if any articles, materials, or supplies
16 were acquired from entities that mine, produce,
17 or manufacture such articles, materials, or sup-
18 plies outside the United States due to an excep-
19 tion (that is not the micro-purchase threshold ex-
20 ception described under section 8302(a)(2)(C) of
21 title 41, United States Code), the specific excep-
22 tion that was used to purchase such articles, ma-
23 terials, or supplies; and

24 (D) if any articles, materials, or supplies
25 were acquired from entities that mine, produce,

1 *or manufacture such articles, materials, or sup-*
2 *plies outside the United States pursuant to a re-*
3 *ciprocal defense procurement memorandum of*
4 *understanding (as described in section 8304 of*
5 *title 41, United States Code), or a trade agree-*
6 *ment or least developed country designation de-*
7 *scribed in subpart 25.400 of the Federal Acquisi-*
8 *tion Regulation, a citation to such memorandum*
9 *of understanding, trade agreement, or designa-*
10 *tion.*

11 *(3) A description of the methods used by each*
12 *Federal agency to calculate the percentage domestic*
13 *content of articles, materials, and supplies mined,*
14 *produced, or manufactured in the United States.*

15 *(d) REVIEW OF RECIPROCAL DEFENSE AGREE-*
16 *MENTS.—*

17 *(1) REVIEW OF PROCESS.—Not later than 180*
18 *days after the date of the enactment of this Act, the*
19 *Made in America Director shall review the Depart-*
20 *ment of Defense's use of reciprocal defense agreements*
21 *to determine if domestic entities have equal and pro-*
22 *portional access and report the findings of the review*
23 *to the Director of the Office of Management and*
24 *Budget, the Secretary of Defense, and the Secretary of*
25 *State.*

1 (2) *REVIEW OF RECIPROCAL PROCUREMENT*
2 *MEMORANDA OF UNDERSTANDING.*—*The Made in*
3 *America Director shall review reciprocal procurement*
4 *memoranda of understanding entered into after the*
5 *date of the enactment of this Act between the Depart-*
6 *ment of Defense and its counterparts in foreign gov-*
7 *ernments to assess whether domestic entities will have*
8 *equal and proportional access under the memoranda*
9 *of understanding and report the findings of the review*
10 *to the Director of the Office of Management and*
11 *Budget, the Secretary of Defense, and the Secretary of*
12 *State.*

13 (e) *REPORT ON USE OF MADE IN AMERICA LAWS.*—
14 *The Made in America Director shall submit to the relevant*
15 *congressional committees a summary of each report on the*
16 *use of Made in America Laws received by the Made in*
17 *America Director pursuant to section 11 of Executive Order*
18 *14005, dated January 25, 2021 (relating to ensuring the*
19 *future is made in all of America by all of America’s work-*
20 *ers) not later than 90 days after the date of the enactment*
21 *of this Act or receipt of the reports required under section*
22 *11 of such Executive Order, whichever is later.*

23 (f) *DOMESTIC PREFERENCE STATUTE DEFINED.*—*In*
24 *this section, the term “domestic preference statute” means*
25 *any of the following:*

1 (1) *the Buy American Act;*

2 (2) *a Buy America law (as that term is defined*
3 *in section 70916(a));*

4 (3) *the Berry Amendment;*

5 (4) *section 604 of the American Recovery and*
6 *Reinvestment Act of 2009 (6 U.S.C. 453b) (commonly*
7 *referred to as the “Kissell amendment”);*

8 (5) *section 2533b of title 10 (commonly referred*
9 *to as the “specialty metals clause”);*

10 (6) *laws requiring domestic preference for mari-*
11 *time transport, including the Merchant Marine Act,*
12 *1920 (Public Law 66–261), commonly known as the*
13 *“Jones Act”; and*

14 (7) *any other law, regulation, rule, or executive*
15 *order relating to Federal financial assistance awards*
16 *or Federal procurement, that requires, or provides a*
17 *preference for, the purchase or acquisition of goods,*
18 *products, or materials produced in the United States,*
19 *including iron, steel, construction material, and man-*
20 *ufactured goods offered in the United States.*

21 **SEC. 70924. HOLLINGS MANUFACTURING EXTENSION PART-**
22 **nership ACTIVITIES.**

23 (a) *USE OF HOLLINGS MANUFACTURING EXTENSION*
24 *PARTNERSHIP TO REFER NEW BUSINESSES TO CON-*
25 *TRACTING OPPORTUNITIES.*—*The head of each Federal*

1 *agency shall work with the Director of the Hollings Manu-*
2 *facturing Extension Partnership, as necessary, to ensure*
3 *businesses participating in this Partnership are aware of*
4 *their contracting opportunities.*

5 **(b) AUTOMATIC ENROLLMENT IN GSA ADVANTAGE!.**—
6 *The Administrator of the General Services Administration*
7 *and the Secretary of Commerce, acting through the Under*
8 *Secretary of Commerce for Standards and Technology, shall*
9 *jointly ensure that each business that participates in the*
10 *Hollings Manufacturing Extension Partnership is auto-*
11 *matically enrolled in General Services Administration Ad-*
12 *vantage!.*

13 **SEC. 70925. UNITED STATES OBLIGATIONS UNDER INTER-**
14 **NATIONAL AGREEMENTS.**

15 *This part, and the amendments made by this part,*
16 *shall be applied in a manner consistent with United States*
17 *obligations under international agreements.*

18 **SEC. 70926. DEFINITIONS.**

19 *In this part:*

20 **(1) BERRY AMENDMENT.**—*The term “Berry*
21 *Amendment” means section 2533a of title 10, United*
22 *States Code.*

23 **(2) BUY AMERICAN ACT.**—*The term “Buy Amer-*
24 *ican Act” means chapter 83 of title 41, United States*
25 *Code.*

1 (3) *FEDERAL AGENCY*.—The term “Federal agen-
2 cy” has the meaning given the term “executive agen-
3 cy” in section 133 of title 41, United States Code.

4 (4) *RELEVANT CONGRESSIONAL COMMITTEES*.—
5 The term “relevant congressional committees”
6 means—

7 (A) the Committee on Homeland Security
8 and Governmental Affairs, the Committee on
9 Commerce, Science, and Transportation, the
10 Committee on Environment and Public Works,
11 the Committee on Banking, Housing, and Urban
12 Affairs, and the Committee on Armed Services of
13 the Senate; and

14 (B) the Committee on Oversight and Re-
15 form, the Committee on Armed Services, and the
16 Committee on Transportation and Infrastructure
17 of the House of Representatives.

18 (5) *WAIVER*.—The term “waiver”, with respect
19 to the acquisition of an article, material, or supply
20 for public use, means the inapplicability of chapter
21 83 of title 41, United States Code, to the acquisition
22 by reason of any of the following determinations
23 under section 8302(a)(1) or 8303(b) of such title:

1 ***Subtitle B—BuyAmerican.gov***

2 ***SEC. 70931. SHORT TITLE.***

3 *This subtitle may be cited as the “BuyAmerican.gov*
4 *Act of 2021”.*

5 ***SEC. 70932. DEFINITIONS.***

6 *In this subtitle:*

7 (1) *BUY AMERICAN LAW.*—*The term “Buy Amer-*
8 *ican law” means any law, regulation, Executive*
9 *order, or rule relating to Federal contracts, grants, or*
10 *financial assistance that requires or provides a pref-*
11 *erence for the purchase or use of goods, products, or*
12 *materials mined, produced, or manufactured in the*
13 *United States, including—*

14 (A) *chapter 83 of title 41, United States*
15 *Code (commonly referred to as the “Buy Amer-*
16 *ican Act”);*

17 (B) *section 5323(j) of title 49, United States*
18 *Code;*

19 (C) *section 313 of title 23, United States*
20 *Code;*

21 (D) *section 50101 of title 49, United States*
22 *Code;*

23 (E) *section 24405 of title 49, United States*
24 *Code;*

1 (F) section 608 of the Federal Water Pollu-
2 tion Control Act (33 U.S.C. 1388);

3 (G) section 1452(a)(4) of the Safe Drinking
4 Water Act (42 U.S.C. 300j-12(a)(4));

5 (H) section 5035 of the Water Resources Re-
6 form and Development Act of 2014 (33 U.S.C.
7 3914);

8 (I) section 2533a of title 10, United States
9 Code (commonly referred to as the “Berry
10 Amendment”); and

11 (J) section 2533b of title 10, United States
12 Code.

13 (2) *EXECUTIVE AGENCY*.—The term “executive
14 agency” has the meaning given the term “agency” in
15 paragraph (1) of section 3502 of title 44, United
16 States Code, except that it does not include an inde-
17 pendent regulatory agency, as that term is defined in
18 paragraph (5) of such section.

19 (3) *BUY AMERICAN WAIVER*.—The term “Buy
20 American waiver” refers to an exception to or waiver
21 of any Buy American law, or the terms and condi-
22 tions used by an agency in granting an exception to
23 or waiver from Buy American laws.

24 **SEC. 70933. SENSE OF CONGRESS ON BUYING AMERICAN.**

25 It is the sense of Congress that—

1 (1) every executive agency should maximize,
2 through terms and conditions of Federal financial as-
3 sistance awards and Federal procurements, the use of
4 goods, products, and materials produced in the
5 United States and contracts for outsourced govern-
6 ment service contracts to be performed by United
7 States nationals;

8 (2) every executive agency should scrupulously
9 monitor, enforce, and comply with Buy American
10 laws, to the extent they apply, and minimize the use
11 of waivers; and

12 (3) every executive agency should use available
13 data to routinely audit its compliance with Buy
14 American laws.

15 **SEC. 70934. ASSESSMENT OF IMPACT OF FREE TRADE**
16 **AGREEMENTS.**

17 Not later than 150 days after the date of the enactment
18 of this Act, the Secretary of Commerce, the United States
19 Trade Representative, and the Director of the Office of Man-
20 agement and Budget shall assess the impacts in a publicly
21 available report of all United States free trade agreements,
22 the World Trade Organization Agreement on Government
23 Procurement, and Federal permitting processes on the oper-
24 ation of Buy American laws, including their impacts on
25 the implementation of domestic procurement preferences.

1 **SEC. 70935. JUDICIOUS USE OF WAIVERS.**

2 (a) *IN GENERAL.*—*To the extent permitted by law, a*
3 *Buy American waiver that is determined by an agency*
4 *head or other relevant official to be in the public interest*
5 *shall be construed to ensure the maximum utilization of*
6 *goods, products, and materials produced in the United*
7 *States.*

8 (b) *PUBLIC INTEREST WAIVER DETERMINATIONS.*—*To*
9 *the extent permitted by law, determination of public inter-*
10 *est waivers shall be made by the head of the agency with*
11 *the authority over the Federal financial assistance award*
12 *or Federal procurement under consideration.*

13 **SEC. 70936. ESTABLISHMENT OF BUYAMERICAN.GOV**
14 **WEBSITE.**

15 (a) *IN GENERAL.*—*Not later than one year after the*
16 *date of the enactment of this Act, the Administrator of Gen-*
17 *eral Services shall establish an Internet website with the*
18 *address BuyAmerican.gov that will be publicly available*
19 *and free to access. The website shall include information*
20 *on all waivers of and exceptions to Buy American laws*
21 *since the date of the enactment of this Act that have been*
22 *requested, are under consideration, or have been granted by*
23 *executive agencies and be designed to enable manufacturers*
24 *and other interested parties to easily identify waivers. The*
25 *website shall also include the results of routine audits to*
26 *determine data errors and Buy American law violations*

1 *after the award of a contract. The website shall provide pub-*
2 *licly available contact information for the relevant con-*
3 *tracting agencies.*

4 (b) *UTILIZATION OF EXISTING WEBSITE.—The re-*
5 *quirements of subsection (a) may be met by utilizing an*
6 *existing website, provided that the address of that website*
7 *is BuyAmerican.gov.*

8 **SEC. 70937. WAIVER TRANSPARENCY AND STREAMLINING**
9 **FOR CONTRACTS.**

10 (a) *COLLECTION OF INFORMATION.—The Adminis-*
11 *trator of General Services, in consultation with the heads*
12 *of relevant agencies, shall develop a mechanism to collect*
13 *information on requests to invoke a Buy American waiver*
14 *for a Federal contract, utilizing existing reporting require-*
15 *ments whenever possible, for purposes of providing early no-*
16 *tice of possible waivers via the website established under sec-*
17 *tion 70936.*

18 (b) *WAIVER TRANSPARENCY AND STREAMLINING.—*

19 (1) *REQUIREMENT.—Prior to granting a request*
20 *to waive a Buy American law, the head of an execu-*
21 *tive agency shall submit a request to invoke a Buy*
22 *American waiver to the Administrator of General*
23 *Services, and the Administrator of General Services*
24 *shall make the request available on or through the*

1 *public website established under section 70936 for*
2 *public comment for not less than 15 days.*

3 (2) *EXCEPTION.—The requirement under para-*
4 *graph (1) does not apply to a request for a Buy*
5 *American waiver to satisfy an urgent contracting*
6 *need in an unforeseen and exigent circumstance.*

7 (c) *INFORMATION AVAILABLE TO THE EXECUTIVE*
8 *AGENCY CONCERNING THE REQUEST.—*

9 (1) *REQUIREMENT.—No Buy American waiver*
10 *for purposes of awarding a contract may be granted*
11 *if, in contravention of subsection (b)—*

12 (A) *information about the waiver was not*
13 *made available on the website under section*
14 *70936; or*

15 (B) *no opportunity for public comment con-*
16 *cerning the request was granted.*

17 (2) *SCOPE.—Information made available to the*
18 *public concerning the request included on the website*
19 *described in section 70936 shall properly and ade-*
20 *quately document and justify the statutory basis cited*
21 *for the requested waiver. Such information shall in-*
22 *clude—*

23 (A) *a detailed justification for the use of*
24 *goods, products, or materials mined, produced,*
25 *or manufactured outside the United States;*

1 (B) for requests citing unreasonable cost as
2 the statutory basis of the waiver, a comparison
3 of the cost of the domestic product to the cost of
4 the foreign product or a comparison of the over-
5 all cost of the project with domestic products to
6 the overall cost of the project with foreign-origin
7 products or services, pursuant to the require-
8 ments of the applicable Buy American law, ex-
9 cept that publicly available cost comparison data
10 may be provided in lieu of proprietary pricing
11 information;

12 (C) for requests citing the public interest as
13 the statutory basis for the waiver, a detailed
14 written statement, which shall include all appro-
15 priate factors, such as potential obligations
16 under international agreements, justifying why
17 the requested waiver is in the public interest;
18 and

19 (D) a certification that the procurement of-
20 ficial or assistance recipient made a good faith
21 effort to solicit bids for domestic products sup-
22 ported by terms included in requests for pro-
23 posals, contracts, and nonproprietary commu-
24 nications with the prime contractor.

25 (d) *NONAVAILABILITY WAIVERS.*—

1 (1) *IN GENERAL.*—*Except as provided under*
2 *paragraph (2), for a request citing nonavailability as*
3 *the statutory basis for a Buy American waiver, an*
4 *executive agency shall provide an explanation of the*
5 *procurement official’s efforts to procure a product*
6 *from a domestic source and the reasons why a domes-*
7 *tic product was not available from a domestic source.*
8 *Those explanations shall be made available on*
9 *BuyAmerican.gov prior to the issuance of the waiver,*
10 *and the agency shall consider public comments re-*
11 *garding the availability of the product before making*
12 *a final determination.*

13 (2) *EXCEPTION.*—*An explanation under para-*
14 *graph (1) is not required for a product the nonavail-*
15 *ability of which is established by law or regulation.*

16 **SEC. 70938. COMPTROLLER GENERAL REPORT.**

17 *Not later than two years after the date of the enact-*
18 *ment of this Act, the Comptroller General of the United*
19 *States shall submit to Congress a report describing the im-*
20 *plementation of this subtitle, including recommendations*
21 *for any legislation to improve the collection and reporting*
22 *of information regarding waivers of and exceptions to Buy*
23 *American laws.*

1 **SEC. 70939. RULES OF CONSTRUCTION.**

2 (a) *DISCLOSURE REQUIREMENTS.*—*Nothing in this*
3 *subtitle shall be construed as preempting, superseding, or*
4 *otherwise affecting the application of any disclosure re-*
5 *quirement or requirements otherwise provided by law or*
6 *regulation.*

7 (b) *ESTABLISHMENT OF SUCCESSOR INFORMATION*
8 *SYSTEMS.*—*Nothing in this subtitle shall be construed as*
9 *preventing or otherwise limiting the ability of the Adminis-*
10 *trator of General Services to move the data required to be*
11 *included on the website established under subsection (a) to*
12 *a successor information system. Any such information sys-*
13 *tem shall include a reference to BuyAmerican.gov.*

14 **SEC. 70940. CONSISTENCY WITH INTERNATIONAL AGREE-**
15 **MENTS.**

16 *This subtitle shall be applied in a manner consistent*
17 *with United States obligations under international agree-*
18 *ments.*

19 **SEC. 70941. PROSPECTIVE AMENDMENTS TO INTERNAL**
20 **CROSS-REFERENCES.**

21 (a) *IN GENERAL.*—*Section 70932(1) is amended—*

22 (1) *in subparagraph (I), by striking “section*
23 *2533a” and inserting “section 4862”; and*

24 (2) *in subparagraph (J), by striking “section*
25 *2533b” and inserting “section 4863”.*

1 (b) *EFFECTIVE DATE.*—*The amendments made by sub-*
2 *section (a) shall take effect on January 1, 2022.*

3 ***Subtitle C—Make PPE in America***

4 ***SEC. 70951. SHORT TITLE.***

5 *This subtitle may be cited as the “Make PPE in Amer-*
6 *ica Act”.*

7 ***SEC. 70952. FINDINGS.***

8 *Congress makes the following findings:*

9 (1) *The COVID–19 pandemic has exposed the*
10 *vulnerability of the United States supply chains for,*
11 *and lack of domestic production of, personal protec-*
12 *tive equipment (PPE).*

13 (2) *The United States requires a robust, secure,*
14 *and wholly domestic PPE supply chain to safeguard*
15 *public health and national security.*

16 (3) *Issuing a strategy that provides the govern-*
17 *ment’s anticipated needs over the next three years will*
18 *enable suppliers to assess what changes, if any, are*
19 *needed in their manufacturing capacity to meet ex-*
20 *pected demands.*

21 (4) *In order to foster a domestic PPE supply*
22 *chain, United States industry needs a strong and*
23 *consistent demand signal from the Federal Govern-*
24 *ment providing the necessary certainty to expand*
25 *production capacity investment in the United States.*

1 (5) *In order to effectively incentivize investment*
2 *in the United States and the re-shoring of manufac-*
3 *turing, long-term contracts must be no shorter than*
4 *three years in duration.*

5 (6) *To accomplish this aim, the United States*
6 *should seek to ensure compliance with its inter-*
7 *national obligations, such as its commitments under*
8 *the World Trade Organization’s Agreement on Gov-*
9 *ernment Procurement and its free trade agreements,*
10 *including by invoking any relevant exceptions to*
11 *those agreements, especially those related to national*
12 *security and public health.*

13 (7) *The United States needs a long-term invest-*
14 *ment strategy for the domestic production of PPE*
15 *items critical to the United States national response*
16 *to a public health crisis, including the COVID–19*
17 *pandemic.*

18 **SEC. 70953. REQUIREMENT OF LONG-TERM CONTRACTS FOR**
19 **DOMESTICALLY MANUFACTURED PERSONAL**
20 **PROTECTIVE EQUIPMENT.**

21 (a) *DEFINITIONS.—In this section:*

22 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
23 *TEES.—The term “appropriate congressional commit-*
24 *tees” means—*

1 (A) *the Committee on Homeland Security*
2 *and Governmental Affairs, the Committee on*
3 *Health, Education, Labor, and Pensions, the*
4 *Committee on Finance, and the Committee on*
5 *Veterans' Affairs of the Senate; and*

6 (B) *the Committee on Homeland Security,*
7 *the Committee on Oversight and Reform, the*
8 *Committee on Energy and Commerce, the Com-*
9 *mittee on Ways and Means, and the Committee*
10 *on Veterans' Affairs of the House of Representa-*
11 *tives.*

12 (2) *COVERED SECRETARY.—The term “covered*
13 *Secretary” means the Secretary of Homeland Secu-*
14 *rity, the Secretary of Health and Human Services,*
15 *and the Secretary of Veterans Affairs.*

16 (3) *PERSONAL PROTECTIVE EQUIPMENT.—The*
17 *term “personal protective equipment” means surgical*
18 *masks, respirator masks and powered air purifying*
19 *respirators and required filters, face shields and pro-*
20 *TECTIVE eyewear, gloves, disposable and reusable sur-*
21 *gical and isolation gowns, head and foot coverings,*
22 *and other gear or clothing used to protect an indi-*
23 *vidual from the transmission of disease.*

1 (4) *UNITED STATES.*—*The term “United States”*
2 *means the 50 States, the District of Columbia, and*
3 *the possessions of the United States.*

4 (b) *CONTRACT REQUIREMENTS FOR DOMESTIC PRO-*
5 *DUCTION.*—*Beginning 90 days after the date of the enact-*
6 *ment of this Act, in order to ensure the sustainment and*
7 *expansion of personal protective equipment manufacturing*
8 *in the United States and meet the needs of the current pan-*
9 *demic response, any contract for the procurement of per-*
10 *sonal protective equipment entered into by a covered Sec-*
11 *retary, or a covered Secretary’s designee, shall—*

12 (1) *be issued for a duration of at least 2 years,*
13 *plus all option periods necessary, to incentivize in-*
14 *vestment in the production of personal protective*
15 *equipment and the materials and components thereof*
16 *in the United States; and*

17 (2) *be for personal protective equipment, includ-*
18 *ing the materials and components thereof, that is*
19 *grown, reprocessed, reused, or produced in the United*
20 *States.*

21 (c) *ALTERNATIVES TO DOMESTIC PRODUCTION.*—*The*
22 *requirement under subsection (b) shall not apply to an item*
23 *of personal protective equipment, or component or material*
24 *thereof if, after maximizing to the extent feasible sources*
25 *consistent with subsection (b), the covered Secretary—*

1 (1) *maximizes sources for personal protective*
2 *equipment that is assembled outside the United States*
3 *containing only materials and components that are*
4 *grown, reprocessed, reused, or produced in the United*
5 *States; and*

6 (2) *certifies every 120 days that it is necessary*
7 *to procure personal protective equipment under alter-*
8 *native procedures to respond to the immediate needs*
9 *of a public health emergency.*

10 *(d) AVAILABILITY EXCEPTION.—*

11 (1) *IN GENERAL.—Subsections (b) and (c) shall*
12 *not apply to an item of personal protective equip-*
13 *ment, or component or material thereof—*

14 (A) *that is, or that includes, a material list-*
15 *ed in section 25.104 of the Federal Acquisition*
16 *Regulation as one for which a non-availability*
17 *determination has been made; or*

18 (B) *as to which the covered Secretary deter-*
19 *mines that a sufficient quantity of a satisfactory*
20 *quality that is grown, reprocessed, reused, or*
21 *produced in the United States cannot be pro-*
22 *duced as, and when, needed at United States*
23 *market prices.*

24 (2) *CERTIFICATION REQUIREMENT.—The covered*
25 *Secretary shall certify every 120 days that the excep-*

1 *tion under paragraph (1) is necessary to meet the im-*
2 *mediate needs of a public health emergency.*

3 *(e) REPORT.—*

4 *(1) IN GENERAL.—Not later than 180 days after*
5 *the date of the enactment of this Act, the Director of*
6 *the Office of Management and Budget, in consultation*
7 *with the covered Secretaries, shall submit to the*
8 *chairs and ranking members of the appropriate con-*
9 *gressional committees a report on the procurement of*
10 *personal protective equipment.*

11 *(2) ELEMENTS.—The report required under*
12 *paragraph (1) shall include the following elements:*

13 *(A) The United States long-term domestic*
14 *procurement strategy for PPE produced in the*
15 *United States, including strategies to incentivize*
16 *investment in and maintain United States sup-*
17 *ply chains for all PPE sufficient to meet the*
18 *needs of the United States during a public health*
19 *emergency.*

20 *(B) An estimate of long-term demand quan-*
21 *tities for all PPE items procured by the United*
22 *States.*

23 *(C) Recommendations for congressional ac-*
24 *tion required to implement the United States*
25 *Government's procurement strategy.*

1 (D) *A determination whether all notifica-*
2 *tions, amendments, and other necessary actions*
3 *have been completed to bring the United States*
4 *existing international obligations into con-*
5 *formity with the statutory requirements of this*
6 *subtitle.*

7 (f) *AUTHORIZATION OF TRANSFER OF EQUIPMENT.—*

8 (1) *IN GENERAL.—A covered Secretary may*
9 *transfer to the Strategic National Stockpile estab-*
10 *lished under section 319F–2 of the Public Health*
11 *Service Act (42 U.S.C. 247d–6b) any excess personal*
12 *protective equipment acquired under a contract exe-*
13 *cuted pursuant to subsection (b).*

14 (2) *TRANSFER OF EQUIPMENT DURING A PUBLIC*
15 *HEALTH EMERGENCY.—*

16 (A) *AMENDMENT.—Title V of the Homeland*
17 *Security Act of 2002 (6 U.S.C. 311 et seq.) is*
18 *amended by adding at the end the following:*

19 **“SEC. 529. TRANSFER OF EQUIPMENT DURING A PUBLIC**
20 **HEALTH EMERGENCY.**

21 “(a) *AUTHORIZATION OF TRANSFER OF EQUIP-*
22 *MENT.—During a public health emergency declared by the*
23 *Secretary of Health and Human Services under section*
24 *319(a) of the Public Health Service Act (42 U.S.C.*
25 *247d(a)), the Secretary, at the request of the Secretary of*

1 *Health and Human Services, may transfer to the Depart-*
2 *ment of Health and Human Services, on a reimbursable*
3 *basis, excess personal protective equipment or medically*
4 *necessary equipment in the possession of the Department.*

5 “(b) *DETERMINATION BY SECRETARIES.*—

6 “(1) *IN GENERAL.*—*In carrying out this sec-*
7 *tion—*

8 “(A) *before requesting a transfer under sub-*
9 *section (a), the Secretary of Health and Human*
10 *Services shall determine whether the personal*
11 *protective equipment or medically necessary*
12 *equipment is otherwise available; and*

13 “(B) *before initiating a transfer under sub-*
14 *section (a), the Secretary, in consultation with*
15 *the heads of each component within the Depart-*
16 *ment, shall—*

17 “(i) *determine whether the personal*
18 *protective equipment or medically necessary*
19 *equipment requested to be transferred under*
20 *subsection (a) is excess equipment; and*

21 “(ii) *certify that the transfer of the*
22 *personal protective equipment or medically*
23 *necessary equipment will not adversely im-*
24 *part the health or safety of officers, employ-*
25 *ees, or contractors of the Department.*

1 “(2) *NOTIFICATION.*—*The Secretary of Health*
2 *and Human Services and the Secretary shall each*
3 *submit to Congress a notification explaining the de-*
4 *termination made under subparagraphs (A) and (B),*
5 *respectively, of paragraph (1).*

6 “(3) *REQUIRED INVENTORY.*—

7 “(A) *IN GENERAL.*—*The Secretary shall—*

8 “(i) *acting through the Chief Medical*
9 *Officer of the Department, maintain an in-*
10 *ventory of all personal protective equipment*
11 *and medically necessary equipment in the*
12 *possession of the Department; and*

13 “(ii) *make the inventory required*
14 *under clause (i) available, on a continual*
15 *basis, to—*

16 “(I) *the Secretary of Health and*
17 *Human Services; and*

18 “(II) *the Committee on Appro-*
19 *priations and the Committee on Home-*
20 *land Security and Governmental Af-*
21 *airs of the Senate and the Committee*
22 *on Appropriations and the Committee*
23 *on Homeland Security of the House of*
24 *Representatives.*

1 “(B) *FORM.*—Each inventory required to be
2 made available under subparagraph (A) shall be
3 submitted in unclassified form, but may include
4 a classified annex.”.

5 (B) *TABLE OF CONTENTS AMENDMENT.*—
6 The table of contents in section 1(b) of the Home-
7 land Security Act of 2002 (Public Law 107–296;
8 116 Stat. 2135) is amended by inserting after
9 the item relating to section 528 the following:

“Sec. 529. *Transfer of equipment during a public health emergency.*”.

10 (3) *STRATEGIC NATIONAL STOCKPILE.*—Section
11 319F–2(a) of the Public Health Service Act (42
12 U.S.C. 247d–6b(a)) is amended by adding at the end
13 the following:

14 “(6) *TRANSFERS OF ITEMS.*—The Secretary, in
15 coordination with the Secretary of Homeland Secu-
16 rity, may sell drugs, vaccines and other biological
17 products, medical devices, or other supplies main-
18 tained in the stockpile under paragraph (1) to a Fed-
19 eral agency or private, nonprofit, State, local, tribal,
20 or territorial entity for immediate use and distribu-
21 tion, provided that any such items being sold are—

22 “(A) within 1 year of their expiration date;

23 or

1 “(B) a group of projects (as defined in sec-
2 tion 601(a)) considered together in a single asset
3 concession or long-term lease to a concessionaire
4 by 1 or more eligible entities.

5 “(2) ASSET CONCESSION.—The term ‘asset con-
6 cession’ means a contract between an eligible entity
7 and a concessionaire—

8 “(A) under which—

9 “(i) the eligible entity agrees to enter
10 into a concession agreement or long-term
11 lease with the concessionaire relating to an
12 approved infrastructure asset owned, con-
13 trolled, or maintained by the eligible entity;

14 “(ii) as consideration for the agree-
15 ment or lease described in clause (i), the
16 concessionaire agrees—

17 “(I) to provide to the eligible enti-
18 ty 1 or more asset concession pay-
19 ments; and

20 “(II) to maintain or exceed the
21 condition, performance, and service
22 level of the approved infrastructure
23 asset, as compared to that condition,
24 performance, and service level on the

1 *date of execution of the agreement or*
2 *lease; and*

3 “(iii) *the eligible entity and the conces-*
4 *sionaire agree that the costs for a fiscal year*
5 *of the agreement or lease, and any project*
6 *carried out under the agreement or lease,*
7 *shall not be shifted to any taxpayer the an-*
8 *ual household income of whom is less than*
9 *\$400,000 per year, including through taxes,*
10 *user fees, tolls, or any other measure, for use*
11 *of an approved infrastructure asset; and*

12 “(B) *the terms of which do not include any*
13 *noncompete or exclusivity restriction (or any*
14 *other, similar restriction) on the approval of an-*
15 *other project.*

16 “(3) *ASSET CONCESSION PAYMENT.*—*The term*
17 *‘asset concession payment’ means a payment that—*

18 “(A) *is made by a concessionaire to an eli-*
19 *gible entity for fair market value that is deter-*
20 *mined as part of the asset concession; and*

21 “(B) *may be—*

22 “(i) *a payment made at the financial*
23 *close of an asset concession; or*

24 “(ii) *a series of payments scheduled to*
25 *be made for—*

1 “(I) a fixed period; or

2 “(II) the term of an asset conces-
3 sion.

4 “(4) CONCESSIONAIRE.—The term ‘conces-
5 sionaire’ means a private individual or a private or
6 publicly chartered corporation or entity that enters
7 into an asset concession with an eligible entity.

8 “(5) ELIGIBLE ENTITY.—

9 “(A) IN GENERAL.—The term ‘eligible enti-
10 ty’ means an entity described in subparagraph
11 (B) that—

12 “(i) owns, controls, or maintains an
13 approved infrastructure asset; and

14 “(ii) has the legal authority to enter
15 into a contract to transfer ownership, main-
16 tenance, operations, revenues, or other bene-
17 fits and responsibilities for an approved in-
18 frastructure asset.

19 “(B) ENTITIES DESCRIBED.—An entity re-
20ferred to in subparagraph (A) is any of the fol-
21lowing:

22 “(i) A State.

23 “(ii) A Tribal government.

24 “(iii) A unit of local government.

1 “(iv) *An agency or instrumentality of*
2 *a State, Tribal government, or unit of local*
3 *government.*

4 “(v) *A special purpose district or pub-*
5 *lic authority.*

6 “(b) *ESTABLISHMENT.—The Secretary shall establish*
7 *a program to facilitate access to expert services for, and*
8 *to provide grants to, eligible entities to enhance the tech-*
9 *nical capacity of eligible entities to facilitate and evaluate*
10 *public-private partnerships in which the private sector*
11 *partner could assume a greater role in project planning,*
12 *development, financing, construction, maintenance, and op-*
13 *eration, including by assisting eligible entities in entering*
14 *into asset concessions.*

15 “(c) *APPLICATIONS.—To be eligible to receive a grant*
16 *under this section, an eligible entity shall submit to the Sec-*
17 *retary an application at such time, in such manner, and*
18 *containing such information as the Secretary may require.*

19 “(d) *ELIGIBLE ACTIVITIES.—*

20 “(1) *TECHNICAL ASSISTANCE GRANTS.—An eligi-*
21 *ble entity may use amounts made available from a*
22 *grant under this section for technical assistance to*
23 *build the organizational capacity of the eligible entity*
24 *to develop, review, or enter into an asset concession,*
25 *including for—*

1 “(A) identifying appropriate assets or
2 projects for asset concessions;

3 “(B) soliciting and negotiating asset conces-
4 sions, including hiring staff in public agencies;

5 “(C) conducting a value-for-money analysis,
6 or a comparable analysis, to evaluate the com-
7 parative benefits of asset concessions and public
8 debt or other procurement methods;

9 “(D) evaluating options for the structure
10 and use of asset concession payments;

11 “(E) evaluating and publicly presenting the
12 risks and benefits of all contract provisions for
13 the purpose of transparency and accountability;

14 “(F) identifying best practices to protect the
15 public interest and priorities;

16 “(G) identifying best practices for man-
17 aging transportation demand and mobility along
18 a corridor, including through provisions of the
19 asset concession, to facilitate transportation de-
20 mand management strategies along the corridor
21 that is subject to the asset concession; and

22 “(H) integrating and coordinating pricing,
23 data, and fare collection with other regional op-
24 erators that exist or may be developed.

1 “(2) *EXPERT SERVICES*.—An eligible entity seek-
2 ing to leverage public and private funding in connec-
3 tion with the development of an early-stage approved
4 infrastructure asset, including in the development of
5 alternative approaches to project delivery or procure-
6 ment, may use amounts made available from a grant
7 under this section to retain the services of an expert
8 firm to provide to the eligible entity direct project
9 level assistance, which services may include—

10 “(A) project planning, feasibility studies,
11 revenue forecasting, economic assessments and
12 cost-benefit analyses, public benefit studies,
13 value-for-money analyses, business case develop-
14 ment, lifecycle cost analyses, risk assessment, fi-
15 nancing and funding options analyses, procure-
16 ment alternatives analyses, statutory and regu-
17 latory framework analyses and other pre-pro-
18 curement and pre-construction activities;

19 “(B) financial and legal planning (includ-
20 ing the identification of statutory authorization,
21 funding, and financing options);

22 “(C) early assessment of permitting, envi-
23 ronmental review, and regulatory processes and
24 costs; and

1 “(D) assistance with entering into an asset
2 concession.

3 “(e) DISTRIBUTION.—

4 “(1) MAXIMUM AMOUNT.—

5 “(A) TECHNICAL ASSISTANCE GRANTS.—

6 The maximum amount of a technical assistance
7 grant under subsection (d)(1) shall be
8 \$2,000,000.

9 “(B) EXPERT SERVICES.—The maximum
10 amount of the value of expert services retained
11 by an eligible entity under subsection (d)(2)
12 shall be \$2,000,000.

13 “(2) COST SHARING.—

14 “(A) IN GENERAL.—Except as provided in
15 subparagraph (B), the Federal share of the cost
16 of an activity carried out under this section may
17 be up to 100 percent.

18 “(B) CERTAIN PROJECTS.—If the amount of
19 the grant provided to an eligible entity under
20 this section is more than \$1,000,000, the Federal
21 share of the cost of an activity carried out using
22 grant amounts in excess of \$1,000,000 shall be
23 50 percent.

24 “(3) STATEWIDE MAXIMUM.—The aggregate
25 amount made available under this section to eligible

1 *entities within a State shall not exceed, on a cumu-*
2 *lative basis for all eligible entities within the State*
3 *during any 3-year period, \$4,000,000.*

4 “(f) *REQUIREMENTS.*—

5 “(1) *IN GENERAL.*—*The Secretary shall ensure*
6 *that, as a condition of receiving a grant under this*
7 *section, for any asset concession for which the grant*
8 *provides direct assistance—*

9 “(A) *the asset concession shall not prohibit,*
10 *discourage, or make it more difficult for an eligi-*
11 *ble entity to construct new infrastructure, to pro-*
12 *vide or expand transportation services, or to*
13 *manage associated infrastructure in publicly*
14 *beneficial ways, along a transportation corridor*
15 *or in the proximity of a transportation facility*
16 *that was a part of the asset concession;*

17 “(B) *the eligible entity shall have adopted*
18 *binding rules to publish all major business terms*
19 *of the proposed asset concession not later than*
20 *the date that is 30 days before entering into the*
21 *asset concession, to enable public review, includ-*
22 *ing a certification of public interest based on the*
23 *results of an assessment under subparagraph*
24 *(D);*

1 “(C) the asset concession shall not result in
2 displacement, job loss, or wage reduction for the
3 existing workforce of the eligible entity or other
4 public entities;

5 “(D) the eligible entity or the concessionaire
6 shall carry out a value-for-money analysis, or
7 similar assessment, to compare the aggregate
8 costs and benefits to the eligible entity of the
9 asset concession against alternative options to
10 determine whether the asset concession generates
11 additional public benefits and serves the public
12 interest;

13 “(E) the full amount of any asset concession
14 payment received by the eligible entity under the
15 asset concession, less any amount paid for trans-
16 action costs relating to the asset concession, shall
17 be used to pay infrastructure costs of the eligible
18 entity; and

19 “(F) the terms of the asset concession shall
20 not result in any increase in costs under the
21 asset concession being shifted to taxpayers the
22 annual household income of whom is less than
23 \$400,000 per year, including through taxes, user
24 fees, tolls, or any other measure, for use of an
25 approved infrastructure asset.

1 “(2) *AUDIT.*—Not later than 3 years after the
2 date on which an eligible entity enters into an asset
3 concession as a result of a grant under this section—

4 “(A) the eligible entity shall hire an inde-
5 pendent auditor to evaluate the performance of
6 the concessionaire based on the requirements de-
7 scribed in paragraph (1); and

8 “(B) the independent auditor shall submit
9 to the eligible entity, and make publicly avail-
10 able, a report describing the results of the audit
11 under subparagraph (A).

12 “(3) *TREATMENT.*—Unless otherwise provided
13 under paragraph (1), the Secretary shall not, as a
14 condition of receiving a grant under this section, pro-
15 hibit or otherwise prevent an eligible entity from en-
16 tering into, or receiving any asset concession payment
17 under, an asset concession for an approved infrastruc-
18 ture asset owned, controlled, or maintained by the eli-
19 gible entity.

20 “(4) *APPLICABILITY OF FEDERAL LAWS.*—Noth-
21 ing in this section exempts a concessionaire or an eli-
22 gible entity from a compliance obligation with respect
23 to any applicable Federal or State law that would
24 otherwise apply to the concessionaire, the eligible enti-
25 ty, or an approved infrastructure asset.

1 “(g) *FUNDING.*—

2 “(1) *IN GENERAL.*—On October 1, 2021, and on
3 each October 1 thereafter through October 1, 2025, out
4 of any funds in the Treasury not otherwise appro-
5 priated, the Secretary of the Treasury shall transfer
6 to the Secretary to carry out this section \$20,000,000,
7 to remain available until expended.

8 “(2) *RECEIPT AND ACCEPTANCE.*—The Secretary
9 shall be entitled to receive, shall accept, and shall use
10 to carry out this section the funds transferred under
11 paragraph (1), without further appropriation.”.

12 (2) *CLERICAL AMENDMENT.*—The analysis for
13 chapter 6 of title 23, United States Code, is amended
14 by adding at the end the following:

“611. *Asset concessions and innovative finance assistance.*”.

15 (b) *ASSET RECYCLING REPORT.*—Not later than Au-
16 gust 1, 2024, the Secretary shall submit to Congress a report
17 that includes—

18 (1) *an analysis of any impediments in applica-*
19 *ble laws, regulations, and practices to increased use*
20 *of public-private partnerships and private investment*
21 *in transportation improvements; and*

22 (2) *proposals for approaches that address those*
23 *impediments while continuing to protect the public*
24 *interest and any public investment in transportation*
25 *improvements.*

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 ‘alternative*
12 *fuel’ means liquefied natural gas, compressed natural*
13 *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 ‘eligible*
21 *contractor’ means a contractor that is a for-profit,*
22 *not-for-profit, or nonprofit entity that has the capac-*
23 *ity—*

24 “(A) *to sell clean school buses, zero-emission*
25 *school buses, charging or fueling infrastructure,*

1 *or other equipment needed to charge, fuel, or*
2 *maintain clean school buses or zero-emission*
3 *school buses, to individuals or entities that own*
4 *a school bus or a fleet of school buses; or*

5 *“(B) to arrange financing for such a sale.*

6 *“(5) ELIGIBLE RECIPIENT.—*

7 *“(A) IN GENERAL.—Subject to subpara-*
8 *graph (B), the term ‘eligible recipient’ means—*

9 *“(i) 1 or more local or State govern-*
10 *mental entities responsible for—*

11 *“(I) providing school bus service*
12 *to 1 or more public school systems; or*

13 *“(II) the purchase of school buses;*

14 *“(ii) an eligible contractor;*

15 *“(iii) a nonprofit school transportation*
16 *association; or*

17 *“(iv) an Indian Tribe (as defined in*
18 *section 4 of the Indian Self-Determination*
19 *and Education Assistance Act (25 U.S.C.*
20 *5304)), Tribal organization (as defined in*
21 *that section), or tribally controlled school*
22 *(as defined in section 5212 of the Tribally*
23 *Controlled Schools Act of 1988 (25 U.S.C.*
24 *2511)) that is responsible for—*

1 “(I) providing school bus service
2 to 1 or more Bureau-funded schools (as
3 defined in section 1141 of the Edu-
4 cation Amendments of 1978 (25 U.S.C.
5 2021)); or

6 “(II) the purchase of school buses.

7 “(B) SPECIAL REQUIREMENTS.—In the case
8 of eligible recipients identified under clauses (ii)
9 and (iii) of subparagraph (A), the Administrator
10 shall establish timely and appropriate require-
11 ments for notice and shall establish timely and
12 appropriate requirements for approval by the
13 public school systems that would be served by
14 buses purchased using award funds made avail-
15 able under this section.

16 “(6) HIGH-NEED LOCAL EDUCATIONAL AGEN-
17 CY.—The term ‘high-need local educational agency’
18 means a local educational agency (as defined in sec-
19 tion 8101 of the Elementary and Secondary Edu-
20 cation Act of 1965 (20 U.S.C. 7801)) that is among
21 the local educational agencies in the applicable State
22 with high percentages of children counted under sec-
23 tion 1124(c) of the Elementary and Secondary Edu-
24 cation Act of 1965 (20 U.S.C. 6333(c)), on the basis
25 of the most recent satisfactory data available, as de-

1 *terminated by the Secretary of Education (or, for a*
2 *local educational agency for which no such data is*
3 *available, such other data as the Secretary of Edu-*
4 *cation determines to be satisfactory).*

5 *“(7) SCHOOL BUS.—The term ‘school bus’ has*
6 *the meaning given the term ‘schoolbus’ in section*
7 *30125(a) of title 49, United States Code.*

8 *“(8) ZERO-EMISSION SCHOOL BUS.—The term*
9 *‘zero-emission school bus’ means a school bus that is*
10 *certified by the Administrator to have a drivetrain*
11 *that produces, under any possible operational mode or*
12 *condition, zero exhaust emission of—*

13 *“(A) any air pollutant that is listed pursu-*
14 *ant to section 108(a) of the Clean Air Act (42*
15 *U.S.C. 7408(a)) (or any precursor to such an air*
16 *pollutant); and*

17 *“(B) any greenhouse gas.*

18 *“(b) PROGRAM FOR REPLACEMENT OF EXISTING*
19 *SCHOOL BUSES WITH CLEAN SCHOOL BUSES AND ZERO-*
20 *EMISSION SCHOOL BUSES.—*

21 *“(1) ESTABLISHMENT.—The Administrator shall*
22 *establish a program—*

23 *“(A) to award grants and rebates on a com-*
24 *petitive basis to eligible recipients for the re-*

1 *placement of existing school buses with clean*
2 *school buses;*

3 “(B) *to award grants and rebates on a com-*
4 *petitive basis to eligible recipients for the re-*
5 *placement of existing school buses with zero-emis-*
6 *sion school buses;*

7 “(C) *to award contracts to eligible contrac-*
8 *tors to provide rebates for the replacement of ex-*
9 *isting school buses with clean school buses; and*

10 “(D) *to award contracts to eligible contrac-*
11 *tors to provide rebates for the replacement of ex-*
12 *isting school buses with zero-emission school*
13 *buses.*

14 “(2) *ALLOCATION OF FUNDS.—Of the amounts*
15 *made available for awards under paragraph (1) in a*
16 *fiscal year, the Administrator shall award—*

17 “(A) *50 percent to replace existing school*
18 *buses with zero-emission school buses; and*

19 “(B) *50 percent to replace existing school*
20 *buses with clean school buses and zero-emission*
21 *school buses.*

22 “(3) *CONSIDERATIONS.—In making awards*
23 *under paragraph (2)(B), the Administrator shall take*
24 *into account the following criteria and shall not give*
25 *preference to any individual criterion:*

1 “(A) *Lowest overall cost of bus replacement.*

2 “(B) *Local conditions, including the length*
3 *of bus routes and weather conditions.*

4 “(C) *Technologies that most reduce emis-*
5 *sions.*

6 “(D) *Whether funds will bring new tech-*
7 *nologies to scale or promote cost parity between*
8 *old technology and new technology.*

9 “(4) *PRIORITY OF APPLICATIONS.—In making*
10 *awards under paragraph (1), the Administrator may*
11 *prioritize applicants that—*

12 “(A) *propose to replace school buses that*
13 *serve—*

14 “(i) *a high-need local educational*
15 *agency;*

16 “(ii) *a Bureau-funded school (as de-*
17 *fin ed in section 1141 of the Education*
18 *Amendments of 1978 (25 U.S.C. 2021)); or*

19 “(iii) *a local educational agency that*
20 *receives a basic support payment under sec-*
21 *tion 7003(b)(1) of the Elementary and Sec-*
22 *ondary Education Act of 1965 (20 U.S.C.*
23 *7703(b)(1)) for children who reside on In-*
24 *dian land;*

25 “(B) *serve rural or low-income areas; or*

1 “(C) propose to complement the assistance
2 received through the award by securing addi-
3 tional sources of funding for the activities sup-
4 ported through the award, such as through—

5 “(i) public-private partnerships;

6 “(ii) grants from other entities; or

7 “(iii) issuance of school bonds.

8 “(5) *USE OF SCHOOL BUS FLEET.*—All clean
9 school buses and zero-emission school buses acquired
10 with funds provided under this section shall—

11 “(A) be operated as part of the school bus
12 fleet for which the award was made for not less
13 than 5 years;

14 “(B) be maintained, operated, and charged
15 or fueled according to manufacturer rec-
16 ommendations or State requirements; and

17 “(C) not be manufactured or retrofitted
18 with, or otherwise have installed, a power unit
19 or other technology that creates air pollution
20 within the school bus, such as an unvented diesel
21 passenger heater.

22 “(6) *AWARDS.*—

23 “(A) *IN GENERAL.*—In making awards
24 under paragraph (1), the Administrator may
25 make awards for up to 100 percent of the costs

1 *for replacement of existing school buses with*
2 *clean school buses, zero-emission school buses,*
3 *and charging or fueling infrastructure.*

4 “(B) *STRUCTURING AWARDS.—In making*
5 *an award under paragraph (1)(A), the Adminis-*
6 *trator shall decide whether to award a grant or*
7 *rebate, or a combination thereof, based primarily*
8 *on how best to facilitate replacing existing school*
9 *buses with clean school buses or zero-emission*
10 *school buses, as applicable.*

11 “(7) *DEPLOYMENT AND DISTRIBUTION.—*

12 “(A) *IN GENERAL.—The Administrator*
13 *shall—*

14 “(i) *to the maximum extent prac-*
15 *ticable, achieve nationwide deployment of*
16 *clean school buses and zero-emission school*
17 *buses through the program under this sec-*
18 *tion; and*

19 “(ii) *ensure a broad geographic dis-*
20 *tribution of awards.*

21 “(B) *LIMITATION.—The Administrator shall*
22 *ensure that the amount received by all eligible*
23 *entities in a State from grants and rebates under*
24 *this section does not exceed 10 percent of the*

1 *amounts made available to carry out this section*
2 *during a fiscal year.*

3 “(8) *ANNUAL REPORT.*—*Not later than January*
4 *31 of each year, the Administrator shall submit to*
5 *Congress a report that evaluates the implementation*
6 *of this section and describes—*

7 “(A) *the total number of applications re-*
8 *ceived;*

9 “(B) *the quantity and amount of grants*
10 *and rebates awarded and the location of the re-*
11 *ipients of the grants and rebates;*

12 “(C) *the criteria used to select the recipi-*
13 *ents; and*

14 “(D) *any other information the Adminis-*
15 *trator considers appropriate.*

16 “(c) *EDUCATION AND OUTREACH.*—

17 “(1) *IN GENERAL.*—*Not later than 120 days*
18 *after the date of enactment of the Infrastructure In-*
19 *vestment and Jobs Act, the Administrator shall de-*
20 *velop an education and outreach program to promote*
21 *and explain the award program under this section.*

22 “(2) *COORDINATION WITH STAKEHOLDERS.*—*The*
23 *education and outreach program under paragraph (1)*
24 *shall be designed and conducted in conjunction with*
25 *interested stakeholders.*

1 “(3) COMPONENTS.—*The education and outreach*
2 *program under paragraph (1) shall—*

3 “(A) *inform potential award recipients on*
4 *the process of applying for awards and fulfilling*
5 *the requirements of awards;*

6 “(B) *describe the available technologies and*
7 *the benefits of using the technologies;*

8 “(C) *explain the benefits and costs incurred*
9 *by participating in the award program;*

10 “(D) *make available information regarding*
11 *best practices, lessons learned, and technical and*
12 *other information regarding—*

13 “(i) *clean school bus and zero-emission*
14 *school bus acquisition and deployment;*

15 “(ii) *the build-out of associated infra-*
16 *structure and advance planning with the*
17 *local electricity supplier;*

18 “(iii) *workforce development, training,*
19 *and Registered Apprenticeships that meet*
20 *the requirements under parts 29 and 30 of*
21 *title 29, Code of Federal Regulations (as in*
22 *effect on December 1, 2019); and*

23 “(iv) *any other information that is*
24 *necessary, as determined by the Adminis-*
25 *trator; and*

1 “(E) include, as appropriate, information
2 from the annual report required under subsection
3 (b)(7).

4 “(d) ADMINISTRATIVE COSTS.—The Administrator
5 may use, for the administrative costs of carrying out this
6 section, not more than 3 percent of the amounts made avail-
7 able to carry out this section for any fiscal year.

8 “(e) REGULATIONS.—The Administrator shall have the
9 authority to issue such regulations or other guidance, forms,
10 instructions, and publications as may be necessary or ap-
11 propriate to carry out the programs, projects, or activities
12 authorized under this section, including to ensure that such
13 programs, projects, or activities are completed in a timely
14 and effective manner, result in emissions reductions, and
15 maximize public health benefits.

16 “(f) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to the Administrator to carry
18 out this section, to remain available until expended,
19 \$1,000,000,000 for each of fiscal years 2022 through 2026,
20 of which—

21 “(1) \$500,000,000 shall be made available for the
22 adoption of clean school buses and zero-emission
23 school buses; and

24 “(2) \$500,000,000 shall be made available for the
25 adoption of zero-emission school buses.”.

1 **SEC. 71102. ELECTRIC OR LOW-EMITTING FERRY PILOT**
2 **PROGRAM.**

3 (a) *DEFINITIONS.—In this section:*

4 (1) *ALTERNATIVE FUEL.—The term “alternative*
5 *fuel” means—*

6 (A) *methanol, denatured ethanol, and other*
7 *alcohols;*

8 (B) *a mixture containing at least 85 per-*
9 *cent of methanol, denatured ethanol, and other*
10 *alcohols by volume with gasoline or other fuels;*

11 (C) *natural gas;*

12 (D) *liquefied petroleum gas;*

13 (E) *hydrogen;*

14 (F) *fuels (except alcohol) derived from bio-*
15 *logical materials;*

16 (G) *electricity (including electricity from*
17 *solar energy); and*

18 (H) *any other fuel the Secretary prescribes*
19 *by regulation that is not substantially petroleum*
20 *and that would yield substantial energy security*
21 *and environmental benefits.*

22 (2) *ELECTRIC OR LOW-EMITTING FERRY.—The*
23 *term “electric or low-emitting ferry” means a ferry*
24 *that reduces emissions by utilizing alternative fuels or*
25 *onboard energy storage systems and related charging*

1 *infrastructure to reduce emissions or produce zero on-*
2 *board emissions under normal operation.*

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

5 (b) *ESTABLISHMENT.*—*The Secretary shall carry out*
6 *a pilot program to provide grants for the purchase of elec-*
7 *tric or low-emitting ferries and the electrification of or other*
8 *reduction of emissions from existing ferries.*

9 (c) *REQUIREMENT.*—*In carrying out the pilot pro-*
10 *gram under this section, the Secretary shall ensure that—*

11 (1) *not less than 1 grant under this section shall*
12 *be for a ferry service that serves the State with the*
13 *largest number of Marine Highway System miles;*
14 *and*

15 (2) *not less than 1 grant under this section shall*
16 *be for a bi-State ferry service—*

17 (A) *with an aging fleet; and*

18 (B) *whose development of zero and low*
19 *emission power source ferries will propose to ad-*
20 *vance the state of the technology toward increas-*
21 *ing the range and capacity of zero emission*
22 *power source ferries.*

23 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There is*
24 *authorized to be appropriated to the Secretary to carry out*

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

3 **SEC. 71103. FERRY SERVICE FOR RURAL COMMUNITIES.**

4 (a) *DEFINITIONS.—In this section:*

5 (1) *BASIC ESSENTIAL FERRY SERVICE.—The*
6 *term “basic essential ferry service” means scheduled*
7 *ferry transportation service.*

8 (2) *ELIGIBLE SERVICE.—The term “eligible serv-*
9 *ice” means a ferry service that—*

10 (A) *operated a regular schedule at any time*
11 *during the 5-year period ending on March 1,*
12 *2020; and*

13 (B) *served not less than 2 rural areas lo-*
14 *cated more than 50 sailing miles apart.*

15 (3) *RURAL AREA.—The term “rural area” has*
16 *the meaning given the term in section 5302 of title*
17 *49, United States Code.*

18 (4) *SECRETARY.—The term “Secretary” means*
19 *the Secretary of Transportation.*

20 (b) *ESTABLISHMENT.—The Secretary shall establish a*
21 *program to ensure that basic essential ferry service is pro-*
22 *vided to rural areas by providing funds to States to provide*
23 *such basic essential ferry service.*

24 (c) *PROGRAM CRITERIA.—The Secretary shall estab-*
25 *lish requirements and criteria for participation in the pro-*

1 *gram under this section, including requirements for the pro-*
2 *vision of funds to States.*

3 (d) *WAIVERS.—The Secretary shall establish criteria*
4 *for the waiver of any requirement under this section.*

5 (e) *TREATMENT.—*

6 (1) *NOT ATTRIBUTABLE TO URBANIZED*
7 *AREAS.—An eligible service that receives funds from*
8 *a State under this section shall not be attributed to*
9 *an urbanized area for purposes of apportioning funds*
10 *under chapter 53 of title 49, United States Code.*

11 (2) *NO RECEIPT OF CERTAIN APPORTIONED*
12 *FUNDS.—An eligible service that receives funds from*
13 *a State under this section shall not receive funds ap-*
14 *portioned under section 5336 or 5337 of title 49,*
15 *United States Code, in the same fiscal year.*

16 (f) *FUNDING.—There is authorized to be appropriated*
17 *to the Secretary to carry out this section \$200,000,000 for*
18 *each of fiscal years 2022 through 2026.*

19 (g) *OPERATING COSTS.—*

20 (1) *Section 147 of title 23, United States Code,*
21 *is amended by adding at the end the following:*

22 “(k) *ADDITIONAL USES.—Notwithstanding any other*
23 *provision of law, in addition to other uses of funds under*
24 *this section, an eligible entity may use amounts made avail-*

1 *able under this section to pay the operating costs of the eli-*
 2 *gible entity.”.*

3 (2) *Section 218(c) of title 23, United States Code*
 4 *(as amended by section 11116 of division A), is*
 5 *amended by inserting “operation, repair,” after “pur-*
 6 *chase,”.*

7 **SEC. 71104. EXPANDING THE FUNDING AUTHORITY FOR**
 8 **RENOVATING, CONSTRUCTING, AND EXPAND-**
 9 **ING CERTAIN FACILITIES.**

10 *Section 509 of the Indian Health Care Improvement*
 11 *Act (25 U.S.C. 1659) is amended—*

12 (1) *by striking “minor” before “renovations”;*
 13 *and*

14 (2) *by striking “, to assist” and all that follows*
 15 *through “standards”.*

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 In-*
 22 *ternal Revenue Code of 1986 is amended—*

23 (1) *by striking “October 1, 2021” in subsections*
 24 *(b)(6)(B), (c)(1), and (e)(3) and inserting “October 1,*
 25 *2026”, and*

1 (2) by striking “Continuing Appropriations Act,
2 2021 and Other Extensions Act” in subsections (c)(1)
3 and (e)(3) and inserting “Infrastructure Investment
4 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, 2026”.

16 **SEC. 80102. EXTENSION OF HIGHWAY-RELATED TAXES.**

17 (a) *IN GENERAL.*—

18 (1) Each of the following provisions of the Inter-
19 nal Revenue Code of 1986 is amended by striking
20 “September 30, 2022” and inserting “September 30,
21 2028”:

22 (A) Section 4041(a)(1)(C)(iii)(I).

23 (B) Section 4041(m)(1)(B).

24 (C) Section 4081(d)(1).

1 (2) *Each of the following provisions of such Code*
2 *is amended by striking “October 1, 2022” and insert-*
3 *ing “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 the*
10 *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) of*
15 *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 inserting*
21 *“January 1, 2029”.*

22 (d) *EXTENSION OF CERTAIN EXEMPTIONS.—*

23 (1) *Section 4221(a) of the Internal Revenue Code*
24 *of 1986 is amended by striking “October 1, 2022” and*
25 *inserting “October 1, 2028”.*

1 (2) *Section 4483(i) of such Code is amended by*
2 *striking “October 1, 2023” and inserting “October 1,*
3 *2029”.*

4 *(e) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—*

5 (1) *IN GENERAL.—Section 9503 of the Internal*
6 *Revenue Code of 1986 is amended—*

7 (A) *in subsection (b)—*

8 (i) *by striking “October 1, 2022” each*
9 *place it appears in paragraphs (1) and (2)*
10 *and inserting “October 1, 2028”;*

11 (ii) *by striking “OCTOBER 1, 2022” in*
12 *the heading of paragraph (2) and inserting*
13 *“OCTOBER 1, 2028”;*

14 (iii) *by striking “September 30, 2022”*
15 *in paragraph (2) and inserting “September*
16 *30, 2028”;* and

17 (iv) *by striking “July 1, 2023” in*
18 *paragraph (2) and inserting “July 1,*
19 *2029”;* and

20 (B) *in subsection (c)(2), by striking “July*
21 *1, 2023” and inserting “July 1, 2029”.*

22 (2) *MOTORBOAT AND SMALL-ENGINE FUEL TAX*
23 *TRANSFERS.—*

24 (A) *IN GENERAL.—Paragraphs (3)(A)(i)*
25 *and (4)(A) of section 9503(c) of such Code are*

1 each amended by striking “October 1, 2022” and
2 inserting “October 1, 2028”.

3 (B) *CONFORMING AMENDMENTS TO LAND*
4 *AND WATER CONSERVATION FUND.*—Section
5 200310 of title 54, United States Code, is
6 amended—

7 (i) by striking “October 1, 2023” each
8 place it appears and inserting “October 1,
9 2029”; and

10 (ii) by striking “October 1, 2022” and
11 inserting “October 1, 2028”.

12 (f) *EFFECTIVE DATE.*—The amendments made by this
13 section shall take effect on October 1, 2021.

14 **SEC. 80103. FURTHER ADDITIONAL TRANSFERS TO TRUST**
15 **FUND.**

16 Subsection (f) of section 9503 of the Internal Revenue
17 Code of 1986 is amended by redesignating paragraph (11)
18 as paragraph (12) and inserting after paragraph (10) the
19 following new paragraph:

20 “(11) *FURTHER TRANSFERS TO TRUST FUND.*—

21 Out of money in the Treasury not otherwise appro-
22 priated, there is hereby appropriated—

23 “(A) \$90,000,000,000 to the Highway Ac-
24 count (as defined in subsection (e)(5)(B)) in the
25 Highway Trust Fund; and

1 “(B) \$28,000,000,000 to the Mass Transit
2 Account in the Highway Trust Fund.”.

3 **TITLE II—CHEMICAL**
4 **SUPERFUND**

5 **SEC. 80201. EXTENSION AND MODIFICATION OF CERTAIN**
6 **SUPERFUND EXCISE TAXES.**

7 (a) *EXTENSION.*—

8 (1) *IN GENERAL.*—Section 4661(c) of the Inter-
9 nal Revenue Code of 1986 is amended to read as fol-
10 lows:

11 “(c) *TERMINATION.*—No tax shall be imposed by this
12 section after December 31, 2031.”.

13 (2) *IMPORTED SUBSTANCES.*—Section 4671(e) of
14 the Internal Revenue Code of 1986 is amended to read
15 as follows:

16 “(e) *TERMINATION.*—No tax shall be imposed by this
17 section after December 31, 2031.”.

18 (b) *MODIFICATION OF RATES.*—

19 (1) *IN GENERAL.*—Section 4661(b) of the Inter-
20 nal Revenue Code of 1986 is amended to read as fol-
21 lows:

22 “(b) *AMOUNT OF TAX.*—The amount of tax imposed
23 by subsection (a) shall be determined in accordance with
24 the following table:

<i>“In the case of:</i>	<i>The tax is the following amount per ton:</i>
<i>Acetylene</i>	\$9.74
<i>Benzene</i>	9.74
<i>Butane</i>	9.74
<i>Butylene</i>	9.74
<i>Butadiene</i>	9.74
<i>Ethylene</i>	9.74
<i>Methane</i>	6.88
<i>Napthalene</i>	9.74
<i>Propylene</i>	9.74
<i>Toluene</i>	9.74
<i>Xylene</i>	9.74
<i>Ammonia</i>	5.28
<i>Antimony</i>	8.90
<i>Antimony trioxide</i>	7.50
<i>Arsenic</i>	8.90
<i>Arsenic trioxide</i>	6.82
<i>Barium sulfide</i>	4.60
<i>Bromine</i>	8.90
<i>Cadmium</i>	8.90
<i>Chlorine</i>	5.40
<i>Chromium</i>	8.90
<i>Chromite</i>	3.04
<i>Potassium dichromate</i>	3.38
<i>Sodium dichromate</i>	3.74
<i>Cobalt</i>	8.90
<i>Cupric sulfate</i>	3.74
<i>Cupric oxide</i>	7.18
<i>Cuprous oxide</i>	7.94
<i>Hydrochloric acid</i>	0.58
<i>Hydrogen fluoride</i>	8.46
<i>Lead oxide</i>	8.28
<i>Mercury</i>	8.90
<i>Nickel</i>	8.90
<i>Phosphorus</i>	8.90
<i>Stannous chloride</i>	5.70
<i>Stannic chloride</i>	4.24
<i>Zinc chloride</i>	4.44
<i>Zinc sulfate</i>	3.80
<i>Potassium hydroxide</i>	0.44
<i>Sodium hydroxide</i>	0.56
<i>Sulfuric acid</i>	0.52
<i>Nitric acid</i>	0.48.”.

1 (2) *RATE ON TAXABLE SUBSTANCES WHERE IM-*
2 *PORTER DOES NOT FURNISH INFORMATION TO THE*
3 *SECRETARY.—Section 4671(b)(2) of such Code is*

1 *amended by striking “5 percent” and inserting “10*
2 *percent”.*

3 *(c) RULES RELATING TO TAXABLE SUBSTANCES.—*

4 *(1) MODIFICATION OF DETERMINATION OF TAX-*
5 *ABLE SUBSTANCES.—Section 4672(a)(2)(B) of the In-*
6 *ternal Revenue Code of 1986 is amended by striking*
7 *“50 percent” each place it appears and inserting “20*
8 *percent”.*

9 *(2) PRESUMPTION AS A TAXABLE SUBSTANCE*
10 *FOR PRIOR DETERMINATIONS.—Except as otherwise*
11 *determined by the Secretary of the Treasury (or the*
12 *Secretary’s delegate), any substance which was deter-*
13 *mined to be a taxable substance by reason of section*
14 *4672(a)(2) of the Internal Revenue Code of 1986 prior*
15 *to the date of enactment of this Act shall continue to*
16 *be treated as a taxable substance for purposes of such*
17 *section after such date.*

18 *(3) PUBLICATION OF INITIAL LIST.—Not later*
19 *than January 1, 2022, the Secretary of the Treasury*
20 *(or the Secretary’s delegate) shall publish an initial*
21 *list of taxable substances under section 4672(a) of the*
22 *Internal Revenue Code of 1986.*

23 *(d) EFFECTIVE DATE.—The amendments made by this*
24 *section shall take effect on July 1, 2022.*

1 TITLE III—CUSTOMS USER FEES**2 SEC. 80301. EXTENSION OF CUSTOMS USER FEES.**

3 (a) *IN GENERAL.*—Section 13031(j)(3) of the Consoli-
4 dated Omnibus Budget Reconciliation Act of 1985 (19
5 U.S.C. 58c(j)(3)) is amended—

6 (1) in subparagraph (A), by striking “September
7 30, 2030” and inserting “September 30, 2031”; and

8 (2) in subparagraph (B)(i), by striking “Sep-
9 tember 30, 2030” and inserting “September 30,
10 2031”.

11 (b) *RATE FOR MERCHANDISE PROCESSING FEES.*—
12 Section 503 of the United States-Korea Free Trade Agree-
13 ment Implementation Act (Public Law 112–41; 19 U.S.C.
14 3805 note) is amended by striking “September 30, 2030”
15 and inserting “September 30, 2031”.

16 TITLE IV—BOND PROVISIONS**17 SEC. 80401. PRIVATE ACTIVITY BONDS FOR QUALIFIED
18 BROADBAND PROJECTS.**

19 (a) *IN GENERAL.*—Section 142(a) of the Internal Rev-
20 enue Code of 1986 is amended by striking “or” at the end
21 of paragraph (14), by striking the period at the end of para-
22 graph (15) and inserting “, or”, and by adding at the end
23 the following new paragraph:

24 “(16) qualified broadband projects.”.

1 **(b) QUALIFIED BROADBAND PROJECTS.**—Section 142
2 *of such Code is amended by adding at the end the following*
3 *new subsection:*

4 “(n) **QUALIFIED BROADBAND PROJECT.**—

5 “(1) **IN GENERAL.**—For purposes of subsection
6 *(a)(16), the term ‘qualified broadband project’ means*
7 *any project which—*

8 “(A) *is designed to provide broadband serv-*
9 *ice solely to 1 or more census block groups in*
10 *which more than 50 percent of residential house-*
11 *holds do not have access to fixed, terrestrial*
12 *broadband service which delivers at least 25*
13 *megabits per second downstream and at least 3*
14 *megabits service upstream, and*

15 “(B) *results in internet access to residential*
16 *locations, commercial locations, or a combina-*
17 *tion of residential and commercial locations at*
18 *speeds not less than 100 megabits per second for*
19 *downloads and 20 megabits for second for*
20 *uploads, but only if at least 90 percent of the lo-*
21 *cations provided such access under the project*
22 *are locations where, before the project, a*
23 *broadband service provider—*

24 “(i) *did not provide service, or*

1 “(ii) did not provide service meeting
2 the minimum speed requirements described
3 in subparagraph (A).

4 “(2) NOTICE TO BROADBAND PROVIDERS.—A
5 project shall not be treated as a qualified broadband
6 project unless, before the issue date of any issue the
7 proceeds of which are to be used to fund the project,
8 the issuer—

9 “(A) notifies each broadband service pro-
10 vider providing broadband service in the area
11 within which broadband services are to be pro-
12 vided under the project of the project and its in-
13 tended scope,

14 “(B) includes in such notice a request for
15 information from each such provider with re-
16 spect to the provider’s ability to deploy, manage,
17 and maintain a broadband network capable of
18 providing gigabit capable Internet access to resi-
19 dential or commercial locations, and

20 “(C) allows each such provider at least 90
21 days to respond to such notice and request.”.

22 (c) PARTIAL EXCEPTION FROM VOLUME CAP.—

23 (1) IN GENERAL.—Section 146(g) of the Internal
24 Revenue Code of 1986 is amended by striking “and”
25 at the end of paragraph (3), by striking the period at

1 *the end of paragraph (4) and inserting “, and”, and*
2 *by inserting immediately after paragraph (4) the fol-*
3 *lowing new paragraph:*

4 *“(5) 75 percent of any exempt facility bond*
5 *issued as part of an issue described in paragraph (16)*
6 *of section 142(a) (relating to qualified broadband*
7 *projects).”.*

8 *(2) GOVERNMENT-OWNED PROJECTS.—The last*
9 *sentence of section 146(g) of such Code is amended by*
10 *striking “Paragraph (4)” and inserting “Paragraphs*
11 *(4) and (5)”.*

12 *(d) EFFECTIVE DATE.—The amendments made by this*
13 *section shall apply to obligations issued in calendar years*
14 *beginning after the date of the enactment of this Act.*

15 **SEC. 80402. CARBON DIOXIDE CAPTURE FACILITIES.**

16 *(a) IN GENERAL.—Section 142(a) of the Internal Rev-*
17 *enue Code of 1986, as amended by section 80401, is amend-*
18 *ed by striking “or” at the end of paragraph (15), by strik-*
19 *ing the period at the end of paragraph (16) and inserting*
20 *“, or”, and by adding at the end the following new para-*
21 *graph:*

22 *“(17) qualified carbon dioxide capture facili-*
23 *ties.”.*

24 *(b) QUALIFIED CARBON DIOXIDE CAPTURE FACILI-*
25 *TIES.—Section 142 of such Code, as amended by section*

1 80401, is amended by adding at the end the following new
2 subsection:

3 “(o) *QUALIFIED CARBON DIOXIDE CAPTURE FACIL-*
4 *ITY.*—

5 “(1) *IN GENERAL.*—*For purposes of subsection*
6 *(a)(17), the term ‘qualified carbon dioxide capture fa-*
7 *cility’ means—*

8 “(A) *the eligible components of an indus-*
9 *trial carbon dioxide facility, and*

10 “(B) *a direct air capture facility (as de-*
11 *finied in section 45Q(e)(1)).*

12 “(2) *DEFINITIONS.*—*For purposes of this sub-*
13 *section:*

14 “(A) *ELIGIBLE COMPONENT.*—

15 “(i) *IN GENERAL.*—*The term ‘eligible*
16 *component’ means any equipment which is*
17 *installed in an industrial carbon dioxide fa-*
18 *cility that satisfies the requirements under*
19 *paragraph (3) and which is—*

20 “(I) *used for the purpose of cap-*
21 *ture, treatment and purification, com-*
22 *pression, transportation, or on-site*
23 *storage of carbon dioxide produced by*
24 *the industrial carbon dioxide facility,*
25 *or*

1 “(II) *integral or functionally re-*
2 *lated and subordinate to a process*
3 *which converts a solid or liquid prod-*
4 *uct from coal, petroleum residue, bio-*
5 *mass, or other materials which are re-*
6 *covered for their energy or feedstock*
7 *value into a synthesis gas composed*
8 *primarily of carbon dioxide and hy-*
9 *drogen for direct use or subsequent*
10 *chemical or physical conversion.*

11 “(ii) *DEFINITIONS.—For purposes of*
12 *this subparagraph—*

13 “(I) *BIOMASS.—*

14 “(aa) *IN GENERAL.—The*
15 *term ‘biomass’ means any—*

16 “(AA) *agricultural or*
17 *plant waste,*

18 “(BB) *byproduct of*
19 *wood or paper mill oper-*
20 *ations, including lignin in*
21 *spent pulping liquors, and*

22 “(CC) *other products of*
23 *forestry maintenance.*

1 “(bb) *EXCLUSION.*—*The term*
2 *‘biomass’ does not include paper*
3 *which is commonly recycled.*

4 “(II) *COAL.*—*The term ‘coal’*
5 *means anthracite, bituminous coal,*
6 *subbituminous coal, lignite, and peat.*

7 “(B) *INDUSTRIAL CARBON DIOXIDE FACIL-*
8 *ITY.*—

9 “(i) *IN GENERAL.*—*Except as provided*
10 *in clause (ii), the term ‘industrial carbon*
11 *dioxide facility’ means a facility that emits*
12 *carbon dioxide (including from any fugitive*
13 *emissions source) that is created as a result*
14 *of any of the following processes:*

15 “(I) *Fuel combustion.*

16 “(II) *Gasification.*

17 “(III) *Bioindustrial.*

18 “(IV) *Fermentation.*

19 “(V) *Any manufacturing industry*
20 *relating to—*

21 “(aa) *chemicals,*

22 “(bb) *fertilizers,*

23 “(cc) *glass,*

24 “(dd) *steel,*

25 “(ee) *petroleum residues,*

1 “(ff) forest products,

2 “(gg) agriculture, including
3 feedlots and dairy operations, and

4 “(hh) transportation grade
5 liquid fuels.

6 “(ii) *EXCEPTIONS.*—For purposes of
7 clause (i), an industrial carbon dioxide fa-
8 cility shall not include—

9 “(I) any geological gas facility, or

10 “(II) any air separation unit
11 that—

12 “(aa) does not qualify as
13 gasification equipment, or

14 “(bb) is not a necessary com-
15 ponent of an oxy-fuel combustion
16 process.

17 “(iii) *DEFINITIONS.*—For purposes of
18 this subparagraph—

19 “(I) *PETROLEUM RESIDUE.*—The
20 term ‘petroleum residue’ means the
21 carbonized product of high-boiling hy-
22 drocarbon fractions obtained in petro-
23 leum processing.

1 “(II) *GEOLOGICAL GAS FACIL-*
2 *ITY.—The term ‘geological gas facility’*
3 *means a facility that—*

4 “(aa) *produces a raw prod-*
5 *uct consisting of gas or mixed gas*
6 *and liquid from a geological for-*
7 *mation,*

8 “(bb) *transports or removes*
9 *impurities from such product, or*

10 “(cc) *separates such product*
11 *into its constituent parts.*

12 “(3) *SPECIAL RULE FOR FACILITIES WITH LESS*
13 *THAN 65 PERCENT CAPTURE AND STORAGE PERCENT-*
14 *AGE.—*

15 “(A) *IN GENERAL.—Subject to subpara-*
16 *graph (B), the eligible components of an indus-*
17 *trial carbon dioxide facility satisfies the require-*
18 *ments of this paragraph if such eligible compo-*
19 *nents are designed to have a capture and storage*
20 *percentage (as determined under subparagraph*
21 *(C)) that is equal to or greater than 65 percent.*

22 “(B) *EXCEPTION.—In the case of an indus-*
23 *trial carbon dioxide facility designed with a cap-*
24 *ture and storage percentage that is less than 65*
25 *percent, the percentage of the cost of the eligible*

1 *components installed in such facility that may*
2 *be financed with tax-exempt bonds may not be*
3 *greater than the designed capture and storage*
4 *percentage.*

5 “(C) *CAPTURE AND STORAGE PERCENT-*
6 *AGE.—*

7 “(i) *IN GENERAL.—Subject to clause*
8 *(ii), the capture and storage percentage*
9 *shall be an amount, expressed as a percent-*
10 *age, equal to the quotient of—*

11 “(I) *the total metric tons of car-*
12 *bon dioxide designed to be annually*
13 *captured, transported, and injected*
14 *into—*

15 “(aa) *a facility for geologic*
16 *storage, or*

17 “(bb) *an enhanced oil or gas*
18 *recovery well followed by geologic*
19 *storage, divided by*

20 “(II) *the total metric tons of car-*
21 *bon dioxide which would otherwise be*
22 *released into the atmosphere each year*
23 *as industrial emission of greenhouse*
24 *gas if the eligible components were not*

1 *installed in the industrial carbon diox-*
2 *ide facility.*

3 “(ii) *LIMITED APPLICATION OF ELIGI-*
4 *BLE COMPONENTS.—In the case of eligible*
5 *components that are designed to capture*
6 *carbon dioxide solely from specific sources*
7 *of emissions or portions thereof within an*
8 *industrial carbon dioxide facility, the cap-*
9 *ture and storage percentage under this sub-*
10 *paragraph shall be determined based only*
11 *on such specific sources of emissions or por-*
12 *tions thereof.*

13 “(4) *REGULATIONS.—The Secretary shall issue*
14 *such regulations or other guidance as are necessary to*
15 *carry out the provisions of this subsection, including*
16 *methods for determining costs attributable to an eligi-*
17 *ble component for purposes of paragraph (3)(A).”.*

18 “(c) *VOLUME CAP.—Section 146(g) of such Code, as*
19 *amended by section 80401, is amended by striking “and”*
20 *at the end of paragraph (4), by striking the period at the*
21 *end of paragraph (5) and inserting “, and”, and by insert-*
22 *ing immediately after paragraph (5) the following new*
23 *paragraph:*

24 “(6) *75 percent of any exempt facility bond*
25 *issued as part of an issue described in paragraph (17)*

1 of section 142(a) (relating to qualified carbon dioxide
2 capture facilities).”.

3 (d) *CLARIFICATION OF PRIVATE BUSINESS USE.*—Sec-
4 tion 141(b)(6) of such Code is amended by adding at the
5 end the following new subparagraph:

6 “(C) *CLARIFICATION RELATING TO QUALI-*
7 *FIED CARBON DIOXIDE CAPTURE FACILITIES.*—
8 *For purposes of this subsection, the sale of carbon*
9 *dioxide produced by a qualified carbon dioxide*
10 *capture facility (as defined in section 142(o))*
11 *which is owned by a governmental unit shall not*
12 *constitute private business use.”.*

13 (e) *COORDINATION WITH CREDIT FOR CARBON OXIDE*
14 *SEQUESTRATION.*—Section 45Q(f) of such Code is amended
15 by adding at the end the following new paragraph:

16 “(3) *CREDIT REDUCED FOR CERTAIN TAX-EX-*
17 *EMPT BONDS.*—*The amount of the credit determined*
18 *under subsection (a) with respect to any project for*
19 *any taxable year shall be reduced by the amount*
20 *which is the product of the amount so determined for*
21 *such year and the lesser of 1/2 or a fraction—*

22 “(A) *the numerator of which is the sum, for*
23 *the taxable year and all prior taxable years, of*
24 *the proceeds from an issue described in section*
25 *142(a)(17) used to provide financing for the*

1 *project the interest on which is exempt from tax*
2 *under section 103, and*

3 “(B) *the denominator of which is the aggregate*
4 *amount of additions to the capital account*
5 *for the project for the taxable year and all prior*
6 *taxable years.*”

7 *The amounts under the preceding sentence for any*
8 *taxable year shall be determined as of the close of the*
9 *taxable year.”.*

10 (f) *EFFECTIVE DATE.*—*The amendments made by this*
11 *section shall apply to obligations issued after December 31,*
12 *2021.*

13 **SEC. 80403. INCREASE IN NATIONAL LIMITATION AMOUNT**
14 **FOR QUALIFIED HIGHWAY OR SURFACE**
15 **FREIGHT TRANSPORTATION FACILITIES.**

16 (a) *IN GENERAL.*—*Section 142(m)(2)(A) of the Inter-*
17 *nal Revenue Code of 1986 is amended by striking*
18 *“\$15,000,000,000” and inserting “\$30,000,000,000”.*

19 (b) *EFFECTIVE DATE.*—*The amendment made by this*
20 *section shall apply to bonds issued after the date of the en-*
21 *actment of this Act.*

1 **TITLE V—RELIEF FOR TAX-**
2 **PAYERS AFFECTED BY DISAS-**
3 **TERS OR OTHER CRITICAL**
4 **EVENTS**

5 **SEC. 80501. MODIFICATION OF AUTOMATIC EXTENSION OF**
6 **CERTAIN DEADLINES IN THE CASE OF TAX-**
7 **PAYERS AFFECTED BY FEDERALLY DECLARED**
8 **DISASTERS.**

9 (a) *IN GENERAL.*—Section 7508A(d) of the Internal
10 Revenue Code of 1986 is amended—

11 (1) *in paragraph (1)*—

12 (A) *by striking “the latest incident date so*
13 *specified” in subparagraph (B) and inserting*
14 *“the later of such earliest incident date described*
15 *in subparagraph (A) or the date such declaration*
16 *was issued”, and*

17 (B) *by striking “in the same manner as a*
18 *period specified under subsection (a)” and in-*
19 *serting “in determining, under the internal rev-*
20 *enue laws, in respect of any tax liability of such*
21 *qualified taxpayer, whether any of the acts de-*
22 *scribed in subparagraphs (A) through (F) of sec-*
23 *tion 7508(a)(1) were performed within the time*
24 *prescribed therefor (determined without regard to*
25 *extension under any other provision of this sub-*

1 *title for periods after the date determined under*
2 *subparagraph (B))”*,

3 *(2) by striking paragraph (3) and inserting the*
4 *following:*

5 “(3) *DISASTER AREA.*—*For purposes of this sub-*
6 *section, the term ‘disaster area’ means an area in*
7 *which a major disaster for which the President pro-*
8 *vides financial assistance under section 408 of the*
9 *Robert T. Stafford Disaster Relief and Emergency As-*
10 *istance Act (42 U.S.C. 5174) occurs.”*, and

11 *(3) by adding at the end the following:*

12 “(6) *MULTIPLE DECLARATIONS.*—*For purposes*
13 *of paragraph (1), in the case of multiple declarations*
14 *relating to a disaster area which are issued within a*
15 *60-day period, a separate period shall be determined*
16 *under such paragraph with respect to each such dec-*
17 *laration.”*.

18 *(b) EFFECTIVE DATE.*—*The amendment made by this*
19 *section shall apply to federally declared disasters declared*
20 *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 the
11 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 this
15 section shall apply to any period for performing an act
16 which has not expired before the date of the enactment of
17 this Act.

18 **SEC. 80503. TOLLING OF TIME FOR FILING A PETITION WITH**
19 **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) *FEEES.*—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
5 location 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 in-
9 accessibility 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 Court,

13 or

14 “(B) any on-line portal made available by
15 the Tax Court for electronic filing of petitions.”.

16 (b) *CONFORMING AMENDMENTS.*—

17 (1) The heading for section 7451 of the Internal
18 Revenue Code of 1986 is amended by striking “**FEE**
19 **FOR FILING PETITION**” and inserting “**PETI-**
20 **TIONS**”.

21 (2) The item in the table of contents for part II
22 of subchapter C of chapter 76 of such Code is amend-
23 ed by striking “Fee for filing petition” and inserting
24 “Petitions”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to petitions required to be timely filed*
3 *(determined without regard to the amendments made by*
4 *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 Rev-*
8 *enue Code of 1986 is amended—*

9 (1) *by inserting “, a significant fire,” after “fed-*
10 *erally 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 section,*
17 *the term ‘significant fire’ means any fire with respect to*
18 *which assistance is provided under section 420 of the Robert*
19 *T. Stafford Disaster Relief and Emergency Assistance*
20 *Act.”.*

21 (b) *CONFORMING AMENDMENTS.*—

22 (1) *The heading of section 7508A of the Internal*
23 *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 amend-*
5 *ed by striking “Presidentially declared disaster” and*
6 *inserting “Federally declared disaster, significant*
7 *fire,”.*

8 (c) *EFFECTIVE DATE.*—*The amendments made by this*
9 *section shall apply to fires for which assistance is provided*
10 *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 CORPORA-** 14 **TION.**

15 (a) *IN GENERAL.*—*Section 118 of the Internal Revenue*
16 *Code of 1986 is amended—*

17 (1) *in subsection (b), by inserting “except as pro-*
18 *vided in subsection (c),” after “For purposes of sub-*
19 *section (a),”*

20 (2) *by redesignating subsection (d) as subsection*
21 *(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 sec-*
2 *tion, the term ‘contribution to the capital of the tax-*
3 *payer’ includes any amount of money or other prop-*
4 *erty received from any person (whether or not a*
5 *shareholder) by a regulated public utility which pro-*
6 *vides 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 sewerage*
14 *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 of*
19 *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 1231(b)—

4 “(i) which is the property for which
5 the contribution was made or is of the same
6 type as such property, and

7 “(ii) which is used predominantly in
8 the trade or business of furnishing water or
9 sewerage disposal services,

10 “(B) the expenditure referred to in subpara-
11 graph (A) occurs before the end of the second tax-
12 able year after the year in which such amount
13 was received, and

14 “(C) accurate records are kept of the
15 amounts contributed and expenditures made, the
16 expenditures to which contributions are allo-
17 cated, and the year in which the contributions
18 and expenditures are received and made.

19 “(3) *DEFINITIONS.*—For purposes of this sub-
20 section—

21 “(A) *CONTRIBUTION IN AID OF CONSTRUC-*
22 *TION.*—The term ‘contribution in aid of con-
23 struction’ shall be defined by regulations pre-
24 scribed by the Secretary, except that such term

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 CRED-*
13 *ITS; ADJUSTED BASIS.*—*Notwithstanding any other*
14 *provision of this subtitle, no deduction or credit shall*
15 *be allowed for, or by reason of, any expenditure which*
16 *constitutes a contribution in aid of construction to*
17 *which this subsection applies. The adjusted basis of*
18 *any property acquired with contributions in aid of*
19 *construction to which this subsection applies shall be*
20 *zero.*

21 “(d) *STATUTE OF LIMITATIONS.*—*If the taxpayer for*
22 *any taxable year treats an amount as a contribution to the*
23 *capital of the taxpayer described in subsection (c)(1)(A)(i),*
24 *then—*

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 referred
8 to in subparagraph (A) of subsection (c)(2),

9 “(B) the taxpayer’s intention not to make
10 the expenditures referred to in such subpara-
11 graph, or

12 “(C) a failure to make such expenditure
13 within the period described in subparagraph (B)
14 of subsection (c)(2), and

15 “(2) such deficiency may be assessed before the
16 expiration of such 3-year period notwithstanding the
17 provisions of any other law or rule of law which
18 would otherwise prevent such assessment.”.

19 (b) *EFFECTIVE DATE.*—The amendments made by this
20 section shall apply to contributions made after December
21 31, 2020.

22 **SEC. 80602. EXTENSION OF INTEREST RATE STABILIZATION.**

23 (a) *FUNDING STABILIZATION UNDER THE INTERNAL*
24 *REVENUE CODE OF 1986.*—The table in subclause (II) of

1 *section 430(h)(2)(C)(iv) of the Internal Revenue Code of*
 2 *1986 is amended to read as follows:*

<i>“If the calendar year is:</i>	<i>The applicable minimum percentage is:</i>	<i>The applicable maximum percentage is:</i>
<i>Any year in the period starting in 2012 and ending in 2019.</i>	<i>90%</i>	<i>110%</i>
<i>Any year in the period starting in 2020 and ending in 2030.</i>	<i>95%</i>	<i>105%</i>
<i>2031</i>	<i>90%</i>	<i>110%</i>
<i>2032</i>	<i>85%</i>	<i>115%</i>
<i>2033</i>	<i>80%</i>	<i>120%</i>
<i>2034</i>	<i>75%</i>	<i>125%</i>
<i>After 2034</i>	<i>70%</i>	<i>130%.”.</i>

3 *(b) FUNDING STABILIZATION UNDER EMPLOYEE RE-*
 4 *TIREMENT INCOME SECURITY ACT OF 1974.—*

5 *(1) IN GENERAL.—The table in subclause (II) of*
 6 *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:*

<i>“If the calendar year is:</i>	<i>The applicable minimum percentage is:</i>	<i>The applicable maximum percentage is:</i>
<i>Any year in the period starting in 2012 and ending in 2019.</i>	<i>90%</i>	<i>110%</i>
<i>Any year in the period starting in 2020 and ending in 2030.</i>	<i>95%</i>	<i>105%</i>
<i>2031</i>	<i>90%</i>	<i>110%</i>
<i>2032</i>	<i>85%</i>	<i>115%</i>
<i>2033</i>	<i>80%</i>	<i>120%</i>
<i>2034</i>	<i>75%</i>	<i>125%</i>
<i>After 2034</i>	<i>70%</i>	<i>130%.”.</i>

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—*

1 (A) by striking “any other person who (for
2 a consideration)” and inserting “any person who
3 (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 SECURITY.*—
15 Section 6045(g)(3)(B) of the Internal Revenue
16 Code of 1986 is amended by striking “and” at
17 the end of clause (iii), by redesignating clause
18 (iv) as clause (v), and by inserting after clause
19 (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 add-
23 ing at the end the following new subparagraph:

24 “(D) *DIGITAL ASSET.*—Except as otherwise
25 provided by the Secretary, the term ‘digital asset’

1 means any digital representation of value which
2 is recorded on a cryptographically secured dis-
3 tributed ledger or any similar technology as
4 specified by the Secretary.”.

5 (C) APPLICABLE DATE.—Section
6 6045(g)(3)(C) of such Code is amended—

7 (i) in clause (ii), by striking “and” at
8 the end,

9 (ii) by redesignating clause (iii) as
10 clause (iv), and

11 (iii) by inserting after clause (ii) the
12 following:

13 “(iii) January 1, 2023, in the case of
14 any specified security which is a digital
15 asset, and”.

16 (2) FURNISHING OF INFORMATION.—

17 (A) IN GENERAL.—Section 6045A of such
18 Code is amended—

19 (i) in subsection (a), by striking “a se-
20 curity which is”, and

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

22 “(d) RETURN REQUIREMENT FOR CERTAIN TRANS-
23 FERS OF DIGITAL ASSETS NOT OTHERWISE SUBJECT TO
24 REPORTING.—Any broker, with respect to any transfer
25 (which is not part of a sale or exchange executed by such

1 broker) during a calendar year of a covered security which
2 is a digital asset from an account maintained by such
3 broker to an account which is not maintained by, or an
4 address not associated with, a person that such broker
5 knows or has reason to know is also a broker, shall make
6 a return for such calendar year, in such form as determined
7 by the Secretary, showing the information otherwise re-
8 quired to be furnished with respect to transfers subject to
9 subsection (a).”.

10 (B) REPORTING PENALTIES.—Section
11 6724(d)(1)(B) of such Code is amended by strik-
12 ing “or” at the end of clause (xxv), by striking
13 “and” at the end of clause (xxvi), and by insert-
14 ing after clause (xxvi) the following new clause:
15 “(xxvii) section 6045A(d) (relating to
16 returns for certain digital assets),”.

17 (3) TREATMENT AS CASH FOR PURPOSES OF
18 SECTION 6050I.—Section 6050I(d) of such Code is
19 amended by striking “and” at the end of paragraph
20 (1), by striking the period at the end of paragraph (2)
21 and inserting “, and”, and by inserting after para-
22 graph (2) the following new paragraph:

23 “(3) any digital asset (as defined in section
24 6045(g)(3)(D)).”.

1 (c) *EFFECTIVE DATE.*—*The amendments made by this*
2 *section shall apply to returns required to be filed, and state-*
3 *ments required to be furnished, after December 31, 2023.*

4 (d) *RULE OF CONSTRUCTION.*—*Nothing in this section*
5 *or the amendments made by this section shall be construed*
6 *to create any inference, for any period prior to the effective*
7 *date of such amendments, with respect to—*

8 (1) *whether any person is a broker under section*
9 *6045(c)(1) of the Internal Revenue Code of 1986, or*

10 (2) *whether any digital asset is property which*
11 *is a specified security under section 6045(g)(3)(B) of*
12 *such Code.*

13 **SEC. 80604. TERMINATION OF EMPLOYEE RETENTION CRED-**
14 **IT FOR EMPLOYERS SUBJECT TO CLOSURE**
15 **DUE TO COVID-19.**

16 (a) *IN GENERAL.*—*Section 3134 of the Internal Rev-*
17 *enue Code of 1986 is amended—*

18 (1) *in subsection (c)(5)—*

19 (A) *in subparagraph (A), by adding “and”*
20 *at the end,*

21 (B) *in subparagraph (B), by striking “,*
22 *and” at the end and inserting a period, and*

23 (C) *by striking subparagraph (C), and*

24 (2) *in subsection (n), by striking “January 1,*
25 *2022” and inserting “October 1, 2021 (or, in the case*

1 of wages paid by an eligible employer which is a re-
2 covery startup business, January 1, 2022)”.

3 (b) *EFFECTIVE DATE.*—The amendments made by this
4 section shall apply to calendar quarters beginning after
5 September 30, 2021.

6 ***DIVISION I—OTHER MATTERS***

7 ***SEC. 90001. EXTENSION OF DIRECT SPENDING REDUCTIONS*** 8 ***THROUGH FISCAL YEAR 2031.***

9 Section 251A(6) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985 (2 U.S.C. 901a(6)) is
11 amended—

12 (1) in subparagraph (B), in the matter pre-
13 ceding clause (i), by striking “2030” and inserting
14 “2031”; and

15 (2) in subparagraph (C)—

16 (A) in the matter preceding clause (i), by
17 striking “2030” and inserting “2031”;

18 (B) in clause (i)—

19 (i) by striking “5 1/2” and inserting
20 “6”;

21 (ii) by striking “2.0” and inserting
22 “4.0”; and

23 (iii) by striking the semicolon at the
24 end and inserting “; and”;

25 (C) in clause (ii)—

1 (i) by striking “6-month period begin-
2 ning on the day after the last day of the pe-
3 riod described in clause (i)” and inserting
4 “second 6 months”;

5 (ii) by striking “4.0” and inserting
6 “0”; and

7 (iii) by striking “; and” and inserting
8 a period; and

9 (D) by striking clause (iii).

10 **SEC. 90002. STRATEGIC PETROLEUM RESERVE DRAWDOWN**
11 **AND SALE.**

12 (a) *DRAWDOWN AND SALE.*—

13 (1) *IN GENERAL.*—Notwithstanding section 161
14 of the *Energy Policy and Conservation Act* (42 U.S.C.
15 6241), except as provided in subsections (b) and (c),
16 the Secretary of Energy shall draw down and sell
17 from the Strategic Petroleum Reserve 87,600,000 bar-
18 rels of crude oil during the period of fiscal years 2028
19 through 2031.

20 (2) *TIMING.*—Subject to paragraph (1) and sub-
21 section (c)(1), in determining the timing of each
22 drawdown and sale from the Strategic Petroleum Re-
23 serve during the period of fiscal years 2028 through
24 2031 under paragraph (1), to the maximum extent

1 *practicable, the Secretary shall maximize the finan-*
2 *cial return to the United States taxpayers.*

3 (3) *DEPOSIT OF AMOUNTS RECEIVED FROM*
4 *SALE.—Amounts received from a sale under para-*
5 *graph (1) shall be deposited in the general fund of the*
6 *Treasury during the fiscal year in which the sale oc-*
7 *curs.*

8 (4) *SPR PETROLEUM ACCOUNT.—The Secretary*
9 *of the Treasury shall deposit in the SPR Petroleum*
10 *Account established under section 167(a) of the En-*
11 *ergy Policy and Conservation Act (42 U.S.C.*
12 *6247(a)) \$43,500,000, to be used to carry out para-*
13 *graph (1) in accordance with section 167 of the En-*
14 *ergy Policy and Conservation Act (42 U.S.C. 6247).*

15 (b) *EMERGENCY PROTECTION.—The Secretary of En-*
16 *ergy shall not draw down and sell crude oil under sub-*
17 *section (a) in a quantity that would limit the authority*
18 *to sell petroleum products under subsection (h) of section*
19 *161 of the Energy Policy and Conservation Act (42 U.S.C.*
20 *6241) in the full quantity authorized by that subsection.*

21 (c) *LIMITATIONS.—*

22 (1) *IN GENERAL.—The Secretary of Energy shall*
23 *not draw down or conduct sales of crude oil under*
24 *subsection (a) after the date on which a total of*
25 *\$6,100,000,000 has been deposited in the general fund*

1 of the Treasury from sales authorized under that sub-
2 section.

3 (2) *MINIMUM VOLUME.*—Section 161(h)(2) of the
4 *Energy Policy and Conservation Act* (42 U.S.C.
5 6241(h)(2)) is amended by striking “340,000,000”
6 each place it appears and inserting “252,400,000”.

7 **SEC. 90003. FINDINGS REGARDING UNUSED UNEMPLOY-**
8 **MENT INSURANCE FUNDS.**

9 Congress finds the following:

10 (1) On July 16, 2021, the Congressional Budget
11 Office (in this section referred to as “CBO”) reduced
12 its projected cost of the extension of expanded unem-
13 ployment compensation as enacted in the American
14 Rescue Plan Act of 2021 (P.L. 117–2).

15 (2) CBO budget projections included mandatory
16 outlays for the expansion totaling \$144,000,000,000
17 in 2021 and \$8,000,000,000 in 2022. That estimated
18 cost is \$50,000,000,000 less in 2021, and
19 \$3,000,000,000 less in 2022, than anticipated in
20 CBO’s March 2021 cost estimate.

21 (3) CBO reduced its projections of those costs for
22 two major reasons. First, several States have an-
23 nounced that they are discontinuing one or more of
24 the components of expanded unemployment compensa-
25 tion before the expansion’s authorization ends in Sep-

1 *tember 2021. In its original estimate, CBO projected*
2 *that all States would participate in the programs*
3 *until September. Second, because of the improving*
4 *economy, the agency has lowered its forecast of the*
5 *unemployment rate, resulting in fewer projected bene-*
6 *ficiaries for the programs, which also reduced pro-*
7 *jected costs.*

8 *(4) It is estimated that there are approximately*
9 *\$53,000,000,000 in savings from the amounts in the*
10 *Treasury originally estimated to be spent on unem-*
11 *ployment insurance funds (under the provisions of*
12 *subtitle A of title II of division A of the CARES Act)*
13 *not used by the States.*

14 **SEC. 90004. REQUIRING MANUFACTURERS OF CERTAIN SIN-**
15 **GLE-DOSE CONTAINER OR SINGLE-USE PACK-**
16 **AGE DRUGS PAYABLE UNDER PART B OF THE**
17 **MEDICARE PROGRAM TO PROVIDE REFUNDS**
18 **WITH RESPECT TO DISCARDED AMOUNTS OF**
19 **SUCH DRUGS.**

20 *Section 1847A of the Social Security Act (42 U.S.C.*
21 *1395w-3a) is amended—*

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

24 *(2) by inserting after subsection (g) the following*
25 *new subsection:*

1 “(h) *REFUND FOR CERTAIN DISCARDED SINGLE-DOSE*
2 *CONTAINER OR SINGLE-USE PACKAGE DRUGS.*—

3 “(1) *SECRETARIAL PROVISION OF INFORMA-*
4 *TION.*—

5 “(A) *IN GENERAL.*—*For each calendar*
6 *quarter beginning on or after January 1, 2023,*
7 *the Secretary shall, with respect to a refundable*
8 *single-dose container or single-use package drug*
9 *(as defined in paragraph (8)), report to each*
10 *manufacturer (as defined in subsection (c)(6)(A))*
11 *of such refundable single-dose container or sin-*
12 *gle-use package drug the following for the cal-*
13 *endar quarter:*

14 “(i) *Subject to subparagraph (C), in-*
15 *formation on the total number of units of*
16 *the billing and payment code of such drug,*
17 *if any, that were discarded during such*
18 *quarter, as determined using a mechanism*
19 *such as the JW modifier used as of the date*
20 *of enactment of this subsection (or any such*
21 *successor modifier that includes such data*
22 *as determined appropriate by the Sec-*
23 *retary).*

1 “(i) *The refund amount that the man-*
2 *ufacturer is liable for pursuant to para-*
3 *graph (3).*

4 “(B) *DETERMINATION OF DISCARDED*
5 *AMOUNTS.—For purposes of subparagraph*
6 *(A)(i), with respect to a refundable single-dose*
7 *container or single-use package drug furnished*
8 *during a quarter, the amount of such drug that*
9 *was discarded shall be determined based on the*
10 *amount of such drug that was unused and dis-*
11 *carded for each drug on the date of service.*

12 “(C) *EXCLUSION OF UNITS OF PACKAGED*
13 *DRUGS.—The total number of units of the billing*
14 *and payment code of a refundable single-dose*
15 *container or single-use package drug of a manu-*
16 *facturer furnished during a calendar quarter for*
17 *purposes of subparagraph (A)(i), and the deter-*
18 *mination of the estimated total allowed charges*
19 *for the drug in the quarter for purposes of para-*
20 *graph (3)(A)(i), shall not include such units*
21 *that are packaged into the payment amount for*
22 *an item or service and are not separately pay-*
23 *able.*

24 “(2) *MANUFACTURER REQUIREMENT.—For each*
25 *calendar quarter beginning on or after January 1,*

1 2023, the manufacturer of a refundable single-dose
2 container or single-use package drug shall, for such
3 drug, provide to the Secretary a refund that is equal
4 to the amount specified in paragraph (3) for such
5 drug for such quarter.

6 “(3) REFUND AMOUNT.—

7 “(A) IN GENERAL.—The amount of the re-
8 fund specified in this paragraph is, with respect
9 to a refundable single-dose container or single-
10 use package drug of a manufacturer assigned to
11 a billing and payment code for a calendar quar-
12 ter beginning on or after January 1, 2023, an
13 amount equal to the estimated amount (if any)
14 by which—

15 “(i) the product of—

16 “(I) the total number of units of
17 the billing and payment code for such
18 drug that were discarded during such
19 quarter (as determined under para-
20 graph (1)); and

21 “(II)(aa) in the case of a refund-
22 able single-dose container or single-use
23 package drug that is a single source
24 drug or biological, the amount of pay-
25 ment determined for such drug or bio-

1 *logical under subsection (b)(1)(B) for*
2 *such quarter; or*

3 *“(bb) in the case of a refundable*
4 *single-dose container or single-use*
5 *package drug that is a biosimilar bio-*
6 *logical product, the amount of pay-*
7 *ment determined for such product*
8 *under subsection (b)(1)(C) for such*
9 *quarter; exceeds*

10 *“(ii) an amount equal to the applica-*
11 *ble percentage (as defined in subparagraph*
12 *(B)) of the estimated total allowed charges*
13 *for such drug under this part during the*
14 *quarter.*

15 *“(B) APPLICABLE PERCENTAGE DEFINED.—*

16 *“(i) IN GENERAL.—For purposes of*
17 *subparagraph (A)(ii), the term ‘applicable*
18 *percentage’ means—*

19 *“(I) subject to subclause (II), 10*
20 *percent; and*

21 *“(II) if applicable, in the case of*
22 *a refundable single-dose container or*
23 *single-use package drug described in*
24 *clause (ii), a percentage specified by*
25 *the Secretary pursuant to such clause.*

1 “(i) *TREATMENT OF DRUGS THAT*
2 *HAVE UNIQUE CIRCUMSTANCES.—In the*
3 *case of a refundable single-dose container or*
4 *single-use package drug that has unique cir-*
5 *cumstances involving similar loss of product*
6 *as that described in paragraph (8)(B)(i),*
7 *the Secretary, through notice and comment*
8 *rulemaking, may increase the applicable*
9 *percentage otherwise applicable under*
10 *clause (i)(I) as determined appropriate by*
11 *the Secretary.*

12 “(4) *FREQUENCY.—Amounts required to be re-*
13 *funded pursuant to paragraph (2) shall be paid in*
14 *regular intervals (as determined appropriate by the*
15 *Secretary).*

16 “(5) *REFUND DEPOSITS.—Amounts paid as re-*
17 *funds pursuant to paragraph (2) shall be deposited*
18 *into the Federal Supplementary Medical Insurance*
19 *Trust Fund established under section 1841.*

20 “(6) *ENFORCEMENT.—*

21 “(A) *AUDITS.—*

22 “(i) *MANUFACTURER AUDITS.—Each*
23 *manufacturer of a refundable single-dose*
24 *container or single-use package drug that is*
25 *required to provide a refund under this sub-*

1 *section shall be subject to periodic audit*
2 *with respect to such drug and such refunds*
3 *by the Secretary.*

4 “(i) *PROVIDER AUDITS.*—*The Sec-*
5 *retary shall conduct periodic audits of*
6 *claims submitted under this part with re-*
7 *spect to refundable single-dose container or*
8 *single-use package drugs in accordance with*
9 *the authority under section 1833(e) to en-*
10 *sure compliance with the requirements ap-*
11 *plicable under this subsection.*

12 “(B) *CIVIL MONEY PENALTY.*—

13 “(i) *IN GENERAL.*—*The Secretary shall*
14 *impose a civil money penalty on a manu-*
15 *facturer of a refundable single-dose con-*
16 *tainer or single-use package drug who has*
17 *failed to comply with the requirement under*
18 *paragraph (2) for such drug for a calendar*
19 *quarter in an amount equal to the sum of—*

20 “(I) *the amount that the manu-*
21 *facturer would have paid under such*
22 *paragraph with respect to such drug*
23 *for such quarter; and*

24 “(II) *25 percent of such amount.*

1 “(ii) *APPLICATION.*—*The provisions of*
2 *section 1128A (other than subsections (a)*
3 *and (b)) shall apply to a civil money pen-*
4 *alty under this subparagraph in the same*
5 *manner as such provisions apply to a pen-*
6 *alty or proceeding under section 1128A(a).*

7 “(7) *IMPLEMENTATION.*—*The Secretary shall im-*
8 *plement this subsection through notice and comment*
9 *rulemaking.*

10 “(8) *DEFINITION OF REFUNDABLE SINGLE-DOSE*
11 *CONTAINER OR SINGLE-USE PACKAGE DRUG.*—

12 “(A) *IN GENERAL.*—*Except as provided in*
13 *subparagraph (B), in this subsection, the term*
14 *‘refundable single-dose container or single-use*
15 *package drug’ means a single source drug or bio-*
16 *logical (as defined in section 1847A(c)(6)(D)) or*
17 *a biosimilar biological product (as defined in*
18 *section 1847A(c)(6)(H)) for which payment is*
19 *made under this part and that is furnished from*
20 *a single-dose container or single-use package.*

21 “(B) *EXCLUSIONS.*—*The term ‘refundable*
22 *single-dose container or single-use package drug’*
23 *does not include—*

1 “(i) a drug or biological that is either
2 a radiopharmaceutical or an imaging
3 agent;

4 “(ii) a drug or biological approved by
5 the Food and Drug Administration for
6 which dosage and administration instruc-
7 tions included in the labeling require filtra-
8 tion during the drug preparation process,
9 prior to dilution and administration, and
10 require that any unused portion of such
11 drug after the filtration process be discarded
12 after the completion of such filtration proc-
13 ess; or

14 “(iii) a drug or biological approved by
15 the Food and Drug Administration on or
16 after the date of enactment of this subsection
17 and with respect to which payment has been
18 made under this part for fewer than 18
19 months.

20 “(9) *REPORT TO CONGRESS.*—Not later than 3
21 years after the date of enactment of this subsection,
22 the Office of the Inspector General, after consultation
23 with the Centers for Medicare & Medicaid Services
24 and the Food and Drug Administration, shall submit
25 to the Committee on Finance of the Senate and the

1 *Committee on Energy and Commerce and the Com-*
2 *mittee on Ways and Means of the House of Represent-*
3 *atives, a report on any impact this section is reported*
4 *to have on the licensure, market entry, market reten-*
5 *tion, or marketing of biosimilar biological products.*
6 *Such report shall be updated periodically at the direc-*
7 *tion of the Committee on Finance of the Senate and*
8 *the Committee on Energy and Commerce and the*
9 *Committee on Ways and Means of the House of Rep-*
10 *resentatives.”.*

11 **SEC. 90005. EXTENSION OF ENTERPRISE GUARANTEE FEES.**

12 *Section 1327(f) of the Federal Housing Enterprises Fi-*
13 *nancial Safety and Soundness Act of 1992 (12 U.S.C.*
14 *4547(f)) is amended by striking “2021” and inserting*
15 *“2032”.*

16 **SEC. 90006. MORATORIUM ON IMPLEMENTATION OF RULE**
17 **RELATING TO ELIMINATING THE ANTI-KICK-**
18 **BACK STATUTE SAFE HARBOR PROTECTION**
19 **FOR PRESCRIPTION DRUG REBATES.**

20 *Notwithstanding any other provision of law, the Sec-*
21 *retary of Health and Human Services shall not, prior to*
22 *January 1, 2026, implement, administer, or enforce the*
23 *provisions of the final rule published by the Office of the*
24 *Inspector General of the Department of Health and Human*
25 *Services on November 30, 2020, and titled “Fraud and*

1 *Abuse; Removal of Safe Harbor Protection for Rebates In-*
2 *volving Prescription Pharmaceuticals and Creation of New*
3 *Safe Harbor Protection for Certain Point-of-Sale Reduc-*
4 *tions in Price on Prescription Pharmaceuticals and Cer-*
5 *tain Pharmacy Benefit Manager Service Fees” (85 Fed.*
6 *Reg. 76666).*

7 **SEC. 90007. RESCISSION OF COVID-19 APPROPRIATIONS.**

8 (a) *ECONOMIC INJURY DISASTER LOAN SUBSIDY.—*

9 (1) *RESCISSION.—Of the unobligated balances*
10 *from amounts made available under the heading*
11 *“Small Business Administration—Disaster Loans*
12 *Program Account” in title II of division B of the*
13 *Paycheck Protection Program and Health Care En-*
14 *hancement Act (Public Law 116–139),*
15 *\$13,500,000,000 are permanently rescinded.*

16 (2) *DESIGNATION.—The amount rescinded pur-*
17 *suant to paragraph (1) that was previously des-*
18 *ignated by the Congress as an emergency requirement*
19 *pursuant to section 251(b)(2)(A)(i) of the Balanced*
20 *Budget and Emergency Deficit Control Act of 1985 is*
21 *designated by the Congress as an emergency require-*
22 *ment pursuant to section 4112(a) of H. Con. Res. 71*
23 *(115th Congress), the concurrent resolution on the*
24 *budget for fiscal year 2018, and to section 251(b) of*

1 *the Balanced Budget and Emergency Deficit Control*
2 *Act of 1985.*

3 *(b) TARGETED EIDL ADVANCE.—*

4 *(1) Of the unobligated balances from amounts*
5 *made available under the heading “Small Business*
6 *Administration—Targeted EIDL Advance” in section*
7 *323(d)(1)(D) of division N of the Consolidated Appro-*
8 *priations Act, 2021 (Public Law 116–260),*
9 *\$17,578,000,000 are permanently rescinded.*

10 *(2) Of the unobligated balances from amounts*
11 *made available in section 5002(b) of the American*
12 *Rescue Plan Act of 2021 (Public Law 117–2)—*

13 *(A) amounts may be transferred to and*
14 *merged with “Small Business Administration—*
15 *Disaster Loans Program Account” for the cost of*
16 *direct loans authorized under section 7(b) of the*
17 *Small Business Act (15 U.S.C. 636(b));*

18 *(B) not more than \$500,000,000 may be*
19 *transferred to “Small Business Administra-*
20 *tion—Salaries and Expenses” for necessary ex-*
21 *penditures, not otherwise provided for, of the Small*
22 *Business Administration; and*

23 *(C) not more than \$992,000,000 may be*
24 *transferred to, and merged with, “Small Busi-*
25 *ness Administration—Business Loans Program*

1 *Account” for the cost of guaranteed loans as au-*
2 *thorized by paragraphs (1) through (35) of sec-*
3 *tion 7(a) of the Small Business Act (15 U.S.C.*
4 *636(a)), including the cost of carrying out sec-*
5 *tions 326, 327, and 328 of division N of the Con-*
6 *solidated Appropriations Act, 2021 (Public Law*
7 *116–260).*

8 *(c) ECONOMIC STABILIZATION PROGRAM.—Of the un-*
9 *obligated balances from amounts made available in section*
10 *4027(a) of the Coronavirus Aid, Relief, and Economic Secu-*
11 *rity Act (15 U.S.C. 9601), \$1,366,100,000 are permanently*
12 *rescinded.*

13 *(d) BUSINESS LOANS PROGRAM ACCOUNT.—*

14 *(1) Of the unobligated balances from amounts*
15 *made available under the heading “Small Business*
16 *Administration—Business Loans Program Account,*
17 *CARES Act” in section 1107(a)(1) of the Coronavirus*
18 *Aid, Relief, and Economic Security Act (Public Law*
19 *116–136), as amended by section 101(a)(2) of divi-*
20 *sion A of the Paycheck Protection Program and*
21 *Health Care Enhancement Act (Public Law 116–*
22 *139), and in section 323(d)(1)(A) of division N of the*
23 *Consolidated Appropriations Act, 2021 (Public Law*
24 *116–260) for carrying out paragraphs (36) and (37)*

1 of section 7(a) of the Small Business Act (15 U.S.C.
2 636(a)), \$4,684,000,000 are permanently rescinded.

3 (2) Of the unobligated balances from amounts
4 made available under the heading “Small Business
5 Administration—Business Loans Program Account”
6 in section 323(d)(1)(F) of division N of the Consoli-
7 dated Appropriations Act, 2021 (Public Law 116-
8 260), \$992,000,000 are permanently rescinded.

9 (e) PANDEMIC RELIEF FOR AVIATION WORKERS,
10 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT
11 (CARES ACT).—Of the unobligated balances from amounts
12 made available in section 4120 of the Coronavirus Aid, Re-
13 lief, and Economic Security Act (15 U.S.C. 9080),
14 \$3,000,000,000 are permanently rescinded.

15 (f) EDUCATION STABILIZATION FUND.—

16 (1) RESCISSION.—Of the unobligated balances
17 from amounts made available under the heading
18 “Education Stabilization Fund” in title VIII of divi-
19 sion B of the Coronavirus Aid, Relief, and Economic
20 Security Act (Public Law 116–136) and in title III
21 of division M of the Consolidated Appropriations Act,
22 2021 (Public Law 116–260) that were reserved for the
23 Higher Education Emergency Relief Fund by sections
24 18004(a)(1) and 18004(a)(2) of division B of the
25 Coronavirus Aid, Relief, and Economic Security Act

1 *(Public Law 116–136) and sections 314(a)(1),*
2 *314(a)(2), and 314(a)(4) of division M of the Consoli-*
3 *dated Appropriations Act, 2021 (Public Law 116–*
4 *260), \$353,400,000 are permanently rescinded.*

5 (2) *DESIGNATION.*—*The amount rescinded pur-*
6 *suant to paragraph (1) that was previously des-*
7 *ignated by the Congress as an emergency requirement*
8 *pursuant to section 251(b)(2)(A)(i) of the Balanced*
9 *Budget and Emergency Deficit Control Act of 1985 is*
10 *designated by the Congress as an emergency require-*
11 *ment pursuant to section 4112(a) of H. Con. Res. 71*
12 *(115th Congress), the concurrent resolution on the*
13 *budget for fiscal year 2018, and to section 251(b) of*
14 *the Balanced Budget and Emergency Deficit Control*
15 *Act of 1985.*

16 (g) *SMALL BUSINESS ADMINISTRATION, SALARIES AND*
17 *EXPENSES.*—

18 (1) *RESCISSION.*—*Of the unobligated balances*
19 *from amounts made available under the heading*
20 *“Small Business Administration—Salaries and Ex-*
21 *penses” in section 1107(a)(2) of the Coronavirus Aid,*
22 *Relief, and Economic Security Act (Public Law 116–*
23 *136), in title II of division B of the Paycheck Protec-*
24 *tion Program and Health Care Enhancement Act*
25 *(Public Law 116–139), and in section 323(d)(1)(C) of*

1 *division N of the Consolidated Appropriations Act,*
2 *2021 (Public Law 116–260), \$175,000,000 are perma-*
3 *nently rescinded.*

4 (2) *DESIGNATION.*—*The amount rescinded pur-*
5 *suant to paragraph (1) that was previously des-*
6 *ignated by the Congress as an emergency requirement*
7 *pursuant to section 251(b)(2)(A)(i) of the Balanced*
8 *Budget and Emergency Deficit Control Act of 1985 is*
9 *designated by the Congress as an emergency require-*
10 *ment pursuant to section 4112(a) of H. Con. Res. 71*
11 *(115th Congress), the concurrent resolution on the*
12 *budget for fiscal year 2018, and to section 251(b) of*
13 *the Balanced Budget and Emergency Deficit Control*
14 *Act of 1985.*

15 (h) *PANDEMIC RELIEF FOR AVIATION WORKERS.*—*Of*
16 *the unobligated balances from amounts made available in*
17 *section 411 of subtitle A of title IV of division N of the*
18 *Consolidated Appropriations Act, 2021 (15 U.S.C. 9101),*
19 *\$200,000,000 are permanently rescinded.*

20 **SEC. 90008. SPECTRUM AUCTIONS.**

21 (a) *DEFINITIONS.*—*In this section:*

22 (1) *COMMISSION.*—*The term “Commission”*
23 *means the Federal Communications Commission.*

1 (2) *COVERED BAND.*—*The term “covered band”*
2 *means the band of frequencies between 3100 and 3450*
3 *megahertz.*

4 (3) *RELEVANT CONGRESSIONAL COMMITTEES.*—
5 *The term “relevant congressional committees”*
6 *means—*

7 (A) *the Committee on Armed Services of the*
8 *Senate;*

9 (B) *the Committee on Armed Services of the*
10 *House of Representatives;*

11 (C) *the Committee on Commerce, Science,*
12 *and Transportation of the Senate; and*

13 (D) *the Committee on Energy and Com-*
14 *merce of the House of Representatives.*

15 (b) *3.1–3.45 GHz BAND.*—

16 (1) *PRE-AUCTION FUNDING.*—

17 (A) *IN GENERAL.*—*On the date of enact-*
18 *ment of this Act, the Director of the Office of*
19 *Management and Budget shall transfer*
20 *\$50,000,000 from the Spectrum Relocation Fund*
21 *established under section 118 of the National*
22 *Telecommunications and Information Adminis-*
23 *tration Act (47 U.S.C. 928) to the Department*
24 *of Defense for the purpose of research and devel-*
25 *opment, engineering studies, economic analyses,*

1 *activities with respect to systems, or other plan-*
2 *ning activities to improve efficiency and effec-*
3 *tiveness of the spectrum use of the Department of*
4 *Defense in order to make available electro-*
5 *magnetic spectrum in the covered band—*

6 *(i) for reallocation for shared Federal*
7 *and non-Federal commercial licensed use;*
8 *and*

9 *(ii) for auction under paragraph (3) of*
10 *this subsection.*

11 *(B) EXEMPTION.—Section 118(g) of the Na-*
12 *tional Telecommunications and Information Ad-*
13 *ministration Organization Act (47 U.S.C.*
14 *928(g)) shall not apply with respect to the pay-*
15 *ment required under subparagraph (A).*

16 *(C) REPORT TO SECRETARY OF COM-*
17 *MERCE.—For purposes of paragraph (2)(A), the*
18 *Secretary of Defense shall report to the Secretary*
19 *of Commerce the findings of the planning activi-*
20 *ties described in subparagraph (A) of this para-*
21 *graph.*

22 *(2) IDENTIFICATION.—*

23 *(A) IN GENERAL.—Not later than 21*
24 *months after the date of enactment of this Act,*
25 *in accordance with the findings of the planning*

1 *activities described in paragraph (1)(A) and*
2 *subject to the determination of the Secretary of*
3 *Defense under subparagraph (B) of this para-*
4 *graph, the Secretary of Commerce, in coordina-*
5 *tion with the Secretary of Defense, the Director*
6 *of the Office of Science and Technology Policy,*
7 *and relevant congressional committees, shall—*

8 *(i) determine which frequencies of elec-*
9 *tromagnetic spectrum in the covered band*
10 *could be made available on a shared basis*
11 *between Federal use and non-Federal com-*
12 *mercial licensed use, subject to flexible-use*
13 *service rules; and*

14 *(ii) submit to the President and the*
15 *Commission a report that identifies the fre-*
16 *quencies determined appropriate under*
17 *clause (i).*

18 *(B) REQUIRED DETERMINATION.—The Sec-*
19 *retary of Commerce may identify frequencies*
20 *under subparagraph (A)(ii) only if the Secretary*
21 *of Defense has determined that sharing those fre-*
22 *quencies with non-Federal users would not im-*
23 *pact the primary mission of military spectrum*
24 *users in the covered band.*

1 (3) *AUCTION*.—Not earlier than November 30,
2 2024, the Commission, in consultation with the As-
3 sistant Secretary of Commerce for Communications
4 and Information, shall begin a system of competitive
5 bidding under section 309(j) of the Communications
6 Act of 1934 (47 U.S.C. 309(j)) to grant new licenses
7 for the spectrum identified under paragraph
8 (2)(A)(ii) of this subsection.

9 (4) *SHARING OF SPECTRUM*.—Not earlier than
10 May 31, 2025, the President shall modify any assign-
11 ment to a Federal Government station of the fre-
12 quencies identified under clause (ii) of paragraph
13 (2)(A) in order to accommodate shared Federal and
14 non-Federal commercial licensed use in accordance
15 with that paragraph.

16 (5) *AUCTION PROCEEDS TO COVER 110 PERCENT*
17 *OF FEDERAL RELOCATION OR SHARING COSTS*.—Noth-
18 ing in this subsection shall be construed to relieve the
19 Commission from the requirements under section
20 309(j)(16)(B) of the Communications Act of 1934 (47
21 U.S.C. 309(j)(16)(B)).

22 (c) *FCC AUCTION AUTHORITY*.—

23 (1) *TERMINATION*.—Section 309(j)(11) of the
24 Communications Act of 1934 (47 U.S.C. 309(j)(11))
25 is amended by inserting after “2025” the following: “,

1 *and with respect to the electromagnetic spectrum*
 2 *identified under section 90008(b)(2)(A)(ii) of the In-*
 3 *frastructure Investment and Jobs Act, such authority*
 4 *shall expire on the date that is 7 years after the date*
 5 *of enactment of that Act”.*

6 (2) *SPECTRUM PIPELINE ACT OF 2015.—Section*
 7 *1006(c)(1) of the Spectrum Pipeline Act of 2015*
 8 *(Public Law 114–74; 129 Stat. 624) is amended by*
 9 *striking “2022” and inserting “2024”.*

10 ***DIVISION J—APPROPRIATIONS***

11 *That the following sums are appropriated, out of any*
 12 *money in the Treasury not otherwise appropriated, for the*
 13 *fiscal year ending September 30, 2022, and for other pur-*
 14 *poses, namely:*

15 ***TITLE I—AGRICULTURE, RURAL DEVELOPMENT,***
 16 ***FOOD AND DRUG ADMINISTRATION, AND RE-***
 17 ***LATED AGENCIES***

18 ***DEPARTMENT OF AGRICULTURE***
 19 ***FARM PRODUCTION AND CONSERVATION***
 20 ***PROGRAMS***

21 ***NATURAL RESOURCES CONSERVATION SERVICE***
 22 ***WATERSHED AND FLOOD PREVENTION OPERATIONS***

23 *For an additional amount for “Watershed and Flood*
 24 *Prevention Operations”, \$500,000,000, to remain available*
 25 *until expended: Provided, That not later than 90 days after*

1 *the date of enactment of this Act, the Secretary of Agri-*
2 *culture shall submit to the House and Senate Committees*
3 *on Appropriations a detailed spend plan, including a list*
4 *of project locations and project cost: Provided further, That*
5 *such amount is designated by the Congress as being for an*
6 *emergency requirement pursuant to section 4112(a) of H.*
7 *Con. Res. 71 (115th Congress), the concurrent resolution on*
8 *the budget for fiscal year 2018, and to section 251(b) of*
9 *the Balanced Budget and Emergency Deficit Control Act*
10 *of 1985.*

11 *WATERSHED REHABILITATION PROGRAM*

12 *For an additional amount for “Watershed Rehabilita-*
13 *tion Program”, \$118,000,000, to remain available until ex-*
14 *pended: Provided, That not later than 90 days after the date*
15 *of enactment of this Act, the Secretary of Agriculture shall*
16 *submit to the House and Senate Committees on Appropria-*
17 *tions a detailed spend plan, including a list of project loca-*
18 *tions and project cost: Provided further, That such amount*
19 *is designated by the Congress as being for an emergency*
20 *requirement pursuant to section 4112(a) of H. Con. Res.*
21 *71 (115th Congress), the concurrent resolution on the budget*
22 *for fiscal year 2018, and to section 251(b) of the Balanced*
23 *Budget and Emergency Deficit Control Act of 1985.*

1 *EMERGENCY WATERSHED PROTECTION PROGRAM*

2 *For an additional amount for “Emergency Watershed*
3 *Protection Program” to repair damages to the waterways*
4 *and watersheds resulting from natural disasters,*
5 *\$300,000,000, to remain available until expended: Pro-*
6 *vided, 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 concurrent*
9 *resolution on the budget for fiscal year 2018, and to section*
10 *251(b) of the Balanced Budget and Emergency Deficit Con-*
11 *trol Act of 1985.*

12 *RURAL DEVELOPMENT PROGRAMS*13 *RURAL UTILITIES SERVICE*14 *DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND*15 *PROGRAM*

16 *For an additional amount for “Rural Utilities Serv-*
17 *ice—Distance Learning, Telemedicine, and Broadband*
18 *Program”, \$2,000,000,000, to remain available until ex-*
19 *pended: Provided, That of the funds made available under*
20 *this heading in this Act, \$74,000,000 shall be for the cost*
21 *of broadband loans, as authorized by section 601 of the*
22 *Rural Electrification Act: Provided further, That, of the*
23 *funds made available under this heading in this Act,*
24 *\$1,926,000,000 shall be for the broadband loan and grant*
25 *pilot program established by section 779 of Public Law*

1 115–141 under the Rural Electrification Act of 1936, as
2 amended (7 U.S.C. 901 et seq.): Provided further, That at
3 least 50 percent of the households to be served by a project
4 receiving a loan or grant from funds provided under the
5 preceding proviso shall be in a rural area, as defined in
6 section 601(b)(3) of the Rural Electrification Act, without
7 sufficient access to broadband defined for such funds as hav-
8 ing speeds of not less than 25 megabits per second
9 downloads and 3 megabits per second uploads: Provided
10 further, That 10 percent of the amounts made available
11 under this heading in this Act for the pilot program shall
12 be set aside for service areas where at least 90 percent of
13 households to be served by a project receiving a loan or
14 grant are in a rural area without sufficient access to
15 broadband, as defined in the preceding proviso: Provided
16 further, That, to the extent possible, projects receiving funds
17 provided under this heading in this Act for the pilot pro-
18 gram must build out service to at least 100 megabits per
19 second downloads and 20 megabits per second uploads: Pro-
20 vided further, That, in administering the pilot program
21 under this heading in this Act, the Secretary of Agriculture
22 may, for purposes of determining entities eligible to receive
23 assistance, consider those communities which are “Areas
24 Rural in Character”, as defined in section 343(a)(13)(D)
25 of the Consolidated Farm and Rural Development Act: Pro-

1 *vided further, That not more than \$50,000,000 of the funds*
2 *made available under this heading in this Act for the pilot*
3 *program may be used for the purpose of the preceding pro-*
4 *viso: Provided further, That pole attachment fees and re-*
5 *placements charged by electric cooperatives for the shared*
6 *use of their utility poles shall be an eligible use of funds*
7 *provided under this heading in this Act for the pilot pro-*
8 *gram to enable the deployment of broadband in rural areas:*
9 *Provided further, That the Secretary shall waive any*
10 *matching funds required for pilot program projects funded*
11 *from amounts provided under this heading in this Act for*
12 *Alaska Native Corporations for federally-recognized Tribes,*
13 *on substantially underserved Trust areas, as defined in 7*
14 *U.S.C. 936f(a)(2), and residents of a rural area that was*
15 *recognized as a colonia as of October 1, 1989, and for*
16 *projects in which 75 percent of the service area is a per-*
17 *sistent poverty county or counties: Provided further, That*
18 *for purposes of the preceding proviso, the term “persistent*
19 *poverty counties” means any county that has had 20 per-*
20 *cent or more of its population living in poverty over the*
21 *past 30 years, as measured by the 1990 and 2000 decennial*
22 *censuses, and 2007–2011 American Community Survey 5–*
23 *6 year average, or any territory or possession of the United*
24 *States: Provided further, That, in addition to other funds*
25 *available for such purpose, not more than four percent of*

1 *the amounts provided under this heading in this Act shall*
2 *be for administrative costs to carry out the pilot program*
3 *and broadband loans: Provided further, That up to three*
4 *percent of the amounts provided under this heading in this*
5 *Act shall be for technical assistance and predevelopment*
6 *planning activities to support rural communities, of which*
7 *\$5,000,000 shall have a priority for the establishment and*
8 *growth of cooperatives to offer broadband, which shall be*
9 *transferred to and merged with the appropriation for*
10 *“Rural Development, Salaries and Expenses”:* *Provided*
11 *further, That the Secretary of Agriculture shall collaborate,*
12 *to the extent practicable, with the Commissioner of the Fed-*
13 *eral Communications Commission and the Assistant Sec-*
14 *retary for Communications and Information at the Na-*
15 *tional Telecommunications and Information Administra-*
16 *tion to carry out the amounts provided under this heading*
17 *in this Act for the pilot program: Provided further, That*
18 *the Secretary may transfer funds provided under this head-*
19 *ing in this Act between broadband loans, as authorized by*
20 *section 601 of the Rural Electrification Act, and the pilot*
21 *program to accommodate demand: Provided further, That*
22 *no funds shall be transferred pursuant to the preceding pro-*
23 *viso until the Secretary notifies in writing and receives ap-*
24 *proval from the Committees on Appropriations and Agri-*
25 *culture of both Houses of Congress at least 30 days in ad-*

1 *vance of the transfer of such funds or the use of such author-*
2 *ity: Provided further, That for purposes of the amounts pro-*
3 *vided under this heading in this Act for the pilot program,*
4 *the Secretary shall adhere to the notice, reporting, and serv-*
5 *ice area assessment requirements set forth in section*
6 *701(a)–(d) of the Rural Electrification Act (7 U.S.C.*
7 *950cc(a)–(d)): Provided further, That such amount is des-*
8 *ignated by the Congress as being for an emergency require-*
9 *ment pursuant to section 4112(a) of H. Con. Res. 71 (115th*
10 *Congress), the concurrent resolution on the budget for fiscal*
11 *year 2018, and to section 251(b) of the Balanced Budget*
12 *and Emergency Deficit Control Act of 1985.*

13 **GENERAL PROVISION—THIS TITLE**

14 *SEC. 101. In addition to amounts otherwise made*
15 *available for such purpose, there is hereby appropriated*
16 *\$10,000,000, to remain available until expended, to carry*
17 *out section 70501 of division G of this Act: Provided, That*
18 *\$5,000,000, to remain available until expended, shall be*
19 *made available for fiscal year 2022 and \$5,000,000, to re-*
20 *main available until expended, shall be made available for*
21 *fiscal year 2023: Provided further, That such amount is des-*
22 *ignated by the Congress as being for an emergency require-*
23 *ment pursuant to section 4112(a) of H. Con. Res. 71 (115th*
24 *Congress), the concurrent resolution on the budget for fiscal*

1 *year 2018, and to section 251(b) of the Balanced Budget*
2 *and Emergency Deficit Control Act of 1985.*

3 *TITLE II—COMMERCE, JUSTICE, SCIENCE, AND*

4 *RELATED AGENCIES*

5 *DEPARTMENT OF COMMERCE*

6 *NATIONAL TELECOMMUNICATIONS AND INFORMATION*

7 *ADMINISTRATION*

8 *BROADBAND EQUITY, ACCESS, AND DEPLOYMENT PROGRAM*

9 *(INCLUDING TRANSFER OF FUNDS)*

10 *For an additional amount for “Broadband Equity,*
11 *Access, and Deployment Program”, \$42,450,000,000, to re-*
12 *main available until expended, for grants as authorized*
13 *under section 60102 of division F of this Act: Provided,*
14 *That not later than 90 days after the date of enactment*
15 *of this Act, the Secretary of Commerce shall submit to the*
16 *House and Senate Committees on Appropriations a detailed*
17 *spend plan for fiscal year 2022: Provided further, That up*
18 *to 2 percent of the amounts made available under this head-*
19 *ing in this Act in fiscal year 2022 shall be for salaries and*
20 *expenses, administration, and oversight, of which*
21 *\$12,000,000 shall be transferred to the Office of Inspector*
22 *General of the Department of Commerce for oversight of*
23 *funding provided to the National Telecommunications and*
24 *Information Administration in this title in this Act: Pro-*
25 *vided further, That such amount is designated by the Con-*

1 *gress as being for an emergency requirement pursuant to*
2 *section 4112(a) of H. Con. Res. 71 (115th Congress), the*
3 *concurrent resolution on the budget for fiscal year 2018,*
4 *and to section 251(b) of the Balanced Budget and Emer-*
5 *gency Deficit Control Act of 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, 2021*
12 *(Public Law 116–260), as amended by section 60201 of di-*
13 *vision F this Act: Provided, That such amount is designated*
14 *by 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 year*
17 *2018, and to section 251(b) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *DIGITAL EQUITY*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For an additional amount for “Digital Equity”,*
22 *\$2,750,000,000, to remain available until expended, for*
23 *competitive grants as authorized under sections 60304 and*
24 *60305 of division F of this Act: Provided, That of the*
25 *amount provided under this heading in this Act—*

1 (1) \$550,000,000, to remain available until ex-
2 pended, shall be made available for fiscal year 2022,
3 of which \$60,000,000 is for the award of grants under
4 section 60304 (c)(3) of division F of this Act,
5 \$240,000,000 is for the award of grants under section
6 60304(d) of division F of this Act, and \$250,000,000
7 is for the award of grants under section 60305 of di-
8 vision F of this Act;

9 (2) \$550,000,000, to remain available until ex-
10 pended, shall be made available for fiscal year 2023,
11 of which \$300,000,000 is for the award of grants
12 under section 60304(d) of division F of this Act and
13 \$250,000,000 is for the award of grants under section
14 60305 of division F of this Act;

15 (3) \$550,000,000, to remain available until ex-
16 pended, shall be made available for fiscal year 2024,
17 of which \$300,000,000 is for the award of grants
18 under section 60304(d) of division F of this Act and
19 \$250,000,000 is for the award of grants under section
20 60305 of division F of this Act;

21 (4) \$550,000,000, to remain available until ex-
22 pended, shall be made available for fiscal year 2025,
23 of which \$300,000,000 is for the award of grants
24 under section 60304(d) of division F of this Act and

1 \$250,000,000 is for the award of grants under section
2 60305 of division F of this Act; and

3 (5) \$550,000,000, to remain available until ex-
4 pended, shall be made available for fiscal year 2026,
5 of which \$300,000,000 is for the award of grants
6 under section 60304(d) of division F of this Act and
7 \$250,000,000 is for the award of grants under section
8 60305 of division F of this Act:

9 *Provided further, That the Secretary shall issue notices of*
10 *funding opportunity not later than 180 days after each date*
11 *upon which funds are made available under the preceding*
12 *proviso: Provided further, That the Secretary shall make*
13 *awards not later than 270 days after issuing the notices*
14 *of funding opportunity required under the preceding pro-*
15 *viso: Provided further, That up to 2 percent of the amounts*
16 *made available in each fiscal year shall be for salaries and*
17 *expenses, administration, and oversight, of which*
18 *\$1,000,000 in each of fiscal years 2022 through 2026 shall*
19 *be transferred to the Office of Inspector General of the De-*
20 *partment of Commerce for oversight of funding provided to*
21 *the National Telecommunications and Information Admin-*
22 *istration in this title in this Act: Provided further, That*
23 *such 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 on*

1 *the budget for fiscal year 2018, and to section 251(b) of*
2 *the Balanced Budget and Emergency Deficit Control Act*
3 *of 1985.*

4 *MIDDLE MILE DEPLOYMENT*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for “Middle Mile Deploy-*
7 *ment”, \$1,000,000,000, to remain available September 30,*
8 *2026, for competitive grants as authorized under section*
9 *60401 of division F of this Act: Provided, That the Sec-*
10 *retary of Commerce shall issue notices of funding oppor-*
11 *tunity not later than 180 days after the date of enactment*
12 *of this Act: Provided further, That the Secretary of Com-*
13 *merce shall make awards not later than 270 days after*
14 *issuing the notices of funding opportunity required under*
15 *the preceding proviso: Provided further, That up to 2 per-*
16 *cent of the amounts made available under this heading in*
17 *this Act shall be for salaries and expenses, administration,*
18 *and oversight, during fiscal years 2022 through 2026 of*
19 *which \$1,000,000 shall be transferred to the Office of Inspec-*
20 *tor General of the Department of Commerce for oversight*
21 *of funding provided to the National Telecommunications*
22 *and Information Administration in this title in this Act:*
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), the*

1 *concurrent resolution on the budget for fiscal year 2018,*
2 *and to section 251(b) of the Balanced Budget and Emer-*
3 *gency Deficit Control Act of 1985.*

4 *NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION*
5 *OPERATIONS, RESEARCH, AND FACILITIES*

6 *For an additional amount for “Operations, Research,*
7 *and Facilities”, \$2,611,000,000, to remain available until*
8 *September 30, 2027: Provided, That \$557,250,000, to re-*
9 *main available until September 30, 2023, shall be made*
10 *available for fiscal year 2022, \$515,584,000, to remain*
11 *available until September 30, 2024, shall be made available*
12 *for fiscal year 2023, \$515,583,000, to remain available*
13 *until September 30, 2025, shall be made available for fiscal*
14 *year 2024, \$515,583,000, to remain available until Sep-*
15 *tember 30, 2026, shall be made available for fiscal year*
16 *2025, and \$507,000,000, to remain available until Sep-*
17 *tember 30, 2027, shall be made available for fiscal year*
18 *2026: Provided further, That of the funds made available*
19 *under this heading in this Act, the following amounts shall*
20 *be for the following purposes in equal amounts for each of*
21 *fiscal years 2022 through 2026, including for administra-*
22 *tive costs, technical support, and oversight, unless stated*
23 *otherwise—*

24 *(1) \$492,000,000 shall be for National Oceans*
25 *and Coastal Security Fund grants, as authorized*

1 *under section 906(c) of division O of Public Law*
2 *114–113;*

3 (2) *\$491,000,000 shall be for contracts, grants,*
4 *and cooperative agreements to provide funding and*
5 *technical assistance for purposes of restoring marine,*
6 *estuarine, coastal, or Great Lakes ecosystem habitat,*
7 *or constructing or protecting ecological features that*
8 *protect coastal communities from flooding or coastal*
9 *storms;*

10 (3) *\$492,000,000 shall be for coastal and inland*
11 *flood and inundation mapping and forecasting, and*
12 *next-generation water modeling activities, including*
13 *modernized precipitation frequency and probable*
14 *maximum studies;*

15 (4) *\$25,000,000 shall be for data acquisition ac-*
16 *tivities pursuant to section 511(b) of the Water Re-*
17 *sources Development Act of 2020 (division AA of Pub-*
18 *lic Law 116–260), of which \$8,334,000 shall be avail-*
19 *able in fiscal year 2023 and \$8,333,000 shall be*
20 *available in each of fiscal years 2024 and 2025;*

21 (5) *\$50,000,000 shall be for wildfire prediction,*
22 *detection, observation, modeling, and forecasting, for*
23 *fiscal year 2022;*

24 (6) *\$1,000,000 shall be for the study of soil mois-*
25 *ture and snowpack monitoring network in the Upper*

1 *Missouri River Basin pursuant to section 511(b)(3) of*
2 *the Water Resources Development Act of 2020 (divi-*
3 *sion AA of Public Law 116–260), in equal amounts*
4 *for each of fiscal years 2022 through 2025;*

5 (7) *\$150,000,000 shall be for marine debris as-*
6 *essment, prevention, mitigation, and removal;*

7 (8) *\$50,000,000 shall be for marine debris pre-*
8 *vention and removal through the National Sea Grant*
9 *College Program (33 U.S.C. 1121 et seq.);*

10 (9) *\$207,000,000 shall be for habitat restoration*
11 *projects pursuant to section 310 of the Coastal Zone*
12 *Management Act (16 U.S.C. 1456c), including eco-*
13 *system conservation pursuant to section 12502 of the*
14 *Omnibus Public Land Management Act of 2009 (16*
15 *U.S.C. 1456–1), notwithstanding subsection (g) of*
16 *that section;*

17 (10) *\$77,000,000 shall be for habitat restoration*
18 *projects through the National Estuarine Research Re-*
19 *serve System (16 U.S.C. 1456c), including ecosystem*
20 *conservation pursuant to section 12502 of the Omni-*
21 *bus Public Land Management Act of 2009 (16 U.S.C.*
22 *1456–1);*

23 (11) *\$100,000,000 shall be for supporting im-*
24 *proved and enhanced coastal, ocean, and Great Lakes*
25 *observing systems;*

1 (12) \$56,000,000 shall be for established Re-
2 gional Ocean Partnerships (ROPs) to coordinate the
3 interstate and intertribal management of ocean and
4 coastal resources and to implement their priority ac-
5 tions, including to enhance associated sharing and in-
6 tegration of Federal and non-Federal data by ROPs,
7 or their equivalent;

8 (13) \$20,000,000 shall be for consultations and
9 permitting related to the Endangered Species Act, the
10 Marine Mammal Protection Act, and Essential Fish
11 Habitat; and

12 (14) \$400,000,000 shall be for restoring fish pas-
13 sage by removing in-stream barriers and providing
14 technical assistance pursuant to section 117 of the
15 Magnuson-Stevens Fishery Conservation and Manage-
16 ment Reauthorization Act of 2006 (16 U.S.C. 1891a),
17 of which up to 15 percent shall be reserved for Indian
18 Tribes or partnerships of Indian Tribes in conjunc-
19 tion with an institution of higher education, non-
20 profit, commercial (for profit) organizations, U.S. ter-
21 ritories, and state or local governments, and of which
22 the remaining amount shall be for all eligible entities,
23 including Indian Tribes and such partnerships of In-
24 dian Tribes:

1 *Provided further, That under this heading the term Indian*
2 *Tribe shall have the meaning given to the term in section*
3 *4 of the Indian Self-Determination and Education Act (25*
4 *U.S.C. 5304): Provided further, That nothing under this*
5 *heading in this Act shall be construed as providing any*
6 *new authority to remove, breach, or otherwise alter the oper-*
7 *ations of a Federal hydropower dam and dam removal*
8 *projects shall include written consent of the dam owner, if*
9 *ownership is established: Provided further, That amounts*
10 *made available under this heading in this Act may be used*
11 *for consultations and permitting related to the Endangered*
12 *Species Act and the Marine Mammal Protection Act for*
13 *projects funded under this heading in this Act: Provided*
14 *further, That not later than 90 days after the date of enact-*
15 *ment of this Act, the National Oceanic and Atmospheric*
16 *Administration shall submit to the Committees on Appro-*
17 *priations of the House of Representatives and the Senate*
18 *a detailed spend plan for fiscal year 2022: Provided further,*
19 *That for each of fiscal years 2023 through 2026, as part*
20 *of the annual budget submission of the President under sec-*
21 *tion 1105(a) of title 31, United States Code, the Secretary*
22 *of Commerce shall submit a detailed spend plan for that*
23 *fiscal year: Provided further, That the Secretary may waive*
24 *or reduce the required non-Federal share for amounts made*
25 *available under this heading in this Act: Provided further,*

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 resolu-*
4 *tion on the budget for fiscal year 2018, and to section 251(b)*
5 *of the Balanced Budget and Emergency Deficit Control Act*
6 *of 1985.*

7 *PROCUREMENT, ACQUISITION AND CONSTRUCTION*

8 *For an additional amount for “Procurement, Acquisi-*
9 *tion and Construction”, \$180,000,000, to remain available*
10 *until September 30, 2024, as follows:*

11 *(1) \$50,000,000 shall be for observation and dis-*
12 *semination infrastructure used for wildfire prediction,*
13 *detection, and forecasting;*

14 *(2) \$80,000,000 shall be for research supercom-*
15 *puting infrastructure used for weather and climate*
16 *model development to improve drought, flood, and*
17 *wildfire prediction, detection, and forecasting; and*

18 *(3) \$50,000,000 shall be for coastal, ocean, and*
19 *Great Lakes observing systems:*

20 *Provided, That not later than 90 days after the date of en-*
21 *actment of this Act, the National Oceanic and Atmospheric*
22 *Administration shall submit to the Committees on Appro-*
23 *priations of the House of Representatives and the Senate*
24 *a detailed spend plan: Provided further, That such amount*
25 *is designated by the Congress as being for an emergency*

1 *requirement pursuant to section 4112(a) of H. Con. Res.*
2 *71 (115th Congress), the concurrent resolution on the budget*
3 *for fiscal year 2018, and to section 251(b) of the Balanced*
4 *Budget and Emergency Deficit Control Act of 1985.*

5 *PACIFIC COASTAL SALMON RECOVERY*

6 *For an additional amount for “Pacific Coastal Salm-*
7 *on Recovery”, \$172,000,000, to remain available until Sep-*
8 *tember 30, 2027: Provided, That \$34,400,000, to remain*
9 *available until September 30, 2023, shall be made available*
10 *for fiscal year 2022, \$34,400,000, to remain available until*
11 *September 30, 2024, shall be made available for fiscal year*
12 *2023, \$34,400,000, to remain available until September 30,*
13 *2025, shall be made available for fiscal year 2024,*
14 *\$34,400,000, to remain available until September 30, 2026,*
15 *shall be made available for fiscal year 2025, and*
16 *\$34,400,000, to remain available until September 30, 2027,*
17 *shall be made available for fiscal year 2026: Provided, That*
18 *not later than 90 days after the date of enactment of this*
19 *Act, the National Oceanic and Atmospheric Administration*
20 *shall submit to the Committees on Appropriations of the*
21 *House of Representatives and the Senate a spend plan for*
22 *fiscal year 2022: Provided further, That for each of fiscal*
23 *years 2023 through 2026, as part of the annual budget sub-*
24 *mission of the President under section 1105(a) of title 31,*
25 *United States Code, the Secretary of Commerce shall submit*

1 *a detailed spend plan for that fiscal year: Provided further,*
2 *That the Secretary may waive or reduce the required non-*
3 *Federal share for amounts made available under this head-*
4 *ing in this Act: Provided further, That such amount is des-*
5 *ignated by the Congress as being for an emergency require-*
6 *ment pursuant to section 4112(a) of H. Con. Res. 71 (115th*
7 *Congress), the concurrent resolution on the budget for fiscal*
8 *year 2018, and to section 251(b) of the Balanced Budget*
9 *and Emergency Deficit Control Act of 1985.*

10 *TITLE III—ENERGY AND WATER DEVELOPMENT*

11 *AND RELATED AGENCIES*

12 *DEPARTMENT OF THE ARMY*

13 *CORPS OF ENGINEERS—CIVIL*

14 *INVESTIGATIONS*

15 *For an additional amount for “Investigations”,*
16 *\$150,000,000, to remain available until expended: Pro-*
17 *vided, That of the amount provided under this heading in*
18 *this Act, \$30,000,000 shall be used by the Secretary of the*
19 *Army, acting through the Chief of Engineers, to undertake*
20 *work authorized to be carried out in accordance with section*
21 *22 of the Water Resources Development Act of 1974 (Public*
22 *Law 93–251; 42 U.S.C. 1962d–16), as amended: Provided*
23 *further, That of the amount provided under this heading*
24 *in this Act, \$45,000,000 shall be used by the Secretary of*
25 *the Army, acting through the Chief of Engineers, to under-*

1 *take work authorized to be carried out in accordance with*
2 *section 206 of the 1960 Flood Control Act (Public Law 86–*
3 *645), as amended: Provided further, That of the amount*
4 *provided under this heading in this Act, \$75,000,000 shall*
5 *be used for necessary expenses related to the completion, or*
6 *initiation and completion, of studies which are authorized*
7 *prior to the date of enactment of this Act, of which*
8 *\$30,000,000, to become available on October 1, 2022, shall*
9 *be used by the Secretary of the Army, acting through the*
10 *Chief of Engineers, to complete, or to initiate and complete,*
11 *studies carried out in accordance with section 118 of divi-*
12 *sion AA of the Consolidated Appropriations Act, 2021*
13 *(Public Law 116–260), except that the limitation on the*
14 *number of studies authorized to be carried out under section*
15 *118(b) and section 118(c) shall not apply: Provided further,*
16 *That not later than 60 days after the date of enactment*
17 *of this Act, the Chief of Engineers shall submit to the House*
18 *and Senate Committees on Appropriations a detailed spend*
19 *plan for the funds identified for fiscal year 2022 in the pre-*
20 *ceding proviso, including a list of project locations and new*
21 *studies selected to be initiated: Provided further, That not*
22 *later than 60 days after the date of enactment of this Act,*
23 *the Chief of Engineers shall provide a briefing to the House*
24 *and Senate Committees on Appropriations on an imple-*
25 *mentation plan, including a schedule for solicitation of*

1 *projects and expenditure of funds, for the funding provided*
2 *for fiscal year 2023 to undertake work authorized to be car-*
3 *ried out in accordance with section 118 of division AA of*
4 *the Consolidated Appropriations Act, 2021 (Public Law*
5 *116–260): Provided further, That for fiscal year 2023, as*
6 *part of the annual budget submission of the President under*
7 *section 1105(a) of title 31, United States Code, the Chief*
8 *of Engineers shall submit a detailed spend plan for that*
9 *fiscal year, including a list of project locations for the fund-*
10 *ing provided to undertake work authorized to be carried out*
11 *in accordance with section 118 of division AA of the Con-*
12 *solidated Appropriations Act, 2021 (Public Law 116–260):*
13 *Provided further, That beginning not later than 120 days*
14 *after the enactment of this Act, the Chief of Engineers shall*
15 *provide a monthly report to the Committees on Appropria-*
16 *tions of the House of Representatives and the Senate detail-*
17 *ing the allocation and obligation of the funds provided*
18 *under this heading in this Act, including new studies se-*
19 *lected to be initiated using funds provided under this head-*
20 *ing: Provided further, That such amount is designated by*
21 *the Congress as being for an emergency requirement pursu-*
22 *ant to section 4112(a) of H. Con. Res. 71 (115th Congress),*
23 *the 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.*

CONSTRUCTION

1
2 *For an additional amount for “Construction”,*
3 *\$11,615,000,000, to remain available until expended: Pro-*
4 *vided, That the Secretary may initiate additional new con-*
5 *struction starts with funds provided under this heading in*
6 *this Act: Provided further, That the limitation concerning*
7 *total project costs in section 902 of the Water Resources De-*
8 *velopment Act of 1986 (Public Law 99–662; 33 U.S.C.*
9 *2280), as amended, shall not apply to any project completed*
10 *using funds provided under this heading in this Act: Pro-*
11 *vided further, That of the amount provided under this head-*
12 *ing in this Act, such sums as are necessary to cover the*
13 *Federal share of construction costs for facilities under the*
14 *Dredged Material Disposal Facilities program shall be de-*
15 *rived from the general fund of the Treasury: Provided fur-*
16 *ther, That of the amount provided under this heading in*
17 *this Act, \$1,500,000,000 shall be for major rehabilitation,*
18 *construction, and related activities for rivers and harbors,*
19 *of which not more than \$250,000,000 shall be to undertake*
20 *work at harbors defined by section 2006 of the Water Re-*
21 *sources Development Act of 2007 (Public Law 110–114, 33*
22 *U.S.C. 2242), as amended, and not more than \$250,000,000*
23 *may be for projects determined to require repair in the re-*
24 *port prepared pursuant to section 1104 of the Water Infra-*
25 *structure Improvements for the Nation Act (Public Law*

1 114–322): *Provided further, That of the amount provided*
2 *under this heading in this Act, \$200,000,000 shall be for*
3 *water-related environmental infrastructure assistance: Pro-*
4 *vided further, That of the amount provided under this head-*
5 *ing in this Act, \$2,500,000,000 shall be for construction,*
6 *replacement, rehabilitation, and expansion of inland water-*
7 *ways projects: Provided further, That section 102(a) of the*
8 *Water Resources Development Act of 1986 (Public Law 99–*
9 *662; 33 U.S.C. 2212(a)) and section 109 of the Water Re-*
10 *sources Development Act of 2020 (Public Law 116–260; 134*
11 *Stat. 2624) shall not apply to the extent that such projects*
12 *are carried out using funds provided in the preceding pro-*
13 *viso: Provided further, That in using such funds referred*
14 *to in the preceding proviso, the Secretary shall give priority*
15 *to projects included in the Capital Investment Strategy of*
16 *the Corps of Engineers: Provided further, That of the*
17 *amount provided under this heading in this Act,*
18 *\$465,000,000 shall be used by the Secretary of the Army,*
19 *acting through the Chief of Engineers, to undertake work*
20 *authorized to be carried out in accordance with section 14,*
21 *as amended, of the Flood Control Act of 1946 (33 U.S.C.*
22 *701r), section 103, as amended, of the River and Harbor*
23 *Act of 1962 (Public Law 87–874), section 107, as amended,*
24 *of the River and Harbor Act 1960 (Public Law 86–645),*
25 *section 204 of the Water Resources Development Act of 1992*

1 *(33 U.S.C. 2326), section 205 of the Flood Control Act of*
2 *1948 (33 U.S.C. 701s), section 206 of the Water Resources*
3 *Development Act of 1996 (Public Law 104–303; 33 U.S.C.*
4 *2330), section 1135 of the Water Resources Development Act*
5 *of 1986 (Public Law 99–662; 33 U.S.C. 2309a), or section*
6 *165(a) of division AA of the Consolidated Appropriations*
7 *Act, 2021 (Public Law 116–260), notwithstanding the*
8 *project number or program cost limitations set forth in*
9 *those sections: Provided further, That of the amounts in the*
10 *preceding proviso, \$115,000,000, shall be used under the*
11 *aquatic ecosystem restoration program under section 206*
12 *of the Water Resources Development Act of 1996 (33 U.S.C.*
13 *2330) to restore fish and wildlife passage by removing in-*
14 *stream barriers and provide technical assistance to non-*
15 *Federal interests carrying out such activities, at full Fed-*
16 *eral expense and notwithstanding the individual project*
17 *cost limitation set forth in that section: Provided further,*
18 *That the amounts provided in the preceding proviso shall*
19 *not be construed to provide any new authority to remove,*
20 *breach, or otherwise alter the operations of a Federal hydro-*
21 *power dam, and do not limit the Secretary of the Army,*
22 *acting through the Chief of Engineers, from allotting addi-*
23 *tional funds from amounts provided under this heading in*
24 *this Act for other purposes allowed under section 206 of the*
25 *Water Resources Development Act of 1996 (33 U.S.C. 2330):*

1 *Provided further, That of the amount provided under this*
2 *heading in this Act, \$1,900,000,000 shall be for aquatic eco-*
3 *system restoration projects, of which not less than*
4 *\$1,000,000,000 shall be for multi-purpose projects or multi-*
5 *purpose programs that include aquatic ecosystem restora-*
6 *tion as a purpose: Provided further, That of the amount*
7 *provided under this heading in this Act, \$2,550,000,000*
8 *shall be for coastal storm risk management, hurricane and*
9 *storm damage reduction projects, and related activities tar-*
10 *geting States that have been impacted by federally declared*
11 *disasters over the last six years, which may include projects*
12 *authorized by section 116 of Public Law 111–85, of which*
13 *not less than \$1,000,000,000 shall be for multi-purpose*
14 *projects or multi-purpose programs that include flood risk*
15 *management benefits as a purpose: Provided further, That*
16 *of the amount provided in the preceding proviso,*
17 *\$200,000,000 shall be for shore protection projects: Provided*
18 *further, That of the funds in the preceding proviso,*
19 *\$100,000,000, to remain available until expended, shall be*
20 *made available for fiscal year 2022, \$50,000,000, to remain*
21 *available until expended, shall be made available for fiscal*
22 *year 2023, and \$50,000,000, to remain available until ex-*
23 *pended, shall be made available for fiscal year 2024: Pro-*
24 *vided further, That of the amount provided under this head-*
25 *ing in this Act, \$2,500,000,000 shall be for inland flood risk*

1 management projects, of which not less than \$750,000,000
2 shall be for multi-purpose projects or multi-purpose pro-
3 grams that include flood risk management as a purpose:
4 Provided further, That in selecting projects under the pre-
5 vious proviso, the Secretary of the Army shall prioritize
6 projects with overriding life-safety benefits: Provided fur-
7 ther, That of the funds in the proviso preceding the pre-
8 ceding proviso, the Secretary of the Army shall, to the max-
9 imum extent practicable, prioritize projects in the work
10 plan that directly benefit economically disadvantaged com-
11 munities, and may take into consideration prioritizing
12 projects that benefit areas in which the percentage of people
13 that live in poverty or identify as belonging to a minority
14 group is greater than the average such percentage in the
15 United States, based on data from the Bureau of the Census:
16 Provided further, That not later than 60 days after the date
17 of enactment of this Act, the Chief of Engineers shall submit
18 to the House and Senate Committees on Appropriations a
19 detailed spend plan for the funds provided under this head-
20 ing in this Act for each fiscal year, including a list of
21 project locations and new construction projects selected to
22 be initiated: Provided further, That beginning not later
23 than 120 days after the enactment of this Act, the Chief
24 of Engineers shall provide a monthly report to the Commit-
25 tees on Appropriations of the House of Representatives and

1 *the Senate detailing the allocation and obligation of these*
2 *funds, including new construction projects selected to be ini-*
3 *tiated using funds provided under this heading in this Act:*
4 *Provided further, That such amount is designated by the*
5 *Congress as being for an emergency requirement pursuant*
6 *to section 4112(a) of H. Con. Res. 71 (115th Congress), the*
7 *concurrent resolution on the budget for fiscal year 2018,*
8 *and to section 251(b) of the Balanced Budget and Emer-*
9 *gency Deficit Control Act of 1985.*

10 *MISSISSIPPI RIVER AND TRIBUTARIES*

11 *For an additional amount for “Mississippi River and*
12 *Tributaries”, \$808,000,000, to remain available until ex-*
13 *pendent: Provided, That of the amount provided under this*
14 *heading in this Act, \$258,000,000, which shall be obligated*
15 *within 90 days of enactment of this Act, shall be used for*
16 *necessary expenses to address emergency situations at Corps*
17 *of Engineers Federal projects caused by natural disasters:*
18 *Provided further, That the Secretary may initiate addi-*
19 *tional new construction starts with funds provided under*
20 *this heading in this Act: Provided further, That the limita-*
21 *tion concerning total project costs in section 902 of the*
22 *Water Resources Development Act of 1986 (Public Law 99–*
23 *662; 33 U.S.C. 2280), as amended, shall not apply to any*
24 *project receiving funds provided under this heading in this*
25 *Act: Provided further, That not later than 60 days after*

1 *the date of enactment of this Act, the Chief of Engineers*
2 *shall submit to the House and Senate Committees on Ap-*
3 *propriations a detailed spend plan for fiscal year 2022, in-*
4 *cluding a list of project locations and construction projects*
5 *selected to be initiated: Provided further, That of the*
6 *amount provided under this heading in this Act, such sums*
7 *as are necessary to cover the Federal share of eligible oper-*
8 *ation and maintenance costs for inland harbors shall be de-*
9 *rived from the general fund of the Treasury: Provided fur-*
10 *ther, That beginning not later than 120 days after the en-*
11 *actment of this Act, the Chief of Engineers shall provide*
12 *a monthly report to the Committees on Appropriations of*
13 *the House of Representatives and the Senate detailing the*
14 *allocation and obligation of these funds, including construc-*
15 *tion projects selected to be initiated using funds provided*
16 *under this heading in this Act: Provided further, That such*
17 *amount is designated by the Congress as being for an emer-*
18 *gency requirement pursuant to section 4112(a) of H. Con.*
19 *Res. 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.*

1 *OPERATION AND MAINTENANCE*
2 *(INCLUDING TRANSFER OF FUNDS)*

3 *For an additional amount for “Operations and Main-*
4 *tenance”, \$4,000,000,000, to remain available until ex-*
5 *pended: Provided, That \$2,000,000,000, to remain available*
6 *until expended, shall be made available for fiscal year 2022,*
7 *\$1,000,000,000, to remain available until expended, shall*
8 *be made available for fiscal year 2023, \$1,000,000,000, to*
9 *remain available until expended, shall be made available*
10 *for fiscal year 2024: Provided further, That of the amount*
11 *provided under this heading in this Act for fiscal year 2022,*
12 *\$626,000,000, which shall be obligated within 90 days of*
13 *enactment of this Act, shall be used for necessary expenses*
14 *to dredge Federal navigation projects in response to, and*
15 *repair damages to Corps of Engineers Federal projects*
16 *caused by, natural disasters: Provided further, That of the*
17 *amount provided under this heading in this Act,*
18 *\$40,000,000 shall be to carry out Soil Moisture and*
19 *Snowpack Monitoring activities, as authorized in section*
20 *4003(a) of the Water Resources Reform and Development*
21 *Act of 2014, as amended: Provided further, That not later*
22 *than 60 days after the date of enactment of this Act, the*
23 *Chief of Engineers shall submit to the House and Senate*
24 *Committees on Appropriations a detailed spend plan for*
25 *fiscal year 2022, including a list of project locations, other*

1 *than for the amount for natural disasters identified in the*
2 *second proviso: Provided further, That for fiscal years 2023*
3 *and 2024, as part of the annual budget submission of the*
4 *President under section 1105(a) of title 31, United States*
5 *Code, the Chief of Engineers shall submit a detailed spend*
6 *plan for that fiscal year, including a list of project loca-*
7 *tions: Provided further, That of the amount provided under*
8 *this heading in this Act, such sums as are necessary to cover*
9 *the Federal share of eligible operation and maintenance*
10 *costs for coastal harbors and channels, and for inland har-*
11 *bors shall be derived from the general fund of the Treasury:*
12 *Provided further, That up to three percent of the amounts*
13 *made available under this heading in this Act for any fiscal*
14 *year may be transferred to “Regulatory Program” or “Ex-*
15 *penses” to carry out activities funded by those accounts:*
16 *Provided further, That the Committees on Appropriations*
17 *of the Senate and the House of Representatives shall be noti-*
18 *fied at least 30 days in advance of any transfer made pur-*
19 *suant to the preceding proviso: Provided further, That such*
20 *amount is designated by the Congress as being for an emer-*
21 *gency requirement pursuant to section 4112(a) of H. Con.*
22 *Res. 71 (115th Congress), the concurrent resolution on the*
23 *budget for fiscal year 2018, and to section 251(b) of the*
24 *Balanced Budget and Emergency Deficit Control Act of*
25 *1985.*

1 *REGULATORY PROGRAM*

2 *For an additional amount for “Regulatory Program”,*
3 *\$160,000,000, to remain available until September 30,*
4 *2026: Provided, That such amount is designated by the*
5 *Congress as being for an emergency requirement pursuant*
6 *to section 4112(a) of H. Con. Res. 71 (115th Congress), the*
7 *concurrent resolution on the budget for fiscal year 2018,*
8 *and to section 251(b) of the Balanced Budget and Emer-*
9 *gency Deficit Control Act of 1985.*

10 *FLOOD CONTROL AND COASTAL EMERGENCIES*

11 *For an additional amount for “Flood Control and*
12 *Coastal Emergencies”, \$251,000,000, to remain available*
13 *until expended: Provided, That funding provided under this*
14 *heading in this Act and utilized for authorized shore protec-*
15 *tion projects shall restore such projects to the full project*
16 *profile at full Federal expense: Provided further, That such*
17 *amount is designated by the Congress as being for an emer-*
18 *gency requirement pursuant to section 4112(a) of H. Con.*
19 *Res. 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.*

23 *EXPENSES*

24 *For an additional amount for “Expenses”,*
25 *\$40,000,000, to remain available until expended: Provided,*

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 resolu-*
4 *tion on the budget for fiscal year 2018, and to section 251(b)*
5 *of the Balanced Budget and Emergency Deficit Control Act*
6 *of 1985.*

7 *WATER INFRASTRUCTURE FINANCE AND INNOVATION*

8 *PROGRAM ACCOUNT*

9 *For an additional amount for “Water Infrastructure*
10 *Finance and Innovation Program Account”, \$75,000,000,*
11 *to remain available until expended: Provided, That of the*
12 *amounts provided under this heading in this Act,*
13 *\$64,000,000 shall be for the cost of direct loans and for the*
14 *cost of guaranteed loans, for safety projects to maintain,*
15 *upgrade, and repair dams identified in the National Inven-*
16 *tory of Dams with a primary owner type of state, local*
17 *government, public utility, or private: Provided further,*
18 *That no project may be funded with amounts provided*
19 *under this heading for a dam that is identified as jointly*
20 *owned in the National Inventory of Dams and where one*
21 *of those joint owners is the Federal Government: Provided*
22 *further, That of the amounts provided under this heading*
23 *in this Act \$11,000,000 shall be for administrative expenses*
24 *to carry out the direct and guaranteed loan programs, not-*
25 *withstanding section 5033 of the Water Infrastructure Fi-*

1 nance and Innovation Act of 2014: Provided further, That
2 such amount is designated by the Congress as being for an
3 emergency requirement pursuant to section 4112(a) of H.
4 Con. Res. 71 (115th Congress), the concurrent resolution on
5 the budget for fiscal year 2018, and to section 251(b) of
6 the Balanced Budget and Emergency Deficit Control Act
7 of 1985.

8 GENERAL PROVISIONS—CORPS OF ENGINEERS

9 SEC. 300. For projects that are carried out with funds
10 under this heading, the Secretary of the Army and the Di-
11 rector of the Office of Management and Budget shall con-
12 sider other factors in addition to the benefit-cost ratio when
13 determining the economic benefits of projects that benefit
14 disadvantaged communities.

15 DEPARTMENT OF THE INTERIOR

16 CENTRAL UTAH PROJECT

17 CENTRAL UTAH PROJECT COMPLETION ACCOUNT

18 For an additional amount for “Central Utah Project
19 Completion Account”, \$50,000,000, to remain available
20 until expended, of which \$10,000,000 shall be deposited into
21 the Utah Reclamation Mitigation and Conservation Ac-
22 count for use by the Utah Reclamation Mitigation and Con-
23 servation Commission: Provided, That such amount is des-
24 ignated by the Congress as being for an emergency require-
25 ment pursuant to section 4112(a) of H. Con. Res. 71 (115th

1 *Congress), 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 *BUREAU OF RECLAMATION*

5 *WATER AND RELATED RESOURCES*

6 *(INCLUDING TRANSFER OF FUNDS)*

7 *For an additional amount for “Water and Related Re-*
8 *sources”, \$8,300,000,000, to remain available until ex-*
9 *pended: Provided, That \$1,660,000,000, to remain available*
10 *until expended, shall be made available for fiscal year 2022,*
11 *\$1,660,000,000, to remain available until expended, shall*
12 *be made available for fiscal year 2023, \$1,660,000,000, to*
13 *remain available until expended, shall be made available*
14 *for fiscal year 2024, \$1,660,000,000, to remain available*
15 *until expended, shall be made available for fiscal year 2025,*
16 *\$1,660,000,000, to remain available until expended, shall*
17 *be made available for fiscal year 2026: Provided further,*
18 *That of the amount provided under this heading in this*
19 *Act for fiscal years 2022 through 2026, \$1,150,000,000 shall*
20 *be for water storage, groundwater storage, and conveyance*
21 *projects in accordance with section 40902 of division D of*
22 *this Act: Provided further, That of the funds identified in*
23 *the preceding proviso, \$100,000,000 shall be available for*
24 *small surface water and ground water storage projects au-*
25 *thorized in section 40903 of division D of this Act: Provided*

1 *further, That of the amount provided under this heading*
2 *in this Act, \$3,200,000,000 shall be available for transfer*
3 *into the Aging Infrastructure Account established by section*
4 *9603(d)(1) of the Omnibus Public Land Management Act*
5 *of 2009, as amended (43 U.S.C. 510b(d)(1)): Provided fur-*
6 *ther, That of the funds identified in the preceding proviso,*
7 *\$100,000,000 shall be made available for reserved or trans-*
8 *ferred works that have suffered a critical failure, in accord-*
9 *ance with section 40904(a) of division D of this Act, and*
10 *\$100,000,000 shall be made available for dam rehabilita-*
11 *tion, reconstruction, or replacement in accordance with sec-*
12 *tion 40904(b) of division D of this Act: Provided further,*
13 *That of the amount provided under this heading in this*
14 *Act for fiscal years 2022 through 2026, \$1,000,000,000 shall*
15 *be for rural water projects that have been authorized by an*
16 *Act of Congress before July 1, 2021, in accordance with the*
17 *Reclamation Rural Water Supply Act of 2006 (43 U.S.C.*
18 *2401 et seq.): Provided further, That of the amount provided*
19 *under this heading in this Act for fiscal years 2022 through*
20 *2026, \$1,000,000,000 shall be for water recycling and reuse*
21 *projects: Provided further, That of the funds identified in*
22 *the preceding proviso, \$550,000,000 shall be for water recy-*
23 *cling and reuse projects authorized in accordance with the*
24 *Reclamation Wastewater and Groundwater Study and Fa-*
25 *cilities Act (42 U.S.C. 390h et seq.), as described in section*

1 40901(4)(A) of division D of this Act, and \$450,000,000
2 shall be for large-scale water recycling and reuse projects
3 in accordance with section 40905 of division D of this Act:
4 Provided further, That of the amount provided under this
5 heading in this Act for fiscal years 2022 through 2026,
6 \$250,000,000 shall be for water desalination projects in ac-
7 cordance with the Water Desalinization Act of 1996 (42
8 U.S.C. 10301 note; Public Law 104–298), as described in
9 section 40901(5) of division D of this Act: Provided further,
10 That of the amount provided under this heading in this
11 Act for fiscal years 2022 through 2026, \$500,000,000 shall
12 be for the safety of dams program, in accordance with the
13 Reclamation Safety of Dams Act of 1978 (43 U.S.C. 506
14 et seq.): Provided further, That of the amount provided
15 under this heading in this Act for fiscal years 2022 through
16 2026, \$400,000,000 shall be for WaterSMART Grants in
17 accordance with section 9504 of the Omnibus Public Land
18 Management Act of 2009 (42 U.S.C. 10364): Provided fur-
19 ther, That of the funds identified in the preceding proviso,
20 \$100,000,000 shall be for projects that would improve the
21 condition of a natural feature or nature-based feature, as
22 described in section 40901(7) of division D of this Act: Pro-
23 vided further, That of the amount provided under this head-
24 ing in this Act for fiscal years 2022 through 2026,
25 \$300,000,000 shall be for implementing the drought contin-

1 *gency plan consistent with the obligations of the Secretary*
2 *under the Colorado River Drought Contingency Plan Au-*
3 *thorization Act (Public Law 116–14; 133 Stat. 850), as de-*
4 *scribed in section 40901(8) of division D of this Act: Pro-*
5 *vided further, That of the funds identified in the preceding*
6 *proviso, \$50,000,000 shall be for use in accordance with the*
7 *Drought Contingency Plan for the Upper Colorado River*
8 *Basin: Provided further, That of the amount provided*
9 *under this heading in this Act for fiscal years 2022 through*
10 *2026, \$100,000,000 shall be to provide financial assistance*
11 *for watershed management projects in accordance with sub-*
12 *title A of title VI of the Omnibus Public Land Management*
13 *Act of 2009 (16 U.S.C. 1015 et seq.): Provided further, That*
14 *of the amount provided under this heading in this Act for*
15 *fiscal years 2022 through 2026, \$250,000,000 shall be for*
16 *design, study and construction of aquatic ecosystem restora-*
17 *tion and protection projects in accordance with section*
18 *1109 of the Consolidated Appropriations Act, 2021: Pro-*
19 *vided further, That of the amount provided under this head-*
20 *ing in this Act for fiscal years 2022 through 2026,*
21 *\$100,000,000 shall be for multi-benefit projects to improve*
22 *watershed health in accordance with section 40907 of divi-*
23 *sion D of this Act: Provided further, That of the amounts*
24 *provided under this heading in this Act for fiscal years*
25 *2022 through 2026, \$50,000,000 shall be for endangered spe-*

1 *cies recovery and conservation programs in the Colorado*
2 *River Basin in accordance with Public Law 106–392, title*
3 *XVIII of Public Law 102–575, and subtitle E of title IX*
4 *of Public Law 111–11: Provided further, That up to three*
5 *percent of the amounts made available under this heading*
6 *in this Act in each of fiscal years 2022 through 2026 shall*
7 *be for program administration and policy expenses: Pro-*
8 *vided further, That not later than 60 days after the date*
9 *of enactment of this Act, the Secretary of the Interior shall*
10 *submit to the House and Senate Committees on Appropria-*
11 *tions a detailed spend plan, including a list of project loca-*
12 *tions of the preceding proviso, to be funded for fiscal year*
13 *2022: Provided further, That beginning not later than 120*
14 *days after the enactment of this Act, the Secretary of the*
15 *Interior shall provide a monthly report to the Committees*
16 *on Appropriations of the House of Representatives and the*
17 *Senate detailing the allocation and obligation of the funds*
18 *provided under this heading in this Act: Provided further,*
19 *That for fiscal years 2023 through 2026, as part of the an-*
20 *nual budget submission of the President under section*
21 *1105(a) of title 31, United States Code, the Secretary of*
22 *the Interior shall submit a detailed spend plan for those*
23 *fiscal years, including a list of project locations: Provided*
24 *further, That such amount is designated by the Congress*
25 *as being for an emergency requirement pursuant to section*

1 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent
2 resolution on the budget for fiscal year 2018, and to section
3 251(b) of the Balanced Budget and Emergency Deficit Con-
4 trol Act of 1985.

5 *DEPARTMENT OF ENERGY*

6 *ENERGY PROGRAMS*

7 *ENERGY EFFICIENCY AND RENEWABLE ENERGY*

8 *For an additional amount for “Energy Efficiency and*
9 *Renewable Energy”, \$16,264,000,000 to remain available*
10 *until expended: Provided, That of the amount provided*
11 *under this heading in this Act, \$250,000,000 shall be for*
12 *activities for the Energy Efficiency Revolving Loan Fund*
13 *Capitalization Grant Program, as authorized under section*
14 *40502 of division D of this Act: Provided further, That of*
15 *the amount provided under this heading in this Act,*
16 *\$40,000,000 shall be for grants for the Energy Auditor*
17 *Training Grant Program, as authorized under section*
18 *40503 of division D of this Act: Provided further, That of*
19 *the amount provided under the heading in this Act,*
20 *\$225,000,000 shall be for grants for implementing of up-*
21 *dated building energy codes, as authorized under section*
22 *309 of the Energy Conservation and Production Act (42*
23 *U.S.C. 6831 et seq.), as amended by section 40511(a) of di-*
24 *vision D of this Act: Provided further, That of the funds*
25 *in the preceding proviso, \$45,000,000, to remain available*

1 *until expended, shall be made available for fiscal year 2022,*
2 *\$45,000,000, to remain available until expended, shall be*
3 *made available for fiscal year 2023, \$45,000,000, to remain*
4 *available until expended, shall be made available for fiscal*
5 *year 2024, \$45,000,000, to remain available until expended,*
6 *shall be made available for fiscal year 2025, and*
7 *\$45,000,000, 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 *\$10,000,000 shall be for Building, Training, and Assess-*
11 *ment Centers, as authorized under section 40512 of division*
12 *D of this Act: Provided further, That of the amount pro-*
13 *vided under this heading in this Act, \$10,000,000 shall be*
14 *for grants for Career Skills Training, as authorized under*
15 *section 40513 of division D of this Act: Provided further,*
16 *That of the amount provided under this heading in this*
17 *Act, \$150,000,000 shall be for activities for Industrial Re-*
18 *search and Assessment Centers, as authorized under sub-*
19 *sections (a) through (h) of section 457 of the Energy Inde-*
20 *pendence and Security Act of 2007 (42 U.S.C. 17111 et*
21 *seq.), as amended by section 40521(b) of division D of this*
22 *Act: Provided further, That of the funds in the preceding*
23 *proviso, \$30,000,000, to remain available until expended,*
24 *shall be made available for fiscal year 2022, \$30,000,000,*
25 *to remain available until expended, shall be made available*

1 *for fiscal year 2023, \$30,000,000, to remain available until*
2 *expended, shall be made available for fiscal year 2024,*
3 *\$30,000,000, to remain available until expended, shall be*
4 *made available for fiscal year 2025, and \$30,000,000, to*
5 *remain available until expended, shall be made available*
6 *for fiscal year 2026: Provided further, That of the amount*
7 *provided under this heading in this Act, \$400,000,000 shall*
8 *be for activities for Implementation Grants for Industrial*
9 *Research and Assessment Centers, as authorized under sec-*
10 *tion 457(i) of the Energy Independence and Security Act*
11 *of 2007 (42 U.S.C. 17111 et seq.), as amended by section*
12 *40521(b) of division D of this Act: Provided further, That*
13 *of the funds in the preceding two provisos, \$80,000,000, to*
14 *remain available until expended, shall be made available*
15 *for fiscal year 2022, \$80,000,000, to remain available until*
16 *expended, shall be made available for fiscal year 2023,*
17 *\$80,000,000, to remain available until expended, shall be*
18 *made available for fiscal year 2024, \$80,000,000, to remain*
19 *available until expended, shall be made available for fiscal*
20 *year 2025, and \$80,000,000, to remain available until ex-*
21 *pended, shall be made available for fiscal year 2026: Pro-*
22 *vided further, That of the amount provided under this head-*
23 *ing in this Act, \$50,000,000 shall be for carrying out activi-*
24 *ties for Manufacturing Leadership, as authorized under sec-*
25 *tion 40534 of division D of this Act: Provided further, That*

1 *of the amount provided under this heading in this Act,*
2 *\$500,000,000 shall be for grants for Energy Efficiency Im-*
3 *provements and Renewable Energy Improvements at Public*
4 *School Facilities, as authorized under section 40541 of divi-*
5 *sion D of this Act: Provided further, That of the funds in*
6 *the preceding proviso, \$100,000,000, to remain available*
7 *until expended, shall be made available for fiscal year 2022,*
8 *\$100,000,000, to remain available until expended, shall be*
9 *made available for fiscal year 2023, \$100,000,000, to re-*
10 *main available until expended, shall be made available for*
11 *fiscal year 2024, \$100,000,000, to remain available until*
12 *expended, shall be made available for fiscal year 2025, and*
13 *\$100,000,000, 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 *\$50,000,000 shall be for grants for the Energy Efficiency*
17 *Materials Pilot Program, as authorized under section 40542*
18 *of division D of this Act: Provided further, That of the*
19 *amount provided under this heading in this Act and in ad-*
20 *dition to amounts otherwise made available for this pur-*
21 *pose, \$3,500,000,000 shall be for carrying out activities for*
22 *the Weatherization Assistance Program, as authorized*
23 *under part A of title IV of the Energy Conservation and*
24 *Production Act (42 U.S.C. 6861 et seq.): Provided further,*
25 *That of the amount provided under this heading in this*

1 *Act and in addition to amounts otherwise made available*
2 *for this purpose, \$550,000,000 shall be for carrying out ac-*
3 *tivities for the Energy Efficiency and Conservation Block*
4 *Grant Program, as authorized under section 542(a) of the*
5 *Energy Independence and Security Act of 2007 (42 U.S.C.*
6 *17152(a)): Provided further, That of the amount provided*
7 *under this heading in this Act, \$250,000,000 shall be for*
8 *grants for the Assisting Federal Facilities with Energy*
9 *Conservation Technologies Grant Program, as authorized*
10 *under section 546(b) of the National Energy Conservation*
11 *Policy Act (42 U.S.C. 8256(b)): Provided further, That of*
12 *the amount provided under this heading in this Act,*
13 *\$10,000,000 shall be for extended product system rebates,*
14 *as authorized under section 1005 of the Energy Act of 2020*
15 *(42 U.S.C. 6311 note; Public Law 116–260): Provided fur-*
16 *ther, That of the amount provided under this heading in*
17 *this Act, \$10,000,000 shall be for energy efficient trans-*
18 *former rebates, as authorized under section 1006 of the En-*
19 *ergy Act of 2020 (42 U.S.C. 6317 note; Public Law 116–*
20 *260): Provided further, That of the amount provided under*
21 *this heading in this Act, \$3,000,000,000, to remain avail-*
22 *able until expended, shall be for Battery Material Proc-*
23 *essing Grants, as authorized under section 40207(b) of divi-*
24 *sion D of this Act: Provided further, That of the funds in*
25 *the preceding proviso, \$600,000,000, to remain available*

1 *until 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 *\$3,000,000,000 shall be for Battery Manufacturing and Re-*
11 *cycling Grants, as authorized under section 40207(c) of di-*
12 *vision D of this Act: Provided further, That of the funds*
13 *in the preceding proviso, \$600,000,000, to remain available*
14 *until expended, shall be made available for fiscal year 2022,*
15 *\$600,000,000, to remain available until expended, shall be*
16 *made available for fiscal year 2023, \$600,000,000, to re-*
17 *main available until expended, shall be made available for*
18 *fiscal year 2024, \$600,000,000, to remain available until*
19 *expended, shall be made available for fiscal year 2025, and*
20 *\$600,000,000, to remain available until expended, shall be*
21 *made available for fiscal year 2026: Provided further, That*
22 *of the amount provided under this heading in this Act,*
23 *\$125,000,000 shall be to carry out activities, as authorized*
24 *under section 40207(f) of division D of this Act: Provided*
25 *further, That of the amount provided under this heading*

1 *in this Act, \$10,000,000 shall be for a Lithium-Ion Battery*
2 *Recycling Prize Competition, as authorized under section*
3 *40207(e) of division D of this Act: Provided further, That*
4 *of the amount provided under this heading in this Act,*
5 *\$200,000,000 shall be for grants for the Electric Drive Vehi-*
6 *cle Battery Recycling and Second-Life Applications Pro-*
7 *gram, as authorized under subsection (k) of section 641 of*
8 *the Energy Independence and Security Act of 2007 (42*
9 *U.S.C. 17231), as amended by section 40208(1) of division*
10 *D of this Act: Provided further, That of the funds in the*
11 *preceding proviso, \$40,000,000, to remain available until*
12 *expended, shall be made available for fiscal year 2022,*
13 *\$40,000,000, to remain available until expended, shall be*
14 *made available for fiscal year 2023, \$40,000,000, to remain*
15 *available until expended, shall be made available for fiscal*
16 *year 2024, \$40,000,000, to remain available until expended,*
17 *shall be made available for fiscal year 2025, and*
18 *\$40,000,000, to remain available until expended, shall be*
19 *made available for fiscal year 2026: Provided further, That*
20 *of the amount provided under this heading in this Act,*
21 *\$750,000,000 shall be for grants for the Advanced Energy*
22 *Manufacturing and Recycling Grant Program, as author-*
23 *ized under section 40209 of division D of this Act: Provided*
24 *further, That of the funds in the preceding proviso,*
25 *\$150,000,000, to remain available until expended, shall be*

1 *made available for fiscal year 2022, \$150,000,000, to re-*
2 *main available until expended, shall be made available for*
3 *fiscal year 2023, \$150,000,000, to remain available until*
4 *expended, shall be made available for fiscal year 2024,*
5 *\$150,000,000, to remain available until expended, shall be*
6 *made available for fiscal year 2025, and \$150,000,000, to*
7 *remain available until expended, shall be made available*
8 *for fiscal year 2026: Provided further, That of the amount*
9 *provided under this heading in this Act, \$500,000,000 shall*
10 *be for activities for the Clean Hydrogen Manufacturing Re-*
11 *cycling Research, Development, and Demonstration Pro-*
12 *gram, as authorized under section 815 of the Energy Policy*
13 *Act of 2005 (42 U.S.C. 16151 et seq.), as amended by sec-*
14 *tion 40314 of division D of this Act: Provided further, That*
15 *of the funds in the preceding proviso, \$100,000,000, to re-*
16 *main available until expended, shall be made available for*
17 *fiscal year 2022, \$100,000,000, to remain available until*
18 *expended, shall be made available for fiscal year 2023,*
19 *\$100,000,000, to remain available until expended, shall be*
20 *made available for fiscal year 2024, \$100,000,000, to re-*
21 *main available until expended, shall be made available for*
22 *fiscal year 2025, and \$100,000,000, to remain available*
23 *until expended, shall be made available for fiscal year 2026:*
24 *Provided further, That of the amount provided under the*
25 *heading in this Act, \$1,000,000,000 shall be for activities*

1 *for the Clean Hydrogen Electrolysis Program, as authorized*
2 *under section 816 of the Energy Policy Act of 2005 (42*
3 *U.S.C. 16151 et seq.), as amended by section 40314 of divi-*
4 *sion D of this Act: Provided further, That of the funds in*
5 *the preceding proviso, \$200,000,000, to remain available*
6 *until expended, shall be made available for fiscal year 2022,*
7 *\$200,000,000, to remain available until expended, shall be*
8 *made available for fiscal year 2023, \$200,000,000, to re-*
9 *main available until expended, shall be made available for*
10 *fiscal year 2024, \$200,000,000, to remain available until*
11 *expended, shall be made available for fiscal year 2025, and*
12 *\$200,000,000, to remain available until expended, shall be*
13 *made available for fiscal year 2026: Provided further, That*
14 *of the amount provided under this heading in this Act,*
15 *\$500,000,000 shall be for carrying out activities for the*
16 *State Energy Program, as authorized under part D of title*
17 *III of the Energy Policy and Conservation Act (42 U.S.C.*
18 *6321 et seq.), as amended by section 40109 of division D*
19 *of this Act: Provided further, That of the amount provided*
20 *under this heading in this Act, \$125,000,000 shall be for*
21 *carrying out activities under section 242 of the Energy Pol-*
22 *icy Act of 2005 (42 U.S.C. 15881), as amended by section*
23 *40331 of division D of this Act: Provided further, That of*
24 *the amount provided under this heading in this Act,*
25 *\$75,000,000 shall be for carrying out activities under sec-*

1 *tion 243 of the Energy Policy Act of 2005 (42 U.S.C.*
2 *15882), as amended by section 40332 of division D of this*
3 *Act: Provided further, That of the amount provided under*
4 *this heading in this Act, \$553,600,000 shall be for activities*
5 *for Hydroelectric Incentives, as authorized under section*
6 *247 of the Energy Policy Act of 2005 (Public Law 109–*
7 *58; 119 Stat. 674), as amended by section 40333(a) of divi-*
8 *sion D of this Act: Provided further, That of the funds in*
9 *the preceding proviso, \$276,800,000, to remain available*
10 *until expended, shall be made available for fiscal year 2022,*
11 *\$276,800,000, to remain available until expended, shall be*
12 *made available for fiscal year 2023: Provided further, That*
13 *of the amount provided under the heading in this Act,*
14 *\$10,000,000 shall be for activities for the Pumped Storage*
15 *Hydropower Wind and Solar Integration and System Reli-*
16 *ability Initiative, as authorized under section 3201 of the*
17 *Energy Policy Act of 2020 (42 U.S.C. 17232), as amended*
18 *by section 40334 of division D of this Act: Provided further,*
19 *That of the amount provided under this heading in this*
20 *Act, \$36,000,000 shall be for carrying out activities, as au-*
21 *thorized under section 634 of the Energy Independence and*
22 *Security Act of 2007 (42 U.S.C. 17213): Provided further,*
23 *That of the amount provided under this heading in this*
24 *Act, \$70,400,000 shall be for carrying out activities, as au-*
25 *thorized under section 635 of the Energy Independence and*

1 *Security Act of 2007 (42 U.S.C.17214): Provided further,*
2 *That of the amount provided under this heading in this*
3 *Act, \$40,000,000 shall be for carrying out activities for the*
4 *National Marine Energy Centers, as authorized under sec-*
5 *tion 636 of the Energy Independence and Security Act of*
6 *2007 (42 U.S.C. 17215): Provided further, That of the*
7 *amount provided under this heading in this Act,*
8 *\$84,000,000 shall be for carrying out activities under sec-*
9 *tion 615(d) of the Energy Independence and Security Act*
10 *of 2007 (42 U.S.C. 17194(d)): Provided further, That of the*
11 *amount provided under this heading in this Act,*
12 *\$60,000,000 shall be for carrying out activities for the Wind*
13 *Energy Technology Program, as authorized under section*
14 *3003(b)(2) of the Energy Act of 2020 (42 U.S.C.*
15 *16237(b)(2)): Provided further, That of the amount pro-*
16 *vided under this heading in this Act, \$40,000,000 shall be*
17 *for carrying out activities for the Wind Energy Technology*
18 *Recycling Research, Development, and Demonstration Pro-*
19 *gram, as authorized under section 3003(b)(4) of the Energy*
20 *Act of 2020 (42 U.S.C. 16237(b)(4)): Provided further, That*
21 *of the amount provided under this heading in this Act,*
22 *\$40,000,000 shall be for carrying out activities under sec-*
23 *tion 3004(b)(2) of the Energy Act of 2020 (42 U.S.C.*
24 *16238(b)(2)): Provided further, That of the amount pro-*
25 *vided under this heading in this Act, \$20,000,000 shall be*

1 *for carrying out activities under section 3004(b)(3) of the*
2 *Energy Act of 2020 (42 U.S.C. 16238(b)(3)): Provided fur-*
3 *ther, That of the amount provided under this heading in*
4 *this Act, \$20,000,000 shall be for carrying out activities*
5 *under section 3004(b)(4) of the Energy Act of 2020 (42*
6 *U.S.C. 16238(b)(4)): Provided further, That not later than*
7 *90 days after the date of enactment of this Act, the Sec-*
8 *retary of Energy shall submit to the House and Senate*
9 *Committees on Appropriations and the Senate Committee*
10 *on Energy and Natural Resources and the House Com-*
11 *mittee on Energy and Commerce a detailed spend plan for*
12 *fiscal year 2022: Provided further, That for each fiscal year*
13 *through 2026, as part of the annual budget submission of*
14 *the President under section 1105(a) of title 31, United*
15 *States Code, the Secretary of Energy shall submit a detailed*
16 *spend plan for that fiscal year: Provided further, That up*
17 *to three percent of the amounts made available under this*
18 *heading in this Act in each of fiscal years 2022 through*
19 *2026 shall be for program direction: Provided further, That*
20 *such amount is designated by the Congress as being for an*
21 *emergency requirement pursuant to section 4112(a) of H.*
22 *Con. Res. 71 (115th Congress), the concurrent resolution on*
23 *the budget for fiscal year 2018, and to section 251(b) of*
24 *the Balanced Budget and Emergency Deficit Control Act*
25 *of 1985.*

1 *CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY*
2 *RESPONSE*

3 *For an additional amount for “Cybersecurity, Energy*
4 *Security, and Emergency Response”, \$550,000,000, to re-*
5 *main available until expended: Provided, That of the*
6 *amount provided under this heading in this Act,*
7 *\$250,000,000 shall be to carry out activities under the Cy-*
8 *bersecurity for the Energy Sector Research, Development,*
9 *and Demonstration Program, as authorized in section*
10 *40125(b) of division D of this Act: Provided further, That*
11 *of the funds in the preceding proviso, \$50,000,000, to re-*
12 *main available until expended, shall be made available for*
13 *fiscal year 2022, \$50,000,000, to remain available until ex-*
14 *pended, shall be made available for fiscal year 2023,*
15 *\$50,000,000, to remain available until expended, shall be*
16 *made available for fiscal year 2024, \$50,000,000, to remain*
17 *available until expended, shall be made available for fiscal*
18 *year 2025, and \$50,000,000, 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 head-*
21 *ing in this Act, \$50,000,000 shall be to carry out activities*
22 *under the Energy Sector Operational Support for*
23 *Cyberresilience Program, as authorized in section 40125(c)*
24 *of division D of this Act: Provided further, That of the*
25 *amount provided under this heading in this Act,*

1 \$250,000,000, to carry out activities under the Rural and
2 Municipal Utility Advanced Cybersecurity Grant and
3 Technical Assistance Program, as authorized in section
4 40124 of division D of this Act: Provided further, That
5 \$50,000,000, to remain available until expended, shall be
6 made available for fiscal year 2022, \$50,000,000, to remain
7 available until expended, shall be made available for fiscal
8 year 2023, \$50,000,000, to remain available until expended,
9 shall be made available for fiscal year 2024, \$50,000,000,
10 to remain available until expended, shall be made available
11 for fiscal year 2025, and \$50,000,000, to remain available
12 until expended, shall be made available for fiscal year 2026:
13 Provided further, That not later than 90 days after the date
14 of enactment of this Act, the Secretary of Energy shall sub-
15 mit 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 Commerce
18 a detailed spend plan for fiscal year 2022: Provided further,
19 That for each fiscal year through 2026, as part of the an-
20 nual budget submission of the President under section
21 1105(a) of title 31, United States Code, the Secretary of
22 Energy shall submit a detailed spend plan for that fiscal
23 year: Provided further, That up to three percent of the
24 amounts made available under this heading in this Act in
25 each of fiscal years 2022 through 2026 shall be for program

1 *direction: Provided further, That such amount is designated*
2 *by the Congress as being for an emergency requirement pur-*
3 *suant to section 4112(a) of H. Con. Res. 71 (115th Con-*
4 *gress), 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 *ELECTRICITY*

8 *For an additional amount for “Electricity”,*
9 *\$8,100,000,000, to remain available until expended: Pro-*
10 *vided, That of the amount provided under this heading in*
11 *this Act, \$5,000,000,000 shall be for grants under section*
12 *40101 of division D of this Act: Provided further, That of*
13 *the funds in the preceding proviso, \$1,000,000,000, to re-*
14 *main available until expended, shall be made available for*
15 *fiscal year 2022, \$1,000,000,000, to remain available until*
16 *expended, shall be made available for fiscal year 2023,*
17 *\$1,000,000,000, to remain available until expended, shall*
18 *be made available for fiscal year 2024, \$1,000,000,000, to*
19 *remain available until expended, shall be made available*
20 *for fiscal year 2025, and \$1,000,000,000, to remain avail-*
21 *able until expended, shall be made available for fiscal year*
22 *2026: Provided further, That of the amount provided under*
23 *this heading in this Act, \$50,000,000 shall be to carry out*
24 *the Transmission Facilitation Program, including for any*
25 *administrative expenses of carrying out the program, as au-*

1 *thorized in section 40106(d)(3) of division D of this Act:*
2 *Provided further, That of the funds in the preceding proviso,*
3 *\$10,000,000, to remain available until expended, shall be*
4 *made available for fiscal year 2022, \$10,000,000, to remain*
5 *available until expended, shall be made available for fiscal*
6 *year 2023, \$10,000,000, to remain available until expended,*
7 *shall be made available for fiscal year 2024, \$10,000,000,*
8 *to remain available until expended, shall be made available*
9 *for fiscal year 2025, and \$10,000,000, to remain available*
10 *until expended, shall be made available for fiscal year 2026:*
11 *Provided further, That of the amount provided under this*
12 *heading in this Act and in addition to amounts otherwise*
13 *made available for this purpose, \$3,000,000,000, to remain*
14 *available until expended, shall be to carry out activities*
15 *under the Smart Grid Investment Matching Grant Pro-*
16 *gram, as authorized in section 1306 of the Energy Inde-*
17 *pendence and Security Act of 2007 (42 U.S.C. 17386), as*
18 *amended by section 40107 of division D of this Act: Pro-*
19 *vided further, That of the funds in the preceding proviso,*
20 *\$600,000,000, to remain available until expended, shall be*
21 *made available for fiscal year 2022, \$600,000,000, to re-*
22 *main available until expended, shall be made available for*
23 *fiscal year 2023, \$600,000,000, to remain available until*
24 *expended, shall be made available for fiscal year 2024,*
25 *\$600,000,000, to remain available until expended, shall be*

1 *made available for fiscal year 2025, and \$600,000,000, 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, \$50,000,000 shall*
5 *be to carry out an advanced energy security program to*
6 *secure energy networks, as authorized under section*
7 *40125(d) of division D of this Act: Provided further, That*
8 *not later than 90 days after the date of enactment of this*
9 *Act, the Secretary of Energy shall submit to the House and*
10 *Senate Committees on Appropriations and the Senate Com-*
11 *mittee on Energy and Natural Resources and the House*
12 *Committee on Energy and Commerce a detailed spend plan*
13 *for fiscal year 2022: Provided further, That for each fiscal*
14 *year through 2026, as part of the annual budget submission*
15 *of the President under section 1105(a) of title 31, United*
16 *States Code, the Secretary of Energy shall submit a detailed*
17 *spend plan for that fiscal year: Provided further, That up*
18 *to three percent of the amounts made available under this*
19 *heading in this Act in each of fiscal years 2022 through*
20 *2026 shall be for program direction: Provided further, That*
21 *such amount is designated by the Congress as being for an*
22 *emergency requirement pursuant to section 4112(a) of H.*
23 *Con. Res. 71 (115th Congress), the concurrent resolution on*
24 *the budget for fiscal year 2018, and to section 251(b) of*

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *NUCLEAR ENERGY*

4 *For an additional amount for “Nuclear Energy”,*
5 *\$6,000,000,000, to remain available until expended, to*
6 *carry out activities under the Civil Nuclear Credit Pro-*
7 *gram, as authorized in section 40323 of division D of this*
8 *Act: Provided, That \$1,200,000,000, to remain available*
9 *until expended, shall be made available for fiscal year 2022,*
10 *\$1,200,000,000, to remain available until expended, shall*
11 *be made available for fiscal year 2023, \$1,200,000,000, to*
12 *remain available until expended, shall be made available*
13 *for fiscal year 2024, \$1,200,000,000, to remain available*
14 *until expended, shall be made available for fiscal year 2025,*
15 *and \$1,200,000,000, to remain available until expended,*
16 *shall be made available for fiscal year 2026: Provided fur-*
17 *ther, That not later than 90 days after the date of enactment*
18 *of this Act, the Secretary of Energy shall submit to the*
19 *House and Senate Committees on Appropriations a detailed*
20 *spend plan for fiscal year 2022: Provided further, That for*
21 *each fiscal year through 2026, as part of the annual budget*
22 *submission of the President under section 1105(a) of title*
23 *31, United States Code, the Secretary of Energy shall sub-*
24 *mit a detailed spend plan for that fiscal year: Provided fur-*
25 *ther, That up to \$36,000,000 of the amount provided under*

1 *this heading in this Act shall be made available in each*
2 *of fiscal years 2022 through 2026 for program direction:*
3 *Provided further, That such amount is designated by the*
4 *Congress as being for an emergency requirement pursuant*
5 *to section 4112(a) of H. Con. Res. 71 (115th Congress), the*
6 *concurrent resolution on the budget for fiscal year 2018,*
7 *and to section 251(b) of the Balanced Budget and Emer-*
8 *gency Deficit Control Act of 1985.*

9 *FOSSIL ENERGY AND CARBON MANAGEMENT*

10 *For an additional amount for “Fossil Energy and*
11 *Carbon Management”, \$7,497,140,781, to remain available*
12 *until expended: Provided, That of the amount provided*
13 *under this heading in this Act, \$310,140,781 shall be to*
14 *carry out activities under the Carbon Utilization Program,*
15 *as authorized in section 969A of the Energy Policy Act of*
16 *2005 (42 U.S.C. 16298a), as amended by section 40302 of*
17 *division D of this Act: Provided further, That of the funds*
18 *in the preceding proviso, \$41,000,000, to remain available*
19 *until expended, shall be made available for fiscal year 2022,*
20 *\$65,250,000, to remain available until expended, shall be*
21 *made available for fiscal year 2023, \$66,562,500, to remain*
22 *available until expended, shall be made available for fiscal*
23 *year 2024, \$67,940,625, to remain available until expended,*
24 *shall be made available for fiscal year 2025, and*
25 *\$69,387,656, to remain available until expended, shall be*

1 *made available for fiscal year 2026: Provided further, That*
2 *of the amount provided under this heading in this Act,*
3 *\$100,000,000 shall be used to carry out the front-end engi-*
4 *neering and design program out activities under the Carbon*
5 *Capture Technology Program, as authorized in section 962*
6 *of the Energy Policy Act of 2005 (42 U.S.C. 16292), as*
7 *amended by section 40303 of division D of this Act: Pro-*
8 *vided further, That of the funds in the preceding proviso,*
9 *\$20,000,000, to remain available until expended, shall be*
10 *made available for fiscal year 2022, \$20,000,000, to remain*
11 *available until expended, shall be made available for fiscal*
12 *year 2023, \$20,000,000, to remain available until expended,*
13 *shall be made available for fiscal year 2024, \$20,000,000,*
14 *to remain available until expended, shall be made available*
15 *for fiscal year 2025, and \$20,000,000, to remain available*
16 *until expended, shall be made available for fiscal year 2026:*
17 *Provided further, That of the amount provided under this*
18 *heading in this Act, \$2,500,000,000 shall be to carry out*
19 *activities for the Carbon Storage Validation and Testing,*
20 *as authorized section 963 of the Energy Policy Act of 2005*
21 *(42 U.S.C. 16293), as amended by section 40305 of division*
22 *D of this Act: Provided further, That of the funds in the*
23 *preceding proviso, \$500,000,000, to remain available until*
24 *expended, shall be made available for fiscal year 2022,*
25 *\$500,000,000, to remain available until expended, shall be*

1 *made available for fiscal year 2023, \$500,000,000, to re-*
2 *main available until expended, shall be made available for*
3 *fiscal year 2024, \$500,000,000, to remain available until*
4 *expended, shall be made available for fiscal year 2025, and*
5 *\$500,000,000, to remain available until expended, shall be*
6 *made available for fiscal year 2026: Provided further, That*
7 *of the amount provided under this heading in this Act,*
8 *\$3,500,000,000 shall be to carry out a program to develop*
9 *four regional clean direct air capture hubs, as authorized*
10 *under section 969D of the Energy Policy Act of 2005 (42*
11 *U.S.C. 16298d), as amended by section 40308 of division*
12 *D of this Act: Provided further, That of the funds in the*
13 *preceding proviso, \$700,000,000, to remain available until*
14 *expended, shall be made available for fiscal year 2022,*
15 *\$700,000,000, to remain available until expended, shall be*
16 *made available for fiscal year 2023, \$700,000,000, to re-*
17 *main available until expended, shall be made available for*
18 *fiscal year 2024, \$700,000,000, to remain available until*
19 *expended, shall be made available for fiscal year 2025, and*
20 *\$700,000,000, to remain available until expended, shall be*
21 *made available for fiscal year 2026: Provided further, That*
22 *of the amount provided under this heading in this Act and*
23 *in addition to amounts otherwise made available for this*
24 *purpose, \$15,000,000 shall be for precommercial direct air*
25 *capture technology prize competitions, as authorized under*

1 *section 969D(e)(2)(A) of the Energy Policy Act of 2005 (42*
2 *U.S.C. 16298d(e)(2)(A)): Provided further, That of the*
3 *amount provided under this heading in this Act and in ad-*
4 *dition to amounts otherwise made available for this pur-*
5 *pose, \$100,000,000 shall be for commercial direct air cap-*
6 *ture technology prize competitions, as authorized under sec-*
7 *tion 969D(e)(2)(B) of the Energy Policy Act of 2005 (42*
8 *U.S.C. 16298d(e)(2)(B)): Provided further, That for*
9 *amounts identified in the preceding proviso, the Secretary*
10 *shall enter pre-construction commitments with selected*
11 *projects for future awards for qualified carbon dioxide cap-*
12 *ture: Provided further, That of the amount provided under*
13 *this heading in this Act, \$140,000,000 shall be for a Rare*
14 *Earth Elements Demonstration Facility, as authorized*
15 *under section 7001 of the Energy Act of 2020 (42 U.S.C.*
16 *13344), as amended by section 40205 of division D of this*
17 *Act: Provided further, That of the amount provided under*
18 *this heading in this Act and in addition to amounts other-*
19 *wise made available for this purpose, \$127,000,000 shall be*
20 *to carry out rare earth mineral security activities, as au-*
21 *thorized under section 7001(a) of the Energy Act of 2020*
22 *(42 U.S.C. 13344(a)): Provided further, That of the funds*
23 *in the preceding proviso, \$23,000,000, to remain available*
24 *until expended, shall be made available for fiscal year 2022,*
25 *\$24,200,000, to remain available until expended, shall be*

1 *made available for fiscal year 2023, \$25,400,000, to remain*
2 *available until expended, shall be made available for fiscal*
3 *year 2024, \$26,600,000, to remain available until expended,*
4 *shall be made available for fiscal year 2025, and*
5 *\$27,800,000, to remain available until expended, shall be*
6 *made available for fiscal year 2026: Provided further, That*
7 *of the amount provided under this heading in this Act and*
8 *in addition to amounts otherwise made available for this*
9 *purpose, \$600,000,000 shall be to carry out critical mate-*
10 *rial innovation, efficiency, and alternatives activities under*
11 *section 7002(g) of the Energy Act of 2020 (30 U.S.C.*
12 *1606(g)): Provided further, That of the funds in the pre-*
13 *ceding proviso, \$230,000,000, to remain available until ex-*
14 *pended, shall be made available for fiscal year 2022,*
15 *\$100,000,000, to remain available until expended, shall be*
16 *made available for fiscal year 2023, \$135,000,000, to re-*
17 *main available until expended, shall be made available for*
18 *fiscal year 2024, \$135,000,000, to remain available until*
19 *expended, shall be made available for fiscal year 2025: Pro-*
20 *vided further, That of the amount provided under this head-*
21 *ing in this Act and in addition to amounts otherwise made*
22 *available for this purpose, \$75,000,000 shall be for the Crit-*
23 *ical Material Supply Chain Research Facility, as author-*
24 *ized under section 7002(h) of the Energy Act of 2020 (30*
25 *U.S.C. 1606(h)): Provided further, That of the funds in the*

1 preceding proviso, \$40,000,000, to remain available until
2 expended, shall be made available for fiscal year 2022, and
3 \$35,000,000, to remain available until expended, shall be
4 made available for fiscal year 2023: Provided further, That
5 of the amount provided under this heading in this Act,
6 \$30,000,000 shall be to carry out activities authorized in
7 section 349(b)(2) of the Energy Policy Act of 2005 (42
8 U.S.C.15907(b)(2)), as amended by section 40601 of divi-
9 sion D of this Act: Provided further, That not later than
10 90 days after the date of enactment of this Act, the Sec-
11 retary of Energy shall submit to the House and Senate
12 Committees on Appropriations a detailed spend plan for
13 fiscal year 2022: Provided further, That for each fiscal year
14 through 2026, as part of the annual budget submission of
15 the President under section 1105(a) of title 31, United
16 States Code, the Secretary of Energy shall submit a detailed
17 spend plan for that fiscal year: Provided further, That up
18 to three percent of the amounts made available under this
19 heading in this Act in each of fiscal years 2022 through
20 2026 shall be for program direction: Provided further, That
21 such amount is designated by the Congress as being for an
22 emergency requirement pursuant to section 4112(a) of H.
23 Con. Res. 71 (115th Congress), the concurrent resolution on
24 the budget for fiscal year 2018, and to section 251(b) of

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *CARBON DIOXIDE TRANSPORTATION INFRASTRUCTURE*

4 *FINANCE AND INNOVATION PROGRAM ACCOUNT*

5 *For an additional amount for “Carbon Dioxide Trans-*
6 *portation Infrastructure Finance and Innovation Program*
7 *Account”, \$2,100,000,000, to remain available until ex-*
8 *pended, to carry out activities for the Carbon Dioxide*
9 *Transportation Infrastructure Finance and Innovation*
10 *Program, as authorized by subtitle J of title IX of the En-*
11 *ergy Policy Act of 2005 (42 U.S.C. 16181 et seq.), as*
12 *amended by section 40304(a) of division D of this Act: Pro-*
13 *vided, That such costs, including the cost of modifying such*
14 *loans, shall be as defined in section 502 of the Congressional*
15 *Budget Act of 1974: Provided further, That \$3,000,000, to*
16 *remain available until expended, shall be made available*
17 *for fiscal year 2022 and \$2,097,000,000, to remain avail-*
18 *able until expended, shall be made available for fiscal year*
19 *2023: Provided further, That the amount made available*
20 *under this heading in this Act for fiscal year 2022 shall*
21 *be for administrative expenses to carry out the loan pro-*
22 *gram: Provided further, That the Office of Fossil Energy*
23 *and Carbon Management shall oversee the Carbon Dioxide*
24 *Transportation Infrastructure Finance and Innovation*
25 *program, in consultation and coordination with the De-*

1 *partment of Energy's Loan Program Office: Provided fur-*
2 *ther, That not later than 270 days after the date of enact-*
3 *ment of this Act, the Secretary of Energy shall submit to*
4 *the House and Senate Committees on Appropriations an*
5 *analysis of how subsidy rates will be determined for loans*
6 *financed by appropriations provided under this heading in*
7 *this Act and an analysis of the process for developing draft*
8 *regulations for the program, including a crosswalk from the*
9 *statutory requirements for such program, and a timetable*
10 *for publishing such regulations: Provided further, That for*
11 *each fiscal year through 2027, the annual budget submis-*
12 *sion of the President under section 1105(a) of title 31,*
13 *United States Code, shall include a detailed request for the*
14 *amount recommended for allocation for the Carbon Dioxide*
15 *Transportation Finance and Innovation program from*
16 *amounts provided under this heading in this Act and such*
17 *detailed request shall include any information required*
18 *pursuant to the Federal Credit Reform Act of 1990, such*
19 *as credit subsidy rates, a loan limitation, and necessary*
20 *administrative expenses to carry out the loan program: Pro-*
21 *vided further, That such amount is designated by the Con-*
22 *gress as being for an emergency requirement pursuant to*
23 *section 4112(a) of H. Con. Res. 71 (115th Congress), the*
24 *concurrent resolution on the budget for fiscal year 2018,*

1 *and to section 251(b) of the Balanced Budget and Emer-*
2 *gency Deficit Control Act of 1985.*

3 *OFFICE OF CLEAN ENERGY DEMONSTRATIONS*

4 *For an additional amount for “Office of Clean Energy*
5 *Demonstrations”, \$21,456,000,000, to remain available*
6 *until expended: Provided, That the Office of Clean Energy*
7 *Demonstrations, as authorized by section 41201 of division*
8 *D of this Act, shall conduct administrative and project*
9 *management responsibilities for the demonstration projects*
10 *provided for under this heading in this Act: Provided fur-*
11 *ther, That the Office of Clean Energy Demonstrations shall*
12 *consult and coordinate with technology-specific program of-*
13 *fices to ensure alignment of technology goals and avoid un-*
14 *necessary duplication: Provided further, That of the amount*
15 *provided under this heading in this Act and in addition*
16 *to amounts otherwise made available for this purpose,*
17 *\$355,000,000 shall be to carry out the Energy Storage Dem-*
18 *onstration Pilot Grant Program, as authorized under sec-*
19 *tion 3201(c) of the Energy Act of 2020 (42 U.S.C.*
20 *17232(c)): Provided further, That of the funds in the pre-*
21 *ceding proviso, \$88,750,000, to remain available until ex-*
22 *pended, shall be made available for fiscal year 2022,*
23 *\$88,750,000, to remain available until expended, shall be*
24 *made available for fiscal year 2023, \$88,750,000, to remain*
25 *available until expended, shall be made available for fiscal*

1 year 2024, \$88,750,000, to remain available until expended,
2 shall be made available for fiscal year 2025: Provided fur-
3 ther, That of the amount provided under this heading in
4 this Act and in addition to amounts otherwise made avail-
5 able for this purpose, \$150,000,000 to carry out the Long-
6 duration Demonstration Initiative and Joint Program, as
7 authorized under section 3201(d) of the Energy Act of 2020
8 (42 U.S.C. 17232(d)): Provided further, That of the funds
9 in the preceding proviso, \$37,500,000, to remain available
10 until expended, shall be made available for fiscal year 2022,
11 \$37,500,000, to remain available until expended, shall be
12 made available for fiscal year 2023, \$37,500,000, to remain
13 available until expended, shall be made available for fiscal
14 year 2024, \$37,500,000, to remain available until expended,
15 shall be made available for fiscal year 2025: Provided fur-
16 ther, That of the amount provided under this heading in
17 this Act and in addition to amounts otherwise made avail-
18 able for this purpose, \$2,477,000,000 shall be to carry out
19 the Advanced Reactor Demonstration Program, as author-
20 ized under section 959A of the Energy Policy Act of 2005
21 (42 U.S.C. 16279a): Provided further, That of the funds in
22 the preceding proviso, \$677,000,000, to remain available
23 until expended, shall be made available for fiscal year 2022,
24 \$600,000,000, to remain available until expended, shall be
25 made available for fiscal year 2023, \$600,000,000, to re-

1 main available until expended, shall be made available for
2 fiscal year 2024, \$600,000,000, to remain available until
3 expended, shall be made available for fiscal year 2025: Pro-
4 vided further, That funds in the preceding proviso shall be
5 for projects selected prior to the date of enactment of this
6 Act: Provided further, That of the amount provided under
7 this heading in this Act and in addition to amounts other-
8 wise made available for this purpose, \$937,000,000 shall be
9 to carry out the Carbon Capture Large-scale Pilot Projects,
10 as authorized under section 962(b)(2)(B) of the Energy Pol-
11 icy Act of 2005 (42 U.S.C. 16292(b)(2)(B)): Provided fur-
12 ther, That of the funds in the preceding proviso,
13 \$387,000,000, to remain available until expended, shall be
14 made available for fiscal year 2022, \$200,000,000, to re-
15 main available until expended, shall be made available for
16 fiscal year 2023, \$200,000,000, to remain available until
17 expended, shall be made available for fiscal year 2024,
18 \$150,000,000, to remain available until expended, shall be
19 made available for fiscal year 2025: Provided further, That
20 of the amount provided under this heading in this Act and
21 in addition to amounts otherwise made available for this
22 purpose, \$2,537,000,000 shall be for the Carbon Capture
23 Demonstration Projects Program, as authorized under sec-
24 tion 962(b)(2)(C) of the Energy Policy Act of 2005 (42
25 U.S.C. 16292(b)(2)(C)): Provided further, That of the funds

1 *in the preceding proviso, \$937,000,000, to remain available*
2 *until expended, shall be made available for fiscal year 2022,*
3 *\$500,000,000, to remain available until expended, shall be*
4 *made available for fiscal year 2023, \$500,000,000, to re-*
5 *main available until expended, shall be made available for*
6 *fiscal year 2024, \$600,000,000, to remain available until*
7 *expended, shall be made available for fiscal year 2025: Pro-*
8 *vided further, That of the amount provided under this head-*
9 *ing in this Act and in addition to amounts otherwise made*
10 *available for this purpose, \$500,000,000 shall be to carry*
11 *out Industrial Emission Demonstration Projects, as author-*
12 *ized under section 454(d)(3) of the Energy Independence*
13 *and Security Act of 2007 (42 U.S.C. 17113(d)(3)): Provided*
14 *further, That of the funds in the preceding proviso,*
15 *\$100,000,000, to remain available until expended, shall be*
16 *made available for fiscal year 2022, \$100,000,000, to re-*
17 *main available until expended, shall be made available for*
18 *fiscal year 2023, \$150,000,000, to remain available until*
19 *expended, shall be made available for fiscal year 2024,*
20 *\$150,000,000, to remain available until expended, shall be*
21 *made available for fiscal year 2025: Provided further, That*
22 *of the amount provided under this heading in this Act and*
23 *in addition to amounts otherwise made available for this*
24 *purpose, \$500,000,000 shall be to carry out the Clean En-*
25 *ergy Demonstration Program on Current and Former Mine*

1 *Land, as authorized under section 40342 of division D of*
2 *this Act: Provided further, That of the funds in the pre-*
3 *ceding proviso, \$100,000,000, to remain available until ex-*
4 *pended, shall be made available for fiscal year 2022,*
5 *\$100,000,000, to remain available until expended, shall be*
6 *made available for fiscal year 2023, \$100,000,000, to re-*
7 *main available until expended, shall be made available for*
8 *fiscal year 2024, \$100,000,000, to remain available until*
9 *expended, shall be made available for fiscal year 2025, and*
10 *\$100,000,000, to remain available until expended, shall be*
11 *made available for fiscal year 2026: Provided further, That*
12 *of the amount provided under this heading in this Act,*
13 *\$8,000,000,000 shall be made for Regional Clean Hydrogen*
14 *Hubs, as authorized under section 813 of the Energy Policy*
15 *Act of 2005 (42 U.S.C. 16151 et seq.), as amended by sec-*
16 *tion 40314 of division D of this Act: Provided further, That*
17 *of the funds in the preceding proviso, \$1,600,000,000, to re-*
18 *main available until expended, shall be made available for*
19 *fiscal year 2022, \$1,600,000,000, to remain available until*
20 *expended, shall be made available for fiscal year 2023,*
21 *\$1,600,000,000, to remain available until expended, shall*
22 *be made available for fiscal year 2024, \$1,600,000,000, to*
23 *remain available until expended, shall be made available*
24 *for fiscal year 2025, and \$1,600,000,000, to remain avail-*
25 *able until expended, shall be made available for fiscal year*

1 2026: *Provided further, That of the amount provided under*
2 *this heading in this Act, \$5,000,000,000 shall be for grants*
3 *for the Program Upgrading Our Electric Grid and Ensuring*
4 *Reliability and Resiliency, as authorized under section*
5 *40103(b) of division D of this Act: Provided further, That*
6 *of the funds in the preceding proviso, \$1,000,000,000, to re-*
7 *main available until expended, shall be made available for*
8 *fiscal year 2022, \$1,000,000,000, to remain available until*
9 *expended, shall be made available for fiscal year 2023,*
10 *\$1,000,000,000, to remain available until expended, shall*
11 *be made available for fiscal year 2024, \$1,000,000,000, to*
12 *remain available until expended, shall be made available*
13 *for fiscal year 2025, and \$1,000,000,000, to remain avail-*
14 *able until expended, shall be made available for fiscal year*
15 *2026: Provided further, That of the amount provided under*
16 *this heading in this Act, \$1,000,000,000 shall be to carry*
17 *out activities for energy improvement in rural and remote*
18 *areas, as authorized under section 40103(c) of division D*
19 *of this Act: Provided further, That of the funds in the pre-*
20 *ceding proviso, \$200,000,000, to remain available until ex-*
21 *pended, shall be made available for fiscal year 2022,*
22 *\$200,000,000, to remain available until expended, shall be*
23 *made available for fiscal year 2023, \$200,000,000, to re-*
24 *main available until expended, shall be made available for*
25 *fiscal year 2024, \$200,000,000, to remain available until*

1 *expended, shall be made available for fiscal year 2025, and*
2 *\$200,000,000, to remain available until expended, shall be*
3 *made available for fiscal year 2026: Provided further, That*
4 *not later than 90 days after the date of enactment of this*
5 *Act, the Secretary of Energy shall submit to the House and*
6 *Senate Committees on Appropriations a detailed spend*
7 *plan for fiscal year 2022: Provided further, That for each*
8 *fiscal year through 2026, as part of the annual budget sub-*
9 *mission of the President under section 1105(a) of title 31,*
10 *United States Code, the Secretary of Energy shall submit*
11 *a detailed spend plan for that fiscal year: Provided further,*
12 *That up to three percent of the amounts made available*
13 *under this heading in this Act in each of fiscal years 2022*
14 *through 2026 shall be for program direction: Provided fur-*
15 *ther, That such amount is designated by the Congress as*
16 *being for an emergency requirement pursuant to section*
17 *4112(a) of H. Con. Res. 71 (115th Congress), the concurrent*
18 *resolution on the budget for fiscal year 2018, and to section*
19 *251(b) of the Balanced Budget and Emergency Deficit Con-*
20 *trol Act of 1985.*

1 *POWER MARKETING ADMINISTRATIONS*
2 *CONSTRUCTION, REHABILITATION, OPERATION AND*
3 *MAINTENANCE, WESTERN AREA POWER ADMINISTRATION*
4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For an additional amount for “Construction, Reha-*
6 *bilitation, Operation and Maintenance, Western Area*
7 *Power Administration”, \$500,000,000, to remain available*
8 *until expended, for the purchase of power and transmission*
9 *services: Provided, That the amount made available under*
10 *this heading in this Act shall be derived from the general*
11 *fund of the Treasury and shall be reimbursable from*
12 *amounts collected by the Western Area Power Administra-*
13 *tion pursuant to the Flood Control Act of 1944 and the Rec-*
14 *lamation Project Act of 1939 to recover purchase power and*
15 *wheeling expenses: Provided further, That such amounts as*
16 *the Administrator, Western Area Power Administration,*
17 *deems necessary for the same purposes as outlined above*
18 *may be transferred to Western Area Power Administration’s*
19 *Colorado River Basins Power Marketing Fund account:*
20 *Provided further, That such amount is designated by the*
21 *Congress as being for an emergency requirement pursuant*
22 *to section 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.*

1 *fiscal year 2025, and \$200,000,000, to remain available*
2 *until expended, shall be made available for fiscal year 2026:*
3 *Provided further, That such amount is designated by the*
4 *Congress as being for an emergency requirement pursuant*
5 *to section 4112(a) of H. Con. Res. 71 (115th Congress), the*
6 *concurrent resolution on the budget for fiscal year 2018,*
7 *and to section 251(b) of the Balanced Budget and Emer-*
8 *gency Deficit Control Act of 1985.*

9 *DELTA REGIONAL AUTHORITY*

10 *For an additional amount for “Delta Regional Au-*
11 *thority”, \$150,000,000 to remain available until expended:*
12 *Provided, That such amount is designated by the Congress*
13 *as being for an emergency requirement pursuant to section*
14 *4112(a) of H. Con. Res. 71 (115th Congress), the concurrent*
15 *resolution on the budget for fiscal year 2018, and to section*
16 *251(b) of the Balanced Budget and Emergency Deficit Con-*
17 *trol Act of 1985.*

18 *DENALI COMMISSION*

19 *For an additional amount for “Denali Commission”,*
20 *\$75,000,000 to remain available until expended: Provided*
21 *further, That such amount is designated by the Congress*
22 *as being for an emergency requirement pursuant to section*
23 *4112(a) of H. Con. Res. 71 (115th Congress), the concurrent*
24 *resolution on the budget for fiscal year 2018, and to section*

1 *251(b) of the Balanced Budget and Emergency Deficit Con-*
2 *trol Act of 1985.*

3 *NORTHERN BORDER REGIONAL COMMISSION*

4 *For an additional amount for “Northern Border Re-*
5 *gional Commission”, \$150,000,000 to remain available*
6 *until expended: Provided, That such amount is designated*
7 *by the Congress as being for an emergency requirement pur-*
8 *suant to section 4112(a) of H. Con. Res. 71 (115th Con-*
9 *gress), the concurrent resolution on the budget for fiscal year*
10 *2018, and to section 251(b) of the Balanced Budget and*
11 *Emergency Deficit Control Act of 1985.*

12 *SOUTHEAST CRESCENT REGIONAL COMMISSION*

13 *For an additional amount for “Southeast Crescent Re-*
14 *gional Commission”, \$5,000,000 to remain available until*
15 *expended: Provided, That such amount is designated by the*
16 *Congress as being for an emergency requirement pursuant*
17 *to section 4112(a) of H. Con. Res. 71 (115th Congress), the*
18 *concurrent resolution on the budget for fiscal year 2018,*
19 *and to section 251(b) of the Balanced Budget and Emer-*
20 *gency Deficit Control Act of 1985.*

21 *SOUTHWEST BORDER REGIONAL COMMISSION*

22 *For an additional amount for “Southwest Border Re-*
23 *gional Commission”, \$1,250,000 to remain available until*
24 *expended: Provided, That such amount is designated by the*
25 *Congress as being for an emergency requirement pursuant*

1 *to 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 *TITLE IV—FINANCIAL SERVICES AND GENERAL*
6 *GOVERNMENT*

7 *EXECUTIVE OFFICE OF THE PRESIDENT AND*
8 *FUNDS APPROPRIATED TO THE PRESIDENT*

9 *OFFICE OF THE NATIONAL CYBER DIRECTOR*

10 *SALARIES AND EXPENSES*

11 *For an additional amount for “Office of the National*
12 *Cyber Director”, \$21,000,000, to remain available until*
13 *September 30, 2022, to carry out the purposes of section*
14 *1752 of the National Defense Authorization Act for Fiscal*
15 *Year 2021 (Public Law 116–283): Provided, That such*
16 *amount is designated by the Congress as being for an emer-*
17 *gency requirement pursuant to section 4112(a) of H. Con.*
18 *Res. 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 *FEDERAL COMMUNICATIONS COMMISSION*

23 *AFFORDABLE CONNECTIVITY FUND*

24 *For an additional amount for the “Affordable*
25 *Connectivity Fund”, \$14,200,000,000, to remain available*

1 *until expended, for the Affordable Connectivity Program, as*
2 *authorized under section 904(b)(1) of division N of the Con-*
3 *solidated Appropriations Act, 2021 (Public Law 116–260),*
4 *as amended by section 60502 of division F of this Act: Pro-*
5 *vided, 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 concurrent*
8 *resolution on the budget for fiscal year 2018, and to section*
9 *251(b) of the Balanced Budget and Emergency Deficit Con-*
10 *trol Act of 1985.*

11 *FEDERAL PERMITTING IMPROVEMENT STEERING COUNCIL*

12 *ENVIRONMENTAL REVIEW IMPROVEMENT FUND*

13 *For an additional amount for the “Environmental Re-*
14 *view Improvement Fund”, \$3,000,000 to remain available*
15 *until September 30, 2026: Provided, That \$650,000, to re-*
16 *main available until September 30, 2022, shall be made*
17 *available for fiscal year 2022, \$650,000, to remain available*
18 *until September 30, 2023, shall be made available for fiscal*
19 *year 2023, \$650,000, to remain available until September*
20 *30, 2024, shall be made available for fiscal year 2024,*
21 *\$650,000, to remain available until September 30, 2025,*
22 *shall be made available for fiscal year 2025, and \$400,000,*
23 *to remain available until September 30, 2026, shall be made*
24 *available for fiscal year 2026: Provided further, That such*
25 *amount is designated by the Congress as being for an emer-*

1 *gency requirement pursuant to section 4112(a) of H. Con.*
2 *Res. 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 *GENERAL SERVICES ADMINISTRATION*

7 *REAL PROPERTY ACTIVITIES*

8 *FEDERAL BUILDINGS FUND*

9 *(INCLUDING TRANSFERS OF FUNDS)*

10 *For an additional amount to be deposited in the “Fed-*
11 *eral Buildings Fund”, \$3,418,008,000, to remain available*
12 *until expended, for construction and acquisition, and re-*
13 *pairs and alterations of border stations and land ports of*
14 *entry, of which no more than \$250,000,000 shall be for Pro-*
15 *gram Contingency and Operational Support for necessary*
16 *expenses for projects funded under this heading, including,*
17 *moving governmental agencies (including space alterations*
18 *and adjustments, and telecommunications relocation ex-*
19 *penses) in connection with the assignment, allocation and*
20 *transfer of space, leasing of temporary space, and building*
21 *operations, of which—*

22 *(1) \$2,527,808,000 shall be for projects on the*
23 *U.S. Customs and Border Protection five-year plan;*

24 *(2) \$430,200,000 shall be for projects with com-*
25 *pleted U.S. Customs and Border Protection/General*

1 *Services Administration feasibility studies as*
2 *prioritized in the “American Jobs Plan Project List”*
3 *submitted to the House and Senate Committees on*
4 *Appropriations on May 28, 2021; and*
5 *(3) \$210,000,000 shall be for land ports of entry*
6 *(LPOE) infrastructure paving; acquisition of leased*
7 *LPOEs; and additional Federal Motor Carrier Safety*
8 *Administration requirements at the Southern Border:*
9 *Provided, That the General Services Administration shall*
10 *submit a plan, by project, regarding the use of funds made*
11 *available to the Administrator under this heading in this*
12 *Act to the Committees on Appropriations of the House of*
13 *Representatives and the Senate within 90 days of enact-*
14 *ment of this Act: Provided further, That the Administrator*
15 *of General Services shall notify the Committees on Appro-*
16 *priations of the House of Representatives and the Senate*
17 *quarterly on the obligations and expenditures of the funds*
18 *provided under this heading in this Act by account of the*
19 *Federal Buildings Fund: Provided further, That funds*
20 *made available under this heading in this Act for Federal*
21 *Buildings Fund activities may be transferred to, and*
22 *merged with, other accounts within the Federal Buildings*
23 *Fund only to the extent necessary to meet program require-*
24 *ments for such activities: Provided further, That the Gen-*
25 *eral Services Administration will provide notice in advance*

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 resolu-*
4 *tion on the budget for fiscal year 2018, and to section 251(b)*
5 *of the Balanced Budget and Emergency Deficit Control Act*
6 *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 and*
14 *Senate Committees on Appropriations a detailed spend*
15 *plan for the amount made available under this heading in*
16 *this Act: Provided further, That such amount is designated*
17 *by the Congress as being for an emergency requirement pur-*
18 *suant to section 4112(a) of H. Con. Res. 71 (115th Con-*
19 *gress), the concurrent resolution on the budget for fiscal year*
20 *2018, and to section 251(b) of the Balanced Budget and*
21 *Emergency Deficit Control Act of 1985.*

22 *COAST GUARD*

23 *OPERATIONS AND SUPPORT*

24 *For an additional amount for “Operations and Sup-*
25 *port”, \$5,000,000, to remain available until September 30,*

1 2026, for personnel and administrative expenses: Provided,
2 That such amount is designated by the Congress as being
3 for an emergency requirement pursuant to section 4112(a)
4 of H. Con. Res. 71 (115th Congress), the concurrent resolu-
5 tion on the budget for fiscal year 2018, and to section 251(b)
6 of the Balanced Budget and Emergency Deficit Control Act
7 of 1985.

8 *PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS*

9 *For an additional amount for “Procurement, Con-*
10 *struction, and Improvements”, \$429,000,000, to remain*
11 *available until September 30, 2026: Provided, That of the*
12 *funds made available under this heading in this Act—*

13 (1) *\$131,500,000 shall be for housing, family*
14 *support, safety, and training facilities, as described*
15 *in the Coast Guard Fiscal Year 2022 Unfunded Pri-*
16 *orities List submitted to Congress on June 29, 2021;*

17 (2) *\$158,000,000 shall be for shore construction*
18 *addressing facility deficiencies, as described in the*
19 *Coast Guard Fiscal Year 2022 Unfunded Priorities*
20 *List submitted to Congress on June 29, 2021;*

21 (3) *\$19,500,000 shall be for shore construction*
22 *supporting operational assets and maritime com-*
23 *merce, as described in the Coast Guard Fiscal Year*
24 *2022 Unfunded Priorities List submitted to Congress*
25 *on June 29, 2021; and*

1 *requirement pursuant to section 4112(a) of H. Con. Res.*
2 *71 (115th Congress), the concurrent resolution on the budget*
3 *for fiscal year 2018, and to section 251(b) of the Balanced*
4 *Budget and Emergency Deficit Control Act of 1985.*

5 *CYBERSECURITY RESPONSE AND RECOVERY FUND*

6 *For an additional amount for “Cybersecurity Re-*
7 *sponse and Recovery Fund”, \$100,000,000, to remain avail-*
8 *able until September 30, 2028, for cyber response and recov-*
9 *ery, as authorized by subtitle C of the Homeland Security*
10 *Act of 2002, as amended by this Act: Provided, That*
11 *\$20,000,000, to remain available until September 30, 2028,*
12 *shall be made available for fiscal year 2022, \$20,000,000,*
13 *to remain available until September 30, 2028, shall be made*
14 *available for fiscal year 2023, \$20,000,000, to remain avail-*
15 *able until September 30, 2028, shall be made available for*
16 *fiscal year 2024, \$20,000,000, to remain available until*
17 *September 30, 2028, shall be made available for fiscal year*
18 *2025, and \$20,000,000, to remain available until Sep-*
19 *tember 30, 2028, shall be made available for fiscal year*
20 *2026: Provided further, That amounts provided under this*
21 *heading in this Act shall be available only upon a declara-*
22 *tion of a significant incident by the Secretary of Homeland*
23 *Security pursuant to section 2233 of the Homeland Secu-*
24 *rity Act of 2002, as amended by this Act: Provided further,*
25 *That the Cybersecurity and Infrastructure Security Agency*

1 *shall provide to the Committees on Appropriations and*
2 *Homeland Security and Governmental Affairs of the Senate*
3 *and the Committees on Appropriations and Oversight and*
4 *Reform of the House of Representatives monthly reports, to*
5 *be submitted not later than the tenth business day following*
6 *the end of each month, on the status of funds made available*
7 *under this heading in this Act, including an accounting*
8 *of the most recent funding allocation estimates, obligations,*
9 *expenditures, and unobligated funds, delineated by signifi-*
10 *cant incident, as defined in section 2232 of the Homeland*
11 *Security Act of 2002, as amended by this Act: Provided fur-*
12 *ther, That such amount is designated by the Congress as*
13 *being for an emergency requirement pursuant to section*
14 *4112(a) of H. Con. Res. 71 (115th Congress), the concurrent*
15 *resolution on the budget for fiscal year 2018, and to section*
16 *251(b) of the Balanced Budget and Emergency Deficit Con-*
17 *trol Act of 1985.*

18 *FEDERAL EMERGENCY MANAGEMENT AGENCY*

19 *OPERATIONS AND SUPPORT*

20 *For an additional amount for “Operations and Sup-*
21 *port”, \$67,000,000, to remain available until September 30,*
22 *2026, for Federal agency dam safety activities and assist-*
23 *ance to States under sections 7 through 12 of the National*
24 *Dam Safety Program Act (33 U.S.C. 467e through 467h):*
25 *Provided, That such amount is designated by the Congress*

1 *as being for an emergency requirement pursuant to section*
2 *4112(a) of H. Con. Res. 71 (115th Congress), the concurrent*
3 *resolution on the budget for fiscal year 2018, and to section*
4 *251(b) of the Balanced Budget and Emergency Deficit Con-*
5 *trol Act of 1985.*

6 *FEDERAL ASSISTANCE*

7 *(INCLUDING TRANSFER OF FUNDS)*

8 *For an additional amount for “Federal Assistance”,*
9 *\$2,233,000,000, which shall be allocated as follows:*

10 *(1) \$500,000,000, to remain available until ex-*
11 *pended, for grants pursuant to section 205 of the Rob-*
12 *ert T. Stafford Disaster Relief and Emergency Assist-*
13 *ance Act (42 U.S.C. 5135): Provided, That*
14 *\$100,000,000, to remain available until expended,*
15 *shall be made available for fiscal year 2022,*
16 *\$100,000,000, to remain available until expended,*
17 *shall be made available for fiscal year 2023,*
18 *\$100,000,000, to remain available until expended,*
19 *shall be made available for fiscal year 2024,*
20 *\$100,000,000, to remain available until expended,*
21 *shall be made available for fiscal year 2025, and*
22 *\$100,000,000, to remain available until expended,*
23 *shall be made available for fiscal year 2026: Provided*
24 *further, That in addition to amounts made available*
25 *for administrative expenses under section 205(d)(2) of*

1 *the Robert T. Stafford Disaster Relief and Emergency*
2 *Assistance Act (42 U.S.C. 5135(d)(2)), no more than*
3 *3 percent of the amounts made available in fiscal*
4 *year 2022, 3 percent of the amounts made available*
5 *in fiscal year 2023, and 3 percent of the amounts*
6 *made available in each of fiscal years 2024 through*
7 *2026 under this paragraph in this Act may be trans-*
8 *ferred to “Federal Emergency Management Agency—*
9 *Operations and Support” for salaries and expenses.*

10 (2) *\$733,000,000, to remain available until ex-*
11 *pende: Provided, That \$148,000,000 of the amounts*
12 *made available under this paragraph in this Act shall*
13 *be for grants to States pursuant to section 8(e) of the*
14 *National Dam Safety Program Act (33 U.S.C.*
15 *467f(e)): Provided further, That \$585,000,000 of the*
16 *amounts made available under this paragraph in this*
17 *Act shall be for grants to States pursuant to section*
18 *8A of the National Dam Safety Program Act (33*
19 *U.S.C. 467f–2), of which no less than \$75,000,000*
20 *shall be for the removal of dams: Provided further,*
21 *That dam removal projects shall include written con-*
22 *sent of the dam owner, if ownership is established:*
23 *Provided further, That in addition to amounts made*
24 *available for administrative expenses, no more than 3*
25 *percent of the amounts made available under this*

1 paragraph in this Act may be transferred to “Federal
2 Emergency Management Agency—Operations and
3 Support” for salaries and expenses.

4 (3) \$1,000,000,000 to remain available until ex-
5 pended, for grants to states, local, tribal, and terri-
6 torial governments for improvement to cybersecurity
7 and critical infrastructure, as authorized by section
8 2218 of the Homeland Security Act of 2002, as
9 amended by this Act: Provided, That \$200,000,000, to
10 remain available until expended, shall be made avail-
11 able for fiscal year 2022, \$400,000,000, to remain
12 available until expended, shall be made available for
13 fiscal year 2023, \$300,000,000, to remain available
14 until expended, shall be made available for fiscal year
15 2024, and \$100,000,000, to remain available until ex-
16 pended, shall be made available for fiscal year 2025:
17 Provided further, That no more than 3 percent of the
18 amounts made available in each of fiscal years 2022
19 through 2025 under this paragraph in this Act may
20 be transferred to “Federal Emergency Management
21 Agency—Operations and Support” for salaries and
22 expenses:

23 Provided, That such amount is designated by the Congress
24 as being for an emergency requirement pursuant to section
25 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent

1 *resolution on the budget for fiscal year 2018, and to section*
2 *251(b) of the Balanced Budget and Emergency Deficit Con-*
3 *trol Act of 1985.*

4 *DISASTER RELIEF FUND*

5 *(INCLUDING TRANSFER OF FUNDS)*

6 *For an additional amount for “Disaster Relief Fund”,*
7 *\$1,000,000,000, to remain available until expended, in ad-*
8 *dition to any amounts set aside pursuant to section 203(i)*
9 *of the Robert T. Stafford Disaster Relief and Emergency*
10 *Assistance Act (42 U.S.C. 5133), for grants pursuant to*
11 *such section: Provided, That \$200,000,000, to remain avail-*
12 *able until expended, shall be made available for fiscal year*
13 *2022, \$200,000,000, to remain available until expended,*
14 *shall be made available for fiscal year 2023, \$200,000,000,*
15 *to remain available until expended, shall be made available*
16 *for fiscal year 2024, \$200,000,000, to remain available*
17 *until expended, shall be made available for fiscal year 2025,*
18 *and \$200,000,000, to remain available until expended, shall*
19 *be made available for fiscal year 2026: Provided further,*
20 *That no more than \$16,500,000 of the amounts made avail-*
21 *able in each of fiscal years 2022 through 2026 under this*
22 *heading in this Act may be transferred to “Federal Emer-*
23 *gency Management Agency—Operations and Support” for*
24 *salaries and expenses: Provided further, That such amount*
25 *is designated by the Congress as being for an emergency*

1 *requirement pursuant to section 4112(a) of H. Con. Res.*
2 *71 (115th Congress), the concurrent resolution on the budget*
3 *for fiscal year 2018, and to section 251(b) of the Balanced*
4 *Budget and Emergency Deficit Control Act of 1985.*

5 *NATIONAL FLOOD INSURANCE FUND*

6 *For an additional amount for “National Flood Insur-*
7 *ance Fund”, \$3,500,000,000, to be derived from the General*
8 *Fund of the Treasury, to remain available until expended,*
9 *for flood mitigation actions and for flood mitigation assist-*
10 *ance under section 1366 of the National Flood Insurance*
11 *Act of 1968 (42 U.S.C. 4104c), notwithstanding sections*
12 *1366(e), 1310(a)(7), and 1367 of such Act (42*
13 *U.S.C.4104c(e), 4017(a)(7), 4104d), in addition to any*
14 *other funds available for this purpose: Provided, That*
15 *\$700,000,000, to remain available until expended, shall be*
16 *made available for fiscal year 2022, \$700,000,000, to re-*
17 *main available until expended, shall be made available for*
18 *fiscal year 2023, \$700,000,000, to remain available until*
19 *expended, shall be made available for fiscal year 2024,*
20 *\$700,000,000, to remain available until expended, shall be*
21 *made available for fiscal year 2025, and \$700,000,000, to*
22 *remain available until expended, shall be made available*
23 *for fiscal year 2026: Provided further, That notwith-*
24 *standing section 1366(d) of the National Flood Insurance*
25 *Act of 1968 (42 U.S.C. 4104c(d)), the Administrator of the*

1 *Federal Emergency Management Agency may also use*
2 *amounts made available under subsection (a) to provide*
3 *flood mitigation assistance under section 1366 of that Act*
4 *(42 U.S.C. 4104c) for mitigation activities in an amount*
5 *up to 90 percent of all eligible costs for a property—*

6 *(1) located within a census tract with a Centers*
7 *for Disease Control and Prevention Social Vulner-*
8 *ability Index score of not less than 0.5001; or*

9 *(2) that serves as a primary residence for indi-*
10 *viduals with a household income of not more than 100*
11 *percent of the applicable area median income:*

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), the*
15 *concurrent resolution on the budget for fiscal year 2018,*
16 *and to section 251(b) of the Balanced Budget and Emer-*
17 *gency Deficit Control Act of 1985.*

18 *SCIENCE AND TECHNOLOGY DIRECTORATE*

19 *RESEARCH AND DEVELOPMENT*

20 *For an additional amount for “Research and Develop-*
21 *ment”, \$157,500,000, to remain available until September*
22 *30, 2026, for critical infrastructure security and resilience*
23 *research, development, test, and evaluation: Provided, That*
24 *the funds made available under this heading in this Act*
25 *may be used for—*

1 (1) *special event risk assessments rating plan-*
2 *ning tools;*

3 (2) *electromagnetic pulse and geo-magnetic dis-*
4 *turbance resilience capabilities;*

5 (3) *positioning, navigation, and timing capabili-*
6 *ties;*

7 (4) *public safety and violence prevention to*
8 *evaluate soft target security, including countering im-*
9 *provised explosive device events and protection of U.S.*
10 *critical infrastructure; and*

11 (5) *research supporting security testing capabili-*
12 *ties relating to telecommunications equipment, indus-*
13 *trial control systems, and open source software:*

14 *Provided further, That not later than 90 days after the date*
15 *of enactment of this Act, the Department shall submit to*
16 *the House and Senate Committees on Appropriations a de-*
17 *tailed spend plan for the amount made available under this*
18 *heading in this Act: Provided further, That such amount*
19 *is designated by the Congress as being for an emergency*
20 *requirement pursuant to section 4112(a) of H. Con. Res.*
21 *71 (115th Congress), the concurrent resolution on the budget*
22 *for fiscal year 2018, and to section 251(b) of the Balanced*
23 *Budget and Emergency Deficit Control Act of 1985.*

1 *GENERAL PROVISION—THIS TITLE*

2 *SEC. 501. One-quarter of one percent of the amounts*
3 *made available under each heading in this title in this Act*
4 *in each of fiscal years 2022 through 2026 shall be trans-*
5 *ferred to the Office of the Inspector General of the Depart-*
6 *ment of the Homeland Security for oversight of funding*
7 *provided to the Department of Homeland Security in this*
8 *title in this Act.*

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

11 *DEPARTMENT OF THE INTERIOR*12 *UNITED STATES FISH AND WILDLIFE SERVICE*13 *RESOURCE MANAGEMENT*14 *(INCLUDING TRANSFERS OF FUNDS)*

15 *For an additional amount for “Resource Manage-*
16 *ment”, \$455,000,000, to remain available until expended:*
17 *Provided, That \$91,000,000, to remain available until ex-*
18 *pended, shall be made available for fiscal year 2022,*
19 *\$91,000,000, to remain available until expended, shall be*
20 *made available for fiscal year 2023, \$91,000,000, to remain*
21 *available until expended, shall be made available for fiscal*
22 *year 2024, \$91,000,000, to remain available until expended,*
23 *shall be made available for fiscal year 2025, and*
24 *\$91,000,000, to remain available until expended, shall be*
25 *made available for fiscal year 2026: Provided further, That*

1 *of the funds made available under this heading in this Act,*
2 *the following amounts shall be for the following purposes*
3 *in equal amounts for each of fiscal years 2022 through*
4 *2026, and shall be in addition to amounts otherwise made*
5 *available for such purpose—*

6 (1) *\$255,000,000 shall be for the following re-*
7 *gional ecosystem restoration purposes—*

8 (A) *\$26,000,000 shall be for Delaware River*
9 *Basin Conservation Act;*

10 (B) *\$162,000,000 shall be for Klamath*
11 *Basin restoration activities, including habitat*
12 *restoration, planning, design, engineering, envi-*
13 *ronmental compliance, fee acquisition, infra-*
14 *structure development, construction, operations*
15 *and maintenance, improvements, and expansion,*
16 *as necessary, on lands currently leased by the*
17 *U.S. Fish and Wildlife Service for conservation*
18 *and recovery of endangered species;*

19 (C) *\$17,000,000 shall be for implementing*
20 *section 5(d)(2) of the Lake Tahoe Restoration*
21 *Act; and*

22 (D) *\$50,000,000 shall be for sagebrush*
23 *steppe ecosystem;*

24 (2) *\$200,000,000 shall be for restoring fish and*
25 *wildlife passage by removing in-stream barriers and*

1 *providing technical assistance under the National*
2 *Fish Passage Program:*

3 *Provided further, That one-half of one percent of the*
4 *amounts made available under this heading in this Act in*
5 *each of fiscal years 2022 through 2026 shall be transferred*
6 *to the Office of Inspector General of the Department of the*
7 *Interior for oversight of funding provided to the Depart-*
8 *ment of the Interior in this title in this Act: Provided fur-*
9 *ther, That nothing under this heading in this Act shall be*
10 *construed as providing any new authority to remove,*
11 *breach, or otherwise alter the operations of a Federal hydro-*
12 *power dam and dam removal projects shall include written*
13 *consent of the dam owner, if ownership is established: Pro-*
14 *vided further, That such amount is designated by the Con-*
15 *gress as being for an emergency requirement pursuant to*
16 *section 4112(a) of H. Con. Res. 71 (115th Congress), the*
17 *concurrent resolution on the budget for fiscal year 2018,*
18 *and to section 251(b) of the Balanced Budget and Emer-*
19 *gency Deficit Control Act of 1985.*

20 *UNITED STATES GEOLOGICAL SURVEY*
21 *SURVEYS, INVESTIGATIONS, AND RESEARCH*
22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *For an additional amount for “Surveys, Investiga-*
24 *tions, and Research”, \$510,668,000, to remain available*
25 *until expended, for the Secretary of the Interior to carry*

1 *out activities authorized in sections 40201, 40204, and*
2 *41003(a) of division D of this Act: Provided, That amounts*
3 *made available under this heading in this Act shall be allo-*
4 *cated as follows:*

5 (1) *\$320,000,000 to carry out section 40201 of*
6 *division D of this Act: Provided, That \$64,000,000, to*
7 *remain available until September 30, 2024, shall be*
8 *made available for fiscal year 2022, \$64,000,000, to*
9 *remain available until September 30, 2025, shall be*
10 *made available for fiscal year 2023, \$64,000,000, to*
11 *remain available until September 30, 2026, shall be*
12 *made available for fiscal year 2024, \$64,000,000, to*
13 *remain available until September 30, 2027, shall be*
14 *made available for fiscal year 2025, and \$64,000,000,*
15 *to remain available until September 30, 2028, shall*
16 *be made available for fiscal year 2026;*

17 (2) *\$167,000,000, to remain available until ex-*
18 *pended, for fiscal year 2022 to carry out section*
19 *40204 of division D of this Act;*

20 (3) *\$23,668,000 to carry out section 41003(a) of*
21 *division D of this Act: Provided, That \$8,668,000, to*
22 *remain available until September 30, 2024, shall be*
23 *made available for fiscal year 2022, \$5,000,000, to re-*
24 *main available until September 30, 2025, shall be*
25 *made available for fiscal year 2023, \$5,000,000, to re-*

1 *main available until September 30, 2026, shall be*
2 *made available for fiscal year 2024, and \$5,000,000,*
3 *to remain available until September 30, 2027, shall*
4 *be made available for fiscal year 2025:*

5 *Provided further, That amounts provided under this head-*
6 *ing in this Act shall be in addition to amounts otherwise*
7 *available for such purposes: Provided further, That one-half*
8 *of one percent of the amounts made available under this*
9 *heading in this Act in each of fiscal years 2022 through*
10 *2026 shall be transferred to the Office of Inspector General*
11 *of the Department of the Interior for oversight of funding*
12 *provided to the Department of the Interior in this title in*
13 *this Act: Provided further, That such amount is designated*
14 *by 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 year*
17 *2018, and to section 251(b) of the Balanced Budget and*
18 *Emergency Deficit Control Act of 1985.*

19 *OFFICE OF SURFACE MINING RECLAMATION AND*
20 *ENFORCEMENT*

21 *ABANDONED MINE RECLAMATION FUND*

22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *For an additional amount to be deposited in the*
24 *“Abandoned Mine Reclamation Fund”, \$11,293,000,000, to*
25 *remain available until expended, to carry out section 40701*

1 *of division D of this Act: Provided, That of the amount pro-*
2 *vided under this heading in this Act, \$25,000,000, to re-*
3 *main available until expended, shall be to carry out activi-*
4 *ties as authorized in section 40701(g) of division D of this*
5 *Act: Provided further, That up to 3 percent of the amounts*
6 *made available under this heading in this Act shall be for*
7 *salaries, expenses, and administration: Provided further,*
8 *That one-half of one percent of the amounts made available*
9 *under this heading in this Act shall be transferred to the*
10 *Office of Inspector General of the Department of the Interior*
11 *for oversight of funding provided to the Department of the*
12 *Interior in this title in this Act: Provided further, That such*
13 *amount is designated by the Congress as being for an emer-*
14 *gency requirement pursuant to section 4112(a) of H. Con.*
15 *Res. 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 *INDIAN AFFAIRS*

20 *BUREAU OF INDIAN AFFAIRS*

21 *OPERATION OF INDIAN PROGRAMS*

22 *(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-*

1 *munity relocation planning, design, and implementation of*
2 *projects which address the varying climate challenges facing*
3 *tribal communities across the country: Provided, That of*
4 *the funds in the preceding proviso, \$43,200,000, to remain*
5 *available until expended, shall be made available for fiscal*
6 *year 2022, \$43,200,000, to remain available until expended,*
7 *shall be made available for fiscal year 2023, \$43,200,000,*
8 *to remain available until expended shall be made available*
9 *for fiscal year 2024, \$43,200,000, to remain available until*
10 *expended, shall be made available for fiscal year 2025, and*
11 *\$43,200,000, to remain available until expended, shall be*
12 *made available for fiscal year 2026: Provided further, That*
13 *of the funds made available under the preceding proviso for*
14 *fiscal years 2022 through 2026, \$130,000,000 shall be for*
15 *community relocation, and \$86,000,000 shall be for tribal*
16 *climate resilience and adaptation projects: Provided fur-*
17 *ther, That up to 3 percent of the amounts made available*
18 *under this heading in this Act in each of fiscal years 2022*
19 *through 2026 shall be for salaries, expenses, and adminis-*
20 *tration: Provided further, That one-half of one percent of*
21 *the amounts made available under this heading in this Act*
22 *in each of fiscal years 2022 through 2026 shall be trans-*
23 *ferred to the Office of Inspector General of the Department*
24 *of the Interior for oversight of funding provided to the De-*
25 *partment of the Interior in this title in this Act: Provided*

1 *further, That awards made under subsection (d) to Tribes*
2 *and Tribal organizations under the Indian Self-Determina-*
3 *tion and Education Assistance Act (25 U.S.C. 5301 et seq.)*
4 *shall be considered non-recurring and shall not be part of*
5 *the amount required by section 106 of the Indian Self-De-*
6 *termination and Education Assistance Act (25 U.S.C.*
7 *5325), and such funds shall only be used for the purposes*
8 *identified in this section: Provided further, That such*
9 *amount is designated by the Congress as being for an emer-*
10 *gency requirement pursuant to section 4112(a) of H. Con.*
11 *Res. 71 (115th Congress), the concurrent resolution on the*
12 *budget for fiscal year 2018, and to section 251(b) of the*
13 *Balanced Budget and Emergency Deficit Control Act of*
14 *1985.*

15 **CONSTRUCTION**

16 *(INCLUDING TRANSFERS OF FUNDS)*

17 *For an additional amount for “Construction”,*
18 *\$250,000,000, to remain available until expended, for con-*
19 *struction, repair, improvement, and maintenance of irriga-*
20 *tion and power systems, safety of dams, water sanitation,*
21 *and other facilities: Provided, That any funds provided for*
22 *the Safety of Dams program pursuant to the Act of Novem-*
23 *ber 2, 1921 (25 U.S.C. 13), shall be made available on a*
24 *nonreimbursable basis: Provided further, That \$50,000,000,*
25 *to remain available until expended, shall be made available*

1 *for fiscal year 2022, \$50,000,000, to remain available until*
2 *expended, shall be made available for fiscal year 2023,*
3 *\$50,000,000, to remain available until expended, shall be*
4 *made available for fiscal year 2024, \$50,000,000, to remain*
5 *available until expended, shall be made available for fiscal*
6 *year 2025, and \$50,000,000, to remain available until ex-*
7 *pended, shall be made available for fiscal year 2026: Pro-*
8 *vided further, That of the funds made available under this*
9 *heading in this Act for fiscal years 2022 through 2026—*

10 (1) *Not less than \$50,000,000 shall be for ad-*
11 *dressment irrigation and power systems; and*

12 (2) *\$200,000,000 shall be for safety of dams,*
13 *water sanitation, and other facilities:*

14 *Provided further, That up to 3 percent of the amounts made*
15 *available under this heading in this Act in each of fiscal*
16 *years 2022 through 2026 shall be for salaries, expenses, and*
17 *administration: Provided further, That one-half of one per-*
18 *cent of the amounts made available under this heading in*
19 *this Act in each of fiscal years 2022 through 2026 shall*
20 *be transferred to the Office of Inspector General of the De-*
21 *partment of the Interior for oversight of funding provided*
22 *to the Department of the Interior in this title in this Act:*
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), the*

1 *concurrent resolution on the budget for fiscal year 2018,*
2 *and to section 251(b) of the Balanced Budget and Emer-*
3 *gency Deficit Control Act of 1985.*

4 *DEPARTMENTAL OFFICES*

5 *OFFICE OF THE SECRETARY*

6 *DEPARTMENTAL OPERATIONS*

7 *(INCLUDING TRANSFERS OF FUNDS)*

8 *For an additional amount for “Departmental Oper-*
9 *ations”, \$905,000,000, to remain available until expended,*
10 *for the Secretary of the Interior to carry out activities, as*
11 *authorized in section 40804 of division D of this Act: Pro-*
12 *vided, That \$337,000,000, to remain available until ex-*
13 *pended, shall be made available for fiscal year 2022,*
14 *\$142,000,000, to remain available until expended, shall be*
15 *made available for fiscal year 2023, \$142,000,000, to re-*
16 *main available until expended, shall be made available for*
17 *fiscal year 2024, \$142,000,000, to remain available until*
18 *expended, shall be made available for fiscal year 2025, and*
19 *\$142,000,000, to remain available until expended, shall be*
20 *made available for fiscal year 2026: Provided further, That*
21 *the Secretary may transfer the funds provided under this*
22 *heading in this Act to any other account in the Department*
23 *of the Interior to carry out such purposes: Provided further,*
24 *That the Secretary of the Interior and the Secretary of Agri-*
25 *culture, acting through the Chief of the Forest Service, may*

1 *authorize the transfer of funds provided under this heading*
2 *in this Act between the Departments for the purpose of car-*
3 *rying out activities as authorized in section 40804(b)(1) of*
4 *division D of this Act: Provided further, That up to 3 per-*
5 *cent of the amounts made available under this heading in*
6 *this Act in each of fiscal years 2022 through 2026 shall*
7 *be for salaries, expenses, and administration: Provided fur-*
8 *ther, That one-half of one percent of the amounts made*
9 *available under this heading in this Act in each of fiscal*
10 *years 2022 through 2026 shall be transferred to the Office*
11 *of Inspector General of the Department of the Interior for*
12 *oversight of funding provided to the Department of the Inte-*
13 *rior in this title in this Act: Provided further, That such*
14 *amount is designated by the Congress as being for an emer-*
15 *gency requirement pursuant to section 4112(a) of H. Con.*
16 *Res. 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 *DEPARTMENT-WIDE PROGRAMS*

21 *WILDLAND FIRE MANAGEMENT*

22 *(INCLUDING TRANSFERS OF FUNDS)*

23 *For an additional amount for “Wildland Fire Man-*
24 *agement”, \$1,458,000,000, to remain available until ex-*
25 *pended: Provided, That \$407,600,000, to remain available*

1 *until expended, shall be made available for fiscal year 2022,*
2 *\$262,600,000, to remain available until expended, shall be*
3 *made available for fiscal year 2023, \$262,600,000, to re-*
4 *main available until expended, shall be made available for*
5 *fiscal year 2024, \$262,600,000, to remain available until*
6 *expended, shall be made available for fiscal year 2025, and*
7 *\$262,600,000, to remain available until expended, shall be*
8 *made available for fiscal year 2026: Provided further, That*
9 *of the funds made available under this heading in this Act,*
10 *the following amounts shall be for the following purposes*
11 *for the following fiscal years—*

12 (1) *\$1,055,000,000 for the Secretary of the Inte-*
13 *rior to carry out activities for the Department of the*
14 *Interior, as authorized in section 40803 of division D*
15 *of this Act, including fuels management activities, of*
16 *which \$327,000,000, to remain available until ex-*
17 *pended, shall be made available for fiscal year 2022*
18 *and \$182,000,000, to remain available until ex-*
19 *pended, shall be made available for each of fiscal*
20 *years 2023 through 2026;*

21 (2) *In addition to amounts made available in*
22 *paragraph (1) for fuels management activities,*
23 *\$35,600,000 for each of fiscal years 2022 through*
24 *2026 for such purpose; and*

1 (3) *In addition to amounts made available in*
2 *paragraph (1) for burned area rehabilitation,*
3 *\$45,000,000 for each of fiscal years 2022 through*
4 *2026 for such purpose:*
5 *Provided further, That up to \$2,000,000 for each of fiscal*
6 *years 2022 through 2026 from funds made available in*
7 *paragraphs (2) and (3) of the preceding proviso shall be*
8 *for implementation of the Tribal Forestry Protection Act,*
9 *as amended (Public Law 108–278): Provided further, That*
10 *the Secretary may transfer the funds provided under this*
11 *heading in this Act to any other account in the Department*
12 *of the Interior to carry out such purposes: Provided further,*
13 *That funds appropriated under this heading in this Act*
14 *may be transferred to the United States Fish and Wildlife*
15 *Service and the National Marine Fisheries Service for the*
16 *costs of carrying out their responsibilities under the Endan-*
17 *gered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult*
18 *and conference, as required by section 7 of such Act, in con-*
19 *nection with wildland fire management activities: Provided*
20 *further, That up to 3 percent of the amounts made available*
21 *under this heading in this Act in each of fiscal years 2022*
22 *through 2026 shall be for salaries, expenses, and adminis-*
23 *tration: Provided further, That one-half of one percent of*
24 *the amounts made available under this heading in this Act*
25 *in each of fiscal years 2022 through 2026 shall be trans-*

1 *ferred to the Office of Inspector General of the Department*
2 *of the Interior for oversight of funding provided to the De-*
3 *partment of the Interior in this title in this Act: Provided*
4 *further, That such amount is designated by the Congress*
5 *as being for an emergency requirement pursuant to section*
6 *4112(a) of H. Con. Res. 71 (115th Congress), the concurrent*
7 *resolution on the budget for fiscal year 2018, and to section*
8 *251(b) of the Balanced Budget and Emergency Deficit Con-*
9 *trol Act of 1985.*

10 *ENERGY COMMUNITY REVITALIZATION PROGRAM*

11 *(INCLUDING TRANSFERS OF FUNDS)*

12 *For an additional amount for Department-Wide Pro-*
13 *grams, \$4,677,000,000, to remain available until expended,*
14 *for an Energy Community Revitalization program to carry*
15 *out orphaned well site plugging, remediation, and restora-*
16 *tion activities authorized in section 349 of the Energy Pol-*
17 *icy Act of 2005 (42 U.S.C. 15907), as amended by section*
18 *40601 of division D of this Act: Provided, That of the funds*
19 *made available under this heading in this Act, the following*
20 *amounts shall be for the following purposes—*

21 *(1) \$250,000,000, to remain available until Sep-*
22 *tember 30, 2030, shall be to carry out activities au-*
23 *thorized in section 349(b) of the Energy Policy Act of*
24 *2005 (42 U.S.C. 15907(b)), as amended by section*
25 *40601 of division D of this Act;*

1 (2) \$775,000,000, to remain available until Sep-
2 tember 30, 2030, shall be to carry out activities au-
3 thorized in section 349(c)(3) of the Energy Policy Act
4 of 2005 (42 U.S.C. 15907(c)(3)), as amended by sec-
5 tion 40601 of division D of this Act;

6 (3) \$2,000,000,000, to remain available until
7 September 30, 2030, shall be to carry out activities
8 authorized in section 349(c)(4) of the Energy Policy
9 Act of 2005 (42 U.S.C. 15907(c)(4)), as amended by
10 section 40601 of division D of this Act;

11 (4) \$1,500,000,000, to remain available until
12 September 30, 2030, shall be to carry out activities
13 authorized in section 349(c)(5) of the Energy Policy
14 Act of 2005 (42 U.S.C. 15907(c)(5)), as amended by
15 section 40601 of division D of this Act;

16 (5) \$150,000,000, to remain available until Sep-
17 tember 30, 2030, shall be to carry out activities au-
18 thorized in section 349(d) of the Energy Policy Act of
19 2005 (42 U.S.C.15907(d)), as amended by section
20 40601 of division D of this Act;

21 *Provided further, That of the amount provided under this*
22 *heading in this Act, \$2,000,000 shall be provided by the*
23 *Secretary through a cooperative agreement with the Inter-*
24 *state Oil and Gas Compact Commission to carry out the*
25 *consultations authorized in section 349 of the Energy Policy*

1 *Act of 2005 (42 U.S.C. 15907), as amended by section*
2 *40601 of division D of this Act: Provided further, That*
3 *amounts provided under this heading in this Act shall be*
4 *in addition to amounts otherwise available for such pur-*
5 *poses: Provided further, That amounts provided under this*
6 *heading in this Act are not available to fulfill Comprehen-*
7 *sive Environmental Response, Compensation, and Liability*
8 *Act (CERCLA) obligations agreed to in settlement or im-*
9 *posed by a court, whether for payment of funds or for work*
10 *to be performed: Provided further, That the Secretary may*
11 *transfer the funds provided under this heading in this Act*
12 *to any other account in the Department of the Interior to*
13 *carry out such purposes: Provided further, That the Sec-*
14 *retary may transfer funds made available in paragraph (1)*
15 *of the first proviso under this heading to the Secretary of*
16 *Agriculture, acting through the Chief of the Forest Service,*
17 *to carry out such purposes: Provided further, That up to*
18 *3 percent of the amounts made available under this heading*
19 *in this Act shall be for salaries, expenses, and administra-*
20 *tion: Provided further, That one-half of one percent of the*
21 *amounts made available under this heading in this Act*
22 *shall be transferred to the Office of Inspector General of the*
23 *Department of the Interior for oversight of funding provided*
24 *to the Department of the Interior in this title in this Act:*
25 *Provided further, That such amount is designated by the*

1 *Congress as being for an emergency requirement pursuant*
2 *to section 4112(a) of H. Con. Res. 71 (115th Congress), the*
3 *concurrent resolution on the budget for fiscal year 2018,*
4 *and to section 251(b) of the Balanced Budget and Emer-*
5 *gency Deficit Control Act of 1985.*

6 *GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR*

7 *SEC. 601. Not later than 90 days after the date of en-*
8 *actment of this Act, the Secretary of the Interior shall sub-*
9 *mit to the House and Senate Committees on Appropriations*
10 *a detailed spend plan for the funds provided to the Depart-*
11 *ment of the Interior in this title in this Act for fiscal year*
12 *2022, and for each fiscal year through 2026, as part of the*
13 *annual budget submission of the President under section*
14 *1105(a) of title 31, United States Code, the Secretary of*
15 *the Interior shall submit a detailed spend plan for the funds*
16 *provided to the Department of the Interior in this title in*
17 *this Act for that fiscal year.*

18 *ENVIRONMENTAL PROTECTION AGENCY*

19 *ENVIRONMENTAL PROGRAMS AND MANAGEMENT*

20 *(INCLUDING TRANSFERS OF FUNDS)*

21 *For an additional amount for “Environmental Pro-*
22 *grams and Management”, \$1,959,000,000, which shall be*
23 *allocated as follows:*

24 *(1) \$1,717,000,000, to remain available until ex-*
25 *pended, for Geographic Programs as specified in the*

1 *explanatory statement described in section 4 of the*
2 *matter preceding division A of Public Law 116–260:*
3 *Provided, That \$343,400,000, to remain available*
4 *until expended, shall be made available for fiscal year*
5 *2022, \$343,400,000, to remain available until ex-*
6 *pended, shall be made available for fiscal year 2023,*
7 *\$343,400,000, to remain available until expended,*
8 *shall be made available for fiscal year 2024,*
9 *\$343,400,000, to remain available until expended,*
10 *shall be made available for fiscal year 2025, and*
11 *\$343,400,000, to remain available until expended,*
12 *shall be made available for fiscal year 2026: Provided*
13 *further, That of the funds made available in this*
14 *paragraph in this Act, the following amounts shall be*
15 *for the following purposes in equal amounts for each*
16 *of fiscal years 2022 through 2026—*

17 *(A) \$1,000,000,000 shall be for Great Lakes*
18 *Restoration Initiative;*

19 *(B) \$238,000,000 shall be for Chesapeake*
20 *Bay;*

21 *(C) \$24,000,000 shall be for San Francisco*
22 *Bay;*

23 *(D) \$89,000,000 shall be for Puget Sound;*

24 *(E) \$106,000,000 shall be for Long Island*
25 *Sound;*

1 (F) \$53,000,000 shall be for Gulf of Mexico;

2 (G) \$16,000,000 shall be for South Florida;

3 (H) \$40,000,000 shall be for Lake Cham-
4 plain;

5 (I) \$53,000,000 shall be for Lake Pont-
6 chartrain;

7 (J) \$15,000,000 shall be for Southern New
8 England Estuaries;

9 (K) \$79,000,000 shall be for Columbia
10 River Basin; and

11 (L) \$4,000,000 shall be for other geographic
12 activities which includes Pacific Northwest:

13 *Provided further, That the Administrator may waive*
14 *or reduce the required non-Federal share for amounts*
15 *made available under this paragraph in this Act for*
16 *the purposes described in the preceding proviso;*

17 (2) \$132,000,000, to remain available until ex-
18 pended, for the National Estuary Program grants
19 under section 320(g)(2) of the Federal Water Pollu-
20 tion Control Act, notwithstanding the funding limita-
21 tion in section 320(i)(2)(B) of the Act: *Provided, That*
22 *\$26,400,000, to remain available until expended, shall*
23 *be made available for fiscal year 2022, \$26,400,000,*
24 *to remain available until expended, shall be made*
25 *available for fiscal year 2023, \$26,400,000, to remain*

1 *available until expended, shall be made available for*
2 *fiscal year 2024, \$26,400,000, to remain available*
3 *until expended, shall be made available for fiscal year*
4 *2025, and \$26,400,000, to remain available until ex-*
5 *pended, shall be made available for fiscal year 2026:*
6 *Provided further, That the Administrator may waive*
7 *or reduce the required non-Federal share for amounts*
8 *made available under this paragraph in this Act:*
9 *Provided further, 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;*

13 *(3) \$60,000,000, to remain available until ex-*
14 *pended, for actions under the Gulf Hypoxia Action*
15 *Plan: Provided, That \$12,000,000, to remain avail-*
16 *able until expended, shall be made available for fiscal*
17 *year 2022, \$12,000,000, to remain available until ex-*
18 *pended, shall be made available for fiscal year 2023,*
19 *\$12,000,000, to remain available until expended, shall*
20 *be made available for fiscal year 2024, \$12,000,000,*
21 *to remain available until expended, shall be made*
22 *available for fiscal year 2025, and \$12,000,000, to re-*
23 *main available until expended, shall be made avail-*
24 *able for fiscal year 2026: Provided further, That funds*
25 *shall be provided annually to the twelve states serving*

1 *as members of the Mississippi River/Gulf of Mexico*
2 *Watershed Nutrient Task Force (Arkansas, Iowa, Illi-*
3 *nois, Indiana, Kentucky, Louisiana, Minnesota, Mis-*
4 *souri, Mississippi, Ohio, Tennessee, and Wisconsin)*
5 *in equal amounts for each state for the period of fiscal*
6 *year 2022 to fiscal year 2026: Provided further, That*
7 *up to three percent of the amounts made available*
8 *under this paragraph in this Act shall be for salaries,*
9 *expenses, and administration;*

10 (4) *\$25,000,000, to remain available until ex-*
11 *pended, to support permitting of Class VI wells as au-*
12 *thorized under section 40306 of division D of this Act,*
13 *to be carried out by Drinking Water Programs: Pro-*
14 *vided, That \$5,000,000, to remain available until ex-*
15 *pended, shall be made available for fiscal year 2022,*
16 *\$5,000,000, to remain available until expended, shall*
17 *be made available for fiscal year 2023, \$5,000,000, to*
18 *remain available until expended, shall be made avail-*
19 *able for fiscal year 2024, \$5,000,000, to remain avail-*
20 *able until expended, shall be made available for fiscal*
21 *year 2025, and \$5,000,000, to remain available until*
22 *expended, shall be made available for fiscal year*
23 *2026;*

24 (5) *\$10,000,000, to remain available until Sep-*
25 *tember 30, 2026, for developing battery recycling best*

1 *practices, as authorized under section 70401(b) of di-*
2 *vision G of this Act, to be carried out by the Resource*
3 *Conservation and Recovery Act program;*

4 (6) *\$15,000,000, to remain available until Sep-*
5 *tember 30, 2026, for developing voluntary battery la-*
6 *beling guidelines, as authorized under section*
7 *70401(c) of division G of this Act, to be carried out*
8 *by the Resource Conservation and Recovery Act pro-*
9 *gram;*

10 *Provided, That funds provided for the purposes described*
11 *in paragraphs (1), (2), and (3) under this heading in this*
12 *Act may be transferred to the United States Fish and Wild-*
13 *life Service and the National Marine Fisheries Service for*
14 *the costs of carrying out their responsibilities under the En-*
15 *dangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to*
16 *consult and conference, as required by section 7 of such Act,*
17 *in connection with Geographic programs, the National Es-*
18 *tuary Program, and the Gulf Hypoxia Action Plan: Pro-*
19 *vided further, That amounts provided under this heading*
20 *in this Act shall be in addition to amounts otherwise avail-*
21 *able for such purposes: Provided further, That one-half of*
22 *one percent of the amounts made available under this head-*
23 *ing in this Act in each of fiscal years 2022 through 2026*
24 *shall be transferred to the Office of Inspector General of the*
25 *Environmental Protection Agency for oversight of funding*

1 *provided to the Environmental Protection Agency in this*
2 *title in this Act: Provided further, That such amount is des-*
3 *ignated by the Congress as being for an emergency require-*
4 *ment pursuant to section 4112(a) of H. Con. Res. 71 (115th*
5 *Congress), the concurrent resolution on the budget for fiscal*
6 *year 2018, and to section 251(b) of the Balanced Budget*
7 *and Emergency Deficit Control Act of 1985.*

8 *HAZARDOUS SUBSTANCE SUPERFUND*

9 *(INCLUDING TRANSFERS OF FUNDS)*

10 *For an additional amount for “Hazardous Substance*
11 *Superfund”, \$3,500,000,000, to remain available until ex-*
12 *pended, consisting of such sums as are available in the*
13 *Trust Fund on September 30, 2021, as authorized by sec-*
14 *tion 517(a) of the Superfund Amendments and Reauthor-*
15 *ization Act of 1986 (SARA) and up to \$3,500,000,000 as*
16 *a payment from general revenues to the Hazardous Sub-*
17 *stance Superfund for purposes as authorized by section*
18 *517(b) of SARA, for all costs associated with Superfund:*
19 *Remedial activities: Provided, That in providing technical*
20 *and project implementation assistance for amounts made*
21 *available under this heading in this Act, the Administrator*
22 *shall consider the unique needs of Tribal communities with*
23 *contaminated sites where the potentially responsible parties*
24 *cannot pay or cannot be identified, but shall not alter the*
25 *process for prioritizing site cleanups: Provided further,*

1 *That amounts provided under this heading in this Act shall*
2 *be in addition to amounts otherwise available for such pur-*
3 *poses: Provided further, That amounts provided under this*
4 *heading in this Act shall not be subject to cost share require-*
5 *ments under section 104(c)(3) of the Comprehensive Envi-*
6 *ronmental Response, Compensation, and Liability Act of*
7 *1980 (CERCLA) (42 U.S.C. 9604(c)(3)): Provided further,*
8 *That the Administrator of the Environmental Protection*
9 *Agency shall annually report to Congress on the status of*
10 *funded projects: Provided further, That one-half of one per-*
11 *cent of the amounts made available under this heading in*
12 *this Act in each of fiscal years 2022 through 2026 shall*
13 *be transferred to the Office of Inspector General of the Envi-*
14 *ronmental Protection Agency for oversight of funding pro-*
15 *vided to the Environmental Protection Agency in this title*
16 *in this Act: Provided further, That such amount is des-*
17 *ignated by the Congress as being for an emergency require-*
18 *ment pursuant to section 4112(a) of H. Con. Res. 71 (115th*
19 *Congress), the concurrent resolution on the budget for fiscal*
20 *year 2018, and to section 251(b) of the Balanced Budget*
21 *and Emergency Deficit Control Act of 1985.*

22 *STATE AND TRIBAL ASSISTANCE GRANTS*
23 *(INCLUDING TRANSFERS OF FUNDS)*

24 *For an additional amount for “State and Tribal As-*
25 *sistance Grants”, \$55,426,000,000, to remain available*

1 *until expended: Provided, That amounts made available*
2 *under this heading in this Act shall be allocated as follows:*

3 (1) *\$11,713,000,000 for capitalization grants for*
4 *the Clean Water State Revolving Funds under title VI*
5 *of the Federal Water Pollution Control Act: Provided,*
6 *That \$1,902,000,000, to remain available until ex-*
7 *pended, shall be made available for fiscal year 2022,*
8 *\$2,202,000,000, to remain available until expended,*
9 *shall be made available for fiscal year 2023,*
10 *\$2,403,000,000, to remain available until expended,*
11 *shall be made available for fiscal year 2024,*
12 *\$2,603,000,000, to remain available until expended,*
13 *shall be made available for fiscal year 2025, and*
14 *\$2,603,000,000, to remain available until expended,*
15 *shall be made available for fiscal year 2026: Provided*
16 *further, That for the funds provided under this para-*
17 *graph in this Act in fiscal year 2022 and fiscal year*
18 *2023, the State shall deposit in the State loan fund*
19 *from State moneys an amount equal to at least 10*
20 *percent of the total amount of the grant to be made*
21 *to the State, notwithstanding sections 602(b)(2),*
22 *602(b)(3) or 202 of the Federal Water Pollution Con-*
23 *trol Act: Provided further, That for the funds made*
24 *available under this paragraph in this Act, forty-nine*
25 *percent of the funds made available to each State for*

1 *Clean Water State Revolving Fund capitalization*
2 *grants shall be used by the State to provide subsidy*
3 *to eligible recipients in the form of assistance agree-*
4 *ments with 100 percent forgiveness of principal or*
5 *grants (or any combination of these), notwithstanding*
6 *section 603(i)(3)(B) of the Federal Water Pollution*
7 *Control Act (33 U.S.C. 1383): Provided further, That*
8 *up to three percent of the amounts made available*
9 *under this paragraph in this Act in fiscal year 2022*
10 *and up to two percent in each of fiscal years 2023*
11 *through 2026 shall be for salaries, expenses, and ad-*
12 *ministration: Provided further, That not less than 80*
13 *percent of the amounts the Administrator uses in each*
14 *fiscal year for salaries, expenses, and administration*
15 *from amounts made available under this paragraph*
16 *in this Act for such purposes shall be used for pur-*
17 *poses other than hiring full-time employees: Provided*
18 *further, That 0.35 percent of the amounts made avail-*
19 *able under this paragraph in this Act in each of fiscal*
20 *years 2022 through 2026 shall be transferred to the*
21 *Office of Inspector General of the Environmental Pro-*
22 *tection Agency for oversight of funding provided to*
23 *the Environmental Protection Agency in this title in*
24 *this Act;*

1 (2) \$11,713,000,000 for capitalization grants for
2 the Drinking Water State Revolving Funds under sec-
3 tion 1452 of the Safe Drinking Water Act: Provided,
4 That \$1,902,000,000, to remain available until ex-
5 pended, shall be made available for fiscal year 2022,
6 \$2,202,000,000, to remain available until expended,
7 shall be made available for fiscal year 2023,
8 \$2,403,000,000, to remain available until expended,
9 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: Provided
14 further, That for the funds provided under this para-
15 graph in this Act in fiscal year 2022 and fiscal year
16 2023, the State shall deposit in the State loan fund
17 from State moneys an amount equal to at least 10
18 percent of the total amount of the grant to be made
19 to the State, notwithstanding section 1452(e) of the
20 Safe Drinking Water Act: Provided further, That for
21 the funds made available under this paragraph in
22 this Act, forty-nine percent of the funds made avail-
23 able to each State for Drinking Water State Revolv-
24 ing Fund capitalization grants shall be used by the
25 State to provide subsidy to eligible recipients in the

1 *form of assistance agreements with 100 percent for-*
2 *giveness of principal or grants (or any combination*
3 *of these), notwithstanding section 1452(d)(2) of the*
4 *Safe Drinking Water Act (42 U.S.C. 300j-12): Pro-*
5 *vided further, That up to three percent of the amounts*
6 *made available under this paragraph in this Act in*
7 *fiscal year 2022 and up to two percent in each of fis-*
8 *cal years 2023 through 2026 shall be for salaries, ex-*
9 *penditures, and administration: Provided further, That*
10 *not less than 80 percent of the amounts the Adminis-*
11 *trator uses in each fiscal year for salaries, expenses,*
12 *and administration from amounts made available*
13 *under this paragraph in this Act for such purposes*
14 *shall be used for purposes other than hiring full-time*
15 *employees: Provided further, That 0.35 percent of the*
16 *amounts made available under this paragraph in this*
17 *Act in each of fiscal years 2022 through 2026 shall*
18 *be transferred to the Office of Inspector General of the*
19 *Environmental Protection Agency for oversight of*
20 *funding provided to the Environmental Protection*
21 *Agency in this title in this Act;*

22 *(3) \$15,000,000,000 for capitalization grants for*
23 *the Drinking Water State Revolving Funds under sec-*
24 *tion 1452 of the Safe Drinking Water Act: Provided,*
25 *That \$3,000,000,000, to remain available until ex-*

1 *pended, shall be made available for fiscal year 2022,*
2 *\$3,000,000,000, to remain available until expended,*
3 *shall be made available for fiscal year 2023,*
4 *\$3,000,000,000, to remain available until expended,*
5 *shall be made available for fiscal year 2024,*
6 *\$3,000,000,000, to remain available until expended,*
7 *shall be made available for fiscal year 2025, and*
8 *\$3,000,000,000, to remain available until expended,*
9 *shall be made available for fiscal year 2026: Provided*
10 *further, That the funds provided under this para-*
11 *graph in this Act shall be for lead service line replace-*
12 *ment projects and associated activities directly con-*
13 *ected to the identification, planning, design, and re-*
14 *placement of lead service lines: Provided further, That*
15 *for the funds made available under this paragraph in*
16 *this Act, forty-nine percent of the funds made avail-*
17 *able to each State for Drinking Water State Revolv-*
18 *ing Fund capitalization grants shall be used by the*
19 *State to provide subsidy to eligible recipients in the*
20 *form of assistance agreements with 100 percent for-*
21 *giveness of principal or grants (or any combination*
22 *of these), notwithstanding section 1452(d)(2) of the*
23 *Safe Drinking Water Act (42 U.S.C. 300j-12): Pro-*
24 *vided further, That the funds provided under this*
25 *paragraph in this Act shall not be subject to the*

1 *matching or cost share requirements of section 1452(e)*
2 *of the Safe Drinking Water Act: Provided further,*
3 *That up to three percent of the amounts made avail-*
4 *able under this paragraph in this Act in fiscal year*
5 *2022 and up to two percent in each of fiscal years*
6 *2023 through 2026 shall be for salaries, expenses, and*
7 *administration: Provided further, That one-half of*
8 *one percent of the amounts made available under this*
9 *paragraph in this Act in each of fiscal years 2022*
10 *through 2026 shall be transferred to the Office of In-*
11 *spector General of the Environmental Protection*
12 *Agency for oversight of funding provided to the Envi-*
13 *ronmental Protection 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 VI*
16 *of the Federal Water Pollution Control Act: Provided,*
17 *That \$100,000,000, to remain available until ex-*
18 *pended, shall be made available for fiscal year 2022,*
19 *\$225,000,000, to remain available until expended,*
20 *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,*

1 *shall be made available for fiscal year 2026: Provided*
2 *further, That funds provided under this paragraph in*
3 *this Act shall be for eligible uses under section 603(c)*
4 *of the Federal Water Pollution Control Act that ad-*
5 *dress emerging contaminants: Provided further, That*
6 *funds provided under this paragraph in this Act shall*
7 *not be subject to the matching or cost share require-*
8 *ments of sections 602(b)(2), 602(b)(3), or 202 of the*
9 *Federal Water Pollution Control Act: Provided fur-*
10 *ther, That funds provided under this paragraph in*
11 *this Act deposited into the state revolving fund shall*
12 *be provided to eligible recipients as assistance agree-*
13 *ments with 100 percent principal forgiveness or as*
14 *grants (or a combination of these): Provided further,*
15 *That up to three percent of the amounts made avail-*
16 *able under this paragraph in this Act in fiscal year*
17 *2022 and up to two percent in each of fiscal years*
18 *2023 through 2026 shall be for salaries, expenses, and*
19 *administration: Provided further, That one-half of*
20 *one percent of the amounts made available under this*
21 *paragraph in this Act in each of fiscal years 2022*
22 *through 2026 shall be transferred to the Office of In-*
23 *spector General of the Environmental Protection*
24 *Agency for oversight of funding provided to the Envi-*
25 *ronmental Protection Agency in this title in this Act;*

1 (5) \$4,000,000,000 for capitalization grants for
2 the Drinking Water State Revolving Funds under sec-
3 tion 1452 of the Safe Drinking Water Act: Provided,
4 That \$800,000,000, to remain available until ex-
5 pended, shall be made available for fiscal year 2022,
6 \$800,000,000, to remain available until expended,
7 shall be made available for fiscal year 2023,
8 \$800,000,000, to remain available until expended,
9 shall be made available for fiscal year 2024,
10 \$800,000,000, to remain available until expended,
11 shall be made available for fiscal year 2025, and
12 \$800,000,000, to remain available until expended,
13 shall be made available for fiscal year 2026: Provided
14 further, That funds provided under this paragraph in
15 this Act shall be to address emerging contaminants in
16 drinking water with a focus on perfluoroalkyl and
17 polyfluoroalkyl substances through capitalization
18 grants under section 1452(t) of the Safe Drinking
19 Water Act for the purposes described in section
20 1452(a)(2)(G) of such Act: Provided further, That
21 funds provided under this paragraph in this Act de-
22 posited into the State revolving fund shall be provided
23 to eligible recipients as loans with 100 percent prin-
24 cipal forgiveness or as grants (or a combination of
25 these): Provided further, That funds provided under

1 *this paragraph in this Act shall not be subject to the*
2 *matching or cost share requirements of section 1452(e)*
3 *of the Safe Drinking Water Act: Provided further,*
4 *That up to three percent of the amounts made avail-*
5 *able under this paragraph in this Act in fiscal year*
6 *2022 and up to two percent in each of fiscal years*
7 *2023 through 2026 shall be for salaries, expenses, and*
8 *administration: Provided further, That one-half of*
9 *one percent of the amounts made available under this*
10 *paragraph in this Act in each of fiscal years 2022*
11 *through 2026 shall be transferred to the Office of In-*
12 *spector General of the Environmental Protection*
13 *Agency for oversight of funding provided to the Envi-*
14 *ronmental Protection Agency in this title in this Act;*
15 *(6) \$5,000,000,000 for grants for addressing*
16 *emerging contaminants under subsections (a) through*
17 *(j) of section 1459A of the Safe Drinking Water Act*
18 *(42 U.S.C. 300j–19a): Provided, That \$1,000,000,000,*
19 *to remain available until expended, shall be made*
20 *available for fiscal year 2022, \$1,000,000,000, to re-*
21 *main available until expended, shall be made avail-*
22 *able for fiscal year 2023, \$1,000,000,000, to remain*
23 *available until expended, shall be made available for*
24 *fiscal year 2024, \$1,000,000,000, to remain available*
25 *until expended, shall be made available for fiscal year*

1 2025, and \$1,000,000,000, to remain available until
2 expended, shall be made available for fiscal year
3 2026: Provided further, That funds provided to States
4 under this paragraph may be used for projects that
5 address emerging contaminants supporting a commu-
6 nity described in section 1459A, subsection (c)(2), of
7 the Safe Drinking Water Act, notwithstanding the
8 definition of underserved communities in section
9 1459A, subsection (a)(2), of the Safe Drinking Water
10 Act: Provided further, That funds provided under this
11 paragraph in this Act shall not be subject to the
12 matching or cost share requirements of section 1459A
13 of the Safe Drinking Water Act: Provided further,
14 That up to three percent of the amounts made avail-
15 able under this paragraph in this Act in each of fiscal
16 years 2022 through 2026 shall be for salaries, ex-
17 penses, and administration: Provided further, That
18 one-half of one percent of the amounts made available
19 under this paragraph in this Act in each of fiscal
20 years 2022 through 2026 shall be transferred to the
21 Office of Inspector General of the Environmental Pro-
22 tection Agency for oversight of funding provided to
23 the Environmental Protection Agency in this title in
24 this Act;

1 (7) \$50,000,000, to remain available until ex-
2 pended, to award Underground Injection Control
3 grants, as authorized under section 40306 of division
4 D of this Act, and for activities to support states' ef-
5 forts to develop programs leading to primacy: Pro-
6 vided, That up to three percent of the amounts made
7 available under this paragraph in this Act shall be
8 for salaries, expenses, and administration: Provided
9 further, That one-half of one percent of the amounts
10 made available under this paragraph in this Act shall
11 be 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 (8) \$1,500,000,000 for brownfields activities:
16 Provided, That \$300,000,000, to remain available
17 until expended, shall be made available for fiscal year
18 2022, \$300,000,000, to remain available until ex-
19 pended, shall be made available for fiscal year 2023,
20 \$300,000,000, to remain available until expended,
21 shall be made available for fiscal year 2024,
22 \$300,000,000, to remain available until expended,
23 shall be made available for fiscal year 2025, and
24 \$300,000,000, to remain available until expended,
25 shall be made available for fiscal year 2026: Provided

1 *further, That of the amounts made available in this*
2 *paragraph in this Act, the following amounts shall be*
3 *for the following purposes, in equal amounts for each*
4 *of fiscal years 2022 through 2026—*

5 *(A) \$1,200,000,000 shall be to carry out*
6 *Brownfields projects authorized by section 104(k)*
7 *of the Comprehensive Environmental Response,*
8 *Compensation, and Liability Act of 1980*
9 *(CERCLA), including grants, interagency agree-*
10 *ments and associated program support costs, of*
11 *which up to \$600,000,000, notwithstanding*
12 *funding limitations in such sections of such Act,*
13 *may be for—*

14 *(i) grants under section*
15 *104(k)(3)(A)(ii) of CERCLA to remediate*
16 *brownfields sites in amounts not to exceed*
17 *\$5,000,000 per grant;*

18 *(ii) multipurpose grants under section*
19 *104(k)(4)(B)(i) of CERCLA in amounts not*
20 *to exceed \$10,000,000 per grant;*

21 *(iii) grants under sections*
22 *104(k)(2)(B) and 104(k)(5)(A)(i) of*
23 *CERCLA for site characterization and as-*
24 *essment activities on a community-wide or*
25 *site-by-site basis in amounts not to exceed*

1 \$10,000,000 per grant and without further
2 limitation on the amount that may be ex-
3 pended for any individual brownfield site;

4 (iv) grants under sections
5 104(k)(3)(A)(i) and 104(k)(5)(A)(ii) of
6 CERCLA for capitalization of revolving
7 loan funds in amounts not to exceed
8 \$10,000,000 per grant; and

9 (v) grants under section 104(k)(7) of
10 CERCLA for job training in amounts not
11 to exceed \$1,000,000 per grant; and

12 (B) \$300,000,000 shall be to carry out sec-
13 tion 128 of the Comprehensive Environmental
14 Response, Compensation, and Liability Act of
15 1980:

16 *Provided further, That funds provided under this*
17 *paragraph in this Act shall not be subject to cost*
18 *share requirements under section 104(k)(10)(B)(iii) of*
19 *the Comprehensive Environmental Response, Com-*
20 *ensation, and Liability Act of 1980: Provided fur-*
21 *ther, That the Administrator of the Environmental*
22 *Protection Agency shall annually report to Congress*
23 *on the status of funded projects: Provided further,*
24 *That up to three percent of the amounts made avail-*
25 *able under this paragraph in this Act in each of fiscal*

1 *years 2022 through 2026 shall be for salaries, ex-*
2 *penses, and administration: Provided further, That*
3 *one-half of one percent of the amounts made available*
4 *under this paragraph in this Act in each of fiscal*
5 *years 2022 through 2026 shall be transferred to the*
6 *Office of Inspector General of the Environmental Pro-*
7 *tection Agency for oversight of funding provided to*
8 *the Environmental Protection Agency in this title in*
9 *this Act;*

10 *(9) \$100,000,000 for all costs for carrying out*
11 *section 6605 of the Pollution Prevention Act: Pro-*
12 *vided, That \$20,000,000, to remain available until ex-*
13 *pended, shall be made available for fiscal year 2022,*
14 *\$20,000,000, to remain available until expended, shall*
15 *be made available for fiscal year 2023, \$20,000,000,*
16 *to remain available until expended, shall be made*
17 *available for fiscal year 2024, \$20,000,000, to remain*
18 *available until expended, shall be made available for*
19 *fiscal year 2025, and \$20,000,000, to remain avail-*
20 *able until expended, shall be made available for fiscal*
21 *year 2026: Provided further, That funds provided*
22 *under this paragraph in this Act shall not be subject*
23 *to cost share requirements under section 6605(c) of*
24 *the Pollution Prevention Act: Provided further, That*
25 *one-half of one percent of the amounts made available*

1 *under this paragraph in this Act in each of fiscal*
2 *years 2022 through 2026 shall be transferred to the*
3 *Office of Inspector General of the Environmental Pro-*
4 *tection Agency for oversight of funding provided to*
5 *the Environmental Protection Agency in this title in*
6 *this Act;*

7 (10) \$275,000,000 for grants under section
8 302(a) of the Save Our Seas 2.0 Act (Public Law
9 116–224): Provided, That \$55,000,000, to remain
10 available until expended, shall be made available for
11 fiscal year 2022, \$55,000,000, to remain available
12 until expended, shall be made available for fiscal year
13 2023, \$55,000,000, to remain available until ex-
14 pended, shall be made available for fiscal year 2024,
15 \$55,000,000, to remain available until expended, shall
16 be made available for fiscal year 2025, and
17 \$55,000,000, to remain available until expended, shall
18 be made available for fiscal year 2026: Provided fur-
19 ther, That notwithstanding section 302(a) of such Act,
20 the Administrator may also provide grants pursuant
21 to such authority to tribes, intertribal consortia con-
22 sistent with the requirements in 40 CFR 35.504(a),
23 former Indian reservations in Oklahoma (as deter-
24 mined by the Secretary of the Interior), and Alaskan
25 Native Villages as defined in Public Law 92–203:

1 *Provided further, That up to three percent of the*
2 *amounts made available under this paragraph in this*
3 *Act in each of fiscal years 2022 through 2026 shall*
4 *be for salaries, expenses, and administration: Pro-*
5 *vided further, That one-half of one percent of the*
6 *amounts made available under this paragraph in this*
7 *Act in each of fiscal years 2022 through 2026 shall*
8 *be transferred to the Office of Inspector General of the*
9 *Environmental Protection Agency for oversight of*
10 *funding provided to the Environmental Protection*
11 *Agency in this title in this Act;*

12 *(11) \$75,000,000 to award grants focused on im-*
13 *proving material recycling, recovery, management,*
14 *and reduction, as authorized under section 70402 of*
15 *division G of this Act: Provided, That \$15,000,000, to*
16 *remain available until expended, shall be made avail-*
17 *able for fiscal year 2022, \$15,000,000, to remain*
18 *available until expended, shall be made available for*
19 *fiscal year 2023, \$15,000,000, to remain available*
20 *until expended, shall be made available for fiscal year*
21 *2024, \$15,000,000, to remain available until ex-*
22 *pended, shall be made available for fiscal year 2025,*
23 *and \$15,000,000, to remain available until expended,*
24 *shall be made available for fiscal year 2026: Provided*
25 *further, That up to three percent of the amounts made*

1 *available under this paragraph in this Act in each of*
2 *fiscal years 2022 through 2026 shall be for salaries,*
3 *expenses, and administration: Provided further, That*
4 *one-half of one percent of the amounts made available*
5 *under this paragraph in this Act in each of fiscal*
6 *years 2022 through 2026 shall be transferred to the*
7 *Office of Inspector General of the Environmental Pro-*
8 *tection Agency for oversight of funding provided to*
9 *the Environmental Protection Agency in this title in*
10 *this Act;*

11 *(12) \$5,000,000,000 for the Clean School Bus*
12 *Program as authorized under section 741 of the En-*
13 *ergy Policy Act of 2005 (42 U.S.C. 16091), as amend-*
14 *ed by section 71101 of division G of this Act: Pro-*
15 *vided, That \$1,000,000,000, to remain available until*
16 *expended, shall be made available for fiscal year*
17 *2022, \$1,000,000,000, to remain available until ex-*
18 *pended, shall be made available for fiscal year 2023,*
19 *\$1,000,000,000, to remain available until expended,*
20 *shall be made available for fiscal year 2024,*
21 *\$1,000,000,000, to remain available until expended,*
22 *shall be made available for fiscal year 2025, and*
23 *\$1,000,000,000, to remain available until expended,*
24 *shall be made available for fiscal year 2026: Provided*
25 *further, That of the funds provided, \$500,000,000*

1 shall be provided annually for zero-emission school
2 buses, as defined in section 741(a)(8) of the Energy
3 Policy Act of 2005 (42 U.S.C. 16091(a)(8)), as
4 amended by section 71101 of division G of this Act,
5 and \$500,000,000 shall be provided annually for
6 clean school buses and zero-emission school buses, as
7 defined in section 741(a)(3) of the Energy Policy Act
8 of 2005 (42 U.S.C. 16091(a)(3)), as amended by sec-
9 tion 71101 of division G of this Act: Provided further,
10 That up to three percent of the amounts made avail-
11 able under this paragraph in this Act in each of fiscal
12 years 2022 through 2026 shall be for salaries, ex-
13 penses, and administration: Provided further, That
14 up to one-half of one percent of the of the amounts
15 made available under this heading in this Act in each
16 of fiscal years 2022 through 2026 shall be transferred
17 to the Office of Inspector General of the Environ-
18 mental Protection Agency for oversight of funding
19 provided to the Environmental Protection Agency in
20 this title in this Act: Provided further, That if there
21 are unobligated funds in any of fiscal years 2022
22 through 2026 after the Administrator of the Environ-
23 mental Protection Agency issues awards for that fis-
24 cal year, States may compete for those funds, notwith-
25 standing the 10 percent limitation under section

1 *plan for the funds provided to the Environmental Protec-*
2 *tion Agency in this title for fiscal year 2022, and for each*
3 *fiscal year through 2026, as part of the annual budget sub-*
4 *mission of the President under section 1105(a) of title 31,*
5 *United States Code, the Administrator of the Environ-*
6 *mental Protection Agency shall submit a detailed spend*
7 *plan for the funds provided to the Environmental Protec-*
8 *tion Agency in this title for that fiscal year.*

9 *SEC. 613. For this fiscal year and each fiscal year*
10 *thereafter, such sums as are available in the Hazardous*
11 *Substance Superfund established under section 9507 of the*
12 *Internal Revenue Code of 1986 at the end of the preceding*
13 *fiscal year from taxes received in the Treasury under sub-*
14 *section (b)(1) of such section shall be available, without fur-*
15 *ther appropriation, to be used to carry out the Comprehen-*
16 *sive Environmental Response, Compensation, and Liability*
17 *Act of 1980 (42 U.S.C. 9601 et seq.).*

18 *SEC. 614. (a) DRINKING WATER.—There is authorized*
19 *to be appropriated to carry out the purposes of section 1452*
20 *of the Safe Drinking Water Act (42 U.S.C. 300j–12), in*
21 *addition to amounts otherwise authorized to be appro-*
22 *priated for those purposes, an additional \$1,126,000,000 for*
23 *each of fiscal years 2022 through 2026.*

24 *(b) CLEAN WATER.—There is authorized to be appro-*
25 *priated to carry out the purposes of title VI of the Federal*

1 *Water Pollution Control Act (33 U.S.C. 1381 et seq.), in*
2 *addition to amounts otherwise authorized to be appro-*
3 *priated for those purposes, an additional \$1,639,000,000 for*
4 *each of fiscal years 2022 through 2026.*

5 *DEPARTMENT OF AGRICULTURE*

6 *FOREST SERVICE*

7 *FOREST AND RANGELAND RESEARCH*

8 *For an additional amount for “Forest and Rangeland*
9 *Research”, \$10,000,000, to remain available until Sep-*
10 *tember 30, 2029, for the Secretary of Agriculture, acting*
11 *through the Chief of the Forest Service, to carry out activi-*
12 *ties of the Joint Fire Science Program, as authorized in*
13 *section 40803 of division D of this Act: Provided, That*
14 *\$2,000,000, to remain available until September 30, 2025,*
15 *shall be made available for fiscal year 2022, \$2,000,000,*
16 *to remain available until September 30, 2026, shall be made*
17 *available for fiscal year 2023, \$2,000,000, to remain avail-*
18 *able until September 30, 2027, shall be made available for*
19 *fiscal year 2024, \$2,000,000, to remain available until Sep-*
20 *tember 30, 2028, shall be made available for fiscal year*
21 *2025, and \$2,000,000, to remain available until September*
22 *30, 2029, shall be made available for fiscal year 2026: Pro-*
23 *vided further, That such amount is designated by the Con-*
24 *gress as being for an emergency requirement pursuant to*
25 *section 4112(a) of H. Con. Res. 71 (115th Congress), the*

1 *concurrent resolution on the budget for fiscal year 2018,*
2 *and to section 251(b) of the Balanced Budget and Emer-*
3 *gency Deficit Control Act of 1985.*

4 *STATE AND PRIVATE FORESTRY*

5 *(INCLUDING TRANSFERS OF FUNDS)*

6 *For an additional amount for “State and Private For-*
7 *estry”, \$1,526,800,000, to remain available until September*
8 *30, 2029: Provided, That \$305,360,000, to remain available*
9 *until September 30, 2025, shall be made available for fiscal*
10 *year 2022, \$305,360,000, to remain available until Sep-*
11 *tember 30, 2026, shall be made available for fiscal year*
12 *2023, \$305,360,000, to remain available until September*
13 *30, 2027, shall be made available for fiscal year 2024,*
14 *\$305,360,000, to remain available until September 30,*
15 *2028, shall be made available for fiscal year 2025, and*
16 *\$305,360,000, to remain available until September 30,*
17 *2029, shall be made available for fiscal year 2026: Provided*
18 *further, That of the funds made available under this head-*
19 *ing in this Act, the following amounts shall be for the fol-*
20 *lowing purposes in equal amounts for each of fiscal years*
21 *2022 through 2026—*

22 *(1) \$718,000,000 for the Secretary of Agri-*
23 *culture, acting through the Chief of the Forest Service,*
24 *to carry out activities for the Department of Agri-*

1 *culture, as authorized in sections 40803 and 40804 of*
2 *division D of this Act;*

3 *(2) In addition to amounts made available in*
4 *paragraph (1) for grants to at-risk communities for*
5 *wildfire mitigation activities, not less than*
6 *\$500,000,000 for such purposes;*

7 *(3) Not less than \$88,000,000 for State Fire As-*
8 *sistance; and*

9 *(4) Not less than \$20,000,000 for Volunteer Fire*
10 *Assistance:*

11 *Provided further, That amounts made available under this*
12 *heading in this Act for each of fiscal years 2022 through*
13 *2026 may be transferred between accounts affected by the*
14 *Forest Service budget restructure outlined in section 435*
15 *of division D of the Further Consolidated Appropriations*
16 *Act, 2020 (Public Law 116–94) to carry out the activities*
17 *in support of this heading: Provided further, That up to*
18 *3 percent 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 Agriculture for*
25 *oversight of funding provided to the Forest Service in this*

1 *title in this Act: Provided further, That such amount is des-*
2 *ignated by the Congress as being for an emergency require-*
3 *ment pursuant to section 4112(a) of H. Con. Res. 71 (115th*
4 *Congress), the concurrent resolution on the budget for fiscal*
5 *year 2018, and to section 251(b) of the Balanced Budget*
6 *and Emergency Deficit Control Act of 1985.*

7 *NATIONAL FOREST SYSTEM*

8 *(INCLUDING TRANSFERS OF FUNDS)*

9 *For an additional amount for “National Forest Sys-*
10 *tem”, \$2,854,000,000, to remain available until expended:*
11 *Provided, That \$734,800,000, to remain available until ex-*
12 *pended, shall be made available for fiscal year 2022,*
13 *\$529,800,000, to remain available until expended, shall be*
14 *made available for fiscal year 2023, \$529,800,000, to re-*
15 *main available until expended, shall be made available for*
16 *fiscal year 2024, \$529,800,000, to remain available until*
17 *expended, shall be made available for fiscal year 2025, and*
18 *\$529,800,000, to remain available until expended, shall be*
19 *made available for fiscal year 2026: Provided further, That*
20 *of the funds made available under this heading in this Act,*
21 *the following amounts shall be for the following purposes—*

22 *(1) \$2,115,000,000 for the Secretary of Agri-*
23 *culture, acting through the Chief of the Forest Service,*
24 *to carry out activities for the Department of Agri-*
25 *culture as authorized in sections 40803 and 40804 of*

1 *division D of this Act, of which \$587,000,000, to re-*
2 *main available until expended, shall be made avail-*
3 *able for fiscal year 2022 and \$382,000,000, to remain*
4 *available until expended, shall be made available for*
5 *each of fiscal years 2023 through 2026;*

6 *(2) In addition to amounts made available in*
7 *paragraph (1) for hazardous fuels management ac-*
8 *tivities, \$102,800,000 for each of fiscal years 2022*
9 *through 2026 for such purposes; and*

10 *(3) In addition to amounts made available in*
11 *paragraph (1) for burned area recovery, \$45,000,000*
12 *for each of fiscal years 2022 through 2026 for such*
13 *purposes:*

14 *Provided further, That up to \$12,000,000 for each of fiscal*
15 *years 2022 through 2026 from funds made available in*
16 *paragraph (2) of the preceding proviso may be used to make*
17 *grants, using any authorities available for the Forest Serv-*
18 *ice under the “State and Private Forestry” appropriation*
19 *for the purposes of creating incentives for increased use of*
20 *biomass from National Forest System lands, including the*
21 *Community Wood Energy Program and the Wood Innova-*
22 *tion Grants Program: Provided further, That up to*
23 *\$8,000,000 for each of fiscal years 2022 through 2026 from*
24 *funds made available in paragraph (2) of the preceding*
25 *proviso shall be for implementation of the Tribal Forestry*

1 *Protection Act, as amended (Public Law 108–278): Pro-*
2 *vided further, That funds appropriated under this heading*
3 *in this Act may be transferred to the United States Fish*
4 *and Wildlife Service and the National Marine Fisheries*
5 *Service for the costs of carrying out their responsibilities*
6 *under the Endangered Species Act of 1973 (16 U.S.C. 1531*
7 *et seq.) to consult and conference, as required by section*
8 *7 of such Act, in connection with wildland fire management*
9 *activities: Provided further, That the Secretary of the Inte-*
10 *rior and the Secretary of Agriculture, acting through the*
11 *Chief of the Forest Service, may authorize the transfer of*
12 *funds provided under this heading in this Act between the*
13 *Departments for the purpose of carrying out activities as*
14 *authorized in section 40804(b)(1) of division D of this Act:*
15 *Provided further, That amounts made available under this*
16 *heading in this Act for each of fiscal years 2022 through*
17 *2026 may be transferred between accounts affected by the*
18 *Forest Service budget restructure outlined in section 435*
19 *of division D of the Further Consolidated Appropriations*
20 *Act, 2020 (Public Law 116–94) to carry out the activities*
21 *in support of this heading: Provided further, That amounts*
22 *made available under this heading in this Act in each of*
23 *fiscal years 2022 through 2026 shall be available for sala-*
24 *ries and expenses: Provided further, That one-half of one*
25 *percent of the amounts made available under this heading*

1 *in this Act in each of fiscal years 2022 through 2026 shall*
2 *be transferred to the Office of Inspector General of the De-*
3 *partment of Agriculture for oversight of funding provided*
4 *to the Forest Service in this title in this Act: 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 concurrent*
8 *resolution on the budget for fiscal year 2018, and to section*
9 *251(b) of the Balanced Budget and Emergency Deficit Con-*
10 *trol Act of 1985.*

11 *CAPITAL IMPROVEMENT AND MAINTENANCE*

12 *(INCLUDING TRANSFERS OF FUNDS)*

13 *For an additional amount for “Capital Improvement*
14 *and Maintenance”, \$360,000,000, to remain available until*
15 *September 30, 2029: Provided, That \$72,000,000, to remain*
16 *available until September 30, 2025, shall be made available*
17 *for fiscal year 2022, \$72,000,000, to remain available until*
18 *September 30, 2026, shall be made available for fiscal year*
19 *2023, \$72,000,000, to remain available until September 30,*
20 *2027, shall be made available for fiscal year 2024,*
21 *\$72,000,000, to remain available until September 30, 2028,*
22 *shall be made available for fiscal year 2025, and*
23 *\$72,000,000, to remain available until September 30, 2029,*
24 *shall be made available for fiscal year 2026: Provided fur-*
25 *ther, That of the funds made available under this heading*

1 *in this Act, the following amounts shall be for the following*
2 *purposes in equal amounts for each of fiscal years 2022*
3 *through 2026—*

4 (1) *\$250,000,000 to carry out activities of the*
5 *Legacy Road and Trail Remediation Program, as au-*
6 *thorized in Public Law 88–657 (16 U.S.C. 532 et*
7 *seq.) (commonly known as the “Forest Roads and*
8 *Trails Act”), as amended by section 40801 of division*
9 *D of this Act;*

10 (2) *\$100,000,000 for construction of temporary*
11 *roads or reconstruction and maintenance of roads to*
12 *facilitate forest restoration and management projects*
13 *that reduce wildfire risk; and*

14 (3) *\$10,000,000 for the removal of non-hydro-*
15 *power Federal dams and for providing dam removal*
16 *technical assistance;*

17 *Provided further, That funds appropriated under this head-*
18 *ing in this Act may be transferred to the United States Fish*
19 *and Wildlife Service and the National Marine Fisheries*
20 *Service for the costs of carrying out their responsibilities*
21 *under the Endangered Species Act of 1973 (16 U.S.C. 1531*
22 *et seq.) to consult and conference, as required by section*
23 *7 of such Act, in connection with wildland fire management*
24 *activities: Provided further, That amounts made available*
25 *under this heading in this Act for each of fiscal years 2022*

1 *through 2026 may be transferred between accounts affected*
2 *by the Forest Service budget restructure outlined in section*
3 *435 of division D of the Further Consolidated Appropria-*
4 *tions Act, 2020 (Public Law 116–94) to carry out the ac-*
5 *tivities in support of this heading: Provided further, That*
6 *one-half of one percent of the amounts made available under*
7 *this heading in this Act in each of fiscal years 2022 through*
8 *2026 shall be transferred to the Office of Inspector General*
9 *of the Department of Agriculture for oversight of funding*
10 *provided to the Forest Service in this title in this Act: Pro-*
11 *vided further, That such amount is designated by the Con-*
12 *gress as being for an emergency requirement pursuant to*
13 *section 4112(a) of H. Con. Res. 71 (115th Congress), the*
14 *concurrent resolution on the budget for fiscal year 2018,*
15 *and to section 251(b) of the Balanced Budget and Emer-*
16 *gency Deficit Control Act of 1985.*

17 *WILDLAND FIRE MANAGEMENT*

18 *(INCLUDING TRANSFERS OF FUNDS)*

19 *For an additional amount for “Wildland Fire Man-*
20 *agement”, \$696,200,000 to remain available until ex-*
21 *pended, for the Secretary of Agriculture, acting through the*
22 *Chief of the Forest Service, to carry out activities for the*
23 *Department of Agriculture as authorized in section 40803*
24 *of division D of this Act: Provided, That \$552,200,000, to*
25 *remain available until expended, shall be made available*

1 *for fiscal year 2022, \$36,000,000, to remain available until*
2 *expended, shall be made available for fiscal year 2023,*
3 *\$36,000,000, to remain available until expended, shall be*
4 *made available for fiscal year 2024, \$36,000,000, to remain*
5 *available until expended, shall be made available for fiscal*
6 *year 2025, and \$36,000,000, to remain available until ex-*
7 *pended, shall be made available for fiscal year 2026: Pro-*
8 *vided further, That funds appropriated under this heading*
9 *in this Act may be transferred to the United States Fish*
10 *and Wildlife Service and the National Marine Fisheries*
11 *Service for the costs of carrying out their responsibilities*
12 *under the Endangered Species Act of 1973 (16 U.S.C. 1531*
13 *et seq.) to consult and conference, as required by section*
14 *7 of such Act, in connection with wildland fire management*
15 *activities: Provided further, That amounts made available*
16 *under this heading in this Act for each of fiscal years 2022*
17 *through 2026 may be transferred between accounts affected*
18 *by the Forest Service budget restructure outlined in section*
19 *435 of division D of the Further Consolidated Appropria-*
20 *tions Act, 2020 (Public Law 116– 94) to carry out the ac-*
21 *tivities in support of this heading: Provided further, That*
22 *amounts made available under this heading in this Act in*
23 *each of fiscal years 2022 through 2026, shall be available*
24 *for salaries and expenses to carry out such purposes: Pro-*
25 *vided further, That one-half of one percent of the amounts*

1 *made available under this heading in this Act in each of*
2 *fiscal years 2022 through 2026 shall be transferred to the*
3 *Office of Inspector General of the Department of Agriculture*
4 *for oversight of funding provided to the Forest Service in*
5 *this title in this Act: Provided further, That such amount*
6 *is designated by the Congress as being for an emergency*
7 *requirement pursuant to section 4112(a) of H. Con. Res.*
8 *71 (115th Congress), the concurrent resolution on the budget*
9 *for fiscal year 2018, and to section 251(b) of the Balanced*
10 *Budget and Emergency Deficit Control Act of 1985.*

11 *ADMINISTRATIVE PROVISION—FOREST SERVICE*

12 *Not later than 90 days after the date of enactment of*
13 *this Act, the Secretary of Agriculture, acting through the*
14 *Chief of the Forest Service, shall submit to the House and*
15 *Senate Committees on Appropriations a detailed spend*
16 *plan for the funds provided to the Forest Service in this*
17 *title in this Act for fiscal year 2022, and for each fiscal*
18 *year through 2026, as part of the annual budget submission*
19 *of the President under section 1105(a) of title 31, United*
20 *States Code, the Secretary shall submit a detailed spend*
21 *plan for the funds provided to the Forest Service in this*
22 *title in this Act for that fiscal year.*

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 fa-*
9 *cilities 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, to*
18 *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 in*
24 *each fiscal year shall be for salaries, expenses, and adminis-*
25 *tration: Provided further, That one-half of one percent of*

1 *the amounts made available under this heading in this Act*
2 *in each fiscal years 2022 through 2026 shall be transferred*
3 *to the Office of Inspector General of the Department of*
4 *Health and Human Services for oversight of funding pro-*
5 *vided to the Department of Health and Human Services*
6 *in this title in this Act: Provided further, That no funds*
7 *available to the Indian Health Service for salaries, ex-*
8 *penses, administration, and oversight shall be available for*
9 *contracts, grants, compacts, or cooperative agreements*
10 *under the provisions of the Indian Self-Determination and*
11 *Education Assistance Act as amended: Provided further,*
12 *That funds under this heading made available to Tribes and*
13 *Tribal organizations under the Indian Self-Determination*
14 *and Education Assistance Act (25 U.S.C. 5301 et seq.) shall*
15 *be available on a one-time basis, are nonrecurring, and*
16 *shall not be part of the amount required by section 106 of*
17 *the Indian Self-Determination and Education Assistance*
18 *Act (25 U.S.C. 5325), and shall only be used for the pur-*
19 *poses identified in this heading: Provided further, That not*
20 *later than 90 days after the date of enactment of this Act,*
21 *the Secretary of Health and Human Services shall submit*
22 *to the House and Senate Committees on Appropriations a*
23 *detailed spend plan for fiscal year 2022: Provided further,*
24 *That for each fiscal year through 2026, as part of the an-*
25 *nual budget submission of the President under section*

1 1105(a) of title 31, United States Code, the Secretary of
2 Health and Human Services shall submit a detailed spend
3 plan for that fiscal year: Provided further, That such
4 amount is designated by the Congress as being for an emer-
5 gency requirement pursuant to section 4112(a) of H. Con.
6 Res. 71 (115th Congress), the concurrent resolution on the
7 budget for fiscal year 2018, and to section 251(b) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985.

10 *TITLE VII—LABOR, HEALTH AND HUMAN SERV-*
11 *ICES, AND EDUCATION, AND RELATED AGEN-*
12 *CIES*

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 En-*
18 *ergy 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 En-*
21 *ergy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): Pro-*
22 *vided, That \$100,000,000, to remain available until Sep-*
23 *tember 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,*

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 shall
9 be allocated as though the total appropriation for such pay-
10 ments for such fiscal year was less than \$1,975,000,000:
11 Provided further, That such amount is designated by the
12 Congress as being for an emergency requirement pursuant
13 to section 4112(a) of H. Con. Res. 71 (115th Congress), the
14 concurrent resolution on the budget for fiscal year 2018,
15 and to section 251(b) of the Balanced Budget and Emer-
16 gency Deficit Control Act of 1985.

17 *TITLE VIII—TRANSPORTATION, HOUSING AND*
18 *URBAN DEVELOPMENT, AND RELATED AGENCIES*

19 *DEPARTMENT OF TRANSPORTATION*

20 *OFFICE OF THE SECRETARY*

21 *NATIONAL INFRASTRUCTURE INVESTMENTS*

22 *For an additional amount for “National Infrastruc-*
23 *ture Investments”, \$12,500,000,000, to remain available*
24 *until expended, for necessary expenses to carry out chapter*
25 *67 of title 49, United States Code, of which \$5,000,000,000*

1 *shall be to carry out section 6701 of such title and*
2 *\$7,500,000,000 shall be to carry out section 6702 of such*
3 *title: Provided, That, of the amount made available under*
4 *this heading in this Act to carry out section 6701 of title*
5 *49, United States Code, \$1,000,000,000, to remain available*
6 *until expended, shall be made available for fiscal year 2022,*
7 *\$1,000,000,000, to remain available until expended, shall*
8 *be made available for fiscal year 2023, \$1,000,000,000, to*
9 *remain available until expended, shall be made available*
10 *for fiscal year 2024, \$1,000,000,000, to remain available*
11 *until expended, shall be made available for fiscal year 2025,*
12 *and \$1,000,000,000, to remain available until expended,*
13 *shall be made available for fiscal year 2026: Provided fur-*
14 *ther, That, of the amount made available under this head-*
15 *ing in this Act to carry out section 6702 of title 49, United*
16 *States Code, \$1,500,000,000, to remain available until Sep-*
17 *tember 30, 2026, shall be made available for fiscal year*
18 *2022, \$1,500,000,000, to remain until September 30, 2027,*
19 *shall be made available for fiscal year 2023, \$1,500,000,000,*
20 *to remain available until September 30, 2028, shall be made*
21 *available for fiscal year 2024, \$1,500,000,000, to remain*
22 *available until September 30, 2029, shall be made available*
23 *for fiscal year 2025, and \$1,500,000,000, to remain avail-*
24 *able September 30, 2030, shall be made available for fiscal*
25 *year 2026: Provided further, That such amount is des-*

1 *ignated by the Congress as being for an emergency require-*
2 *ment pursuant to section 4112(a) of H. Con. Res. 71 (115th*
3 *Congress), the concurrent resolution on the budget for fiscal*
4 *year 2018, and pursuant to section 251(b) of the Balanced*
5 *Budget and Emergency Deficit Control Act of 1985.*

6 *SAFE STREETS AND ROADS FOR ALL GRANTS*

7 *For an additional amount for “Safe Streets and Roads*
8 *for All Grants”, \$5,000,000,000, to remain available until*
9 *expended, for competitive grants, as authorized under sec-*
10 *tion 24112 of division B of this Act: Provided, That*
11 *\$1,000,000,000, to remain available until expended, shall*
12 *be made available for fiscal year 2022, \$1,000,000,000, to*
13 *remain available until expended, shall be made available*
14 *for fiscal year 2023, \$1,000,000,000, to remain available*
15 *until expended, shall be made available for fiscal year 2024,*
16 *\$1,000,000,000, to remain available until expended, shall*
17 *be made available for fiscal year 2025, and \$1,000,000,000,*
18 *to remain available until expended, shall be made available*
19 *for fiscal year 2026: Provided further, That the Secretary*
20 *shall issue a notice of funding opportunity not later than*
21 *180 days after each date upon which funds are made avail-*
22 *able under the preceding proviso: Provided further, That the*
23 *Secretary shall make awards not later than 270 days after*
24 *issuing the notices of funding opportunity required under*
25 *the preceding proviso: Provided further, That such amount*

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *STRENGTHENING MOBILITY AND REVOLUTIONIZING*
4 *TRANSPORTATION GRANT PROGRAM*

5 *For an additional amount for “Strengthening Mobility*
6 *and Revolutionizing Transportation Grant Program”,*
7 *\$500,000,000, to remain available until expended, as au-*
8 *thorized by section 25005 of division B of this Act: Pro-*
9 *vided, That \$100,000,000, to remain available until ex-*
10 *pended, shall be made available for fiscal year 2022,*
11 *\$100,000,000, to remain available until expended, shall be*
12 *made available for fiscal year 2023, \$100,000,000, to re-*
13 *main available until expended, shall be made available for*
14 *fiscal year 2024, \$100,000,000, to remain available until*
15 *expended, shall be made available for fiscal year 2025, and*
16 *\$100,000,000, to remain available until expended, shall be*
17 *made available for fiscal year 2026: Provided further, That*
18 *such amount is designated by the Congress as being for an*
19 *emergency requirement pursuant to section 4112(a) of H.*
20 *Con. Res. 71 (115th Congress), the concurrent resolution on*
21 *the budget for fiscal year 2018, and to section 251(b) of*
22 *the Balanced Budget and Emergency Deficit Control Act*
23 *of 1985.*

1 *ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY*
2 *OF TRANSPORTATION*
3 *(INCLUDING TRANSFER OF FUNDS)*

4 *SEC. 801. (a) Amounts made available to the Secretary*
5 *of Transportation or the Department of Transportation’s*
6 *Operating Administrations in this title in this Act and in*
7 *section 117 of title 23, United States Code, for fiscal years*
8 *2022 through 2026 for the costs of award, administration,*
9 *or oversight of financial assistance under the programs ad-*
10 *ministered by the Office of Multimodal Infrastructure and*
11 *Freight may be transferred to an “Office of Multimodal In-*
12 *frastructure and Freight” account, to remain available*
13 *until expended, for the necessary expenses of award, admin-*
14 *istration, or oversight of any discretionary financial assist-*
15 *ance programs funded under this title in this Act or divi-*
16 *sion A of this Act: Provided, That one-half of one percent*
17 *of the amounts transferred pursuant to the authority in this*
18 *section in each of fiscal years 2022 through 2026 shall be*
19 *transferred to the Office of Inspector General of the Depart-*
20 *ment of Transportation for oversight of funding provided*
21 *to the Department of Transportation in this title in this*
22 *Act: Provided further, That the amount provided by this*
23 *section is designated by the Congress as being for an emer-*
24 *gency requirement pursuant to section 4112(a) of H. Con.*
25 *Res. 71 (115th Congress), the concurrent resolution on the*

1 budget for fiscal year 2018, and to section 251(b) of the
2 *Balanced Budget and Emergency Deficit Control Act of*
3 *1985.*

4 (b) *In addition to programs identified in section*
5 *118(d) of title 49, United States Code, the Office of*
6 *Multimodal Infrastructure and Freight shall administer,*
7 *with support from the Department's Operating Administra-*
8 *tions, the following financial assistance programs—*

9 (1) *the national infrastructure projects program*
10 *under section 6701 of title 49, United States Code;*

11 (2) *the local and regional projects program*
12 *under section 6702 of title 49, United States Code;*

13 (3) *the strengthening mobility and revolution-*
14 *izing transportation grant program under section*
15 *25005 of division B of this Act;*

16 (4) *the nationally significant freight and high-*
17 *ways projects under section 117 of title 23, United*
18 *States Code;*

19 (5) *the national culvert removal, replacement,*
20 *and restoration grant program under section 6203 of*
21 *title 49, United States Code; and*

22 (6) *other discretionary financial assistance pro-*
23 *grams that the Secretary determines should be admin-*
24 *istered by the Office of Multimodal Infrastructure and*
25 *Freight, subject to the approval of the House and Sen-*

1 *ate Committees on Appropriations as required under*
2 *section 405 of Division L of the Consolidated Appro-*
3 *priations Act, 2021.*

4 *FEDERAL AVIATION ADMINISTRATION*

5 *FACILITIES AND EQUIPMENT*

6 *For an additional amount for “Facilities and Equip-*
7 *ment”, \$5,000,000,000, to remain available until expended:*
8 *Provided, That \$1,000,000,000, to remain available until*
9 *expended, shall be made available for fiscal year 2022,*
10 *\$1,000,000,000, to remain available until expended, shall*
11 *be made available for fiscal year 2023, \$1,000,000,000, to*
12 *remain available until expended, shall be made available*
13 *for fiscal year 2024, \$1,000,000,000, to remain available*
14 *until expended, shall be made available for fiscal year 2025,*
15 *and \$1,000,000,000, to remain available until expended,*
16 *shall be made available for fiscal year 2026: Provided fur-*
17 *ther, That amounts made available under this heading in*
18 *this Act shall be derived from the general fund of the Treas-*
19 *ury: Provided further, That funds provided under this head-*
20 *ing in this Act shall be for: (1) replacing terminal and en*
21 *route air traffic control facilities; (2) improving air route*
22 *traffic control center and combined control facility build-*
23 *ings; (3) improving air traffic control en route radar facili-*
24 *ties; (4) improving air traffic control tower and terminal*
25 *radar approach control facilities; (5) national airspace sys-*

1 *tem facilities OSHA and environmental standards compli-*
2 *ance; (6) landing and navigational aids; (7) fuel storage*
3 *tank replacement and management; (8) unstaffed infra-*
4 *structure sustainment; (9) real property disposition; (10)*
5 *electrical power system sustain and support; (11) energy*
6 *maintenance and compliance; (12) hazardous materials*
7 *management and environmental cleanup; (13) facility secu-*
8 *rity risk management; (14) mobile asset management pro-*
9 *gram; and (15) administrative expenses, including salaries*
10 *and expenses, administration, and oversight: Provided fur-*
11 *ther, That not less than \$200,000,000 of the funds made*
12 *available under this heading in this Act shall be for air*
13 *traffic control towers that are owned by the Federal Avia-*
14 *tion Administration and staffed through the contract tower*
15 *program: Provided further, That not later than 90 days*
16 *after the date of enactment of this Act, the Secretary of*
17 *Transportation shall submit to the House and Senate Com-*
18 *mittees on Appropriations a detailed spend plan, including*
19 *a list of project locations of air traffic control towers and*
20 *contract towers, to be funded for fiscal year 2022: Provided*
21 *further, That for each fiscal year through 2026, as part of*
22 *the annual budget submission of the President under section*
23 *1105(a) of title 31, United States Code, the Secretary of*
24 *Transportation shall submit a detailed spend plan for fund-*
25 *ing that will be made available under this heading in the*

1 *upcoming fiscal year, including a list of projects for replac-*
2 *ing facilities that are owned by the Federal Aviation Ad-*
3 *ministration, including air traffic control towers that are*
4 *staffed through the contract tower program: 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 concurrent*
8 *resolution on the budget for fiscal year 2018, and to section*
9 *251(b) of the Balanced Budget and Emergency Deficit Con-*
10 *trol Act of 1985.*

11 *AIRPORT INFRASTRUCTURE GRANTS*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For an additional amount for “Airport Infrastructure*
14 *Grants”, \$15,000,000,000, to remain available until Sep-*
15 *tember 30, 2030: Provided, That \$3,000,000,000, to remain*
16 *available until September 30, 2026, shall be made available*
17 *for fiscal year 2022, \$3,000,000,000, to remain available*
18 *until September 30, 2027, shall be made available for fiscal*
19 *year 2023, \$3,000,000,000, to remain available until Sep-*
20 *tember 30, 2028, shall be made available for fiscal year*
21 *2024, \$3,000,000,000, to remain available until September*
22 *30, 2029, shall be made available for fiscal year 2025, and*
23 *\$3,000,000,000, to remain available until September 30,*
24 *2030, shall be made available for fiscal year 2026: Provided*
25 *further, That amounts made available under this heading*

1 *in this Act shall be derived from the general fund of the*
2 *Treasury: Provided further, That amounts made available*
3 *under this heading in this Act shall be made available to*
4 *sponsors of any airport eligible to receive grants under sec-*
5 *tion 47115 of title 49, United States Code, for airport-re-*
6 *lated projects defined under section 40117(a)(3) of title 49,*
7 *United States Code: Provided further, That of the funds*
8 *made available under this heading in this Act, in each of*
9 *fiscal years 2022 through 2026—*

10 (1) *Not more than \$2,480,000,000 shall be avail-*
11 *able for primary airports as defined in section*
12 *47102(16) of title 49, United States Code, and certain*
13 *cargo airports: Provided, That such funds shall not be*
14 *subject to the reduced apportionments of section*
15 *47114(f) of title 49, United States Code: Provided fur-*
16 *ther, That such funds shall first be apportioned as set*
17 *forth in sections 47114(c)(1)(A), 47114(c)(1)(C)(i),*
18 *47114(c)(1)(C)(ii), 47114(c)(2)(A), 47114(c)(2)(B),*
19 *and 47114(c)(2)(E), 47114(c)(1)(J) of title 49, United*
20 *States Code: Provided further, That there shall be no*
21 *maximum apportionment limit: Provided further,*
22 *That any remaining funds after such apportionment*
23 *shall be distributed to all sponsors of primary air-*
24 *ports (as defined in section 47102(16) of title 49,*
25 *United States Code) based on each such airport's pas-*

1 *senger enplanements compared to total passenger*
2 *enplanements of all airports defined in section*
3 *47102(16) of title 49, United States Code, for cal-*
4 *endar year 2019 in fiscal years 2022 and 2023 and*
5 *thereafter for the most recent calendar year*
6 *enplanements upon which the Secretary has appor-*
7 *tioned funds pursuant to section 47114(c) of title 49,*
8 *United States Code;*

9 *(2) Not more than \$500,000,000 shall be for gen-*
10 *eral aviation and commercial service airports that*
11 *are not primary airports as defined in paragraphs*
12 *(7), (8), and (16) of section 47102 of title 49, United*
13 *States Code: Provided, That the Secretary of Trans-*
14 *portation shall apportion the remaining funds to each*
15 *non-primary airport based on the categories published*
16 *in the most current National Plan of Integrated Air-*
17 *port Systems, reflecting the percentage of the aggre-*
18 *gate published eligible development costs for each such*
19 *category, and then dividing the allocated funds evenly*
20 *among the eligible airports in each category, round-*
21 *ing up to the nearest thousand dollars: Provided fur-*
22 *ther, That any remaining funds under this paragraph*
23 *in this Act shall be distributed as described in para-*
24 *graph (3) in this proviso under this heading in this*
25 *Act; and*

1 (3) \$20,000,000 for the Secretary of Transpor-
2 tation to make competitive grants to sponsors of air-
3 ports participating in the contract tower program
4 and the contract tower cost share program under sec-
5 tion 47124 of title 49, United States Code to: (1) sus-
6 tain, construct, repair, improve, rehabilitate, mod-
7 ernize, replace or relocate nonapproach control towers;
8 (2) acquire and install air traffic control, commu-
9 nications, and related equipment to be used in those
10 towers; and (3) construct a remote tower certified by
11 the Federal Aviation Administration, including ac-
12 quisition and installation of air traffic control, com-
13 munications, or related equipment: Provided, That
14 the Federal Aviation Administration shall give pri-
15 ority consideration to projects that enhance aviation
16 safety and improve air traffic efficiency: Provided
17 further, That the Federal share of the costs for which
18 a grant is made under this paragraph shall be 100
19 percent:
20 Provided further, That any funds made available in a given
21 fiscal year that remain unobligated at the end of the fourth
22 fiscal year after which they were first made available for
23 obligation shall be made available in the fifth fiscal year
24 after which they were first made available for obligation
25 to the Secretary for competitive grants: Provided further,

1 *That of the amounts made available to the Secretary for*
2 *competitive grants under the preceding proviso, the Sec-*
3 *retary shall first provide up to \$100,000,000, as described*
4 *in paragraph (3) of the fourth proviso, and any remaining*
5 *unobligated balances in excess of that amount shall be avail-*
6 *able to the Secretary for competitive grants otherwise eligi-*
7 *ble under the third proviso that reduce airport emissions,*
8 *reduce noise impact to the surrounding community, reduce*
9 *dependence on the electrical grid, or provide general benefits*
10 *to the surrounding community: Provided further, That none*
11 *of the amounts made available under this heading in this*
12 *Act may be used to pay for airport debt service: Provided*
13 *further, That a grant made from funds made available*
14 *under this heading in this Act shall be treated as having*
15 *been made pursuant to the Secretary's authority under sec-*
16 *tion 47104(a) of title 49, United States Code: Provided fur-*
17 *ther, That up to 3 percent of the amounts made available*
18 *under this heading in this Act in each of fiscal years 2022*
19 *through 2026 shall be for personnel, contracting, and other*
20 *costs to administer and oversee grants, of which \$1,000,000*
21 *in each fiscal year shall be transferred to the Office of In-*
22 *spector General of the Department of Transportation for*
23 *oversight of funding provided to the Department of Trans-*
24 *portation in this title in this Act: Provided further, That*
25 *the Federal share of the costs of a project under paragraphs*

1 *(1) and (2) of the fourth proviso under this heading shall*
2 *be the percent for which a project for airport development*
3 *would be eligible under section 47109 of title 49, United*
4 *States Code: Provided further, That obligations of funds*
5 *under this heading in this Act shall not be subject to any*
6 *limitations on obligations provided in any Act making an-*
7 *nual appropriations: Provided further, That such amount*
8 *is designated by the Congress as being for an emergency*
9 *requirement pursuant to section 4112(a) of H. Con. Res.*
10 *71 (115th Congress), the concurrent resolution on the budget*
11 *for fiscal year 2018, and to section 251(b) of the Balanced*
12 *Budget and Emergency Deficit Control Act of 1985.*

13 *AIRPORT TERMINAL PROGRAM*

14 *(INCLUDING TRANSFER OF FUNDS)*

15 *For an additional amount for “Airport Terminal Pro-*
16 *gram”, \$5,000,000,000, to remain available until Sep-*
17 *tember 30, 2030, for the Secretary of Transportation to pro-*
18 *vide competitive grants for airport terminal development*
19 *projects that address the aging infrastructure of the nation’s*
20 *airports: Provided, That \$1,000,000,000, to remain avail-*
21 *able until September 30, 2026, shall be made available for*
22 *fiscal year 2022, \$1,000,000,000, to remain available until*
23 *September 30, 2027, shall be made available for fiscal year*
24 *2023, \$1,000,000,000, to remain available until September*
25 *30, 2028, shall be made available for fiscal year 2024,*

1 \$1,000,000,000, to remain available until September 30,
2 2029, shall be made available for fiscal year 2025, and
3 \$1,000,000,000, to remain available until September 30,
4 2030, shall be made available for fiscal year 2026: Provided
5 further, That amounts made available under this heading
6 in this Act shall be derived from the general fund of the
7 Treasury: Provided further, That the Secretary shall issue
8 a notice of funding opportunity not later than 60 days after
9 the date of enactment of this Act: Provided further, That
10 of the funds made available under this heading in this Act,
11 not more than 55 percent shall be for large hub airports,
12 not more than 15 percent shall be for medium hub airports,
13 not more than 20 percent shall be for small hub airports,
14 and not less than 10 percent shall be for nonhub and non-
15 primary airports: Provided further, That in awarding
16 grants for terminal development projects from funds made
17 available under this heading in this Act, the Secretary may
18 consider projects that qualify as “terminal development”
19 (including multimodal terminal development), as that term
20 is defined in 49 U.S.C. §47102(28), projects for on-airport
21 rail access projects as set forth in Passenger Facility Charge
22 (PFC) Update 75–21, and projects for relocating, recon-
23 structing, repairing, or improving an airport-owned air
24 traffic control tower: Provided further, That in awarding
25 grants for terminal development projects from funds made

1 *available under this heading in this Act, the Secretary shall*
2 *give consideration to projects that increase capacity and*
3 *passenger access; projects that replace aging infrastructure;*
4 *projects that achieve compliance with the Americans with*
5 *Disabilities Act and expand accessibility for persons with*
6 *disabilities; projects that improve airport access for histori-*
7 *cally disadvantaged populations; projects that improve en-*
8 *ergy efficiency, including upgrading environmental sys-*
9 *tems, upgrading plant facilities, and achieving Leadership*
10 *in Energy and Environmental Design (LEED) accredita-*
11 *tion standards; projects that improve airfield safety through*
12 *terminal relocation; and projects that encourage actual and*
13 *potential competition: Provided further, That the Federal*
14 *share of the cost of a project carried out from funds made*
15 *available under this heading in this Act shall be 80 percent*
16 *for large and medium hub airports and 95 percent for small*
17 *hub, nonhub, and nonprimary airports: Provided further,*
18 *That a grant made from funds made available under this*
19 *heading in this Act shall be treated as having been made*
20 *pursuant to the Secretary's authority under section*
21 *47104(a) of title 49, United States Code: Provided further,*
22 *That the Secretary may provide grants from funds made*
23 *available under this heading in this Act for a project at*
24 *any airport that is eligible to receive a grant from the dis-*
25 *cretionary fund under section 47115(a) of title 49, United*

1 *States Code: Provided further, That in making awards from*
2 *funds made available under this heading in this Act, the*
3 *Secretary shall provide a preference to projects that achieve*
4 *a complete development objective, even if awards for the*
5 *project must be phased, and the Secretary shall prioritize*
6 *projects that have received partial awards: Provided fur-*
7 *ther, That up to 3 percent of the amounts made available*
8 *under this heading in this Act in each fiscal year shall be*
9 *for personnel, contracting and other costs to administer and*
10 *oversee grants, of which \$1,000,000 in each fiscal year shall*
11 *be transferred to the Office of Inspector General of the De-*
12 *partment of Transportation for oversight of funding pro-*
13 *vided to the Department of Transportation in this title in*
14 *this Act: Provided further, That such amount is designated*
15 *by the Congress as being for an emergency requirement pur-*
16 *suant to section 4112(a) of H. Con. Res. 71 (115th Con-*
17 *gress), the concurrent resolution on the budget for fiscal year*
18 *2018, and to section 251(b) of the Balanced Budget and*
19 *Emergency Deficit Control Act of 1985.*

20 *FEDERAL HIGHWAY ADMINISTRATION*

21 *HIGHWAY INFRASTRUCTURE PROGRAM*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For an additional amount for “Highway Infrastruc-*
24 *ture Programs”, \$47,272,000,000, to remain available until*
25 *expended except as otherwise provided under this heading:*

1 *Provided, That of the amount provided under this heading*
2 *in this Act, \$9,454,400,000, to remain available until Sep-*
3 *tember 30, 2025, shall be made available for fiscal year*
4 *2022, \$9,454,400,000, to remain available until September*
5 *30, 2026, shall be made available for fiscal year 2023,*
6 *\$9,454,400,000, to remain available until September 30,*
7 *2027, shall be made available for fiscal year 2024,*
8 *\$9,454,400,000, to remain available until September 30,*
9 *2028, shall be made available for fiscal year 2025, and*
10 *\$9,454,400,000, to remain available until September 30,*
11 *2029, shall be made available for fiscal year 2026: Provided*
12 *further, That the funds made available under this heading*
13 *in this Act shall be derived from the general fund of the*
14 *Treasury, shall be in addition to any other amounts made*
15 *available for such purpose, and shall not affect the distribu-*
16 *tion or amount of funds provided in any Act making an-*
17 *nual appropriations: Provided further, That, except for*
18 *funds provided in paragraph (1) under this heading in this*
19 *Act, up to 1.5 percent of the amounts made available under*
20 *this heading in this Act in each of fiscal years 2022 through*
21 *2026 shall be for operations and administrations of the Fed-*
22 *eral Highway Administration, of which \$1,000,000 in each*
23 *fiscal year shall be transferred to the Office of the Inspector*
24 *General of the Department of Transportation for oversight*
25 *of funding provided to the Department of Transportation*

1 *in this title in this Act: Provided further, That the amounts*
2 *made available in the preceding proviso may be combined*
3 *with the funds made available in paragraph (1) under this*
4 *heading in this Act for the same purposes in the same ac-*
5 *count: Provided further, That the funds made available*
6 *under this heading in this Act shall not be subject to any*
7 *limitation on obligations for Federal-aid highways or high-*
8 *way safety construction programs set forth in any Act mak-*
9 *ing annual appropriations: Provided further, That, of the*
10 *amount provided under this heading in this Act, the fol-*
11 *lowing amounts shall be for the following purposes in equal*
12 *amounts for each of fiscal years 2022 through 2026—*

13 (1) *\$27,500,000,000 shall be for a bridge replace-*
14 *ment, rehabilitation, preservation, protection, and*
15 *construction program: Provided further, That, except*
16 *as otherwise provided under this paragraph in this*
17 *Act, the funds made available under this paragraph*
18 *in this Act shall be administered as if apportioned*
19 *under chapter 1 of title 23, United States Code: Pro-*
20 *vided further, That a project funded with funds made*
21 *available under this paragraph in this Act shall be*
22 *treated as a project on a Federal-aid highway: Pro-*
23 *vided further, That, of the funds made available*
24 *under this paragraph in this Act for a fiscal year, 3*
25 *percent shall be set aside to carry out section 202(d)*

1 *of title 23, United States Code: Provided further, That*
2 *funds set aside under the preceding proviso to carry*
3 *out section 202(d) of such title shall be in addition*
4 *to funds otherwise made available to carry out such*
5 *section and shall be administered as if made available*
6 *under such section: Provided further, That for funds*
7 *set aside under the third proviso of this paragraph in*
8 *this Act to carry out section 202(d) of title 23, United*
9 *States Code, the Federal share of the costs shall be 100*
10 *percent: Provided further, That, for the purposes of*
11 *funds made available under this paragraph in this*
12 *Act: (1) the term “State” has the meaning given such*
13 *term in section 101 of title 23, United States Code;*
14 *(2) the term “off-system bridge” means a highway*
15 *bridge located on a public road, other than a bridge*
16 *on a Federal-aid highway; and (3) the term “Federal-*
17 *aid highway” means a public highway eligible for as-*
18 *sistance under chapter 1 of title 23, United States*
19 *Code, other than a highway functionally classified as*
20 *a local road or rural minor collector: Provided fur-*
21 *ther, That up to one-half of one percent of the*
22 *amounts made available under this paragraph in this*
23 *Act in each fiscal year shall be for the administration*
24 *and operations of the Federal Highway Administra-*
25 *tion: Provided further, That, after setting aside funds*

1 *under the third proviso of this paragraph in this Act*
2 *the Secretary shall distribute the remaining funds*
3 *made available under this paragraph in this Act*
4 *among States as follows—*

5 *(A) 75 percent by the proportion that the*
6 *total cost of replacing all bridges classified in*
7 *poor condition in such State bears to the sum of*
8 *the total cost to replace all bridges classified in*
9 *poor condition in all States; and*

10 *(B) 25 percent by the proportion that the*
11 *total cost of rehabilitating all bridges classified*
12 *in fair condition in such State bears to the sum*
13 *of the total cost to rehabilitate all bridges classi-*
14 *fied in fair condition in all States:*

15 *Provided further, That the amounts calculated under the*
16 *preceding proviso shall be adjusted such that each State re-*
17 *ceives, for each of fiscal years 2022 through 2026, no less*
18 *than \$45,000,000 under such proviso: Provided further,*
19 *That for purposes of the preceding 2 provisos, the Secretary*
20 *shall determine replacement and rehabilitation costs based*
21 *on the average unit costs of bridges from 2016 through 2020,*
22 *as submitted by States to the Federal Highway Administra-*
23 *tion, as required by section 144(b)(5) of title 23, United*
24 *States Code: Provided further, That for purposes of deter-*
25 *mining the distribution of funds to States under this para-*

1 *graph in this Act, the Secretary shall calculate the total*
2 *deck area of bridges classified as in poor or fair condition*
3 *based on the National Bridge Inventory as of December 31,*
4 *2020: Provided further, That, subject to the following pro-*
5 *viso, funds made available under this paragraph in this*
6 *Act that are distributed to States shall be used for highway*
7 *bridge replacement, rehabilitation, preservation, protection,*
8 *or construction projects on public roads: Provided further,*
9 *That of the funds made available under this paragraph in*
10 *this Act that are distributed to a State, 15 percent shall*
11 *be set aside for use on off-system bridges for the same pur-*
12 *poses as described in the preceding proviso: Provided fur-*
13 *ther, That, except as provided in the following proviso, for*
14 *funds made available under this paragraph in this Act that*
15 *are distributed to States, the Federal share shall be deter-*
16 *mined in accordance with section 120 of title 23, United*
17 *States Code: Provided further, That for funds made avail-*
18 *able under this paragraph in this Act that are distributed*
19 *to States and used on an off-system bridge that is owned*
20 *by a county, town, township, city, municipality or other*
21 *local agency, or federally-recognized Tribe the Federal share*
22 *shall be 100 percent;*

23 (2) *\$5,000,000,000, to remain available until ex-*
24 *pended for amounts made available for each of fiscal*
25 *years 2022 through 2026, shall be to carry out a Na-*

1 *tional Electric Vehicle Formula Program (referred to*
2 *in this paragraph in this Act as the “Program”) to*
3 *provide funding to States to strategically deploy elec-*
4 *tric vehicle charging infrastructure and to establish*
5 *an interconnected network to facilitate data collection,*
6 *access, and reliability: Provided, That funds made*
7 *available under this paragraph in this Act shall be*
8 *used for: (1) the acquisition and installation of elec-*
9 *tric vehicle charging infrastructure to serve as a cata-*
10 *lyst for the deployment of such infrastructure and to*
11 *connect it to a network to facilitate data collection,*
12 *access, and reliability; (2) proper operation and*
13 *maintenance of electric vehicle charging infrastruc-*
14 *ture; and (3) data sharing about electric vehicle*
15 *charging infrastructure to ensure the long-term suc-*
16 *cess of investments made under this paragraph in this*
17 *Act: Provided further, That for each of fiscal years*
18 *2022 through 2026, the Secretary shall distribute*
19 *among the States the funds made available under this*
20 *paragraph in this Act so that each State receives an*
21 *amount equal to the proportion that the total base ap-*
22 *portionment or allocation determined for the State*
23 *under subsection (c) of section 104 or under section*
24 *165 of title 23, United States Code, bears to the total*
25 *base apportionments or allocations for all States*

1 *under subsection (c) of section 104 and section 165 of*
2 *title 23, United States Code: Provided further, That*
3 *the Federal share payable for the cost of a project*
4 *funded under this paragraph in this Act shall be 80*
5 *percent: Provided further, That the Secretary shall es-*
6 *tablish a deadline by which a State shall provide a*
7 *plan to the Secretary, in such form and such manner*
8 *that the Secretary requires (to be made available on*
9 *the Department's website), describing how such State*
10 *intends to use funds distributed to the State under*
11 *this paragraph in this Act to carry out the Program*
12 *for each fiscal year in which funds are made avail-*
13 *able: Provided further, That, not later than 120 days*
14 *after the deadline established in the preceding proviso,*
15 *the Secretary shall make publicly available on the De-*
16 *partment's website and submit to the House Com-*
17 *mittee on Transportation and Infrastructure, the Sen-*
18 *ate Committee on Environment and Public Works,*
19 *and the House and Senate Committees on Appropria-*
20 *tions, a report summarizing each plan submitted by*
21 *a State to the Department of Transportation and an*
22 *assessment of how such plans make progress towards*
23 *the establishment of a national network of electric ve-*
24 *hicle charging infrastructure: Provided further, That*
25 *if a State fails to submit the plan required under the*

1 *fourth proviso of this paragraph in this Act to the*
2 *Secretary by the date specified in such proviso, or if*
3 *the Secretary determines a State has not taken action*
4 *to carry out its plan, the Secretary may withhold or*
5 *withdraw, as applicable, funds made available under*
6 *this paragraph in this Act for the fiscal year from the*
7 *State and award such funds on a competitive basis*
8 *to local jurisdictions within the State for use on*
9 *projects that meet the eligibility requirements under*
10 *this paragraph in this Act: Provided further, That,*
11 *prior to the Secretary making a determination that*
12 *a State has not taken actions to carry out its plan,*
13 *the Secretary shall notify the State, consult with the*
14 *State, and identify actions that can be taken to rec-*
15 *tify concerns, and provide at least 90 days for the*
16 *State to rectify concerns and take action to carry out*
17 *its plan: Provided further, That the Secretary shall*
18 *provide notice to a State on the intent to withhold or*
19 *withdraw funds not less than 60 days before with-*
20 *holding or withdrawing any funds, during which*
21 *time the States shall have an opportunity to appeal*
22 *a decision to withhold or withdraw funds directly to*
23 *the Secretary: Provided further, That if the Secretary*
24 *determines that any funds withheld or withdrawn*
25 *from a State under the preceding proviso cannot be*

1 *fully awarded to local jurisdictions within the State*
2 *under the preceding proviso in a manner consistent*
3 *with the purpose of this paragraph in this Act, any*
4 *such funds remaining shall be distributed among*
5 *other States (except States for which funds for that*
6 *fiscal year have been withheld or withdrawn under*
7 *the preceding proviso) in the same manner as funds*
8 *distributed for that fiscal year under the second pro-*
9 *viso under this paragraph in this Act, except that the*
10 *ratio shall be adjusted to exclude States for which*
11 *funds for that fiscal year have been withheld or with-*
12 *drawn under the preceding proviso: Provided further,*
13 *That funds distributed under the preceding proviso*
14 *shall only be available to carry out this paragraph in*
15 *this Act: Provided further, That funds made available*
16 *under this paragraph in this Act may be used to con-*
17 *tract with a private entity for acquisition and instal-*
18 *lation of publicly accessible electric vehicle charging*
19 *infrastructure and the private entity may pay the*
20 *non-Federal share of the cost of a project funded*
21 *under this paragraph: Provided further, That funds*
22 *made available under this paragraph in this Act shall*
23 *be for projects directly related to the charging of a ve-*
24 *hicle and only for electric vehicle charging infrastruc-*
25 *ture that is open to the general public or to author-*

1 *ized commercial motor vehicle operators from more*
2 *than one company: Provided further, That any elec-*
3 *tric vehicle charging infrastructure acquired or in-*
4 *stalled with funds made available under this para-*
5 *graph in this Act shall be located along a designated*
6 *alternative fuel corridor: Provided further, That no*
7 *later than 90 days after the date of enactment of this*
8 *Act, the Secretary of Transportation, in coordination*
9 *with the Secretary of Energy, shall develop guidance*
10 *for States and localities to strategically deploy electric*
11 *vehicle charging infrastructure, consistent with this*
12 *paragraph in this Act: Provided further, That the*
13 *Secretary of Transportation, in coordination with the*
14 *Secretary of Energy, shall consider the following in*
15 *developing the guidance described in the preceding*
16 *proviso: (1) the distance between publicly available*
17 *electric vehicle charging infrastructure; (2) connec-*
18 *tions to the electric grid, including electric distribu-*
19 *tion upgrades; vehicle-to-grid integration, including*
20 *smart charge management or other protocols that can*
21 *minimize impacts to the grid; alignment with electric*
22 *distribution interconnection processes, and plans for*
23 *the use of renewable energy sources to power charging*
24 *and energy storage; (3) the proximity of existing off-*
25 *highway travel centers, fuel retailers, and small busi-*

1 *nesses to electric vehicle charging infrastructure ac-*
2 *quired or funded under this paragraph in this Act;*
3 *(4) the need for publicly available electric vehicle*
4 *charging infrastructure in rural corridors and under-*
5 *served or disadvantaged communities; (5) the long-*
6 *term operation and maintenance of publicly available*
7 *electric vehicle charging infrastructure to avoid*
8 *stranded assets and protect the investment of public*
9 *funds in that infrastructure; (6) existing private, na-*
10 *tional, State, local, Tribal, and territorial government*
11 *electric vehicle charging infrastructure programs and*
12 *incentives; (7) fostering enhanced, coordinated, pub-*
13 *lic-private or private investment in electric vehicle*
14 *charging infrastructure; (8) meeting current and an-*
15 *ticipated market demands for electric vehicle charging*
16 *infrastructure, including with regard to power levels*
17 *and charging speed, and minimizing the time to*
18 *charge current and anticipated vehicles; and (9) any*
19 *other factors, as determined by the Secretary: Pro-*
20 *vided further, That if a State determines, and the*
21 *Secretary certifies, that the designated alternative fuel*
22 *corridors in the States are fully built out, then the*
23 *State may use funds provided under this paragraph*
24 *for electric vehicle charging infrastructure on any*
25 *public road or in other publically accessible locations,*

1 *such as parking facilities at public buildings, public*
2 *schools, and public parks, or in publically accessible*
3 *parking facilities owned or managed by a private en-*
4 *tity: Provided further, That subject to the minimum*
5 *standards and requirements established under the fol-*
6 *lowing proviso, funds made available under this*
7 *paragraph in this Act may be used for: (1) the acqui-*
8 *sition or installation of electric vehicle charging in-*
9 *frastructure; (2) operating assistance for costs allo-*
10 *cable to operating and maintaining electric vehicle*
11 *charging infrastructure acquired or installed under*
12 *this paragraph in this Act, for a period not to exceed*
13 *five years; (3) the acquisition or installation of traffic*
14 *control devices located in the right-of-way to provide*
15 *directional information to electric vehicle charging in-*
16 *frastructure acquired, installed, or operated under*
17 *this paragraph in this Act; (4) on-premises signs to*
18 *provide information about electric vehicle charging*
19 *infrastructure acquired, installed, or operated under*
20 *this paragraph in this Act; (5) development phase ac-*
21 *tivities relating to the acquisition or installation of*
22 *electric vehicle charging infrastructure, as determined*
23 *by the Secretary; or (6) mapping and analysis activi-*
24 *ties to evaluate, in an area in the United States des-*
25 *ignated by the eligible entity, the locations of current*

1 *and future electric vehicle owners, to forecast com-*
2 *muting and travel patterns of electric vehicles and the*
3 *quantity of electricity required to serve electric vehicle*
4 *charging stations, to estimate the concentrations of*
5 *electric vehicle charging stations to meet the needs of*
6 *current and future electric vehicle drivers, to estimate*
7 *future needs for electric vehicle charging stations to*
8 *support the adoption and use of electric vehicles in*
9 *shared mobility solutions, such as micro-transit and*
10 *transportation network companies, and to develop an*
11 *analytical model to allow a city, county, or other po-*
12 *litical subdivision of a State or a local agency to*
13 *compare and evaluate different adoption and use sce-*
14 *narios for electric vehicles and electric vehicle charg-*
15 *ing stations: Provided further, That not later than*
16 *180 days after the date of enactment of this Act, the*
17 *Secretary of Transportation, in coordination with the*
18 *Secretary of Energy and in consultation with rel-*
19 *evant stakeholders, shall, as appropriate, develop min-*
20 *imum standards and requirements related to: (1) the*
21 *installation, operation, or maintenance by qualified*
22 *technicians of electric vehicle charging infrastructure*
23 *under this paragraph in this Act; (2) the interoper-*
24 *ability of electric vehicle charging infrastructure*
25 *under this paragraph in this Act; (3) any traffic con-*

1 *trol device or on-premises sign acquired, installed, or*
2 *operated under this paragraph in this Act; (4) any*
3 *data requested by the Secretary related to a project*
4 *funded under this paragraph in this Act, including*
5 *the format and schedule for the submission of such*
6 *data; (5) network connectivity of electric vehicle*
7 *charging infrastructure; and (6) information on pub-*
8 *licly available electric vehicle charging infrastructure*
9 *locations, pricing, real-time availability, and accessi-*
10 *bility through mapping applications: Provided fur-*
11 *ther, That not later than 1 year after the date of en-*
12 *actment of this Act, the Secretary shall designate na-*
13 *tional electric vehicle charging corridors that identify*
14 *the near- and long-term need for, and the location of,*
15 *electric vehicle charging infrastructure to support*
16 *freight and goods movement at strategic locations*
17 *along major national highways, the National High-*
18 *way Freight Network established under section 167 of*
19 *title 23, United States Code, and goods movement lo-*
20 *cations including ports, intermodal centers, and*
21 *warehousing locations: Provided further, That the re-*
22 *port issued under section 151(e) of title 23, United*
23 *States Code, shall include a description of efforts to*
24 *achieve strategic deployment of electric vehicle charg-*
25 *ing infrastructure in electric vehicle charging cor-*

1 ridors, including progress on the implementation of
2 the Program under this paragraph in this Act: Pro-
3 vided further, That, for fiscal year 2022, before dis-
4 tributing funds made available under this paragraph
5 in this Act to States, the Secretary shall set aside
6 from funds made available under this paragraph in
7 this Act to carry out this paragraph in this Act not
8 more than \$300,000,000, which may be transferred to
9 the Joint Office described in the twenty-fourth proviso
10 of this paragraph in this Act, to establish such Joint
11 Office and carry out its duties under this paragraph
12 in this Act: Provided further, That, for each of fiscal
13 years 2022 through 2026, after setting aside funds
14 under the preceding proviso, and before distributing
15 funds made available under this paragraph in this
16 Act to 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 this*
5 *paragraph in this Act to the Joint Office, shall be ad-*
6 *ministered as if apportioned under chapter 1 of title*
7 *23, United States Code: Provided further, That funds*
8 *made available under this paragraph in this Act shall*
9 *not be transferable under section 126 of title 23,*
10 *United States Code: Provided further, That there is*
11 *established a Joint Office of Energy and Transpor-*
12 *tation (referred to in this paragraph in this Act as*
13 *the “Joint Office”) in the Department of Transpor-*
14 *tation and the Department of Energy to study, plan,*
15 *coordinate, and implement issues of joint concern be-*
16 *tween the two agencies, which shall include: (1) tech-*
17 *nical assistance related to the deployment, operation,*
18 *and maintenance of zero emission vehicle charging*
19 *and refueling infrastructure, renewable energy genera-*
20 *tion, vehicle-to-grid integration, including microgrids,*
21 *and related programs and policies; (2) data sharing*
22 *of installation, maintenance, and utilization in order*
23 *to continue to inform the network build out of zero*
24 *emission vehicle charging and refueling infrastruc-*
25 *ture; (3) performance of a national and regionalized*

1 *study of zero emission vehicle charging and refueling*
2 *infrastructure needs and deployment factors, to sup-*
3 *port grants for community resilience and electric ve-*
4 *hicle integration; (4) development and deployment of*
5 *training and certification programs; (5) establish-*
6 *ment and implementation of a program to promote*
7 *renewable energy generation, storage, and grid inte-*
8 *gration, including microgrids, in transportation*
9 *rights-of-way; (6) studying, planning, and funding*
10 *for high-voltage distributed current infrastructure in*
11 *the rights-of way of the Interstate System and for*
12 *constructing high-voltage and or medium-voltage*
13 *transmission pilots in the rights-of-way of the Inter-*
14 *state System; (7) research, strategies, and actions*
15 *under the Departments' statutory authorities to re-*
16 *duce transportation-related emissions and mitigate*
17 *the effects of climate change; (8) development of a*
18 *streamlined utility accommodations policy for high-*
19 *voltage and medium-voltage transmission in the*
20 *transportation right-of-way; and (9) any other issues*
21 *that the Secretary of Transportation and the Sec-*
22 *retary of Energy identify as issues of joint interest:*
23 *Provided further, That the Joint Office of Energy and*
24 *Transportation shall establish and maintain a public*
25 *database, accessible on both Department of Transpor-*

1 *tation and Department of Energy websites, that in-*
2 *cludes: (1) information maintained on the Alternative*
3 *Fuel Data Center by the Office of Energy Efficiency*
4 *and Renewable Energy of the Department of Energy*
5 *with respect to the locations of electric vehicle charg-*
6 *ing stations; (2) potential locations for electric vehicle*
7 *charging stations identified by eligible entities*
8 *through the program; and (3) the ability to sort gen-*
9 *erated results by various characteristics with respect*
10 *to electric vehicle charging stations, including loca-*
11 *tion, in terms of the State, city, or county; status*
12 *(operational, under construction, or planned); and*
13 *charging type, in terms of Level 2 charging equip-*
14 *ment or Direct Current Fast Charging Equipment:*
15 *Provided further, That the Secretary of Transpor-*
16 *tation and the Secretary of Energy shall cooperatively*
17 *administer the Joint Office consistent with this para-*
18 *graph in this Act: Provided further, That the Sec-*
19 *retary of Transportation and the Secretary of Energy*
20 *may transfer funds between the Department of Trans-*
21 *portation and the Department of Energy from funds*
22 *provided under this paragraph in this Act to establish*
23 *the Joint Office and to carry out its duties under this*
24 *paragraph in this Act and any such funds or portions*
25 *thereof transferred to the Joint Office may be trans-*

1 *ferred back to and merged with this account: Provided*
2 *further, That the Secretary of Transportation and the*
3 *Secretary of Energy shall notify the House and Sen-*
4 *ate Committees on Appropriations not less than 15*
5 *days prior to transferring any funds under the pre-*
6 *vious proviso: Provided further, That for the purposes*
7 *of funds made available under this paragraph in this*
8 *Act: (1) the term “State” has the meaning given such*
9 *term in section 101 of title 23, United States Code;*
10 *and (2) the term “Federal-aid highway” means a*
11 *public highway eligible for assistance under chapter 1*
12 *of title 23, United States Code, other than a highway*
13 *functionally classified as a local road or rural minor*
14 *collector: Provided further, That, of the funds made*
15 *available in this division or division A of this Act for*
16 *the Federal lands transportation program under sec-*
17 *tion 203 of title 23, United States Code, not less than*
18 *\$7,000,000 shall be made available for each Federal*
19 *agency otherwise eligible to compete for amounts*
20 *made available under that section for each of fiscal*
21 *years 2022 through 2026;*

22 *(3) \$3,200,000,000 shall be to carry out the Na-*
23 *tionally Significant Freight and Highway Projects*
24 *program under section 117 of title 23, United States*
25 *Code;*

1 (4) \$9,235,000,000 shall be to carry out the
2 *Bridge Investment Program* under section 124 of title
3 23, *United States Code: Provided, That, of the funds*
4 *made available under this paragraph in this Act for*
5 *a fiscal year, \$20,000,000 shall be set aside to carry*
6 *out section 202(d) of title 23, United States Code:*
7 *Provided further, That, of the funds made available*
8 *under this paragraph in this Act for a fiscal year,*
9 *\$20,000,000 shall be set aside to provide grants for*
10 *planning, feasibility analysis, and revenue forecasting*
11 *associated with the development of a project that*
12 *would subsequently be eligible to apply for assistance*
13 *under this paragraph: Provided further, That funds*
14 *set aside under the first proviso of this paragraph in*
15 *this Act to carry out section 202(d) of such title shall*
16 *be in addition to funds otherwise made available to*
17 *carry out such section and shall be administered as*
18 *if made available under such section: Provided fur-*
19 *ther, That for funds set aside under the first proviso*
20 *of this paragraph in this Act to carry out section*
21 *202(d) of title 23, United States Code, the Federal*
22 *share of the costs shall be 100 percent;*

23 (5) \$150,000,000 shall be to carry out the *Reduction of Truck Emissions at Port Facilities Program*
24 under section 11402 of division A of this Act: Pro-
25

1 *vided, That, except as otherwise provided in section*
2 *11402 of division A of this Act, the funds made avail-*
3 *able under this paragraph in this Act shall be admin-*
4 *istered as if apportioned under chapter 1 of title 23,*
5 *United States Code;*

6 (6) *\$95,000,000, to remain available until ex-*
7 *pended for amounts made available for each of fiscal*
8 *years 2022 through 2026, shall be to carry out the*
9 *University Transportation Centers Program under*
10 *section 5505 of title 49, United States Code;*

11 (7) *\$500,000,000, 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 Re-*
14 *connecting Communities Pilot Program (referred to*
15 *under this paragraph in this Act as the “pilot pro-*
16 *gram”) under section 11509 of division A of this Act,*
17 *of which \$100,000,000 shall be for planning grants*
18 *under section 11509(c) of division A of this Act and*
19 *of which \$400,000,000 shall be available for capital*
20 *construction grants under section 11509(d) of division*
21 *A of this Act: Provided, That of the amounts made*
22 *available under this paragraph in this Act for section*
23 *11509(c) of division A of this Act, the Secretary may*
24 *use not more than \$15,000,000 during the period of*
25 *fiscal years 2022 through 2026 to provide technical*

1 *assistance under section 11509(c)(3) of division A of*
2 *this Act: Provided further, That, except as otherwise*
3 *provided in section 11509 of division A of this Act,*
4 *amounts made available under this paragraph in this*
5 *Act shall be administered as if made available under*
6 *chapter 1 of title 23, United States Code;*

7 (8) *\$342,000,000, to remain available until ex-*
8 *pended for amounts made available for each of fiscal*
9 *years 2022 through 2026, shall be to carry out the*
10 *Construction of Ferry Boats and Ferry Terminal Fa-*
11 *cilities program under section 147 of title 23, United*
12 *States Code: Provided, That amounts made available*
13 *under this paragraph in this Act shall be adminis-*
14 *tered as if made available under section 147 of title*
15 *23, United States Code; and*

16 (9) *\$1,250,000,000, to remain available until ex-*
17 *pended for amounts made available for each of fiscal*
18 *years 2022 through 2026, shall be for construction of*
19 *the Appalachian Development Highway System as*
20 *authorized under section 1069(y) of Public Law 102–*
21 *240: Provided, That, for the purposes of funds made*
22 *available under this paragraph in this Act for con-*
23 *struction of the Appalachian Development Highway*
24 *System, the term “Appalachian State” means a State*
25 *that contains 1 or more counties (including any polit-*

1 *ical subdivision located within the area) in the Appa-*
2 *lachian region, as defined in section 14102(a) of title*
3 *40, United States Code: Provided further, That a*
4 *project carried out with funds made available under*
5 *this paragraph in this Act for construction of the Ap-*
6 *palachian Development Highway System shall be*
7 *made available for obligation in the same manner as*
8 *if apportioned under chapter 1 of title 23, United*
9 *States Code, except that: (1) the Federal share of the*
10 *cost of any project carried out with those amounts*
11 *shall be determined in accordance with section 14501*
12 *of title 40, United States Code; and (2) the amounts*
13 *shall be available to construct highways and access*
14 *roads under section 14501 of title 40, United States*
15 *Code: Provided further, That, subject to the following*
16 *two provisos, in consultation with the Appalachian*
17 *Regional Commission, the funds made available*
18 *under this paragraph in this Act for construction of*
19 *the Appalachian Development Highway System shall*
20 *be apportioned to Appalachian States according to*
21 *the percentages derived from the 2021 Appalachian*
22 *Development Highway System Cost-to-Complete Esti-*
23 *mate, dated March 2021, and confirmed as each Ap-*
24 *palachian State's relative share of the estimated re-*
25 *maining need to complete the Appalachian Develop-*

1 *ment Highway System, adjusted to exclude those cor-*
2 *ridors that such States have no current plans to com-*
3 *plete, as reported in the 2013 Appalachian Develop-*
4 *ment Highway System Completion Report, unless*
5 *those States have modified and assigned a higher pri-*
6 *ority for completion of an Appalachian Development*
7 *Highway System corridor, as reported in the 2020*
8 *Appalachian Development Highway System Future*
9 *Outlook: Provided further, That the Secretary shall*
10 *adjust apportionments made under the third proviso*
11 *in this paragraph in this Act so that no Appalachian*
12 *State shall be apportioned an amount in excess of 30*
13 *percent of the amount made available for construction*
14 *of the Appalachian Development Highway System*
15 *under this heading: Provided further, That the Sec-*
16 *retary shall adjust apportionments made under the*
17 *third proviso in this paragraph in this Act so that:*
18 *(1) each State shall be apportioned an amount not*
19 *less than \$10,000,000 for each of fiscal years 2022*
20 *through 2026; and (2) notwithstanding paragraph (1)*
21 *of this proviso, a State shall not receive an apportion-*
22 *ment that exceeds the remaining funds needed to com-*
23 *plete the Appalachian development highway corridor*
24 *or corridors in the State, as identified in the latest*
25 *available cost to complete estimate for the system pre-*

1 *pared by the Appalachian Regional Commission: Pro-*
2 *vided further, That the Federal share of the cost of*
3 *any project carried out with funds made available*
4 *under this paragraph in this Act shall be up to 100*
5 *percent, as determined by the State:*

6 *Provided further, That such amount is designated by the*
7 *Congress as being for an emergency requirement pursuant*
8 *to section 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 *FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION*

13 *MOTOR CARRIER SAFETY OPERATIONS AND PROGRAM*

14 *For an additional amount for “Motor Carrier Safety*
15 *Operations and Program”, \$50,000,000, to remain avail-*
16 *able until September 30, 2029, to carry out motor carrier*
17 *safety operations and programs pursuant to section 31110*
18 *of title 49, United States Code, in addition to amounts oth-*
19 *erwise provided for such purpose: Provided, That*
20 *\$10,000,000, to remain available until September 30, 2025,*
21 *shall be made available for fiscal year 2022, \$10,000,000,*
22 *to remain available until September 30, 2026, shall be made*
23 *available for fiscal year 2023, \$10,000,000, to remain avail-*
24 *able until September 30, 2027, shall be made available for*
25 *fiscal year 2024, \$10,000,000, to remain available until*

1 *September 30, 2028, shall be made available for fiscal year*
2 *2025, and \$10,000,000, to remain available until Sep-*
3 *tember 30, 2029, shall be made available for fiscal year*
4 *2026: Provided further, That amounts made available*
5 *under this heading in this Act shall be derived from the*
6 *general fund of the Treasury, shall be in addition to any*
7 *other amounts made available for such purpose, and shall*
8 *not affect the distribution or amount of funds provided in*
9 *any Act making annual appropriations: Provided further,*
10 *That obligations of funds under this heading in this Act*
11 *shall not be subject to any limitations on obligations pro-*
12 *vided in any Act making annual appropriations: Provided*
13 *further, That such amount is designated by the Congress*
14 *as being for an emergency requirement pursuant to section*
15 *4112(a) of H. Con. Res. 71 (115th Congress), the concurrent*
16 *resolution on the budget for fiscal year 2018, and pursuant*
17 *to section 251(b) of the Balanced Budget and Emergency*
18 *Deficit Control Act of 1985.*

19 *MOTOR CARRIER SAFETY GRANTS*

20 *For an additional amount for “Motor Carrier Safety*
21 *Grants”, \$622,500,000, to remain available until Sep-*
22 *tember 30, 2029, to carry out sections 31102, 31103, 31104,*
23 *and 31313 of title 49, United States Code, in addition to*
24 *amounts otherwise provided for such purpose: Provided,*
25 *That \$124,500,000, to remain available until September 30,*

1 2025, shall be made available for fiscal year 2022,
2 \$124,500,000, to remain available until September 30,
3 2026, shall be made available for fiscal year 2023,
4 \$124,500,000, to remain available until September 30,
5 2027, shall be made available for fiscal year 2024,
6 \$124,500,000, to remain available until September 30,
7 2028, shall be made available for fiscal year 2025, and
8 \$124,500,000, to remain available until September 30,
9 2029, shall be made available for fiscal year 2026: Provided
10 further, That, of the amounts provided under this heading
11 in this Act, the following amounts shall be available for the
12 following purposes in equal amounts for each of fiscal years
13 2022 through 2026—

14 (1) up to \$400,000,000 shall be for the motor
15 carrier safety assistance program;

16 (2) up to \$80,000,000 shall be for the commercial
17 driver's license program implementation program;

18 (3) up to \$132,500,000 shall be for the high pri-
19 ority activities program; and

20 (4) up to \$10,000,000 shall be for commercial
21 motor vehicle operators grants:

22 Provided further, That amounts made available under this
23 heading in this Act shall be derived from the general fund
24 of the Treasury, shall be in addition to any other amounts
25 made available for such purpose, and shall not affect the

1 *distribution or amount of funds provided in any Act mak-*
2 *ing annual appropriations: Provided further, That obliga-*
3 *tions of funds under this heading in this Act shall not be*
4 *subject to any limitations on obligations provided in any*
5 *Act making annual appropriations: Provided further, That*
6 *up to 1.5 percent of the amounts made available under this*
7 *heading in this Act in each fiscal year shall be for oversight*
8 *and administration: Provided further, That such amount*
9 *is designated by the Congress as being for an emergency*
10 *requirement pursuant to section 4112(a) of H. Con. Res.*
11 *71 (115th Congress), the concurrent resolution on the budget*
12 *for fiscal year 2018, and pursuant to section 251(b) of the*
13 *Balanced Budget and Emergency Deficit Control Act of*
14 *1985.*

15 *NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION*

16 *CRASH DATA*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *For an additional amount for “Crash Data”,*
19 *\$750,000,000, to remain available until September 30,*
20 *2029, to carry out section 24108 of division B of this Act:*
21 *Provided, That \$150,000,000, to remain available until*
22 *September 30, 2025, shall be made available for fiscal year*
23 *2022, \$150,000,000, to remain available until September*
24 *30, 2026, shall be made available for fiscal year 2023,*
25 *\$150,000,000, to remain available until September 30,*

1 2027, shall be made available for fiscal year 2024,
2 \$150,000,000, to remain available until September 30,
3 2028, shall be made available for fiscal year 2025, and
4 \$150,000,000, to remain available until September 30,
5 2029, shall be made available for fiscal year 2026: Provided
6 further, That up to 3 percent of the amounts made available
7 under this heading in this Act in each of fiscal years 2022
8 through 2026 shall be for salaries and expenses, administra-
9 tion, and oversight, and shall be transferred and merged
10 with the appropriations under the heading “Operations and
11 Research”: Provided further, That not later than 90 days
12 after the date of enactment of this Act, the Secretary of
13 Transportation shall submit to the House and Senate Com-
14 mittees on Appropriations a funding allocation plan for fis-
15 cal year 2022: Provided further, That for each fiscal year
16 through 2026, as part of the annual budget submission of
17 the President under section 1105(a) of title 31, United
18 States Code, the Secretary of Transportation shall submit
19 a funding allocation plan for funding that will be made
20 available under this heading in the upcoming fiscal year:
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), the
24 concurrent resolution on the budget for fiscal year 2018,

1 *and pursuant to section 251(b) of the Balanced Budget and*
2 *Emergency Deficit Control Act of 1985.*

3 *VEHICLE SAFETY AND BEHAVIORAL RESEARCH PROGRAMS*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For an additional amount for “Vehicle Safety and Be-*
6 *havioral Research Programs”, \$548,500,000, to remain*
7 *available until September 30, 2029, to carry out the provi-*
8 *sions of section 403 of title 23, United States Code, includ-*
9 *ing behavioral research on Automated Systems and Ad-*
10 *vanced Driver Assistance Systems and improving consumer*
11 *responses to safety recalls, and chapter 303 of title 49,*
12 *United States Code, in addition to amounts otherwise pro-*
13 *vided for such purpose: Provided, That \$109,700,000, to re-*
14 *main available until September 30, 2025, shall be made*
15 *available for fiscal year 2022, \$109,700,000, to remain*
16 *available until September 30, 2026, shall be made available*
17 *for fiscal year 2023, \$109,700,000, to remain available*
18 *until September 30, 2027, shall be made available for fiscal*
19 *year 2024, \$109,700,000, to remain available until Sep-*
20 *tember 30, 2028, shall be made available for fiscal year*
21 *2025, and \$109,700,000 to remain available until Sep-*
22 *tember 30, 2029, shall be made available for fiscal year*
23 *2026: Provided further, That amounts made available*
24 *under this heading in this Act shall be derived from the*
25 *general fund of the Treasury: Provided further, That obliga-*

1 *tions of funds under this heading in this Act shall not be*
2 *subject to any limitations on obligations provided in any*
3 *Act making annual appropriations: Provided further, That*
4 *of the amounts made available under this heading in this*
5 *Act, up to \$350,000,000 may be transferred to “Operations*
6 *and Research” to carry out traffic and highway safety au-*
7 *thorized under chapter 301 and part C of subtitle VI of*
8 *title 49, United States Code: Provided further, That not*
9 *later than 90 days after the date of enactment of this Act,*
10 *the Secretary of Transportation shall submit to the House*
11 *and Senate Committees on Appropriations a funding allo-*
12 *cation for fiscal year 2022: Provided further, That for each*
13 *fiscal year through 2026, as part of the annual budget sub-*
14 *mission of the President under section 1105(a) of title 31,*
15 *United States Code, the Secretary of Transportation shall*
16 *submit a funding allocation for funding that will be made*
17 *available under this heading in the upcoming fiscal year:*
18 *Provided further, That such amount is designated by the*
19 *Congress as being for an emergency requirement pursuant*
20 *to section 4112(a) of H. Con. Res. 71 (115th Congress), the*
21 *concurrent resolution on the budget for fiscal year 2018,*
22 *and pursuant to section 251(b) of the Balanced Budget and*
23 *Emergency Deficit Control Act of 1985.*

1 *SUPPLEMENTAL HIGHWAY TRAFFIC SAFETY PROGRAMS*

2 *For an additional amount for “Supplemental High-*
3 *way Traffic Safety Programs”, \$310,000,000, to remain*
4 *available until September 30, 2029, to carry out sections*
5 *402 and 405 of title 23, United States Code, and section*
6 *24101(a)(5) of division B of this Act: Provided, That*
7 *\$62,000,000, to remain available until September 30, 2025,*
8 *shall be made available for fiscal year 2022, \$62,000,000,*
9 *to remain available until September 30, 2026, shall be made*
10 *available for fiscal year 2023, \$62,000,000, to remain avail-*
11 *able until September 30, 2027, shall be made available for*
12 *fiscal year 2024, \$62,000,000, to remain available until*
13 *September 30, 2028, shall be made available for fiscal year*
14 *2025, and \$62,000,000 to remain available until September*
15 *30, 2029, shall be made available for fiscal year 2026: Pro-*
16 *vided further, That amounts made available under this*
17 *heading in this Act shall be derived from the general fund*
18 *of the Treasury: Provided further, That obligations of funds*
19 *under this heading in this Act shall not be subject to any*
20 *limitations on obligations provided in any Act making an-*
21 *nual appropriations: Provided further, That, of the*
22 *amounts provided under this heading in this Act, the fol-*
23 *lowing amounts shall be for the following purposes in equal*
24 *amounts for each of fiscal years 2022 through 2026:*

1 (1) \$100,000,000 shall be for highway safety pro-
2 grams under section 402 of title 23, United States
3 Code;

4 (2) \$110,000,000 shall be for national priority
5 safety programs under section 405 of title 23, United
6 States Code; and

7 (3) \$100,000,000 shall be for administrative ex-
8 penses under section 24101(a)(5) of division B of this
9 Act:

10 *Provided further, That such amount is designated by the*
11 *Congress as being for an emergency requirement pursuant*
12 *to section 4112(a) of H. Con. Res. 71 (115th Congress), the*
13 *concurrent resolution on the budget for fiscal year 2018,*
14 *and pursuant to section 251(b) of the Balanced Budget and*
15 *Emergency Deficit Control Act of 1985.*

16 *FEDERAL RAILROAD ADMINISTRATION*
17 *CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY*
18 *IMPROVEMENTS*

19 *For an additional amount for “Consolidated Rail In-*
20 *frastructure and Safety Improvements”, \$5,000,000,000, to*
21 *remain available until expended, for competitive grants, as*
22 *authorized under section 22907 of title 49, United States*
23 *Code: Provided, That \$1,000,000,000, to remain available*
24 *until expended, shall be made available for fiscal year 2022,*
25 *\$1,000,000,000, to remain available until expended, shall*

1 *be made available for fiscal year 2023, \$1,000,000,000, to*
2 *remain available until expended, shall be made available*
3 *for fiscal year 2024, \$1,000,000,000, to remain available*
4 *until expended, shall be made available for fiscal year 2025,*
5 *and \$1,000,000,000, to remain available until expended,*
6 *shall be made available for fiscal year 2026: Provided fur-*
7 *ther, That the Secretary may withhold up to 2 percent of*
8 *the amounts provided under this heading in this Act in each*
9 *fiscal year for the costs of award and project management*
10 *oversight of grants carried out under section 22907 of title*
11 *49, United States Code: Provided further, That such*
12 *amount is designated by the Congress as being for an emer-*
13 *gency requirement pursuant to section 4112(a) of H. Con.*
14 *Res. 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 *NORTHEAST CORRIDOR GRANTS TO THE NATIONAL*

19 *RAILROAD PASSENGER CORPORATION*

20 *(INCLUDING TRANSFER OF FUNDS)*

21 *For an additional amount for “Northeast Corridor*
22 *Grants to the National Railroad Passenger Corporation”,*
23 *\$6,000,000,000, to remain available until expended, for ac-*
24 *tivities associated with the Northeast Corridor, as author-*
25 *ized by section 22101(a) of division B of this Act: Provided,*

1 *That \$1,200,000,000, to remain available until expended,*
2 *shall be made available for fiscal year 2022, \$1,200,000,000,*
3 *to remain available until expended, shall be made available*
4 *for fiscal year 2023, \$1,200,000,000, to remain available*
5 *until expended, shall be made available for fiscal year 2024,*
6 *\$1,200,000,000, to remain available until expended, shall*
7 *be made available for fiscal year 2025, and \$1,200,000,000,*
8 *to remain available until expended, shall be made available*
9 *for fiscal year 2026: Provided further, That the amounts*
10 *made available under this heading in this Act shall be made*
11 *available for capital projects for the purpose of eliminating*
12 *the backlog of obsolete assets and Amtrak's deferred mainte-*
13 *nance backlog of rolling stock, facilities, stations, and infra-*
14 *structure: Provided further, That amounts made available*
15 *under this heading in this Act shall be made available for*
16 *the following capital projects—*

17 (1) *acquiring new passenger rolling stock for the*
18 *replacement of single-level passenger cars used in Am-*
19 *trak's Northeast Corridor services, and associated re-*
20 *habilitation, upgrade, and expansion of facilities used*
21 *to maintain and store such equipment;*

22 (2) *bringing Amtrak-served stations to full com-*
23 *pliance with the Americans with Disabilities Act;*

1 (3) *eliminating the backlog of deferred capital*
2 *work on sole-benefit Amtrak-owned assets located on*
3 *the Northeast Corridor; or*

4 (4) *carrying out Northeast Corridor capital re-*
5 *newal backlog projects:*

6 *Provided further, That not later than 180 days after the*
7 *date of enactment of this Act, the Secretary of Transpor-*
8 *tation shall submit to the House and Senate Committees*
9 *on Appropriations a detailed spend plan, including a list*
10 *of project locations under the preceding proviso to be funded*
11 *for fiscal year 2022: Provided further, That for each fiscal*
12 *year through 2026, as part of the annual budget submission*
13 *of the President under section 1105(a) of title 31, United*
14 *States Code, the Secretary of Transportation shall submit*
15 *a detailed spend plan for that fiscal year, including a list*
16 *of project locations under the third proviso: Provided fur-*
17 *ther, That amounts made available under this heading in*
18 *this Act shall be in addition to other amounts made avail-*
19 *able for such purposes, including to enable the Secretary*
20 *of Transportation to make or amend existing grants to Am-*
21 *trak for activities associated with the Northeast Corridor,*
22 *as authorized by section 22101(a) of division B of this Act:*
23 *Provided further, That amounts made available under this*
24 *heading in this Act may be used by Amtrak to fund, in*
25 *whole or in part, the capital costs of Northeast Corridor*

1 *capital renewal backlog projects, including the costs of joint*
2 *public transportation and intercity passenger rail capital*
3 *projects, notwithstanding the limitations in section*
4 *24319(g) and section 24905(c) of title 49, United States*
5 *Code: Provided further, That notwithstanding section*
6 *24911(f) of title 49, United States Code, amounts made*
7 *available under this heading in this Act may be used as*
8 *non-Federal share for Northeast Corridor projects selected*
9 *for award under such section after the date of enactment*
10 *of this Act: Provided further, That the Secretary may retain*
11 *up to one half of 1 percent of the amounts made available*
12 *under both this heading in this Act and the “National Net-*
13 *work Grants to the National Railroad Passenger Corpora-*
14 *tion” heading in this Act to fund the costs of oversight of*
15 *Amtrak, as authorized by section 22101(c) of division B*
16 *of this Act: Provided further, That in addition to the over-*
17 *sight funds authorized under section 22101(c) of division*
18 *B of this Act, the Secretary may retain up to \$5,000,000*
19 *of the funds made available under this heading in this Act*
20 *for each fiscal year for the Northeast Corridor Commission*
21 *established under section 24905 of title 49, United States*
22 *Code, to facilitate a coordinated and efficient delivery of*
23 *projects carried out under this heading in this Act: Pro-*
24 *vided further, That amounts made available under this*
25 *heading in this Act may be transferred to and merged with*

1 *amounts made available under the heading “National Net-*
2 *work Grants to the National Railroad Passenger Corpora-*
3 *tion” in this Act for the purposes authorized under that*
4 *heading: Provided further, That such amount is designated*
5 *by the Congress as being for an emergency requirement pur-*
6 *suant to section 4112(a) of H. Con. Res. 71 (115th Con-*
7 *gress), the concurrent resolution on the budget for fiscal year*
8 *2018, and to section 251(b) of the Balanced Budget and*
9 *Emergency Deficit Control Act of 1985.*

10 *NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD*

11 *PASSENGER CORPORATION*

12 *(INCLUDING TRANSFER OF FUNDS)*

13 *For an additional amount for “National Network*
14 *Grants to the National Railroad Passenger Corporation”,*
15 *\$16,000,000,000, to remain available until expended, for ac-*
16 *tivities associated with the National Network, as authorized*
17 *by section 22101(b) of division B of this Act: Provided, That*
18 *\$3,200,000,000, to remain available until expended, shall*
19 *be made available for fiscal year 2022, \$3,200,000,000, to*
20 *remain available until expended, shall be made available*
21 *for fiscal year 2023, \$3,200,000,000, to remain available*
22 *until expended, shall be made available for fiscal year 2024,*
23 *\$3,200,000,000, to remain available until expended, shall*
24 *be made available for fiscal year 2025, and \$3,200,000,000,*
25 *to remain available until expended, shall be made available*

1 *for fiscal year 2026: Provided further, That amounts made*
2 *available under this heading in this Act shall be made*
3 *available for capital projects for the purpose of eliminating*
4 *Amtrak’s deferred maintenance backlog of rolling stock, fa-*
5 *cilities, stations and infrastructure, including—*

6 (1) *acquiring new passenger rolling stock to re-*
7 *place obsolete passenger equipment used in Amtrak’s*
8 *long-distance and state-supported services, and associ-*
9 *ated rehabilitation, upgrade, or expansion of facilities*
10 *used to maintain and store such equipment;*

11 (2) *bringing Amtrak-served stations to full com-*
12 *pliance with the Americans with Disabilities Act;*

13 (3) *eliminating the backlog of deferred capital*
14 *work on Amtrak-owned railroad assets not located on*
15 *the Northeast Corridor; and*

16 (4) *projects to eliminate the backlog of obsolete*
17 *assets associated with Amtrak’s national rail pas-*
18 *senger transportation system, such as systems for res-*
19 *ervations, security, training centers, and technology:*

20 *Provided further, That not later than 180 days after the*
21 *date of enactment of this Act, the Secretary of Transpor-*
22 *tation shall submit to the House and Senate Committees*
23 *on Appropriations a detailed spend plan, including a list*
24 *of project locations under the preceding proviso to be funded*
25 *for fiscal year 2022: Provided further, That for each fiscal*

1 year through 2026, as part of the annual budget submission
2 of the President under section 1105(a) of title 31, United
3 States Code, the Secretary of Transportation shall submit
4 a detailed spend plan for that fiscal year, including a list
5 of project locations under the third proviso: Provided fur-
6 ther, That of the amounts made available under this head-
7 ing in this Act, and in addition to amounts made available
8 for similar purposes under this heading in prior Acts, Am-
9 trak shall use such amounts as necessary for the replace-
10 ment of single-level passenger cars and associated rehabili-
11 tation, upgrade, and expansion of facilities used to main-
12 tain and store such passenger cars, and such amounts shall
13 be for its direct costs and in lieu of payments from States
14 for such purposes, notwithstanding section 209 of the Pas-
15 senger Rail Investment and Improvement Act of 2008 (Pub-
16 lic Law 110-432), as amended: Provided further, That
17 amounts made available under this heading in this Act
18 shall be in addition to other amounts made available for
19 such purposes, including to enable the Secretary of Trans-
20 portation to make or amend existing grants to Amtrak for
21 activities associated with the National Network, as author-
22 ized by section 22101(b) of division B of this Act: Provided
23 further, That in addition to the oversight funds authorized
24 under section 22101(c) of division B of this Act, the Sec-
25 retary may retain up to \$3,000,000 of the funds made

1 *available under this heading in this Act for each fiscal year*
2 *for the State-Supported Route Committee established under*
3 *section 24712(a) of title 49, United States Code: Provided*
4 *further, That of the funds made available under this head-*
5 *ing in this Act, the Secretary may retain up to \$3,000,000*
6 *for each fiscal year for interstate rail compact grants, as*
7 *authorized by section 22910 of title 49, United States Code:*
8 *Provided further, That of the funds made available under*
9 *this heading in this Act, not less than \$50,000,000 for each*
10 *fiscal year shall be used to make grants, as authorized under*
11 *section 22908 of title 49 United States Code consistent with*
12 *the requirements of that section: Provided further, That of*
13 *the amounts made available under this heading in this Act,*
14 *such sums as are necessary, shall be available for purposes*
15 *authorized in section 22214 of division B of this Act: Pro-*
16 *vided further, That amounts made available under this*
17 *heading in this Act may be transferred to and merged with*
18 *amounts made available under the heading “Northeast Cor-*
19 *ridor Grants to the National Railroad Passenger Corpora-*
20 *tion” in this Act for the purposes authorized under that*
21 *heading: Provided further, That such amount is designated*
22 *by the Congress as being for an emergency requirement pur-*
23 *suant to section 4112(a) of H. Con. Res. 71 (115th Con-*
24 *gress), the concurrent resolution on the budget for fiscal year*

1 2018, and to section 251(b) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 *RAILROAD CROSSING ELIMINATION PROGRAM*

4 *For an additional amount for “Railroad Crossing*
5 *Elimination Program”, \$3,000,000,000, to remain avail-*
6 *able until expended, for competitive grants, as authorized*
7 *under section 22909 of title 49, United States Code: Pro-*
8 *vided, That \$600,000,000, to remain available until ex-*
9 *pended, shall be made available for fiscal year 2022,*
10 *\$600,000,000, to remain available until expended, shall be*
11 *made available for fiscal year 2023, \$600,000,000, to re-*
12 *main available until expended, shall be made available for*
13 *fiscal year 2024, \$600,000,000, to remain available until*
14 *expended, shall be made available for fiscal year 2025, and*
15 *\$600,000,000, to remain available until expended, shall be*
16 *made available for fiscal year 2026: Provided further, That*
17 *the Secretary may withhold up to 2 percent of the amounts*
18 *provided under this heading in this Act for the costs of*
19 *award and project management oversight of grants carried*
20 *out under section 22909 of title 49, United States Code:*
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), the*
24 *concurrent resolution on the budget for fiscal year 2018,*

1 *and to section 251(b) of the Balanced Budget and Emer-*
2 *gency Deficit Control Act of 1985.*

3 *FEDERAL-STATE PARTNERSHIP FOR INTERCITY PASSENGER*
4 *RAIL GRANTS*

5 *For an additional amount for “Federal-State Partner-*
6 *ship for Intercity Passenger Rail Grants”, \$36,000,000,000,*
7 *to remain available until expended, for grants, as author-*
8 *ized section 24911 of title 49, United States Code: Provided,*
9 *That \$7,200,000,000, to remain available until expended,*
10 *shall be made available for fiscal year 2022, \$7,200,000,000,*
11 *to remain available until expended, shall be made available*
12 *for fiscal year 2023, \$7,200,000,000, to remain available*
13 *until expended, shall be made available for fiscal year 2024,*
14 *\$7,200,000,000, to remain available until expended, shall*
15 *be made available for fiscal year 2025, and \$7,200,000,000,*
16 *to remain available until expended, shall be made available*
17 *for fiscal year 2026: Provided further, That, notwith-*
18 *standing subsection 24911(d)(3) of title 49, United States*
19 *Code, not more than \$24,000,000,000 of the amounts made*
20 *available under this heading in this Act for fiscal years*
21 *2022 through 2026 shall be for projects for the Northeast*
22 *Corridor: Provided further, That amounts made available*
23 *under the heading “Northeast Corridor Grants to the Na-*
24 *tional Railroad Passenger Corporation” in this Act may*
25 *be used as non-Federal share for Northeast Corridor projects*

1 *selected for award under section 24911 of title 49, United*
2 *States Code, after the date of enactment of this Act, notwith-*
3 *standing subsection 24911(f) of such title: Provided further,*
4 *That the Secretary may withhold up to 2 percent of the*
5 *amount provided under this heading in this Act in each*
6 *fiscal year for the costs of award and project management*
7 *oversight of grants carried out under section 24911 of title*
8 *49, United States Code: Provided further, That such*
9 *amount is designated by the Congress as being for an emer-*
10 *gency requirement pursuant to section 4112(a) of H. Con.*
11 *Res. 71 (115th Congress), the concurrent resolution on the*
12 *budget for fiscal year 2018, and to section 251(b) of the*
13 *Balanced Budget and Emergency Deficit Control Act of*
14 *1985.*

15 *ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD*

16 *ADMINISTRATION*

17 *(INCLUDING TRANSFER OF FUNDS)*

18 *SEC. 802. Amounts made available to the Secretary*
19 *of Transportation or to the Federal Railroad Administra-*
20 *tion in this title in this Act for the costs of award, adminis-*
21 *tration, and project management oversight of financial as-*
22 *sistance under the programs that are administered by the*
23 *Federal Railroad Administration may be transferred to a*
24 *“Financial Assistance Oversight and Technical Assistance”*
25 *account, to remain available until expended, for the nec-*

1 *essary expenses to support the award, administration,*
2 *project management oversight, and technical assistance of*
3 *programs administered by the Federal Railroad Adminis-*
4 *tration under this Act: Provided, That one-quarter of one*
5 *percent of the amounts transferred pursuant to the author-*
6 *ity in this section in each of fiscal years 2022 through 2026*
7 *shall be transferred to the Office of Inspector General of the*
8 *Department of Transportation for oversight of funding pro-*
9 *vided to the Department of Transportation in this title in*
10 *this Act: Provided further, That one-quarter of one percent*
11 *of the amounts transferred pursuant to the authority in this*
12 *section in each of fiscal years 2022 through 2026 shall be*
13 *transferred to the National Railroad Passenger Corporation*
14 *Office of Inspector General for oversight of funding provided*
15 *to the National Railroad Passenger Corporation in this title*
16 *in this Act.*

17 *FEDERAL TRANSIT ADMINISTRATION*

18 *TRANSIT INFRASTRUCTURE GRANTS*

19 *(INCLUDING TRANSFER OF FUNDS)*

20 *For an additional amount for “Transit Infrastructure*
21 *Grants”, \$10,250,000,000, to remain available until ex-*
22 *pended: Provided, That \$2,050,000,000, to remain available*
23 *until expended, shall be made available for fiscal year 2022,*
24 *\$2,050,000,000, to remain available until expended, shall*
25 *be made available for fiscal year 2023, \$2,050,000,000, to*

1 *remain available until expended, shall be made available*
2 *for fiscal year 2024, \$2,050,000,000, to remain available*
3 *until expended, shall be made available for fiscal year 2025,*
4 *and \$2,050,000,000, to remain available until expended,*
5 *shall be made available for fiscal year 2026: Provided fur-*
6 *ther, That the funds made available under this heading in*
7 *this Act shall be derived from the general fund of the Treas-*
8 *ury, shall be in addition to any other amounts made avail-*
9 *able for such purpose, and shall not affect the distribution*
10 *of funds provided in any Act making annual appropria-*
11 *tions: Provided further, That the funds made available*
12 *under this heading in this Act shall not be subject to any*
13 *limitation on obligations for the Federal Public Transpor-*
14 *tation Assistance Program set forth in any Act making an-*
15 *nual appropriations: Provided further, That, of the amount*
16 *provided under this heading in this Act, the following*
17 *amounts shall be for the following purposes in equal*
18 *amounts for each of fiscal years 2022 through 2026—*

19 (1) *\$4,750,000,000 shall be to carry out the state*
20 *of good repair grants under section 5337(c) and (d)*
21 *of title 49, United States Code;*

22 (2) *\$5,250,000,000 shall be to carry out the low*
23 *or no emission grants under section 5339(c) of title*
24 *49, United States Code; and*

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 preceding*
12 *proviso shall be transferred to the Office of Inspector Gen-*
13 *eral of the Department of Transportation for oversight of*
14 *funding provided to the Department of Transportation in*
15 *this title in this Act: 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 budget*
19 *for fiscal year 2018, and to section 251(b) of the Balanced*
20 *Budget and Emergency Deficit Control Act of 1985.*

21 *CAPITAL INVESTMENT GRANTS*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For an additional amount for “Capital Investment*
24 *Grants”, \$8,000,000,000, to remain available until ex-*
25 *pendent: Provided, That \$1,600,000,000, to remain available*

1 *until expended, shall be made available for fiscal year 2022,*
2 *\$1,600,000,000, to remain available until expended, shall*
3 *be made available for fiscal year 2023, \$1,600,000,000, to*
4 *remain available until expended, shall be made available*
5 *for fiscal year 2024, \$1,600,000,000, to remain available*
6 *until expended, shall be made available for fiscal year 2025,*
7 *and \$1,600,000,000, to remain available until expended,*
8 *shall be made available for fiscal year 2026: Provided fur-*
9 *ther, That not more than 55 percent of the funds made*
10 *available under this heading in this Act in each fiscal year*
11 *may be available for projects authorized under section*
12 *5309(d) of title 49, United States Code: Provided further,*
13 *That not more than 20 percent of the funds made available*
14 *under this heading in this Act in each fiscal year may be*
15 *available for projects authorized under section 5309(e) of*
16 *title 49, United States Code: Provided further, That not*
17 *more than 15 percent of the funds made available under*
18 *this heading in this Act in each fiscal year may be available*
19 *for projects authorized under section 5309(h) of title 49,*
20 *United States Code: Provided further, That not more than*
21 *10 percent of the funds made available under this heading*
22 *in this Act in each fiscal year may be available for projects*
23 *authorized under section 3005(b) of the Fixing America's*
24 *Surface Transportation Act: Provided further, That the Sec-*
25 *retary may adjust the percentage limitations in any of the*

1 preceding four provisos by up to 5 percent in each fiscal
2 year for which funds are made available under this heading
3 in this Act only when there are unobligated carry over bal-
4 ances from funds provided for section 5309(d), section
5 5309(e), or section 5309(h) of title 49, United States Code,
6 or section 3005(b) of the Fixing America's Transportation
7 Act that are equal to or greater than amounts provided
8 under this heading in this Act: Provided further, That for
9 each fiscal year through 2026, as part of the annual budget
10 submission of the President under section 1105(a) of title
11 31, United States Code, the Secretary of Transportation
12 shall submit a list of potential projects eligible for the funds
13 made available under this heading in this Act for that fiscal
14 year, including project locations and proposed funding
15 amounts consistent with the projects Full Funding Grant
16 Agreement annual funding profile where applicable: Pro-
17 vided further, That funds allocated to any project during
18 fiscal years 2015 or 2017 pursuant to section 5309 of title
19 49, United States Code, shall remain allocated to that
20 project through fiscal year 2023: Provided further, That
21 such amount is designated by the Congress as being for an
22 emergency requirement pursuant to section 4112(a) of H.
23 Con. Res. 71 (115th Congress), the concurrent resolution on
24 the budget for fiscal year 2018, and to section 251(b) of

1 *the Balanced Budget and Emergency Deficit Control Act*
2 *of 1985.*

3 *ALL STATIONS ACCESSIBILITY PROGRAM*

4 *(INCLUDING TRANSFER OF FUNDS)*

5 *For an additional amount for “All Stations Accessi-*
6 *bility Program”, \$1,750,000,000, to remain available until*
7 *expended, for the Secretary of Transportation to make com-*
8 *petitive grants to assist eligible entities in financing capital*
9 *projects to upgrade the accessibility of legacy rail fixed*
10 *guideway public transportation systems for persons with*
11 *disabilities, including those who use wheelchairs, by in-*
12 *creasing the number of existing (as of the date of enactment*
13 *of this Act) stations or facilities for passenger use that meet*
14 *or exceed the new construction standards of title II of the*
15 *Americans with Disabilities Act of 1990 (42 U.S.C. 12131*
16 *et seq.): Provided, That \$350,000,000, to remain available*
17 *until expended, shall be made available for fiscal year 2022,*
18 *\$350,000,000, to remain available until expended, shall be*
19 *made available for fiscal year 2023, \$350,000,000, to re-*
20 *main available until expended, shall be made available for*
21 *fiscal year 2024, \$350,000,000, to remain available until*
22 *expended, shall be made available for fiscal year 2025, and*
23 *\$350,000,000, to remain available until expended, shall be*
24 *made available for fiscal year 2026: Provided further, That*
25 *the funds made available under this heading in this Act*

1 *shall be derived from the general fund of the Treasury: Pro-*
2 *vided further, That eligible entities under this heading in*
3 *this Act shall include a State or local government authority:*
4 *Provided further, That an eligible entity may use a grant*
5 *awarded under this heading in this Act: (1) for a project*
6 *to repair, improve, modify, retrofit, or relocate infrastruc-*
7 *ture of stations or facilities for passenger use, including*
8 *load-bearing members that are an essential part of the*
9 *structural frame; or (2) to develop or modify a plan for*
10 *pursuing public transportation accessibility projects, assess-*
11 *ments of accessibility, or assessments of planned modifica-*
12 *tions to stations or facilities for passenger use: Provided*
13 *further, That eligible entities are encouraged to consult with*
14 *appropriate stakeholders and the surrounding community*
15 *to ensure accessibility for individuals with disabilities, in-*
16 *cluding accessibility for individuals with physical disabil-*
17 *ities, including those who use wheelchairs, accessibility for*
18 *individuals with sensory disabilities, and accessibility for*
19 *individuals with intellectual or developmental disabilities:*
20 *Provided further, That all projects shall at least meet the*
21 *new construction standards of title II of the Americans with*
22 *Disabilities Act of 1990: Provided further, That eligible*
23 *costs for a project funded with a grant awarded under this*
24 *heading in this Act shall be limited to the costs associated*
25 *with carrying out the purpose described in the preceding*

1 *proviso: Provided further, That an eligible entity may not*
2 *use a grant awarded under this heading in this Act to up-*
3 *grade a station or facility for passenger use that is acces-*
4 *sible to and usable by individuals with disabilities, includ-*
5 *ing individuals who use wheelchairs, consistent with cur-*
6 *rent (as of the date of the upgrade) new construction stand-*
7 *ards under title II of the Americans with Disabilities Act*
8 *of 1990 (42 U.S.C. 12131 et seq.): Provided further, That*
9 *a grant for a project made with amounts made available*
10 *under this heading in this Act shall be for 80 percent of*
11 *the net project cost: Provided further, That the total Federal*
12 *financial assistance available under chapter 53 of title 49,*
13 *United States Code, for an eligible entity that receives a*
14 *grant awarded under this heading in this Act may not ex-*
15 *ceed 80 percent: Provided further, That the recipient of a*
16 *grant made with amounts made available under this head-*
17 *ing in this Act may provide additional local matching*
18 *amounts: Provided further, That not more than two percent*
19 *of the funds made available under this heading in this Act*
20 *shall be available for administrative and oversight expenses*
21 *as authorized under section 5334 and section 5338(c) of title*
22 *49, United States Code, and shall be in addition to any*
23 *other appropriations for such purpose: Provided further,*
24 *That one-half of one percent of the of the amounts in the*
25 *preceding proviso shall be transferred to the Office of In-*

1 *spector General of the Department of Transportation for*
2 *oversight of funding provided to the Department of Trans-*
3 *portation in this title in this Act: Provided further, That*
4 *such 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 on*
7 *the budget for fiscal year 2018, and to section 251(b) of*
8 *the Balanced Budget and Emergency Deficit Control Act*
9 *of 1985.*

10 *ELECTRIC OR LOW-EMITTING FERRY PROGRAM*

11 *(INCLUDING TRANSFER OF FUNDS)*

12 *For competitive grants for electric or low-emitting*
13 *ferry pilot program grants as authorized under section*
14 *71102 of division G of this Act, \$250,000,000, to remain*
15 *available until expended: Provided, That \$50,000,000, to re-*
16 *main available until expended, shall be made available for*
17 *fiscal year 2022, \$50,000,000, to remain available until ex-*
18 *pended, shall be made available for fiscal year 2023,*
19 *\$50,000,000, to remain available until expended, shall be*
20 *made available for fiscal year 2024, \$50,000,000, to remain*
21 *available until expended, shall be made available for fiscal*
22 *year 2025, and \$50,000,000, to remain available until ex-*
23 *pended, shall be made available for fiscal year 2026: Pro-*
24 *vided further, That amounts made available under this*
25 *heading in this Act shall be derived from the general fund*

1 *of the Treasury: Provided further, That the amounts made*
2 *available under this heading in this Act shall not be subject*
3 *to any limitation on obligations for transit programs set*
4 *forth in any Act making annual appropriations: Provided*
5 *further, That not more than two percent of the funds made*
6 *available under this heading in this Act shall be available*
7 *for administrative and oversight expenses as authorized*
8 *under section 5334 and section 5338(c) of title 49, United*
9 *States Code, and shall be in addition to any other appro-*
10 *priations for such purpose: Provided further, That one-half*
11 *of one percent of the of the amounts in the preceding proviso*
12 *shall be transferred to the Office of Inspector General of the*
13 *Department of Transportation for oversight of funding pro-*
14 *vided to the Department of Transportation in this title in*
15 *this Act: Provided further, That such amount is designated*
16 *by the Congress as being for an emergency requirement pur-*
17 *suant to section 4112(a) of H. Con. Res. 71 (115th Con-*
18 *gress), the concurrent resolution on the budget for fiscal year*
19 *2018, and to section 251(b) of the Balanced Budget and*
20 *Emergency Deficit Control Act of 1985.*

21 *FERRY SERVICE FOR RURAL COMMUNITIES*

22 *(INCLUDING TRANSFER OF FUNDS)*

23 *For competitive grants to States for eligible essential*
24 *ferry service as authorized under section 71103 of division*
25 *G of this Act, \$1,000,000,000, to remain available until ex-*

1 *pended: Provided, That \$200,000,000, to remain available*
2 *until expended, shall be made available for fiscal year 2022,*
3 *\$200,000,000, to remain available until expended, shall be*
4 *made available for fiscal year 2023, \$200,000,000, to re-*
5 *main available until expended, shall be made available for*
6 *fiscal year 2024, \$200,000,000, to remain available until*
7 *expended, shall be made available for fiscal year 2025, and*
8 *\$200,000,000, to remain available until expended, shall be*
9 *made available for fiscal year 2026: Provided further, That*
10 *amounts made available under this heading in this Act*
11 *shall be derived from the general fund of the Treasury: Pro-*
12 *vided further, That amounts made available under this*
13 *heading in this Act shall not be subject to any limitation*
14 *on obligations for the Federal Public Transportation Assist-*
15 *ance Program set forth in any Act making annual appro-*
16 *priations: Provided further, That not more than two percent*
17 *of the funds made available under this heading in this Act*
18 *shall be available for administrative and oversight expenses*
19 *as authorized under section 5334 and section 5338(c) of title*
20 *49, United States Code, and shall be in addition to any*
21 *other appropriations for such purpose: Provided further,*
22 *That one-half of one percent of the amounts in the preceding*
23 *proviso shall be transferred to the Office of Inspector Gen-*
24 *eral of the Department of Transportation for oversight of*
25 *funding provided to the Department of Transportation in*

1 *this title in this Act: 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 budget*
5 *for fiscal year 2018, and to section 251(b) of the Balanced*
6 *Budget and Emergency Deficit Control Act of 1985.*

7 *MARITIME ADMINISTRATION*

8 *OPERATIONS AND TRAINING*

9 *For an additional amount for “Operations and Train-*
10 *ing”, \$25,000,000, to remain available until September 30,*
11 *2032, for the America’s Marine Highway Program to make*
12 *grants for the purposes authorized under sections*
13 *55601(b)(1) and (3) of title 46, United States Code: Pro-*
14 *vided, That such amount is designated by the Congress as*
15 *being for an emergency requirement pursuant to section*
16 *4112(a) of H. Con. Res. 71 (115th Congress), the concurrent*
17 *resolution on the budget for fiscal year 2018, and to section*
18 *251(b) of the Balanced Budget and Emergency Deficit Con-*
19 *trol Act of 1985.*

20 *PORT INFRASTRUCTURE DEVELOPMENT PROGRAM*

21 *For an additional amount for “Port Infrastructure*
22 *Development Program”, \$2,250,000,000, to remain avail-*
23 *able until September 30, 2036: Provided, That*
24 *\$450,000,000, to remain available until September 30,*
25 *2032, shall be made available for fiscal year 2022,*

1 \$450,000,000, to remain available until September 30,
2 2033, shall be made available for fiscal year 2023,
3 \$450,000,000, to remain available until September 30,
4 2034, shall be made available for fiscal year 2024,
5 \$450,000,000, to remain available until September 30,
6 2035, shall be made available for fiscal year 2025, and
7 \$450,000,000, to remain available until September 30,
8 2036, shall be made available for fiscal year 2026: *Provided*
9 *further, That for the purposes of amounts made available*
10 *under this heading in this Act and in prior Acts, and in*
11 *addition to projects already eligible for awards under this*
12 *heading, eligible projects, as defined under section*
13 *50302(c)(3) of title 46, United States Code, shall also in-*
14 *clude projects that improve the resiliency of ports to address*
15 *sea-level rise, flooding, extreme weather events, earthquakes,*
16 *and tsunami inundation, as well as projects that reduce or*
17 *eliminate port-related criteria pollutant or greenhouse gas*
18 *emissions, including projects for—*

19 (1) *Port electrification or electrification master*
20 *planning;*

21 (2) *Harbor craft or equipment replacements/ret-*
22 *rofits;*

23 (3) *Development of port or terminal micro-grids;*

24 (4) *Providing idling reduction infrastructure;*

1 (5) *Purchase of cargo handling equipment and*
2 *related infrastructure;*

3 (6) *Worker training to support electrification*
4 *technology;*

5 (7) *Installation of port bunkering facilities from*
6 *ocean-going vessels for fuels;*

7 (8) *Electric vehicle charge or hydrogen refueling*
8 *infrastructure for drayage, and medium or heavy*
9 *duty trucks and locomotives that service the port and*
10 *related grid upgrades; or*

11 (9) *Other related to port activities including*
12 *charging infrastructure, electric rubber-tired gantry*
13 *cranes, and anti-idling technologies:*

14 *Provided further, That such amount is designated by the*
15 *Congress as being for an emergency requirement pursuant*
16 *to section 4112(a) of H. Con. Res. 71 (115th Congress), the*
17 *concurrent resolution on the budget for fiscal year 2018,*
18 *and to section 251(b) of the Balanced Budget and Emer-*
19 *gency Deficit Control Act of 1985.*

1 equipment to (1) reduce incidents and fatalities and (2)
2 avoid economic losses: Provided further, That in making
3 grants from funds made available under this heading in
4 this Act, the Secretary shall establish procedures for award-
5 ing grants that take into consideration the following: (1)
6 the risk profile of the existing pipeline system operated by
7 the applicant, including the presence of pipe prone to leak-
8 age; (2) the potential of the project for creating jobs; (3)
9 the potential for benefiting disadvantaged rural and urban
10 communities; and (4) economic impact or growth: Provided
11 further, That the Secretary shall not award more than 12.5
12 percent of the funds available under this heading to a single
13 municipality or community-owned utility: Provided fur-
14 ther, That the Secretary shall issue a notice of funding op-
15 portunity not later than 180 days after each date upon
16 which funds are made available under the first proviso:
17 Provided further, That the Secretary shall make awards not
18 later than 270 days after issuing the notices of funding op-
19 portunity required under the preceding proviso: Provided
20 further, That not more than 2 percent of the amounts made
21 available in each fiscal year shall be available to pay the
22 administrative costs of carrying out the grant program
23 under this heading in this Act: Provided further, That one-
24 half of one percent of the amounts transferred pursuant to
25 the authority in this section in each of fiscal years 2022

1 *through 2026 shall be transferred to the Office of Inspector*
2 *General of the Department of Transportation for oversight*
3 *of funding provided to the Department of Transportation*
4 *in this Act: Provided further, That such amount is des-*
5 *ignated by the Congress as being for an emergency require-*
6 *ment pursuant to section 4112(a) of H. Con. Res. 71 (115th*
7 *Congress), the concurrent resolution on the budget for fiscal*
8 *year 2018, and to section 251(b) of the Balanced Budget*
9 *and Emergency Deficit Control Act of 1985.*

10 *GENERAL PROVISION—DEPARTMENT OF TRANSPORTATION*

11 *SEC. 803. Any funds transferred to the Office of In-*
12 *pector General of the Department of Transportation from*
13 *amounts made available in this division in this Act shall*
14 *remain available until expended.*

15 *TITLE IX—GENERAL PROVISIONS—THIS*

16 *DIVISION*

17 *SEC. 901. Each amount appropriated or made avail-*
18 *able by this division is in addition to amounts otherwise*
19 *appropriated for the fiscal year involved.*

20 *SEC. 902. No part of any appropriation contained in*
21 *this division shall remain available for obligation beyond*
22 *the current fiscal year unless expressly so provided herein.*

23 *SEC. 903. Unless otherwise provided for by this divi-*
24 *sion, the additional amounts appropriated by this division*
25 *to appropriations accounts for a fiscal year shall be avail-*

1 *PAYGO scorecard maintained for purposes of section 4106*
2 *of H. Con. Res. 71 (115th Congress).*

3 (c) *CLASSIFICATION OF BUDGETARY EFFECTS.—Not-*
4 *withstanding Rule 3 of the Budget Scorekeeping Guidelines*
5 *set forth in the joint explanatory statement of the committee*
6 *of conference accompanying Conference Report 105–217*
7 *and section 250(c)(7) and (c)(8) of the Balanced Budget*
8 *and Emergency Deficit Control Act of 1985, the budgetary*
9 *effects of this division and amounts rescinded in section*
10 *90007 of division I that were previously designated by the*
11 *Congress as an emergency requirement pursuant to section*
12 *251(b)(2)(A)(i) of the Balanced Budget and Emergency*
13 *Deficit Control Act of 1985 shall be estimated for purposes*
14 *of section 251 of such Act and as appropriations for discre-*
15 *tionary accounts for purposes of the allocation to the Com-*
16 *mittee on Appropriations pursuant to section 302(a) of the*
17 *Congressional Budget Act of 1974 and section 4112 of H.*
18 *Con. Res. 71 (115th Congress), the concurrent resolution on*
19 *the budget for fiscal year 2018.*

20 *This division may be cited as the “Infrastructure In-*
21 *vestments and Jobs Appropriations Act”.*

1 ***DIVISION K—MINORITY***
2 ***BUSINESS DEVELOPMENT***

3 ***SEC. 100001. SHORT TITLE.***

4 *This division may be cited as the “Minority Business*
5 *Development Act of 2021”.*

6 ***SEC. 100002. DEFINITIONS.***

7 *In this division:*

8 (1) *AGENCY.*—*The term “Agency” means the Mi-*
9 *nority Business Development Agency of the Depart-*
10 *ment of Commerce.*

11 (2) *COMMUNITY-BASED ORGANIZATION.*—*The*
12 *term “community-based organization” has the mean-*
13 *ing given the term in section 8101 of the Elementary*
14 *and Secondary Education Act of 1965 (20 U.S.C.*
15 *7801).*

16 (3) *ELIGIBLE ENTITY.*—*Except as otherwise ex-*
17 *pressly provided, the term “eligible entity”—*

18 (A) *means—*

19 (i) *a private sector entity;*

20 (ii) *a public sector entity; or*

21 (iii) *a Native entity; and*

22 (B) *includes an institution of higher edu-*
23 *cation.*

1 (4) *FEDERAL AGENCY*.—The term “Federal agen-
2 cy” has the meaning given the term “agency” in sec-
3 tion 551 of title 5, United States Code.

4 (5) *FEDERALLY RECOGNIZED AREA OF ECONOMIC*
5 *DISTRESS*.—The term “federally recognized area of
6 economic distress” means—

7 (A) a *HUBZone*, as that term is defined in
8 section 31(b) of the *Small Business Act* (15
9 U.S.C. 657a(b));

10 (B) an area that—

11 (i) has been designated as—

12 (I) an empowerment zone under
13 section 1391 of the *Internal Revenue*
14 Code of 1986; or

15 (II) a *Promise Zone* by the *Sec-*
16 *retary of Housing and Urban Develop-*
17 *ment*; or

18 (ii) is a low or moderate income area,
19 as determined by the *Department of Hous-*
20 *ing and Urban Development*;

21 (C) a *qualified opportunity zone*, as that
22 term is defined in section 1400Z–1 of the *Inter-*
23 *nal Revenue Code* of 1986; or

24 (D) any other political subdivision or unin-
25 corporated area of a State determined by the

1 *Under Secretary to be an area of economic dis-*
2 *tress.*

3 (6) *INSTITUTION OF HIGHER EDUCATION.*—*The*
4 *term “institution of higher education” has the mean-*
5 *ing given the term in section 101 of the Higher Edu-*
6 *cation Act of 1965 (20 U.S.C. 1001).*

7 (7) *MBDA BUSINESS CENTER.*—*The term*
8 *“MBDA Business Center” means a business center*
9 *that—*

10 *(A) is established by the Agency; and*

11 *(B) provides technical business assistance to*
12 *minority business enterprises consistent with the*
13 *requirements of this division.*

14 (8) *MBDA BUSINESS CENTER AGREEMENT.*—*The*
15 *term “MBDA Business Center agreement” means a*
16 *legal instrument—*

17 *(A) reflecting a relationship between the*
18 *Agency and the recipient of a Federal assistance*
19 *award that is the subject of the instrument; and*

20 *(B) that establishes the terms by which the*
21 *recipient described in subparagraph (A) shall*
22 *operate an MBDA Business Center.*

23 (9) *MINORITY BUSINESS ENTERPRISE.*—

1 (A) *IN GENERAL.*—*The term “minority*
2 *business enterprise” means a business enter-*
3 *prise—*

4 (i) *that is not less than 51 percent-*
5 *owned by 1 or more socially or economically*
6 *disadvantaged individuals; and*

7 (ii) *the management and daily busi-*
8 *ness operations of which are controlled by 1*
9 *or more socially or economically disadvan-*
10 *taged individuals.*

11 (B) *RULE OF CONSTRUCTION.*—*Nothing in*
12 *subparagraph (A) may be construed to exclude a*
13 *business enterprise from qualifying as a “minor-*
14 *ity business enterprise” under that subparagraph*
15 *because of—*

16 (i) *the status of the business enterprise*
17 *as a for-profit or not-for-profit enterprise;*
18 *or*

19 (ii) *the annual revenue of the business*
20 *enterprise.*

21 (10) *NATIVE ENTITY.*—*The term “Native entity”*
22 *means—*

23 (A) *a Tribal Government;*

24 (B) *an Alaska Native village or Regional or*
25 *Village Corporation, as defined in or established*

1 *pursuant to the Alaska Native Claims Settlement*
2 *Act (43 U.S.C. 1601 et seq.);*

3 *(C) a Native Hawaiian organization, as*
4 *that term is defined in section 6207 of the Ele-*
5 *mentary and Secondary Education Act of 1965*
6 *(20 U.S.C. 7517);*

7 *(D) the Department of Hawaiian Home*
8 *Lands; and*

9 *(E) the Office of Hawaiian Affairs.*

10 (11) *PRIVATE SECTOR ENTITY.*—*The term “pri-*
11 *vate sector entity”*—

12 *(A) means an entity that is not a public*
13 *sector entity; and*

14 *(B) does not include—*

15 *(i) the Federal Government;*

16 *(ii) any Federal agency; or*

17 *(iii) any instrumentality of the Fed-*
18 *eral Government.*

19 (12) *PUBLIC SECTOR ENTITY.*—*The term “public*
20 *sector entity” means—*

21 *(A) a State;*

22 *(B) an agency of a State;*

23 *(C) a political subdivision of a State;*

24 *(D) an agency of a political subdivision of*
25 *a State; or*

1 (E) a Native entity.

2 (13) *SECRETARY*.—The term “Secretary” means
3 the Secretary of Commerce.

4 (14) *SOCIALLY OR ECONOMICALLY DISADVAN-*
5 *TAGED BUSINESS CONCERN*.—The term “socially or
6 economically disadvantaged business concern” means
7 a for-profit business enterprise—

8 (A)(i) that is not less than 51 percent
9 owned by 1 or more socially or economically dis-
10 advantaged individuals; or

11 (ii) that is socially or economically dis-
12 advantaged; or

13 (B) the management and daily business op-
14 erations of which are controlled by 1 or more so-
15 cially or economically disadvantaged individ-
16 uals.

17 (15) *SOCIALLY OR ECONOMICALLY DISADVAN-*
18 *TAGED INDIVIDUAL*.—

19 (A) *IN GENERAL*.—The term “socially or
20 economically disadvantaged individual” means
21 an individual who has been subjected to racial or
22 ethnic prejudice or cultural bias (or the ability
23 of whom to compete in the free enterprise system
24 has been impaired due to diminished capital and
25 credit opportunities, as compared to others in

1 *the same line of business and competitive market*
2 *area) because of the identity of the individual as*
3 *a member of a group, without regard to any in-*
4 *dividual quality of the individual that is unre-*
5 *lated to that identity.*

6 (B) *PRESUMPTION.*—*In carrying out this*
7 *division, the Under Secretary shall presume that*
8 *the term “socially or economically disadvantaged*
9 *individual” includes any individual who is—*

10 (i) *Black or African American;*

11 (ii) *Hispanic or Latino;*

12 (iii) *American Indian or Alaska Na-*
13 *tive;*

14 (iv) *Asian;*

15 (v) *Native Hawaiian or other Pacific*
16 *Islander; or*

17 (vi) *a member of a group that the*
18 *Agency determines under part 1400 of title*
19 *15, Code of Federal Regulations, as in effect*
20 *on November 23, 1984, is a socially dis-*
21 *advantaged group eligible to receive assist-*
22 *ance.*

23 (16) *SPECIALTY CENTER.*—*The term “specialty*
24 *center” means an MBDA Business Center that pro-*

1 *vides specialty services focusing on specific business*
2 *needs, including assistance relating to—*

3 *(A) capital access;*

4 *(B) Federal procurement;*

5 *(C) entrepreneurship;*

6 *(D) technology transfer; or*

7 *(E) any other area determined necessary or*
8 *appropriate based on the priorities of the Agen-*
9 *cy.*

10 *(17) STATE.—The term “State” means—*

11 *(A) each of the States of the United States;*

12 *(B) the District of Columbia;*

13 *(C) the Commonwealth of Puerto Rico;*

14 *(D) the United States Virgin Islands;*

15 *(E) Guam;*

16 *(F) American Samoa;*

17 *(G) the Commonwealth of the Northern*
18 *Mariana Islands; and*

19 *(H) each Tribal Government.*

20 *(18) TRIBAL GOVERNMENT.—The term “Tribal*
21 *Government” means the recognized governing body of*
22 *any Indian or Alaska Native tribe, band, nation,*
23 *pueblo, village, community, component band, or com-*
24 *ponent reservation, individually identified (including*
25 *parenthetically) in the list published most recently as*

1 *of the date of enactment of this division pursuant to*
2 *section 104 of the Federally Recognized Indian Tribe*
3 *List Act of 1994 (25 U.S.C. 5131).*

4 (19) *UNDER SECRETARY.*—*The term “Under*
5 *Secretary” means the Under Secretary of Commerce*
6 *for Minority Business Development, who is appointed*
7 *as described in section _____3(b) to administer this*
8 *division.*

9 **SEC. 100003. MINORITY BUSINESS DEVELOPMENT AGENCY.**

10 (a) *IN GENERAL.*—*There is within the Department of*
11 *Commerce the Minority Business Development Agency.*

12 (b) *UNDER SECRETARY.*—

13 (1) *APPOINTMENT AND DUTIES.*—*The Agency*
14 *shall be headed by the Under Secretary of Commerce*
15 *for Minority Business Development, who shall—*

16 (A) *be appointed by the President, by and*
17 *with the advice and consent of the Senate;*

18 (B) *except as otherwise expressly provided,*
19 *be responsible for the administration of this divi-*
20 *sion; and*

21 (C) *report directly to the Secretary.*

22 (2) *COMPENSATION.*—

23 (A) *IN GENERAL.*—*The Under Secretary*
24 *shall be compensated at an annual rate of basic*
25 *pay prescribed for level III of the Executive*

1 *Schedule under section 5314 of title 5, United*
2 *States Code.*

3 (B) *TECHNICAL AND CONFORMING AMEND-*
4 *MENT.—Section 5314 of title 5, United States*
5 *Code, is amended by striking “and Under Sec-*
6 *retary of Commerce for Travel and Tourism”*
7 *and inserting “Under Secretary of Commerce for*
8 *Travel and Tourism, and Under Secretary of*
9 *Commerce for Minority Business Development”.*

10 (3) *REFERENCES.—Any reference in a law, map,*
11 *regulation, document, paper, or other record of the*
12 *United States to the Director of the Agency shall be*
13 *deemed to be a reference to the Under Secretary.*

14 (c) *REPORT TO CONGRESS.—Not later than 120 days*
15 *after the date of enactment of this Act, the Secretary shall*
16 *submit to Congress a report that describes—*

17 (1) *the organizational structure of the Agency;*

18 (2) *the organizational position of the Agency*
19 *within the Department of Commerce; and*

20 (3) *a description of how the Agency shall func-*
21 *tion in relation to the operations carried out by each*
22 *other component of the Department of Commerce.*

23 (d) *OFFICE OF BUSINESS CENTERS.—*

24 (1) *ESTABLISHMENT.—There is established with-*
25 *in the Agency the Office of Business Centers.*

1 (2) *DIRECTOR.*—*The Office of Business Centers*
2 *shall be administered by a Director, who shall be ap-*
3 *pointed by the Under Secretary.*

4 (e) *OFFICES OF THE AGENCY.*—

5 (1) *IN GENERAL.*—*In addition to the regional of-*
6 *fices that the Under Secretary is required to establish*
7 *under paragraph (2), the Under Secretary shall estab-*
8 *lish such other offices within the Agency as are nec-*
9 *essary to carry out this division.*

10 (2) *REGIONAL OFFICES.*—

11 (A) *IN GENERAL.*—*In order to carry out*
12 *this division, the Under Secretary shall establish*
13 *a regional office of the Agency for each of the re-*
14 *gions of the United States, as determined by the*
15 *Under Secretary.*

16 (B) *DUTIES.*—*Each regional office estab-*
17 *lished under subparagraph (A) shall expand the*
18 *reach of the Agency and enable the Federal Gov-*
19 *ernment to better serve the needs of minority*
20 *business enterprises in the region served by the*
21 *office, including by—*

22 (i) *understanding and participating in*
23 *the business environment of that region;*

24 (ii) *working with—*

1 (I) MBDA Business Centers that
2 are located in that region;

3 (II) resource and lending partners
4 of other appropriate Federal agencies
5 that are located in that region; and

6 (III) Federal, State, and local
7 procurement offices that are located in
8 that region;

9 (iii) being aware of business retention
10 or expansion programs that are specific to
11 that region;

12 (iv) seeking out opportunities to col-
13 laborate with regional public and private
14 programs that focus on minority business
15 enterprises; and

16 (v) promoting business continuity and
17 preparedness.

18 **TITLE I—EXISTING INITIATIVES**

19 **Subtitle A—Market Development,**
20 **Research, and Information**

21 **SEC. 100101. PRIVATE SECTOR DEVELOPMENT.**

22 The Under Secretary shall, whenever the Under Sec-
23 retary determines such action is necessary or appropriate—

24 (1) provide Federal assistance to minority busi-
25 ness enterprises operating in domestic and foreign

1 *markets by making available to those business enter-*
2 *prises, either directly or in cooperation with private*
3 *sector entities, including community-based organiza-*
4 *tions and national nonprofit organizations—*

5 *(A) resources relating to management;*

6 *(B) technological and technical assistance;*

7 *(C) financial, legal, and marketing services;*

8 *and*

9 *(D) services relating to workforce develop-*
10 *ment;*

11 *(2) encourage minority business enterprises to es-*
12 *tablish joint ventures and projects—*

13 *(A) with other minority business enter-*
14 *prises; or*

15 *(B) in cooperation with public sector enti-*
16 *ties or private sector entities, including commu-*
17 *nity-based organizations and national nonprofit*
18 *organizations, to increase the share of any mar-*
19 *ket activity being performed by minority busi-*
20 *ness enterprises; and*

21 *(3) facilitate the efforts of private sector entities*
22 *and Federal agencies to advance the growth of minor-*
23 *ity business enterprises.*

1 **SEC. 100102. PUBLIC SECTOR DEVELOPMENT.**

2 *The Under Secretary shall, whenever the Under Sec-*
3 *retary determines such action is necessary or appropriate—*

4 *(1) consult and cooperate with public sector enti-*
5 *ties for the purpose of leveraging resources available*
6 *in the jurisdictions of those public sector entities to*
7 *promote the position of minority business enterprises*
8 *in the local economies of those public sector entities,*
9 *including by assisting public sector entities to estab-*
10 *lish or enhance—*

11 *(A) programs to procure goods and services*
12 *through minority business enterprises and goals*
13 *for that procurement;*

14 *(B) programs offering assistance relating*
15 *to—*

16 *(i) management;*

17 *(ii) technology;*

18 *(iii) law;*

19 *(iv) financing, including accounting;*

20 *(v) marketing; and*

21 *(vi) workforce development; and*

22 *(C) informational programs designed to in-*
23 *form minority business enterprises located in the*
24 *jurisdictions of those public sector entities about*
25 *the availability of programs described in this*
26 *section;*

1 (2) *meet with leaders and officials of public sec-*
2 *tor entities for the purpose of recommending and pro-*
3 *moting local administrative and legislative initiatives*
4 *needed to advance the position of minority business*
5 *enterprises in the local economies of those public sec-*
6 *tor entities; and*

7 (3) *facilitate the efforts of public sector entities*
8 *and Federal agencies to advance the growth of minor-*
9 *ity business enterprises.*

10 **SEC. 100103. RESEARCH AND INFORMATION.**

11 (a) *IN GENERAL.*—*In order to achieve the purposes of*
12 *this division, the Under Secretary—*

13 (1) *shall—*

14 (A) *collect and analyze data, including data*
15 *relating to the causes of the success or failure of*
16 *minority business enterprises;*

17 (B) *conduct research, studies, and surveys*
18 *of—*

19 (i) *economic conditions generally in*
20 *the United States; and*

21 (ii) *how the conditions described in*
22 *clause (i) particularly affect the develop-*
23 *ment of minority business enterprises; and*

24 (C) *provide outreach, educational services,*
25 *and technical assistance in, at a minimum, the*

1 5 most commonly spoken languages in the
2 United States to ensure that limited English
3 proficient individuals receive culturally and lin-
4 guistically appropriate access to the services and
5 information provided by the Agency; and

6 (2) may perform an evaluation of programs car-
7 ried out by the Under Secretary that are designed to
8 assist the development of minority business enter-
9 prises.

10 (b) *INFORMATION CLEARINGHOUSE.*—The Under Sec-
11 retary shall—

12 (1) establish and maintain an information clear-
13 inghouse for the collection and dissemination to rel-
14 evant parties (including business owners and re-
15 searchers) of demographic, economic, financial, mana-
16 gerial, and technical data relating to minority busi-
17 ness enterprises; and

18 (2) take such steps as the Under Secretary may
19 determine to be necessary and desirable to—

20 (A) search for, collect, classify, coordinate,
21 integrate, record, and catalog the data described
22 in paragraph (1); and

23 (B) in a manner that is consistent with sec-
24 tion 552a of title 5, United States Code, protect
25 the privacy of the minority business enterprises

1 to which the data described in paragraph (1) re-
2 lates.

3 **Subtitle B—Minority Business De-**
4 **velopment Agency Business Cen-**
5 **ter Program**

6 **SEC. 100111. DEFINITION.**

7 In this subtitle, the term “MBDA Business Center Pro-
8 gram” means the program established under section
9 _____113.

10 **SEC. 100112. PURPOSE.**

11 The purpose of the MBDA Business Center Program
12 shall be to create a national network of public-private part-
13 nerships that—

14 (1) assist minority business enterprises in—

15 (A) accessing capital, contracts, and grants;

16 and

17 (B) creating and maintaining jobs;

18 (2) provide counseling and mentoring to minor-
19 ity business enterprises; and

20 (3) facilitate the growth of minority business en-
21 terprises by promoting trade.

22 **SEC. 100113. ESTABLISHMENT.**

23 (a) *IN GENERAL.*—There is established in the Agency
24 a program—

1 (1) *that shall be known as the MBDA Business*
2 *Center Program;*

3 (2) *that shall be separate and distinct from the*
4 *efforts of the Under Secretary under section*
5 *_____101; and*

6 (3) *under which the Under Secretary shall make*
7 *Federal assistance awards to eligible entities to oper-*
8 *ate MBDA Business Centers, which shall, in accord-*
9 *ance with section _____114, provide technical assist-*
10 *ance and business development services, or specialty*
11 *services, to minority business enterprises.*

12 (b) *COVERAGE.—The Under Secretary shall take all*
13 *necessary actions to ensure that the MBDA Business Center*
14 *Program, in accordance with section _____114, offers the*
15 *services described in subsection (a)(3) in all regions of the*
16 *United States.*

17 **SEC. 100114. GRANTS AND COOPERATIVE AGREEMENTS.**

18 (a) *REQUIREMENTS.—An MBDA Business Center (re-*
19 *ferred to in this subtitle as a “Center”), with respect to the*
20 *Federal financial assistance award made to operate the*
21 *Center under the MBDA Business Center Program—*

22 (1) *shall—*

23 (A) *provide to minority business enterprises*
24 *programs and services determined to be appro-*

1 *priate by the Under Secretary, which may in-*
2 *clude—*

3 *(i) referral services to meet the needs of*
4 *minority business enterprises; and*

5 *(ii) programs and services to accom-*
6 *plish the goals described in section*
7 *_____101(1);*

8 *(B) develop, cultivate, and maintain a net-*
9 *work of strategic partnerships with organizations*
10 *that foster access by minority business enter-*
11 *prises to economic markets, capital, or contracts;*

12 *(C) continue to upgrade and modify the*
13 *services provided by the Center, as necessary, in*
14 *order to meet the changing and evolving needs of*
15 *the business community;*

16 *(D) establish or continue a referral relation-*
17 *ship with not less than 1 community-based orga-*
18 *nization; and*

19 *(E) collaborate with other Centers; and*

20 *(2) in providing programs and services under*
21 *the applicable MBDA Business Center agreement,*
22 *may—*

23 *(A) operate on a fee-for-service basis; or*

24 *(B) generate income through the collection*
25 *of—*

- 1 (i) *client fees;*
2 (ii) *membership fees; and*
3 (iii) *any other appropriate fees pro-*
4 *posed by the Center in the application sub-*
5 *mitted by the Center under subsection (e).*

6 (b) *TERM.*—*Subject to subsection (g)(3), the term of*
7 *an MBDA Business Center agreement shall be not less than*
8 *3 years.*

9 (c) *FINANCIAL ASSISTANCE.*—

10 (1) *IN GENERAL.*—*The amount of financial as-*
11 *sistance provided by the Under Secretary under an*
12 *MBDA Business Center agreement shall be not less*
13 *than \$250,000 for the term of the agreement.*

14 (2) *MATCHING REQUIREMENT.*—

15 (A) *IN GENERAL.*—*A Center shall match*
16 *not less than $\frac{1}{3}$ of the amount of the financial*
17 *assistance awarded to the Center under the terms*
18 *of the applicable MBDA Business Center agree-*
19 *ment, unless the Under Secretary determines*
20 *that a waiver of that requirement is necessary*
21 *after a demonstration by the Center of a substan-*
22 *tial need for that waiver.*

23 (B) *FORM OF FUNDS.*—*A Center may meet*
24 *the matching requirement under subparagraph*
25 *(A) by using—*

1 (i) *cash or in-kind contributions, with-*
2 *out regard to whether the contribution is*
3 *made by a third party; or*

4 (ii) *Federal funds received from other*
5 *Federal programs.*

6 (3) *USE OF FINANCIAL ASSISTANCE AND PRO-*
7 *GRAM INCOME.—A Center shall use—*

8 (A) *all financial assistance awarded to the*
9 *Center under the applicable MBDA Business*
10 *Center agreement to carry out subsection (a);*
11 *and*

12 (B) *all income that the Center generates in*
13 *carrying out subsection (a)—*

14 (i) *to meet the matching requirement*
15 *under paragraph (2) of this subsection; and*

16 (ii) *if the Center meets the matching*
17 *requirement under paragraph (2) of this*
18 *subsection, to carry out subsection (a).*

19 (d) *CRITERIA FOR SELECTION.—The Under Secretary*
20 *shall—*

21 (1) *establish criteria that—*

22 (A) *the Under Secretary shall use in deter-*
23 *mining whether to enter into an MBDA Business*
24 *Center agreement with an eligible entity; and*

1 (B) may include criteria relating to whether
2 an eligible entity is located in—

3 (i) an area, the population of which is
4 composed of not less than 51 percent so-
5 cially or economically disadvantaged indi-
6 viduals, as determined in accordance with
7 data collected by the Bureau of the Census;

8 (ii) a federally recognized area of eco-
9 nomic distress; or

10 (iii) a State that is underserved with
11 respect to the MBDA Business Center Pro-
12 gram, as defined by the Under Secretary;
13 and

14 (2) make the criteria and standards established
15 under paragraph (1) publicly available, including—

16 (A) on the website of the Agency; and

17 (B) in each Notice of Funding Opportunity
18 soliciting MBDA Business Center agreements.

19 (e) *APPLICATIONS.*—An eligible entity desiring to
20 enter into an MBDA Business Center agreement shall sub-
21 mit to the Under Secretary an application that includes—

22 (1) a statement of—

23 (A) how the eligible entity will carry out
24 subsection (a); and

1 (B) any experience or plans of the eligible
2 entity with respect to—

3 (i) assisting minority business enter-
4 prises to—

5 (I) obtain—

6 (aa) large-scale contracts,
7 grants, or procurements;

8 (bb) financing; or

9 (cc) legal assistance;

10 (II) access established supply
11 chains; and

12 (III) engage in—

13 (aa) joint ventures, teaming
14 arrangements, and mergers and
15 acquisitions; or

16 (bb) large-scale transactions
17 in global markets;

18 (ii) supporting minority business en-
19 terprises in increasing the size of the
20 workforces of those enterprises, including,
21 with respect to a minority business enter-
22 prise that does not have employees, aiding
23 the minority business enterprise in becom-
24 ing an enterprise that has employees; and

1 (iii) *advocating for minority business*
2 *enterprises; and*

3 (2) *the budget and corresponding budget nar-*
4 *rative that the eligible entity will use in carrying out*
5 *subsection (a) during the term of the applicable*
6 *MBDA Business Center agreement.*

7 (f) *NOTIFICATION.—If the Under Secretary grants an*
8 *application of an eligible entity submitted under subsection*
9 *(e), the Under Secretary shall notify the eligible entity that*
10 *the application has been granted not later than 150 days*
11 *after the last day on which an application may be sub-*
12 *mitted under that subsection.*

13 (g) *PROGRAM EXAMINATION; ACCREDITATION; EXTEN-*
14 *SIONS.—*

15 (1) *EXAMINATION.—Not later than 180 days*
16 *after the date of enactment of this Act, and biennially*
17 *thereafter, the Under Secretary shall conduct a pro-*
18 *grammatic financial examination of each Center.*

19 (2) *ACCREDITATION.—The Under Secretary may*
20 *provide financial support, by contract or otherwise, to*
21 *an association, not less than 51 percent of the mem-*
22 *bers of which are Centers, to—*

23 (A) *pursue matters of common concern with*
24 *respect to Centers; and*

1 (B) develop an accreditation program with
2 respect to Centers.

3 (3) *EXTENSIONS.*—

4 (A) *IN GENERAL.*—*The Under Secretary*
5 *may extend the term under subsection (b) of an*
6 *MBDA Business Center agreement to which a*
7 *Center is a party, if the Center consents to the*
8 *extension.*

9 (B) *FINANCIAL ASSISTANCE.*—*If the Under*
10 *Secretary extends the term of an MBDA Busi-*
11 *ness Center agreement under paragraph (1), the*
12 *Under Secretary shall, in the same manner and*
13 *amount in which financial assistance was pro-*
14 *vided during the initial term of the agreement,*
15 *provide financial assistance under the agreement*
16 *during the extended term of the agreement.*

17 (h) *MBDA INVOLVEMENT.*—*The Under Secretary may*
18 *take actions to ensure that the Agency is substantially in-*
19 *olved in the activities of Centers in carrying out subsection*
20 *(a), including by—*

21 (1) *providing to each Center training relating to*
22 *the MBDA Business Center Program;*

23 (2) *requiring that the operator and staff of each*
24 *Center—*

25 (A) *attend—*

1 (i) a conference with the Agency to es-
2 tablish the services and programs that the
3 Center will provide in carrying out the re-
4 quirements before the date on which the
5 Center begins providing those services and
6 programs; and

7 (ii) training provided under para-
8 graph (1);

9 (B) receive necessary guidance relating to
10 carrying out the requirements under subsection
11 (a); and

12 (C) work in coordination and collaboration
13 with the Under Secretary to carry out the
14 MBDA Business Center Program and other pro-
15 grams of the Agency;

16 (3) facilitating connections between Centers
17 and—

18 (A) Federal agencies other than the Agency,
19 as appropriate; and

20 (B) other institutions or entities that use
21 Federal resources, such as—

22 (i) small business development centers,
23 as that term is defined in section 3(t) of the
24 Small Business Act (15 U.S.C. 632(t));

1 (ii) *women’s business centers described*
2 *in section 29 of the Small Business Act (15*
3 *U.S.C. 656);*

4 (iii) *eligible entities, as that term is*
5 *defined in section 2411 of title 10, United*
6 *States Code, that provide services under the*
7 *program carried out under chapter 142 of*
8 *that title; and*

9 (iv) *entities participating in the Hol-*
10 *lings Manufacturing Extension Partnership*
11 *Program established under section 25 of the*
12 *National Institute of Standards and Tech-*
13 *nology Act (15 U.S.C. 278k);*

14 (4) *monitoring projects carried out by each Cen-*
15 *ter; and*

16 (5) *establishing and enforcing administrative*
17 *and reporting requirements for each Center to carry*
18 *out subsection (a).*

19 (i) *REGULATIONS.—The Under Secretary shall issue*
20 *and publish regulations that establish minimum standards*
21 *regarding verification of minority business enterprise status*
22 *for clients of entities operating under the MBDA Business*
23 *Center Program.*

1 **SEC. 100115. MINIMIZING DISRUPTIONS TO EXISTING MBDA**
2 **BUSINESS CENTER PROGRAM.**

3 *The Under Secretary shall ensure that each Federal*
4 *assistance award made under the Business Centers program*
5 *of the Agency, as is in effect on the day before the date of*
6 *enactment of this Act, is carried out in a manner that, to*
7 *the greatest extent practicable, prevents disruption of any*
8 *activity carried out under that award.*

9 **SEC. 100116. PUBLICITY.**

10 *In carrying out the MBDA Business Center Program,*
11 *the Under Secretary shall widely publicize the MBDA Busi-*
12 *ness Center Program, including—*

13 *(1) on the website of the Agency;*

14 *(2) via social media outlets; and*

15 *(3) by sharing information relating to the*
16 *MBDA Business Center Program with community-*
17 *based organizations, including interpretation groups*
18 *where necessary, to communicate in the most common*
19 *languages spoken by the groups served by those orga-*
20 *nizations.*

1 **TITLE II—NEW INITIATIVES TO**
2 **PROMOTE ECONOMIC RESIL-**
3 **IENCY FOR MINORITY BUSI-**
4 **NESSES**

5 **SEC. 100201. ANNUAL DIVERSE BUSINESS FORUM ON CAP-**
6 **ITAL FORMATION.**

7 (a) *RESPONSIBILITY OF AGENCY.*—Not later than 18
8 months after the date of enactment of this Act, and annu-
9 ally thereafter, the Under Secretary shall conduct a Govern-
10 ment-business forum to review the current status of prob-
11 lems and programs relating to capital formation by minor-
12 ity business enterprises.

13 (b) *PARTICIPATION IN FORUM PLANNING.*—The Under
14 Secretary shall invite the heads of other Federal agencies,
15 such as the Chairman of the Securities and Exchange Com-
16 mission, the Secretary of the Treasury, and the Chairman
17 of the Board of Governors of the Federal Reserve System,
18 organizations representing State securities commissioners,
19 representatives of leading minority chambers of commerce,
20 not less than 1 certified owner of a minority business enter-
21 prise, business organizations, and professional organiza-
22 tions concerned with capital formation to participate in the
23 planning of each forum conducted under subsection (a).

24 (c) *PREPARATION OF STATEMENTS AND REPORTS.*—

1 (1) *REQUESTS.*—*The Under Secretary may re-*
2 *quest that any head of a Federal agency, department,*
3 *or organization, including those described in sub-*
4 *section (b), or any other group or individual, prepare*
5 *a statement or report to be delivered at any forum*
6 *conducted under subsection (a).*

7 (2) *COOPERATION.*—*Any head of a Federal agen-*
8 *cy, department, or organization who receives a re-*
9 *quest under paragraph (1) shall, to the greatest extent*
10 *practicable, cooperate with the Under Secretary to*
11 *fulfill that request.*

12 (d) *TRANSMITTAL OF PROCEEDINGS AND FINDINGS.*—
13 *The Under Secretary shall—*

14 (1) *prepare a summary of the proceedings of*
15 *each forum conducted under subsection (a), which*
16 *shall include the findings and recommendations of the*
17 *forum; and*

18 (2) *transmit the summary described in para-*
19 *graph (1) with respect to each forum conducted under*
20 *subsection (a) to—*

21 (A) *the participants in the forum;*

22 (B) *Congress; and*

23 (C) *the public, through a publicly available*
24 *website.*

1 (e) *REVIEW OF FINDINGS AND RECOMMENDATIONS;*
2 *PUBLIC STATEMENTS.*—

3 (1) *IN GENERAL.*—*A Federal agency to which a*
4 *finding or recommendation described in subsection*
5 *(d)(1) relates shall—*

6 (A) *review that finding or recommendation;*
7 *and*

8 (B) *promptly after the finding or rec-*
9 *ommendation is transmitted under subsection*
10 *(d)(2)(C), issue a public statement—*

11 (i) *assessing the finding or rec-*
12 *ommendation; and*

13 (ii) *disclosing the action, if any, the*
14 *Federal agency intends to take with respect*
15 *to the finding or recommendation.*

16 (2) *JOINT STATEMENT PERMITTED.*—*If a finding*
17 *or recommendation described in subsection (d)(1) re-*
18 *lates to more than 1 Federal agency, the applicable*
19 *Federal agencies may, for the purposes of the public*
20 *statement required under paragraph (1)(B), issue a*
21 *joint statement.*

22 **SEC. 100202. AGENCY STUDY ON ALTERNATIVE FINANCING**
23 **SOLUTIONS.**

24 (a) *PURPOSE.*—*The purpose of this section is to pro-*
25 *vide information relating to alternative financing solutions*

1 *to minority business enterprises, as those business enter-*
2 *prises are more likely to struggle in accessing, particularly*
3 *at affordable rates, traditional sources of capital.*

4 (b) *STUDY AND REPORT.*—*Not later than 1 year after*
5 *the date of enactment of this Act, the Under Secretary*
6 *shall—*

7 (1) *conduct a study on opportunities for pro-*
8 *viding alternative financing solutions to minority*
9 *business enterprises; and*

10 (2) *submit to Congress, and publish on the*
11 *website of the Agency, a report describing the findings*
12 *of the study carried out under paragraph (1).*

13 **SEC. 100203. EDUCATIONAL DEVELOPMENT RELATING TO**
14 **MANAGEMENT AND ENTREPRENEURSHIP.**

15 (a) *DUTIES.*—*The Under Secretary shall, whenever the*
16 *Under Secretary determines such action is necessary or ap-*
17 *propriate—*

18 (1) *promote the education and training of so-*
19 *cially or economically disadvantaged individuals in*
20 *subjects directly relating to business administration*
21 *and management;*

22 (2) *encourage institutions of higher education,*
23 *leaders in business and industry, and other public*
24 *sector entities and private sector entities, particularly*
25 *minority business enterprises, to—*

1 (A) develop programs to offer scholarships
2 and fellowships, apprenticeships, and internships
3 relating to business to socially or economically
4 disadvantaged individuals; and

5 (B) sponsor seminars, conferences, and
6 similar activities relating to business for the ben-
7 efit of socially or economically disadvantaged in-
8 dividuals;

9 (3) stimulate and accelerate curriculum design
10 and improvement in support of development of mi-
11 nority business enterprises; and

12 (4) encourage and assist private institutions and
13 organizations and public sector entities to undertake
14 activities similar to the activities described in para-
15 graphs (1), (2), and (3).

16 (b) *PARREN J. MITCHELL ENTREPRENEURSHIP EDU-*
17 *CATION GRANTS.*—

18 (1) *DEFINITION.*—*In this subsection, the term*
19 *“eligible institution” means an institution of higher*
20 *education described in any of paragraphs (1) through*
21 *(7) of section 371(a) of the Higher Education Act of*
22 *1965 (20 U.S.C. 1067q(a)).*

23 (2) *GRANTS.*—*The Under Secretary shall award*
24 *grants to eligible institutions to develop and imple-*
25 *ment entrepreneurship curricula.*

1 (3) *REQUIREMENTS.*—*An eligible institution to*
2 *which a grant is awarded under this subsection shall*
3 *use the grant funds to—*

4 (A) *develop a curriculum that includes*
5 *training in various skill sets needed by contem-*
6 *porary successful entrepreneurs, including—*

7 (i) *business management and mar-*
8 *keting;*

9 (ii) *financial management and ac-*
10 *counting;*

11 (iii) *market analysis;*

12 (iv) *competitive analysis;*

13 (v) *innovation;*

14 (vi) *strategic and succession planning;*

15 (vii) *marketing;*

16 (viii) *general management;*

17 (ix) *technology and technology adop-*
18 *tion;*

19 (x) *leadership; and*

20 (xi) *human resources; and*

21 (B) *implement the curriculum developed*
22 *under subparagraph (A) at the eligible institu-*
23 *tion.*

24 (4) *IMPLEMENTATION TIMELINE.*—*The Under*
25 *Secretary shall establish and publish a timeline under*

1 *which an eligible institution to which a grant is*
2 *awarded under this section shall carry out the re-*
3 *quirements under paragraph (3).*

4 (5) *REPORTS.*—*Each year, the Under Secretary*
5 *shall submit to all applicable committees of Congress,*
6 *and as part of the annual budget submission of the*
7 *President under section 1105(a) of title 31, United*
8 *States Code, a report evaluating the awarding and*
9 *use of grants under this subsection during the fiscal*
10 *year immediately preceding the fiscal year in which*
11 *the report is submitted, which shall include, with re-*
12 *spect to the fiscal year covered by the report—*

13 (A) *a description of each curriculum devel-*
14 *oped and implemented under each grant award-*
15 *ed under this section;*

16 (B) *the date on which each grant awarded*
17 *under this section was awarded; and*

18 (C) *the number of eligible entities that were*
19 *recipients of grants awarded under this section.*

20 **TITLE III—RURAL MINORITY**
21 **BUSINESS CENTER PROGRAM**

22 **SEC. 100301. DEFINITIONS.**

23 *In this title:*

1 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*
2 *TEES.*—*The term “appropriate congressional commit-*
3 *tees” means—*

4 (A) *the Committee on Commerce, Science,*
5 *and Transportation of the Senate; and*

6 (B) *the Committee on Financial Services of*
7 *the House of Representatives.*

8 (2) *ELIGIBLE ENTITY.*—*The term “eligible enti-*
9 *ty” means—*

10 (A) *a minority-serving institution; or*

11 (B) *a consortium of institutions of higher*
12 *education that is led by a minority-serving insti-*
13 *tution.*

14 (3) *MBDA RURAL BUSINESS CENTER.*—*The term*
15 *“MBDA Rural Business Center” means an MBDA*
16 *Business Center that provides technical business as-*
17 *istance to minority business enterprises located in*
18 *rural areas.*

19 (4) *MBDA RURAL BUSINESS CENTER AGREE-*
20 *MENT.*—*The term “MBDA Rural Business Center*
21 *agreement” means an MBDA Business Center agree-*
22 *ment that establishes the terms by which the recipient*
23 *of the Federal assistance award that is the subject of*
24 *the agreement shall operate an MBDA Rural Business*
25 *Center.*

1 (5) *MINORITY-SERVING INSTITUTION.*—*The term*
2 *“minority-serving institution” means an institution*
3 *described in any of paragraphs (1) through (7) of sec-*
4 *tion 371(a) of the Higher Education Act of 1965 (20*
5 *U.S.C. 1067q(a)).*

6 (6) *RURAL AREA.*—*The term “rural area” has*
7 *the meaning given the term in section 343(a) of the*
8 *Consolidated Farm and Rural Development Act (7*
9 *U.S.C. 1991(a)).*

10 (7) *RURAL MINORITY BUSINESS ENTERPRISE.*—
11 *The term “rural minority business enterprise” means*
12 *a minority business enterprise located in a rural*
13 *area.*

14 **SEC. 100302. BUSINESS CENTERS.**

15 (a) *IN GENERAL.*—*The Under Secretary may establish*
16 *MBDA Rural Business Centers.*

17 (b) *PARTNERSHIP.*—

18 (1) *IN GENERAL.*—*With respect to an MBDA*
19 *Rural Business Center established by the Under Sec-*
20 *retary, the Under Secretary shall establish the MBDA*
21 *Rural Business Center in partnership with an eligible*
22 *entity in accordance with paragraph (2).*

23 (2) *MBDA AGREEMENT.*—

24 (A) *IN GENERAL.*—*With respect to each*
25 *MBDA Rural Business Center established by the*

1 *Under Secretary, the Under Secretary shall enter*
2 *into a cooperative agreement with an eligible en-*
3 *tity that provides that—*

4 *(i) the eligible entity shall provide*
5 *space, facilities, and staffing for the MBDA*
6 *Rural Business Center;*

7 *(ii) the Under Secretary shall provide*
8 *funding for, and oversight with respect to,*
9 *the MBDA Rural Business Center; and*

10 *(iii) subject to subparagraph (B), the*
11 *eligible entity shall match 20 percent of the*
12 *amount of the funding provided by the*
13 *Under Secretary under clause (ii), which*
14 *may be calculated to include the costs of*
15 *providing the space, facilities, and staffing*
16 *under clause (i).*

17 *(B) LOWER MATCH REQUIREMENT.—Based*
18 *on the available resources of an eligible entity,*
19 *the Under Secretary may enter into a coopera-*
20 *tive agreement with the eligible entity that pro-*
21 *vides that—*

22 *(i) the eligible entity shall match less*
23 *than 20 percent of the amount of the fund-*
24 *ing provided by the Under Secretary under*
25 *subparagraph (A)(ii); or*

1 (ii) if the Under Secretary makes a de-
2 termination, upon a demonstration by the
3 eligible entity of substantial need, the eligi-
4 ble entity shall not be required to provide
5 any match with respect to the funding pro-
6 vided by the Under Secretary under sub-
7 paragraph (A)(ii).

8 (C) *ELIGIBLE FUNDS.*—An eligible entity
9 may provide matching funds required under an
10 MBDA Rural Business Center agreement with
11 Federal funds received from other Federal pro-
12 grams.

13 (3) *TERM.*—The initial term of an MBDA Rural
14 Business Center agreement shall be not less than 3
15 years.

16 (4) *EXTENSION.*—The Under Secretary and an
17 eligible entity may agree to extend the term of an
18 MBDA Rural Business Center agreement with respect
19 to an MBDA Rural Business Center.

20 (c) *FUNCTIONS.*—An MBDA Rural Business Center
21 shall—

22 (1) primarily serve clients that are—

23 (A) rural minority business enterprises; or

24 (B) minority business enterprises that are

25 located more than 50 miles from an MBDA

1 *Business Center (other than that MBDA Rural*
2 *Business Center);*

3 *(2) focus on—*

4 *(A) issues relating to—*

5 *(i) the adoption of broadband internet*
6 *access service (as defined in section 8.1(b) of*
7 *title 47, Code of Federal Regulations, or*
8 *any successor regulation), digital literacy*
9 *skills, and e-commerce by rural minority*
10 *business enterprises;*

11 *(ii) advanced manufacturing;*

12 *(iii) the promotion of manufacturing*
13 *in the United States;*

14 *(iv) ways in which rural minority*
15 *business enterprises can meet gaps in the*
16 *supply chain of critical supplies and essen-*
17 *tial goods and services for the United*
18 *States;*

19 *(v) improving the connectivity of rural*
20 *minority business enterprises through trans-*
21 *portation and logistics;*

22 *(vi) promoting trade and export oppor-*
23 *tunities by rural minority business enter-*
24 *prises;*

25 *(vii) securing financial capital;*

1 (viii) facilitating entrepreneurship in
2 rural areas; and

3 (ix) creating jobs in rural areas; and

4 (B) any other issue relating to the unique
5 challenges faced by rural minority business en-
6 terprises; and

7 (3) provide education, training, and legal, finan-
8 cial, and technical assistance to minority business en-
9 terprises.

10 (d) APPLICATIONS.—

11 (1) IN GENERAL.—Not later than 90 days after
12 the date of enactment of this Act, the Under Secretary
13 shall issue a Notice of Funding Opportunity request-
14 ing applications from eligible entities that desire to
15 enter into MBDA Rural Business Center agreements.

16 (2) CRITERIA AND PRIORITY.—In selecting an el-
17 igible entity with which to enter into an MBDA
18 Rural Business Center agreement, the Under Sec-
19 retary shall—

20 (A) select an eligible entity that dem-
21 onstrates—

22 (i) the ability to collaborate with gov-
23 ernmental and private sector entities to le-
24 verage capabilities of minority business en-

1 *terprises through public-private partner-*
2 *ships;*

3 *(ii) the research and extension capac-*
4 *ity to support minority business enterprises;*

5 *(iii) knowledge of the community that*
6 *the eligible entity serves and the ability to*
7 *conduct effective outreach to that commu-*
8 *nity to advance the goals of an MBDA*
9 *Rural Business Center;*

10 *(iv) the ability to provide innovative*
11 *business solutions, including access to con-*
12 *tracting opportunities, markets, and cap-*
13 *ital;*

14 *(v) the ability to provide services that*
15 *advance the development of science, tech-*
16 *nology, engineering, and math jobs within*
17 *minority business enterprises;*

18 *(vi) the ability to leverage resources*
19 *from within the eligible entity to advance*
20 *an MBDA Rural Business Center;*

21 *(vii) that the mission of the eligible en-*
22 *tity aligns with the mission of the Agency;*

23 *(viii) the ability to leverage relation-*
24 *ships with rural minority business enter-*
25 *prises; and*

1 *(ix) a referral relationship with not*
2 *less than 1 community-based organization;*
3 *and*

4 *(B) give priority to an eligible entity*
5 *that—*

6 *(i) is located in a State or region that*
7 *has a significant population of socially or*
8 *economically disadvantaged individuals;*

9 *(ii) has a history of serving socially or*
10 *economically disadvantaged individuals; or*

11 *(iii) in the determination of the Under*
12 *Secretary, has not received an equitable al-*
13 *location of land and financial resources*
14 *under—*

15 *(I) the Act of July 2, 1862 (com-*
16 *monly known as the “First Morrill*
17 *Act”) (12 Stat. 503, chapter 130; 7*
18 *U.S.C. 301 et seq.); or*

19 *(II) the Act of August 30, 1890*
20 *(commonly known as the “Second Mor-*
21 *rill Act”) (26 Stat. 417, chapter 841; 7*
22 *U.S.C. 321 et seq.).*

23 (3) *CONSIDERATIONS.—In determining whether*
24 *to enter into an MBDA Rural Business Center agree-*
25 *ment with an eligible entity under this section, the*

1 *Under Secretary shall consider the needs of the eligi-*
2 *ble entity.*

3 **SEC. 100303. REPORT TO CONGRESS.**

4 *Not later than 1 year after the date of enactment of*
5 *this Act, the Under Secretary shall submit to the appro-*
6 *priate congressional committees a report that includes—*

7 (1) *a summary of the efforts of the Under Sec-*
8 *retary to provide services to minority business enter-*
9 *prises located in States that lack an MBDA Business*
10 *Center, as of the date of enactment of this Act, and*
11 *especially in those States that have significant minor-*
12 *ity populations; and*

13 (2) *recommendations for extending the outreach*
14 *of the Agency to underserved areas.*

15 **SEC. 100304. STUDY AND REPORT.**

16 (a) *IN GENERAL.*—*The Under Secretary, in coordina-*
17 *tion with relevant leadership of the Agency and relevant*
18 *individuals outside of the Department of Commerce, shall*
19 *conduct a study that addresses the ways in which minority*
20 *business enterprises can meet gaps in the supply chain of*
21 *the United States, with a particular focus on the supply*
22 *chain of advanced manufacturing and essential goods and*
23 *services.*

24 (b) *REPORT.*—*Not later than 1 year after the date of*
25 *enactment of this Act, the Under Secretary shall submit to*

1 *the appropriate congressional committees a report that in-*
2 *cludes the results of the study conducted under subsection*
3 *(a), which shall include recommendations regarding the*
4 *ways in which minority business enterprises can meet gaps*
5 *in the supply chain of the United States.*

6 **TITLE IV—MINORITY BUSINESS**
7 **DEVELOPMENT GRANTS**

8 **SEC. 100401. GRANTS TO NONPROFIT ORGANIZATIONS**
9 **THAT SUPPORT MINORITY BUSINESS ENTER-**
10 **PRISES.**

11 *(a) DEFINITION.—In this section, the term “covered*
12 *entity” means a private nonprofit organization that—*

13 *(1) is described in paragraph (3), (4), (5), or (6)*
14 *of section 501(c) of the Internal Revenue Code of 1986*
15 *and exempt from tax under section 501(a) of such*
16 *Code; and*

17 *(2) can demonstrate that a primary activity of*
18 *the organization is to provide services to minority*
19 *business enterprises, whether through education, mak-*
20 *ing grants or loans, or other similar activities.*

21 *(b) PURPOSE.—The purpose of this section is to make*
22 *grants to covered entities to help those covered entities con-*
23 *tinue the necessary work of supporting minority business*
24 *enterprises.*

25 *(c) DESIGNATION OF OFFICE.—*

1 (1) *IN GENERAL.*—Not later than 180 days after
2 the date of enactment of this Act, the Under Secretary
3 shall designate an office to make and administer
4 grants under this section.

5 (2) *CONSIDERATIONS.*—In designating an office
6 under paragraph (1), the Under Secretary shall en-
7 sure that the office designated has adequate staffing to
8 carry out the responsibilities of the office under this
9 section.

10 (d) *APPLICATION.*—A covered entity desiring a grant
11 under this section shall submit to the Under Secretary an
12 application at such time, in such manner, and containing
13 such information as the Under Secretary may require.

14 (e) *PRIORITY.*—The Under Secretary shall, in car-
15 rying out this section, prioritize granting an application
16 submitted by a covered entity that is located in a federally
17 recognized area of economic distress.

18 (f) *USE OF FUNDS.*—A covered entity to which a grant
19 is made under this section may use the grant funds to sup-
20 port the development, growth, or retention of minority busi-
21 ness enterprises.

22 (g) *PROCEDURES.*—The Under Secretary shall estab-
23 lish procedures to—

1 (1) *discourage and prevent waste, fraud, and*
2 *abuse by applicants for, and recipients of, grants*
3 *made under this section; and*

4 (2) *ensure that grants are made under this sec-*
5 *tion to a diverse array of covered entities, which may*
6 *include—*

7 (A) *covered entities with a national pres-*
8 *ence;*

9 (B) *community-based covered entities;*

10 (C) *covered entities with annual budgets*
11 *below \$1,000,000; or*

12 (D) *covered entities that principally serve*
13 *low-income and rural communities.*

14 (h) *INSPECTOR GENERAL AUDIT.—Not later than 180*
15 *days after the date on which the Under Secretary begins*
16 *making grants under this section, the Inspector General of*
17 *the Department of Commerce shall—*

18 (1) *conduct an audit of grants made under this*
19 *section, which shall seek to identify any discrepancies*
20 *or irregularities with respect to those grants; and*

21 (2) *submit to Congress a report regarding the*
22 *audit conducted under paragraph (1).*

23 (i) *UPDATES TO CONGRESS.—Not later than 90 days*
24 *after the date on which the Under Secretary makes the des-*
25 *ignation required under subsection (c), and once every 30*

1 *days thereafter, the Under Secretary shall submit to Con-*
2 *gress a report that contains—*

3 *(1) the number of grants made under this section*
4 *during the period covered by the report; and*

5 *(2) with respect to the grants described in para-*
6 *graph (1)—*

7 *(A) the geographic distribution of those*
8 *grants by State and county;*

9 *(B) if applicable, demographic information*
10 *with respect to the minority business enterprises*
11 *served by the covered entities to which the grants*
12 *were made; and*

13 *(C) information regarding the industries of*
14 *the minority business enterprises served by the*
15 *covered entities to which the grants were made.*

16 **TITLE V—MINORITY BUSINESS**
17 **ENTERPRISES ADVISORY**
18 **COUNCIL**

19 **SEC. 100501. PURPOSE.**

20 *The Under Secretary shall establish the Minority Busi-*
21 *ness Enterprises Advisory Council (referred to in this title*
22 *as the “Council”) to advise and assist the Agency.*

23 **SEC. 100502. COMPOSITION AND TERM.**

24 *(a) COMPOSITION.—The Council shall be composed of*
25 *9 members of the private sector and 1 representative from*

1 *each of not fewer than 10 Federal agencies that support or*
2 *otherwise have duties that relate to business formation, in-*
3 *cluding duties relating to labor development, monetary pol-*
4 *icy, national security, energy, agriculture, transportation,*
5 *and housing.*

6 (b) *CHAIR.*—*The Under Secretary shall designate 1 of*
7 *the private sector members of the Council as the Chair of*
8 *the Council for a 1-year term.*

9 (c) *TERM.*—*The Council shall meet at the request of*
10 *the Under Secretary and members shall serve for a term*
11 *of 2 years. Members of the Council may be reappointed.*

12 **SEC. 100503. DUTIES.**

13 (a) *IN GENERAL.*—*The Council shall provide advice*
14 *to the Under Secretary by—*

15 (1) *serving as a source of knowledge and infor-*
16 *mation on developments in areas of the economic and*
17 *social life of the United States that affect socially or*
18 *economically disadvantaged business concerns;*

19 (2) *providing the Under Secretary with informa-*
20 *tion regarding plans, programs, and activities in the*
21 *public and private sectors that relate to socially or*
22 *economically disadvantaged business concerns; and*

23 (3) *advising the Under Secretary regarding—*

24 (A) *any measures to better achieve the objec-*
25 *tives of this division; and*

1 (B) problems and matters the Under Sec-
2 retary refers to the Council.

3 (b) *CAPACITY*.—Members of the Council shall not be
4 compensated for service on the Council but may be allowed
5 travel expenses, including per diem in lieu of subsistence,
6 in accordance with subchapter I of chapter 57 of title 5,
7 United States Code.

8 (c) *TERMINATION*.—Notwithstanding section 14 of the
9 Federal Advisory Committee Act (5 U.S.C. App.), the Coun-
10 cil shall terminate on the date that is 5 years after the date
11 of enactment of this Act.

12 **TITLE VI—FEDERAL COORDINA-**
13 **TION OF MINORITY BUSINESS**
14 **PROGRAMS**

15 **SEC. 100601. GENERAL DUTIES.**

16 The Under Secretary may coordinate, as consistent
17 with law, the plans, programs, and operations of the Fed-
18 eral Government that affect, or may contribute to, the estab-
19 lishment, preservation, and strengthening of socially or eco-
20 nomically disadvantaged business concerns.

21 **SEC. 100602. PARTICIPATION OF FEDERAL DEPARTMENTS**
22 **AND AGENCIES.**

23 The Under Secretary shall—

24 (1) consult with other Federal agencies and de-
25 partments as appropriate to—

1 (A) develop policies, comprehensive plans,
2 and specific program goals for the programs car-
3 ried out under subtitle B of title I and title III;

4 (B) establish regular performance moni-
5 toring and reporting systems to ensure that goals
6 established by the Under Secretary with respect
7 to the implementation of this division are being
8 achieved; and

9 (C) evaluate the impact of Federal support
10 of socially or economically disadvantaged busi-
11 ness concerns in achieving the objectives of this
12 division;

13 (2) conduct a coordinated review of all proposed
14 Federal training and technical assistance activities in
15 direct support of the programs carried out under sub-
16 title B of title I and title III to ensure consistency
17 with program goals and to avoid duplication; and

18 (3) convene, for purposes of coordination, meet-
19 ings of the heads of such Federal agencies and depart-
20 ments, or their designees, the programs and activities
21 of which may affect or contribute to the carrying out
22 of this division.

1 **TITLE VII—ADMINISTRATIVE**
2 **POWERS OF THE AGENCY;**
3 **MISCELLANEOUS PROVISIONS**

4 **SEC. 100701. ADMINISTRATIVE POWERS.**

5 (a) *IN GENERAL.*—*In carrying out this division, the*
6 *Under Secretary may—*

7 (1) *adopt and use a seal for the Agency, which*
8 *shall be judicially noticed;*

9 (2) *hold hearings, sit and act, and take testi-*
10 *mony as the Under Secretary may determine to be*
11 *necessary or appropriate to carry out this division;*

12 (3) *acquire, in any lawful manner, any property*
13 *that the Under Secretary determines to be necessary*
14 *or appropriate to carry out this division;*

15 (4) *with the consent of another Federal agency,*
16 *enter into an agreement with that Federal agency to*
17 *utilize, with or without reimbursement, any service,*
18 *equipment, personnel, or facility of that Federal agen-*
19 *cy;*

20 (5) *coordinate with the heads of the Offices of*
21 *Small and Disadvantaged Business Utilization of*
22 *Federal agencies;*

23 (6) *develop procedures under which the Under*
24 *Secretary may evaluate the compliance of a recipient*

1 *of assistance under this Act with the requirements of*
2 *this Act;*

3 *(7) deobligate assistance provided under this Act*
4 *to a recipient that has demonstrated an insufficient*
5 *level of performance with respect to the assistance, or*
6 *has engaged in wasteful or fraudulent spending; and*

7 *(8) provide that a recipient of assistance under*
8 *this Act that has demonstrated an insufficient level of*
9 *performance with respect to the assistance, or has en-*
10 *gaged in wasteful or fraudulent spending, shall be in-*
11 *eligible to receive assistance under this Act for a pe-*
12 *riod determined by the Under Secretary, consistent*
13 *with the considerations under section 180.865 of title*
14 *2, Code of Federal Regulations (or any successor regu-*
15 *lation), beginning on the date on which the Under*
16 *Secretary makes the applicable finding.*

17 *(b) USE OF PROPERTY.—*

18 *(1) IN GENERAL.—Subject to paragraph (2), in*
19 *carrying out this division, the Under Secretary may,*
20 *without cost (except for costs of care and handling),*
21 *allow any public sector entity, or any recipient non-*
22 *profit organization, for the purpose of the develop-*
23 *ment of minority business enterprises, to use any real*
24 *or tangible personal property acquired by the Agency*
25 *in carrying out this division.*

1 (2) *TERMS, CONDITIONS, RESERVATIONS, AND*
2 *RESTRICTIONS.*—*The Under Secretary may impose*
3 *reasonable terms, conditions, reservations, and restric-*
4 *tions upon the use of any property under paragraph*
5 *(1).*

6 **SEC. 100702. FEDERAL ASSISTANCE.**

7 (a) *IN GENERAL.*—

8 (1) *PROVISION OF FEDERAL ASSISTANCE.*—*To*
9 *carry out sections _____101, _____102, and*
10 *_____103(a), the Under Secretary may provide Fed-*
11 *eral assistance to public sector entities and private*
12 *sector entities in the form of grants or cooperative*
13 *agreements.*

14 (2) *NOTICE.*—*Not later than 120 days after the*
15 *date on which amounts are appropriated to carry out*
16 *this section, the Under Secretary shall, in accordance*
17 *with subsection (b), broadly publish a statement re-*
18 *garding Federal assistance that will, or may, be pro-*
19 *vided under paragraph (1) during the fiscal year for*
20 *which those amounts are appropriated, including—*

21 (A) *the actual, or anticipated, amount of*
22 *Federal assistance that will, or may, be made*
23 *available;*

24 (B) *the types of Federal assistance that will,*
25 *or may, be made available;*

1 (C) the manner in which Federal assistance
2 will be allocated among public sector entities and
3 private sector entities, as applicable; and

4 (D) the methodology used by the Under Sec-
5 retary to make allocations under subparagraph
6 (C).

7 (3) *CONSULTATION.*—The Under Secretary shall
8 consult with public sector entities and private sector
9 entities, as applicable, in deciding the amounts and
10 types of Federal assistance to make available under
11 paragraph (1).

12 (b) *PUBLICITY.*—In carrying out this section, the
13 Under Secretary shall broadly publicize all opportunities
14 for Federal assistance available under this section, includ-
15 ing through the means required under section _____ 116.

16 **SEC. 100703. RECORDKEEPING.**

17 (a) *IN GENERAL.*—Each recipient of assistance under
18 this division shall keep such records as the Under Secretary
19 shall prescribe, including records that fully disclose, with
20 respect to the assistance received by the recipient under this
21 division—

22 (1) the amount and nature of that assistance;

23 (2) the disposition by the recipient of the pro-
24 ceeds of that assistance;

1 (2) *submit to Congress a detailed report of the*
2 *findings of the Comptroller General of the United*
3 *States under the review carried out under paragraph*
4 *(1), which shall include—*

5 (A) *an evaluation of the effectiveness of the*
6 *programs in achieving the purposes of this divi-*
7 *sion;*

8 (B) *a description of any failure by any re-*
9 *recipient of assistance under this division to com-*
10 *ply with the requirements under this division;*
11 *and*

12 (C) *recommendations for any legislative or*
13 *administrative action that should be taken to*
14 *improve the achievement of the purposes of this*
15 *division.*

16 **SEC. 100705. BIENNIAL REPORTS; RECOMMENDATIONS.**

17 (a) *BIENNIAL REPORT.*—*Not later than 1 year after*
18 *the date of enactment of this Act, and 90 days after the*
19 *last day of each odd-numbered year thereafter, the Under*
20 *Secretary shall submit to Congress, and publish on the*
21 *website of the Agency, a report of each activity of the Agency*
22 *carried out under this division during the period covered*
23 *by the report.*

24 (b) *RECOMMENDATIONS.*—*The Under Secretary shall*
25 *periodically submit to Congress and the President rec-*

1 *ommendations for legislation or other actions that the*
2 *Under Secretary determines to be necessary or appropriate*
3 *to promote the purposes of this division.*

4 **SEC. 100706. SEPARABILITY.**

5 *If a provision of this division, or the application of*
6 *a provision of this division to any person or circumstance,*
7 *is held by a court of competent jurisdiction to be invalid,*
8 *that judgment—*

9 *(1) shall not affect, impair, or invalidate—*

10 *(A) any other provision of this division; or*

11 *(B) the application of this division to any*
12 *other person or circumstance; and*

13 *(2) shall be confined in its operation to—*

14 *(A) the provision of this division with re-*
15 *spect to which the judgment is rendered; or*

16 *(B) the application of the provision of this*
17 *division to each person or circumstance directly*
18 *involved in the controversy in which the judg-*
19 *ment is rendered.*

20 **SEC. 100707. EXECUTIVE ORDER 11625.**

21 *The powers and duties of the Agency shall be deter-*
22 *mined—*

23 *(1) in accordance with this division and the re-*
24 *quirements of this division; and*

1 (2) *without regard to Executive Order 11625 (36*
2 *Fed. Reg. 19967; relating to prescribing additional*
3 *arrangements for developing and coordinating a na-*
4 *tional program for minority business enterprise).*

5 **SEC. 100708. AUTHORIZATION OF APPROPRIATIONS.**

6 *There are authorized to be appropriated to the Under*
7 *Secretary \$110,000,000 for each of fiscal years 2021*
8 *through 2025 to carry out this division, of which—*

9 (1) *a majority shall be used in each such fiscal*
10 *year to carry out the MBDA Business Center Pro-*
11 *gram under subtitle B of title I, including the compo-*
12 *nent of that program relating to specialty centers;*
13 *and*

14 (2) *\$20,000,000 shall be used in each such fiscal*
15 *year to carry out title III.*

Attest:

Secretary.

117TH CONGRESS
1ST SESSION

H.R. 3684

AMENDMENT