

116TH CONGRESS
2^D SESSION

H. R. 2

IN THE SENATE OF THE UNITED STATES

JULY 20, 2020

Received

AN ACT

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Moving Forward Act”.

1 SEC. 2. TABLE OF CONTENTS.

2 The table of contents for this Act is as follows:

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FOR FISCAL YEAR 2021

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1 **SEC. 3. REFERENCES.**

- 2 Except as expressly provided otherwise, any reference
- 3 to “this Act” contained in any division of this Act shall

1 be treated as referring only to the provisions of that divi-
2 sion.

3 **DIVISION A—FEDERAL SURFACE**
4 **TRANSPORTATION PRO-**
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6 **2021**

7 **SEC. 100. SHORT TITLE.**

8 This division and division B of this Act may be cited
9 as the “Investing in a New Vision for the Environment
10 and Surface Transportation in America Act” or the “IN-
11 VEST in America Act”.

12 **SEC. 101. EXTENSION OF FEDERAL SURFACE TRANSPOR-**
13 **TATION PROGRAMS.**

14 (a) **EXTENSION OF FEDERAL SURFACE TRANSPOR-**
15 **TATION PROGRAMS.—**

16 (1) **IN GENERAL.—**Except as otherwise pro-
17 vided in this division, the requirements, authorities,
18 conditions, eligibilities, limitations, and other provi-
19 sions authorized under the covered laws, which
20 would otherwise expire on or cease to apply after
21 September 30, 2020, are incorporated by reference
22 and shall continue in effect through September 30,
23 2021.

24 (2) **AUTHORIZATION OF APPROPRIATIONS.—**

25 (A) **HIGHWAY TRUST FUND.—**

1 (i) HIGHWAY ACCOUNT.—

2 (I) IN GENERAL.—Except as pro-
3 vided in subclause (II), there is au-
4 thorized to be appropriated from the
5 Highway Account for fiscal year 2021,
6 for each program under the covered
7 laws with respect to which amounts
8 are authorized to be appropriated
9 from such account for fiscal year
10 2020, an amount equal to the amount
11 authorized for appropriation with re-
12 spect to the program from such ac-
13 count for fiscal year 2020.

14 (II) ADMINISTRATIVE EX-
15 PENSES.—Notwithstanding any other
16 provision of this division, there is au-
17 thorized to be appropriated from the
18 Highway Account for fiscal year
19 2021—

20 (aa) \$502,897,049 for ad-
21 ministrative expenses of the Fed-
22 eral Highway Administration, as
23 described in section 104(a) of
24 title 23, United States Code; and

1 (bb) \$30,086,000 for grant
2 administrative expenses of the
3 National Highway Traffic Safety
4 Administration, as described in
5 section 4001(a)(6) of the FAST
6 Act (Public Law 114–94).

7 (ii) MASS TRANSIT ACCOUNT.—There
8 is authorized to be appropriated from the
9 Mass Transit Account for fiscal year 2021,
10 for each program under the covered laws
11 with respect to which amounts are author-
12 ized to be appropriated from such account
13 for fiscal year 2020, an amount equal to
14 the amount authorized for appropriation
15 with respect to the program from such ac-
16 count for fiscal year 2020.

17 (B) GENERAL FUND.—

18 (i) IN GENERAL.—Except as provided
19 in clause (ii), there is authorized to be ap-
20 propriated for fiscal year 2021, for each
21 program with respect to which amounts
22 are authorized to be appropriated for fiscal
23 year 2020 from an account other than the
24 Highway Account or the Mass Transit Ac-
25 count under the titles described in sub-

1 section (b)(1), an amount not less than the
2 amount authorized for appropriation with
3 respect to the program under such titles
4 for fiscal year 2020.

5 (ii) ADMINISTRATIVE EXPENSES.—

6 Notwithstanding any other provision of
7 this division, there is authorized to be ap-
8 propriated from the general fund of the
9 Treasury for fiscal year 2021
10 \$140,016,543 for administrative expenses
11 of the Federal Transit Administration.

12 (3) USE OF FUNDS.—Except as otherwise pro-
13 vided in this division, amounts authorized to be ap-
14 propriated for fiscal year 2021 with respect to a pro-
15 gram under paragraph (2) shall be distributed, ad-
16 ministered, limited, and made available for obliga-
17 tion in the same manner as amounts authorized to
18 be appropriated with respect to the program for fis-
19 cal year 2020 under the covered laws.

20 (4) OBLIGATION LIMITATION.—

21 (A) IN GENERAL.—Except as provided in
22 subparagraph (B), a program for which
23 amounts are authorized to be appropriated
24 under paragraph (2)(A) shall be subject to a
25 limitation on obligations for fiscal year 2021 in

1 the same amount and in the same manner as
2 the limitation applicable with respect to the
3 program for fiscal year 2020 under the Depart-
4 ment of Transportation Appropriations Act,
5 2020 (Public Law 116–94), as in effect on De-
6 cember 20, 2019.

7 (B) FEDERAL-AID HIGHWAY AND HIGHWAY
8 SAFETY CONSTRUCTION PROGRAMS.—

9 (i) IN GENERAL.—Notwithstanding
10 any other provision of this division, section
11 1102 of the FAST Act (Public Law 114–
12 94), or the Department of Transportation
13 Appropriations Act, 2020 (Public Law
14 116–94), for fiscal year 2021, the obliga-
15 tions for Federal-aid highway and highway
16 safety construction programs shall not ex-
17 ceed \$46,387,191,360.

18 (ii) LIMITATION ON FEDERAL HIGH-
19 WAY ADMINISTRATION ADMINISTRATIVE
20 EXPENSES.—Notwithstanding any other
21 provision of this division, of the amount
22 described in clause (i), for fiscal year 2021
23 an amount not to exceed \$478,897,049, to-
24 gether with advances and reimbursements
25 received by the Federal Highway Adminis-

1 tration, shall be obligated for necessary ex-
2 penses for administration and operation of
3 the Federal Highway Administration.

4 (b) DEFINITIONS.—In this section, the term “covered
5 laws” means the following:

6 (1) Titles I, III, IV, V, and VI of division A of
7 the FAST Act (Public Law 114–94).

8 (2) Division A, division B, subtitle A of title I
9 and title II of division C, and division E of MAP–
10 21 (Public Law 112–141).

11 (3) Titles I, II, and III of the SAFETEA–LU
12 Technical Corrections Act of 2008 (Public Law 110–
13 244).

14 (4) Titles I, II, III, IV, V, and VI of
15 SAFETEA–LU (Public Law 109–59).

16 (5) Titles I, II, III, IV, and V of the Transpor-
17 tation Equity Act for the 21st Century (Public Law
18 105–178).

19 (6) Titles II, III, and IV of the National High-
20 way System Designation Act of 1995 (Public Law
21 104–59).

22 (7) Title I, part A of title II, title III, title IV,
23 title V, and title VI of the Intermodal Surface
24 Transportation Efficiency Act of 1991 (Public Law
25 102–240).

1 (8) Title 23, United States Code.

2 (9) Sections 116, 117, 330, and 5505 and
3 chapters 53, 139, 303, 311, 313, 701, and 702 of
4 title 49, United States Code.

5 **SEC. 102. FEDERAL HIGHWAY ADMINISTRATION.**

6 (a) ADDITIONAL AMOUNTS.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—

8 (A) IN GENERAL.—In addition to amounts
9 authorized under section 101, there is author-
10 ized to be appropriated from the Highway Ac-
11 ount for fiscal year 2021, for activities under
12 this section, \$14,742,808,640.

13 (B) CONTRACT AUTHORITY.—Amounts au-
14 thorized to be appropriated under subparagraph
15 (A) shall be available for obligation as if appor-
16 tioned under chapter 1 of title 23, United
17 States Code.

18 (2) OBLIGATION CEILING.—

19 (A) IN GENERAL.—Notwithstanding any
20 other provision of law, for fiscal year 2021, ob-
21 ligations for activities authorized under para-
22 graph (1) shall not exceed \$14,742,808,640.

23 (B) DISTRIBUTION OF OBLIGATION AU-
24 THORITY.—

1 (i) IN GENERAL.—Of the obligation
2 authority provided under subparagraph
3 (A), the Secretary shall make available to
4 States, Tribes, Puerto Rico, the territories,
5 and Federal land management agencies,
6 during the period of fiscal year 2021,
7 amounts of obligation authority equal to
8 the amounts described in subparagraphs
9 (A) through (E) of paragraph (3), respec-
10 tively.

11 (ii) FURTHER DISTRIBUTION.—Each
12 State, each Tribe, Puerto Rico, each terri-
13 tory, and each Federal land management
14 agency receiving funds under subpara-
15 graphs (A) through (E) of paragraph (3),
16 respectively, shall receive an amount of ob-
17 ligation authority equal to the funds that
18 it receives under any of such subpara-
19 graphs.

20 (C) REDISTRIBUTION OF UNUSED OBLIGA-
21 TION AUTHORITY.—

22 (i) IN GENERAL.—Notwithstanding
23 subparagraph (B), the Secretary shall,
24 after August 1 of fiscal year 2021—

1 (I) revise a distribution of the ob-
2 ligation authority made available
3 under subparagraph (B) if an amount
4 distributed cannot be obligated during
5 that fiscal year; and

6 (II) redistribute sufficient
7 amounts to those States able to obli-
8 gate amounts in addition to those pre-
9 viously distributed during that fiscal
10 year, giving priority to those States
11 having large unobligated balances of
12 funds apportioned under sections 144
13 (as in effect on the day before the
14 date of enactment of MAP-21 (Public
15 Law 112-141)) and 104 of title 23,
16 United States Code.

17 (ii) ADMINISTRATION.—The Secretary
18 shall administer a redistribution under
19 clause (i) of obligation authority provided
20 under subparagraph (B) in a similar man-
21 ner as the standard August redistribution.

22 (iii) USE OF OBLIGATION AUTHOR-
23 ITY.—A State may use obligation authority
24 that it receives pursuant to this subpara-
25 graph in the same manner that it uses ob-

1 ligation authority that it receives as part of
2 the standard August redistribution.

3 (3) DISTRIBUTION OF FUNDS.—Amounts au-
4 thorized to be appropriated for fiscal year 2021
5 under paragraph (1) shall be distributed as follows:

6 (A) \$14,384,629,710 to the States.

7 (B) \$167,481,814 to Tribes.

8 (C) \$52,400,251 to Puerto Rico.

9 (D) \$13,929,181 to the territories.

10 (E) \$124,367,684 to Federal land manage-
11 ment agencies.

12 (4) STATE FUNDS.—

13 (A) DISTRIBUTION.—

14 (i) IN GENERAL.—Amounts made
15 available under paragraph (3)(A) shall be
16 distributed among the States in the same
17 ratio as total State apportionments under
18 section 104(c)(1) of title 23, United States
19 Code, in fiscal year 2020.

20 (ii) SUBALLOCATION.—

21 (I) IN GENERAL.—Amounts dis-
22 tributed among the States under
23 clause (i) shall be suballocated within
24 the State to an area described in sub-
25 clause (II) in the proportion that—

1 (aa) the total amount of
2 funds suballocated to such area
3 of the State as described in such
4 subclause for fiscal year 2020;
5 bears to

6 (bb) the total amount of
7 funds apportioned to the State
8 for the Federal-aid highway pro-
9 gram under section 104 of title
10 23, United States Code, for fiscal
11 year 2020.

12 (II) AREAS DESCRIBED.—The
13 areas described in this subclause
14 are—

15 (aa) urbanized areas of the
16 State with an urbanized area
17 population of over 200,000;

18 (bb) areas of the State other
19 than urban areas with a popu-
20 lation greater than 5,000; and

21 (cc) other areas of the State.

22 (B) TREATMENT.—Except as otherwise
23 provided in this paragraph, amounts made
24 available under paragraph (3)(A) shall be ad-

1 ministered as if apportioned under chapter 1 of
2 title 23, United States Code.

3 (C) USE OF FUNDS.—Amounts made avail-
4 able under paragraph (3)(A) may be obligated
5 for—

6 (i) eligible projects described in sec-
7 tion 133(b) of title 23, United States
8 Code, subject to section 133(c) of such
9 title; and

10 (ii) administrative expenses, including
11 salaries and benefits, of—

12 (I) the State department of
13 transportation;

14 (II) a local transportation agen-
15 cy; or

16 (III) a metropolitan planning or-
17 ganization.

18 (5) TRIBAL FUNDS.—

19 (A) TREATMENT.—

20 (i) IN GENERAL.—Except as otherwise
21 provided in this paragraph, amounts made
22 available under paragraph (3)(B) shall be
23 administered as if made available under
24 section 202 of title 23, United States
25 Code.

1 (ii) NONAPPLICABILITY OF CERTAIN
2 PROVISIONS OF LAW.—Subsections (a)(6),
3 (c), (d), and (e) of section 202 of title 23,
4 United States Code, shall not apply to
5 amounts made available under paragraph
6 (3)(B).

7 (B) USE OF FUNDS.—Amounts made
8 available under paragraph (3)(B) may be obli-
9 gated for—

10 (i) activities eligible under section
11 202(a)(1) of title 23, United States Code;
12 and

13 (ii) transportation-related administra-
14 tive expenses, including salaries and bene-
15 fits, of the Tribe.

16 (6) FUNDS FOR PUERTO RICO AND THE TERRI-
17 TORIES.—

18 (A) TREATMENT.—

19 (i) IN GENERAL.—Except as otherwise
20 provided in this paragraph, amounts made
21 available under paragraphs (3)(C) and
22 (3)(D) shall be administered as if allocated
23 under sections 165(b) and 165(c), respec-
24 tively, of title 23, United States Code.

1 (ii) NONAPPLICABILITY OF CERTAIN
2 PROVISIONS OF LAW.—Section 165(b)(2)
3 of title 23, United States Code, shall not
4 apply to amounts made available to Puerto
5 Rico under paragraph (3)(C).

6 (B) USE OF FUNDS.—

7 (i) PUERTO RICO.—Amounts made
8 available to Puerto Rico under paragraph
9 (3)(C) may be obligated for—

10 (I) activities eligible under chap-
11 ter 1 of title 23, United States Code;
12 and

13 (II) transportation related ad-
14 ministrative expenses, including sala-
15 ries and benefits.

16 (ii) TERRITORIES.—Amounts made
17 available to a territory under paragraph
18 (3)(D) may be obligated for—

19 (I) activities eligible under sec-
20 tion 165(c)(6) of title 23, United
21 States Code, subject to section
22 165(c)(7) of such title; and

23 (II) transportation-related ad-
24 ministrative expenses, including sala-
25 ries and benefits.

1 (7) FEDERAL LAND MANAGEMENT AGENCY
2 FUNDS.—

3 (A) DISTRIBUTION.—Amounts made avail-
4 able under paragraph (3)(E) shall be distrib-
5 uted among the Federal land management
6 agencies as follows:

7 (i) \$99,494,147 for the National Park
8 Service.

9 (ii) \$9,949,415 for the United States
10 Fish and Wildlife Service.

11 (iii) \$6,301,296 for the United States
12 Forest Service.

13 (iv) \$8,622,826 to be allocated to the
14 applicable Federal land management agen-
15 cies as described in section 203(b) of title
16 23, United States Code.

17 (B) TREATMENT.—Amounts made avail-
18 able under paragraph (3)(E) shall be adminis-
19 tered as if made available under section 203 of
20 title 23, United States Code.

21 (8) DISADVANTAGED BUSINESS ENTER-
22 PRISES.—Section 1101(b) of the FAST Act (Public
23 Law 114–94) shall apply to additional amounts
24 made available under paragraph (1).

25 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

1 (1) SUBALLOCATED AMOUNTS.—

2 (A) USE OF FUNDS.—Amounts authorized
3 to be appropriated for fiscal year 2021 with re-
4 spect to a program under section 101(a)(2)(A)
5 that are suballocated pursuant to section
6 133(d)(1)(A) of title 23, United States Code,
7 may be obligated for—

8 (i) eligible projects as described in
9 section 133(b) of title 23, United States
10 Code; or

11 (ii) administrative expenses, including
12 salaries and benefits, of—

13 (I) a local transportation agency;

14 or

15 (II) a metropolitan planning or-
16 ganization.

17 (B) OBLIGATION AUTHORITY.—

18 (i) IN GENERAL.—A State that is re-
19 quired to obligate in an urbanized area
20 with an urbanized area population of over
21 200,000 individuals under section 133(d)
22 of title 23, United States Code, funds ap-
23 portioned to the State under section
24 104(b)(2) of such title shall make available
25 during the period of fiscal years 2016

1 through 2021 an amount of obligation au-
2 thority distributed to the State for Fed-
3 eral-aid highways and highway safety con-
4 struction programs for use in the area that
5 is equal to the amount obtained by multi-
6 plying—

7 (I) the aggregate amount of
8 funds that the State is required to ob-
9 ligate in the area under section
10 133(d) of title 23, United States
11 Code, during the period; and

12 (II) the ratio that—

13 (aa) the aggregate amount
14 of obligation authority distrib-
15 uted to the State for Federal-aid
16 highways and highway safety
17 construction programs during the
18 period; bears to

19 (bb) the total of the sums
20 apportioned to the State for Fed-
21 eral-aid highways and highway
22 safety construction programs (ex-
23 cluding sums not subject to an
24 obligation limitation) during the
25 period.

1 (ii) JOINT RESPONSIBILITY.—Each
2 State, each affected metropolitan planning
3 organization, and the Secretary shall joint-
4 ly ensure compliance with clause (i).

5 (2) FERRY BOAT PROGRAM.—Amounts author-
6 ized to be appropriated for fiscal year 2021 with re-
7 spect to a program under section 101(a)(2)(A) that
8 are made available for the construction of ferry
9 boats and ferry terminal facilities under section 147
10 of title 23, United States Code, may be obligated—

11 (A) in accordance with sections 129(c) and
12 147 of title 23, United States Code;

13 (B) for administrative expenses, including
14 salaries and benefits, of a ferry boat operator or
15 ferry terminal facility operator eligible for Fed-
16 eral participation under section 129(c) of title
17 23, United States Code; and

18 (C) for operating costs associated with a
19 ferry boat or ferry terminal facility eligible for
20 Federal participation under section 129(c) of
21 title 23, United States Code.

22 (3) NATIONALLY SIGNIFICANT FREIGHT AND
23 HIGHWAY PROJECTS.—In fiscal year 2021, the pro-
24 gram carried out under section 117 of title 23,
25 United States Code, shall, in addition to any other-

1 wise applicable requirements, be subject to the fol-
2 lowing provisions:

3 (A) MULTIMODAL PROJECTS.—Notwith-
4 standing subsection (d)(2)(A) of such section,
5 the limitation for projects described in such
6 subsection shall be \$600,000,000 for fiscal
7 years 2016 through 2021.

8 (B) ADDITIONAL CONSIDERATIONS.—Not-
9 withstanding subsection (h)(2) of such section,
10 the Secretary shall not consider the utilization
11 of non-Federal contributions.

12 (C) EVALUATION AND RATING.—To evalu-
13 ate applications for funding under such section,
14 the Secretary shall—

15 (i) determine whether a project is eli-
16 gible for a grant under such section;

17 (ii) evaluate, through a methodology
18 that is discernible and transparent to the
19 public, how each application addresses the
20 merit criteria established by the Secretary;

21 (iii) assign a quality rating for each
22 merit criteria for each application based on
23 the evaluation under clause (ii);

24 (iv) ensure that applications receive
25 final consideration by the Secretary to re-

1 ceive an award under such section only on
2 the basis of such quality ratings and that
3 the Secretary gives final consideration only
4 to applications that meet the minimally ac-
5 ceptable level for each of the merit criteria;
6 and

7 (v) award grants only to projects
8 rated highly under the evaluation and rat-
9 ing process.

10 (D) PUBLICATION AND METHODOLOGY.—

11 In any published notice of funding opportunity
12 for a grant under such section, the Secretary
13 shall include detailed information on the rating
14 methodology and merit criteria to be used to
15 evaluate applications.

16 (E) REPEAT APPLICATIONS.—

17 (i) BRIEFING.—The Secretary shall
18 provide to each applicant that applied for,
19 but did not receive, funding under such
20 section in fiscal year 2019 or 2020, at the
21 request of the applicant, the opportunity to
22 receive a briefing to—

23 (I) explain any reasons the appli-
24 cation was not selected for funding;
25 and

1 (II) advise the applicant on how
2 to improve the application for resub-
3 mission in fiscal year 2021 under the
4 application criteria described in this
5 paragraph.

6 (ii) SUPPLEMENTARY APPLICATION.—

7 (I) IN GENERAL.—An applicant
8 for funding under such section may
9 elect to resubmit an application from
10 a previous solicitation with a supple-
11 mentary appendix that describes how
12 the proposed project meets the re-
13 quirements of section 117 of title 23,
14 United States Code, and this para-
15 graph.

16 (II) REQUIREMENTS.—The Sec-
17 retary shall ensure that applications
18 submitted under subclause (I), includ-
19 ing the supplementary appendix, are
20 evaluated based on such requirements.

21 (F) CONGRESSIONAL NOTIFICATION.—A
22 notification submitted pursuant to subsection
23 (m) of such section shall include—

24 (i) a summary of each application
25 submitted and, at the request of either

1 Committee, a copy of any application sub-
2 mitted;

3 (ii) a list of any projects the Secretary
4 determined were not eligible for funding;

5 (iii) a description of the specific cri-
6 teria used for each evaluation, including
7 the quality rating assigned for each eligible
8 application submitted;

9 (iv) a list of all projects that advanced
10 to the Secretary for consideration; and

11 (v) a detailed justification of the basis
12 for each award proposed to be selected.

13 (c) FEDERAL SHARE.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (3) and notwithstanding section 120 of title
16 23, United States Code, or any other provision of
17 this division, the Federal share associated with
18 funds described in paragraph (2) that are obligated
19 during fiscal year 2021 may be up to 100 percent.

20 (2) FUNDS DESCRIBED.—The funds described
21 in this paragraph are funds made available for the
22 implementation or execution of Federal-aid highway
23 and highway safety construction programs author-
24 ized under title 23 or 49, United States Code, the
25 FAST Act (Public Law 114–94), or this division.

1 (3) EXCEPTIONS.—Paragraph (1) shall not
2 apply to amounts obligated under section 115 or 117
3 of title 23, United States Code, or chapter 6 of such
4 title.

5 (d) ADMINISTRATIVE EXPENSES.—

6 (1) SELF-CERTIFICATION AND AUDIT.—

7 (A) IN GENERAL.—Prior to the obligation
8 of funds for administrative expenses pursuant
9 to paragraph (4)(C)(ii), (5)(B)(ii), (6)(B)(i)(II),
10 or (6)(B)(ii)(II) of subsection (a) or paragraphs
11 (1)(A)(ii) and (2)(B) of subsection (b), a State,
12 a Tribe, Puerto Rico, or a territory, as applica-
13 ble, shall certify to the Secretary that such ad-
14 ministrative expenses meet the requirements of
15 such paragraphs, as applicable.

16 (B) AUDIT.—The Secretary may conduct
17 an audit to review obligations of funds and liq-
18 uidation of such obligations for eligible adminis-
19 trative expenses described under subparagraph
20 (A).

21 (2) PLANNING.—Notwithstanding any other
22 provision of law, administrative expenses described
23 in paragraph (1)(A) shall not be required to be in-
24 cluded in a metropolitan transportation plan, a long-
25 range statewide transportation plan, a transpor-

1 tation improvement program, or a statewide trans-
2 portation improvement program under sections 134
3 or 135 of title 23, United States Code, or chapter
4 53 of title 49, United States Code, as applicable.

5 (e) DEFINITIONS.—In this section, the following defi-
6 nitions apply:

7 (1) STANDARD AUGUST REDISTRIBUTION.—The
8 term “standard August redistribution” means the
9 redistribution of obligation authority that the Sec-
10 retary is directed to administer under—

11 (A) section 1102(d) of the FAST Act
12 (Public Law 114–94); or

13 (B) any Act making appropriations for the
14 Department of Transportation for fiscal year
15 2021.

16 (2) STATE.—The term “State” means the 50
17 States and the District of Columbia.

18 (3) TERRITORY.—The term “territory” means
19 any of the following territories of the United States:

20 (A) American Samoa.

21 (B) The Commonwealth of the Northern
22 Mariana Islands.

23 (C) Guam.

24 (D) The United States Virgin Islands.

1 (4) URBAN AREA; URBANIZED AREA.—The
2 terms “urban area” and “urbanized area” have the
3 meanings given such terms in section 101 of title 23,
4 United States Code.

5 **SEC. 103. FEDERAL TRANSIT ADMINISTRATION.**

6 (a) ADDITIONAL AMOUNTS.—

7 (1) AUTHORIZATION OF APPROPRIATIONS FROM
8 MASS TRANSIT ACCOUNT.—

9 (A) IN GENERAL.—In addition to amounts
10 authorized under section 101, there is author-
11 ized to be appropriated from the Mass Transit
12 Account for fiscal year 2021, for activities
13 under this section, \$5,794,851,538.

14 (B) APPORTIONMENT.—Amounts author-
15 ized under subparagraph (A) shall be appor-
16 tioned in accordance with section 5310, section
17 5311 (other than subsections (b)(3), (c)(1)(A),
18 and (c)(2) of such section), section 5336 (other
19 than subsection (h)(4) of such section), section
20 5337, and section 5340 of title 49, United
21 States Code, except that funds apportioned
22 under section 5337 of such title shall be added
23 to funds apportioned under section 5307 of
24 such title for administration under section 5307
25 of such title.

1 (C) ALLOCATION.—The Secretary shall al-
2 locate the amounts authorized to be appro-
3 priated to sections 5307, 5310, 5311, 5337,
4 and 5340 of title 49, United States Code,
5 among such sections in the same ratio as funds
6 are provided in the fiscal year 2020 appropria-
7 tions.

8 (D) OBLIGATION LIMITATION.—Notwith-
9 standing any other provision of law, for fiscal
10 year 2021, obligations for activities authorized
11 under this paragraph shall not exceed
12 \$5,794,851,538.

13 (2) AUTHORIZATION OF APPROPRIATIONS FROM
14 GENERAL FUND.—In addition to amounts authorized
15 under section 101(a)(1)(B), there is authorized to be
16 appropriated from the general fund of the Treas-
17 ury—

18 (A) \$958,000,000 to carry out section
19 5309 of title 49, United States Code; and

20 (B) such sums as may be necessary to be
21 made available as described in subsection (c)
22 and that such sums shall be designated by the
23 Congress as being for an emergency require-
24 ment pursuant to section 251(b)(2)(A)(i) of the

1 Balanced Budget and Emergency Deficit Con-
2 trol Act of 1985.

3 (3) DISADVANTAGED BUSINESS ENTER-
4 PRISES.—Section 1101(b) of the FAST Act (Public
5 Law 114–94) shall apply to additional amounts
6 made available under this subsection.

7 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

8 (1) USE OF FUNDS.—Notwithstanding
9 5307(a)(1) of title 49, United States Code, amounts
10 made available under subsection (a)(1)(A) may be
11 obligated for—

12 (A) operating expenses, including, begin-
13 ning on January 20, 2020—

14 (i) reimbursement for operating costs
15 to maintain service and offset lost revenue,
16 including the purchase of personal protec-
17 tive equipment; and

18 (ii) paying the administrative leave of
19 operations personnel due to reductions in
20 service; and

21 (B) any other activity eligible under sec-
22 tion 5307, 5310, 5311, or 5337 of title 49,
23 United States Code.

24 (2) CONDITIONS.—Recipients use of funds
25 under paragraph (1) shall—

1 (A) not require that operating expenses de-
2 scribed in paragraph (1)(A) be included in a
3 metropolitan transportation plan, long-range
4 statewide transportation plan, a transportation
5 improvement program, or a statewide transpor-
6 tation improvement program;

7 (B) meet the requirements of section 5333
8 of title 49, United States Code; and

9 (C) to the maximum extent possible, be di-
10 rected to payroll and public transit service, un-
11 less the recipient certifies to the Secretary that
12 such recipient has not furloughed any employ-
13 ees.

14 (3) OVERSIGHT.—

15 (A) Of the amounts made available to
16 carry out this section, the percentages available
17 for oversight in section 5338(f)(1) of title 49,
18 United States Code, shall apply to the alloca-
19 tions of funds in subsection (a)(1)(C).

20 (B) USE OF FUNDS.—Amounts made
21 available under subsection (a)(1)(A) shall be
22 available for administrative expenses and pro-
23 gram management oversight as authorized
24 under sections 5334 and 5338(f)(2) of title 49,
25 United States Code.

1 (4) ADMINISTRATION OF GRANTS.—Amounts
2 made available under subsection (a)(1)(A) shall be
3 administered, at the option of the recipient, as
4 grants provided under the CARES Act (Public Law
5 116–136) are administered.

6 (c) CIG COVID–19 EMERGENCY RELIEF PRO-
7 GRAM.—

8 (1) IN GENERAL.—From amounts made avail-
9 able under subsection (a)(2)(B) and notwithstanding
10 section 5309(k)(2)(C)(ii), section 5309(a)(7)(B), or
11 section 5309(l)(1)(B)(ii) of title 49, United States
12 Code, at the request of a project sponsor, the Sec-
13 retary shall use such sums as may be necessary to
14 provide an additional 30 percent of total project
15 costs for any project under—

16 (A) 5309(d) of title 49, United States
17 Code, that has been approved for advancement
18 into the engineering phase;

19 (B) 5309(e) of title 49, United States
20 Code, that has entered into the project develop-
21 ment phase or approved for advancement into
22 the engineering phase;

23 (C) subsection (d) or (e) of section 5309 of
24 title 49, United States Code, that has a full
25 funding grant agreement entered into under ei-

1 ther such subsection after January 1, 2017;
2 and

3 (D) section 5309(h) of title 49, United
4 States Code, that the Federal Transit Adminis-
5 tration has a small starts grant award or agree-
6 ment entered into after January, 1, 2017, or
7 that has been recommended by the Administra-
8 tion for an allocation of capital investment
9 funds that were appropriated in fiscal year
10 2018, 2019, or 2020.

11 (2) PROJECT ELIGIBILITY.—From amounts
12 made available under subsection (a)(2)(B), the Sec-
13 retary shall use such sums as may be necessary for
14 projects under section 5309 of title 49, United
15 States Code, that—

16 (A) are not eligible for funds made avail-
17 able under paragraph (1); and

18 (B) have remaining scheduled Federal
19 funds to be appropriated under a full funding
20 grant agreement under such section.

21 (3) DEFERRED LOCAL SHARE.—The Secretary
22 shall allow a project sponsor to defer payment of the
23 local share for any project described in paragraphs
24 (1) and (2).

1 (4) TOTAL PROJECT COST.—In this subsection,
2 the term “total project cost” means the most recent
3 total project cost stipulated in—

4 (A) the full funding grant agreement;

5 (B) the approval into project engineering;

6 (C) the project rating for a project not yet
7 approved into project engineering;

8 (D) the small starts grant or grant agree-
9 ment; or

10 (E) the project rating for a small starts
11 project that has not yet been awarded a grant
12 or grant agreement.

13 (5) FEDERAL SHARE.—The Federal share of
14 the costs of a project under this subsection may not
15 exceed 80 percent.

16 (6) APPLICATION OF LAW.—For purposes of
17 paragraph (1), the Secretary shall apply section
18 7001(b) of this Act when providing the additional 30
19 percent of total project costs to any project that
20 meets the criteria in such section.

21 (d) FEDERAL SHARE.—

22 (1) IN GENERAL.—Notwithstanding chapter 53
23 of title 49, United States Code, or any other provi-
24 sion of this division, the Federal share associated
25 with funds described in paragraph (2) that are obli-

1 gated during fiscal year 2021 may be up to 100 per-
2 cent.

3 (2) FUNDS DESCRIBED.—The funds described
4 in this paragraph are funds made available for the
5 implementation of transit programs authorized by
6 chapter 53 of title 49, United States Code, the
7 FAST Act (Public Law 114–94), or this division, ex-
8 cluding funds made available to projects under sec-
9 tion 5309 of title 49, United States Code.

10 (e) CONDITION FOR APPORTIONMENT.—No funds
11 authorized in this division or any other Act may be used
12 to adjust Mass Transit Account apportionments or with-
13 hold funds from Mass Transit Account apportionments
14 pursuant to section 9503(e)(4) of the Internal Revenue
15 Code of 1986 in fiscal year 2021.

16 **SEC. 104. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINIS-**
17 **TRATION.**

18 (a) SPECIAL FUNDING FOR FISCAL YEAR 2021.—

19 (1) IN GENERAL.—

20 (A) AUTHORIZATION OF APPROPRIA-
21 TIONS.—In addition to amounts authorized
22 under section 101, there is authorized to be ap-
23 propriated from the Highway Account for fiscal
24 year 2021, for activities under this subsection,
25 \$244,514,000.

1 (B) CONTRACT AUTHORITY.—Amounts au-
2 thorized under subparagraph (A) shall be avail-
3 able for obligation in the same manner as if
4 such funds were apportioned under chapter 1 of
5 title 23, United States Code.

6 (C) OBLIGATION LIMITATION.—Notwith-
7 standing any other provision of law, for fiscal
8 year 2021, obligations for activities authorized
9 under this paragraph and obligations for activi-
10 ties authorized under section
11 101(a)(2)(A)(i)(II)(bb) that exceed amounts au-
12 thorized under section 4001(a)(6) of the FAST
13 Act (Public Law 114–94) shall not exceed
14 \$247,783,000.

15 (2) DISTRIBUTION OF FUNDS.—Amounts au-
16 thorized to be appropriated for fiscal year 2021
17 under paragraph (1) shall be distributed as follows:

18 (A) \$105,000,000 for carrying out section
19 402 of title 23, United States Code.

20 (B) \$15,312,000 for carrying out section
21 403 of title 23, United States Code.

22 (C) \$19,202,000 for carrying out section
23 404 of title 23, United States Code.

24 (D) \$105,000,000 for carrying out section
25 405 of title 23, United States Code.

1 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

2 (1) FEDERAL SHARE.—Notwithstanding sec-
3 tions 120, 405(b)(2), 405(c)(2), 405(d)(2) and
4 405(h)(2) of title 23, United States Code, the Fed-
5 eral share of activities for fiscal year 2021 carried
6 out under chapter 4 of title 23, United States Code
7 and section 1906 of SAFETEA-LU (23 U.S.C. 402
8 note) shall be 100 percent.

9 (2) PERIOD OF AVAILABILITY.—Notwith-
10 standing section 118(b) of title 23, United States
11 Code, funds apportioned or allocated to a State in
12 fiscal years 2017 and 2018 under sections 402 and
13 405 of title 23, United States Code, and section
14 1906 of SAFETEA-LU (23 U.S.C. 402 note), shall
15 remain available for obligation in that State for a
16 period of 4 years after the last day of the fiscal year
17 for which the funds are authorized. Notwithstanding
18 any other provision of law, this paragraph shall
19 apply as if such paragraph was enacted on Sep-
20 tember 30, 2020.

21 (3) MAINTENANCE OF EFFORT.—Notwith-
22 standing section 405(a)(9) of title 23, United States
23 Code, the Secretary may waive the maintenance of
24 effort requirements under such section for fiscal

1 year 2021 for a State, if the Secretary determines
2 appropriate.

3 (4) IN-VEHICLE ALCOHOL DETECTION DEVICE
4 RESEARCH.—In carrying out subsection (h) of sec-
5 tion 403 of title 23, United States Code, the Sec-
6 retary may obligate from funds made available to
7 carry out such section for fiscal year 2021 not more
8 than \$5,312,000 to conduct the research described
9 in paragraph (1) of such subsection.

10 (5) COOPERATIVE RESEARCH AND EVALUA-
11 TION.—Notwithstanding the apportionment formula
12 set forth in section 402(c)(2) of title 23, United
13 States Code, and section 403(f)(1) of title 23,
14 United States Code, \$2,500,000 of the total amount
15 available for apportionment to the States for high-
16 way safety programs under section 402(c)(2) of title
17 23, United States Code, for each of fiscal years
18 2016 through 2021, shall be available for expendi-
19 ture by the Secretary, acting through the Adminis-
20 trator of the National Highway Traffic Safety Ad-
21 ministration, for a cooperative research and evalua-
22 tion program to research and evaluate priority high-
23 way safety countermeasures. This paragraph shall
24 apply as if such paragraph was enacted on October
25 1, 2015.

1 **SEC. 105. FEDERAL MOTOR CARRIER SAFETY ADMINISTRA-**
2 **TION.**

3 (a) SPECIAL FUNDING FOR FISCAL YEAR 2021.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—

5 (A) IN GENERAL.—In addition to amounts
6 authorized under section 101, there is author-
7 ized to be appropriated from the Highway Ac-
8 count for fiscal year 2021, for activities under
9 this subsection, \$209,900,000.

10 (B) OBLIGATION LIMITATION.—Notwith-
11 standing any other provision of law, for fiscal
12 year 2021, obligations for activities authorized
13 under this paragraph shall not exceed
14 \$209,900,000.

15 (2) DISTRIBUTION OF FUNDS.—Amounts au-
16 thorized to be appropriated for fiscal year 2021
17 under paragraph (1) shall be distributed as follows:

18 (A) Subject to section 31104(c) of title 49,
19 United States Code—

20 (i) \$80,512,000 for carrying out sec-
21 tion 31102 (except subsection (l)) of title
22 49, United States Code);

23 (ii) \$14,208,000 for carrying out sec-
24 tion 31102(l) of title 49, United States
25 Code; and

1 (iii) \$23,680,000 for carrying out sec-
2 tion 31313 of title 49, United States Code.

3 (B) \$91,500,000 for carrying out section
4 31110 of title 49, United States Code.

5 (3) TREATMENT OF FUNDS.—Except as pro-
6 vided in subsection (b), amounts made available
7 under this section shall be made available for obliga-
8 tion and administered as if made available under
9 chapter 311 of title 49, United States Code.

10 (b) SPECIAL RULES FOR FISCAL YEAR 2021.—

11 (1) FINANCIAL ASSISTANCE AGREEMENTS FED-
12 ERAL SHARE.—Notwithstanding chapter 311 of title
13 49, United States Code, or any regulations adopted
14 pursuant to such chapter, for the duration of fiscal
15 year 2021 with respect to all financial assistance
16 made available under subsection (a) and section 101,
17 the Secretary of Transportation may—

18 (A) reimburse recipients under section
19 31104(b)(2) of title 49, United States Code, in
20 an amount that is 100 percent of the costs de-
21 scribed in such section; and

22 (B) waive the maintenance of effort re-
23 quirement under 31102(f) of title 49, United
24 States Code, for all States without requiring
25 States to request a waiver.

1 (2) FINANCIAL ASSISTANCE AGREEMENTS PE-
2 RIOD OF AVAILABILITY.—Notwithstanding section
3 31104(f) of title 49, United States Code, the Sec-
4 retary shall extend the periods of availability de-
5 scribed in such section by 1 year.

6 (3) ADMINISTRATIVE EXPENSES.—The Admin-
7 istrator of the Federal Motor Carrier Safety Admin-
8 istration shall ensure that funds made available
9 under subsection (a)(2)(B) are used, to the max-
10 imum extent practicable, to support—

11 (A) the acceleration of planned investments
12 to modernize the Administration’s information
13 technology and information management sys-
14 tems;

15 (B) the completion of outstanding statu-
16 tory mandates required by MAP–21 (112–141)
17 and the FAST Act (114–94); and

18 (C) a Large Truck Crash Causal Factors
19 Study of the Administration.

20 **SEC. 106. HIGH PRIORITY CORRIDORS ON NATIONAL HIGH-**
21 **WAY SYSTEM.**

22 (a) IDENTIFICATION.—

23 (1) CENTRAL TEXAS CORRIDOR.—Section
24 1105(c)(84) of the Intermodal Surface Transpor-

1 tation Efficiency Act of 1991 is amended to read as
2 follows:

3 “(84) The Central Texas Corridor, including
4 the 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 vicin-
9 ity of Midland, Texas, then following Texas
10 Highway 158 eastward to United States Route
11 87 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
17 190 in Pecos County, Texas, and following
18 United 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,
22 College Station, Huntsville, Livingston, Wood-
23 ville, and Jasper, to the logical terminus of
24 Texas Highway 63 at the Sabine River Bridge

1 at Burrs Crossing and including a loop gen-
2 erally 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
8 from Interstate Route 10 in Beaumont, Texas,
9 north to United States Route 190 in the vicin-
10 ity of Woodville, Texas;

11 “(F) following United States Route 96
12 from Interstate Route 10 in Beaumont, Texas,
13 north to United States Route 190 in the vicin-
14 ity of 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.”.

19 (2) CENTRAL LOUISIANA CORRIDOR.—Section
20 1105(e) of the Intermodal Surface Transportation
21 Efficiency Act of 1991 is amended by adding at the
22 end the following:

23 “(91) The Central Louisiana Corridor com-
24 mencing at the logical terminus of Louisiana High-
25 way 8 at the Sabine River Bridge at Burrs Crossing

1 and generally following portions of Louisiana High-
2 way 8 to Leesville, Louisiana, and then eastward on
3 Louisiana Highway 28, passing in the vicinity of Al-
4 exandria, Pineville, Walters, and Archie, to the log-
5 ical terminus of United States Route 84 at the Mis-
6 sissippi River Bridge at Vidalia, Louisiana.”

7 (3) CENTRAL MISSISSIPPI CORRIDOR.—Section
8 1105(e) of the Intermodal Surface Transportation
9 Efficiency Act of 1991, as amended by this Act, is
10 further amended by adding at the end the following:

11 “(92) The Central Mississippi Corridor, includ-
12 ing the route—

13 “(A) commencing at the logical terminus
14 of United States Route 84 at the Mississippi
15 River and then generally following portions of
16 United States Route 84 passing in the vicinity
17 of Natchez, Brookhaven, Monticello, Prentiss,
18 and Collins, to Interstate 59 in the vicinity of
19 Laurel, Mississippi, and continuing on Inter-
20 state Route 59 north to Interstate Route 20
21 and on Interstate Route 20 to the Mississippi-
22 Alabama State Border; and

23 “(B) commencing in the vicinity of Laurel,
24 Mississippi, running south on Interstate Route
25 59 to United States Route 98 in the vicinity of

1 Hattiesburg, connecting to United States Route
2 49 south then following United States Route 49
3 south to Interstate Route 10 in the vicinity of
4 Gulfport and following Mississippi Route 601
5 southerly terminating near the Mississippi State
6 Port at Gulfport.”.

7 (4) MIDDLE ALABAMA CORRIDOR.—Section
8 1105(e) of the Intermodal Surface Transportation
9 Efficiency Act of 1991, as amended by this Act, is
10 further amended by adding at the end the following:

11 “(93) The Middle Alabama Corridor including
12 the route—

13 “(A) beginning at the Alabama-Mississippi
14 Border generally following portions of I-20
15 until following a new interstate extension paral-
16 leling United States Highway 80 specifically:

17 “(B) crossing Alabama Route 28 near
18 Coatopa, Alabama, traveling eastward crossing
19 United States Highway 43 and Alabama Route
20 69 near Selma, Alabama, traveling eastwards
21 closely paralleling United States Highway 80 to
22 the south crossing over Alabama Routes 22, 41,
23 and 21, until its intersection with I-65 near
24 Hope Hull, Alabama;

1 “(C) continuing east along the proposed
2 Montgomery Outer Loop south of Montgomery,
3 Alabama where it would next join with I-85
4 east of Montgomery, Alabama;

5 “(D) continuing along I-85 east bound
6 until its intersection with United States High-
7 way 280 near Opelika, Alabama or United
8 States Highway 80 near Tuskegee, Alabama;
9 and

10 “(E) generally following the most expe-
11 dient route until intersecting with existing
12 United States Highway 80 (JR Allen Parkway)
13 through Phenix City until continuing into Co-
14 lumbus, Georgia.”.

15 (5) MIDDLE GEORGIA CORRIDOR.—Section
16 1105(c) of the Intermodal Surface Transportation
17 Efficiency Act of 1991, as amended by this Act, is
18 further amended by adding at the end the following:

19 “(94) The Middle Georgia Corridor including
20 the route—

21 “(A) beginning at the Alabama-Georgia
22 Border generally following the Fall Line Free-
23 way from Columbus Georgia to Augusta, Geor-
24 gia specifically:

1 “(B) travelling along United States Route
2 80 (JR Allen Parkway) through Columbus,
3 Georgia and near Fort Benning, Georgia, east
4 to Talbot County, Georgia where it would follow
5 Georgia Route 96, then commencing on Georgia
6 Route 49C (Fort Valley Bypass) to Georgia
7 Route 49 (Peach Parkway) to its intersection
8 with Interstate route 75 in Byron, Georgia;

9 “(C) continuing north along Interstate
10 Route 75 through Warner Robins and Macon,
11 Georgia where it would meet Interstate Route
12 16. Following Interstate 16 east it would next
13 join United States Route 80 and then onto
14 State Route 57; and

15 “(D) commencing with State Route 57
16 which turns into State Route 24 near
17 Milledgeville, Georgia would then bypass Wrens,
18 Georgia with a newly constructed bypass. After
19 the bypass it would join United States Route 1
20 near Fort Gordon into Augusta, Georgia where
21 it will terminate at Interstate Route 520.”.

22 (b) INCLUSION OF CERTAIN SEGMENTS ON INTER-
23 STATE SYSTEM.—Section 1105(e)(5)(A) of the Intermodal
24 Surface Transportation Efficiency Act of 1991 is amended
25 in the first sentence—

1 (1) by inserting “subsection (c)(84),” after
2 “subsection (c)(83),”; and

3 (2) by striking “and subsection (c)(90)” and in-
4 serting “subsection (c)(90), subsection (c)(91), sub-
5 section (c)(92), subsection (c)(93), and subsection
6 (c)(94)”.

7 (c) DESIGNATION.—Section 1105(e)(5)(C) of the
8 Intermodal Surface Transportation Efficiency Act of 1991
9 is amended by striking “The route referred to in sub-
10 section (c)(84) is designated as Interstate Route I–14.”
11 and inserting “The route referred to in subsection
12 (c)(84)(A) is designated as Interstate Route I–14 North.
13 The route referred to in subsection (c)(84)(B) is des-
14 ignated as Interstate Route I–14 South. The Bryan/Col-
15 lege Station, Texas loop referred to in subsection (c)(84)
16 is designated as Interstate Route I–214. The routes re-
17 ferred to in subparagraphs (C), (D), (E), (F), and (G)
18 of subsection (c)(84) and in subsections (c)(91), (c)(92),
19 (c)(93), and (c)(94) are designated as Interstate Route I–
20 14.”.

21 **SEC. 107. DEFINITIONS.**

22 In this division, the following definitions apply:

23 (1) HIGHWAY ACCOUNT.—The term “Highway
24 Account” means the portion of the Highway Trust
25 Fund that is not the Mass Transit Account.

1 (2) MASS TRANSIT ACCOUNT.—The term “Mass
2 Transit Account” means the portion of the Highway
3 Trust Fund established under section 9503(e)(1) of
4 the Internal Revenue Code of 1986.

5 (3) SECRETARY.—The term “Secretary” means
6 the Secretary of Transportation.

7 **SEC. 108. ACCESSIBILITY OF PUBLIC TRANSPORTATION**
8 **FOR RESIDENTS OF AREAS OF CON-**
9 **CENTRATED POVERTY.**

10 Not later than 60 days after the date of the enact-
11 ment of this Act, the Secretary of Transportation shall
12 submit to Congress a report that includes—

13 (1) a description of the unique challenges that
14 residents of areas of concentrated poverty face when
15 riding public transportation; and

16 (2) an assessment of how accessible public
17 transportation that receives Federal funds is for
18 residents of areas of concentrated poverty.

19 **DIVISION B—SURFACE**
20 **TRANSPORTATION**

21 **SEC. 1001. APPLICABILITY OF DIVISION.**

22 (a) APPLICABILITY.—This division, including the
23 amendments made by this division, applies beginning on
24 October 1, 2021.

1 (b) REFERENCE TO DATE OF ENACTMENT.—In this
2 division and the amendments made by this division, any
3 reference to—

4 (1) the date of enactment of this Act;

5 (2) the date of enactment of a provision of this
6 division;

7 (3) the date of enactment of a provision added
8 to law by an amendment made by this division; or

9 (4) the date of enactment of the INVEST in
10 America Act added to law by an amendment made
11 by this division,

12 shall be treated as a reference to October 1, 2021.

13 (c) EXCEPTION FOR IMMEDIATE APPLICATION.—

14 Subsections (a) and (b) shall not apply to section 1105

15 and the amendments made by such section.

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

18 **Subtitle A—Authorizations and**
19 **Program Conditions**

20 **SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.**

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

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

1 section 119 of title 23, United States Code, the pre-
2 disaster mitigation program under section 124 of
3 such title, the railway crossings program under sec-
4 tion 130 of such title, the surface transportation
5 program under section 133 of such title, the high-
6 way safety improvement program under section 148
7 of such title, the congestion mitigation and air qual-
8 ity improvement program under section 149 of such
9 title, the national highway freight program under
10 section 167 of such title, the carbon pollution reduc-
11 tion program under section 171 of such title, and
12 metropolitan planning under section 134 of such
13 title—

14 (A) \$55,022,048,429 for fiscal year 2022;

15 (B) \$55,980,646,776 for fiscal year 2023;

16 (C) \$57,095,359,712 for fiscal year 2024;

17 and

18 (D) \$58,118,666,186 for fiscal year 2025.

19 (2) TRANSPORTATION INFRASTRUCTURE FI-
20 NANCE AND INNOVATION PROGRAM.—For credit as-
21 sistance under the transportation infrastructure fi-
22 nance and innovation program under chapter 6 of
23 title 23, United States Code, \$300,000,000 for each
24 of fiscal years 2022 through 2025.

1 (3) CONSTRUCTION OF FERRY BOATS AND
2 FERRY TERMINAL FACILITIES.—For construction of
3 ferry boats and ferry terminal facilities under sec-
4 tion 147 of title 23, United States Code,
5 \$120,000,000 for each of fiscal years 2022 through
6 2025.

7 (4) FEDERAL LANDS AND TRIBAL TRANSPOR-
8 TATION PROGRAMS.—

9 (A) TRIBAL TRANSPORTATION PRO-
10 GRAM.—For the tribal transportation program
11 under section 202 of title 23, United States
12 Code, \$800,000,000 for each of fiscal years
13 2022 through 2025.

14 (B) FEDERAL LANDS TRANSPORTATION
15 PROGRAM.—

16 (i) IN GENERAL.—For the Federal
17 lands transportation program under sec-
18 tion 203 of title 23, United States Code,
19 \$550,000,000 for each of fiscal years 2022
20 through 2025.

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

1 (I) the amount for the National
2 Park Service is \$400,000,000 for each
3 of fiscal years 2022 through 2025;

4 (II) the amount for the United
5 States Fish and Wildlife Service is
6 \$50,000,000 for each of fiscal years
7 2022 through 2025; and

8 (III) the amount for the United
9 States Forest Service is \$50,000,000
10 for each of fiscal years 2022 through
11 2025.

12 (C) FEDERAL LANDS ACCESS PROGRAM.—
13 For the Federal lands access program under
14 section 204 of title 23, United States Code,
15 \$345,000,000 for each of fiscal years 2022
16 through 2025.

17 (D) FEDERAL LANDS AND TRIBAL MAJOR
18 PROJECTS GRANTS.—To carry out section 208
19 of title 23, United States Code, \$400,000,000
20 for each of fiscal years 2022 through 2025.

21 (5) TERRITORIAL AND PUERTO RICO HIGHWAY
22 PROGRAM.—For the territorial and Puerto Rico
23 highway program under section 165 of title 23,
24 United States Code, \$310,000,000 for each of fiscal
25 years 2022 through 2025.

1 (6) PROJECTS OF NATIONAL AND REGIONAL
2 SIGNIFICANCE.—For projects of national and re-
3 gional significance under section 117 of title 23,
4 United States Code—

5 (A) \$2,200,000,000 for fiscal year 2022;

6 (B) \$2,200,000,000 for fiscal year 2023;

7 (C) \$2,300,000,000 for fiscal year 2024;

8 and

9 (D) \$2,350,000,000 for fiscal year 2025.

10 (7) COMMUNITY TRANSPORTATION INVESTMENT
11 GRANTS.—To carry out section 173 of title 23,
12 United States Code, \$600,000,000 for each of fiscal
13 years 2022 through 2025.

14 (8) ELECTRIC VEHICLE CHARGING, NATURAL
15 GAS FUELING, PROPANE FUELING, AND HYDROGEN
16 FUELING INFRASTRUCTURE GRANTS.—To carry out
17 section 151(f) of title 23, United States Code,
18 \$350,000,000 for each of fiscal years 2022 through
19 2025.

20 (9) COMMUNITY CLIMATE INNOVATION
21 GRANTS.—To carry out section 172 of title 23,
22 United States Code, \$250,000,000 for each of fiscal
23 years 2022 through 2025.

24 (b) ADDITIONAL PROGRAMS.—

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

4 (A) GRIDLOCK REDUCTION GRANT PRO-
5 GRAM.—To carry out section 1306 of this Act,
6 \$250,000,000 for fiscal year 2022.

7 (B) REBUILD RURAL GRANT PROGRAM.—
8 To carry out section 1307 of this Act,
9 \$250,000,000 for fiscal year 2022.

10 (C) PARKING FOR COMMERCIAL MOTOR
11 VEHICLES.—To carry out section 1308 of this
12 Act, \$250,000,000 for fiscal year 2023.

13 (D) ACTIVE TRANSPORTATION
14 CONNECTIVITY GRANT PROGRAM.—To carry out
15 section 1309 of this Act, \$250,000,000 for fis-
16 cal year 2024.

17 (E) METRO PERFORMANCE PROGRAM.—To
18 carry out section 1305 of this Act,
19 \$250,000,000 for each of fiscal years 2023
20 through 2025.

21 (2) TREATMENT OF FUNDS.—Amounts made
22 available under subparagraphs (B) through (D) of
23 paragraph (1) shall be administered as if appor-
24 tioned under chapter 1 of title 23, United States
25 Code.

1 (c) DISADVANTAGED BUSINESS ENTERPRISES.—

2 (1) FINDINGS.—Congress finds that—

3 (A) despite the real improvements caused
4 by the disadvantaged business enterprise pro-
5 gram, minority- and women-owned businesses
6 across the country continue to confront serious
7 and significant obstacles to success caused by
8 race and gender discrimination in the federally
9 assisted surface transportation market and re-
10 lated markets across the United States;

11 (B) the continuing race and gender dis-
12 crimination described in subparagraph (A) mer-
13 its the continuation of the disadvantaged busi-
14 ness enterprise program;

15 (C) recently, the disparities cause by dis-
16 crimination against African American, Hispanic
17 American, Asian American, Native American,
18 and women business owners have been further
19 exacerbated by the coronavirus pandemic and
20 its disproportionate effects on minority- and
21 women-owned businesses across the nation;

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

1 tigrative activities, scientific reports, reports
2 issued by public and private agencies at every
3 level of government, news reports, academic
4 publications, reports of discrimination by orga-
5 nizations and individuals, and discrimination
6 lawsuits, which continue to demonstrate that
7 race- and gender-neutral efforts alone are insuf-
8 ficient to address the problem;

9 (E) the testimony and documentation de-
10 scribed in subparagraph (D) demonstrate that
11 discrimination across the United States poses
12 an injurious and enduring barrier to full and
13 fair participation in surface transportation-re-
14 lated businesses of women business owners and
15 minority business owners and has negatively af-
16 fected firm formation, development and success
17 in many aspects of surface transportation-re-
18 lated business in the public and private mar-
19 kets; and

20 (F) the testimony and documentation de-
21 scribed in subparagraph (D) provide a clear pic-
22 ture of the inequality caused by discrimination
23 that continues to plague our nation and a
24 strong basis that there is a compelling need for
25 the continuation of the disadvantaged business

1 enterprise program to address race and gender
2 discrimination in surface transportation-related
3 business.

4 (2) DEFINITIONS.—In this subsection, the fol-
5 lowing definitions apply:

6 (A) SMALL BUSINESS CONCERN.—The
7 term “small business concern” means a small
8 business concern (as the term is used in section
9 3 of the Small Business Act (15 U.S.C. 632)).

10 (B) SOCIALLY AND ECONOMICALLY DIS-
11 ADVANTAGED INDIVIDUALS.—The term “so-
12 cially and economically disadvantaged individ-
13 uals” has the meaning given the term in section
14 8(d) of the Small Business Act (15 U.S.C.
15 637(d)) and relevant subcontracting regulations
16 issued pursuant to that Act, except that women
17 shall be presumed to be socially and economi-
18 cally disadvantaged individuals for purposes of
19 this subsection.

20 (3) AMOUNTS FOR SMALL BUSINESS CON-
21 CERNS.—Except to the extent that the Secretary of
22 Transportation determines otherwise, not less than
23 10 percent of the amounts made available for any
24 program under titles I, II, V, and VII of this divi-
25 sion and section 403 of title 23, United States Code,

1 shall be expended through small business concerns
2 owned and controlled by socially and economically
3 disadvantaged individuals.

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

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

10 (B) notify the Secretary, in writing, of the
11 percentage of the small business concerns that
12 are controlled by—

13 (i) women;

14 (ii) socially and economically dis-
15 advantaged individuals (other than
16 women); and

17 (iii) individuals who are women and
18 are otherwise socially and economically dis-
19 advantaged individuals.

20 (5) UNIFORM CERTIFICATION.—

21 (A) IN GENERAL.—The Secretary of
22 Transportation shall establish minimum uni-
23 form criteria for use by State governments in
24 certifying whether a concern qualifies as a small

1 business concern for the purpose of this sub-
2 section.

3 (B) INCLUSIONS.—The minimum uniform
4 criteria established under subparagraph (A)
5 shall include, with respect to a potential small
6 business concern—

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

19 (6) REPORTING.—The Secretary of Transpor-
20 tation shall establish minimum requirements for use
21 by State governments in reporting to the Sec-
22 retary—

23 (A) information concerning disadvantaged
24 business enterprise awards, commitments, and
25 achievements; and

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

5 (7) COMPLIANCE WITH COURT ORDERS.—Noth-
6 ing in this subsection limits the eligibility of an indi-
7 vidual or entity to receive funds made available
8 under titles I, II, V, and VII of this division and sec-
9 tion 403 of title 23, United States Code, if the enti-
10 ty or person is prevented, in whole or in part, from
11 complying with paragraph (3) because a Federal
12 court issues a final order in which the court finds
13 that a requirement or the implementation of para-
14 graph (3) is unconstitutional.

15 (8) SENSE OF CONGRESS ON PROMPT PAYMENT
16 OF DBE SUBCONTRACTORS.—It is the sense of Con-
17 gress that—

18 (A) the Secretary of Transportation should
19 take additional steps to ensure that recipients
20 comply with section 26.29 of title 49, Code of
21 Federal Regulations (the disadvantaged busi-
22 ness enterprises prompt payment rule), or any
23 corresponding regulation, in awarding federally
24 funded transportation contracts under laws and
25 regulations administered by the Secretary; and

1 (B) such additional steps should include
2 increasing the Department of Transportation’s
3 ability to track and keep records of complaints
4 and to make that information publicly available.

5 (d) LIMITATION ON FINANCIAL ASSISTANCE FOR
6 STATE-OWNED ENTERPRISES.—

7 (1) IN GENERAL.—Funds provided under this
8 section may not be used in awarding or exercising
9 an option on a previously awarded contract, a con-
10 tract, subcontract, grant, or loan to an entity that
11 is owned or controlled by, is a subsidiary of, or is
12 otherwise related legally or financially to a corpora-
13 tion based in a country that—

14 (A) is identified as a nonmarket economy
15 country (as defined in section 771(18) of the
16 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
17 the date of enactment of this Act;

18 (B) was identified by the United States
19 Trade Representative in the most recent report
20 required by section 182 of the Trade Act of
21 1974 (19 U.S.C. 2242) as a priority foreign
22 country under subsection (a)(2) of that section;
23 and

1 (C) is subject to monitoring by the Trade
2 Representative under section 306 of the Trade
3 Act of 1974 (19 U.S.C. 2416).

4 (2) EXCEPTION.—For purposes of paragraph
5 (1), the term “otherwise related legally or finan-
6 cially” does not include a minority relationship or in-
7 vestment.

8 (3) INTERNATIONAL AGREEMENTS.—This sub-
9 section shall be applied in a manner consistent with
10 the obligations of the United States under inter-
11 national agreements.

12 **SEC. 1102. OBLIGATION LIMITATION.**

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

- 17 (1) \$62,159,350,954 for fiscal year 2022;
18 (2) \$63,121,354,776 for fiscal year 2023;
19 (3) \$64,346,443,712 for fiscal year 2024; and
20 (4) \$65,180,125,186 for fiscal year 2025.

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

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

1 (2) section 147 of the Surface Transportation
2 Assistance Act of 1978 (23 U.S.C. 144 note; 92
3 Stat. 2714);

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

6 (4) subsections (b) and (j) of section 131 of the
7 Surface Transportation Assistance Act of 1982 (96
8 Stat. 2119);

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

12 (6) sections 1103 through 1108 of the Inter-
13 modal Surface Transportation Efficiency Act of
14 1991 (Public Law 102–240);

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

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

21 (9) Federal-aid highway programs for which ob-
22 ligation authority was made available under the
23 Transportation Equity Act for the 21st Century
24 (112 Stat. 107) or subsequent Acts for multiple
25 years or to remain available until expended, but only

1 to the extent that the obligation authority has not
2 lapsed or been used;

3 (10) section 105 of title 23, United States Code
4 (as in effect for fiscal years 2005 through 2012, but
5 only in an amount equal to \$639,000,000 for each
6 of those fiscal years);

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

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

17 (13) section 119 of title 23, United States Code
18 (but, for fiscal years 2016 through 2021, only in an
19 amount equal to \$639,000,000 for each of those fis-
20 cal years);

21 (14) section 203 of title 23, United States Code
22 (but, for fiscal years 2022 through 2025, only in an
23 amount equal to \$550,000,000 for each of those fis-
24 cal years); and

1 (15) section 133(d)(1)(B) of title 23, United
2 States Code (but, for fiscal years 2022 through
3 2025, only in an amount equal to \$89,000,000 for
4 each of those fiscal years).

5 (c) DISTRIBUTION OF OBLIGATION AUTHORITY.—
6 Subject to paragraph (1)(B), for each of fiscal years 2022
7 through 2025, the Secretary of Transportation—

8 (1)(A) shall not distribute obligation authority
9 provided by subsection (a) for the fiscal year for—

10 (i) amounts authorized for administrative
11 expenses and programs by section 104(a) of
12 title 23, United States Code;

13 (ii) amounts authorized for the Bureau of
14 Transportation Statistics;

15 (iii) amounts authorized for the tribal
16 transportation program under section 202 of
17 title 23, United States Code; and

18 (iv) amounts authorized for the territorial
19 and Puerto Rico highway program under sec-
20 tion 165(a) of title 23, United States Code; and

21 (B) for each of fiscal years 2023 through 2025,
22 in addition to the amounts described in subpara-
23 graph (A), shall not distribute obligation authority
24 provided by subsection (a) for the fiscal year for

1 amounts authorized for the metro performance pro-
2 gram under section 1305 of this Act;

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

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

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

16 (3) shall determine the proportion that—

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

21 (B) the total of—

22 (i) the sums authorized to be appro-
23 priated for the Federal-aid highway and
24 highway safety construction programs,

1 other than sums authorized to be appro-
2 priated for—

3 (I) provisions of law described in
4 paragraphs (1) through (13) of sub-
5 section (b);

6 (II) section 203 of title 23,
7 United States Code, equal to the
8 amount referred to in subsection
9 (b)(14) for the fiscal year; and

10 (III) section 133(d)(1)(B) of title
11 23, United States Code, equal to the
12 amount referred to in subsection
13 (b)(15) for the fiscal year; less

14 (ii) the aggregate of the amounts not
15 distributed under paragraphs (1) and (2)
16 of this subsection;

17 (4) shall distribute the obligation authority pro-
18 vided by subsection (a), less the aggregate amounts
19 not distributed under paragraphs (1) and (2), for
20 each of the programs (other than programs to which
21 paragraph (1) applies) that are allocated by the Sec-
22 retary under this Act and title 23, United States
23 Code, or apportioned by the Secretary under section
24 202 or 204 of such title, by multiplying—

1 (A) the proportion determined under para-
2 graph (3); by

3 (B) the amounts authorized to be appro-
4 priated for each such program for the fiscal
5 year; and

6 (5) shall distribute the obligation authority pro-
7 vided by subsection (a), less the aggregate amounts
8 not distributed under paragraphs (1) and (2) and
9 the amounts distributed under paragraph (4), for
10 Federal-aid highway and highway safety construc-
11 tion programs that are apportioned by the Secretary
12 under title 23, United States Code (other than the
13 amounts apportioned for the surface transportation
14 program in section 133(d)(1)(B) of title 23, United
15 States Code, that are exempt from the limitation
16 under subsection (b)(15) and the amounts appor-
17 tioned under sections 202 and 204 of such title) in
18 the proportion that—

19 (A) amounts authorized to be appropriated
20 for the programs that are apportioned under
21 title 23, United States Code, to each State for
22 the fiscal year; bears to

23 (B) the total of the amounts authorized to
24 be appropriated for the programs that are ap-

1 portioned under title 23, United States Code, to
2 all States for the fiscal year.

3 (d) REDISTRIBUTION OF UNUSED OBLIGATION AU-
4 THORITY.—Notwithstanding subsection (c), the Secretary
5 of Transportation shall, after August 1 of each of fiscal
6 years 2022 through 2025—

7 (1) revise a distribution of the obligation au-
8 thority made available under subsection (c) if an
9 amount distributed cannot be obligated during that
10 fiscal year; and

11 (2) redistribute sufficient amounts to those
12 States able to obligate amounts in addition to those
13 previously distributed during that fiscal year, giving
14 priority to those States having large unobligated bal-
15 ances of funds apportioned under section 104 of title
16 23, United States Code.

17 (e) SPECIAL LIMITATION.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (2), obligation limitations imposed by sub-
20 section (a) shall apply to contract authority for—

21 (A) transportation research programs car-
22 ried out under chapter 5 of title 23, United
23 States Code, and title V of this Act; and

24 (B) the metro performance program under
25 section 1305 of this Act.

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

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

5 (B) be in addition to the amount of any
6 limitation imposed on obligations for Federal-
7 aid highway and highway safety construction
8 programs for future fiscal years.

9 (f) LOP-OFF.—

10 (1) IN GENERAL.—Not later than 30 days after
11 the date of distribution of obligation authority under
12 subsection (c) for each of fiscal years 2022 through
13 2025, the Secretary of Transportation shall dis-
14 tribute to the States any funds that—

15 (A) are authorized to be appropriated for
16 the fiscal year for Federal-aid highway pro-
17 grams; and

18 (B) the Secretary determines will not be
19 allocated to the States (or will not be appor-
20 tioned to the States under section 204 of title
21 23, United States Code), and will not be avail-
22 able for obligation, for the fiscal year because
23 of the imposition of any obligation limitation for
24 the fiscal year.

1 (2) **RATIO.**—Funds shall be distributed under
2 paragraph (1) in the same proportion as the dis-
3 tribution of obligation authority under subsection
4 (c)(5).

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

9 **SEC. 1103. DEFINITIONS AND DECLARATION OF POLICY.**

10 Section 101 of title 23, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) by redesignating paragraphs (1), (2),
14 (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),
15 (13), (14), (15), (16), (17), (18), (19), (20),
16 (21), (22), (23), (24), (25), (26), (27), (28),
17 (29), (30), (31), (32), (33), and (34) as para-
18 graphs (2), (3), (4), (6), (8), (10), (11), (12),
19 (13), (14), (16), (17), (18), (19), (20), (21),
20 (23), (24), (25), (26), (28), (29), (32), (33),
21 (34), (35), (36), (37), (38), (40), (41), (42),
22 (43), and (44), respectively;

23 (B) by inserting before paragraph (2), as
24 so redesignated, the following:

1 “(1) ADAPTATION.—The term ‘adaptation’
2 means an adjustment in natural or human systems
3 in anticipation of, or in response to, a changing envi-
4 ronment in a way that moderates negative effects of
5 extreme events or climate change.”;

6 (C) by inserting after paragraph (4), as so
7 redesignated, the following:

8 “(5) CLIMATE CHANGE.—The term ‘climate
9 change’ means any significant change in the meas-
10 ures of climate lasting for an extended period of
11 time, and may include major changes in tempera-
12 ture, precipitation, wind patterns, or sea level,
13 among others, that occur over several decades or
14 longer.”;

15 (D) in paragraph (6)(A), as so redesign-
16 ated, by inserting “assessing resilience,” after
17 “surveying,”;

18 (E) by inserting after paragraph (6), as so
19 redesignated, the following:

20 “(7) CONTEXT SENSITIVE DESIGN PRIN-
21 CIPLES.—The term ‘context sensitive design prin-
22 ciples’ means principles for the design of a public
23 road that—

24 “(A) provides for the safe and adequate
25 accommodation, in all phases of project plan-

1 ning, design, and development, transportation
2 facilities for users, including pedestrians,
3 bicyclists, public transportation users, children,
4 older individuals, individuals with disabilities,
5 motorists, and freight vehicles; and

6 “(B) considers the context in which the fa-
7 cility is planned to be constructed to determine
8 the appropriate facility design.”;

9 (F) by inserting after paragraph (8), as so
10 redesignated, the following:

11 “(9) EVACUATION ROUTE.—The term ‘evacu-
12 ation route’ means a transportation route or system
13 that—

14 “(A) is used to transport—

15 “(i) the public away from an emer-
16 gency event; or

17 “(ii) first responders and recovery re-
18 sources in the event of an emergency; and

19 “(B) is identified, consistent with sections
20 134(i)(2)(I)(iii) and 135(f)(10)(C)(iii), by the
21 eligible entity with jurisdiction over the area in
22 which the route is located for the purposes de-
23 scribed in subparagraph (A).”;

24 (G) by inserting after paragraph (14), as
25 so redesignated, the following:

1 “(15) GREENHOUSE GAS.—The term ‘green-
2 house gas’ has the meaning given the term in section
3 211(o)(1)(G) of the Clean Air Act (42 U.S.C.
4 7545(o)(1)(G)).”;

5 (H) by inserting after paragraph (21), as
6 so redesignated, the following:

7 “(22) NATURAL INFRASTRUCTURE.—

8 “(A) IN GENERAL.—The term ‘natural in-
9 frastructure’ means infrastructure that uses, re-
10 stores, or emulates natural ecological processes
11 that—

12 “(i) is created through the action of
13 natural physical, geological, biological, and
14 chemical processes over time;

15 “(ii) is created by human design, en-
16 gineering, and construction to emulate or
17 act in concert with natural processes; or

18 “(iii) involves the use of plants, soils,
19 and other natural features, including
20 through the creation, restoration, or pres-
21 ervation of vegetated areas using materials
22 appropriate to the region to manage
23 stormwater and runoff, to attenuate flood-
24 ing and storm surges, and for other related
25 purposes.

1 “(B) INCLUSION.—The term ‘natural in-
2 frastructure’ includes green infrastructure and
3 nature-based solutions.”;

4 (I) by inserting after paragraph (26), as so
5 redesignated, the following:

6 “(27) PROTECTIVE FEATURE.—

7 “(A) IN GENERAL.—The term ‘protective
8 feature’ means an improvement to a highway or
9 bridge designed to increase resilience or miti-
10 gate the risk of recurring damage or the cost of
11 future repairs from climate change effects, ex-
12 treme events, seismic activity, or any other nat-
13 ural disaster.

14 “(B) INCLUSIONS.—The term ‘protective
15 feature’ includes—

16 “(i) raising roadway grades;

17 “(ii) relocating roadways to higher
18 ground above projected flood elevation lev-
19 els or away from slide prone areas;

20 “(iii) stabilizing slide areas;

21 “(iv) stabilizing slopes;

22 “(v) lengthening or raising bridges to
23 increase waterway openings;

24 “(vi) increasing the size or number of
25 drainage structures;

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

3 “(viii) installing seismic retrofits on
4 bridges;

5 “(ix) scour, stream stability, coastal,
6 and other hydraulic countermeasures; and

7 “(x) the use of natural infrastruc-
8 ture.”;

9 (J) by inserting after paragraph (29), as
10 so redesignated, the following:

11 “(30) REPEATEDLY DAMAGED FACILITY.—The
12 term ‘repeatedly damaged facility’ means a road,
13 highway, or bridge that has required repair and re-
14 construction activities on 2 or more occasions due to
15 natural disasters or catastrophic failures resulting in
16 emergencies declared by the Governor of the State
17 in which the road, highway, or bridge is located or
18 emergencies or major disasters declared by the
19 President under the Robert T. Stafford Disaster Re-
20 lief and Emergency Assistance Act (42 U.S.C. 5121
21 et seq.).

22 “(31) RESILIENCE.—

23 “(A) IN GENERAL.—The term ‘resilience’
24 means, with respect to a facility, the ability
25 to—

1 “(i) anticipate, prepare for, or adapt
2 to conditions; or

3 “(ii) withstand, respond to, or recover
4 rapidly from disruptions.

5 “(B) INCLUSIONS.—Such term includes,
6 with respect to a facility, the ability to—

7 “(i) resist hazards or withstand im-
8 pacts from disruptions;

9 “(ii) reduce the magnitude, duration,
10 or impact of a disruption; or

11 “(iii) have the absorptive capacity,
12 adaptive capacity, and recoverability to de-
13 crease vulnerability to a disruption.”;

14 (K) by inserting after paragraph (38), as
15 so redesignated, the following:

16 “(39) TRANSPORTATION SYSTEM ACCESS.—The
17 term ‘transportation system access’ means the abil-
18 ity to travel by automobile, public transportation,
19 pedestrian, and bicycle networks, measured by travel
20 time, taking into consideration—

21 “(A) the impacts of the level of travel
22 stress for non-motorized users;

23 “(B) costs for low-income travelers; and

24 “(C) the extent to which transportation ac-
25 cess is impacted by zoning policies and land use

1 planning practices that effect the affordability,
2 elasticity, and diversity of the housing supply.”;
3 and

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

5 “(45) TRANSPORTATION DEMAND MANAGE-
6 MENT; TDM.—The terms ‘transportation demand
7 management’ and ‘TDM’ mean the use of strategies
8 to inform and encourage travelers to maximize the
9 efficiency of a transportation system leading to im-
10 proved mobility, reduced congestion, and lower vehi-
11 cle emissions.

12 “(46) TRANSPORTATION DEMAND MANAGE-
13 MENT STRATEGIES.—The term ‘transportation de-
14 mand management strategies’ means the use of
15 planning, programs, policy, marketing, communica-
16 tions, incentives, pricing, and technology to shift
17 travel mode, routes used, departure times, number
18 of trips, and location and design work space or pub-
19 lic attractions.”; and

20 (2) in subsection (b)—

21 (A) in paragraph (1) by striking “De-
22 fense,” and inserting “Defense Highways,”;

23 (B) in paragraph (3)—

24 (i) in subparagraph (A) by striking
25 “Century” and inserting “century”;

1 (ii) in subparagraph (G) by striking “;
2 and” and inserting a semicolon;

3 (iii) in subparagraph (H) by striking
4 “Century.” and inserting “century;”; and

5 (iv) by adding at the end the fol-
6 lowing:

7 “(I) safety is the highest priority of the
8 Department of Transportation, and the Sec-
9 retary and States should take all actions nec-
10 essary to meet the transportation needs of the
11 21st century for all road users;

12 “(J) climate change presents a significant
13 risk to safety, the economy, and national secu-
14 rity, and reducing the contributions of the
15 transportation system to the Nation’s total car-
16 bon pollution is critical; and

17 “(K) the Secretary and States should take
18 appropriate measures and ensure investments
19 to increase the resilience of the Nation’s trans-
20 portation system.”; and

21 (C) in paragraph (4)(A) by inserting
22 “while ensuring that environmental protections
23 are maintained” after “review process”.

1 **SEC. 1104. APPORTIONMENT.**

2 (a) IN GENERAL.—Section 104 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)(1) by striking subpara-
5 graphs (A) through (E) and inserting the following:

6 “(A) \$ 506,302,525 for fiscal year 2022;

7 “(B) \$ 509,708,000 for fiscal year 2023;

8 “(C) \$ 520,084,000 for fiscal year 2024;

9 and

10 “(D) \$ 530,459,000 for fiscal year 2025.”;

11 (2) by striking subsections (b) and (c) and in-
12 serting the following:

13 “(b) DIVISION AMONG PROGRAMS OF STATE’S
14 SHARE OF APPORTIONMENT.—The Secretary shall dis-
15 tribute the amount apportioned to a State for a fiscal year
16 under subsection (c) among the covered programs as fol-
17 lows:

18 “(1) NATIONAL HIGHWAY PERFORMANCE PRO-
19 GRAM.—For the national highway performance pro-
20 gram, 55.09 percent of the amount remaining after
21 distributing amounts under paragraphs (4), (6), and
22 (7).

23 “(2) SURFACE TRANSPORTATION PROGRAM.—
24 For the surface transportation program, 28.43 per-
25 cent of the amount remaining after distributing
26 amounts under paragraphs (4), (6), and (7).

1 “(3) HIGHWAY SAFETY IMPROVEMENT PRO-
2 GRAM.—For the highway safety improvement pro-
3 gram, 6.19 percent of the amount remaining after
4 distributing amounts under paragraphs (4), (6), and
5 (7).

6 “(4) CONGESTION MITIGATION AND AIR QUAL-
7 ITY IMPROVEMENT PROGRAM.—

8 “(A) IN GENERAL.—For the congestion
9 mitigation and air quality improvement pro-
10 gram, an amount determined for the State
11 under subparagraphs (B) and (C).

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

15 “(i) \$2,913,925,833 for fiscal year
16 2022;

17 “(ii) \$2,964,919,535 for fiscal year
18 2023;

19 “(iii) \$3,024,217,926 for fiscal year
20 2024; and

21 “(iv) \$3,078,653,849 for fiscal year
22 2025.

23 “(C) STATE SHARE.—For each fiscal year,
24 the Secretary shall distribute among the States
25 the amount for the congestion mitigation and

1 air quality improvement program under sub-
2 paragraph (B) so that each State receives an
3 amount equal to the proportion that—

4 “(i) the amount apportioned to the
5 State for the congestion mitigation and air
6 quality improvement program for fiscal
7 year 2020; bears to

8 “(ii) the total amount of funds appor-
9 tioned to all States for such program for
10 fiscal year 2020.

11 “(5) NATIONAL HIGHWAY FREIGHT PRO-
12 GRAM.—For the national highway freight program,
13 3.38 percent of the amount remaining after distrib-
14 uting amounts under paragraphs (4), (6), and (7).

15 “(6) METROPOLITAN PLANNING.—

16 “(A) IN GENERAL.—For metropolitan
17 planning, an amount determined for the State
18 under subparagraphs (B) and (C).

19 “(B) TOTAL AMOUNT.—The total amount
20 for metropolitan planning for all States shall
21 be—

22 “(i) \$507,500,000 for fiscal year
23 2022;

24 “(ii) \$516,381,250 for fiscal year
25 2023;

1 “(iii) \$526,708,875 for fiscal year
2 2024; and

3 “(iv) \$536,189,635 for fiscal year
4 2025.

5 “(C) STATE SHARE.—For each fiscal year,
6 the Secretary shall distribute among the States
7 the amount for metropolitan planning under
8 subparagraph (B) so that each State receives
9 an amount equal to the proportion that—

10 “(i) the amount apportioned to the
11 State for metropolitan planning for fiscal
12 year 2020; bears to

13 “(ii) the total amount of funds appor-
14 tioned to all States for metropolitan plan-
15 ning for fiscal year 2020.

16 “(7) RAILWAY CROSSINGS.—

17 “(A) IN GENERAL.—For the railway cross-
18 ings program, an amount determined for the
19 State under subparagraphs (B) and (C).

20 “(B) TOTAL AMOUNT.—The total amount
21 for the railway crossings program for all States
22 shall be \$245,000,000 for each of fiscal years
23 2022 through 2025.

24 “(C) STATE SHARE.—

1 “(i) IN GENERAL.—For each fiscal
2 year, the Secretary shall distribute among
3 the States the amount for the railway
4 crossings program under subparagraph (B)
5 as follows:

6 “(I) 50 percent of the amount for
7 a fiscal year shall be apportioned to
8 States by the formula set forth in sec-
9 tion 104(b)(3)(A) (as in effect on the
10 day before the date of enactment of
11 MAP–21).

12 “(II) 50 percent of the amount
13 for a fiscal year shall be apportioned
14 to States in the ratio that total public
15 railway-highway crossings in each
16 State bears to the total of such cross-
17 ings in all States.

18 “(ii) MINIMUM APPORTIONMENT.—
19 Notwithstanding clause (i), for each fiscal
20 year, each State shall receive a minimum
21 of one-half of 1 percent of the total
22 amount for the railway crossings program
23 for such fiscal year under subparagraph
24 (B).

1 “(8) PREDISASTER MITIGATION PROGRAM.—
2 For the predisaster mitigation program, 2.96 per-
3 cent of the amount remaining after distributing
4 amounts under paragraphs (4), (6), and (7).

5 “(9) CARBON POLLUTION REDUCTION PRO-
6 GRAM.—For the carbon pollution reduction program,
7 3.95 percent of the amount remaining after distrib-
8 uting amounts under paragraphs (4), (6), and (7).

9 “(c) CALCULATION OF AMOUNTS.—

10 “(1) STATE SHARE.—For each of fiscal years
11 2022 through 2025, the amount for each State shall
12 be determined as follows:

13 “(A) INITIAL AMOUNTS.—The initial
14 amounts for each State shall be determined by
15 multiplying—

16 “(i) the combined amount authorized
17 for appropriation for the fiscal year for the
18 covered programs; by

19 “(ii) the share for each State, which
20 shall be equal to the proportion that—

21 “(I) the amount of apporportion-
22 ments that the State received for fis-
23 cal year 2020; bears to

1 “(II) the amount of those appor-
2 tionments received by all States for
3 fiscal year 2020.

4 “(B) ADJUSTMENTS TO AMOUNTS.—The
5 initial amounts resulting from the calculation
6 under subparagraph (A) shall be adjusted to
7 ensure that each State receives an aggregate
8 apportionment equal to at least 95 percent of
9 the estimated tax payments attributable to
10 highway users in the State paid into the High-
11 way Trust Fund (other than the Mass Transit
12 Account) in the most recent fiscal year for
13 which data are available.

14 “(2) STATE APPORTIONMENT.—On October 1
15 of fiscal years 2022 through 2025, the Secretary
16 shall apportion the sums authorized to be appro-
17 priated for expenditure on the covered programs in
18 accordance with paragraph (1).”;

19 (3) in subsection (d)(1)(A)—

20 (A) in clause (i) by striking “paragraphs
21 (5)(D) and (6) of subsection (b)” and inserting
22 “subsection (b)(6)”; and

23 (B) in clause (ii) by striking “paragraphs
24 (5)(D) and (6) of subsection (b)” and inserting
25 “subsection (b)(6)”; and

1 (4) by striking subsections (h) and (i) and in-
2 sserting the following:

3 “(h) DEFINITION OF COVERED PROGRAMS.—In this
4 section, the term ‘covered programs’ means—

5 “(1) the national highway performance program
6 under section 119;

7 “(2) the surface transportation program under
8 section 133;

9 “(3) the highway safety improvement program
10 under section 148;

11 “(4) the congestion mitigation and air quality
12 improvement program under section 149;

13 “(5) the national highway freight program
14 under section 167;

15 “(6) metropolitan planning under section 134;

16 “(7) the railway crossings program under sec-
17 tion 130;

18 “(8) the predisaster mitigation program under
19 section 124; and

20 “(9) the carbon pollution reduction program
21 under section 171.”.

22 (b) FEDERAL SHARE PAYABLE.—Section 120(c)(3)
23 of title 23, United States Code, is amended—

24 (1) in subparagraph (A) by striking “(5)(D),”;

25 and

1 (2) in subparagraph (C)(i) by striking
2 “(5)(D),”.

3 (c) METROPOLITAN TRANSPORTATION PLANNING;
4 TITLE 23.—Section 134(p) of title 23, United States
5 Code, is amended by striking “paragraphs (5)(D) and (6)
6 of section 104(b)” and inserting “section 104(b)(6)”.

7 (d) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
8 TATION PLANNING.—Section 135(i) of title 23, United
9 States Code, is amended by striking “paragraphs (5)(D)
10 and (6) of section 104(b)” and inserting “section
11 104(b)(6)”.

12 (e) METROPOLITAN TRANSPORTATION PLANNING;
13 TITLE 49.—Section 5303(p) of title 49, United States
14 Code, is amended by striking “section 104(b)(5)” and in-
15 serting “section 104(b)(6)”.

16 **SEC. 1105. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST**
17 **FUND.**

18 Section 105 of title 23, United States Code, is
19 amended—

20 (1) in subsection (a) by striking “FAST Act”
21 and inserting “INVEST in America Act”;

22 (2) in subsection (c)—

23 (A) in paragraph (1)(A) by striking “to be
24 appropriated” each place it appears; and

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

1 “(4) SPECIAL RULE.—

2 “(A) ADJUSTMENT.—In making an adjust-
3 ment under paragraph (1) for an allocation,
4 reservation, or set-aside from an amount au-
5 thorized from the Highway Account or Mass
6 Transit Account described in subparagraph (B),
7 the Secretary shall—

8 “(i) determine the ratio that—

9 “(I) the amount authorized to be
10 appropriated for the allocation, res-
11 ervation, or set-aside from the account
12 for the fiscal year; bears to

13 “(II) the total amount authorized
14 to be appropriated for such fiscal year
15 for all programs under such account;

16 “(ii) multiply the ratio determined
17 under clause (i) by the amount of the ad-
18 justment determined under subsection
19 (b)(1)(B); and

20 “(iii) adjust the amount that the Sec-
21 retary would have allocated for the alloca-
22 tion, reservation, or set-aside for such fis-
23 cal year but for this section by the amount
24 calculated under clause (ii).

1 “(B) ALLOCATIONS, RESERVATIONS, AND
2 SET-ASIDES.—The allocations, reservations, and
3 set-asides described in this subparagraph are—

4 “(i) from the amount made available
5 for a fiscal year for the Federal lands
6 transportation program under section 203,
7 the amounts allocated for a fiscal year for
8 the National Park Service, the United
9 States Fish and Wildlife Service, and the
10 United States Forest Service;

11 “(ii) the amount made available for
12 the Puerto Rico highway program under
13 section 165(a)(1);

14 “(iii) the amount made available for
15 the territorial highway program under sec-
16 tion 165(a)(2);

17 “(iv) from the amounts made avail-
18 able for a fiscal year for the urbanized
19 areas formula grants under section 5307
20 of title 49, the amounts allocated for a fis-
21 cal year for the passenger ferry grant pro-
22 gram under section 5307(h) of such title;

23 “(v) from the amounts made available
24 for a fiscal year for the formula grants for
25 rural areas under section 5311 of such

1 title, the amounts allocated for a fiscal
2 year for public transportation on Indian
3 reservations;

4 “(vi) from the amounts made avail-
5 able for a fiscal year for the public trans-
6 portation innovation program under sec-
7 tion 5312 of such title—

8 “(I) the amounts allocated for
9 the zero emission vehicle component
10 assessment under section 5312(h) of
11 such title; and

12 “(II) the amounts allocated for
13 the transit cooperative research pro-
14 gram under section 5312(i) of such
15 title;

16 “(vii) from the amounts made avail-
17 able for a fiscal year for the technical as-
18 sistance and workforce development pro-
19 gram of section 5314 of such title, the
20 amounts allocated for the national transit
21 institute under section 5314(c) of such
22 title;

23 “(viii) from the amounts made avail-
24 able for a fiscal year for the bus and bus
25 facilities program under section 5339 of

1 such title, the amounts allocated for a fis-
2 cal year for the zero emission grants under
3 section 5339(c) of such title;

4 “(ix) the amounts made available for
5 growing States under section 5340(c) of
6 such title; and

7 “(x) the amounts made available for
8 high density states under section 5340(d)
9 of such title.”;

10 (3) in subsection (d) by inserting “and section
11 5324 of title 49” after “section 125”;

12 (4) in subsection (e)—

13 (A) by striking “There is authorized” and
14 inserting “For fiscal year 2022 and each fiscal
15 year thereafter, there is authorized”; and

16 (B) by striking “for any of fiscal years
17 2017 through 2020”; and

18 (5) in subsection (f)(1) by striking “section
19 1102 or 3018 of the FAST Act” and inserting “any
20 other provision of law”.

21 **SEC. 1106. TRANSPARENCY.**

22 (a) APPORTIONMENT.—Section 104 of title 23,
23 United States Code, is amended by striking subsection (g)
24 and inserting the following:

1 “(g) HIGHWAY TRUST FUND TRANSPARENCY AND
2 ACCOUNTABILITY REPORTS.—

3 “(1) REQUIREMENT.—

4 “(A) IN GENERAL.—The Secretary shall
5 compile data in accordance with this subsection
6 on the use of Federal-aid highway funds made
7 available under this title.

8 “(B) USER FRIENDLY DATA.—The data
9 compiled under subparagraph (A) shall be in a
10 user friendly format that can be searched,
11 downloaded, disaggregated, and filtered by data
12 category.

13 “(2) PROJECT DATA.—

14 “(A) IN GENERAL.—Not later than 120
15 days after the end of each fiscal year, the Sec-
16 retary shall make available on the website of
17 the Department of Transportation a report that
18 describes—

19 “(i) the location of each active project
20 within each State during such fiscal year,
21 including in which congressional district or
22 districts such project is located;

23 “(ii) the total cost of such project;

24 “(iii) the amount of Federal funding
25 obligated for such project;

1 “(iv) the program or programs from
2 which Federal funds have been obligated
3 for such project;

4 “(v) whether such project is located in
5 an area of the State with a population of—

6 “(I) less than 5,000 individuals;

7 “(II) 5,000 or more individuals
8 but less than 50,000 individuals;

9 “(III) 50,000 or more individuals
10 but less than 200,000 individuals; or

11 “(IV) 200,000 or more individ-
12 uals;

13 “(vi) whether such project is located
14 in an area of persistent poverty, as defined
15 in section 172(l);

16 “(vii) the type of improvement being
17 made by such project, including catego-
18 rizing such project as—

19 “(I) a road reconstruction
20 project;

21 “(II) a new road construction
22 project;

23 “(III) a new bridge construction
24 project;

1 “(IV) a bridge rehabilitation
2 project; or

3 “(V) a bridge replacement
4 project; and

5 “(viii) the functional classification of
6 the roadway on which such project is lo-
7 cated.

8 “(B) INTERACTIVE MAP.—In addition to
9 the data made available under subparagraph
10 (A), the Secretary shall make available on the
11 website of the Department of Transportation an
12 interactive map that displays, for each active
13 project, the information described in clauses (i)
14 through (v) of subparagraph (A).

15 “(3) STATE DATA.—

16 “(A) APPORTIONED AND ALLOCATED PRO-
17 GRAMS.—The website described in paragraph
18 (2)(A) shall be updated annually to display the
19 Federal-aid highway funds apportioned and al-
20 located to each State under this title, includ-
21 ing—

22 “(i) the amount of funding available
23 for obligation by the State, including prior
24 unobligated balances, at the start of the
25 fiscal year;

1 “(ii) the amount of funding obligated
2 by the State during such fiscal year;

3 “(iii) the amount of funding remain-
4 ing available for obligation by the State at
5 the end of such fiscal year; and

6 “(iv) changes in the obligated, unex-
7 pended balance for the State.

8 “(B) PROGRAMMATIC DATA.—The data de-
9 scribed in subparagraph (A) shall include—

10 “(i) the amount of funding by each
11 apportioned and allocated program for
12 which the State received funding under
13 this title;

14 “(ii) the amount of funding trans-
15 ferred between programs by the State dur-
16 ing the fiscal year using the authority pro-
17 vided under section 126; and

18 “(iii) the amount and program cat-
19 egory of Federal funds exchanged as de-
20 scribed in section 106(g)(6).

21 “(4) DEFINITIONS.—In this subsection:

22 “(A) ACTIVE PROJECT.—

23 “(i) IN GENERAL.—The term ‘active
24 project’ means a Federal-aid highway
25 project using funds made available under

1 this title on which those funds were obli-
2 gated or expended during the fiscal year
3 for which the estimated total cost as of the
4 start of construction is greater than
5 \$5,000,000.

6 “(ii) EXCLUSION.—The term ‘active
7 project’ does not include any project for
8 which funds are transferred to agencies
9 other than the Federal Highway Adminis-
10 tration.

11 “(B) INTERACTIVE MAP.—The term ‘inter-
12 active map’ means a map displayed on the pub-
13 lic website of the Department of Transportation
14 that allows a user to select and view informa-
15 tion for each active project, State, and congres-
16 sional district.

17 “(C) STATE.—The term ‘State’ means any
18 of the 50 States or the District of Columbia.”.

19 (b) PROJECT APPROVAL AND OVERSIGHT.—Section
20 106 of title 23, United States Code, is amended—

21 (1) in subsection (g)—

22 (A) in paragraph (4) by striking subpara-
23 graph (B) and inserting the following:

24 “(B) ASSISTANCE TO STATES.—The Sec-
25 retary shall—

1 “(i) develop criteria for States to use
2 to make the determination required under
3 subparagraph (A); and

4 “(ii) provide training, guidance, and
5 other assistance to States and subrecipi-
6 ents as needed to ensure that projects ad-
7 ministered by subrecipients comply with
8 the requirements of this title.

9 “(C) PERIODIC REVIEW.—The Secretary
10 shall review, not less frequently than every 2
11 years, the monitoring of subrecipients by the
12 States.”; and

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

14 “(6) FEDERAL FUNDING EXCHANGE PRO-
15 GRAMS.—A State may implement a program under
16 which a subrecipient has the option to exchange
17 Federal funds allocated to such subrecipient in ac-
18 cordance with the requirements of this title for State
19 or local funds if the State certifies to the Secretary
20 that the State has prevailing wage and domestic con-
21 tent requirements that are comparable to the re-
22 quirements under sections 113 and 313 and that
23 such requirements shall apply to projects carried out
24 using such funds if such projects would have been
25 subject to the requirements of sections 113 and 313

1 if such projects were carried out using Federal
2 funds.”;

3 (2) in subsection (h)(3)—

4 (A) in subparagraph (B) by striking “, as
5 determined by the Secretary,”; and

6 (B) in subparagraph (D) by striking “shall
7 assess” and inserting “in the case of a project
8 proposed to be advanced as a public-private
9 partnership, shall include a detailed value for
10 money analysis or comparable analysis to deter-
11 mine”; and

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

13 “(k) MEGAPROJECTS.—

14 “(1) COMPREHENSIVE RISK MANAGEMENT
15 PLAN.—To be authorized for the construction of a
16 megaproject, the recipient of Federal financial as-
17 sistance under this title for such megaproject shall
18 submit to the Secretary a comprehensive risk man-
19 agement plan that contains—

20 “(A) a description of the process by which
21 the recipient will identify, quantify, and monitor
22 the risks, including natural hazards, that might
23 result in cost overruns, project delays, reduced
24 construction quality, or reductions in benefits
25 with respect to the megaproject;

1 “(B) examples of mechanisms the recipient
2 will use to track risks identified pursuant to
3 subparagraph (A);

4 “(C) a plan to control such risks; and

5 “(D) such assurances as the Secretary de-
6 termines appropriate that the recipient shall,
7 with respect to the megaproject—

8 “(i) regularly submit to the Secretary
9 updated cost estimates; and

10 “(ii) maintain and regularly reassess
11 financial reserves for addressing known
12 and unknown risks.

13 “(2) PEER REVIEW GROUP.—

14 “(A) IN GENERAL.—Not later than 90
15 days after the date on which a megaproject is
16 authorized for construction, the recipient of
17 Federal financial assistance under this title for
18 such megaproject shall establish a peer review
19 group for such megaproject that consists of at
20 least 5 individuals (including at least 1 indi-
21 vidual with project management experience) to
22 give expert advice on the scientific, technical,
23 and project management aspects of the
24 megaproject.

25 “(B) MEMBERSHIP.—

1 “(i) IN GENERAL.—Not later than
2 180 days after the date of enactment of
3 this subsection, the Secretary shall estab-
4 lish guidelines describing how a recipient
5 described in subparagraph (A) shall—

6 “(I) recruit and select members
7 for a peer review group established
8 under such subparagraph; and

9 “(II) make publicly available the
10 criteria for such selection and identify
11 the members so selected.

12 “(ii) CONFLICT OF INTEREST.—No
13 member of a peer review group for a
14 megaproject may have a direct or indirect
15 financial interest in such megaproject.

16 “(C) TASKS.—A peer review group estab-
17 lished under subparagraph (A) by a recipient of
18 Federal financial assistance for a megaproject
19 shall—

20 “(i) meet annually until completion of
21 the megaproject;

22 “(ii) not later than 90 days after the
23 date of the establishment of the peer re-
24 view group and not later than 90 days
25 after the date of any significant change, as

1 determined by the Secretary, to the scope,
2 schedule, or budget of the megaproject, re-
3 view the scope, schedule, and budget of the
4 megaproject, including planning, engineer-
5 ing, financing, and any other elements de-
6 termined appropriate by the Secretary; and

7 “(iii) submit to the Secretary, Con-
8 gress, and such recipient a report on the
9 findings of each review under clause (ii).

10 “(3) TRANSPARENCY.—Not later than 90 days
11 after the submission of a report under paragraph
12 (2)(C)(iii), the Secretary shall publish on the website
13 of the Department of Transportation such report.

14 “(4) MEGAPROJECT DEFINED.—In this sub-
15 section, the term ‘megaproject’ means a project
16 under this title that has an estimated total cost of
17 \$2,000,000,000 or more, and such other projects as
18 may be identified by the Secretary.

19 “(1) SPECIAL EXPERIMENTAL PROJECTS.—

20 “(1) PUBLIC AVAILABILITY.—The Secretary
21 shall publish on the website of the Department of
22 Transportation a copy of all letters of interest, pro-
23 posals, workplans, and reports related to the special
24 experimental project authority pursuant to section
25 502(b). The Secretary shall redact confidential busi-

1 ness information, as necessary, from any such infor-
2 mation published.

3 “(2) NOTIFICATION AND OPPORTUNITY FOR
4 COMMENT.—Not later than 30 days before making
5 a determination to proceed with an experiment
6 under a letter of interest described in paragraph (1),
7 the Secretary shall provide notification and an op-
8 portunity for public comment on the letter of inter-
9 est and the Secretary’s proposed response.

10 “(3) REPORT TO CONGRESS.—Not later than 2
11 years after the date of enactment of the INVEST in
12 America Act, the Secretary shall submit to the Com-
13 mittee on Transportation and Infrastructure of the
14 House of Representatives and the Committee on En-
15 vironment and Public Works of the Senate a report
16 that includes—

17 “(A) a summary of each experiment de-
18 scribed in this subsection carried out over the
19 previous 5 years; and

20 “(B) legislative recommendations, if any,
21 based on the findings of such experiments.

22 “(m) COMPETITIVE GRANT PROGRAM OVERSIGHT
23 AND ACCOUNTABILITY.—

24 “(1) IN GENERAL.—To ensure the account-
25 ability and oversight of the discretionary grant selec-

1 tion process administered by the Secretary, a cov-
2 ered program shall be subject to the requirements of
3 this section, in addition to the requirements applica-
4 ble to each covered program.

5 “(2) APPLICATION PROCESS.—The Secretary
6 shall—

7 “(A) develop a template for applicants to
8 use to summarize—

9 “(i) project needs and benefits; and

10 “(ii) any factors, requirements, or
11 considerations established for the applica-
12 ble covered program;

13 “(B) create a data driven process to evalu-
14 ate, as set forth in the covered program, each
15 eligible project for which an application is re-
16 ceived; and

17 “(C) make a determination, based on the
18 evaluation made pursuant to subparagraph (B),
19 on any ratings, rankings, scores, or similar
20 metrics for applications made to the covered
21 program.

22 “(3) NOTIFICATION OF CONGRESS.—Not less
23 than 15 days before making a grant for a covered
24 program, the Secretary shall notify, in writing, the
25 Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on
2 the Environment and Public Works of the Senate
3 of—

4 “(A) the amount for each project proposed
5 to be selected;

6 “(B) a description of the review process;

7 “(C) for each application, the determina-
8 tion made under paragraph (2)(C); and

9 “(D) a detailed explanation of the basis for
10 each award proposed to be selected.

11 “(4) NOTIFICATION OF APPLICANTS.—Not later
12 than 30 days after making a grant for a project
13 under a covered program, the Secretary shall send
14 to all applicants under such covered program, and
15 publish on the website of the Department of Trans-
16 portation—

17 “(A) a summary of each application made
18 to the covered program for the given round of
19 funding; and

20 “(B) the evaluation and justification for
21 the project selection, including all ratings,
22 rankings, scores, or similar metrics for applica-
23 tions made to the covered program for the given
24 round of funding during each phase of the
25 grant selection process.

1 “(5) BRIEFING.—The Secretary shall provide,
2 at the request of a grant applicant of a covered pro-
3 gram, the opportunity to receive a briefing to explain
4 any reasons the grant applicant was not awarded a
5 grant.

6 “(6) TEMPLATE.—The Secretary shall, to the
7 extent practicable, develop a template as described
8 in paragraph (2)(A) for any discretionary program
9 administered by the Secretary that is not a covered
10 program.

11 “(7) COVERED PROGRAM DEFINED.—The term
12 ‘covered program’ means each of the following dis-
13 cretionary grant programs:

14 “(A) Community climate innovation grants
15 under section 172.

16 “(B) Electric vehicle charging and hydro-
17 gen fueling infrastructure grants under section
18 151(f).

19 “(C) Federal lands and tribal major
20 projects grants under section 208.

21 “(D) Safe, efficient mobility through ad-
22 vanced technologies grants under section
23 503(c)(4).”.

24 (c) DIVISION OFFICE CONSISTENCY.—Not later than
25 1 year after the date of enactment of this Act, the Comp-

1 troller General of the United States shall submit to Con-
2 gress a report that—

3 (1) analyzes the consistency of determinations
4 among division offices of the Federal Highway Ad-
5 ministration; and

6 (2) makes recommendations to improve the con-
7 sistency of such determinations.

8 (d) IMPROVING RISK BASED STEWARDSHIP AND
9 OVERSIGHT.—Not later than 180 days after the date of
10 enactment of this Act, the Secretary shall reference U.S.
11 DOT Office of Inspector General Report No. ST2020035
12 and take the following actions to improve the risk based
13 stewardship and oversight of the Department of Transpor-
14 tation:

15 (1) Update and implement Federal Highway
16 Administration’s (FHWA) guidance for risk-based
17 project involvement to clarify the requirements for
18 its project risk-assessment process, including expect-
19 ations for conducting and documenting the risk as-
20 sessment and criteria to guide the reevaluation of
21 project risks.

22 (2) Identify and notify Divisions about sources
23 of information that can inform the project risk-as-
24 sessment process.

1 (3) Update and implement FHWA’s guidance
2 for risk-based project involvement to clarify how the
3 link between elevated risks and associated oversight
4 activities, changes to oversight actions, and the re-
5 sults of its risk-based involvement should be docu-
6 mented in project oversight plans.

7 (4) Develop and implement a process to rou-
8 tinely monitor the implementation and evaluate the
9 effectiveness of FHWA’s risk-based project involve-
10 ment.

11 **SEC. 1107. COMPLETE AND CONTEXT SENSITIVE STREET**
12 **DESIGN.**

13 (a) STANDARDS.—Section 109 of title 23, United
14 States Code, is amended—

15 (1) in subsection (a)—

16 (A) in paragraph (1) by striking “planned
17 future traffic of the highway in a manner that
18 is conducive to” and inserting “future oper-
19 ational performance of the facility in a manner
20 that enhances”; and

21 (B) in paragraph (2) by inserting “, taking
22 into consideration context sensitive design prin-
23 ciples” after “each locality”;

24 (2) in subsection (b)—

1 (A) by striking “The geometric” and in-
2 serting “DESIGN CRITERIA FOR THE INTER-
3 STATE SYSTEM.—The geometric”; and

4 (B) by striking “the types and volumes of
5 traffic anticipated for such project for the twen-
6 ty-year period commencing on the date of ap-
7 proval by the Secretary, under section 106 of
8 this title, of the plans, specifications, and esti-
9 mates for actual construction of such project”
10 and inserting “the existing and future oper-
11 ational performance of the facility”;

12 (3) in subsection (c)(1)—

13 (A) in subparagraph (C) by striking “;
14 and” and inserting a semicolon;

15 (B) in subparagraph (D) by striking the
16 period and inserting “; and”; and

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

18 “(E) context sensitive design principles.”;

19 (4) by striking subsection (o) and inserting the
20 following:

21 “(o) COMPLIANCE WITH STATE LAWS FOR NON-
22 NHS PROJECTS.—

23 “(1) IN GENERAL.—Projects (other than high-
24 way projects on the National Highway System)
25 shall—

1 “(A) be designed, constructed, operated,
2 and maintained in accordance with State laws,
3 regulations, directives, safety standards, design
4 standards, and construction standards; and

5 “(B) take into consideration context sen-
6 sitive design principles.

7 “(2) DESIGN FLEXIBILITY.—

8 “(A) IN GENERAL.—A local jurisdiction
9 may deviate from the roadway design publica-
10 tion used by the State in which the local juris-
11 diction is located for the design of a project on
12 a roadway (other than a highway on the Na-
13 tional Highway System) if—

14 “(i) notification and justification of
15 the deviation is provided to the Secretary
16 and the State; and

17 “(ii) the design complies with all other
18 applicable Federal laws.

19 “(B) STATE-OWNED ROADS.—In the case
20 of a roadway under the ownership of the State,
21 the local jurisdiction may only deviate from the
22 roadway design publication used by the State
23 with the concurrence of the State.

1 “(C) PROGRAMMATIC BASIS.—The Sec-
2 retary may consider a deviation under this
3 paragraph on a programmatic basis.”; and

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

5 “(s) CONTEXT SENSITIVE DESIGN.—

6 “(1) CONTEXT SENSITIVE DESIGN PRIN-
7 CIPLES.—The Secretary shall collaborate with the
8 American Association of State Highway Transpor-
9 tation Officials to ensure that any roadway design
10 publications approved by the Secretary under this
11 section provide adequate flexibility for a project
12 sponsor to select the appropriate design of a road-
13 way, consistent with context sensitive design prin-
14 ciples.

15 “(2) POLICIES OR PROCEDURES.—

16 “(A) IN GENERAL.—Not later than 1 year
17 after the Secretary publishes the final guidance
18 described in paragraph (3), each State shall
19 adopt policies or procedures to evaluate the con-
20 text of a proposed roadway and select the ap-
21 propriate design, consistent with context sen-
22 sitive design principles.

23 “(B) LOCAL GOVERNMENTS.—The Sec-
24 retary and States shall encourage local govern-

1 ments to adopt policies or procedures described
2 under subparagraph (A).

3 “(C) CONSIDERATIONS.—The policies or
4 procedures developed under this paragraph
5 shall take into consideration the guidance devel-
6 oped by the Secretary under paragraph (3).

7 “(3) GUIDANCE.—

8 “(A) IN GENERAL.—

9 “(i) NOTICE.—Not later than 1 year
10 after the date of enactment of this sub-
11 section, the Secretary shall publish guid-
12 ance on the official website of the Depart-
13 ment of Transportation on context sen-
14 sitive design.

15 “(ii) PUBLIC REVIEW AND COM-
16 MENT.—The guidance described in this
17 paragraph shall be finalized following an
18 opportunity for public review and com-
19 ment.

20 “(iii) UPDATE.—The Secretary shall
21 periodically update the guidance described
22 in this paragraph, including the model
23 policies or procedures described under sub-
24 paragraph (B)(v).

1 “(B) REQUIREMENTS.—The guidance de-
2 scribed in this paragraph shall—

3 “(i) provide best practices for States,
4 metropolitan planning organizations, re-
5 gional transportation planning organiza-
6 tions, local governments, or other project
7 sponsors to carry out context sensitive de-
8 sign principles;

9 “(ii) identify opportunities to modify
10 planning, scoping, design, and development
11 procedures to more effectively combine
12 modes of transportation into integrated fa-
13 cilities that meet the needs of each of such
14 modes of transportation in an appropriate
15 balance;

16 “(iii) identify metrics to assess the
17 context of the facility, including sur-
18 rounding land use or roadside characteris-
19 tics;

20 “(iv) assess the expected operational
21 and safety performance of alternative ap-
22 proaches to facility design; and

23 “(v) taking into consideration the
24 findings of this guidance, establish model
25 policies or procedures for a State or other

1 project sponsor to evaluate the context of
2 a proposed facility and select the appro-
3 priate facility design for the context.

4 “(C) TOPICS OF EMPHASIS.—In publishing
5 the guidance described in this paragraph, the
6 Secretary shall emphasize—

7 “(i) procedures for identifying the
8 needs of users of all ages and abilities of
9 a particular roadway;

10 “(ii) procedures for identifying the
11 types and designs of facilities needed to
12 serve various modes of transportation;

13 “(iii) safety and other benefits pro-
14 vided by carrying out context sensitive de-
15 sign principles;

16 “(iv) common barriers to carrying out
17 context sensitive design principles;

18 “(v) procedures for overcoming the
19 most common barriers to carrying out con-
20 text sensitive design principles;

21 “(vi) procedures for identifying the
22 costs associated with carrying out context
23 sensitive design principles;

24 “(vii) procedures for maximizing local
25 cooperation in the introduction of context

1 sensitive design principles and carrying out
2 those principles; and

3 “(viii) procedures for assessing and
4 modifying the facilities and operational
5 characteristics of existing roadways to im-
6 prove consistency with context sensitive de-
7 sign principles.

8 “(4) FUNDING.—Amounts made available
9 under sections 104(b)(6) and 505 of this title may
10 be used for States, local governments, metropolitan
11 planning organizations, or regional transportation
12 planning organizations to adopt policies or proce-
13 dures to evaluate the context of a proposed roadway
14 and select the appropriate design, consistent with
15 context sensitive design principles.”.

16 (b) CONFORMING AMENDMENT.—Section 1404(b) of
17 the FAST Act (23 U.S.C. 109 note) is repealed.

18 **SEC. 1108. INNOVATIVE PROJECT DELIVERY FEDERAL**
19 **SHARE.**

20 (a) IN GENERAL.—Section 120(c)(3)(B) of title 23,
21 United States Code, is amended—

22 (1) by striking clauses (i) and (ii) and inserting
23 the following:

24 “(i) prefabricated bridge elements and
25 systems, innovative materials, and other

1 technologies to reduce bridge construction
2 time, extend service life, and reduce preser-
3 vation costs, as compared to conventionally
4 designed and constructed bridges;

5 “(ii) innovative construction equip-
6 ment, materials, techniques, or practices,
7 including the use of in-place recycling tech-
8 nology, digital 3-dimensional modeling
9 technologies, and advanced digital con-
10 struction management systems;”;

11 (2) by redesignating clause (vi) as clause (vii);

12 (3) in clause (v) by striking “or” at the end;

13 and

14 (4) by inserting after clause (v) the following:

15 “(vi) innovative pavement materials
16 that demonstrate reductions in greenhouse
17 gas emissions through sequestration or in-
18 novative manufacturing processes; or”.

19 (b) **TECHNICAL AMENDMENT.**—Section 107(a)(2) of
20 title 23, United States Code, is amended by striking “sub-
21 section (c) of”.

22 **SEC. 1109. TRANSFERABILITY OF FEDERAL-AID HIGHWAY**
23 **FUNDS.**

24 Section 126(b) of title 23, United States Code, is
25 amended—

1 (1) in the heading by inserting “AND PRO-
2 GRAMS” after “SET-ASIDES”;

3 (2) in paragraph (1) by striking “and
4 133(d)(1)(A)” and inserting “, 130, 133(d)(1)(A),
5 133(h), 149, and 171”; and

6 (3) by striking paragraph (2) and inserting the
7 following:

8 “(2) ENVIRONMENTAL PROGRAMS.—With re-
9 spect to an apportionment under either paragraph
10 (4) or paragraph (9) of section 104(b), and notwith-
11 standing paragraph (1), a State may only transfer
12 not more than 50 percent from the amount of the
13 apportionment of either such paragraph to the ap-
14 portionment under the other such paragraph in a
15 fiscal year.”.

16 **SEC. 1110. TOLLING.**

17 (a) TOLL ROADS, BRIDGES, TUNNELS, AND FER-
18 RIES.—Section 129 of title 23, United States Code, is
19 amended—

20 (1) in subsection (a)—

21 (A) by striking paragraph (1) and insert-
22 ing the following:

23 “(1) IN GENERAL.—

24 “(A) AUTHORIZATION.—Subject to the
25 provisions of this section, Federal participation

1 shall be permitted on the same basis and in the
2 same manner as construction of toll-free high-
3 ways is permitted under this chapter in the—

4 “(i) initial construction of a toll high-
5 way, bridge, or tunnel or approach to the
6 highway, bridge, or tunnel;

7 “(ii) initial construction of 1 or more
8 lanes or other improvements that increase
9 capacity of a highway, bridge, or tunnel
10 (other than a highway on the Interstate
11 System) and conversion of that highway,
12 bridge, or tunnel to a tolled facility, if the
13 number of toll-free lanes, excluding auxil-
14 iary lanes, after the construction is not less
15 than the number of toll-free lanes, exclud-
16 ing auxiliary lanes, before the construction;

17 “(iii) initial construction of 1 or more
18 lanes or other improvements that increase
19 the capacity of a highway, bridge, or tun-
20 nel on the Interstate System and conver-
21 sion of that highway, bridge, or tunnel to
22 a tolled facility, if the number of toll-free
23 non-HOV lanes, excluding auxiliary lanes,
24 after such construction is not less than the
25 number of toll-free non-HOV lanes, exclud-

1 ing auxiliary lanes, before such construc-
2 tion;

3 “(iv) reconstruction, resurfacing, res-
4 toration, rehabilitation, or replacement of a
5 toll highway, bridge, or tunnel or approach
6 to the highway, bridge, or tunnel;

7 “(v) reconstruction or replacement of
8 a toll-free bridge or tunnel and conversion
9 of the bridge or tunnel to a toll facility;

10 “(vi) reconstruction of a toll-free Fed-
11 eral-aid highway (other than a highway on
12 the Interstate System) and conversion of
13 the highway to a toll facility;

14 “(vii) reconstruction, restoration, or
15 rehabilitation of a highway on the Inter-
16 state System if the number of toll-free
17 non-HOV lanes, excluding auxiliary lanes,
18 after reconstruction, restoration, or reha-
19 bilitation is not less than the number of
20 toll-free non-HOV lanes, excluding auxil-
21 iary lanes, before reconstruction, restora-
22 tion, or rehabilitation;

23 “(viii) conversion of a high occupancy
24 vehicle lane on a highway, bridge, or tun-

1 nel to a toll facility, subject to the require-
2 ments of section 166; and

3 “(ix) preliminary studies to determine
4 the feasibility of a toll facility for which
5 Federal participation is authorized under
6 this paragraph.

7 “(B) AGREEMENT TO TOLL.—

8 “(i) IN GENERAL.—Before the Sec-
9 retary may authorize tolling under this
10 subsection, the public authority with juris-
11 diction over a highway, bridge, or tunnel
12 shall enter into an agreement with the Sec-
13 retary to ensure compliance with the re-
14 quirements of this subsection.

15 “(ii) APPLICABILITY.—

16 “(I) IN GENERAL.—The require-
17 ments of this subparagraph shall
18 apply to—

19 “(aa) Federal participation
20 under subparagraph (A);

21 “(bb) any prior Federal par-
22 ticipation in the facility proposed
23 to be tolled; and

24 “(cc) conversion, with or
25 without Federal participation, of

1 a non-tolled lane on the National
2 Highway System to a toll facility
3 under subparagraph (E).

4 “(II) HOV FACILITY.—Except as
5 otherwise provided in this subsection
6 or section 166, the provisions of this
7 paragraph shall not apply to a high
8 occupancy vehicle facility.

9 “(iii) MAJOR FEDERAL ACTION.—Ap-
10 proval by the Secretary of an agreement to
11 toll under this paragraph shall be consid-
12 ered a major Federal action under the Na-
13 tional Environmental Policy Act of 1969
14 (42 U.S.C. 4321 et seq.).

15 “(C) AGREEMENT CONDITIONS.—Prior to
16 entering into an agreement to toll under sub-
17 paragraph (B), the public authority shall certify
18 to the Secretary that—

19 “(i) the public authority has estab-
20 lished procedures to ensure the toll meets
21 the purposes and requirements of this sub-
22 section;

23 “(ii) the facility shall provide for ac-
24 cess at no cost to public transportation ve-

1 hicles and over-the-road buses serving the
2 public; and

3 “(iii) the facility shall provide for the
4 regional interoperability of electronic toll
5 collection, including through technologies
6 or business practices.

7 “(D) CONSIDERATION OF IMPACTS.—

8 “(i) IN GENERAL.—Prior to entering
9 into an agreement to toll under subpara-
10 graph (B), the Secretary shall ensure the
11 public authority has adequately considered,
12 including by providing an opportunity for
13 public comment, the following factors with-
14 in the corridor:

15 “(I) Congestion impacts on both
16 the toll facility and in the corridor or
17 cordon (including adjacent toll-free fa-
18 cilities).

19 “(II) In the case of a non-attain-
20 ment or maintenance area, air quality
21 impacts.

22 “(III) Planned investments to
23 improve public transportation or other
24 non-tolled alternatives in the corridor.

1 “(IV) Environmental justice and
2 equity impacts.

3 “(V) Impacts on freight move-
4 ment.

5 “(VI) Economic impacts on busi-
6 nesses.

7 “(ii) CONSIDERATION IN ENVIRON-
8 MENTAL REVIEW.—Nothing in this sub-
9 paragraph shall limit a public authority
10 from meeting the requirements of this sub-
11 paragraph through the environmental re-
12 view process, as applicable.

13 “(E) CONGESTION PRICING.—

14 “(i) IN GENERAL.—The Secretary
15 may authorize conversion of a non-tolled
16 lane on the National Highway System to a
17 toll facility to utilize pricing to manage the
18 demand to use the facility by varying the
19 toll amount that is charged.

20 “(ii) REQUIREMENT.—Prior to enter-
21 ing into an agreement to convert a non-
22 tolled lane on the National Highway Sys-
23 tem to a toll facility, the Secretary shall
24 ensure (in addition to the requirements
25 under subparagraphs (B), (C), and (D))

1 that such toll facility and the planned in-
2 vestments to improve public transportation
3 or other non-tolled alternatives in the cor-
4 ridor are reasonably expected to improve
5 the operation of the cordon or corridor, as
6 described in clauses (iii) and (iv).

7 “(iii) PERFORMANCE MONITORING.—

8 A public authority that enters into an
9 agreement to convert a non-tolled lane to
10 a toll facility under this subparagraph
11 shall—

12 “(I) establish, monitor, and sup-
13 port a performance monitoring, eval-
14 uation, and reporting program—

15 “(aa) for the toll facility
16 that provides for continuous
17 monitoring, assessment, and re-
18 porting on the impacts that the
19 pricing structure may have on
20 the operation of the facility; and

21 “(bb) for the corridor or cor-
22 don that provides for continuous
23 monitoring, assessment, and re-
24 porting on the impacts of conges-

1 tion pricing on the operation of
2 the corridor or cordon;

3 “(II) submit to the Secretary an-
4 nual reports of the impacts described
5 in subclause (I); and

6 “(III) if the facility or the cor-
7 ridor or cordon becomes degraded, as
8 described in clause (iv), submit to the
9 Secretary an annual update that de-
10 scribes the actions proposed to bring
11 the toll facility into compliance and
12 the progress made on such actions.

13 “(iv) DETERMINATION.—

14 “(I) DEGRADED OPERATION.—

15 For purposes of clause (iii)(III), the
16 operation of a toll facility shall be
17 considered to be degraded if vehicles
18 operating on the facility are failing to
19 maintain a minimum average oper-
20 ating speed 90 percent of the time
21 over a consecutive 180-day period
22 during peak hour periods.

23 “(II) DEGRADED CORRIDOR OR
24 CORDON.—For the purposes of clause
25 (iii)(III), a corridor or cordon shall be

1 considered to be degraded if conges-
2 tion pricing or investments to improve
3 public transportation or other non-
4 tolled alternatives have not resulted
5 in—

6 “(aa) an increase in person
7 or freight throughput in the cor-
8 ridor or cordon; or

9 “(bb) a reduction in person
10 hours of delay in the corridor or
11 cordon, as determined by the
12 Secretary.

13 “(III) DEFINITION OF MINIMUM
14 AVERAGE OPERATING SPEED.—In this
15 subparagraph, the term ‘minimum av-
16 erage operating speed’ means—

17 “(aa) 35 miles per hour, in
18 the case of a toll facility with a
19 speed limit of 45 miles per hour
20 or greater; and

21 “(bb) not more than 10
22 miles per hour below the speed
23 limit, in the case of a toll facility
24 with a speed limit of less than 50
25 miles per hour.

1 “(v) MAINTENANCE OF OPERATING
2 PERFORMANCE.—

3 “(I) IN GENERAL.—Not later
4 than 180 days after the date on which
5 a facility or a corridor or cordon be-
6 comes degraded under clause (iv), the
7 public authority with jurisdiction over
8 the facility shall submit to the Sec-
9 retary for approval a plan that details
10 the actions the public authority will
11 take to make significant progress to-
12 ward bringing the facility or corridor
13 or cordon into compliance with this
14 subparagraph.

15 “(II) NOTICE OF APPROVAL OR
16 DISAPPROVAL.—Not later than 60
17 days after the date of receipt of a
18 plan under subclause (I), the Sec-
19 retary shall provide to the public au-
20 thority a written notice indicating
21 whether the Secretary has approved
22 or disapproved the plan based on a
23 determination of whether the imple-
24 mentation of the plan will make sig-
25 nificant progress toward bringing the

1 facility or corridor or cordon into
2 compliance with this subparagraph.

3 “(III) UPDATE.—Until the date
4 on which the Secretary determines
5 that the public authority has brought
6 the facility or corridor or cordon into
7 compliance with this subparagraph,
8 the public authority shall submit an-
9 nual updates that describe—

10 “(aa) the actions taken to
11 bring the facility into compliance;

12 “(bb) the actions taken to
13 bring the corridor or cordon into
14 compliance; and

15 “(cc) the progress made by
16 those actions.

17 “(IV) COMPLIANCE.—If a public
18 authority fails to bring a facility into
19 compliance under this subparagraph,
20 the Secretary may subject the public
21 authority to appropriate program
22 sanctions under section 1.36 of title
23 23, Code of Federal Regulations (or
24 successor regulations), until the per-
25 formance is no longer degraded.

1 “(vi) CONSULTATION OF MPO.—If a
2 toll facility authorized under this subpara-
3 graph is located on the National Highway
4 System and in a metropolitan planning
5 area established in accordance with section
6 134, the public authority shall consult with
7 the metropolitan planning organization for
8 the area.

9 “(vii) INCLUSION.—For the purposes
10 of this paragraph, the corridor or cordon
11 shall include toll-free facilities that are ad-
12 jacent to the toll facility.”;

13 (B) in paragraph (3)—

14 (i) in subparagraph (A)—

15 (I) in clause (iv) by striking

16 “and” at the end; and

17 (II) by striking clause (v) and in-
18 serting the following:

19 “(v) any project eligible under this
20 title or chapter 53 of title 49 that improves
21 the operation of the corridor or cordon by
22 increasing person or freight throughput
23 and reducing person hours of delay;

24 “(vi) toll discounts or rebates for
25 users of the toll facility that have no rea-

1 sonable alternative transportation method
2 to the toll facility; and

3 “(vii) if the public authority certifies
4 annually that the tolled facility is being
5 adequately maintained and the cordon or
6 corridor is not degraded under paragraph
7 (1)(E), any revenues remaining after fund-
8 ing the activities described in clauses (i)
9 through (vi) shall be considered surplus
10 revenue and may be used for any other
11 purpose for which Federal funds may be
12 obligated by a State under this title or
13 chapter 53 of title 49.”;

14 (ii) by striking subparagraph (B) and
15 inserting the following:

16 “(B) TRANSPARENCY.—

17 “(i) ANNUAL AUDIT.—

18 “(I) IN GENERAL.—A public au-
19 thority with jurisdiction over a toll fa-
20 cility shall conduct or have an inde-
21 pendent auditor conduct an annual
22 audit of toll facility records to verify
23 adequate maintenance and compliance
24 with subparagraph (A), and report the
25 results of the audits to the Secretary.

1 “(II) RECORDS.—On reasonable
2 notice, the public authority shall make
3 all records of the public authority per-
4 taining to the toll facility available for
5 audit by the Secretary.

6 “(ii) USE OF REVENUES.—A State or
7 public authority that obligates amounts
8 under clauses (v), (vi), or (vii) of subpara-
9 graph (A) shall annually report to the Sec-
10 retary a list of activities funded with such
11 amounts and the amount of funding pro-
12 vided for each such activity.”;

13 (C) in paragraph (8) by striking “as of the
14 date of enactment of the MAP–21, before com-
15 mencing any activity authorized” and inserting
16 “, before commencing any activity authorized”;

17 (D) in paragraph (9)—

18 (i) by striking “bus” and inserting
19 “vehicle”; and

20 (ii) by striking “buses” and inserting
21 “vehicles”; and

22 (E) by striking paragraph (10) and insert-
23 ing the following:

24 “(10) INTEROPERABILITY OF ELECTRONIC
25 TOLL COLLECTION.—All toll facilities on Federal-aid

1 highways shall provide for the regional interoper-
2 ability of electronic toll collection, including through
3 technologies or business practices.

4 “(11) NONCOMPLIANCE.—If the Secretary con-
5 cludes that a public authority has not complied with
6 the requirements of this subsection, the Secretary
7 may require the public authority to discontinue col-
8 lecting tolls until the public authority and the Sec-
9 retary enter into an agreement for the public author-
10 ity to achieve compliance with such requirements.

11 “(12) DEFINITIONS.—In this subsection, the
12 following definitions apply:

13 “(A) FEDERAL PARTICIPATION.—The term
14 ‘Federal participation’ means the use of funds
15 made available under this title.

16 “(B) HIGH OCCUPANCY VEHICLE; HOV.—
17 The term ‘high occupancy vehicle’ or ‘HOV’
18 means a vehicle with not fewer than 2 occu-
19 pants.

20 “(C) INITIAL CONSTRUCTION.—

21 “(i) IN GENERAL.—The term ‘initial
22 construction’ means the construction of a
23 highway, bridge, tunnel, or other facility at
24 any time before it is open to traffic.

1 “(ii) EXCLUSIONS.—The term ‘initial
2 construction’ does not include any improve-
3 ment to a highway, bridge, tunnel, or other
4 facility after it is open to traffic.

5 “(D) OVER-THE-ROAD BUS.—The term
6 ‘over-the-road bus’ has the meaning given the
7 term in section 301 of the Americans with Dis-
8 abilities Act of 1990 (42 U.S.C. 12181).

9 “(E) PUBLIC AUTHORITY.—The term
10 ‘public authority’ means a State, interstate
11 compact of States, or public entity designated
12 by a State.

13 “(F) PUBLIC TRANSPORTATION VEHI-
14 CLE.—The term ‘public transportation vehicle’
15 has the meaning given that term in section 166.

16 “(G) TOLL FACILITY.—The term ‘toll fa-
17 cility’ means a toll highway, bridge, or tunnel or
18 approach to the highway, bridge, or tunnel con-
19 structed or authorized to be tolled under this
20 subsection.”.

21 (b) REPEAL OF INTERSTATE SYSTEM RECONSTRUC-
22 TION AND REHABILITATION PILOT PROGRAM.—Section
23 1216 of the Transportation Equity Act for the 21st Cen-
24 tury (23 U.S.C. 129 note), and the item related to such

1 section in the table of contents in section 1(b) of such Act,
2 are repealed.

3 (c) VALUE PRICING PILOT PROGRAM.—Section
4 1012(b) of the Intermodal Surface Transportation Effi-
5 ciency Act of 1991 (23 U.S.C. 149 note) is amended by
6 adding at the end the following:

7 “(9) SUNSET.—The Secretary may not consider
8 an expression of interest submitted under this sec-
9 tion after the date of enactment of this paragraph.”.

10 (d) SAVINGS CLAUSE.—

11 (1) APPLICATION OF LIMITATIONS.—Any toll
12 facility described in paragraph (2) shall be subject to
13 the requirements of section 129(a)(3) of title 23,
14 United States Code, as in effect on the day before
15 the date of enactment of this Act.

16 (2) TOLL FACILITIES.—A toll facility described
17 in this paragraph is a facility that, on the day prior
18 to the date of enactment of this Act, was—

19 (A) operating;

20 (B) in the planning and design phase; or

21 (C) in the construction phase.

22 (e) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, the Secretary of Transportation
24 shall submit to Congress a report on the implementation
25 of the interoperability of toll collection as required under

1 section 1512(b) of MAP–21, including an assessment of
2 the progress in, and barriers on, such implementation.

3 **SEC. 1111. HOV FACILITIES.**

4 Section 166 of title 23, United States Code, is
5 amended—

6 (1) in subsection (b)—

7 (A) in paragraph (4)(C)(iii) by striking
8 “transportation buses” and inserting “transportation
9 vehicles”; and

10 (B) in paragraph (5)(B) by striking
11 “2019” and inserting “2025”;

12 (2) in subsection (d)(2)(A)(i) by striking “45
13 miles per hour, in the case of a HOV facility with
14 a speed of 50 miles per hour or greater” and insert-
15 ing “35 miles per hour, in the case of a HOV facility
16 with a speed limit of 45 miles per hour or greater”;

17 (3) in subsection (d)(2)(B) by striking “morn-
18 ing or evening weekday peak hour periods (or both)”
19 and inserting “peak hour periods”;

20 (4) in subsection (e)—

21 (A) by striking “Not later than 180 days
22 after the date of enactment of this section, the
23 Administrator” and inserting “The Adminis-
24 trator”;

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

3 (C) in paragraph (2) by striking the period
4 at the end and inserting “; and”; and

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

6 “(3) not later than 180 days after the date of
7 enactment of the INVEST in America Act, update
8 the requirements established under paragraph (1).”;
9 and

10 (5) in subsection (f)—

11 (A) in paragraph (1)—

12 (i) by striking subparagraphs (C),
13 (D), and (F); and

14 (ii) by redesignating subparagraphs
15 (E), (G), (H), and (I) as subparagraphs
16 (C), (D), (E), and (F), respectively; and

17 (B) in paragraph (6)(B)(i) by striking
18 “public entity” and inserting “public transpor-
19 tation service that is a recipient or subrecipient
20 of funds under chapter 53 of title 49”.

21 **SEC. 1112. BUY AMERICA.**

22 (a) IN GENERAL.—Section 313 of title 23, United
23 States Code, is amended—

24 (1) in subsection (a)—

1 (A) by striking “Notwithstanding” and in-
2 serting “IN GENERAL.—Notwithstanding”;

3 (B) by striking “Secretary of Transpor-
4 tation” and inserting “Secretary”;

5 (C) by striking “the Surface Transpor-
6 tation Assistance Act of 1982 (96 Stat. 2097)
7 or”; and

8 (D) by striking “and manufactured prod-
9 ucts” and inserting “manufactured products,
10 and construction materials”;

11 (2) in subsection (b) by inserting “DETERMINA-
12 TION.—” before “The provisions”;

13 (3) in subsection (c) by striking “For purposes”
14 and inserting “CALCULATION.—For purposes”;

15 (4) in subsection (d)—

16 (A) by striking “The Secretary of Trans-
17 portation” and inserting “REQUIREMENTS.—
18 The Secretary”; and

19 (B) by striking “the Surface Transpor-
20 tation Assistance Act of 1982 (96 Stat. 2097)
21 or”; and

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

23 “(h) WAIVER PROCEDURE.—

24 “(1) IN GENERAL.—Not later than 120 days
25 after the submission of a request for a waiver, the

1 Secretary shall make a determination under para-
2 graph (1) or (2) of subsection (b) as to whether sub-
3 section (a) shall apply.

4 “(2) PUBLIC NOTIFICATION AND COMMENT.—

5 “(A) IN GENERAL.—Not later than 30
6 days before making a determination regarding a
7 waiver described in paragraph (1), the Sec-
8 retary shall provide notification and an oppor-
9 tunity for public comment on the request for
10 such waiver.

11 “(B) NOTIFICATION REQUIREMENTS.—The
12 notification required under subparagraph (A)
13 shall—

14 “(i) describe whether the application
15 is being made for a determination de-
16 scribed in subsection (b)(1); and

17 “(ii) be provided to the public by elec-
18 tronic means, including on the public
19 website of the Department of Transpor-
20 tation.

21 “(3) DETERMINATION.—Before a determination
22 described in paragraph (1) takes effect, the Sec-
23 retary shall publish a detailed justification for such
24 determination that addresses all public comments re-
25 ceived under paragraph (2)—

1 “(A) on the public website of the Depart-
2 ment of Transportation; and

3 “(B) if the Secretary issues a waiver with
4 respect to such determination, in the Federal
5 Register.

6 “(i) REVIEW OF NATIONWIDE WAIVERS.—

7 “(1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this subsection, and at
9 least every 5 years thereafter, the Secretary shall re-
10 view any standing nationwide waiver issued by the
11 Secretary under this section to ensure such waiver
12 remains justified.

13 “(2) PUBLIC NOTIFICATION AND OPPORTUNITY
14 FOR COMMENT.—

15 “(A) IN GENERAL.—Not later than 30
16 days before the completion of a review under
17 paragraph (1), the Secretary shall provide noti-
18 fication and an opportunity for public comment
19 on such review.

20 “(B) MEANS OF NOTIFICATION.—Notifica-
21 tion provided under this subparagraph shall be
22 provided by electronic means, including on the
23 public website of the Department of Transpor-
24 tation.

1 “(3) DETAILED JUSTIFICATION IN FEDERAL
2 REGISTER.—After the completion of a review under
3 paragraph (1), the Secretary shall publish in the
4 Federal Register a detailed justification for the de-
5 termination made under paragraph (1) that address-
6 es all public comments received under paragraph
7 (2).

8 “(j) REPORT.—Not later than 120 days after the last
9 day of each fiscal year, the Secretary shall submit to the
10 Committee on Transportation and Infrastructure of the
11 House of Representatives, the Committee on Appropria-
12 tions of the House of Representatives, the Committee on
13 Environment and Public Works of the Senate, and the
14 Committee on Appropriations of the Senate a report on
15 the waivers provided under subsection (h) during the pre-
16 vious fiscal year and the justifications for such waivers.”.

17 (b) SAFETEA–LU TECHNICAL CORRECTIONS ACT
18 OF 2008.—Section 117 of the SAFETEA–LU Technical
19 Corrections Act of 2008 (23 U.S.C. 313 note) is repealed.

20 **SEC. 1113. FEDERAL-AID HIGHWAY PROJECT REQUIRE-**
21 **MENTS.**

22 (a) IN GENERAL.—Except as otherwise provided in
23 subsection (b), notwithstanding any other provision of law,
24 the Secretary shall require recipients of assistance under
25 title 23, United States Code, and title I of division B this

1 Act and the amendments made by this Act to comply with
2 subsection (a) of section 113 of title 23, United States
3 Code, with respect to all construction work, in the same
4 manner that recipients of assistance under chapter 1 of
5 such title are required to comply with such subsection for
6 construction work performed on highway projects on Fed-
7 eral-aid highways.

8 (b) TREATMENT OF CERTAIN PROJECTS.—The Sec-
9 retary shall apply the requirements of section 1306(l) of
10 this Act and sections 117(k), 172(j), and 173(k) of title
11 23, United States Code, to a project funded with a grant
12 under such sections.

13 **SEC. 1114. STATE ASSUMPTION OF RESPONSIBILITY FOR**
14 **CATEGORICAL EXCLUSIONS.**

15 Section 326(c)(3) of title 23, United States Code, is
16 amended—

17 (1) by striking subparagraph (A) and inserting
18 the following:

19 “(A) except as provided under subpara-
20 graph (C), have a term of not more than 3
21 years;”;

22 (2) in subparagraph (B) by striking the period
23 at the end and inserting “; and”; and

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

1 “(C) for any State that has assumed the
2 responsibility for categorical exclusions under
3 this section for at least 10 years, have a term
4 of 5 years.”.

5 **SEC. 1115. SURFACE TRANSPORTATION PROJECT DELIV-**
6 **ERY PROGRAM WRITTEN AGREEMENTS.**

7 Section 327 of title 23, United States Code, is
8 amended—

9 (1) in subsection (c)—

10 (A) by striking paragraph (5) and insert-
11 ing the following:

12 “(5) except as provided under paragraph (7),
13 have a term of not more than 5 years;”;

14 (B) in paragraph (6) by striking the period
15 at the end and inserting “; and”; and

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

17 “(7) for any State that has participated in a
18 program under this section (or under a predecessor
19 program) for at least 10 years, have a term of 10
20 years.”;

21 (2) in subsection (g)(1)—

22 (A) in subparagraph (C) by striking “an-
23 nual”;

24 (B) in subparagraph (B) by striking “and”
25 at the end;

1 (C) by redesignating subparagraph (C) as
2 subparagraph (D); and

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

5 “(C) in the case of an agreement period of
6 greater than 5 years under subsection (c)(7),
7 conduct an audit covering the first 5 years of
8 the agreement period; and”; and

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

10 “(m) AGENCY DEEMED TO BE FEDERAL AGENCY.—
11 A State agency that is assigned a responsibility under an
12 agreement under this section shall be deemed to be a Fed-
13 eral agency for the purposes of all Federal laws pursuant
14 to which the responsibility is exercised.”.

15 **SEC. 1116. CORROSION PREVENTION FOR BRIDGES.**

16 (a) DEFINITIONS.—In this section:

17 (1) APPLICABLE BRIDGE PROJECTS.—The term
18 “applicable bridge projects” means a project for con-
19 struction, alteration, or maintenance work, other
20 than de minimus maintenance or repair work as de-
21 termined by the applicable State department of
22 transportation, on a bridge or overpass structure
23 funded under title 23, United States Code.

24 (2) CERTIFIED CONTRACTOR.—The term “cer-
25 tified contractor” means a contracting or subcon-

1 tracting firm that has been certified by a third party
2 organization that evaluates the capability of the con-
3 tractor or subcontractor to properly perform one or
4 more specified aspects of applicable bridge projects
5 as defined in subsection (b)(2).

6 (3) QUALIFIED TRAINING PROGRAM.—The term
7 “qualified training program” means a training pro-
8 gram in corrosion control, mitigation and prevention,
9 that is either offered or accredited by an organiza-
10 tion that sets industry corrosion standards or is rec-
11 ognized in corrosion management transportation
12 structures by the Department of Transportation, for
13 the purposes of controlling, mitigating and pre-
14 venting corrosion, or a program registered under the
15 Act of August 16, 1937 (29 U.S.C. 50 et seq.) (com-
16 monly known as the “National Apprenticeship Act”)
17 that meets the requirements of parts 29 and 30 of
18 title 29, Code of Federal Regulations, as in effect on
19 January 1, 2020.

20 (b) APPLICABLE BRIDGE PROJECTS.—

21 (1) QUALITY CONTROL.—A certified contractor
22 shall carry out aspects of an applicable bridge
23 project described in paragraph (2).

1 (2) ASPECTS OF APPLICABLE BRIDGE
2 PROJECTS.—Aspects of an applicable bridge project
3 referred to in paragraph (1) include—

4 (A) surface preparation or coating applica-
5 tion on steel or rebar of an applicable bridge
6 project;

7 (B) removal of a lead-based or other haz-
8 ardous coating from steel of an existing applica-
9 ble bridge project;

10 (C) shop painting of structural steel or
11 rebar fabricated for installation on an applica-
12 ble bridge project; and

13 (D) the design, application, installation
14 and maintenance of a cathodic protection sys-
15 tem on an applicable bridge project.

16 (3) CORROSION MANAGEMENT SYSTEM.—A
17 State transportation department shall—

18 (A) implement a corrosion management
19 system that utilizes industry-recognized stand-
20 ards and corrosion mitigation and prevention
21 methods to address—

22 (i) surface preparation;

23 (ii) protective coatings;

24 (iii) materials selection;

25 (iv) cathodic protection;

1 (v) corrosion engineering;
2 (vi) personnel training; and
3 (vii) best practices in environmental
4 protection to prevent environmental deg-
5 radation and uphold public health;

6 (B) require certified contractors that em-
7 ploy appropriately trained and certified coating
8 applicators to carry out aspects of applicable
9 bridge projects as described in paragraph (2);
10 and

11 (C) use certified cathodic protection profes-
12 sionals for all aspects of applicable bridge
13 projects that require knowledge of the design,
14 installation, monitoring, or maintenance of a
15 cathodic protection system.

16 (c) TRAINING PROGRAM.—As a condition of entering
17 into a contract for an applicable bridge project, each cer-
18 tified contractor shall provide training, through a qualified
19 training program, for each applicable craft or trade classi-
20 fication of employees that the certified contractor intends
21 to employ to carry out aspects of applicable bridge projects
22 as described in subsection (b)(2).

23 **SEC. 1117. SENSE OF CONGRESS.**

24 It is the sense of Congress that—

1 (1) States should utilize life-cycle cost analysis
2 to evaluate the total economic cost of a transpor-
3 tation project over its expected lifetime; and

4 (2) data indicating that future repair costs as-
5 sociated with a transportation project frequently
6 total more than half of the initial cost of the project,
7 and that conducting life-cycle cost analysis prior to
8 construction will help States identify the most cost-
9 effective option, improve their economic perform-
10 ance, and lower the total cost of building and main-
11 taining the project.

12 **SEC. 1118. ADDITIONAL SUPPORT TO REBUILD RURAL COM-**
13 **MUNITIES.**

14 To carry out section 1307 of this Act, there are au-
15 thorized to be appropriated \$100,000,000 for fiscal year
16 2023 and \$50,000,000 for fiscal year 2024.

17 **SEC. 1119. FEDERAL GRANTS FOR PEDESTRIAN AND BIKE**
18 **SAFETY IMPROVEMENTS.**

19 (a) IN GENERAL.—Notwithstanding any provision of
20 title 23, United States Code, or any regulation issued by
21 the Secretary of Transportation, section 129(a)(3) of such
22 title shall not apply to a covered public authority that re-
23 ceives funding under such title for pedestrian and bike
24 safety improvements.

1 (b) NO TOLL.—A covered public authority may not
2 charge a toll, fee, or other levy for use of such improve-
3 ments.

4 (c) EFFECTIVE DATE.—A covered public authority
5 shall be eligible for the exemption under subsection (a)
6 for 10 years after the date of enactment of this Act. Any
7 such exemption granted shall remain in effect after the
8 effective date described in this section.

9 (d) DEFINITIONS.—In this section, the following defi-
10 nitions apply:

11 (1) COVERED PUBLIC AUTHORITY.—The term
12 “covered public authority” means a public authority
13 with jurisdiction over a toll facility located within
14 both—

15 (A) a National Scenic Area; and

16 (B) the National Trail System.

17 (2) NATIONAL SCENIC AREA.—The term “Na-
18 tional Scenic Area” means an area of the National
19 Forest System federally designated as a National
20 Scenic Area in recognition of the outstanding nat-
21 ural, scenic, and recreational values of the area.

22 (3) NATIONAL TRAIL SYSTEM.—The term “Na-
23 tional Trail System” means an area described in sec-
24 tion 3 of the National Trails System Act (16 U.S.C.
25 1242).

1 (4) PUBLIC AUTHORITY; TOLL FACILITY.—The
2 terms “public authority” and “toll facility” have the
3 meanings such terms would have if such terms were
4 included in chapter 1 of title 23, United States
5 Code.

6 **Subtitle B—Programmatic** 7 **Infrastructure Investment**

8 **SEC. 1201. NATIONAL HIGHWAY PERFORMANCE PROGRAM.**

9 Section 119 of title 23, United States Code, is
10 amended—

11 (1) by striking subsection (b) and inserting the
12 following:

13 “(b) PURPOSES.—The purposes of the national high-
14 way performance program shall be—

15 “(1) to provide support for the condition and
16 performance of the National Highway System, con-
17 sistent with the asset management plans of States;

18 “(2) to support progress toward the achieve-
19 ment of performance targets of States established
20 under section 150;

21 “(3) to increase the resilience of Federal-aid
22 highways and bridges; and

23 “(4) to provide support for the construction of
24 new facilities on the National Highway System, con-
25 sistent with subsection (d)(3).”;

1 (2) in subsection (d)—

2 (A) in paragraph (1)(A) by striking “or
3 freight movement on the National Highway
4 System” and inserting “freight movement, envi-
5 ronmental sustainability, transportation system
6 access, or combating climate change”;

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

9 (C) in paragraph (2)—

10 (i) in subparagraph (G)—

11 (I) in clause (i) by inserting
12 “and” at the end;

13 (II) in clause (ii) by striking “;
14 and” and inserting a period; and

15 (III) by striking clause (iii);

16 (ii) in subparagraph (I) by inserting
17 “, including the installation of safety bar-
18 riers and nets on bridges on the National
19 Highway System” after “National High-
20 way System”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(Q) Projects on or off the National High-
24 way System to reduce greenhouse gas emissions
25 that are eligible under section 171, including

1 the installation of electric vehicle charging in-
2 frastructure.

3 “(R) Projects on or off the National High-
4 way System to enhance resilience of a transpor-
5 tation facility, including protective features.

6 “(S) Projects and strategies to reduce ve-
7 hicle-caused wildlife mortality related to, or to
8 restore and maintain connectivity among terres-
9 trial or aquatic habitats affected by, a transpor-
10 tation facility otherwise eligible for assistance
11 under this section.

12 “(T) Projects on or off the National High-
13 way System to improve an evacuation route eli-
14 gible under section 124(b)(1)(C).

15 “(U) Undergrounding public utilities in the
16 course of other infrastructure improvements eli-
17 gible under this section to mitigate the cost of
18 recurring damages from extreme weather
19 events, wildfire or other natural disasters.”; and

20 (D) by adding at the end the following:

21 “(3) a project that is otherwise eligible under
22 this subsection to construct new capacity for single
23 occupancy passenger vehicles only if the State—

24 “(A) has demonstrated progress in achiev-
25 ing a state of good repair, as defined in the

1 State’s asset management plan, on the National
2 Highway System;

3 “(B) demonstrates that the project—

4 “(i) supports the achievement of per-
5 formance targets of the State established
6 under section 150; and

7 “(ii) is more cost effective, as deter-
8 mined by benefit-cost analysis, than—

9 “(I) an operational improvement
10 to the facility or corridor;

11 “(II) the construction of a transit
12 project eligible for assistance under
13 chapter 53 of title 49; or

14 “(III) the construction of a non-
15 single occupancy passenger vehicle
16 project that improves freight move-
17 ment; and

18 “(C) has a public plan for maintaining and
19 operating the new asset while continuing its
20 progress in achieving a state of good repair
21 under subparagraph (A).”;

22 (3) in subsection (e)—

23 (A) in the heading by inserting “ASSET
24 AND” after “STATE”;

1 (B) in paragraph (4)(D) by striking “anal-
2 ysis” and inserting “analyses, both of which
3 shall take into consideration climate change ad-
4 aptation and resilience;”; and

5 (C) in paragraph (8) by striking “Not later
6 than 18 months after the date of enactment of
7 the MAP-21, the Secretary” and inserting
8 “The Secretary”; and

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

10 “(k) BENEFIT-COST ANALYSIS.—In carrying out
11 subsection (d)(3)(B)(ii), the Secretary shall establish a
12 process for analyzing the cost and benefits of projects
13 under such subsection, ensuring that—

14 “(1) the benefit-cost analysis includes a calcula-
15 tion of all the benefits addressed in the performance
16 measures established under section 150;

17 “(2) the benefit-cost analysis includes a consid-
18 eration of the total maintenance cost of an asset
19 over the lifecycle of the asset; and

20 “(3) the State demonstrates that any transpor-
21 tation demand modeling used to calculate the ben-
22 efit-cost analysis has a documented record of accu-
23 racy.”.

1 **SEC. 1202. INCREASING THE RESILIENCE OF TRANSPOR-**
2 **TATION ASSETS.**

3 (a) PREDISASTER MITIGATION PROGRAM.—

4 (1) IN GENERAL.—Chapter 1 of title 23, United
5 States Code, is amended by inserting after section
6 123 the following:

7 **“§ 124. Predisaster mitigation program**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish and implement a predisaster mitigation program to
10 enhance the resilience of the transportation system of the
11 United States, mitigate the impacts of covered events, and
12 ensure the efficient use of Federal resources.

13 “(b) ELIGIBLE ACTIVITIES.—

14 “(1) IN GENERAL.—Subject to paragraph (2),
15 funds apportioned to the State under section
16 104(b)(8) may be obligated for construction activi-
17 ties, including construction of natural infrastructure
18 or protective features, and the development of such
19 projects and programs that help agencies to—

20 “(A) increase the resilience of a surface
21 transportation infrastructure asset to withstand
22 a covered event;

23 “(B) relocate or provide a reasonable alter-
24 native to a repeatedly damaged facility;

1 “(C) for an evacuation route identified in
2 the vulnerability assessment required under sec-
3 tion 134(i)(2)(I)(iii) or section 135(f)(10)(C)—

4 “(i) improve the capacity or operation
5 of such evacuation route through—

6 “(I) communications and intel-
7 ligent transportation system equip-
8 ment and infrastructure;

9 “(II) counterflow measures; and

10 “(III) shoulders; and

11 “(ii) relocate such evacuation route or
12 provide a reasonable alternative to such
13 evacuation route to address the risk of a
14 covered event; and

15 “(D) recover from incidents that signifi-
16 cantly disrupt a regions transportation system
17 including—

18 “(i) predisaster training programs
19 that help agencies and regional stake-
20 holders plan for and prepare multimodal
21 recovery efforts; and

22 “(ii) the establishment of regional
23 wide telework training and programs.

24 “(2) INFRASTRUCTURE RESILIENCE AND ADAP-
25 TATION.—No funds shall be obligated to a project

1 under this section unless the project meets each of
2 the following criteria:

3 “(A) The project is designed to ensure re-
4 siliience over the anticipated service life of the
5 surface transportation infrastructure asset.

6 “(B) The project is identified in the metro-
7 politan or statewide transportation improve-
8 ment program as a project to address resilience
9 vulnerabilities, consistent with section
10 134(j)(3)(E) or 135(g)(5)(B)(iii).

11 “(C) For a project in a flood-prone area,
12 the project sponsor considers hydrologic and hy-
13 draulic data and methods that integrate current
14 and projected changes in flooding based on cli-
15 mate science over the anticipated service life of
16 the surface transportation infrastructure asset
17 and future forecasted land use changes.

18 “(3) PRIORITIZATION OF PROJECTS.—A State
19 shall develop a process to prioritize projects under
20 this section based on the degree to which the pro-
21 posed project would—

22 “(A) be cost effective;

23 “(B) reduce the risk of disruption to a sur-
24 face transportation infrastructure asset consid-
25 ered critical to support population centers,

1 freight movement, economic activity, evacu-
2 ation, recovery, national security functions, or
3 critical infrastructure; and

4 “(C) ease disruptions to vulnerable, at-
5 risk, or transit-dependant populations.

6 “(c) GUIDANCE.—The Secretary shall provide guid-
7 ance to States to assist with the implementation of para-
8 graphs (2) and (3) of subsection (b).

9 “(d) DEFINITIONS.—In this section:

10 “(1) COVERED EVENT.—The term ‘covered
11 event’ means a climate change effect (including sea
12 level rise), an extreme event, seismic activity, or any
13 other natural disaster (including a wildfire or land-
14 slide).

15 “(2) SURFACE TRANSPORTATION INFRASTRUC-
16 TURE ASSET.—The term ‘surface transportation in-
17 frastructure asset’ means a facility eligible for as-
18 sistance under this title or chapter 53 of title 49.”.

19 (2) CONFORMING AMENDMENT.—The analysis
20 for chapter 1 of title 23, United States Code, is
21 amended by inserting after the item relating to sec-
22 tion 123 the following:

“124. Predisaster mitigation program.”.

23 (b) METROPOLITAN TRANSPORTATION PLANNING.—

24 (1) AMENDMENTS TO TITLE 23.—

1 (A) CLIMATE CHANGE AND RESILIENCE.—
2 Section 134(i)(2) of title 23, United States
3 Code, is amended by adding at the end the fol-
4 lowing:

5 “(I) CLIMATE CHANGE AND RESILIENCE.—

6 “(i) IN GENERAL.—The transpor-
7 tation planning process shall assess strate-
8 gies to reduce the climate change impacts
9 of the surface transportation system and
10 conduct a vulnerability assessment to iden-
11 tify opportunities to enhance the resilience
12 of the surface transportation system and
13 ensure the efficient use of Federal re-
14 sources.

15 “(ii) CLIMATE CHANGE MITIGATION
16 AND IMPACTS.—A long-range transpor-
17 tation plan shall—

18 “(I) identify investments and
19 strategies to reduce transportation-re-
20 lated sources of greenhouse gas emis-
21 sions per capita;

22 “(II) identify investments and
23 strategies to manage transportation
24 demand and increase the rates of pub-

1 lic transportation ridership, walking,
2 bicycling, and carpools; and

3 “(III) recommend zoning and
4 other land use policies that would sup-
5 port infill, transit-oriented develop-
6 ment, and mixed use development.

7 “(iii) VULNERABILITY ASSESSMENT.—
8 A long-range transportation plan shall in-
9 corporate a vulnerability assessment that—

10 “(I) includes a risk-based assess-
11 ment of vulnerabilities of critical
12 transportation assets and systems to
13 covered events (as such term is de-
14 fined in section 124);

15 “(II) considers, as applicable, the
16 risk management analysis in the
17 State’s asset management plan devel-
18 oped pursuant to section 119, and the
19 State’s evaluation of reasonable alter-
20 natives to repeatedly damaged facili-
21 ties conducted under part 667 of title
22 23, Code of Federal Regulations;

23 “(III) identifies evacuation
24 routes, assesses the ability of any
25 such routes to provide safe passage

1 for evacuation, access to health care
2 and public health facilities, and emer-
3 gency response during an emergency
4 event, and identifies any improve-
5 ments or redundant facilities nec-
6 essary to adequately facilitate safe
7 passage;

8 “(IV) describes the metropolitan
9 planning organization’s adaptation
10 and resilience improvement strategies
11 that will inform the transportation in-
12 vestment decisions of the metropolitan
13 planning organization; and

14 “(V) is consistent with and com-
15 plementary of the State and local
16 mitigation plans required under sec-
17 tion 322 of the Robert T. Stafford
18 Disaster Relief and Emergency Assist-
19 ance Act (42 U.S.C. 5165).

20 “(iv) CONSULTATION.—The assess-
21 ment described in this subparagraph shall
22 be developed in consultation with, as ap-
23 propriate, State, local, and Tribal officials
24 responsible for land use, housing, resil-

1 ience, hazard mitigation, and emergency
2 management.”.

3 (B) RESILIENCE PROJECTS.—Section
4 134(j)(3) of title 23, United States Code, is
5 amended by adding at the end the following:

6 “(E) RESILIENCE PROJECTS.—The TIP
7 shall—

8 “(i) identify projects that address the
9 vulnerabilities identified by the assessment
10 in subsection (i)(2)(I)(iii); and

11 “(ii) describe how each project identi-
12 fied under clause (i) would improve the re-
13 silience of the transportation system.”.

14 (2) AMENDMENTS TO TITLE 49.—

15 (A) CLIMATE CHANGE AND RESILIENCE.—
16 Section 5303(i)(2) of title 49, United States
17 Code, is amended by adding at the end the fol-
18 lowing:

19 “(I) CLIMATE CHANGE AND RESILIENCE.—

20 “(i) IN GENERAL.—The transpor-
21 tation planning process shall assess strate-
22 gies to reduce the climate change impacts
23 of the surface transportation system and
24 conduct a vulnerability assessment to iden-
25 tify opportunities to enhance the resilience

1 of the surface transportation system and
2 ensure the efficient use of Federal re-
3 sources.

4 “(ii) CLIMATE CHANGE MITIGATION
5 AND IMPACTS.—A long-range transpor-
6 tation plan shall—

7 “(I) identify investments and
8 strategies to reduce transportation-re-
9 lated sources of greenhouse gas emis-
10 sions per capita;

11 “(II) identify investments and
12 strategies to manage transportation
13 demand and increase the rates of pub-
14 lic transportation ridership, walking,
15 bicycling, and carpools; and

16 “(III) recommend zoning and
17 other land use policies that would sup-
18 port infill, transit-oriented develop-
19 ment, and mixed use development.

20 “(iii) VULNERABILITY ASSESSMENT.—
21 A long-range transportation plan shall in-
22 corporate a vulnerability assessment that—

23 “(I) includes a risk-based assess-
24 ment of vulnerabilities of critical
25 transportation assets and systems to

1 covered events (as such term is de-
2 fined in section 124 of title 23);

3 “(II) considers, as applicable, the
4 risk management analysis in the
5 State’s asset management plan devel-
6 oped pursuant to section 119 of title
7 23, and the State’s evaluation of rea-
8 sonable alternatives to repeatedly
9 damaged facilities conducted under
10 part 667 of title 23, Code of Federal
11 Regulations;

12 “(III) identifies evacuation
13 routes, assesses the ability of any
14 such routes to provide safe passage
15 for evacuation, access to health care
16 and public health facilities, and emer-
17 gency response during an emergency
18 event, and identifies any improve-
19 ments or redundant facilities nec-
20 essary to adequately facilitate safe
21 passage;

22 “(IV) describes the metropolitan
23 planning organization’s adaptation
24 and resilience improvement strategies
25 that will inform the transportation in-

1 vestment decisions of the metropolitan
2 planning organization; and

3 “(V) is consistent with and com-
4plementary of the State and local
5mitigation plans required under sec-
6tion 322 of the Robert T. Stafford
7Disaster Relief and Emergency Assist-
8ance Act (42 U.S.C. 5165).

9 “(iv) CONSULTATION.—The assess-
10ment described in this subparagraph shall
11be developed in consultation, as appro-
12priate, with State, local, and Tribal offi-
13cials responsible for land use, housing, re-
14silience, hazard mitigation, and emergency
15management.”.

16 (B) RESILIENCE PROJECTS.—Section
175303(j)(3) of title 49, United States Code, is
18amended by adding at the end the following:

19 “(E) RESILIENCE PROJECTS.—The TIP
20shall—

21 “(i) identify projects that address the
22vulnerabilities identified by the assessment
23in subsection (i)(2)(I)(iii); and

1 “(ii) describe how each project identi-
2 fied under clause (i) would improve the re-
3 silience of the transportation system.”.

4 (c) STATEWIDE AND NONMETROPOLITAN PLAN-
5 NING.—

6 (1) AMENDMENTS TO TITLE 23.—

7 (A) CLIMATE CHANGE AND RESILIENCE.—

8 Section 135(f) of title 23, United States Code,
9 is amended by adding at the end the following:

10 “(10) CLIMATE CHANGE AND RESILIENCE.—

11 “(A) IN GENERAL.—The transportation
12 planning process shall assess strategies to re-
13 duce the climate change impacts of the surface
14 transportation system and conduct a vulner-
15 ability assessment to identify opportunities to
16 enhance the resilience of the surface transpor-
17 tation system and ensure the efficient use of
18 Federal resources.

19 “(B) CLIMATE CHANGE MITIGATION AND
20 IMPACTS.—A long-range transportation plan
21 shall—

22 “(i) identify investments and strate-
23 gies to reduce transportation-related
24 sources of greenhouse gas emissions per
25 capita;

1 “(ii) identify investments and strate-
2 gies to manage transportation demand and
3 increase the rates of public transportation
4 ridership, walking, bicycling, and carpools;
5 and

6 “(iii) recommend zoning and other
7 land use policies that would support infill,
8 transit-oriented development, and mixed
9 use development.

10 “(C) VULNERABILITY ASSESSMENT.—A
11 long-range transportation plan shall incorporate
12 a vulnerability assessment that—

13 “(i) includes a risk-based assessment
14 of vulnerabilities of critical transportation
15 assets and systems to covered events (as
16 such term is defined in section 124);

17 “(ii) considers, as applicable, the risk
18 management analysis in the State’s asset
19 management plan developed pursuant to
20 section 119, and the State’s evaluation of
21 reasonable alternatives to repeatedly dam-
22 aged facilities conducted under part 667 of
23 title 23, Code of Federal Regulations;

24 “(iii) identifies evacuation routes, as-
25 sesses the ability of any such routes to pro-

1 vide safe passage for evacuation, access to
2 health care and public health facilities, and
3 emergency response during an emergency
4 event, and identifies any improvements or
5 redundant facilities necessary to ade-
6 quately facilitate safe passage;

7 “(iv) describes the States’s adaptation
8 and resilience improvement strategies that
9 will inform the transportation investment
10 decisions of the State; and

11 “(v) is consistent with and com-
12 plementary of the State and local mitiga-
13 tion plans required under section 322 of
14 the Robert T. Stafford Disaster Relief and
15 Emergency Assistance Act (42 U.S.C.
16 5165).

17 “(D) CONSULTATION.—The assessment
18 described in this subparagraph shall be devel-
19 oped in consultation with, as appropriate, State,
20 local, and Tribal officials responsible for land
21 use, housing, resilience, hazard mitigation, and
22 emergency management.”.

23 (B) RESILIENCE PROJECTS.—Section
24 135(g)(5)(B) of title 23, United States Code, is
25 amended by adding at the end the following:

1 “(iii) RESILIENCE PROJECTS.—The
2 STIP shall—

3 “(I) identify projects that ad-
4 dress the vulnerabilities identified by
5 the assessment in subsection
6 (i)(10)(B); and

7 “(II) describe how each project
8 identified under subclause (I) would
9 improve the resilience of the transpor-
10 tation system.”.

11 (2) AMENDMENTS TO TITLE 49.—

12 (A) CLIMATE CHANGE AND RESILIENCE.—
13 Section 5304(f) of title 49, United States Code,
14 is amended by adding at the end the following:

15 “(10) CLIMATE CHANGE AND RESILIENCE.—

16 “(A) IN GENERAL.—The transportation
17 planning process shall assess strategies to re-
18 duce the climate change impacts of the surface
19 transportation system and conduct a vulner-
20 ability assessment to identify opportunities to
21 enhance the resilience of the surface transpor-
22 tation system and ensure the efficient use of
23 Federal resources.

1 “(B) CLIMATE CHANGE MITIGATION AND
2 IMPACTS.—A long-range transportation plan
3 shall—

4 “(i) identify investments and strate-
5 gies to reduce transportation-related
6 sources of greenhouse gas emissions per
7 capita;

8 “(ii) identify investments and strate-
9 gies to manage transportation demand and
10 increase the rates of public transportation
11 ridership, walking, bicycling, and carpooling;
12 and

13 “(iii) recommend zoning and other
14 land use policies that would support infill,
15 transit-oriented development, and mixed
16 use development.

17 “(C) VULNERABILITY ASSESSMENT.—A
18 long-range transportation plan shall incorporate
19 a vulnerability assessment that—

20 “(i) includes a risk-based assessment
21 of vulnerabilities of critical transportation
22 assets and systems to covered events (as
23 such term is defined in section 124 of title
24 23);

1 “(ii) considers, as applicable, the risk
2 management analysis in the State’s asset
3 management plan developed pursuant to
4 section 119 of title 23, and the State’s
5 evaluation of reasonable alternatives to re-
6 peatedly damaged facilities conducted
7 under part 667 of title 23, Code of Federal
8 Regulations;

9 “(iii) identifies evacuation routes, as-
10 sesses the ability of any such routes to pro-
11 vide safe passage for evacuation, access to
12 health care and public health facilities, and
13 emergency response during an emergency
14 event, and identifies any improvements or
15 redundant facilities necessary to ade-
16 quately facilitate safe passage;

17 “(iv) describes the State’s adaptation
18 and resilience improvement strategies that
19 will inform the transportation investment
20 decisions of the State; and

21 “(v) is consistent with and com-
22 plementary of the State and local mitiga-
23 tion plans required under section 322 of
24 the Robert T. Stafford Disaster Relief and

1 Emergency Assistance Act (42 U.S.C.
2 5165).

3 “(D) CONSULTATION.—The assessment
4 described in this subparagraph shall be devel-
5 oped in consultation with, as appropriate, State,
6 local, and Tribal officials responsible for land
7 use, housing, resilience, hazard mitigation, and
8 emergency management.”.

9 (B) RESILIENCE PROJECTS.—Section
10 5304(g)(5)(B) of title 49, United States Code,
11 is amended by adding at the end the following:

12 “(iii) RESILIENCE PROJECTS.—The
13 STIP shall—

14 “(I) identify projects that ad-
15 dress the vulnerabilities identified by
16 the assessment in subsection
17 (i)(10)(B); and

18 “(II) describe how each project
19 identified under subclause (I) would
20 improve the resilience of the transpor-
21 tation system.”.

22 **SEC. 1203. EMERGENCY RELIEF.**

23 (a) IN GENERAL.—Section 125 of title 23, United
24 States Code, is amended—

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

3 (2) by striking subsection (b);

4 (3) in subsection (c)(2)(A) by striking “in any
5 1 fiscal year commencing after September 30,
6 1980,” and inserting “in any fiscal year”;

7 (4) in subsection (d)—

8 (A) in paragraph (3)(C) by striking “sub-
9 section (e)(1)” and inserting “subsection (g)”;

10 (B) by redesignating paragraph (3) as
11 paragraph (4); and

12 (C) by striking paragraphs (1) and (2) and
13 inserting the following:

14 “(1) IN GENERAL.—The Secretary may expend
15 funds from the emergency fund authorized by this
16 section only for the repair or reconstruction of high-
17 ways on Federal-aid highways in accordance with
18 this chapter.

19 “(2) RESTRICTIONS.—

20 “(A) IN GENERAL.—No funds shall be ex-
21 pended from the emergency fund authorized by
22 this section unless—

23 “(i) an emergency has been declared
24 by the Governor of the State with concur-
25 rence by the Secretary, unless the Presi-

1 dent has declared the emergency to be a
2 major disaster for the purposes of the Rob-
3 ert T. Stafford Disaster Relief and Emer-
4 gency Assistance Act (42 U.S.C. 5121 et
5 seq.) for which concurrence of the Sec-
6 retary is not required; and

7 “(ii) the Secretary has received an ap-
8 plication from the State transportation de-
9 partment that includes a comprehensive
10 list of all eligible project sites and repair
11 costs by not later than 2 years after the
12 natural disaster or catastrophic failure.

13 “(B) COST LIMITATION.—The total cost of
14 a project funded under this section may not ex-
15 ceed the cost of repair or reconstruction of a
16 comparable facility unless the Secretary deter-
17 mines that the project incorporates economi-
18 cally justified betterments, including protective
19 features to increase the resilience of the facility.

20 “(3) SPECIAL RULE FOR BRIDGE PROJECTS.—

21 In no case shall funds be used under this section for
22 the repair or reconstruction of a bridge—

23 “(A) that has been permanently closed to
24 all vehicular traffic by the State or responsible
25 local official because of imminent danger of col-

1 lapse due to a structural deficiency or physical
2 deterioration; or

3 “(B) if a construction phase of a replace-
4 ment structure is included in the approved
5 statewide transportation improvement program
6 at the time of an event described in subsection
7 (a).”;

8 (5) in subsection (e)—

9 (A) by striking paragraph (1);

10 (B) in paragraph (2) by striking “sub-
11 section (d)(1)” and inserting “subsection
12 (e)(1)”; and

13 (C) by redesignating paragraphs (2) and
14 (3), as amended, as paragraphs (1) and (2), re-
15 spectively;

16 (6) by redesignating subsections (c) through
17 (g), as amended, as subsections (b) through (f), re-
18 spectively; and

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

20 “(g) IMPOSITION OF DEADLINE.—

21 “(1) IN GENERAL.—Notwithstanding any other
22 provision of law, the Secretary may not require any
23 project funded under this section to advance to the
24 construction obligation stage before the date that is

1 the last day of the sixth fiscal year after the later
2 of—

3 “(A) the date on which the Governor de-
4 clared the emergency, as described in subsection
5 (d)(2)(A)(i); or

6 “(B) the date on which the President de-
7 clared the emergency to be a major disaster, as
8 described in such subsection.

9 “(2) EXTENSION OF DEADLINE.—If the Sec-
10 retary imposes a deadline for advancement to the
11 construction obligation stage pursuant to paragraph
12 (1), the Secretary may, upon the request of the Gov-
13 ernor of the State, issue an extension of not more
14 than 1 year to complete such advancement, and may
15 issue additional extensions after the expiration of
16 any extension, if the Secretary determines the Gov-
17 ernor of the State has provided suitable justification
18 to warrant such an extension.

19 “(h) HAZARD MITIGATION PILOT PROGRAM.—

20 “(1) IN GENERAL.—The Secretary shall estab-
21 lish a hazard mitigation pilot program for the pur-
22 pose of mitigating future hazards posed to Federal-
23 aid highways.

24 “(2) DISTRIBUTION OF FUNDS.—

1 “(A) AUTHORIZATION OF APPROPRIA-
2 TIONS.—There is authorized to be appropriated
3 such sums as may be necessary for the pilot
4 program established under this subsection.

5 “(B) CALCULATION.—Every 6 months, the
6 Secretary shall calculate the total amount of
7 outstanding eligible repair costs under the
8 emergency relief program under this section, in-
9 cluding the emergency relief backlog, for each
10 State, territory, Tribal government, or other eli-
11 gible entity.

12 “(C) DISTRIBUTION.—Any amounts made
13 available under this subsection shall be distrib-
14 uted to each State, territory, Tribal govern-
15 ment, or other eligible entity based on—

16 “(i) the ratio of the total amount of
17 outstanding eligible repair costs as de-
18 scribed under subparagraph (B); bears to

19 “(ii) the total amounts appropriated
20 for the purposes described in this sub-
21 section.

22 “(D) LIMITATION.—The distribution de-
23 scribed under subparagraph (C) shall not ex-
24 ceed 5 percent of the amount described in sub-
25 paragraph (B).

1 “(3) ELIGIBLE ACTIVITIES.—Amounts made
2 available under this subsection shall be used for pro-
3 tective features or other hazard mitigation activities
4 that—

5 “(A) the Secretary determines are cost ef-
6 fective and that reduce the risk of, or increase
7 the resilience to, future damage to existing as-
8 sets as a result of natural disasters; and

9 “(B) are eligible under section 124.

10 “(4) REPORT.—The Secretary shall submit to
11 the Committee on Transportation and Infrastructure
12 of the House of Representatives and the Committee
13 on Environment and Public Works of the Senate an
14 annual report detailing—

15 “(A) a description of the activities carried
16 out under the pilot program;

17 “(B) an evaluation of the effectiveness of
18 the pilot program in meeting purposes descried
19 in paragraph (1);

20 “(C) policy recommendations to improve
21 the effectiveness of the pilot program.

22 “(5) SUNSET.—The authority provided under
23 this subsection shall terminate on October 1, 2025.

24 “(i) IMPROVING THE EMERGENCY RELIEF PRO-
25 GRAM.—Not later than 90 days after the date of enact-

1 ment of the INVEST in America Act, the Secretary
2 shall—

3 “(1) revise the emergency relief manual of the
4 Federal Highway Administration—

5 “(A) to include and reflect the definition of
6 the term ‘resilience’ (as defined in section
7 101(a));

8 “(B) to identify procedures that States
9 may use to incorporate resilience into emer-
10 gency relief projects; and

11 “(C) to encourage the use of context sen-
12 sitive design principles and consideration of ac-
13 cess for moderate- and low-income families im-
14 pacted by a declared disaster;

15 “(2) develop best practices for improving the
16 use of resilience in—

17 “(A) the emergency relief program under
18 section 125; and

19 “(B) emergency relief efforts;

20 “(3) provide to division offices of the Federal
21 Highway Administration and State departments of
22 transportation information on the best practices de-
23 veloped under paragraph (2); and

24 “(4) develop and implement a process to
25 track—

1 “(A) the consideration of resilience as part
2 of the emergency relief program under section
3 125; and

4 “(B) the costs of emergency relief projects.
5 “(j) DEFINITIONS.—In this section:

6 “(1) COMPARABLE FACILITY.—The term ‘com-
7 parable facility’ means a facility that meets the cur-
8 rent geometric and construction standards required
9 for the types and volume of traffic that the facility
10 will carry over its design life.

11 “(2) CONSTRUCTION PHASE.—The term ‘con-
12 struction phase’ means the phase of physical con-
13 struction of a highway or bridge facility that is sepa-
14 rate from any other identified phases, such as plan-
15 ning, design, or right-of-way phases, in the State
16 transportation improvement program.

17 “(3) OPEN TO PUBLIC TRAVEL.—The term
18 ‘open to public travel’ means with respect to a road,
19 that, except during scheduled periods, extreme
20 weather conditions, or emergencies, the road—

21 “(A) is maintained;

22 “(B) is open to the general public; and

23 “(C) can accommodate travel by a stand-
24 ard passenger vehicle, without restrictive gates
25 or prohibitive signs or regulations, other than

1 for general traffic control or restrictions based
2 on size, weight, or class of registration.

3 “(4) STANDARD PASSENGER VEHICLE.—The
4 term ‘standard passenger vehicle’ means a vehicle
5 with 6 inches of clearance from the lowest point of
6 the frame, body, suspension, or differential to the
7 ground.”.

8 (b) CONFORMING AMENDMENTS.—

9 (1) FEDERAL LANDS AND TRIBAL TRANSPOR-
10 TATION PROGRAMS.—Section 201(c)(8)(A) of title
11 23, United States Code, is amended by striking
12 “section 125(e)” and inserting “section 125(g)”.

13 (2) TRIBAL TRANSPORTATION PROGRAM.—Sec-
14 tion 202(b)(6)(A) of title 23, United States Code, is
15 amended by striking “section 125(e)” and inserting
16 “section 125(d)”.

17 (c) REPEAL.—Section 668.105(h) of title 23, Code
18 of Federal Regulations, is repealed.

19 **SEC. 1204. RAILWAY CROSSINGS.**

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

22 (1) in the section heading by striking “**Rail-**
23 **way-highway crossings**” and inserting “**Rail-**
24 **way crossings**”;

25 (2) in subsection (a)—

1 (A) by striking “Subject to section 120
2 and subsection (b) of this section, the entire”
3 and inserting “IN GENERAL.—The”;

4 (B) by striking “then the entire” and in-
5 serting “the”; and

6 (C) by striking “, subject to section 120
7 and subsection (b) of this section,”;

8 (3) by amending subsection (b) to read as fol-
9 lows:

10 “(b) CLASSIFICATION.—

11 “(1) IN GENERAL.—The construction of
12 projects for the elimination of hazards at railway
13 crossings represents a benefit to the railroad. The
14 Secretary shall classify the various types of projects
15 involved in the elimination of hazards of railway-
16 highway crossings, and shall set for each such classi-
17 fication a percentage of the total project cost that
18 represent the benefit to the railroad or railroads for
19 the purpose of determining the railroad’s share of
20 the total project cost. The Secretary shall determine
21 the appropriate classification of each project.

22 “(2) NONCASH CONTRIBUTIONS.—

23 “(A) IN GENERAL.—Not more than 5 per-
24 cent of the cost share described in paragraph
25 (1) may be attributable to noncash contribu-

1 tions of materials and labor furnished by the
2 railroad in connection with the construction of
3 such project.

4 “(B) REQUIREMENT.—The requirements
5 under section 200.306 and 200.403(g) of title
6 2, Code of Federal Regulations (or successor
7 regulations), shall apply to any noncash con-
8 tributions under this subsection.

9 “(3) TOTAL PROJECT COST.—For the purposes
10 of this subsection, the determination of the rail-
11 road’s share of the total project cost shall include
12 environment, design, right-of-way, utility accommo-
13 dation, and construction phases of the project.”;

14 (4) in subsection (c)—

15 (A) by striking “Any railroad involved”
16 and inserting “BENEFIT.—Any railroad in-
17 volved”;

18 (B) by striking “the net benefit” and in-
19 serting “the cost associated with the benefit”;
20 and

21 (C) by striking “Such payment may con-
22 sist in whole or in part of materials and labor
23 furnished by the railroad in connection with the
24 construction of such project.”;

1 (5) by striking subsection (e) and inserting the
2 following:

3 “(e) RAILWAY CROSSINGS.—

4 “(1) ELIGIBLE ACTIVITIES.—Funds appor-
5 tioned to a State under section 104(b)(7) may be ob-
6 ligated for the following:

7 “(A) The elimination of hazards at rail-
8 way-highway crossings, including technology or
9 protective upgrades.

10 “(B) Construction or installation of protec-
11 tive devices (including replacement of function-
12 ally obsolete protective devices) at railway-high-
13 way crossings.

14 “(C) Infrastructure and noninfrastructure
15 projects and strategies to prevent or reduce sui-
16 cide or trespasser fatalities and injuries along
17 railroad rights-of-way and at or near railway-
18 highway crossings.

19 “(D) Projects to mitigate any degradation
20 in the level of access from a highway-grade
21 crossing closure.

22 “(E) Bicycle and pedestrian railway grade
23 crossing improvements, including underpasses
24 and overpasses.

1 “(F) Projects eligible under section
2 22907(c)(5) of title 49, provided that amounts
3 obligated under this subparagraph—

4 “(i) shall be administered by the Sec-
5 retary in accordance with such section as
6 if such amounts were made available to
7 carry out such section; and

8 “(ii) may be used to pay up to 90 per-
9 cent of the non-Federal share of the cost
10 of a project carried out under such section.

11 “(2) SPECIAL RULE.—If a State demonstrates
12 to the satisfaction of the Secretary that the State
13 has met all its needs for installation of protective de-
14 vices at railway-highway crossings, the State may
15 use funds made available by this section for other
16 highway safety improvement program purposes.”;

17 (6) by striking subsection (f) and inserting the
18 following:

19 “(f) FEDERAL SHARE.—Notwithstanding section
20 120, the Federal share payable on account of any project
21 financed with funds made available to carry out subsection
22 (e) shall be up to 90 percent of the cost thereof.”;

23 (7) by striking subsection (g) and inserting the
24 following:

25 “(g) REPORT.—

1 “(1) STATE REPORT.—

2 “(A) IN GENERAL.—Not later than 2 years
3 after the date of enactment of the INVEST in
4 America Act, and at least biennially thereafter,
5 each State shall submit to the Secretary a re-
6 port on the progress being made to implement
7 the railway crossings program authorized by
8 this section and the effectiveness of such im-
9 provements.

10 “(B) CONTENTS.—Each State report
11 under subparagraph (A) shall contain an as-
12 sessment of the costs of the various treatments
13 employed and subsequent accident experience at
14 improved locations.

15 “(2) DEPARTMENTAL REPORT.—

16 “(A) IN GENERAL.—Not later than 180
17 days after the deadline for the submission of a
18 report under paragraph (1)(A), the Secretary
19 shall publish on the website of the Department
20 of Transportation a report on the progress
21 being made by the State in implementing
22 projects to improve railway-highway crossings.

23 “(B) CONTENTS.—The report under sub-
24 paragraph (A) shall include—

1 “(i) the number of projects under-
2 taken;

3 “(ii) distribution of such projects by
4 cost range, road system, nature of treat-
5 ment, and subsequent accident experience
6 at improved locations;

7 “(iii) an analysis and evaluation of
8 each State program;

9 “(iv) the identification of any State
10 found not to be in compliance with the
11 schedule of improvements required by sub-
12 section (d); and

13 “(v) recommendations for future im-
14 plementation of the railway crossings pro-
15 gram.”;

16 (8) in subsection (j)—

17 (A) in the heading by inserting “AND PE-
18 DESTRIAN” after “BICYCLE”; and

19 (B) by inserting “and pedestrian” after
20 “bicycle”; and

21 (9) in subsection (l)—

22 (A) in paragraph (1) by striking “Not
23 later than” and all that follows through “each
24 State” and inserting “Not later than 6 months

1 after a new railway crossing becomes oper-
2 ational, each State”; and

3 (B) in paragraph (2) by striking “On a
4 periodic” and all that follows through “every
5 year thereafter” and inserting “On or before
6 September 30 of each year”.

7 (b) CLERICAL AMENDMENT.—The analysis for chap-
8 ter 1 of title 23, United States Code, is amended by
9 amending the item relating to section 130 to read as fol-
10 lows:

“130. Railway crossings.”.

11 (c) GAO STUDY.—Not later than 2 years after the
12 date of enactment of this Act, the Comptroller General
13 of the United States shall submit to Congress a report
14 that includes an analysis of the effectiveness of the railway
15 crossing program under section 130 of title 23, United
16 States Code.

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

23 **SEC. 1205. SURFACE TRANSPORTATION PROGRAM.**

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

1 (1) in the heading by striking “**block grant**”;

2 (2) in subsection (a) by striking “block grant”;

3 (3) in subsection (b)—

4 (A) by striking “block grant”;

5 (B) in paragraph (4) by striking “railway-
6 highway grade crossings” and inserting
7 “projects eligible under section 130 and instal-
8 lation of safety barriers and nets on bridges”;

9 (C) in paragraph (6)—

10 (i) by striking “Recreational” and in-
11 sserting “Transportation alternatives
12 projects eligible under subsection (h), rec-
13 reational”; and

14 (ii) by striking “1404 of SAFETEA-
15 LU (23 U.S.C. 402 note)” and inserting
16 “211”; and

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

18 “(16) Protective features (including natural in-
19 frastructure and vegetation control and clearance) to
20 enhance the resilience of a transportation facility
21 otherwise eligible for assistance under this section.

22 “(17) Projects to reduce greenhouse gas emis-
23 sions eligible under section 171, including the instal-
24 lation of electric vehicle charging infrastructure.

1 “(18) Projects and strategies to reduce vehicle-
2 caused wildlife mortality related to, or to restore and
3 maintain connectivity among terrestrial or aquatic
4 habitats affected by, a transportation facility other-
5 wise eligible for assistance under this section.

6 “(19) A surface transportation project carried
7 out in accordance with the national travel and tour-
8 ism infrastructure strategic plan under section
9 1431(e) of the FAST Act (49 U.S.C. 301 note).

10 “(20) roads in rural areas that primarily serve
11 to transport agricultural products from a farm or
12 ranch to a marketplace.”;

13 (4) in subsection (c)—

14 (A) by striking “block grant” and inserting
15 “program”;

16 (B) by striking paragraph (3) and insert-
17 ing the following:

18 “(3) for a project described in—

19 “(A) subsection (h); or

20 “(B) section 101(a)(29), as in effect on
21 the day before the date of enactment of the
22 FAST Act;”;

23 (C) by redesignating paragraph (4) as
24 paragraph (5); and

1 (D) by inserting after paragraph (3) the
2 following:

3 “(4) for a project described in section 5308 of
4 title 49; and”;

5 (5) in subsection (d)—

6 (A) in paragraph (1)—

7 (i) by inserting “each fiscal year”
8 after “apportioned to a State”;

9 (ii) by striking “the reservation of”
10 and inserting “setting aside”; and

11 (iii) in subparagraph (A)—

12 (I) by striking “the percentage
13 specified in paragraph (6) for a fiscal
14 year” and inserting “57 percent for
15 fiscal year 2022, 58 percent for fiscal
16 year 2023, 59 percent for fiscal year
17 2024, and 60 percent for fiscal year
18 2025”;

19 (II) in clause (i) by striking “of
20 over” and inserting “greater than”;
21 and

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

1 “(ii) in urbanized areas of the State
2 with an urbanized area population greater
3 than 49,999 and less than 200,001;

4 “(iii) in urban areas of the State with
5 a population greater than 4,999 and less
6 than 50,000; and

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

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

11 “(3) LOCAL COORDINATION AND CONSULTA-
12 TION.—

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

16 “(i) establish a process to coordinate
17 with all metropolitan planning organiza-
18 tions in the State that represent an urban-
19 ized area described in such paragraph; and

20 “(ii) describe how funds described
21 under paragraph (1)(A)(ii) will be allo-
22 cated equitably among such urbanized
23 areas during the period of fiscal years
24 2022 through 2025.

1 “(B) JOINT RESPONSIBILITY.—Each State
2 and the Secretary shall jointly ensure compli-
3 ance with subparagraph (A).

4 “(C) CONSULTATION WITH REGIONAL
5 TRANSPORTATION PLANNING ORGANIZA-
6 TIONS.—For purposes of clauses (iii) and (iv)
7 of paragraph (1)(A), before obligating funding
8 attributed to an area with a population less
9 than 50,000, a State shall consult with the re-
10 gional transportation planning organizations
11 that represent the area, if any.”;

12 (C) in the heading for paragraph (4) by
13 striking “OVER 200,000” and inserting “GREAT-
14 ER THAN 200,000”;

15 (D) by striking paragraph (6) and insert-
16 ing the following:

17 “(6) TECHNICAL ASSISTANCE.—

18 “(A) IN GENERAL.—The State and all
19 metropolitan planning organizations in the
20 State that represent an urbanized area with a
21 population of greater than 200,000 shall jointly
22 establish a program to improve the ability of
23 applicants to deliver projects under this sub-
24 section in an efficient and expeditious manner
25 and reduce the period of time between the selec-

1 tion of the project and the obligation of funds
2 for the project by providing—

3 “(i) technical assistance and training
4 to applicants for projects under this sub-
5 section; and

6 “(ii) funding for one or more full-time
7 State employee positions to administer this
8 subsection.

9 “(B) ELIGIBLE FUNDS.—To carry out this
10 paragraph—

11 “(i) a State shall set aside an amount
12 equal to 1 percent of the funds available
13 under paragraph (1)(A)(i); and

14 “(ii) at the request of an eligible met-
15 ropolitan planning organization, the State
16 and metropolitan planning organization
17 may jointly agree to use additional funds
18 available under paragraph (1)(A)(i).

19 “(C) USE OF FUNDS.—Amounts used
20 under this paragraph may be expended—

21 “(i) directly by the State; or

22 “(ii) through contracts with State
23 agencies, private entities, or nonprofit or-
24 ganizations.”;

25 (6) in subsection (e)(1)—

1 (A) by striking “over 200,000” and insert-
2 ing “greater than 200,000”; and

3 (B) by striking “2016 through 2020” and
4 inserting “2022 through 2025”;

5 (7) by striking subsection (f) and inserting the
6 following:

7 “(f) BRIDGES NOT ON FEDERAL-AID HIGHWAYS.—

8 “(1) DEFINITION OF OFF-SYSTEM BRIDGE.—In
9 this subsection, the term ‘off-system bridge’ means
10 a bridge located on a public road, other than a
11 bridge on a Federal-aid highway.

12 “(2) SPECIAL RULE.—

13 “(A) SET ASIDE.—Of the amounts appor-
14 tioned to a State for each fiscal year under this
15 section other than the amounts described in
16 subparagraph (C), the State shall obligate for
17 activities described in subsection (b)(2) (as in
18 effect on the day before the date of enactment
19 of the FAST Act) for off-system bridges an
20 amount that is not less than 20 percent of the
21 amounts available to such State under this sec-
22 tion in fiscal year 2020, not including the
23 amounts described in subparagraph (C).

24 “(B) REDUCTION OF EXPENDITURES.—

25 The Secretary, after consultation with State

1 and local officials, may reduce the requirement
2 for expenditures for off-system bridges under
3 subparagraph (A) with respect to the State if
4 the Secretary determines that the State has in-
5 adequate needs to justify the expenditure.

6 “(C) LIMITATIONS.—The following
7 amounts shall not be used for the purposes of
8 meeting the requirements of subparagraph (A):

9 “(i) Amounts described in section
10 133(d)(1)(A).

11 “(ii) Amounts set aside under section
12 133(h).

13 “(iii) Amounts described in section
14 505(a).

15 “(3) CREDIT FOR BRIDGES NOT ON FEDERAL-
16 AID HIGHWAYS.—Notwithstanding any other provi-
17 sion of law, with respect to any project not on a
18 Federal-aid highway for the replacement of a bridge
19 or rehabilitation of a bridge that is wholly funded
20 from State and local sources, is eligible for Federal
21 funds under this section, is certified by the State to
22 have been carried out in accordance with all stand-
23 ards applicable to such projects under this section,
24 and is determined by the Secretary upon completion
25 to be no longer a deficient bridge—

1 “(A) any amount expended after the date
2 of enactment of this subsection from State and
3 local sources for the project in excess of 20 per-
4 cent of the cost of construction of the project
5 may be credited to the non-Federal share of the
6 cost of other bridge projects in the State that
7 are eligible for Federal funds under this sec-
8 tion; and

9 “(B) that crediting shall be conducted in
10 accordance with procedures established by the
11 Secretary.”; and

12 (8) in subsection (g)—

13 (A) in the heading by striking “5,000” and
14 inserting “50,000”; and

15 (B) in paragraph (1), by striking sub-
16 section (d)(1)(A)(ii) and all that follows
17 through the period at the end and inserting
18 “clauses (iii) and (iv) of subsection (d)(1)(A)
19 for each fiscal year may be obligated on roads
20 functionally classified as rural minor collectors
21 or local roads or on critical rural freight cor-
22 ridors designated under section 167(e).”.

23 (b) CLERICAL AMENDMENT.—The analysis for chap-
24 ter 1 of title 23, United States Code, is amended by strik-

1 ing the item relating to section 133 and inserting the fol-
2 lowing:

“133. Surface transportation program.”.

3 (c) CONFORMING AMENDMENTS.—

4 (1) ADVANCE ACQUISITION OF REAL PROP-
5 ERTY.—Section 108(c) of title 23, United States
6 Code, is amended—

7 (A) in paragraph (2)(A) by striking “block
8 grant”; and

9 (B) in paragraph (3) by striking “block
10 grant”.

11 (2) PUBLIC TRANSPORTATION.—Section
12 142(e)(2) of title 23, United States Code, is amend-
13 ed by striking “block grant”.

14 (3) HIGHWAY USE TAX EVASION PROJECTS.—
15 Section 143(b)(8) of title 23, United States Code, is
16 amended in the heading by striking “BLOCK
17 GRANT”.

18 (4) CONGESTION MITIGATION AND AIR QUALITY
19 IMPROVEMENT PROGRAM.—Section 149(d) of title
20 23, United States Code, is amended—

21 (A) in paragraph (1)(B) by striking “block
22 grant”; and

23 (B) in paragraph (2)(A) by striking “block
24 grant”.

1 (5) TERRITORIAL AND PUERTO RICO HIGHWAY
2 PROGRAM.—Section 165 of title 23, United States
3 Code, is amended—

4 (A) in subsection (b)(2)(A)(ii) by striking
5 “block grant” each time such term appears;
6 and

7 (B) in subsection (c)(6)(A)(i) by striking
8 “block grant”.

9 (6) MAGNETIC LEVITATION TRANSPORTATION
10 TECHNOLOGY DEPLOYMENT PROGRAM.—Section
11 322(h)(3) of title 23, United States Code, is amend-
12 ed by striking “block grant”.

13 (7) TRAINING AND EDUCATION.—Section
14 504(a)(4) of title 23, United States Code, is amend-
15 ed by striking “block grant”.

16 **SEC. 1206. TRANSPORTATION ALTERNATIVES PROGRAM.**

17 Section 133(h) of title 23, United States Code, is
18 amended to read as follows:

19 “(h) TRANSPORTATION ALTERNATIVES PROGRAM
20 SET-ASIDE.—

21 “(1) SET ASIDE.—For each fiscal year, of the
22 total funds apportioned to all States under section
23 104(b)(2) for a fiscal year, the Secretary shall set
24 aside an amount such that—

1 “(A) the Secretary sets aside a total
2 amount under this subsection for a fiscal year
3 equal to 10 percent of such total funds; and

4 “(B) the State’s share of the amount set
5 aside under subparagraph (A) is determined by
6 multiplying the amount set aside under sub-
7 paragraph (A) by the ratio that—

8 “(i) the amount apportioned to the
9 State for the transportation enhancement
10 program for fiscal year 2009 under section
11 133(d)(2), as in effect on the day before
12 the date of enactment of MAP–21; bears
13 to

14 “(ii) the total amount of funds appor-
15 tioned to all States for the transportation
16 enhancements program for fiscal year
17 2009.

18 “(2) ALLOCATION WITHIN A STATE.—

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

1 “(i) for each fiscal year, the percent-
2 age referred to in paragraph (1)(A) of sub-
3 section (d) shall be deemed to be 66 per-
4 cent; and

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

7 “(B) LOCAL CONTROL.—

8 “(i) IN GENERAL.—A State may make
9 available up to 100 percent of the funds
10 set aside under paragraph (1) to the enti-
11 ties described in subclause (I) if the State
12 submits to the Secretary, and the Sec-
13 retary approves, a plan that describes—

14 “(I) how such funds shall be
15 made available to metropolitan plan-
16 ning organizations, regional transpor-
17 tation planning organizations, coun-
18 ties, or other regional transportation
19 authorities;

20 “(II) how the entities described
21 in subclause (I) shall select projects
22 for funding and how such entities
23 shall report selected projects to the
24 State;

1 “(III) the legal, financial, and
2 technical capacity of such entities; and

3 “(IV) the procedures in place to
4 ensure such entities comply with the
5 requirements of this title.

6 “(ii) REQUIREMENT.—A State that
7 makes funding available under a plan ap-
8 proved under this subparagraph shall make
9 available an equivalent amount of obliga-
10 tion authority to an entity described in
11 clause (i)(I) to whom funds are made
12 available under this subparagraph.

13 “(3) ELIGIBLE PROJECTS.—Funds set aside
14 under this subsection may be obligated for any of
15 the following projects or activities:

16 “(A) Construction, planning, and design of
17 on-road and off-road trail facilities for pedes-
18 trians, bicyclists, and other nonmotorized forms
19 of transportation, including sidewalks, bicycle
20 infrastructure, pedestrian and bicycle signals,
21 traffic calming techniques, lighting and other
22 safety-related infrastructure, and transportation
23 projects to achieve compliance with the Ameri-
24 cans with Disabilities Act of 1990 (42 U.S.C.
25 12101 et seq.).

1 “(B) Construction, planning, and design of
2 infrastructure-related projects and systems that
3 will provide safe routes for nondrivers, includ-
4 ing children, older adults, and individuals with
5 disabilities to access daily needs.

6 “(C) Conversion and use of abandoned
7 railroad corridors for trails for pedestrians,
8 bicyclists, or other nonmotorized transportation
9 users.

10 “(D) Construction of turnouts, overlooks,
11 and viewing areas.

12 “(E) Community improvement activities,
13 including—

14 “(i) inventory, control, or removal of
15 outdoor advertising;

16 “(ii) historic preservation and reha-
17 bilitation of historic transportation facili-
18 ties;

19 “(iii) vegetation management prac-
20 tices in transportation rights-of-way to im-
21 prove roadway safety, prevent against
22 invasive species, facilitate wildfire control,
23 and provide erosion control; and

1 “(iv) archaeological activities relating
2 to impacts from implementation of a trans-
3 portation project eligible under this title.

4 “(F) Any environmental mitigation activ-
5 ity, including pollution prevention and pollution
6 abatement activities and mitigation to address
7 stormwater management, control, and water
8 pollution prevention or abatement related to
9 highway construction or due to highway runoff,
10 including activities described in sections 328(a)
11 and 329.

12 “(G) Projects and strategies to reduce ve-
13 hicle-caused wildlife mortality related to, or to
14 restore and maintain connectivity among terres-
15 trial or aquatic habitats affected by, a transpor-
16 tation facility otherwise eligible for assistance
17 under this subsection.

18 “(H) The recreational trails program
19 under section 206.

20 “(I) The safe routes to school program
21 under section 211.

22 “(J) Activities in furtherance of a vulner-
23 able road user assessment described in section
24 148.

1 “(K) Any other projects or activities de-
2 scribed in section 101(a)(29) or section 213, as
3 such sections were in effect on the day before
4 the date of enactment of the FAST Act (Public
5 Law 114–94).

6 “(4) ACCESS TO FUNDS.—

7 “(A) IN GENERAL.—A State, metropolitan
8 planning organization required to obligate funds
9 in accordance with paragraph (2)(A), or an en-
10 tity required to obligate funds in accordance
11 with paragraph (2)(B) shall develop a competi-
12 tive process to allow eligible entities to submit
13 projects for funding that achieve the objectives
14 of this subsection. A metropolitan planning or-
15 ganization for an area described in subsection
16 (d)(1)(A)(i) shall select projects under such
17 process in consultation with the relevant State.

18 “(B) ELIGIBLE ENTITY DEFINED.—In this
19 paragraph, the term ‘eligible entity’ means—

20 “(i) a local government, including a
21 county or multi-county special district;

22 “(ii) a regional transportation author-
23 ity;

24 “(iii) a transit agency;

1 “(iv) a natural resource or public land
2 agency;

3 “(v) a school district, local education
4 agency, or school;

5 “(vi) a tribal government;

6 “(vii) a metropolitan planning organi-
7 zation that serves an urbanized area with
8 a population of 200,000 or fewer;

9 “(viii) a nonprofit organization car-
10 rying out activities related to transpor-
11 tation;

12 “(ix) any other local or regional gov-
13 ernmental entity with responsibility for or
14 oversight of transportation or recreational
15 trails (other than a metropolitan planning
16 organization that serves an urbanized area
17 with a population of over 200,000 or a
18 State agency) that the State determines to
19 be eligible, consistent with the goals of this
20 subsection; and

21 “(x) a State, at the request of any en-
22 tity listed in clauses (i) through (ix).

23 “(5) CONTINUATION OF CERTAIN REC-
24 REATIONAL TRAILS PROJECTS.—

1 “(A) IN GENERAL.—For each fiscal year, a
2 State shall—

3 “(i) obligate an amount of funds set
4 aside under this subsection equal to 175
5 percent of the amount of the funds appor-
6 tioned to the State for fiscal year 2009
7 under section 104(h)(2), as in effect on the
8 day before the date of enactment of MAP-
9 21, for projects relating to recreational
10 trails under section 206;

11 “(ii) return 1 percent of the funds de-
12 scribed in clause (i) to the Secretary for
13 the administration of such program; and

14 “(iii) comply with the provisions of
15 the administration of the recreational trails
16 program under section 206, including the
17 use of apportioned funds described in sub-
18 section (d)(3)(A) of such section.

19 “(B) STATE FLEXIBILITY.—A State may
20 opt out of the recreational trails program under
21 this paragraph if the Governor of the State no-
22 tifies the Secretary not later than 30 days prior
23 to the date on which an apportionment is made
24 under section 104 for any fiscal year.

1 “(6) IMPROVING ACCESSIBILITY AND EFFI-
2 CIENCY.—

3 “(A) IN GENERAL.—A State may use an
4 amount equal to not more than 5 percent of the
5 funds set aside for the State under this sub-
6 section, after allocating funds in accordance
7 with paragraph (2)(A), to improve the ability of
8 applicants to access funding for projects under
9 this subsection in an efficient and expeditious
10 manner by providing—

11 “(i) to applicants for projects under
12 this subsection application assistance, tech-
13 nical assistance, and assistance in reducing
14 the period of time between the selection of
15 the project and the obligation of funds for
16 the project; and

17 “(ii) funding for one or more full-time
18 State employee positions to administer this
19 subsection.

20 “(B) USE OF FUNDS.—Amounts used
21 under subparagraph (A) may be expended—

22 “(i) directly by the State; or

23 “(ii) through contracts with State
24 agencies, private entities, or nonprofit enti-
25 ties.

1 “(7) FEDERAL SHARE.—

2 “(A) FLEXIBLE MATCH.—

3 “(i) IN GENERAL.—Notwithstanding
4 section 120—

5 “(I) the non-Federal share for a
6 project under this subsection may be
7 calculated on a project, multiple-
8 project, or program basis; and

9 “(II) the Federal share of the
10 cost of an individual project in this
11 subsection may be up to 100 percent.

12 “(ii) AGGREGATE NON-FEDERAL
13 SHARE.—The average annual non-Federal
14 share of the total cost of all projects for
15 which funds are obligated under this sub-
16 section in a State for a fiscal year shall be
17 not less than the non-Federal share au-
18 thorized for the State under section
19 120(b).

20 “(iii) REQUIREMENT.—This subpara-
21 graph shall only apply to a State if such
22 State has adequate financial controls, as
23 certified by the Secretary, to account for
24 the average annual non-Federal share
25 under this subparagraph.

1 “(B) SAFETY PROJECTS.—Notwith-
2 standing section 120, funds made available to
3 carry out section 148 may be credited toward
4 the non-Federal share of the costs of a project
5 under this subsection if the project—

6 “(i) is a project described in section
7 148(e)(1); and

8 “(ii) is consistent with the State stra-
9 tegic highway safety plan (as defined in
10 section 148(a)).

11 “(8) FLEXIBILITY.—

12 “(A) STATE AUTHORITY.—

13 “(i) IN GENERAL.—A State may use
14 not more than 50 percent of the funds set
15 aside under this subsection that are avail-
16 able for obligation in any area of the State
17 (suballocated consistent with the require-
18 ments of subsection (d)(1)(B)) for any
19 purpose eligible under subsection (b).

20 “(ii) RESTRICTION.—Funds may be
21 used as described in clause (i) only if the
22 State demonstrates to the Secretary—

23 “(I) that the State held a com-
24 petition in compliance with the re-
25 quirements of this subsection in such

1 form as the Secretary determines ap-
2 propriate;

3 “(II) that the State offered tech-
4 nical assistance to all eligible entities
5 and provided such assistance upon re-
6 quest by an eligible entity; and

7 “(III) that there were not suffi-
8 cient suitable applications from eligi-
9 ble entities to use the funds described
10 in clause (i).

11 “(B) MPO AUTHORITY.—

12 “(i) IN GENERAL.—A metropolitan
13 planning organization that represents an
14 urbanized area with a population of great-
15 er than 200,000 may use not more than
16 50 percent of the funds set aside under
17 this subsection for an urbanized area de-
18 scribed in subsection (d)(1)(A)(i) for any
19 purpose eligible under subsection (b).

20 “(ii) RESTRICTION.—Funds may be
21 used as described in clause (i) only if the
22 Secretary certifies that the metropolitan
23 planning organization—

24 “(I) held a competition in compli-
25 ance with the requirements of this

1 subsection in such form as the Sec-
2 retary determines appropriate; and

3 “(II) demonstrates that there
4 were not sufficient suitable applica-
5 tions from eligible entities to use the
6 funds described in clause (i).

7 “(9) ANNUAL REPORTS.—

8 “(A) IN GENERAL.—Each State or metro-
9 politan planning organization responsible for
10 carrying out the requirements of this subsection
11 shall submit to the Secretary an annual report
12 that describes—

13 “(i) the number of project applica-
14 tions received for each fiscal year, includ-
15 ing—

16 “(I) the aggregate cost of the
17 projects for which applications are re-
18 ceived; and

19 “(II) the types of projects to be
20 carried out, expressed as percentages
21 of the total apportionment of the
22 State under this subsection; and

23 “(ii) the list of each project selected
24 for funding for each fiscal year, including
25 specifying the fiscal year for which the

1 project was selected, the fiscal year in
2 which the project is anticipated to be fund-
3 ed, the recipient, the location, the type,
4 and a brief description.

5 “(B) PUBLIC AVAILABILITY.—The Sec-
6 retary shall make available to the public, in a
7 user-friendly format on the website of the De-
8 partment of Transportation, a copy of each an-
9 nual report submitted under subparagraph
10 (A).”.

11 **SEC. 1207. BRIDGE INVESTMENT.**

12 (a) IN GENERAL.—Section 144 of title 23, United
13 States Code, is amended—

14 (1) in the section heading by striking “**Na-**
15 **tional bridge and tunnel inventory and**
16 **inspection standards**” and inserting
17 “**Bridges and tunnels**”;

18 (2) in subsection (a)(1)(B) by striking “defi-
19 cient”;

20 (3) in subsection (b)(5) by striking “struc-
21 turally deficient bridge” and inserting “bridge classi-
22 fied as in poor condition”;

23 (4) in subsection (d)—

24 (A) in paragraph (2) by striking “Not
25 later than 2 years after the date of enactment

1 of the MAP-21, each” and inserting “Each”;
2 and

3 (B) by striking paragraph (4);

4 (5) in subsection (j)—

5 (A) in paragraph (2) by inserting “, 124,”
6 after “section 119”;

7 (B) in paragraph (3)(A) by inserting “,
8 124,” after “section 119”; and

9 (C) in paragraph (5) by striking “financial
10 characteristics” and all that follows through the
11 end and inserting “Federal share.”; and

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

13 “(l) HIGHWAY BRIDGE REPLACEMENT AND REHA-
14 BILITATION.—

15 “(1) GOALS.—The goals of this subsection shall
16 be to—

17 “(A) support the achievement of a state of
18 good repair for the Nation’s bridges;

19 “(B) improve the safety, efficiency, and re-
20 liability of the movement of people and freight
21 over bridges; and

22 “(C) improve the condition of bridges in
23 the United States by reducing—

24 “(i) the number of bridges—

25 “(I) in poor condition; or

1 “(II) in fair condition and at risk
2 of falling into poor condition;

3 “(ii) the total person miles traveled
4 over bridges—

5 “(I) in poor condition; or

6 “(II) in fair condition and at risk
7 of falling into poor condition;

8 “(iii) the number of bridges that—

9 “(I) do not meet current geo-
10 metric design standards; or

11 “(II) cannot meet the load and
12 traffic requirements typical of the re-
13 gional transportation network; and

14 “(iv) the total person miles traveled
15 over bridges that—

16 “(I) do not meet current geo-
17 metric design standards; or

18 “(II) cannot meet the load and
19 traffic requirements typical of the re-
20 gional transportation network.

21 “(2) BRIDGES ON PUBLIC ROADS.—

22 “(A) MINIMUM BRIDGE INVESTMENT.—

23 Excluding the amounts described in subpara-
24 graph (C), of the total funds apportioned to a
25 State under paragraphs (1) and (2) of section

1 104(b) for fiscal years 2022 to 2025, a State
2 shall obligate not less than 20 percent for
3 projects described in subparagraph (E).

4 “(B) PROGRAM FLEXIBILITY.—A State re-
5 quired to obligate funds under subparagraph
6 (A) may use any combination of funds appor-
7 tioned to a State under paragraphs (1) and (2)
8 of section 104(b).

9 “(C) LIMITATION.—Amounts described
10 below may not be used for the purposes of cal-
11 culating or meeting the minimum bridge invest-
12 ment requirement under subparagraph (A)—

13 “(i) amounts described in section
14 133(d)(1)(A);

15 “(ii) amounts set aside under section
16 133(h); and

17 “(iii) amounts described in section
18 505(a).

19 “(D) RULE OF CONSTRUCTION.—Nothing
20 in this section shall be construed to prohibit the
21 expenditure of funds described in subparagraph
22 (C) for bridge projects eligible under such sec-
23 tion.

24 “(E) ELIGIBLE PROJECTS.—Funds re-
25 quired to be obligated in accordance with para-

1 graph (2)(A) may be obligated for projects or
2 activities that—

3 “(i) are otherwise eligible under either
4 section 119 or section 133, as applicable;

5 “(ii) support the achievement of per-
6 formance targets of the State established
7 under section 150 or provide support for
8 the condition and performance of bridges
9 on public roads within the State; and

10 “(iii) remove a bridge classified as in
11 poor condition in order to improve commu-
12 nity connectivity, or replace, reconstruct,
13 rehabilitate, preserve, or protect a bridge
14 included on the national bridge inventory
15 authorized by subsection (b), including
16 through—

17 “(I) seismic retrofits;

18 “(II) systematic preventive main-
19 tenance;

20 “(III) installation of scour coun-
21 termeasures;

22 “(IV) the use of innovative mate-
23 rials that extend the service life of the
24 bridge and reduce preservation costs,

1 as compared to conventionally de-
2 signed and constructed bridges;

3 “(V) the use of nontraditional
4 production techniques, including fac-
5 tory prefabrication;

6 “(VI) painting for purposes of
7 bridge protection;

8 “(VII) application of calcium
9 magnesium acetate, sodium acetate/
10 formate, or other environmentally ac-
11 ceptable, minimally corrosive anti-
12 icing and deicing compositions;

13 “(VIII) corrosion control;

14 “(IX) construction of protective
15 features (including natural infrastruc-
16 ture) alone or in combination with
17 other activities eligible under this
18 paragraph to enhance resilience of a
19 bridge;

20 “(X) bridge security counter-
21 measures;

22 “(XI) impact protection meas-
23 ures for bridges;

24 “(XII) inspection and evaluation
25 of bridges; and

1 “(XIII) training for bridge in-
2 spectors consistent with subsection (i).

3 “(F) BUNDLES OF PROJECTS.—A State
4 may use a bundle of projects as described in
5 subsection (j) to satisfy the requirements of
6 subparagraph (A), if each project in the bundle
7 is otherwise eligible under subparagraph (E).

8 “(G) FLEXIBILITY.—The Secretary may,
9 at the request of a State, reduce the required
10 obligation under subparagraph (A) if—

11 “(i) the reduction is consistent with a
12 State’s asset management plan for the Na-
13 tional Highway System;

14 “(ii) the reduction will not limit a
15 State’s ability to meet its performance tar-
16 gets under section 150 or to improve the
17 condition and performance of bridges on
18 public roads within the State; and

19 “(iii) the State demonstrates that it
20 has inadequate needs to justify the expend-
21 iture.

22 “(H) BRIDGE INVESTMENT REPORT.—The
23 Secretary shall annually publish on the website
24 of the Department of Transportation a bridge
25 investment report that includes—

1 “(i) the total Federal funding obli-
2 gated for bridge projects in the most re-
3 cent fiscal year, on a State-by-State basis
4 and broken out by Federal program;

5 “(ii) the total Federal funding obli-
6 gated, on a State-by-State basis and bro-
7 ken out by Federal program, for bridge
8 projects carried out pursuant to the min-
9 imum bridge investment requirements
10 under subparagraph (A);

11 “(iii) the progress made by each State
12 toward meeting the minimum bridge in-
13 vestment requirement under subparagraph
14 (A) for such State, both cumulatively and
15 for the most recent fiscal year;

16 “(iv) a summary of—

17 “(I) each request made under
18 subparagraph (G) by a State for a re-
19 duction in the minimum bridge invest-
20 ment requirement under subpara-
21 graph (A); and

22 “(II) for each request described
23 in subclause (I) that is granted by the
24 Secretary—

1 “(aa) the percentage and
2 dollar amount of the reduction;
3 and

4 “(bb) an explanation of how
5 the State met each of the criteria
6 described in subparagraph (G);
7 and

8 “(v) a summary of—

9 “(I) each request made by a
10 State for a reduction in the obligation
11 requirements under section 133(f);
12 and

13 “(II) for each request that is
14 granted by the Secretary—

15 “(aa) the percentage and
16 dollar amount of the reduction;
17 and

18 “(bb) an explanation of how
19 the Secretary made the deter-
20 mination under section
21 133(f)(2)(B).

22 “(I) OFF-SYSTEM BRIDGES.—A State may
23 apply amounts obligated under this subsection
24 or section 133(f)(2)(A) to the obligation re-

1 requirements of both this subsection and section
2 133(f).

3 “(J) NHS PENALTY.—A State may apply
4 amounts obligated under this subsection or sec-
5 tion 119(f)(2) to the obligation requirements of
6 both this subsection and section 119(f)(2).

7 “(K) COMPLIANCE.—If a State fails to
8 satisfy the requirements of subparagraph (A)
9 by the end of fiscal year 2025, the Secretary
10 may subject the State to appropriate program
11 sanctions under section 1.36 of title 23, Code of
12 Federal Regulations (or successor regula-
13 tions).”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 1 of title 23, United States Code, is amended by strik-
16 ing the item relating to section 144 and inserting the fol-
17 lowing:

 “144. Bridges and tunnels.”.

18 **SEC. 1208. CONSTRUCTION OF FERRY BOATS AND FERRY**
19 **TERMINAL FACILITIES.**

20 Section 147 of title 23, United States Code, is
21 amended—

22 (1) by striking subsection (h); and

23 (2) by redesignating subsections (i) and (j) as
24 subsections (h) and (i), respectively.

1 **SEC. 1209. HIGHWAY SAFETY IMPROVEMENT PROGRAM.**

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

4 (1) in subsection (a)—

5 (A) in paragraph (4)(B)—

6 (i) by striking “only includes a
7 project” and inserting “includes a
8 project”;

9 (ii) in clause (xiii) by inserting “, in-
10 cluding the development of a vulnerable
11 road user safety assessment or a vision
12 zero plan under section 1601 of the IN-
13 VEST in America Act” after “safety plan-
14 ning”;

15 (iii) by amending clause (xviii) to read
16 as follows:

17 “(xviii) Safe routes to school infra-
18 structure-related projects eligible under
19 section 211.”;

20 (iv) in clause (xxvi) by inserting “or
21 leading pedestrian intervals” after “hybrid
22 beacons”; and

23 (v) by striking clause (xxviii) and in-
24 serting the following:

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

1 “(xxix) Installation of infrastructure
2 improvements, including sidewalks, cross-
3 walks, signage, and bus stop shelters or
4 protected waiting areas.”;

5 (B) in paragraph (11)—

6 (i) in subparagraph (A)—

7 (I) in clause (ix) by striking

8 “and” at the end;

9 (II) by redesignating clause (x)

10 as clause (xi); and

11 (III) by inserting after clause (ix)

12 the following:

13 “(x) State or local representatives of
14 educational agencies to address safe routes
15 to school and schoolbus safety; and”;

16 (ii) in subparagraph (E) by inserting

17 “Tribal,” after “State,”;

18 (iii) by redesignating subparagraphs

19 (G), (H), and (I) as subparagraphs (H),

20 (I), and (J), respectively; and

21 (iv) by inserting after subparagraph

22 (F) the following:

23 “(G) includes a vulnerable road user safety
24 assessment described under paragraph (16);”;

1 (C) by redesignating paragraphs (10),
2 (11), and (12) as paragraphs (12), (13), and
3 (14), respectively;

4 (D) by inserting after paragraph (9) the
5 following:

6 “(10) SAFE SYSTEM APPROACH.—The term
7 ‘safe system approach’ means a roadway design that
8 emphasizes minimizing the risk of injury or fatality
9 to road users and that—

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

12 “(B) accommodates human injury toler-
13 ance by taking into consideration likely crash
14 types, resulting impact forces, and the human
15 body’s ability to withstand such forces; and

16 “(C) takes into consideration vulnerable
17 road users.

18 “(11) SPECIFIED SAFETY PROJECT.—

19 “(A) IN GENERAL.—The term ‘specified
20 safety project’ means a project carried out for
21 the purpose of safety under any other section of
22 this title that is consistent with the State stra-
23 tegic highway safety plan.

24 “(B) INCLUSION.—The term ‘specified
25 safety project’ includes a project that—

1 “(i) promotes public awareness and
2 informs the public regarding highway safe-
3 ty matters (including safety for motorcy-
4 clists, bicyclists, pedestrians, individuals
5 with disabilities, and other road users);

6 “(ii) facilitates enforcement of traffic
7 safety laws;

8 “(iii) provides infrastructure and in-
9 frastructure-related equipment to support
10 emergency services;

11 “(iv) conducts safety-related research
12 to evaluate experimental safety counter-
13 measures or equipment; or

14 “(v) supports safe routes to school
15 noninfrastructure-related activities de-
16 scribed under section 211(e)(2).”; and

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

18 “(15) VULNERABLE ROAD USER.—The term
19 ‘vulnerable road user’ means a nonmotorist—

20 “(A) with a fatality analysis reporting sys-
21 tem person attribute code that is included in
22 the definition of the term ‘number of non-mo-
23 torized fatalities’ in section 490.205 of title 23,
24 Code of Federal Regulations (or successor regu-
25 lation); or

1 “(B) described in the term ‘number of
2 non-motorized serious injuries’ in such section.

3 “(16) VULNERABLE ROAD USER SAFETY AS-
4 SESSMENT.—The term ‘vulnerable road user safety
5 assessment’ means an assessment of the safety per-
6 formance of the State or a metropolitan planning or-
7 ganization within the State with respect to vulner-
8 able road users and the plan of the State or metro-
9 politan planning organization to improve the safety
10 of vulnerable road users described in subsection
11 (1).”;

12 (2) in subsection (c)—

13 (A) in paragraph (1) by striking “(a)(11)”
14 and inserting “(a)(13)”; and

15 (B) in paragraph (2)—

16 (i) in subparagraph (A)(vi) by insert-
17 ing “, consistent with the vulnerable road
18 user safety assessment” after “non-
19 motorized crashes”;

20 (ii) in subparagraph (B)(i)—

21 (I) by inserting “, consistent with
22 a safe system approach,” after “iden-
23 tify”;

- 1 (II) by inserting “excessive de-
2 sign speeds and speed limits,” after
3 “crossing needs,”; and
- 4 (III) by striking “motorists (in-
5 cluding motorcycleists), bicyclists, pe-
6 destrians, and other highway users”
7 and inserting “road users”; and
- 8 (iii) in subparagraph (D)(iii) by strik-
9 ing “motorists (including motorcycleists),
10 bicyclists, pedestrians, persons with disabili-
11 ties, and other highway users” and insert-
12 ing “road users”;
- 13 (3) in subsection (d)—
- 14 (A) in paragraph (1)—
- 15 (i) in subparagraph (A) by striking
16 “Not later than 1 year after the date of
17 enactment of the MAP-21, the” and in-
18 serting “The”; and
- 19 (ii) in subparagraph (B)—
- 20 (I) in clause (iv) by inserting
21 “and serious injury” after “fatality”;
- 22 (II) in clause (vii) by striking “;
23 and” and inserting a semicolon;
- 24 (III) by redesignating clause
25 (viii) as clause (ix); and

1 (IV) by inserting after clause
2 (vii) the following:

3 “(viii) the findings of a vulnerable
4 road user safety assessment of the State;
5 and”; and

6 (B) in paragraph (2)(B)(i) by striking
7 “subsection (a)(11)” and inserting “subsection
8 (a)(13)”;
9 (4) in subsection (e)—

10 (A) in paragraph (1)(C) by striking “,
11 without regard to whether the project is in-
12 cluded in an applicable State strategic highway
13 safety plan”; and

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

15 “(3) FLEXIBLE FUNDING FOR SPECIFIED SAFE-
16 TY PROJECTS.—

17 “(A) IN GENERAL.—To advance the imple-
18 mentation of a State strategic highway safety
19 plan, a State may use not more than 10 percent
20 of the amounts apportioned to the State under
21 section 104(b)(3) for a fiscal year to carry out
22 specified safety projects.

23 “(B) RULE OF STATUTORY CONSTRUC-
24 TION.—Nothing in this paragraph shall be con-
25 strued to require a State to revise any State

1 process, plan, or program in effect on the date
2 of enactment of this paragraph.

3 “(C) EFFECT OF PARAGRAPH.—

4 “(i) REQUIREMENTS.—A project
5 funded under this paragraph shall be sub-
6 ject to all requirements under this section
7 that apply to a highway safety improve-
8 ment project.

9 “(ii) OTHER APPORTIONED PRO-
10 GRAMS.—Subparagraph (A) shall not apply
11 to amounts that may be obligated for non-
12 infrastructure projects apportioned under
13 any other paragraph of section 104(b).”;

14 (5) in subsection (g)—

15 (A) by amending paragraph (1) to read as
16 follows:

17 “(1) HIGH-RISK RURAL ROAD SAFETY.—

18 “(A) IN GENERAL.—If a State determines
19 that the fatality rate on rural roads in such
20 State for the most recent 2-year period for
21 which data are available exceeds the median fa-
22 tality rate for rural roads among all States,
23 that State shall be required to—

24 “(i) obligate over the 2 fiscal years
25 following the fiscal year in which such de-

1 termination is made for projects on high-
2 risk rural roads an amount not less than
3 7.5 percent of the amounts apportioned to
4 the State under section 104(b)(3) for fiscal
5 year 2020; and

6 “(ii) include, in the subsequent update
7 to the State strategic highway safety plan,
8 strategies to reduce the fatality rate.

9 “(B) SOURCE OF FUNDS.—Any amounts
10 obligated under subparagraph (A) shall be from
11 amounts described under section 133(d)(1)(B).

12 “(C) ANNUAL DETERMINATION.—The de-
13 termination described under subparagraph (A)
14 shall be made on an annual basis.

15 “(D) CONSULTATION.—In carrying out a
16 project with an amount obligated under sub-
17 paragraph (A), a State shall consult with, as
18 applicable, local governments, metropolitan
19 planning organizations, and regional transpor-
20 tation planning organizations.”;

21 (B) in paragraph (2)—

22 (i) in the heading by striking “DRIV-
23 ERS” and inserting “ROAD USERS”; and

24 (ii) by striking “address the increases
25 in” and inserting “reduce”; and

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

2 “(3) VULNERABLE ROAD USER SAFETY.—

3 “(A) IN GENERAL.—Beginning on the date
4 of enactment of the INVEST in America Act,
5 if a State determines that the number of vul-
6 nerable road user fatalities and serious injuries
7 per capita in such State over the most recent
8 2-year period for which data are available ex-
9 ceeds the median number of such fatalities and
10 serious injuries per capita among all States,
11 that State shall be required to obligate over the
12 2 fiscal years following the fiscal year in which
13 such determination is made an amount that is
14 not less than 50 percent of the amount set
15 aside in such State under section 133(h)(1) for
16 fiscal year 2020, less any amounts obligated by
17 a metropolitan planning organization in the
18 State as required by subparagraph (D), for—

19 “(i) in the first fiscal year—

20 “(I) performing the vulnerable
21 user safety assessment as prescribed
22 by subsection (l);

23 “(II) providing matching funds
24 for transportation alternatives safety

1 project as identified in section
2 133(h)(7)(B); and

3 “(III) projects eligible under sec-
4 tion 133(h)(3)(A), (B), (C), or (I);
5 and

6 “(ii) in each fiscal year thereafter, the
7 program of projects identified in subsection
8 (1)(2)(C).

9 “(B) SOURCE OF FUNDS.—Any amounts
10 obligated under subparagraph (A) shall be from
11 amounts described in section 133(d)(1)(B).

12 “(C) ANNUAL DETERMINATION.—The de-
13 termination described under subparagraph (A)
14 shall be made on an annual basis.

15 “(D) METROPOLITAN PLANNING AREA
16 WITH EXCESSIVE FATALITIES AND SERIOUS IN-
17 JURIES PER CAPITA.—

18 “(i) ANNUAL DETERMINATION.—Be-
19 ginning on the date of enactment of the
20 INVEST in America Act, a metropolitan
21 planning organization representing an ur-
22 banized area with a population greater
23 than 200,000 shall annually determine the
24 number of vulnerable user road fatalities

1 and serious injuries per capita in such area
2 over the most recent 2-year period.

3 “(ii) REQUIREMENT TO OBLIGATE
4 FUNDS.—If such a metropolitan planning
5 area organization determines that the
6 number of vulnerable user road fatalities
7 and serious injuries per capita in such area
8 over the most recent 2-year period for
9 which data are available exceeds the me-
10 dian number of such fatalities and serious
11 injuries among all urbanized areas with a
12 population of over 200,000, then there
13 shall be obligated over the 2 fiscal years
14 following the fiscal year in which such de-
15 termination is made an amount that is not
16 less than 50 percent of the amount set
17 aside for that urbanized area under section
18 133(h)(2) for fiscal year 2020 for projects
19 identified in the program of projects de-
20 scribed in subsection (l)(7)(C).

21 “(E) SOURCE OF FUNDS.—

22 “(i) METROPOLITAN PLANNING ORGA-
23 NIZATION IN STATE REQUIRED TO OBLI-
24 GATE FUNDS.—For a metropolitan plan-
25 ning organization in a State required to

1 obligate funds to vulnerable user safety
2 under subparagraph (A), the State shall be
3 required to obligate from such amounts re-
4 quired to be obligated for vulnerable road
5 user safety under subparagraph (B) for
6 projects described in subsection (l)(7).

7 “(ii) OTHER METROPOLITAN PLAN-
8 NING ORGANIZATIONS.—For a metropoli-
9 tan planning organization that is not lo-
10 cated within a State required to obligate
11 funds to vulnerable user safety under sub-
12 paragraph (A), the State shall be required
13 to obligate from amounts apportioned
14 under section 104(b)(3) for projects de-
15 scribed in subsection (l)(7).”;

16 (6) in subsection (h)(1)(A) by inserting “, in-
17 cluding any efforts to reduce vehicle speed” after
18 “under this section”; and

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

20 “(l) VULNERABLE ROAD USER SAFETY ASSESS-
21 MENT.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 date of enactment of the INVEST in America Act,
24 each State shall create a vulnerable road user safety
25 assessment.

1 “(2) CONTENTS.—A vulnerable road user safety
2 assessment required under paragraph (1) shall in-
3 clude—

4 “(A) a description of the location within
5 the State of each vulnerable road user fatality
6 and serious injury and the design speed of the
7 roadway at any such location;

8 “(B) a description of any corridors identi-
9 fied by a State, in coordination with local gov-
10 ernments, metropolitan planning organizations,
11 and regional transportation planning organiza-
12 tions that pose a high risk of a vulnerable road
13 user fatality or serious injury and the design
14 speeds of such corridors; and

15 “(C) a program of projects or strategies to
16 reduce safety risks to vulnerable road users in
17 corridors identified under subparagraph (B), in
18 coordination with local governments, metropoli-
19 tan planning organizations, and regional trans-
20 portation planning organizations that represent
21 a high-risk area identified under subparagraph
22 (B).

23 “(3) ANALYSIS.—In creating a vulnerable road
24 user safety assessment under this subsection, a
25 State shall assess the last 5 years of available data.

1 “(4) REQUIREMENTS.—In creating a vulnerable
2 road user safety assessment under this subsection, a
3 State shall—

4 “(A) take into consideration a safe system
5 approach; and

6 “(B) coordinate with local governments,
7 metropolitan planning organizations, and re-
8 gional transportation planning organizations
9 that represent a high-risk area identified under
10 paragraph (2)(B).

11 “(5) UPDATE.—A State shall update a vulner-
12 able road user safety assessment on the same sched-
13 ule as the State updates the State strategic highway
14 safety plan.

15 “(6) TRANSPORTATION SYSTEM ACCESS.—The
16 program of projects developed under paragraph
17 (2)(C) may not degrade transportation system ac-
18 cess for vulnerable road users.

19 “(7) METROPOLITAN PLANNING AREA ASSESS-
20 MENTS.—A metropolitan planning organization that
21 represents an urbanized area with a population
22 greater than 200,000 shall complete a vulnerable
23 user safety assessment based on the most recent 5
24 years of available data, unless an assessment was
25 completed in the previous 5 years, including—

1 “(A) a description of the location within
2 the urbanized area of each vulnerable road user
3 fatality and serious injury and the design speed
4 of the roadway at any such location;

5 “(B) a description of any corridors that
6 represent a high-risk area identified under
7 paragraph (2)(B) that pose a high risk of a vul-
8 nerable road user fatality or serious injury and
9 the design speeds of such corridors; and

10 “(C) a program of projects or strategies to
11 reduce safety risks to vulnerable road users in
12 corridors identified under subparagraph (B).”.

13 (b) TECHNICAL AMENDMENT.—Section 148 of title
14 23, United States Code, is amended—

15 (1) in the heading for subsection (a)(8) by
16 striking “ROAD USERS” and inserting “ROAD
17 USER”; and

18 (2) in subsection (i)(2)(D) by striking “safety
19 safety” and inserting “safety”.

20 (c) HIGH-RISK RURAL ROADS.—

21 (1) STUDY.—Not later than 2 years after the
22 date of enactment of this Act, the Secretary of
23 Transportation shall update the study described in
24 paragraph (1) of section 1112(b) of MAP-21 (23
25 U.S.C. 148 note).

1 (2) PUBLICATION OF REPORT.—Not later than
2 2 years after the date of enactment of this Act, the
3 Secretary shall publish on the website of the Depart-
4 ment of Transportation an updated report of the re-
5 port described in paragraph (2) of section 1112(b)
6 of MAP–21 (23 U.S.C. 148 note).

7 (3) BEST PRACTICES MANUAL.—Not later than
8 180 days after the date of submission of the report
9 described in 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).

12 **SEC. 1210. CONGESTION MITIGATION AND AIR QUALITY IM-**
13 **PROVEMENT PROGRAM.**

14 Section 149 of title 23, United States Code, is
15 amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1)(A)(ii) by striking
18 “subsection (h)” and inserting “subsection (i)”;

19 (B) in paragraph (7) by inserting “shared
20 micromobility (including bikesharing and shared
21 scooter systems),” after “carsharing,”;

22 (C) in paragraph (8)(B) by striking “; or”
23 and inserting a semicolon;

24 (D) in paragraph (9) by striking the period
25 and inserting “; or”; and

1 (E) by adding at the end the following:

2 “(10) if the project or program mitigates sea-
3 sonal or temporary traffic congestion from long-haul
4 travel or tourism.”;

5 (2) in subsection (c)—

6 (A) in paragraph (2)—

7 (i) in the heading by inserting “, HY-
8 DROGEN VEHICLE,” after “ELECTRIC VE-
9 HICLE”;

10 (ii) by inserting “hydrogen or” after
11 “charging stations or”; and

12 (iii) by inserting “, hydrogen-pow-
13 ered,” after “battery powered”; and

14 (B) in paragraph (3) by inserting “, and is
15 consistent with section 166” after “travel
16 times”; and

17 (3) by striking subsection (m) and inserting the
18 following:

19 “(m) OPERATING ASSISTANCE.—

20 “(1) PROJECTS.—A State may obligate funds
21 apportioned under section 104(b)(4) in an area of
22 such State that is otherwise eligible for obligations
23 of such funds for operating costs under chapter 53
24 of title 49 or on a system for which CMAQ funding
25 was made available, obligated, or expended in fiscal

1 year 2012, or, notwithstanding subsection (b), on a
2 State-supported Amtrak route with a cost-sharing
3 agreement under section 209 of the Passenger Rail
4 Investment and Improvement Act of 2008 or alter-
5 native cost allocation under section 24712(g)(3) of
6 title 49.

7 “(2) TIME LIMITATION.—In determining the
8 amount of time for which a State may obligate funds
9 under paragraph (1) for operating assistance for an
10 area of a State or on a system, the Secretary shall
11 allow such obligations to occur, in such area or on
12 such system—

13 “(A) with a time limitation of not less than
14 3 years; and

15 “(B) in the case of projects that dem-
16 onstrate continued net air quality benefits be-
17 yond 3 years, as determined annually by the
18 Secretary in consultation with the Adminis-
19 trator of the Environmental Protection Agency,
20 with no imposed time limitation.”.

21 **SEC. 1211. ELECTRIC VEHICLE CHARGING STATIONS.**

22 (a) ELECTRIC VEHICLE CHARGING STATIONS.—
23 Chapter 1 of title 23, United States Code, is amended by
24 inserting after section 154 the following new section:

1 **“§ 155. Electric vehicle charging stations**

2 “(a) IN GENERAL.—Any electric vehicle charging in-
3 frastructure funded under this title shall be subject to the
4 requirements of this section.

5 “(b) INTEROPERABILITY.—

6 “(1) IN GENERAL.—Electric vehicle charging
7 stations funded under this title shall provide, at a
8 minimum, two of the following charging connector
9 types at the location:

10 “(A) CCS.

11 “(B) CHAdeMO.

12 “(C) An alternative connector that meets
13 applicable industry safety standards.

14 “(2) SAVINGS CLAUSE.—Nothing in this sub-
15 section shall prevent the use of charging types other
16 than the connectors described in paragraph (1) if, at
17 a minimum, such connectors meet applicable indus-
18 try safety standards and are compatible with a ma-
19 jority of electric vehicles in operation.

20 “(c) OPEN ACCESS TO PAYMENT.—Electric vehicle
21 charging stations shall provide payment methods available
22 to all members of the public to ensure secure, convenient,
23 and equal access and shall not be limited by membership
24 to a particular payment provider.

25 “(d) TREATMENT OF PROJECTS.—Notwithstanding
26 any other provision of law, any project to install electric

1 vehicle charging infrastructure shall be treated as if the
2 project is located on a Federal-aid highway.”.

3 (b) CLERICAL AMENDMENT.—The analysis for chap-
4 ter 1 of title 23, United States Code, is amended by insert-
5 ing after the item relating to section 154 the following
6 new item:

“155. Electric vehicle charging stations.”.

7 (c) ELECTRIC VEHICLE CHARGING SIGNAGE.—The
8 Secretary of Transportation shall update the Manual on
9 Uniform Traffic Control Devices to—

10 (1) ensure uniformity in providing road users
11 direction to electric charging stations that are open
12 to the public; and

13 (2) allow the use of Specific Service signs for
14 electric vehicle charging station providers.

15 (d) AGREEMENTS RELATING TO THE USE AND AC-
16 CESS OF RIGHTS-OF-WAY OF THE INTERSTATE SYS-
17 TEM.—Section 111 of title 23, United States Code, is
18 amended by adding at the end the following:

19 “(f) INTERSTATE SYSTEM RIGHTS-OF-WAY.—

20 “(1) IN GENERAL.—Notwithstanding subsection
21 (a) or (b), the Secretary shall permit, consistent
22 with section 155, the charging of electric vehicles on
23 rights-of-way of the Interstate System in—

24 “(A) a rest area; or

1 “(B) a fringe or corridor parking facility,
2 including a park and ride facility.

3 “(2) SAVINGS CLAUSE.—Nothing in this sub-
4 section shall permit commercial activities on rights-
5 of-way of the Interstate System, except as necessary
6 for the charging of electric vehicles in accordance
7 with this subsection.”.

8 **SEC. 1212. NATIONAL HIGHWAY FREIGHT PROGRAM.**

9 Section 167 of title 23, United States Code, is
10 amended—

11 (1) in subsection (b)—

12 (A) in paragraph (6) by striking “; and”
13 and inserting a semicolon; and

14 (B) by striking paragraph (7) and insert-
15 ing the following:

16 “(7) to reduce the environmental impacts of
17 freight movement on the National Highway Freight
18 Network, including—

19 (A) greenhouse gas emissions;

20 (B) local air pollution, including local pol-
21 lution derived from vehicles idling at railway
22 crossings;

23 (C) minimizing, capturing, or treating
24 stormwater runoff and addressing other adverse
25 impacts to water quality; and

1 “(D) wildlife habitat loss; and

2 “(8) to decrease any adverse impact of freight
3 transportation on communities located near freight
4 facilities or freight corridors.”;

5 (2) in subsection (e) by adding at the end the
6 following:

7 “(3) ADDITIONAL MILEAGE.—Notwithstanding
8 paragraph (2), a State that has designated at least
9 90 percent of its maximum mileage described in
10 paragraph (2) may designate up to an additional
11 150 miles of critical rural freight corridors.”;

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

14 “(5) ADDITIONAL MILEAGE.—Notwithstanding
15 paragraph (4), a State that has designated at least
16 90 percent of its maximum mileage described in
17 paragraph (4) may designate up to an additional 75
18 miles of critical urban freight corridors under para-
19 graphs (1) and (2).”;

20 (4) in subsection (h) by striking “Not later
21 than” and all that follows through “shall prepare”
22 and inserting “As part of the report required under
23 section 503(b)(8), the Administrator shall biennially
24 prepare”;

25 (5) in subsection (i)—

1 (A) by striking paragraphs (2) and (3);

2 (B) by amending paragraph (4) to read as
3 follows:

4 “(4) FREIGHT PLANNING.—Notwithstanding
5 any other provision of law, a State may not obligate
6 funds apportioned to the State under section
7 104(b)(5) unless the State has developed, updated,
8 or amended, as applicable, a freight plan in accord-
9 ance with section 70202 of title 49.”;

10 (C) in paragraph (5)—

11 (i) by striking subparagraph (B) and
12 inserting the following:

13 “(B) LIMITATION.—The Federal share of
14 a project described in subparagraph (C)(xxiii)
15 shall fund only elements of such project that
16 provide public benefits.”; and

17 (ii) in subparagraph (C)—

18 (I) in clause (iii) by inserting
19 “and freight management and oper-
20 ations systems” after “freight trans-
21 portation systems”; and

22 (II) by amending clause (xxiii) to
23 read as follows:

24 “(xxiii) Freight intermodal or freight
25 rail projects, including—

1 “(I) projects within the bound-
2 aries of public or private freight rail
3 or water facilities (including ports);

4 “(II) projects that provide sur-
5 face transportation infrastructure nec-
6 essary to facilitate direct intermodal
7 interchange, transfer, and access into
8 or out of the facility; and

9 “(III) any other surface trans-
10 portation project to improve the flow
11 of freight into or out of a facility de-
12 scribed in subclause (I) or (II).”;

13 (D) in paragraph (6) by striking “para-
14 graph (5)” and inserting “paragraph (3)”; and

15 (E) by redesignating paragraphs (4), (5),
16 (6), and (7) as paragraphs (2), (3), (4), and
17 (5), respectively; and

18 (6) in subsection (k)(1)(A)(ii) by striking
19 “ports-of entry” and inserting “ports-of-entry”.

20 **SEC. 1213. CARBON POLLUTION REDUCTION.**

21 (a) IN GENERAL.—Chapter 1 of title 23, United
22 States Code, is amended by adding at the end the fol-
23 lowing:

1 **“§ 171. Carbon pollution reduction**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish a carbon pollution reduction program to support the
4 reduction of greenhouse gas emissions from the surface
5 transportation system.

6 “(b) ELIGIBLE PROJECTS.—A project is eligible for
7 funding under this section if such project—

8 “(1) is expected to yield a significant reduction
9 in greenhouse gas emissions from the surface trans-
10 portation system;

11 “(2) will help a State meet the greenhouse gas
12 emissions performance targets established under sec-
13 tion 150(c)(7); and

14 “(3) is—

15 “(A) eligible for assistance under this title
16 or under chapter 53 of title 49; or

17 “(B) a capital project, as such term is de-
18 fined in section 22906 of title 49, to improve
19 intercity rail passenger transportation, provided
20 that the project will yield a significant reduction
21 in single occupant vehicle trips and improve
22 mobility on public roads.

23 “(c) GUIDANCE.—The Secretary shall issue guidance
24 on methods of determining the reduction of single occu-
25 pant vehicle trips and improvement of mobility on public

1 roads as those factors relate to intercity rail passenger
2 transportation projects under subsection (b)(4).

3 “(d) OPERATING EXPENSES.—A State may use not
4 more than 10 percent of the funds provided under section
5 104(b)(9) for the operating expenses of public transpor-
6 tation and passenger rail transportation projects.

7 “(e) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
8 CILITIES.—None of the funds provided under this section
9 may be used for a project that will result in the construc-
10 tion of new capacity available to single occupant vehicles
11 unless the project consists of a high occupancy vehicle fa-
12 cility and is consistent with section 166.

13 “(f) EVALUATION.—

14 “(1) IN GENERAL.—The Secretary shall annu-
15 ally evaluate the progress of each State in carrying
16 out the program under this section by comparing the
17 percent change in carbon dioxide emissions per cap-
18 ita on public roads in the State calculated as—

19 “(A) the annual carbon dioxide emissions
20 per capita on public roads in the State for the
21 most recent year for which there is data; di-
22 vided by

23 “(B) the average annual carbon dioxide
24 emissions per capita on public roads in the
25 State in calendar years 2015 through 2019.

1 “(2) MEASURES.—In conducting the evaluation
2 under paragraph (1), the Secretary shall—

3 “(A) prior to the effective date of the
4 greenhouse gas performance measures under
5 section 150(c)(7), use such data as are avail-
6 able, which may include data on motor fuels
7 usage published by the Federal Highway Ad-
8 ministration and information on emissions fac-
9 tors or coefficients published by the Energy In-
10 formation Administration of the Department of
11 Energy; and

12 “(B) following the effective date of the
13 greenhouse gas performance measures under
14 section 150(c)(7), use such measures.

15 “(g) PROGRESS REPORT.—The Secretary shall annu-
16 ally issue a carbon pollution reduction progress report, to
17 be made publicly available on the website of the Depart-
18 ment of Transportation, that includes—

19 “(1) the results of the evaluation under sub-
20 section (f) for each State; and

21 “(2) a ranking of all the States by the criteria
22 under subsection (f), with the States that, for the
23 year covered by such report, have the largest per-
24 centage reduction in annual carbon dioxide emissions
25 per capita on public roads being ranked the highest.

1 “(h) HIGH-PERFORMING STATES.—

2 “(1) DESIGNATION.—For purposes of this sec-
3 tion, each State that is 1 of the 15 highest ranked
4 States, as determined under subsection (g)(2), and
5 that achieves a reduction in carbon dioxide emissions
6 per capita on public roads, as determined by the
7 evaluation in subsection (f), shall be designated as a
8 high-performing State for the following fiscal year.

9 “(2) USE OF FUNDS.—For each State that is
10 designated as a high-performing State under para-
11 graph (1)—

12 “(A) notwithstanding section 120, the
13 State may use funds made available under this
14 title to pay the non-Federal share of a project
15 under this section during any year for which
16 such State is designated as a high-performing
17 State; and

18 “(B) notwithstanding section 126, the
19 State may transfer up to 50 percent of funds
20 apportioned under section 104(b)(9) to the pro-
21 gram under section 104(b)(2) in any year for
22 which such State is designated as a high-per-
23 forming State.

24 “(3) TRANSFER.—For each State that is 1 of
25 the 15 lowest ranked States, as determined under

1 subsection (g)(2), the Secretary shall transfer 10
2 percent of the amount apportioned to the State
3 under section 104(b)(2) in the fiscal year following
4 the year in which the State is so ranked, not includ-
5 ing amounts set aside under section 133(d)(1)(A)
6 and under section 133(h) or 505(a), to the appor-
7 tionment of the State under section 104(b)(9).

8 “(4) LIMITATION.—The Secretary shall not
9 conduct a transfer under paragraph (3)—

10 “(A) until the first fiscal year following the
11 effective date of greenhouse gas performance
12 measures under section 150(c)(7); and

13 “(B) with respect to a State in any fiscal
14 year following the year in which such State
15 achieves a reduction in carbon dioxide emissions
16 per capita on public roads in such year as de-
17 termined by the evaluation under subsection (f).

18 “(i) REPORT.—Not later than 2 years after the date
19 of enactment of this section and periodically thereafter,
20 the Secretary, in consultation with the Administrator of
21 the Environmental Protection Agency, shall issue a re-
22 port—

23 “(1) detailing, based on the best available
24 science, what types of projects eligible for assistance
25 under this section are expected to provide the most

1 significant greenhouse gas emissions reductions from
2 the surface transportation sector; and

3 “(2) detailing, based on the best available
4 science, what types of projects eligible for assistance
5 under this section are not expected to provide sig-
6 nificant greenhouse gas emissions reductions from
7 the surface transportation sector.”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 1 of title 23, United States Code, is amended by add-
10 ing at the end the following new item:

“171. Carbon pollution reduction.”.

11 (c) APPLICABILITY.—Subsection (b)(2) of section
12 171 of title 23, United States Code, as added by this sec-
13 tion, shall apply to a State beginning on the first fiscal
14 year following the fiscal year in which the State sets green-
15 house gas performance targets under section 150(d) of
16 title 23, United States Code.

17 **SEC. 1214. RECREATIONAL TRAILS.**

18 Section 206 of title 23, United States Code, is
19 amended by adding at the end the following:

20 “(j) USE OF OTHER APPORTIONED FUNDS.—Funds
21 apportioned to a State under section 104(b) that are obli-
22 gated for recreational trails and related projects shall be
23 administered as if such funds were made available for pur-
24 poses described under this section.”.

1 **SEC. 1215. SAFE ROUTES TO SCHOOL PROGRAM.**

2 (a) IN GENERAL.—Chapter 2 of title 23, United
3 States Code, is amended by inserting after section 210 the
4 following:

5 **“§ 211. Safe routes to school program**

6 “(a) PROGRAM.—The Secretary shall carry out a safe
7 routes to school program for the benefit of children in pri-
8 mary, middle, and high schools.

9 “(b) PURPOSES.—The purposes of the program shall
10 be—

11 “(1) to enable and encourage children, includ-
12 ing those with disabilities, to walk and bicycle to
13 school;

14 “(2) to make bicycling and walking to school a
15 safer and more appealing transportation alternative,
16 thereby encouraging a healthy and active lifestyle
17 from an early age; and

18 “(3) to facilitate the planning, development,
19 and implementation of projects and activities that
20 will improve safety and reduce traffic, fuel consump-
21 tion, and air pollution in the vicinity of schools.

22 “(c) USE OF FUNDS.—Amounts apportioned to a
23 State under paragraphs (2) and (3) of section 104(b) may
24 be used to carry out projects, programs, and other activi-
25 ties under this section.

1 “(d) ELIGIBLE ENTITIES.—Projects, programs, and
2 activities funded under this section may be carried out by
3 eligible entities described under section 133(h)(4)(B) that
4 demonstrate an ability to meet the requirements of this
5 section.

6 “(e) ELIGIBLE PROJECTS AND ACTIVITIES.—

7 “(1) INFRASTRUCTURE-RELATED PROJECTS.—

8 “(A) IN GENERAL.—A State may obligate
9 funds under this section for the planning, de-
10 sign, and construction of infrastructure-related
11 projects that will substantially improve the abil-
12 ity of students to walk and bicycle to school, in-
13 cluding sidewalk improvements, traffic calming
14 and speed reduction improvements, pedestrian
15 and bicycle crossing improvements, on-street bi-
16 cycle facilities, off-street bicycle and pedestrian
17 facilities, secure bicycle parking facilities, and
18 traffic diversion improvements in the vicinity of
19 schools.

20 “(B) LOCATION OF PROJECTS.—Infra-
21 structure-related projects under subparagraph
22 (A) may be carried out on any public road or
23 any bicycle or pedestrian pathway or trail in the
24 vicinity of schools.

1 “(2) NONINFRASTRUCTURE-RELATED ACTIVI-
2 TIES.—In addition to projects described in para-
3 graph (1), a State may obligate funds under this
4 section for noninfrastructure-related activities to en-
5 courage walking and bicycling to school, including—

6 “(A) public awareness campaigns and out-
7 reach to press and community leaders;

8 “(B) traffic education and enforcement in
9 the vicinity of schools;

10 “(C) student sessions on bicycle and pedes-
11 trian safety, health, and environment;

12 “(D) programs that address personal safe-
13 ty; and

14 “(E) funding for training, volunteers, and
15 managers of safe routes to school programs.

16 “(3) SAFE ROUTES TO SCHOOL COORDI-
17 NATOR.—Each State receiving an apportionment
18 under paragraphs (2) and (3) of section 104(b) shall
19 use a sufficient amount of the apportionment to
20 fund a full-time position of coordinator of the
21 State’s safe routes to school program.

22 “(4) RURAL SCHOOL DISTRICT OUTREACH.—A
23 coordinator described in paragraph (3) shall conduct
24 outreach to ensure that rural school districts in the

1 State are aware of such State's safe routes to school
2 program and any funds authorized by this section.

3 “(f) FEDERAL SHARE.—The Federal share of the
4 cost of a project, program, or activity under this section
5 shall be 100 percent.

6 “(g) CLEARINGHOUSE.—

7 “(1) IN GENERAL.—The Secretary shall main-
8 tain a national safe routes to school clearinghouse
9 to—

10 “(A) develop information and educational
11 programs on safe routes to school; and

12 “(B) provide technical assistance and dis-
13 seminate techniques and strategies used for
14 successful safe routes to school programs.

15 “(2) FUNDING.—The Secretary shall carry out
16 this subsection using amounts authorized to be ap-
17 propriated for administrative expenses under section
18 104(a).

19 “(h) TREATMENT OF PROJECTS.—Notwithstanding
20 any other provision of law, projects carried out under this
21 section shall be treated as projects on a Federal-aid high-
22 way under chapter 1 of this title.

23 “(i) DEFINITIONS.—In this section, the following
24 definitions apply:

1 “(1) IN THE VICINITY OF SCHOOLS.—The term
2 ‘in the vicinity of schools’ means, with respect to a
3 school, the area within bicycling and walking dis-
4 tance of the school (approximately 2 miles).

5 “(2) PRIMARY, MIDDLE, AND HIGH SCHOOLS.—
6 The term ‘primary, middle, and high schools’ means
7 schools providing education from kindergarten
8 through twelfth grade.”.

9 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

10 (1) REPEAL.—Section 1404 of SAFETEA-LU
11 (Public Law 109–59; 119 Stat. 1228–1230), and
12 the item relating to such section in the table of con-
13 tents in section 1(b) of such Act, are repealed.

14 (2) ANALYSIS.—The analysis for chapter 2 of
15 title 23, United States Code, is amended by insert-
16 ing after the item relating to section 210 the fol-
17 lowing:

 “211. Safe routes to school program.”.

18 **SEC. 1216. BICYCLE TRANSPORTATION AND PEDESTRIAN**
19 **WALKWAYS.**

20 Section 217 of title 23, United States Code, is
21 amended—

22 (1) in subsection (d)—

23 (A) by striking “104(b)(3)” and inserting
24 “104(b)(4)”; and

1 (B) by striking “a position” and inserting
2 “at least one full-time positions”;

3 (2) in subsection (e) by striking “bicycles” and
4 inserting “pedestrians or bicyclists” each place such
5 term appears; and

6 (3) in subsection (j) by striking paragraph (2)
7 and inserting the following:

8 “(2) ELECTRIC BICYCLE.—The term ‘electric
9 bicycle’ means mean a bicycle equipped with fully
10 operable pedals, a saddle or seat for the rider, and
11 an electric motor of less than 750 watts that can
12 safely share a bicycle transportation facility with
13 other users of such facility and meets the require-
14 ments of one of the following three classes:

15 “(A) CLASS 1 ELECTRIC BICYCLE.—The
16 term ‘class 1 electric bicycle’ means an electric
17 bicycle equipped with a motor that provides as-
18 sistance only when the rider is pedaling, and
19 that ceases to provide assistance when the bicy-
20 cle reaches the speed of 20 miles per hour.

21 “(B) CLASS 2 ELECTRIC BICYCLE.—The
22 term ‘class 2 electric bicycle’ means an electric
23 bicycle equipped with a motor that may be used
24 exclusively to propel the bicycle, and that is not

1 capable of providing assistance when the bicycle
2 reaches the speed of 20 miles per hour.

3 “(C) CLASS 3 ELECTRIC BICYCLE.—The
4 term ‘class 3 electric bicycle’ means an electric
5 bicycle equipped with a motor that provides as-
6 sistance only when the rider is pedaling, and
7 that ceases to provide assistance when the bicy-
8 cle reaches the speed of 28 miles per hour.”.

9 **SEC. 1217. NOISE BARRIERS.**

10 (a) PERMITTING USE OF HIGHWAY TRUST FUND
11 FOR CONSTRUCTION OF CERTAIN NOISE BARRIERS.—
12 Section 339(b)(1) of the National Highway System Des-
13 ignation Act of 1995 (23 U.S.C. 109 note) is amended
14 to read as follows:

15 “(1) GENERAL RULE.—No funds made avail-
16 able out of the Highway Trust Fund may be used
17 to construct a Type II noise barrier (as defined by
18 section 772.5(I) of title 23, Code of Federal Regula-
19 tions) pursuant to subsections (h) and (I) of section
20 109 of title 23, United States Code, unless—

21 “(A) such a barrier is part of a project ap-
22 proved by the Secretary before November 28,
23 1995; or

24 “(B) such a barrier separates a highway or
25 other noise corridor from a group of structures

1 of which the majority of those closest to the
2 highway or noise corridor—

3 “(i) are residential in nature; and

4 “(ii) either—

5 “(I) were constructed before the
6 construction or most recent widening
7 of the highway or noise corridor; or

8 “(II) are at least 10 years old.”.

9 (b) ELIGIBILITY FOR SURFACE TRANSPORTATION
10 BLOCK GRANT FUNDS.—Section 133 of title 23, United
11 States Code, is amended—

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

14 “(20) Planning, design, or construction of a
15 Type II noise barrier (as described in section 772.5
16 of title 23, Code of Federal Regulations).”; and

17 (2) in subsection (c)(2) by inserting “and para-
18 graph (20)” after “(11)”.

19 **Subtitle C—Project-Level**
20 **Investments**

21 **SEC. 1301. PROJECTS OF NATIONAL AND REGIONAL SIG-**
22 **NIFICANCE.**

23 (a) IN GENERAL.—Section 117 of title 23, United
24 States Code, is amended to read as follows:

1 **“§ 117. Projects of national and regional significance**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish a projects of national and regional significance pro-
4 gram under which the Secretary may make grants to, and
5 establish multiyear grant agreements with, eligible entities
6 in accordance with this section.

7 “(b) APPLICATIONS.—To be eligible for a grant
8 under this section, an eligible entity shall submit to the
9 Secretary an application in such form, in such manner,
10 and containing such information as the Secretary may re-
11 quire.

12 “(c) GRANT AMOUNTS AND PROJECT COSTS.—

13 “(1) IN GENERAL.—Each grant made under
14 this section—

15 “(A) shall be in an amount that is at least
16 \$25,000,000; and

17 “(B) shall be for a project that has eligible
18 project costs that are reasonably anticipated to
19 equal or exceed the lesser of—

20 “(i) \$100,000,000; or

21 “(ii) in the case of a project—

22 “(I) located in 1 State or terri-
23 tory, 30 percent of the amount appor-
24 tioned under this chapter to the State
25 or territory in the most recently com-
26 pleted fiscal year; or

1 “(II) located in more than 1
2 State or territory, 50 percent of the
3 amount apportioned under this chap-
4 ter to the participating State or terri-
5 tory with the largest apportionment
6 under this chapter in the most re-
7 cently completed fiscal year.

8 “(2) LARGE PROJECTS.—For a project that has
9 eligible project costs that are reasonably anticipated
10 to equal or exceed \$500,000,000, a grant made
11 under this section—

12 “(A) shall be in an amount sufficient to
13 fully fund the project, or in the case of a public
14 transportation project, a minimum operable
15 segment, in combination with other funding
16 sources, including non-Federal financial com-
17 mitment, identified in the application; and

18 “(B) may be awarded pursuant to the
19 process under subsection (d), as necessary
20 based on the amount of the grant.

21 “(d) MULTIYEAR GRANT AGREEMENTS FOR LARGE
22 PROJECTS.—

23 “(1) IN GENERAL.—A large project that re-
24 ceives a grant under this section may be carried out

1 through a multiyear grant agreement in accordance
2 with this subsection.

3 “(2) REQUIREMENTS.—A multiyear grant
4 agreement for a large project shall—

5 “(A) establish the terms of participation by
6 the Federal Government in the project;

7 “(B) establish the amount of Federal fi-
8 nancial assistance for the project;

9 “(C) establish a schedule of anticipated
10 Federal obligations for the project that provides
11 for obligation of the full grant amount by not
12 later than 4 fiscal years after the fiscal year in
13 which the initial amount is provided; and

14 “(D) determine the period of time for com-
15 pleting the project, even if such period extends
16 beyond the period of an authorization.

17 “(3) SPECIAL RULES.—

18 “(A) IN GENERAL.—A multiyear grant
19 agreement under this subsection—

20 “(i) shall obligate an amount of avail-
21 able budget authority specified in law; and

22 “(ii) may include a commitment, con-
23 tingent on amounts to be specified in law
24 in advance for commitments under this
25 paragraph, to obligate an additional

1 amount from future available budget au-
2 thority specified in law.

3 “(B) CONTINGENT COMMITMENT.—A con-
4 tingent commitment under this subsection is
5 not an obligation of the Federal Government
6 under section 1501 of title 31.

7 “(C) INTEREST AND OTHER FINANCING
8 COSTS.—

9 “(i) IN GENERAL.—Interest and other
10 financing costs of carrying out a part of
11 the project within a reasonable time shall
12 be considered a cost of carrying out the
13 project under a multiyear grant agreement,
14 except that eligible costs may not be more
15 than the cost of the most favorable financ-
16 ing terms reasonably available for the
17 project at the time of borrowing.

18 “(ii) CERTIFICATION.—The applicant
19 shall certify to the Secretary that the ap-
20 plicant has shown reasonable diligence in
21 seeking the most favorable financing
22 terms.

23 “(4) ADVANCE PAYMENT.—An eligible entity
24 carrying out a large project under a multiyear grant
25 agreement—

1 “(A) may use funds made available to the
2 eligible entity under this title or title 49 for eli-
3 gible project costs of the large project; and

4 “(B) shall be reimbursed, at the option of
5 the eligible entity, for such expenditures from
6 the amount made available under the multiyear
7 grant agreement for the project in that fiscal
8 year or a subsequent fiscal year.

9 “(e) ELIGIBLE PROJECTS.—

10 “(1) IN GENERAL.—The Secretary may make a
11 grant under this section only for a project that is a
12 project eligible for assistance under this title or
13 chapter 53 of title 49 and is—

14 “(A) a bridge project carried out on the
15 National Highway System, or that is eligible to
16 be carried out under section 165;

17 “(B) a project to improve person through-
18 put that is—

19 “(i) a highway project carried out on
20 the National Highway System, or that is
21 eligible to be carried out under section
22 165;

23 “(ii) a public transportation project;
24 or

1 “(iii) a capital project, as such term is
2 defined in section 22906 of title 49, to im-
3 prove intercity rail passenger transpor-
4 tation; or

5 “(C) a project to improve freight through-
6 put that is—

7 “(i) a highway freight project carried
8 out on the National Highway Freight Net-
9 work established under section 167 or on
10 the National Highway System;

11 “(ii) a freight intermodal, freight rail,
12 or railway-highway grade crossing or grade
13 separation project; or

14 “(iii) within the boundaries of a public
15 or private freight rail, water (including
16 ports), or intermodal facility and that is a
17 surface transportation infrastructure
18 project necessary to facilitate direct inter-
19 modal interchange, transfer, or access into
20 or out of the facility.

21 “(2) LIMITATION.—

22 “(A) CERTAIN FREIGHT PROJECTS.—
23 Projects described in clauses (ii) and (iii) of
24 paragraph (1)(C) may receive a grant under
25 this section only if—

1 “(i) the project will make a significant
2 improvement to the movement of freight
3 on the National Highway System; and

4 “(ii) the Federal share of the project
5 funds only elements of the project that
6 provide public benefits.

7 “(B) CERTAIN PROJECTS FOR PERSON
8 THROUGHPUT.—Projects described in clauses
9 (ii) and (iii) of paragraph (1)(B) may receive a
10 grant under this section only if the project will
11 make a significant improvement in mobility on
12 public roads.

13 “(f) ELIGIBLE PROJECT COSTS.—An eligible entity
14 receiving a grant under this section may use such grant
15 for—

16 “(1) development phase activities, including
17 planning, feasibility analysis, revenue forecasting,
18 environmental review, preliminary engineering and
19 design work, and other preconstruction activities;
20 and

21 “(2) construction, reconstruction, rehabilitation,
22 acquisition of real property (including land related
23 to the project and improvements to the land), envi-
24 ronmental mitigation, construction contingencies, ac-
25 quisition of equipment, and operational improve-

1 ments directly related to improving system perform-
2 ance.

3 “(g) PROJECT REQUIREMENTS.—The Secretary may
4 select a project described under this section for funding
5 under this section only if the Secretary determines that
6 the project—

7 “(1) generates significant regional or national
8 economic, mobility, safety, resilience, or environ-
9 mental benefits;

10 “(2) is cost effective;

11 “(3) is based on the results of preliminary engi-
12 neering;

13 “(4) has secured or will secure acceptable levels
14 of non-Federal financial commitments, including—

15 “(A) one or more stable and dependable
16 sources of funding and financing to construct,
17 maintain, and operate the project; and

18 “(B) contingency amounts to cover unan-
19 ticipated cost increases;

20 “(5) cannot be easily and efficiently completed
21 without additional Federal funding or financial as-
22 sistance available to the project sponsor, beyond ex-
23 isting Federal apportionments; and

1 “(6) is reasonably expected to begin construc-
2 tion not later than 18 months after the date of obli-
3 gation of funds for the project.

4 “(h) MERIT CRITERIA AND CONSIDERATIONS.—

5 “(1) MERIT CRITERIA.—In awarding a grant
6 under this section, the Secretary shall evaluate the
7 following merit criteria:

8 “(A) The extent to which the project sup-
9 ports achieving a state of good repair.

10 “(B) The level of benefits the project is ex-
11 pected to generate, including—

12 “(i) the costs avoided by the preven-
13 tion of closure or reduced use of the asset
14 to be improved by the project;

15 “(ii) reductions in maintenance costs
16 over the life of the asset;

17 “(iii) safety benefits, including the re-
18 duction of accidents and related costs;

19 “(iv) improved person or freight
20 throughput, including congestion reduction
21 and reliability improvements;

22 “(v) national and regional economic
23 benefits;

24 “(vi) resilience benefits;

1 “(vii) environmental benefits, includ-
2 ing reduction in greenhouse gas emissions
3 and air quality benefits; and

4 “(viii) benefits to all users of the
5 project, including pedestrian, bicycle, non-
6 vehicular, railroad, and public transpor-
7 tation users.

8 “(C) How the benefits compare to the
9 costs of the project.

10 “(D) The average number of people or vol-
11 ume of freight, as applicable, supported by the
12 project, including visitors based on travel and
13 tourism.

14 “(2) ADDITIONAL CONSIDERATIONS.—In
15 awarding a grant under this section, the Secretary
16 shall also consider the following:

17 “(A) Whether the project serves low-in-
18 come residents of low-income communities, in-
19 cluding areas of persistent poverty, while not
20 displacing such residents.

21 “(B) Whether the project uses innovative
22 technologies, innovative design and construction
23 techniques, or pavement materials that dem-
24 onstrate reductions in greenhouse gas emissions
25 through sequestration or innovative manufac-

1 turing processes and, if so, the degree to which
2 such technologies, techniques, or materials are
3 used.

4 “(C) Whether the project improves
5 connectivity between modes of transportation
6 moving people or goods in the Nation or region.

7 “(D) Whether the project provides new or
8 improved connections between at least two met-
9 ropolitan areas with a population of at least
10 500,000.

11 “(E) Whether the project would replace,
12 reconstruct, or rehabilitate a high-commuter
13 corridor (as such term is defined in section
14 203(a)(6)) that is in poor condition.

15 “(i) PROJECT SELECTION.—

16 “(1) EVALUATION.—To evaluate applications
17 for funding under this section, the Secretary shall—

18 “(A) determine whether a project is eligible
19 for a grant under this section;

20 “(B) evaluate, through a methodology that
21 is discernible and transparent to the public,
22 how each application addresses the merit cri-
23 teria pursuant to subsection (h);

1 “(C) assign a quality rating for each merit
2 criteria for each application based on the eval-
3 uation in subparagraph (B);

4 “(D) ensure that applications receive final
5 consideration by the Secretary to receive an
6 award under this section only on the basis of
7 such quality ratings and that the Secretary
8 gives final consideration only to applications
9 that meet the minimally acceptable level for
10 each of the merit criteria; and

11 “(E) award grants only to projects rated
12 highly under the evaluation and rating process.

13 “(2) CONSIDERATIONS FOR LARGE
14 PROJECTS.—In awarding a grant for a large project,
15 the Secretary shall—

16 “(A) consider the amount of funds avail-
17 able in future fiscal years for the program
18 under this section; and

19 “(B) assume the availability of funds in fu-
20 ture fiscal years for the program that extend
21 beyond the period of authorization based on the
22 amount made available for the program in the
23 last fiscal year of the period of authorization.

24 “(3) GEOGRAPHIC DISTRIBUTION.—In awarding
25 grants under this section, the Secretary shall ensure

1 geographic diversity and a balance between rural
2 and urban communities among grant recipients over
3 fiscal years 2022 through 2025.

4 “(4) PUBLICATION OF METHODOLOGY.—

5 “(A) IN GENERAL.—Prior to the issuance
6 of any notice of funding opportunity for grants
7 under this section, the Secretary shall publish
8 and make publicly available on the Depart-
9 ment’s website—

10 “(i) a detailed explanation of the
11 merit criteria developed under subsection
12 (h);

13 “(ii) a description of the evaluation
14 process under this subsection; and

15 “(iii) how the Secretary shall deter-
16 mine whether a project satisfies each of
17 the requirements under subsection (g).

18 “(B) UPDATES.—The Secretary shall up-
19 date and make publicly available on the website
20 of the Department of Transportation such in-
21 formation at any time a revision to the informa-
22 tion described in subparagraph (A) is made.

23 “(C) INFORMATION REQUIRED.—The Sec-
24 retary shall include in the published notice of
25 funding opportunity for a grant under this sec-

1 tion detailed information on the rating method-
2 ology and merit criteria to be used to evaluate
3 applications, or a reference to the information
4 on the website of the Department of Transpor-
5 tation, as required by subparagraph (A).

6 “(j) FEDERAL SHARE.—

7 “(1) IN GENERAL.—The Federal share of the
8 cost of a project carried out with a grant under this
9 section may not exceed 60 percent.

10 “(2) MAXIMUM FEDERAL INVOLVEMENT.—Fed-
11 eral assistance other than a grant under this section
12 may be used to satisfy the non-Federal share of the
13 cost of a project for which such a grant is made, ex-
14 cept that the total Federal assistance provided for a
15 project receiving a grant under this section may not
16 exceed 80 percent of the total project cost.

17 “(k) TREATMENT OF PROJECTS.—

18 “(1) FEDERAL REQUIREMENTS.—The Secretary
19 shall, with respect to a project funded by a grant
20 under this section, apply—

21 “(A) the requirements of this title to a
22 highway project;

23 “(B) the requirements of chapter 53 of
24 title 49 to a public transportation project; and

1 “(C) the requirements of section 22905 of
2 title 49 to a passenger rail or freight rail
3 project.

4 “(2) MULTIMODAL PROJECTS.—

5 “(A) IN GENERAL.—Except as otherwise
6 provided in this paragraph, if an eligible project
7 is a multimodal project, the Secretary shall—

8 “(i) determine the predominant modal
9 component of the project; and

10 “(ii) apply the applicable requirements
11 of such predominant modal component to
12 the project.

13 “(B) EXCEPTIONS.—

14 “(i) PASSENGER OR FREIGHT RAIL
15 COMPONENT.—For any passenger or
16 freight rail component of a project, the re-
17 quirements of section 22907(j)(2) of title
18 49 shall apply.

19 “(ii) PUBLIC TRANSPORTATION COM-
20 PONENT.—For any public transportation
21 component of a project, the requirements
22 of section 5333 of title 49 shall apply.

23 “(C) BUY AMERICA.—In applying the Buy
24 American requirements under section 313 of
25 this title and sections 5320, 22905(a), and

1 24305(f) of title 49 to a multimodal project
2 under this paragraph, the Secretary shall—

3 “(i) consider the various modal com-
4 ponents of the project; and

5 “(ii) seek to maximize domestic jobs.

6 “(3) FEDERAL-AID HIGHWAY REQUIRE-
7 MENTS.—Notwithstanding any other provision of
8 this subsection, the Secretary shall require recipients
9 of grants under this section to comply with sub-
10 section (a) of section 113 with respect to public
11 transportation projects, passenger rail projects, and
12 freight rail projects, in the same manner that recipi-
13 ents of grants are required to comply with such sub-
14 section for construction work performed on highway
15 projects on Federal-aid highways.

16 “(l) TIFIA PROGRAM.—At the request of an eligible
17 entity under this section, the Secretary may use amounts
18 awarded to the entity to pay subsidy and administrative
19 costs necessary to provide the entity Federal credit assist-
20 ance under chapter 6 with respect to the project for which
21 the grant was awarded.

22 “(m) ADMINISTRATION.—Of the amounts made
23 available to carry out this section, the Secretary may use
24 up to \$5,000,000 for the costs of administering the pro-
25 gram under this section.

1 “(n) TECHNICAL ASSISTANCE.—Of the amounts
2 made available to carry out this section, the Secretary may
3 reserve up to \$5,000,000 to provide technical assistance
4 to eligible entities.

5 “(o) CONGRESSIONAL REVIEW.—

6 “(1) NOTIFICATION.—Not less than 60 days be-
7 fore making an award under this section, the Sec-
8 retary shall submit to the Committee on Transpor-
9 tation and Infrastructure of the House of Represent-
10 atives and the Committee on Environment and Pub-
11 lic Works, the Committee on Banking, Housing, and
12 Urban Affairs, and the Committee on Commerce,
13 Science, and Transportation of the Senate—

14 “(A) a list of all applications determined to
15 be eligible for a grant by the Secretary;

16 “(B) the quality ratings assigned to each
17 application pursuant to subsection (i);

18 “(C) a list of applications that received
19 final consideration by the Secretary to receive
20 an award under this section;

21 “(D) each application proposed to be se-
22 lected for a grant award;

23 “(E) proposed grant amounts, including
24 for each new multiyear grant agreement, the
25 proposed payout schedule for the project; and

1 “(F) an analysis of the impacts of any
2 large projects proposed to be selected on exist-
3 ing commitments and anticipated funding levels
4 for the next 4 fiscal years, based on information
5 available to the Secretary at the time of the re-
6 port.

7 “(2) COMMITTEE REVIEW.—Before the last day
8 of the 60-day period described in paragraph (1),
9 each Committee described in paragraph (1) shall re-
10 view the Secretary’s list of proposed projects.

11 “(3) CONGRESSIONAL DISAPPROVAL.—The Sec-
12 retary may not make a grant or any other obligation
13 or commitment to fund a project under this section
14 if a joint resolution is enacted disapproving funding
15 for the project before the last day of the 60-day pe-
16 riod described in paragraph (1).

17 “(p) TRANSPARENCY.—

18 “(1) IN GENERAL.—Not later than 30 days
19 after awarding a grant for a project under this sec-
20 tion, the Secretary shall send to all applicants, and
21 publish on the website of the Department of Trans-
22 portation—

23 “(A) a summary of each application made
24 to the program for the grant application period;
25 and

1 “(B) the evaluation and justification for
2 the project selection, including ratings assigned
3 to all applications and a list of applications that
4 received final consideration by the Secretary to
5 receive an award under this section, for the
6 grant application period.

7 “(2) BRIEFING.—The Secretary shall provide,
8 at the request of a grant applicant under this sec-
9 tion, the opportunity to receive a briefing to explain
10 any reasons the grant applicant was not awarded a
11 grant.

12 “(q) DEFINITIONS.—In this section:

13 “(1) AREAS OF PERSISTENT POVERTY.—The
14 term ‘areas of persistent poverty’ has the meaning
15 given such term in section 172(l).

16 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
17 tity’ means—

18 “(A) a State or a group of States;

19 “(B) a unit of local government, including
20 a metropolitan planning organization, or a
21 group of local governments;

22 “(C) a political subdivision of a State or
23 local government;

1 “(D) a special purpose district or public
2 authority with a transportation function, includ-
3 ing a port authority;

4 “(E) a Tribal government or a consortium
5 of Tribal governments;

6 “(F) a Federal agency eligible to receive
7 funds under section 201, 203, or 204, including
8 the Army Corps of Engineers, Bureau of Rec-
9 lamation, and the Bureau of Land Manage-
10 ment, that applies jointly with a State or group
11 of States;

12 “(G) a territory; and

13 “(H) a multistate or multijurisdictional
14 group of entities described in this paragraph.”.

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

“117. Projects of national and regional significance.”.

19 **SEC. 1302. COMMUNITY TRANSPORTATION INVESTMENT**
20 **GRANT PROGRAM.**

21 (a) IN GENERAL.—Chapter 1 of title 23, United
22 States Code, as amended by this title, is further amended
23 by adding at the end the following:

1 **“§ 173. Community transportation investment grant**
2 **program**

3 “(a) ESTABLISHMENT.—The Secretary shall estab-
4 lish a community transportation investment grant pro-
5 gram to improve surface transportation safety, state of
6 good repair, accessibility, and environmental quality
7 through infrastructure investments.

8 “(b) GRANT AUTHORITY.—

9 “(1) IN GENERAL.—In carrying out the pro-
10 gram established under subsection (a), the Secretary
11 shall make grants, on a competitive basis, to eligible
12 entities in accordance with this section.

13 “(2) GRANT AMOUNT.—The maximum amount
14 of a grant under this section shall be \$25,000,000.

15 “(c) APPLICATIONS.—To be eligible for a grant under
16 this section, an eligible entity shall submit to the Secretary
17 an application in such form, at such time, and containing
18 such information as the Secretary may require.

19 “(d) ELIGIBLE PROJECT COSTS.—Grant amounts for
20 an eligible project carried out under this section may be
21 used for—

22 “(1) development phase activities, including
23 planning, feasibility analysis, revenue forecasting,
24 environmental review, preliminary engineering and
25 design work, and other preconstruction activities;
26 and

1 “(2) construction, reconstruction, rehabilitation,
2 acquisition of real property (including land related
3 to the project and improvements to such land), envi-
4 ronmental mitigation, construction contingencies, ac-
5 quisition of equipment, and operational improve-
6 ments.

7 “(e) RURAL AND COMMUNITY SETASIDES.—

8 “(1) IN GENERAL.—The Secretary shall re-
9 serve—

10 “(A) not less than 25 percent of the
11 amounts made available to carry out this sec-
12 tion for projects located in rural areas; and

13 “(B) not less than 25 percent of the
14 amounts made available to carry out this sec-
15 tion for projects located in urbanized areas with
16 a population greater than 49,999 individuals
17 and fewer than 200,001 individuals.

18 “(2) DEFINITION OF RURAL AREA.—In this
19 subsection, the term ‘rural area’ means all areas of
20 a State or territory not included in urbanized areas.

21 “(3) EXCESS FUNDING.—If the Secretary de-
22 termines that there are insufficient qualified appli-
23 cants to use the funds set aside under this sub-
24 section, the Secretary may use such funds for grants
25 for any projects eligible under this section.

1 “(f) EVALUATION.—To evaluate applications under
2 this section, the Secretary shall—

3 “(1) develop a process to objectively evaluate
4 applications on the benefits of the project proposed
5 in such application—

6 “(A) to transportation safety, including re-
7 ductions in traffic fatalities and serious injuries;

8 “(B) to state of good repair, including im-
9 proved condition of bridges and pavements;

10 “(C) to transportation system access, in-
11 cluding improved access to jobs and services;

12 and

13 “(D) in reducing greenhouse gas emis-
14 sions;

15 “(2) develop a rating system to assign a nu-
16 meric value to each application, based on each of the
17 criteria described in paragraph (1);

18 “(3) for each application submitted, compare
19 the total benefits of the proposed project, as deter-
20 mined by the rating system developed under para-
21 graph (2), with the costs of such project, and rank
22 each application based on the results of the compari-
23 son; and

24 “(4) ensure that only such applications that are
25 ranked highly based on the results of the comparison

1 conducted under paragraph (3) are considered to re-
2 ceive a grant under this section.

3 “(g) WEIGHTING.—In establishing the evaluation
4 process under subsection (f), the Secretary may assign dif-
5 ferent weights to the criteria described in subsection (f)(1)
6 based on project type, population served by a project, and
7 other context-sensitive considerations, provided that—

8 “(1) each application is rated on all criteria de-
9 scribed in subsection (f)(1); and

10 “(2) each application has the same possible
11 minimum and maximum rating, regardless of any
12 differences in the weighting of criteria.

13 “(h) TRANSPARENCY.—

14 “(1) PUBLICLY AVAILABLE INFORMATION.—
15 Prior to the issuance of any notice of funding oppor-
16 tunity under this section, the Secretary shall make
17 publicly available on the website of the Department
18 of Transportation a detailed explanation of the eval-
19 uation and rating process developed under sub-
20 section (f), including any differences in the
21 weighting of criteria pursuant to subsection (g), if
22 applicable, and update such website for each revision
23 of the evaluation and rating process.

24 “(2) NOTIFICATIONS TO CONGRESS.—The Sec-
25 retary shall submit to the Committee on Transpor-

1 tation and Infrastructure of the House of Represent-
2 atives, the Committee on Environment and Public
3 Works of the Senate, the Committee on Banking,
4 Housing, and Urban Affairs of the Senate, and the
5 Committee on Commerce, Science, and Transpor-
6 tation of the Senate the following written notifica-
7 tions:

8 “(A) A notification when the Secretary
9 publishes or updates the information required
10 under paragraph (1).

11 “(B) Not later than 30 days prior to the
12 date on which the Secretary awards a grant
13 under this section, a notification that in-
14 cludes—

15 “(i) the ratings of each application
16 submitted pursuant to subsection (f)(2);

17 “(ii) the ranking of each application
18 submitted pursuant to subsection (f)(3);
19 and

20 “(iii) a list of all applications that re-
21 ceive final consideration by the Secretary
22 to receive an award under this section pur-
23 suant to subsection (f)(4).

24 “(C) Not later than 3 business days prior
25 to the date on which the Secretary announces

1 the award of a grant under this section, a noti-
2 fication describing each grant to be awarded,
3 including the amount and the recipient.

4 “(i) TECHNICAL ASSISTANCE.—Of the amounts
5 made available to carry out this section, the Secretary may
6 reserve up to \$3,000,000 to provide technical assistance
7 to eligible entities.

8 “(j) ADMINISTRATION.—Of the amounts made avail-
9 able to carry out this section, the Secretary may reserve
10 up to \$5,000,000 for the administrative costs of carrying
11 out the program under this section.

12 “(k) TREATMENT OF PROJECTS.—

13 “(1) FEDERAL REQUIREMENTS.—The Secretary
14 shall, with respect to a project funded by a grant
15 under this section, apply—

16 “(A) the requirements of this title to a
17 highway project;

18 “(B) the requirements of chapter 53 of
19 title 49 to a public transportation project; and

20 “(C) the requirements of section 22905 of
21 title 49 to a passenger rail or freight rail
22 project.

23 “(2) MULTIMODAL PROJECTS.—

1 “(A) IN GENERAL.—Except as otherwise
2 provided in this paragraph, if an eligible project
3 is a multimodal project, the Secretary shall—

4 “(i) determine the predominant modal
5 component of the project; and

6 “(ii) apply the applicable requirements
7 of such predominant modal component to
8 the project.

9 “(B) EXCEPTIONS.—

10 “(i) PASSENGER OR FREIGHT RAIL
11 COMPONENT.—For any passenger or
12 freight rail component of a project, the re-
13 quirements of section 22907(j)(2) of title
14 49 shall apply.

15 “(ii) PUBLIC TRANSPORTATION COM-
16 PONENT.—For any public transportation
17 component of a project, the requirements
18 of section 5333 of title 49 shall apply.

19 “(C) BUY AMERICA.—In applying the Buy
20 American requirements under section 313 of
21 this title and sections 5320, 22905(a), and
22 24305(f) of title 49 to a multimodal project
23 under this paragraph, the Secretary shall—

24 “(i) consider the various modal com-
25 ponents of the project; and

1 “(ii) seek to maximize domestic jobs.

2 “(3) FEDERAL-AID HIGHWAY REQUIRE-
3 MENTS.—Notwithstanding any other provision of
4 this subsection, the Secretary shall require recipients
5 of grants under this section to comply with sub-
6 section (a) of section 113 with respect to public
7 transportation projects, passenger rail projects, and
8 freight rail projects, in the same manner that recipi-
9 ents of grants are required to comply with such sub-
10 section for construction work performed on highway
11 projects on Federal-aid highways.

12 “(1) TRANSPARENCY.—

13 “(1) IN GENERAL.—Not later than 30 days
14 after awarding a grant for a project under this sec-
15 tion, the Secretary shall send to all applicants, and
16 publish on the website of the Department of Trans-
17 portation—

18 “(A) a summary of each application made
19 to the program for the grant application period;
20 and

21 “(B) the evaluation and justification for
22 the project selection, including ratings and
23 rankings assigned to all applications and a list
24 of applications that received final consideration

1 by the Secretary to receive an award under this
2 section, for the grant application period.

3 “(2) BRIEFING.—The Secretary shall provide,
4 at the request of a grant applicant under this sec-
5 tion, the opportunity to receive a briefing to explain
6 any reasons the grant applicant was not awarded a
7 grant.

8 “(m) DEFINITIONS.—In this section:

9 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
10 tity’ means—

11 “(A) a metropolitan planning organization;

12 “(B) a unit of local government;

13 “(C) a transit agency;

14 “(D) a Tribal Government or a consortium
15 of Tribal governments;

16 “(E) a multijurisdictional group of entities
17 described in this paragraph;

18 “(F) a special purpose district with a
19 transportation function or a port authority;

20 “(G) a territory; or

21 “(H) a State that applies for a grant
22 under this section jointly with an entity de-
23 scribed in subparagraphs (A) through (G).

1 “(2) ELIGIBLE PROJECT.—The term ‘eligible
2 project’ means any project eligible under this title or
3 chapter 53 of title 49.”.

4 (b) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 1 of title 23, United States Code, is further amended
6 by adding at the end the following new item:

 “173. Community transportation investment grant program.”.

7 **SEC. 1303. GRANTS FOR CHARGING AND FUELING INFRA-**
8 **STRUCTURE TO MODERNIZE AND RECON-**
9 **NECT AMERICA FOR THE 21ST CENTURY.**

10 (a) PURPOSE.—The purpose of this section is to es-
11 tablish a grant program to strategically deploy electric ve-
12 hicle charging infrastructure, natural gas fueling, propane
13 fueling, and hydrogen fueling infrastructure along des-
14 ignated alternative fuel corridors that will be accessible to
15 all drivers of electric vehicles, natural gas vehicles, pro-
16 pane vehicles, and hydrogen vehicles.

17 (b) GRANT PROGRAM.—Section 151 of title 23,
18 United States Code, is amended—

19 (1) in subsection (a) by striking “Not later
20 than 1 year after the date of enactment of the
21 FAST Act, the Secretary shall” and inserting “The
22 Secretary shall periodically”;

23 (2) in subsection (b)(2) by inserting “previously
24 designated by the Federal Highway Administration
25 or” after “fueling corridors”;

1 (3) in subsection (d)—

2 (A) by striking “5 years after the date of
3 establishment of the corridors under subsection
4 (a), and every 5 years thereafter” and inserting
5 “180 days after the date of enactment of the
6 INVEST in America Act”; and

7 (B) by inserting “establish a recurring
8 process to regularly” after “the Secretary
9 shall”;

10 (4) in subsection (e)—

11 (A) in paragraph (1) by striking “; and”
12 and inserting a semicolon;

13 (B) in paragraph (2)—

14 (i) by striking “establishes an aspira-
15 tional goal of achieving” and inserting “de-
16 scribes efforts to achieve”; and

17 (ii) by striking “by the end of fiscal
18 year 2020.” and inserting a semicolon; and

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

20 “(3) summarizes best practices and provides
21 guidance, developed through consultation with the
22 Secretary of Energy, for project development of elec-
23 tric vehicle charging infrastructure, hydrogen fueling
24 infrastructure, and natural gas fueling infrastruc-
25 ture at the State, tribal, and local level to allow for

1 the predictable deployment of such infrastructure;
2 and

3 “(4) summarizes the progress and implementa-
4 tion of the grant program under subsection (f), in-
5 cluding—

6 “(A) a description of how funds awarded
7 through the grant program under subsection (f)
8 will aid efforts to achieve strategic deployment
9 of electric vehicle charging infrastructure, nat-
10 ural gas fueling, propane fueling, and hydrogen
11 fueling infrastructure in those corridors;

12 “(B) the total number and location of
13 charging and fueling stations installed under
14 subsection (f); and

15 “(C) the total estimated greenhouse gas
16 emissions that have been reduced through the
17 use of electric vehicle charging, natural gas
18 fueling, propane fueling, or hydrogen fueling in-
19 frastructure funded under subsection (f) using
20 the methodology identified in paragraph
21 (3)(B).”; and

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

23 “(f) ELECTRIC VEHICLE CHARGING, NATURAL GAS
24 FUELING, PROPANE FUELING, AND HYDROGEN FUELING
25 INFRASTRUCTURE GRANTS.—

1 “(1) ESTABLISHMENT.—Not later than 1 year
2 after the date of enactment of the INVEST in
3 America Act, the Secretary shall establish a grant
4 program to award grants to eligible entities for elec-
5 tric vehicle charging, natural gas fueling, propane
6 fueling, and hydrogen fueling infrastructure projects.

7 “(2) ELIGIBLE ENTITY.—An entity eligible to
8 receive a grant under this subsection is—

9 “(A) a State (as such term is defined in
10 section 401) or political subdivision of a State;

11 “(B) a metropolitan planning organization;

12 “(C) a unit of local government;

13 “(D) a special purpose district or public
14 authority with a transportation function, includ-
15 ing a port authority;

16 “(E) a Tribal government;

17 “(F) an authority, agency, or instrumen-
18 tality of, or an entity owned by, one or more of
19 the entities described in subparagraphs (A)
20 through (E); or

21 “(G) a group of entities described in sub-
22 paragraphs (A) through (F).

23 “(3) APPLICATION.—To be eligible to receive a
24 grant under this subsection, an eligible entity shall
25 submit to the Secretary an application at such time,

1 in such manner, and containing such information as
2 the Secretary shall require, including—

3 “(A) a description of—

4 “(i) the public accessibility of the
5 charging or fueling infrastructure proposed
6 to be funded with a grant under this sub-
7 section, including—

8 “(I) charging or fueling con-
9 nector types;

10 “(II) publicly available informa-
11 tion on real-time availability; and

12 “(III) payment methods available
13 to all members of the public to ensure
14 secure, convenient, fair, and equal ac-
15 cess and not limited by membership to
16 a particular provider;

17 “(ii) collaborative engagement with
18 the entity with jurisdiction over the road-
19 way and any other relevant stakeholders
20 (including automobile manufacturers, utili-
21 ties, infrastructure providers, technology
22 providers, electric charging, natural gas,
23 propane, and hydrogen fuel providers, met-
24 ropolitan planning organizations, States,
25 Indian Tribes, units of local government,

1 fleet owners, fleet managers, fuel station
2 owners and operators, labor organizations,
3 environmental and environmental justice
4 organizations, infrastructure construction
5 and component parts suppliers, and
6 multistate and regional entities)—

7 “(I) to foster enhanced, coordi-
8 nated, public-private or private invest-
9 ment in electric vehicle charging, nat-
10 ural gas fueling, propane fueling, and
11 hydrogen fueling infrastructure;

12 “(II) to expand deployment of
13 electric vehicle charging, natural gas
14 fueling, propane fueling, or hydrogen
15 fueling infrastructure;

16 “(III) to protect personal privacy
17 and ensure cybersecurity; and

18 “(IV) to ensure that a properly
19 trained workforce is available to con-
20 struct and install electric vehicle
21 charging, natural gas fueling, propane
22 fueling, or hydrogen fueling infra-
23 structure;

24 “(iii) the location of the station or
25 fueling site, including consideration of—

1 “(I) the availability of onsite
2 amenities for vehicle operators, includ-
3 ing restrooms or food facilities;

4 “(II) access in compliance with
5 the Americans with Disabilities Act of
6 1990 (42 U.S.C. 12101 et seq.);

7 “(III) height and fueling capacity
8 requirements for facilities that charge
9 or refuel large vehicles, including
10 semitrailer trucks; and

11 “(IV) appropriate distribution to
12 avoid redundancy and fill charging or
13 fueling gaps;

14 “(iv) infrastructure installation that
15 can be responsive to technology advance-
16 ments, including accommodating autono-
17 mous vehicles and future charging meth-
18 ods;

19 “(v) the long-term operation and
20 maintenance of the electric vehicle charg-
21 ing or hydrogen fueling infrastructure to
22 avoid stranded assets and protect the in-
23 vestment of public funds in such infra-
24 structure; and

1 “(vi) in the case of an applicant that
2 is not a State department of transpor-
3 tation, the degree of coordination with the
4 applicable State department of transpor-
5 tation; and

6 “(B) an assessment of the estimated
7 greenhouse gas emissions and air pollution from
8 vehicle emissions that will be reduced through
9 the use of electric vehicle charging, natural gas
10 fueling, propane fueling, or hydrogen fueling in-
11 frastructure, which shall be conducted using
12 one standardized methodology or tool as deter-
13 mined by the Secretary.

14 “(4) CONSIDERATIONS.—In selecting eligible
15 entities to receive a grant under this subsection, the
16 Secretary shall—

17 “(A) consider the extent to which the ap-
18 plication of the eligible entity would—

19 “(i) reduce estimated greenhouse gas
20 emissions and air pollution from vehicle
21 emissions, weighted by the total Federal
22 investment in the project;

23 “(ii) improve alternative fueling cor-
24 ridor networks by—

1 “(I) converting corridor-pending
2 corridors to corridor-ready corridors;
3 or

4 “(II) in the case of corridor-
5 ready corridors, providing additional
6 capacity—

7 “(aa) to meet excess demand
8 for charging or fueling infra-
9 structure;

10 “(bb) to reduce congestion
11 at existing charging or fueling in-
12 frastructure in high-traffic loca-
13 tions; or

14 “(cc) to provide charging
15 stations that support charging
16 needs for current and future ve-
17 hicles and minimize future up-
18 grade costs;

19 “(iii) meet current or anticipated mar-
20 ket demands for charging or fueling infra-
21 structure, including faster charging speeds;

22 “(iv) enable or accelerate the con-
23 struction of charging or fueling infrastruc-
24 ture that would be unlikely to be completed
25 without Federal assistance;

1 “(v) support a long-term competitive
2 market for electric vehicle charging infra-
3 structure, natural gas fueling, propane
4 fueling, or hydrogen fueling infrastructure
5 that does not significantly impair existing
6 electric vehicle charging or hydrogen fuel-
7 ing infrastructure providers;

8 “(vi) reduce greenhouse gas emissions
9 in established goods-movement corridors,
10 locations serving first- and last-mile freight
11 near ports and freight hubs, and locations
12 that optimize infrastructure networks and
13 reduce hazardous air pollutants in commu-
14 nities disproportionately impacted by such
15 pollutants;

16 “(vii) plans for the use of renewable
17 energy sources or zero emissions energy
18 sources for the charging or fueling infra-
19 structure; and

20 “(viii) provide publicly available elec-
21 tric vehicle charging placement and con-
22 struction in communities in which climate
23 change, pollution, or environmental de-
24 struction have exacerbated systemic racial,
25 regional, social, environmental, and eco-

1 nomic injustices by disproportionately af-
2 fecting indigenous peoples, communities of
3 color, migrant communities,
4 deindustrialized communities, depopulated
5 rural communities, the poor low income
6 workers, women, the elderly, the unhoused,
7 individuals with disabilities, or youth; and

8 “(B) ensure, to the maximum extent prac-
9 ticable, geographic diversity among grant recipi-
10 ents to ensure that electric vehicle charging in-
11 frastructure or hydrogen fueling infrastructure
12 is available throughout the United States.

13 “(5) USE OF FUNDS.—

14 “(A) IN GENERAL.—Any grant made
15 under this subsection shall be—

16 “(i) directly related to the charging or
17 fueling of a vehicle; and

18 “(ii) only for charging or fueling in-
19 frastructure that is open to the general
20 public.

21 “(B) LOCATION OF INFRASTRUCTURE.—

22 “(i) IN GENERAL.—Any electric vehi-
23 cle charging, natural gas fueling, propane
24 fueling, or hydrogen fueling infrastructure
25 acquired and installed with a grant under

1 this subsection shall be located along an al-
2 ternative fuel corridor designated under
3 this section or by a State or group of
4 States.

5 “(ii) EXCEPTION.—Notwithstanding
6 clause (i), the Secretary may make a grant
7 for electric vehicle charging or hydrogen
8 fueling infrastructure not on a designated
9 alternative fuel corridor if the applicant
10 demonstrates that the proposed charging
11 or fueling infrastructure would expand de-
12 ployment of electric vehicle charging or hy-
13 drogen fueling to a greater number of
14 users than investments on such corridor.

15 “(C) OPERATING ASSISTANCE.—

16 “(i) IN GENERAL.—Subject to clauses
17 (ii) and (iii), an eligible entity that receives
18 a grant under this subsection may use a
19 portion of the funds for operating assist-
20 ance for the first 5 years of operations
21 after the installation of electric vehicle
22 charging, natural gas fueling, propane fuel-
23 ing, or hydrogen fueling infrastructure
24 while the facility transitions to independent
25 system operations.

1 “(ii) INCLUSION.—Operating assist-
2 ance under this subparagraph shall be lim-
3 ited to costs allocable to operating and
4 maintaining the electric vehicle charging,
5 natural gas fueling, propane fueling, or hy-
6 drogen fueling infrastructure and service.

7 “(iii) LIMITATION.—Operating assist-
8 ance under this subparagraph may not ex-
9 ceed the amount of a contract under sub-
10 paragraph (A) to acquire and install elec-
11 tric vehicle charging, natural gas fueling,
12 propane fueling, or hydrogen fueling infra-
13 structure.

14 “(D) SIGNS.—

15 “(i) IN GENERAL.—Subject to this
16 paragraph and paragraph (6)(B), an eligi-
17 ble entity that receives a grant under this
18 subsection may use a portion of the funds
19 to acquire and install—

20 “(I) traffic control devices lo-
21 cated in the right-of-way to provide
22 directional information to electric ve-
23 hicle charging, natural gas fueling,
24 propane fueling, or hydrogen fueling
25 infrastructure acquired, installed, or

1 operated with the grant under this
2 subsection; and

3 “(II) on-premises signs to pro-
4 vide information about electric vehicle
5 charging, natural gas fueling, propane
6 fueling, or hydrogen fueling infra-
7 structure acquired, installed, or oper-
8 ated with a grant under this sub-
9 section.

10 “(ii) REQUIREMENT.—Any traffic
11 control device or on-premises sign ac-
12 quired, installed, or operated with a grant
13 under this subsection shall comply with the
14 Manual on Uniform Traffic Control De-
15 vices, if located in the highway right-of-
16 way.

17 “(E) REVENUE.—An eligible entity receiv-
18 ing a grant under this subsection and a private
19 entity referred to in subparagraph (F) may
20 enter into a cost-sharing agreement under
21 which the private entity submits to the eligible
22 entity a portion of the revenue from the electric
23 vehicle charging, natural gas fueling, propane
24 fueling, or hydrogen fueling infrastructure.

25 “(F) PRIVATE ENTITY.—

1 “(i) IN GENERAL.—An eligible entity
2 receiving a grant under this subsection
3 may use the funds in accordance with this
4 paragraph to contract with a private entity
5 for installation, operation, or maintenance
6 of electric vehicle charging, natural gas
7 fueling, propane fueling, or hydrogen fuel-
8 ing infrastructure.

9 “(ii) INCLUSION.—An eligible private
10 entity includes privately, publicly, or coop-
11 eratively owned utilities, private electric ve-
12 hicle service equipment and hydrogen fuel-
13 ing infrastructure providers, and retail fuel
14 stations.

15 “(6) PROJECT REQUIREMENTS.—

16 “(A) IN GENERAL.—Notwithstanding any
17 other provision of law, any project funded by a
18 grant under this subsection shall be treated as
19 a project on a Federal-aid highway.

20 “(B) ELECTRIC VEHICLE CHARGING
21 PROJECTS.—A project for electric vehicle charg-
22 ing infrastructure funded by a grant under this
23 subsection shall be subject to the requirements
24 of section 155.

1 “(7) FEDERAL SHARE.—The Federal share of
2 the cost of a project carried out with a grant under
3 this subsection shall not exceed 80 percent of the
4 total project cost.

5 “(8) STUDY BY THE NATIONAL ACADEMIES.—

6 “(A) IN GENERAL.—The Secretary shall
7 seek to enter into an agreement with the Na-
8 tional Academies for the Transportation Re-
9 search Board of the National Academy of
10 Sciences shall—

11 “(i) conduct a study on options for fi-
12 nancing the placement of a national net-
13 work of publicly available EV charging in-
14 frastructure along all eligible roads on the
15 National Highway System that includes
16 consideration of financial instruments and
17 optimization of public-private partnerships;
18 and

19 “(ii) conduct a study to determine the
20 maximum distance allowable between pub-
21 licly available EV charging infrastructure,
22 such that—

23 “(I) a driver starting at any
24 point along an eligible road on the
25 National Highway System within the

1 continental United States can drive to
2 any other point along an eligible road
3 on the National Highway System
4 without running out of a charging
5 power; and

6 “(II) a driver starting at any
7 point along an eligible road on the
8 National Highway System within Ha-
9 waii, Alaska, or Puerto Rico can drive
10 to any other point along an eligible
11 road on the National Highway System
12 within that same state or territory
13 without running out of charging
14 power.

15 “(B) SUBMISSION TO CONGRESS.—Not
16 later than 2 years after the date of enactment
17 of this subsection, the Secretary shall submit to
18 Congress the results of the studies commis-
19 sioned under subparagraph (A).”.

20 **SEC. 1304. COMMUNITY CLIMATE INNOVATION GRANTS.**

21 (a) IN GENERAL.—Chapter 1 of title 23, United
22 States Code, as amended by this title, is further amended
23 by inserting after section 171 the following:

1 **“§ 172. Community climate innovation grants**

2 “(a) ESTABLISHMENT.—The Secretary shall estab-
3 lish a community climate innovation grant program (in
4 this section referred to as the ‘Program’) to make grants,
5 on a competitive basis, for locally selected projects that
6 reduce greenhouse gas emissions while improving the mo-
7 bility, accessibility, and connectivity of the surface trans-
8 portation system.

9 “(b) PURPOSE.—The purpose of the Program shall
10 be to support communities in reducing greenhouse gas
11 emissions from the surface transportation system.

12 “(c) ELIGIBLE APPLICANTS.—The Secretary may
13 make grants under the Program to the following entities:

14 “(1) A metropolitan planning organization.

15 “(2) A unit of local government or a group of
16 local governments, or a county or multi-county spe-
17 cial district.

18 “(3) A subdivision of a local government.

19 “(4) A transit agency.

20 “(5) A special purpose district with a transpor-
21 tation function or a port authority.

22 “(6) A Tribal government or a consortium of
23 tribal governments.

24 “(7) A territory.

25 “(8) A multijurisdictional group of entities de-
26 scribed in paragraphs (1) through (7).

1 “(d) APPLICATIONS.—To be eligible for a grant
2 under the Program, an entity specified in subsection (c)
3 shall submit to the Secretary an application in such form,
4 at such time, and containing such information as the Sec-
5 retary determines appropriate.

6 “(e) ELIGIBLE PROJECTS.—The Secretary may only
7 provide a grant under the Program for a project that is
8 expected to yield a significant reduction in greenhouse gas
9 emissions from the surface transportation system and—

10 “(1) is a project eligible for assistance under
11 this title or under chapter 53 of title 49 or supports
12 fueling infrastructure for fuels defined under section
13 9001(5) of the Farm Security and Rural Investment
14 Act of 2002 (7 U.S.C. 8101(5)); or

15 “(2) is a capital project as defined in section
16 22906 of title 49 to improve intercity passenger rail
17 that will yield a significant reduction in single occu-
18 pant vehicle trips and improve mobility on public
19 roads.

20 “(f) ELIGIBLE USES.—Grant amounts received for a
21 project under the Program may be used for—

22 “(1) development phase activities, including
23 planning, feasibility analysis, revenue forecasting,
24 environmental review, preliminary engineering and

1 design work, and other preconstruction activities;
2 and

3 “(2) construction, reconstruction, rehabilitation,
4 acquisition of real property (including land related
5 to the project and improvements to the land), envi-
6 ronmental mitigation, construction contingencies, ac-
7 quisition of equipment, and operational improve-
8 ments.

9 “(g) PROJECT PRIORITIZATION.—In making grants
10 for projects under the Program, the Secretary shall give
11 priority to projects that are expected to yield the most sig-
12 nificant reductions in greenhouse gas emissions from the
13 surface transportation system.

14 “(h) ADDITIONAL CONSIDERATIONS.—In making
15 grants for projects under the Program, the Secretary shall
16 consider the extent to which—

17 “(1) a project maximizes greenhouse gas reduc-
18 tions in a cost-effective manner;

19 “(2) a project reduces dependence on single-oc-
20 cupant vehicle trips or provides additional transpor-
21 tation options;

22 “(3) a project improves the connectivity and ac-
23 cessibility of the surface transportation system, par-
24 ticularly to low- and zero-emission forms of trans-

1 portation, including public transportation, walking,
2 and bicycling;

3 “(4) an applicant has adequately considered or
4 will adequately consider, including through the op-
5 portunity for public comment, the environmental jus-
6 tice and equity impacts of the project;

7 “(5) a project contributes to geographic diver-
8 sity among grant recipients, including to achieve a
9 balance between urban, suburban, and rural commu-
10 nities;

11 “(6) a project serves low-income residents of
12 low-income communities, including areas of per-
13 sistent poverty, while not displacing such residents;

14 “(7) a project uses pavement materials that
15 demonstrate reductions in greenhouse gas emissions
16 through sequestration or innovative manufacturing
17 processes;

18 “(8) a project repurposes neglected or
19 underused infrastructure, including abandoned high-
20 ways, bridges, railways, trail ways, and adjacent
21 underused spaces, into new hybrid forms of public
22 space that support multiple modes of transportation;
23 and

24 “(9) a project includes regional multimodal
25 transportation system management and operations

1 elements that will improve the effectiveness of such
2 project and encourage reduction of single occupancy
3 trips by providing the ability of users to plan, use,
4 and pay for multimodal transportation alternatives.

5 “(i) FUNDING.—

6 “(1) MAXIMUM AMOUNT.—The maximum
7 amount of a grant under the Program shall be
8 \$25,000,000.

9 “(2) TECHNICAL ASSISTANCE.—Of the amounts
10 made available to carry out the Program, the Sec-
11 retary may use up to 1 percent to provide technical
12 assistance to applicants and potential applicants.

13 “(j) TREATMENT OF PROJECTS.—

14 “(1) FEDERAL REQUIREMENTS.—The Secretary
15 shall, with respect to a project funded by a grant
16 under this section, apply—

17 “(A) the requirements of this title to a
18 highway project;

19 “(B) the requirements of chapter 53 of
20 title 49 to a public transportation project; and

21 “(C) the requirements of section 22905 of
22 title 49 to a passenger rail or freight rail
23 project.

24 “(2) MULTIMODAL PROJECTS.—

1 “(A) IN GENERAL.—Except as otherwise
2 provided in this paragraph, if an eligible project
3 is a multimodal project, the Secretary shall—

4 “(i) determine the predominant modal
5 component of the project; and

6 “(ii) apply the applicable requirements
7 of such predominant modal component to
8 the project.

9 “(B) EXCEPTIONS.—

10 “(i) PASSENGER OR FREIGHT RAIL
11 COMPONENT.—For any passenger or
12 freight rail component of a project, the re-
13 quirements of section 22907(j)(2) of title
14 49 shall apply.

15 “(ii) PUBLIC TRANSPORTATION COM-
16 PONENT.—For any public transportation
17 component of a project, the requirements
18 of section 5333 of title 49 shall apply.

19 “(C) BUY AMERICA.—In applying the Buy
20 American requirements under section 313 of
21 this title and sections 5320, 22905(a), and
22 24305(f) of title 49 to a multimodal project
23 under this paragraph, the Secretary shall—

24 “(i) consider the various modal com-
25 ponents of the project; and

1 “(ii) seek to maximize domestic jobs.

2 “(3) FEDERAL-AID HIGHWAY REQUIRE-
3 MENTS.—Notwithstanding any other provision of
4 this subsection, the Secretary shall require recipients
5 of grants under this section to comply with sub-
6 section (a) of section 113 with respect to public
7 transportation projects, passenger rail projects, and
8 freight rail projects, in the same manner that recipi-
9 ents of grants are required to comply with such sub-
10 section for construction work performed on highway
11 projects on Federal-aid highways.

12 “(k) SINGLE-OCCUPANCY VEHICLE HIGHWAY FA-
13 CILITIES.—None of the funds provided under this section
14 may be used for a project that will result in the construc-
15 tion of new capacity available to single occupant vehicles
16 unless the project consists of a high-occupancy vehicle fa-
17 cility and is consistent with section 166.

18 “(l) DEFINITION OF AREAS OF PERSISTENT POV-
19 ERTY.—In this section, the term ‘areas of persistent pov-
20 erty’ means—

21 “(1) any county that has had 20 percent or
22 more of the population of such county living in pov-
23 erty over the past 30 years, as measured by the
24 1990 and 2000 decennial censuses and the most re-
25 cent Small Area Income and Poverty Estimates;

1 “(2) any census tract with a poverty rate of at
2 least 20 percent, as measured by the most recent 5-
3 year data series available from the American Com-
4 munity Survey of the Bureau of the Census for all
5 States and Puerto Rico; or

6 “(3) any other territory or possession of the
7 United States that has had 20 percent or more of
8 its population living in poverty over the past 30
9 years, as measured by the 1990, 2000, and 2010 is-
10 land areas decennial censuses, or equivalent data, of
11 the Bureau of the Census.

12 “(m) PUBLIC COMMENT.—Prior to issuing the notice
13 of funding opportunity for funding under this section for
14 fiscal year 2022, the Secretary, in consultation with the
15 Administrator of the Environmental Protection Agency,
16 shall solicit public comment on the method of determining
17 the significant reduction in greenhouse gas emissions re-
18 quired under subsection (e).

19 “(n) CONSULTATION.—Prior to making an award
20 under this section in a given fiscal year, the Secretary
21 shall consult with the Administrator of the Environmental
22 Protection Agency to determine which projects are ex-
23 pected to yield a significant reduction in greenhouse gas
24 emissions as required under subsection (e).”.

1 (b) CLERICAL AMENDMENT.—The analysis for chap-
2 ter 1 of title 23, United States Code, is amended by insert-
3 ing after the item relating to section 171 the following:

“172. Community climate innovation grants.”.

4 **SEC. 1305. METRO PERFORMANCE PROGRAM.**

5 (a) ESTABLISHMENT.—The Secretary of Transpor-
6 tation shall directly allocate funds in accordance with this
7 section to enhance local decision making and control in
8 delivering projects to address local transportation needs.

9 (b) DESIGNATION.—

10 (1) IN GENERAL.—The Secretary shall des-
11 ignate direct recipients based on the criteria in para-
12 graph (3) to be direct recipients of funds under this
13 section.

14 (2) RESPONSIBILITIES.—A direct recipient shall
15 be responsible for compliance with any requirements
16 related to the use of Federal funds vested in a State
17 department of transportation under chapter 1 of
18 title 23, United States Code.

19 (3) CRITERIA.—In designating an applicant
20 under this subsection, the Secretary shall consider—

21 (A) the legal, financial, and technical ca-
22 pacity of the applicant;

23 (B) the level of coordination between the
24 applicant and—

1 (i) the State department of transpor-
2 tation of the State or States in which the
3 metropolitan planning area represented by
4 the applicant is located;

5 (ii) local governments and providers of
6 public transportation within the metropoli-
7 tan planning area represented by the appli-
8 cant; and

9 (iii) if more than one metropolitan
10 planning organization is designated within
11 an urbanized area represented by the ap-
12 plicant, any other such metropolitan plan-
13 ning organization;

14 (C) in the case of an applicant that rep-
15 resents an urbanized area population of greater
16 than 200,000, the effectiveness of project deliv-
17 ery and timely obligation of funds made avail-
18 able under section 133(d)(1)(A)(i) of title 23,
19 United States Code;

20 (D) if the applicant or a local government
21 within the metropolitan planning area that the
22 applicant represents has been the recipient of a
23 discretionary grant from the Secretary within
24 the preceding 5 years, the administration of
25 such grant;

1 (E) the extent to which the planning and
2 decision making process of the applicant, in-
3 cluding the long-range transportation plan and
4 the approved transportation improvement pro-
5 gram under section 134 of such title, support—

6 (i) the performance goals established
7 under section 150(b) of such title; and

8 (ii) the achievement of metropolitan
9 or statewide performance targets estab-
10 lished under section 150(d) of such title;

11 (F) whether the applicant is a designated
12 recipient of funds from the Federal Transit Ad-
13 ministration as described under subsections (A)
14 and (B) of section 5302(4) of title 49, United
15 States Code; and

16 (G) any other criteria established by the
17 Secretary.

18 (4) REQUIREMENTS.—

19 (A) CALL FOR NOMINATION.—Not later
20 than February 1, 2022, the Secretary shall
21 publish in the Federal Register a notice solici-
22 ting applications for designation under this
23 subsection.

24 (B) GUIDANCE.—The notification under
25 paragraph (1) shall include guidance on the re-

1 requirements and responsibilities of a direct re-
2 cipient under this section, including imple-
3 menting regulations.

4 (C) DETERMINATION.—The Secretary
5 shall make all designations under this section
6 for fiscal year 2023 not later than June 1,
7 2022.

8 (5) TERM.—Except as provided in paragraph
9 (6), a designation under this subsection shall—

10 (A) be for a period of not less than 5
11 years; and

12 (B) be renewable.

13 (6) TERMINATION.—

14 (A) IN GENERAL.—The Secretary shall es-
15 tablish procedures for the termination of a des-
16 ignation under this subsection.

17 (B) CONSIDERATIONS.—In establishing
18 procedures under subparagraph (A), the Sec-
19 retary shall consider—

20 (i) with respect to projects carried out
21 under this section, compliance with the re-
22 quirements of title 23, United States Code,
23 or chapter 53 of title 49, United States
24 Code; and

25 (ii) the obligation rate of any funds—

1 (I) made available under this sec-
2 tion; and

3 (II) in the case of a metropolitan
4 planning organization that represents
5 a metropolitan planning area with an
6 urbanized area population of greater
7 than 200,000, made available under
8 section 133(d)(1)(A)(i) of title 23,
9 United States Code.

10 (c) USE OF FUNDS.—

11 (1) ELIGIBLE PROJECTS.—Funds made avail-
12 able under this section may be obligated for the pur-
13 poses described in section 133(b) of title 23, United
14 States Code.

15 (2) ADMINISTRATIVE EXPENSES AND TECH-
16 NICAL ASSISTANCE.—Of the amounts made available
17 under this section, the Secretary may set aside not
18 more than \$5,000,000 for program management,
19 oversight, and technical assistance to direct recipi-
20 ents.

21 (d) RESPONSIBILITIES OF DIRECT RECIPIENTS.—

22 (1) DIRECT AVAILABILITY OF FUNDS.—Not-
23 withstanding title 23, United States Code, the
24 amounts made available under this section shall be
25 allocated to each direct recipient for obligation.

1 (2) PROJECT DELIVERY.—

2 (A) IN GENERAL.—The direct recipient
3 may collaborate with a State, unit of local gov-
4 ernment, regional entity, or transit agency to
5 carry out a project under this section and en-
6 sure compliance with all applicable Federal re-
7 quirements.

8 (B) STATE AUTHORITY.—The State may
9 exercise, on behalf of the direct recipient, any
10 available decisionmaking authorities or actions
11 assumed from the Secretary.

12 (C) USE OF FUNDS.—The direct recipient
13 may use amounts made available under this
14 section to compensate a State, unit of local gov-
15 ernment, regional entity, or transit agency for
16 costs incurred in providing assistance under
17 this paragraph.

18 (3) DISTRIBUTION OF AMOUNTS AMONG DIRECT
19 RECIPIENTS.—

20 (A) IN GENERAL.—Subject to subpara-
21 graph (B), on the first day of the fiscal year for
22 which funds are made available under this sec-
23 tion, the Secretary shall allocate such funds to
24 each direct recipient as the proportion of the
25 population (as determined by data collected by

1 the Bureau of the Census) of the urbanized
2 area represented by any 1 direct recipient bears
3 to the total population of all of urbanized areas
4 represented by all direct recipients.

5 (B) MINIMUM AND MAXIMUM AMOUNTS.—
6 Of funds allocated to direct recipients under
7 subparagraph (A), each direct recipient shall re-
8 ceive not less than \$10,000,000 and not more
9 than \$50,000,000 each fiscal year.

10 (C) MINIMUM GUARANTEED AMOUNT.—In
11 making a determination whether to designate a
12 metropolitan planning organization as a direct
13 recipient under subsection (b), the Secretary
14 shall ensure that each direct recipient receives
15 the minimum required allocation under sub-
16 paragraph (B).

17 (D) ADDITIONAL AMOUNTS.—If any
18 amounts remain undistributed after the dis-
19 tribution described in this subsection, such re-
20 maining amounts and an associated amount of
21 obligation limitation shall be made available as
22 if suballocated under clauses (i) and (ii) of sec-
23 tion 133(d)(1)(A) of title 23, United States
24 Code, and distributed among the States in the
25 proportion that the relative shares of the popu-

1 lation (as determined by data collected by the
2 Bureau of the Census) of the urbanized areas
3 of each State bears to the total populations of
4 all urbanized areas across all States.

5 (4) ASSUMPTION OF RESPONSIBILITY OF THE
6 SECRETARY.—

7 (A) IN GENERAL.—For projects carried
8 out with funds provided under this section, the
9 direct recipient may assume the responsibilities
10 of the Secretary under section 106 of title 23,
11 United States Code, for design, plans, specifica-
12 tions, estimates, contract awards, and inspec-
13 tions with respect to the projects unless the
14 Secretary determines that the assumption is not
15 appropriate.

16 (B) AGREEMENT.—The Secretary and the
17 direct recipient shall enter into an agreement
18 relating to the extent to which the direct recipi-
19 ent assumes the responsibilities of the Secretary
20 under this paragraph.

21 (C) LIMITATIONS.—The Secretary shall re-
22 tain responsibilities described in subparagraph
23 (A) for any project that the Secretary deter-
24 mines to be in a high-risk category, including
25 projects on the National Highway System.

1 (e) EXPENDITURE OF FUNDS.—

2 (1) CONSISTENCY WITH METROPOLITAN PLAN-
3 NING.—Except as otherwise provided in this section,
4 programming and expenditure of funds for projects
5 under this section shall be consistent with the re-
6 quirements of section 134 of title 23, United States
7 Code, and section 5303 of title 49, United States
8 Code.

9 (2) SELECTION OF PROJECTS.—

10 (A) IN GENERAL.—Notwithstanding sub-
11 sections (j)(5) and (k)(4) of section 134 of title
12 23, United States Code, or subsections (j)(5)
13 and (k)(4) of section 5303 of title 49, United
14 States Code, a direct recipient shall select, from
15 the approved transportation improvement pro-
16 gram under such sections, all projects to be
17 funded under this section, including projects on
18 the National Highway System.

19 (B) ELIGIBLE PROJECTS.—The project se-
20 lection process described in this subsection shall
21 apply to all federally funded projects within the
22 boundaries of a metropolitan planning area
23 served by a direct recipient that are carried out
24 under this section.

1 (C) CONSULTATION REQUIRED.—In select-
2 ing a project under this subsection, the metro-
3 politan planning organization shall consult
4 with—

5 (i) in the case of a highway project,
6 the State and locality in which such project
7 is located; and

8 (ii) in the case of a transit project,
9 any affected public transportation oper-
10 ator.

11 (3) RULE OF CONSTRUCTION.—Nothing in this
12 section shall be construed to limit the ability of a di-
13 rect recipient to partner with a State department of
14 transportation or other recipient of Federal funds
15 under title 23, United States Code, or chapter 53 of
16 title 49, United States Code, to carry out a project.

17 (f) TREATMENT OF FUNDS.—

18 (1) IN GENERAL.—Except as provided in this
19 section, funds made available to carry out this sec-
20 tion shall be administered as if apportioned under
21 chapter 1 of title 23, United States Code.

22 (2) FEDERAL SHARE.—The Federal share of
23 the cost of a project carried out under this section
24 shall be determined in accordance with section 120
25 of title 23, United States Code.

1 (g) REPORT.—

2 (1) DIRECT RECIPIENT REPORT.—Not later
3 than 60 days after the end of each fiscal year, each
4 direct recipient shall submit to the Secretary a re-
5 port that includes—

6 (A) a list of projects funded with amounts
7 provided under this section;

8 (B) a description of any obstacles to com-
9 plete projects or timely obligation of funds; and

10 (C) recommendations to improve the effec-
11 tiveness of the program under this section.

12 (2) REPORT TO CONGRESS.—Not later than Oc-
13 tober 1, 2024, the Secretary shall submit to the
14 Committee on Environment and Public Works of the
15 Senate and the Committee on Transportation and
16 Infrastructure of the House of Representatives a re-
17 port that—

18 (A) summarizes the findings of each direct
19 recipient provided under paragraph (1);

20 (B) describes the efforts undertaken by
21 both direct recipients and the Secretary to en-
22 sure compliance with the requirements of title
23 23 and chapter 53 of title 49, United States
24 Code;

1 (C) analyzes the capacity of direct recipi-
2 ents to receive direct allocations of funds under
3 chapter 1 of title 23, United States Code; and

4 (D) provides recommendations from the
5 Secretary to—

6 (i) improve the administration, over-
7 sight, and performance of the program es-
8 tablished under this section;

9 (ii) improve the effectiveness of direct
10 recipients to complete projects and obligate
11 funds in a timely manner; and

12 (iii) evaluate options to expand the
13 authority provided under this section, in-
14 cluding to allow for the direct allocation to
15 metropolitan planning organizations of
16 funds made available to carry out clause
17 (i) or (ii) of section 133(d)(1)(A) of title
18 23, United States Code.

19 (3) UPDATE.—Not less frequently than every 2
20 years, the Secretary shall update the report de-
21 scribed in paragraph (2).

22 (h) DEFINITIONS.—

23 (1) DIRECT RECIPIENT.—In this section, the
24 term “direct recipient” means a metropolitan plan-
25 ning organization designated by the Secretary as

1 high-performing under subsection (b) and that was
2 directly allocated funds as described in subsection
3 (d).

4 (2) METROPOLITAN PLANNING AREA.—The
5 term “metropolitan planning area” has the meaning
6 given such term in section 134 of title 23, United
7 States Code.

8 (3) METROPOLITAN PLANNING ORGANIZA-
9 TION.—The term “metropolitan planning organiza-
10 tion” has the meaning given such term in section
11 134 of title 23, United States Code.

12 (4) NATIONAL HIGHWAY SYSTEM.—The term
13 “National Highway System” has the meaning given
14 such term in section 101 of title 23, United States
15 Code.

16 (5) STATE.—The term “State” has the mean-
17 ing given such term in section 101 of title 23,
18 United States Code.

19 (6) URBANIZED AREA.—The term “urbanized
20 area” has the meaning given such term in section
21 134 of title 23, United States Code.

22 **SEC. 1306. GRIDLOCK REDUCTION GRANT PROGRAM.**

23 (a) ESTABLISHMENT.—The Secretary of Transpor-
24 tation shall establish a gridlock reduction program to
25 make grants, on a competitive basis, for projects to re-

1 duce, and mitigate the adverse impacts of, traffic conges-
2 tion.

3 (b) APPLICATIONS.—To be eligible for a grant under
4 this section, an applicant shall submit to the Secretary an
5 application in such form, at such time, and containing
6 such information as the Secretary determines appropriate.

7 (c) ELIGIBLE APPLICANTS.—The Secretary may
8 make grants under this section to an applicant that is
9 serving a combined statistical area, as defined by the Of-
10 fice of Management and Budget, with a population of not
11 less than 1,300,000 and that is—

12 (1) a metropolitan planning organization;

13 (2) a unit of local government or a group of
14 local governments;

15 (3) a multijurisdictional group of entities de-
16 scribed in paragraphs (1) and (2);

17 (4) a special purpose district or public authority
18 with a transportation function, including a port au-
19 thority; or

20 (5) a State that is in partnership with an entity
21 or group of entities described in paragraph (1), (2),
22 or (3).

23 (d) ELIGIBLE PROJECTS.—The Secretary may award
24 grants under this section to applicants that submit a com-
25 prehensive program of surface transportation-related

1 projects to reduce traffic congestion and related adverse
2 impacts, including a project for one or more of the fol-
3 lowing:

4 (1) Transportation systems management and
5 operations.

6 (2) Intelligent transportation systems.

7 (3) Real-time traveler information.

8 (4) Traffic incident management.

9 (5) Active traffic management.

10 (6) Traffic signal timing.

11 (7) Multimodal travel payment systems.

12 (8) Transportation demand management, in-
13 cluding employer-based commuting programs such
14 as carpool, vanpool, transit benefit, parking cashout,
15 shuttle, or telework programs.

16 (9) A project to provide transportation options
17 to reduce traffic congestion, including—

18 (A) a project under chapter 53 of title 49,
19 United States Code;

20 (B) a bicycle or pedestrian project, includ-
21 ing a project to provide safe and connected ac-
22 tive transportation networks; and

23 (C) a surface transportation project car-
24 ried out in accordance with the national travel
25 and tourism infrastructure strategic plan under

1 section 1431(e) of the FAST Act (49 U.S.C.
2 301 note).

3 (10) Any other project, as determined appro-
4 priate by the Secretary.

5 (e) AWARD PRIORITIZATION.—

6 (1) IN GENERAL.—In selecting grants under
7 this section, the Secretary shall prioritize applicants
8 serving urbanized areas, as described in subsection
9 (c), that are experiencing a high degree of recurrent
10 transportation congestion, as determined by the Sec-
11 retary.

12 (2) ADDITIONAL CONSIDERATIONS.—In select-
13 ing grants under this section, the Secretary shall
14 also consider the extent to which the project
15 would—

16 (A) reduce traffic congestion and improve
17 the reliability of the surface transportation sys-
18 tem;

19 (B) mitigate the adverse impacts of traffic
20 congestion on the surface transportation sys-
21 tem, including safety and environmental im-
22 pacts;

23 (C) maximize the use of existing capacity;
24 and

1 (D) employ innovative, integrated, and
2 multimodal solutions to the items described in
3 subparagraphs (A), (B), and (C).

4 (f) FEDERAL SHARE.—

5 (1) IN GENERAL.—The Federal share of the
6 cost of a project carried out under this section may
7 not exceed 60 percent.

8 (2) MAXIMUM FEDERAL SHARE.—Federal as-
9 sistance other than a grant for a project under this
10 section may be used to satisfy the non-Federal share
11 of the cost of such project, except that the total Fed-
12 eral assistance provided for a project receiving a
13 grant under this section may not exceed 80 percent
14 of the total project cost.

15 (g) USE OF FUNDS.—Funds made available for a
16 project under this section may be used for—

17 (1) development phase activities, including plan-
18 ning, feasibility analysis, revenue forecasting, envi-
19 ronmental review, preliminary engineering and de-
20 sign work, and other preconstruction activities; and

21 (2) construction, reconstruction, rehabilitation,
22 acquisition of real property (including land related
23 to the project and improvements to the land), envi-
24 ronmental mitigation, construction contingencies, ac-

1 quisition of equipment, and operational improve-
2 ments.

3 (h) FUNDING.—

4 (1) GRANT AMOUNT.—A grant under this sec-
5 tion shall be in an amount not less than
6 \$10,000,000 and not more than \$50,000,000.

7 (2) AVAILABILITY.—Funds made available
8 under this program shall be available until expended.

9 (i) FREIGHT PROJECT SET-ASIDE.—

10 (1) IN GENERAL.—The Secretary shall set aside
11 not less than 50 percent of the funds made available
12 to carry out this section for grants for freight
13 projects under this subsection.

14 (2) ELIGIBLE USES.—The Secretary shall pro-
15 vide funds set aside under this subsection to appli-
16 cants that submit a comprehensive program of sur-
17 face transportation-related projects to reduce
18 freight-related traffic congestion and related adverse
19 impacts, including—

20 (A) freight intelligent transportation sys-
21 tems;

22 (B) real-time freight parking information;

23 (C) real-time freight routing information;

24 (D) freight transportation and delivery
25 safety projects;

1 (E) first-mile and last-mile delivery solu-
2 tions;

3 (F) shifting freight delivery to off-peak
4 travel times;

5 (G) reducing greenhouse gas emissions and
6 air pollution from freight transportation and
7 delivery, including through the use of innovative
8 vehicles that produce fewer greenhouse gas
9 emissions;

10 (H) use of centralized delivery locations;

11 (I) designated freight vehicle parking and
12 staging areas;

13 (J) curb space management; and

14 (K) other projects, as determined appro-
15 priate by the Secretary.

16 (3) AWARD PRIORITIZATION.—

17 (A) IN GENERAL.—In providing funds set
18 aside under this section, the Secretary shall
19 prioritize applicants serving urbanized areas, as
20 described in subsection (c), that are experi-
21 encing a high degree of recurrent congestion
22 due to freight transportation, as determined by
23 the Secretary.

24 (B) ADDITIONAL CONSIDERATIONS.—In
25 providing funds set aside under this subsection,

1 the Secretary shall consider the extent to which
2 the proposed project—

3 (i) reduces freight-related traffic con-
4 gestion and improves the reliability of the
5 freight transportation system;

6 (ii) mitigates the adverse impacts of
7 freight-related traffic congestion on the
8 surface transportation system, including
9 safety and environmental impacts;

10 (iii) maximizes the use of existing ca-
11 pacity;

12 (iv) employs innovative, integrated,
13 and multimodal solutions to the items de-
14 scribed in clauses (i) through (iii);

15 (v) leverages Federal funds with non-
16 Federal contributions; and

17 (vi) integrates regional multimodal
18 transportation management and oper-
19 ational projects that address both pas-
20 senger and freight congestion.

21 (4) FLEXIBILITY.—If the Secretary determines
22 that there are insufficient qualified applicants to use
23 the funds set aside under this subsection, the Sec-
24 retary may use such funds for grants for any
25 projects eligible under this section.

1 (j) REPORT.—

2 (1) RECIPIENT REPORT.—The Secretary shall
3 ensure that not later than 2 years after the Sec-
4 retary awards grants under this section, the recipi-
5 ent of each such grant submits to the Secretary a
6 report that contains—

7 (A) information on each activity or project
8 that received funding under this section;

9 (B) a summary of any non-Federal re-
10 sources leveraged by a grant under this section;

11 (C) any statistics, measurements, or quan-
12 titative assessments that demonstrate the con-
13 gestion reduction, reliability, safety, and envi-
14 ronmental benefits achieved through activities
15 or projects that received funding under this sec-
16 tion; and

17 (D) any additional information required by
18 the Secretary.

19 (2) REPORT TO CONGRESS.—Not later than 9
20 months after the date specified in paragraph (1), the
21 Secretary shall submit to the Committee on Trans-
22 portation and Infrastructure of the House of Rep-
23 resentatives and the Committee on Environment and
24 Public Works, the Committee on Commerce, Science,
25 and Transportation, and the Committee on Banking,

1 Housing, and Urban Affairs of the Senate, and
2 make publicly available on a website, a report detail-
3 ing—

4 (A) a summary of any information pro-
5 vided under paragraph (1); and

6 (B) recommendations and best practices
7 to—

8 (i) reduce traffic congestion, including
9 freight-related traffic congestion, and im-
10 prove the reliability of the surface trans-
11 portation system;

12 (ii) mitigate the adverse impacts of
13 traffic congestion, including freight-related
14 traffic congestion, on the surface transpor-
15 tation system, including safety and envi-
16 ronmental impacts; and

17 (iii) employ innovative, integrated,
18 and multimodal solutions to the items de-
19 scribed in clauses (i) and (ii).

20 (k) NOTIFICATION.—Not later than 3 business days
21 before awarding a grant under this section, the Secretary
22 shall notify the Committee on Transportation and Infra-
23 structure of the House of Representatives and the Com-
24 mittee on Environment and Public Works, the Committee
25 on Commerce, Science, and Transportation, and the Com-

1 mittee on Banking, Housing, and Urban Affairs of the
2 Senate of the intention to award such a grant.

3 (l) TREATMENT OF PROJECTS.—

4 (1) FEDERAL REQUIREMENTS.—The Secretary
5 shall, with respect to a project funded by a grant
6 under this section, apply—

7 (A) the requirements of title 23, United
8 States Code, to a highway project;

9 (B) the requirements of chapter 53 of title
10 49, United States Code, to a public transpor-
11 tation project; and

12 (C) the requirements of section 22905 of
13 title 49, United States Code, to a passenger rail
14 or freight rail project.

15 (2) MULTIMODAL PROJECTS.—

16 (A) IN GENERAL.—Except as otherwise
17 provided in this paragraph, if an eligible project
18 is a multimodal project, the Secretary shall—

19 (i) determine the predominant modal
20 component of the project; and

21 (ii) apply the applicable requirements
22 of such predominant modal component to
23 the project.

24 (B) EXCEPTIONS.—

1 (i) PASSENGER OR FREIGHT RAIL
2 COMPONENT.—For any passenger or
3 freight rail component of a project, the re-
4 quirements of section 22907(j)(2) of title
5 49, United States Code, shall apply.

6 (ii) PUBLIC TRANSPORTATION COMPO-
7 NENT.—For any public transportation
8 component of a project, the requirements
9 of section 5333 of title 49, United States
10 Code, shall apply.

11 (C) BUY AMERICA.—In applying the Buy
12 American requirements under section 313 of
13 title 23, United States Code, and sections 5320,
14 22905(a), and 24305(f) of title 49, United
15 States Code, to a multimodal project under this
16 paragraph, the Secretary shall—

17 (i) consider the various modal compo-
18 nents of the project; and

19 (ii) seek to maximize domestic jobs.

20 (3) FEDERAL-AID HIGHWAY REQUIREMENTS.—
21 Notwithstanding any other provision of this sub-
22 section, the Secretary shall require recipients of
23 grants under this section to comply with subsection
24 (a) of section 113 of title 23, United States Code,
25 with respect to public transportation projects, pas-

1 senger rail projects, and freight rail projects, in the
2 same manner that recipients of grants are required
3 to comply with such subsection for construction
4 work performed on highway projects on Federal-aid
5 highways.

6 (m) TREATMENT OF FUNDS.—Except as provided in
7 subsection (l), funds authorized for the purposes described
8 in this section shall be available for obligation in the same
9 manner as if the funds were apportioned under chapter
10 1 of title 23, United States Code.

11 **SEC. 1307. REBUILD RURAL GRANT PROGRAM.**

12 (a) ESTABLISHMENT.—The Secretary of Transpor-
13 tation shall establish a rebuild rural grant program to im-
14 prove the safety, state of good repair, and connectivity of
15 transportation infrastructure in rural communities.

16 (b) GRANT AUTHORITY.—

17 (1) IN GENERAL.—In carrying out the program
18 established in subsection (a), the Secretary shall
19 make grants, on a competitive basis, in accordance
20 with this section.

21 (2) GRANT AMOUNT.—A grant made under this
22 program shall be for no more than \$25,000,000.

23 (c) ELIGIBLE APPLICANTS.—The Secretary may
24 make a grant under this section to—

25 (1) a State;

1 (2) a metropolitan planning organization or a
2 regional transportation planning organization;

3 (3) a unit of local government;

4 (4) a Federal land management agency;

5 (5) a Tribal government or a consortium of
6 Tribal governments;

7 (6) a territory; and

8 (7) a multijurisdictional group of entities de-
9 scribed in this subsection.

10 (d) APPLICATIONS.—To be eligible for a grant under
11 this section, an entity specified under subsection (c) shall
12 submit to the Secretary an application in such form, at
13 such time, and containing such information as the Sec-
14 retary determines is appropriate.

15 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
16 vide grants under this section to projects eligible under
17 title 23, United States Code, including projects on and off
18 the Federal-aid highway system, that improve safety, state
19 of good repair, or connectivity in a rural community, in-
20 cluding projects to—

21 (1) improve transportation safety, including
22 projects on high-risk rural roads and on Federal
23 lands;

1 (2) improve state of good repair, including
2 projects to repair and rehabilitate bridges on and off
3 the Federal-aid highway system;

4 (3) provide or increase access to jobs and serv-
5 ices;

6 (4) provide or increase access to—

7 (A) a grain elevator;

8 (B) an agricultural facility;

9 (C) a mining facility;

10 (D) a forestry facility;

11 (E) an intermodal facility;

12 (F) travel or tourism destinations; or

13 (G) any other facility that supports the
14 economy of a rural community; and

15 (5) reduce vehicle-wildlife collisions and improve
16 habitat connectivity.

17 (f) ELIGIBLE PROJECT COSTS.—Grant amounts for
18 a project under this section may be used for—

19 (1) development phase activities, including plan-
20 ning, feasibility analysis, revenue forecasting, envi-
21 ronmental review, preliminary engineering and de-
22 sign work, and other preconstruction activities; and

23 (2) construction, reconstruction, rehabilitation,
24 acquisition of real property (including land related
25 to the project and improvements to the land), envi-

1 ronmental mitigation, construction contingencies, ac-
2 quisition of equipment, and operational improve-
3 ments.

4 (g) FEDERAL SHARE.—

5 (1) IN GENERAL.—The share of the cost of a
6 project provided with a grant under this section may
7 not exceed 80 percent of the total cost of such
8 project.

9 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
10 assistance other than a grant under this section may
11 be used to satisfy up to 100 percent of the total cost
12 of such project.

13 (h) PRIORITY.—In making grants under this section,
14 the Secretary shall prioritize projects that address—

15 (1) significant transportation safety challenges;

16 (2) state of good repair challenges that pose
17 safety risks or risks to a local economy;

18 (3) economic development challenges;

19 (4) connectivity challenges that limit access to
20 jobs or services; and

21 (5) coordination of projects in the highway
22 right-of-way with proposed broadband service infra-
23 structure needs.

24 (i) NOTIFICATION.—Not later than 3 business days
25 before awarding a grant under this section, the Secretary

1 of Transportation shall notify the Committee on Transpor-
2 tation and Infrastructure of the House of Representatives
3 and the Committee on Environment and Public Works of
4 the Senate of the intention to award such a grant.

5 (j) TREATMENT OF PROJECTS.—Notwithstanding
6 any other provision of law, a project carried out under this
7 section shall be treated as if the project is located on a
8 Federal-aid highway.

9 (k) DEFINITION OF RURAL COMMUNITY.—In this
10 section, the term “rural community” means an area that
11 is not an urbanized area, as such term is defined in section
12 101(a) of title 23, United States Code.

13 **SEC. 1308. PARKING FOR COMMERCIAL MOTOR VEHICLES.**

14 (a) ESTABLISHMENT.—The Secretary of Transpor-
15 tation shall establish a program under which the Secretary
16 shall make grants, on a competitive basis, to eligible enti-
17 ties to address the shortage of parking for commercial
18 motor vehicles to improve the safety of commercial motor
19 vehicle operators.

20 (b) APPLICATIONS.—To be eligible for a grant under
21 this section, an eligible entity shall submit to the Secretary
22 an application in such form, at such time, and containing
23 such information as the Secretary may require.

24 (c) ELIGIBLE PROJECTS.—Projects eligible under
25 this section are projects that—

1 (1) construct safety rest areas that include
2 parking for commercial motor vehicles;

3 (2) construct commercial motor vehicle parking
4 facilities—

5 (A) adjacent to private commercial truck-
6 stops and travel plazas;

7 (B) within the boundaries of, or adjacent
8 to, a publicly owned freight facility, including a
9 port terminal operated by a public authority;
10 and

11 (C) at existing facilities, including inspec-
12 tion and weigh stations and park-and-ride loca-
13 tions;

14 (3) open existing weigh stations, safety rest
15 areas, and park-and-ride facilities to commercial
16 motor vehicle parking;

17 (4) facilitate access to publicly and privately
18 provided commercial motor vehicle parking, such as
19 through the use of intelligent transportation sys-
20 tems;

21 (5) construct turnouts along a Federal-aid
22 highway for commercial motor vehicles;

23 (6) make capital improvements to public com-
24 mercial motor vehicle parking facilities that are

1 closed on a seasonal basis to allow the facilities to
2 remain open year-round;

3 (7) open existing commercial motor vehicle
4 chain-up areas that are closed on a seasonal basis to
5 allow the facilities to remain open year-round for
6 commercial motor vehicle parking;

7 (8) address commercial motor vehicle parking
8 and layover needs in emergencies that strain the ca-
9 pacity of existing publicly and privately provided
10 commercial motor vehicle parking; and

11 (9) make improvements to existing commercial
12 motor vehicle parking facilities, including advanced
13 truckstop electrification systems.

14 (d) USE OF FUNDS.—

15 (1) IN GENERAL.—An eligible entity may use a
16 grant under this section for—

17 (A) development phase activities, including
18 planning, feasibility analysis, benefit-cost anal-
19 ysis, environmental review, preliminary engi-
20 neering and design work, and other
21 preconstruction activities necessary to advance
22 a project described in subsection (c); and

23 (B) construction and operational improve-
24 ments, as such terms are defined in section 101
25 of title 23, United States Code.

1 (2) PRIVATE SECTOR PARTICIPATION.—An eli-
2 gible entity that receives a grant under this section
3 may partner with a private entity to carry out an eli-
4 gible project under this section.

5 (3) LIMITATION.—Not more than 10 percent of
6 the amounts made available to carry out this section
7 may be used to promote the availability of existing
8 commercial motor vehicle parking.

9 (e) SELECTION CRITERIA.—In making grants under
10 this section, the Secretary shall consider—

11 (1) in the case of construction of new commer-
12 cial motor vehicle parking capacity, the shortage of
13 public and private commercial motor vehicle parking
14 near the project; and

15 (2) the extent to which each project—

16 (A) would increase commercial motor vehi-
17 cle parking capacity or utilization;

18 (B) would facilitate the efficient movement
19 of freight;

20 (C) would improve safety, traffic conges-
21 tion, and air quality;

22 (D) is cost effective; and

23 (E) reflects consultation with motor car-
24 riers, commercial motor vehicle operators, and

1 private providers of commercial motor vehicle
2 parking.

3 (f) NOTIFICATION OF CONGRESS.—Not later than 3
4 business days before announcing a project selected to re-
5 ceive a grant under this section, the Secretary of Trans-
6 portation shall notify the Committee on Transportation
7 and Infrastructure of the House of Representatives and
8 the Committee on Environment and Public Works of the
9 Senate of the intention to award such a grant.

10 (g) TREATMENT OF FUNDS.—

11 (1) TREATMENT OF PROJECTS.—Notwith-
12 standing any other provision of law, any project
13 funded by a grant under this section shall be treated
14 as a project on a Federal-aid highway under chapter
15 1 of title 23, United States Code.

16 (2) FEDERAL SHARE.—The Federal share of
17 the cost of a project under this section shall be de-
18 termined in accordance with subsections (b) and (c)
19 of section 120 of title 23, United States Code.

20 (h) PROHIBITION ON CHARGING FEES.—To be eligi-
21 ble for a grant under this section, an eligible entity shall
22 certify that no fees will be charged for the use of a project
23 assisted with such grant.

24 (i) AMENDMENT TO MAP-21.—Section 1401(c)(1)
25 of MAP-21 (23 U.S.C. 137 note) is amended—

1 (1) by inserting “and private providers of com-
2 mercial motor vehicle parking” after “personnel”;
3 and

4 (2) in subparagraph (A) by striking “the capa-
5 bility of the State to provide” and inserting “the
6 availability of”.

7 (j) SURVEY; COMPARATIVE ASSESSMENT; REPORT.—

8 (1) UPDATE.—Not later than 2 years after the
9 date of enactment of this Act, the Secretary shall
10 update the survey of each State required under sec-
11 tion 1401(c)(1) of the MAP-21 (23 U.S.C. 137
12 note).

13 (2) REPORT.—Not later than 1 year after the
14 deadline under paragraph (1), the Secretary shall
15 publish on the website of the Department of Trans-
16 portation a report that—

17 (A) evaluates the availability of adequate
18 parking and rest facilities for commercial motor
19 vehicles engaged in interstate transportation;

20 (B) evaluates the effectiveness of the
21 projects funded under this section in improving
22 access to commercial motor vehicle parking; and

23 (C) reports on the progress being made to
24 provide adequate commercial motor vehicle
25 parking facilities in the State.

1 (3) CONSULTATION.—The Secretary shall pre-
2 pare the report required under paragraph (2) in con-
3 sultation with—

4 (A) relevant State motor carrier safety
5 personnel;

6 (B) motor carriers and commercial motor
7 vehicle operators; and

8 (C) private providers of commercial motor
9 vehicle parking.

10 (k) DEFINITIONS.—In this section:

11 (1) COMMERCIAL MOTOR VEHICLE.—The term
12 “commercial motor vehicle” has the meaning given
13 such term in section 31132 of title 49, United
14 States Code.

15 (2) ELIGIBLE ENTITY.—The term “eligible enti-
16 ty” means—

17 (A) a State;

18 (B) a metropolitan planning organization;

19 (C) a unit of local government;

20 (D) a political subdivision of a State or
21 local government carrying out responsibilities
22 relating to commercial motor vehicle parking;
23 and

1 (E) a multistate or multijurisdictional
2 group of entities described in subparagraphs
3 (A) through (D).

4 (3) SAFETY REST AREA.—The term “safety
5 rest area” has the meaning given such term in sec-
6 tion 120(c) of title 23, United States Code.

7 **SEC. 1309. ACTIVE TRANSPORTATION CONNECTIVITY**
8 **GRANT PROGRAM.**

9 (a) ESTABLISHMENT.—The Secretary of Transpor-
10 tation shall establish an active transportation connectivity
11 grant program to provide for safe and connected active
12 transportation facilities.

13 (b) GRANT AUTHORITY.—In carrying out the pro-
14 gram established in subsection (a), the Secretary shall
15 make grants, on a competitive basis, in accordance with
16 this section.

17 (c) ELIGIBLE APPLICANTS.—The Secretary may
18 make a grant under this section to—

- 19 (1) a State;
- 20 (2) a metropolitan planning organization;
- 21 (3) a regional transportation authority;
- 22 (4) a unit of local government, including a
23 county or multi-county special district;
- 24 (5) a Federal land management agency;
- 25 (6) a natural resource or public land agency;

1 (7) a Tribal government or a consortium of
2 Tribal governments;

3 (8) any local or regional governmental entity
4 with responsibility for or oversight of transportation
5 or recreational trails; and

6 (9) a multistate or multijurisdictional group of
7 entities described in this subsection.

8 (d) APPLICATIONS.—To be eligible for a grant under
9 this section, an entity specified under subsection (c) shall
10 submit to the Secretary an application in such form, at
11 such time, and containing such information as the Sec-
12 retary determines is appropriate.

13 (e) ELIGIBLE PROJECTS.—The Secretary shall pro-
14 vide grants under this section to projects that improve the
15 connectivity and the use of active transportation facili-
16 ties—

17 (1) including—

18 (A) active transportation networks;

19 (B) active transportation spines; and

20 (C) planning related to the development
21 of—

22 (i) active transportation networks;

23 (ii) active transportation spines; and

24 (iii) complete streets plans to create a
25 connected network of active transportation

1 facilities, including sidewalks, bikeways, or
2 pedestrian and bicycle trails; and

3 (2) that have—

4 (A) total project costs of not less than
5 \$15,000,000; or

6 (B) in the case of planning grants under
7 subsection (f), a total cost of not less than
8 \$100,000.

9 (f) PLANNING GRANTS.—Of the amounts made avail-
10 able to carry out this section, the Secretary may use not
11 more than 10 percent to provide planning grants to eligi-
12 ble applicants for activities under subsection (e)(1)(C).

13 (g) CONSIDERATIONS.—In making grants under this
14 section, the Secretary shall consider the extent to which—

15 (1) a project is likely to provide substantial ad-
16 ditional opportunities for walking and bicycling, in-
17 cluding through the creation of—

18 (A) active transportation networks con-
19 necting destinations within or between commu-
20 nities, including schools, workplaces, residences,
21 businesses, recreation areas, and other commu-
22 nity areas; and

23 (B) active transportation spines connecting
24 two or more communities, metropolitan areas,
25 or States;

1 (2) an applicant has adequately considered or
2 will consider, including through the opportunity for
3 public comment, the environmental justice and eq-
4 uity impacts of the project;

5 (3) the project would improve safety for vulner-
6 able road users, including through the use of com-
7 plete street design policies or a safe system ap-
8 proach; and

9 (4) a project integrates active transportation fa-
10 cilities with public transportation services, where
11 available, to improve access to public transportation.

12 (h) LIMITATION.—

13 (1) IN GENERAL.—The share of the cost of a
14 project assisted with a grant under this section may
15 not exceed 80 percent.

16 (2) MAXIMUM FEDERAL ASSISTANCE.—Federal
17 assistance other than a grant under this section may
18 be used to satisfy up to 100 percent of the total
19 project cost.

20 (i) ELIGIBLE PROJECT COSTS.—Amounts made
21 available for a project under this section may be used
22 for—

23 (1) development phase activities, including plan-
24 ning, feasibility analysis, revenue forecasting, envi-

1 ronmental 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
5 to the project and improvements to the land), envi-
6 ronmental mitigation, construction contingencies, ac-
7 quisition of equipment, and operational improve-
8 ments.

9 (j) NOTIFICATION.—Not later than 3 business days
10 before awarding a grant under this section, the Secretary
11 of Transportation shall notify the Committee on Transpor-
12 tation and Infrastructure of the House of Representatives
13 and the Committee on Environment and Public Works of
14 the Senate of the intention to award such a grant.

15 (k) TREATMENT OF PROJECTS.—Notwithstanding
16 any other provision of law, a project carried out under this
17 section shall be treated in the manner described under sec-
18 tion 133(i) of title 23, United States Code.

19 (l) DEFINITIONS.—In this section:

20 (1) ACTIVE TRANSPORTATION.—The term “ac-
21 tive transportation” means mobility options powered
22 primarily by human energy, including bicycling and
23 walking.

24 (2) ACTIVE TRANSPORTATION NETWORK.—The
25 term “active transportation network” means facili-

1 ties built for active transportation, including side-
2 walks, bikeways, and pedestrian and bicycle trails,
3 that connect destinations within a community, a
4 metropolitan area, or on Federal lands.

5 (3) ACTIVE TRANSPORTATION SPINE.—The
6 term “active transportation spine” means facilities
7 built for active transportation, including sidewalks,
8 bikeways, and pedestrian and bicycle trails, that con-
9 nect communities, metropolitan areas, Federal lands,
10 or States.

11 (4) SAFE SYSTEM APPROACH.—The term “safe
12 system approach” has the meaning given such term
13 in section 148(a) of title 23, United States Code.

14 (5) VULNERABLE ROAD USER.—The term “vul-
15 nerable road user” has the meaning given such term
16 in section 148(a) of title 23, United States Code.

17 **Subtitle D—Planning, Performance**
18 **Management, and Asset Man-**
19 **agement**

20 **SEC. 1401. METROPOLITAN TRANSPORTATION PLANNING.**

21 Section 134 of title 23, United States Code, is
22 amended—

23 (1) in subsection (a) by striking “resiliency
24 needs while minimizing transportation-related fuel
25 consumption and air pollution” and inserting “resil-

1 ience and climate change adaptation needs while re-
2 ducing transportation-related fuel consumption, air
3 pollution, and greenhouse gas emissions”;

4 (2) in subsection (b)—

5 (A) by redesignating paragraphs (6) and

6 (7) as paragraphs (7) and (8), respectively; and

7 (B) by inserting after paragraph (5) the

8 following:

9 “(6) STIP.—The term ‘STIP’ means a state-
10 wide transportation improvement program developed
11 by a State under section 135(g).”;

12 (3) in subsection (c)—

13 (A) in paragraph (1) by striking “and
14 transportation improvement programs” and in-
15 serting “and TIPS”; and

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

17 “(4) CONSIDERATION.—In developing the plans
18 and TIPS, metropolitan planning organizations shall
19 consider direct and indirect emissions of greenhouse
20 gases.”;

21 (4) in subsection (d)—

22 (A) in paragraph (2) by striking “Not
23 later than 2 years after the date of enactment
24 of MAP–21, each” and inserting “Each”;

1 (B) in paragraph (3) by adding at the end
2 the following:

3 “(D) CONSIDERATIONS.—

4 “(i) EQUITABLE AND PROPORTIONAL
5 REPRESENTATION.—In designating offi-
6 cials or representatives under paragraph
7 (2), the metropolitan planning organization
8 shall consider the equitable and propor-
9 tional representation of the population of
10 the metropolitan planning area.

11 “(ii) SAVINGS CLAUSE.—Nothing in
12 this paragraph shall require a metropolitan
13 planning organization in existence on the
14 date of enactment of this subparagraph to
15 be restructured.

16 “(iii) REDESIGNATION.—Notwith-
17 standing clause (ii), the requirements of
18 this paragraph shall apply to any metro-
19 politan planning organization redesignated
20 under paragraph (6).”;

21 (C) in paragraph (6)(B) by striking “para-
22 graph (2)” and inserting “paragraphs (2) or
23 (3)(D)”; and

24 (D) in paragraph (7)—

1 (i) by striking “an existing metropoli-
2 tan planning area” and inserting “an ur-
3 banized area”; and

4 (ii) by striking “the existing metro-
5 politan planning area” and inserting “the
6 area”;

7 (5) in subsection (g)—

8 (A) in paragraph (1) by striking “a metro-
9 politan area” and inserting “an urbanized
10 area”;

11 (B) in paragraph (2) by striking “MPOS”
12 and inserting “METROPOLITAN PLANNING
13 AREAS”;

14 (C) in paragraph (3)(A) by inserting
15 “emergency response and evacuation, climate
16 change adaptation and resilience,” after “dis-
17 aster risk reduction,”; and

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

19 “(4) COORDINATION BETWEEN MPOS.—

20 “(A) IN GENERAL.—If more than one met-
21ropolitan planning organization is designated
22within an urbanized area under subsection
23(d)(7), the metropolitan planning organizations
24designated within the area shall ensure, to the
25maximum extent practicable, the consistency of

1 any data used in the planning process, includ-
2 ing information used in forecasting transpor-
3 tation demand.

4 “(B) SAVINGS CLAUSE.—Nothing in this
5 paragraph requires metropolitan planning orga-
6 nizations designated within a single urbanized
7 area to jointly develop planning documents, in-
8 cluding a unified long-range transportation plan
9 or unified TIP.”;

10 (6) in subsection (h)(1)—

11 (A) by striking subparagraph (E) and in-
12 serting the following:

13 “(E) protect and enhance the environment,
14 promote energy conservation, reduce greenhouse
15 gas emissions, improve the quality of life and
16 public health, and promote consistency between
17 transportation improvements and State and
18 local planned growth and economic development
19 patterns, including housing and land use pat-
20 terns;”;

21 (B) in subparagraph (I)—

22 (i) by inserting “, sea level rise, ex-
23 treme weather, and climate change” after
24 “stormwater”; and

25 (ii) by striking “and” at the end;

1 (C) by redesignating subparagraph (J) as
2 subparagraph (M); and

3 (D) by inserting after subparagraph (I) the
4 following:

5 “(J) facilitate emergency management, re-
6 sponse, and evacuation and hazard mitigation;

7 “(K) improve the level of transportation
8 system access;

9 “(L) support inclusive zoning policies and
10 land use planning practices that incentivize af-
11 fordable, elastic, and diverse housing supply, fa-
12 cilitate long-term economic growth by improving
13 the accessibility of housing to jobs, and prevent
14 high housing costs from displacing economically
15 disadvantaged households; and”;

16 (7) in subsection (h)(2) by striking subpara-
17 graph (A) and inserting the following:

18 “(A) IN GENERAL.—Through the use of a
19 performance-based approach, transportation in-
20 vestment decisions made as a part of the metro-
21 politan transportation planning process shall
22 support the national goals described in section
23 150(b), the achievement of metropolitan and
24 statewide targets established under section
25 150(d), the improvement of transportation sys-

1 tem access (consistent with section 150(f)), and
2 the general purposes described in section 5301
3 of title 49.”;

4 (8) in subsection (i)—

5 (A) in paragraph (2)(D)(i) by inserting
6 “reduce greenhouse gas emissions and” before
7 “restore and maintain”;

8 (B) in paragraph (2)(G) by inserting “and
9 climate change” after “infrastructure to natural
10 disasters”;

11 (C) in paragraph (2)(H) by inserting
12 “greenhouse gas emissions,” after “pollution,”;

13 (D) in paragraph (5)—

14 (i) in subparagraph (A) by inserting
15 “air quality, public health, housing, trans-
16 portation, resilience, hazard mitigation,
17 emergency management,” after “conserva-
18 tion,”; and

19 (ii) by striking subparagraph (B) and
20 inserting the following:

21 “(B) ISSUES.—The consultation shall in-
22 volve, as appropriate, comparison of transpor-
23 tation plans to other relevant plans, including,
24 if available—

1 “(i) State conservation plans or maps;

2 and

3 “(ii) inventories of natural or historic

4 resources.”; and

5 (E) by amending paragraph (6)(C) to read

6 as follows:

7 “(C) METHODS.—

8 “(i) IN GENERAL.—In carrying out

9 subparagraph (A), the metropolitan plan-

10 ning organization shall, to the maximum

11 extent practicable—

12 “(I) hold any public meetings at

13 convenient and accessible locations

14 and times;

15 “(II) employ visualization tech-

16 niques to describe plans; and

17 “(III) make public information

18 available in electronically accessible

19 format and means, such as the inter-

20 net, as appropriate to afford reason-

21 able opportunity for consideration of

22 public information under subpara-

23 graph (A).

24 “(ii) ADDITIONAL METHODS.—In ad-

25 dition to the methods described in clause

1 (i), in carrying out subparagraph (A), the
2 metropolitan planning organization shall,
3 to the maximum extent practicable—

4 “(I) use virtual public involve-
5 ment, social media, and other web-
6 based tools to encourage public par-
7 ticipation and solicit public feedback;
8 and

9 “(II) use other methods, as ap-
10 propriate, to further encourage public
11 participation of historically underrep-
12 resented individuals in the transpor-
13 tation planning process.”;

14 (9) in subsection (j) by striking “transportation
15 improvement program” and inserting “TIP” each
16 place it appears; and

17 (10) by striking “Federally” each place it ap-
18 pears and inserting “federally”.

19 **SEC. 1402. STATEWIDE AND NONMETROPOLITAN TRANS-**
20 **PORTATION PLANNING.**

21 Section 135 of title 23, United States Code, is
22 amended—

23 (1) in subsection (a)—

1 (A) in paragraph (1) by striking “state-
2 wide transportation improvement program” and
3 inserting “STIP”;

4 (B) in paragraph (2)—

5 (i) by striking “The statewide trans-
6 portation plan and the” and inserting the
7 following:

8 “(A) IN GENERAL.—The statewide trans-
9 portation plan and the”;

10 (ii) by striking “transportation im-
11 provement program” and inserting
12 “STIP”; and

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

15 “(B) CONSIDERATION.—In developing the
16 statewide transportation plans and STIPs,
17 States shall consider direct and indirect emis-
18 sions of greenhouse gases.”; and

19 (C) in paragraph (3) by striking “trans-
20 portation improvement program” and inserting
21 “STIP”;

22 (2) in subsection (d)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (E)—

1 (I) by inserting “reduce green-
2 house gas emissions,” after “promote
3 energy conservation,”;

4 (II) by inserting “and public
5 health” after “improve the quality of
6 life”; and

7 (III) by inserting “, including
8 housing and land use patterns” after
9 “economic development patterns”;

10 (ii) in subparagraph (I)—

11 (I) by inserting “, sea level rise,
12 extreme weather, and climate change”
13 after “mitigate stormwater”; and

14 (II) by striking “and” after the
15 semicolon;

16 (iii) by redesignating subparagraph
17 (J) as subparagraph (M); and

18 (iv) by inserting after subparagraph
19 (I) the following:

20 “(J) facilitate emergency management, re-
21 sponse, and evacuation and hazard mitigation;

22 “(K) improve the level of transportation
23 system access;

24 “(L) support inclusive zoning policies and
25 land use planning practices that incentivize af-

1 fordable, elastic, and diverse housing supply, fa-
2 cilitate long-term economic growth by improving
3 the accessibility of housing to jobs, and prevent
4 high housing costs from displacing economically
5 disadvantaged households; and”;

6 (B) in paragraph (2)—

7 (i) by striking subparagraph (A) and
8 inserting the following:

9 “(A) IN GENERAL.—Through the use of a
10 performance-based approach, transportation in-
11 vestment decisions made as a part of the state-
12 wide transportation planning process shall sup-
13 port—

14 “(i) the national goals described in
15 section 150(b);

16 “(ii) the consideration of transpor-
17 tation system access (consistent with sec-
18 tion 150(f));

19 “(iii) the achievement of statewide
20 targets established under section 150(d);
21 and

22 “(iv) the general purposes described
23 in section 5301 of title 49.”; and

1 (ii) in subparagraph (D) by striking
2 “statewide transportation improvement
3 program” and inserting “STIP”; and

4 (C) in paragraph (3) by striking “state-
5 wide transportation improvement program” and
6 inserting “STIP”;

7 (3) in subsection (e)(3) by striking “transpor-
8 tation improvement program” and inserting
9 “STIP”;

10 (4) in subsection (f)—

11 (A) in paragraph (2)(D)—

12 (i) in clause (i) by inserting “air qual-
13 ity, public health, housing, transportation,
14 resilience, hazard mitigation, emergency
15 management,” after “conservation,”; and

16 (ii) by amending clause (ii) to read as
17 follows:

18 “(ii) COMPARISON AND CONSIDER-
19 ATION.—Consultation under clause (i)
20 shall involve the comparison of transpor-
21 tation plans to other relevant plans and in-
22 ventories, including, if available—

23 “(I) State and tribal conservation
24 plans or maps; and

1 “(II) inventories of natural or
2 historic resources.”;

3 (B) in paragraph (3)(B)—

4 (i) by striking “In carrying out” and
5 inserting the following:

6 “(i) IN GENERAL.—in carrying out”;

7 (ii) by redesignating clauses (i)
8 through (iv) as subclauses (I) through
9 (IV), respectively; and

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

12 “(ii) ADDITIONAL METHODS.—In ad-
13 dition to the methods described in clause
14 (i), in carrying out subparagraph (A), the
15 State shall, to the maximum extent prac-
16 ticable—

17 “(I) use virtual public involve-
18 ment, social media, and other web-
19 based tools to encourage public par-
20 ticipation and solicit public feedback;
21 and

22 “(II) use other methods, as ap-
23 propriate, to further encourage public
24 participation of historically underrep-

1 resented individuals in the transpor-
2 tation planning process.”;

3 (C) in paragraph (4)(A) by inserting “re-
4 duce greenhouse gas emissions and” after “po-
5 tential to”; and

6 (D) in paragraph (8) by inserting “green-
7 house gas emissions,” after “pollution,”;

8 (5) in subsection (g)—

9 (A) in paragraph (1)(A) by striking “state-
10 wide transportation improvement program” and
11 inserting “STIP”;

12 (B) in paragraph (3) by striking “opera-
13 tors),,” and inserting “operators,”;

14 (C) in paragraph (4) by striking “state-
15 wide transportation improvement program” and
16 inserting “STIP” each place it appears;

17 (D) in paragraph (5)—

18 (i) in subparagraph (A) by striking
19 “transportation improvement program”
20 and inserting “STIP”;

21 (ii) in subparagraph (B)(ii) by strik-
22 ing “metropolitan transportation improve-
23 ment program” and inserting “TIP”;

24 (iii) in subparagraph (C) by striking
25 “transportation improvement program”

1 and inserting “STIP” each place it ap-
2 pears;

3 (iv) in subparagraph (E) by striking
4 “transportation improvement program”
5 and inserting “STIP”;

6 (v) in subparagraph (F)(i) by striking
7 “transportation improvement program”
8 and inserting “STIP” each place it ap-
9 pears;

10 (vi) in subparagraph (G)(ii) by strik-
11 ing “transportation improvement program”
12 and inserting “STIP”; and

13 (vii) in subparagraph (H) by striking
14 “transportation improvement program”
15 and inserting “STIP”;

16 (E) in paragraph (6)—

17 (i) in subparagraph (A)—

18 (I) by striking “transportation
19 improvement program” and inserting
20 “STIP”; and

21 (II) by striking “and projects
22 carried out under the bridge program
23 or the Interstate maintenance pro-
24 gram”; and

25 (ii) in subparagraph (B)—

1 (I) by striking “or under the
2 bridge program or the Interstate
3 maintenance program”;

4 (II) by striking “5310, 5311,
5 5316, and 5317” and inserting “5310
6 and 5311”; and

7 (III) by striking “statewide
8 transportation improvement program”
9 and inserting “STIP”;

10 (F) in paragraph (7)—

11 (i) in the heading by striking “TRANS-
12 PORTATION IMPROVEMENT PROGRAM” and
13 inserting “STIP”; and

14 (ii) by striking “transportation im-
15 provement program” and inserting
16 “STIP”;

17 (G) in paragraph (8) by striking “state-
18 wide transportation plans and programs” and
19 inserting “statewide transportation plans and
20 STIPs”; and

21 (H) in paragraph (9) by striking “trans-
22 portation improvement program” and inserting
23 “STIP”;

24 (6) in subsection (h)(2)(A) by striking “Not
25 later than 5 years after the date of enactment of the

1 MAP-21,” and inserting “Not less frequently than
2 once every 4 years,”;

3 (7) in subsection (k) by striking “transportation
4 improvement program” and inserting “STIP” each
5 place it appears; and

6 (8) in subsection (m) by striking “transportation
7 improvement programs” and inserting
8 “STIPs”.

9 **SEC. 1403. NATIONAL GOALS AND PERFORMANCE MANAGE-**
10 **MENT MEASURES.**

11 (a) IN GENERAL.—Section 150 of title 23, United
12 States Code, is amended—

13 (1) in subsection (b)—

14 (A) by redesignating paragraph (7) as
15 paragraph (8); and

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

18 “(7) COMBATING CLIMATE CHANGE.—To re-
19 duce carbon dioxide and other greenhouse gas emis-
20 sions and reduce the climate impacts of the trans-
21 portation system.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1) by striking “Not
24 later than 18 months after the date of enact-

1 ment of the MAP-21, the Secretary” and in-
2 serting “The Secretary”; and

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

4 “(7) GREENHOUSE GAS EMISSIONS.—The Sec-
5 retary shall establish, in consultation with the Ad-
6 ministrator of the Environmental Protection Agency,
7 measures for States to use to assess—

8 “(A) carbon dioxide emissions per capita
9 on public roads; and

10 “(B) any other greenhouse gas emissions
11 per capita on public roads that the Secretary
12 determines to be appropriate.”;

13 (3) in subsection (d)—

14 (A) in paragraph (1)—

15 (i) by striking “Not later than 1 year
16 after the Secretary has promulgated the
17 final rulemaking under subsection (c),
18 each” and inserting “Each”; and

19 (ii) by striking “and (6)” and insert-
20 ing “(6), and (7)”; and

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

22 “(3) REGRESSIVE TARGETS.—

23 “(A) IN GENERAL.—A State may not es-
24 tablish a regressive target for the measures de-

1 scribed under paragraph (4) or paragraph (7)
2 of subsection (e).

3 “(B) REGRESSIVE TARGET DEFINED.—In
4 this paragraph, the term ‘regressive target’
5 means a target that fails to demonstrate con-
6 stant or improved performance for a particular
7 measure.”;

8 (4) in subsection (e)—

9 (A) by striking “Not later than 4 years
10 after the date of enactment of the MAP–21 and
11 biennially thereafter, a” and inserting “A”; and

12 (B) by inserting “biennial” after “the Sec-
13 retary a”; and

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

15 “(f) TRANSPORTATION SYSTEM ACCESS.—

16 “(1) IN GENERAL.—The Secretary shall estab-
17 lish measures for States and metropolitan planning
18 organizations to use to assess the level of safe, reli-
19 able, and convenient transportation system access
20 to—

21 “(A) employment; and

22 “(B) services.

23 “(2) CONSIDERATIONS.—The measures estab-
24 lished pursuant to paragraph (1) shall include the

1 ability for States and metropolitan planning organi-
2 zations to assess—

3 “(A) the change in the level of transpor-
4 tation system access for various modes of trav-
5 el, including connection to other modes of
6 transportation, that would result from new
7 transportation investments;

8 “(B) the level of transportation system ac-
9 cess for economically disadvantaged commu-
10 nities, including to affordable housing; and

11 “(C) the extent to which transportation ac-
12 cess is impacted by zoning policies and land use
13 planning practices that effect the affordability,
14 elasticity, and diversity of the housing supply.

15 “(3) DEFINITION OF SERVICES.—In this sub-
16 section, the term ‘services’ includes healthcare facili-
17 ties, child care, education and workforce training,
18 food sources, banking and other financial institu-
19 tions, and other retail shopping establishments.”.

20 (b) METROPOLITAN TRANSPORTATION PLANNING.—
21 Section 134 of title 23, United States Code, is further
22 amended—

23 (1) in subsection (j)(2)(D)—

1 (A) by striking “PERFORMANCE TARGET
2 ACHIEVEMENT” in the heading and inserting
3 “PERFORMANCE MANAGEMENT”;

4 (B) by striking “The TIP” and inserting
5 the following:

6 “(i) IN GENERAL.—The TIP”; and

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

8 “(ii) TRANSPORTATION MANAGEMENT
9 AREAS.—For metropolitan planning areas
10 that represent an urbanized area des-
11 ignated as a transportation management
12 area under subsection (k), the TIP shall
13 include—

14 “(I) a discussion of the antici-
15 pated effect of the TIP toward achiev-
16 ing the performance targets estab-
17 lished in the metropolitan transpor-
18 tation plan, linking investment prior-
19 ities to such performance targets; and

20 “(II) a description of how the
21 TIP would improve the overall level of
22 transportation system access, con-
23 sistent with section 150(f).”;

24 (2) in subsection (k)—

25 (A) in paragraph (3)(A)—

- 1 (i) by striking “shall address conges-
2 tion management” and inserting the fol-
3 lowing: “shall address—
4 “(i) congestion management”;
5 (ii) by striking the period at the end
6 and inserting “; and”; and
7 (iii) by adding at the end the fol-
8 lowing:
9 “(ii) the overall level of transportation
10 system access for various modes of travel
11 within the metropolitan planning area, in-
12 cluding the level of access for economically
13 disadvantaged communities, consistent
14 with section 150(f), that is based on a co-
15 operatively developed and implemented
16 metropolitan-wide strategy, assessing both
17 new and existing transportation facilities
18 eligible for funding under this title and
19 chapter 53 of title 49.”; and
20 (B) in paragraph (5)(B)—
21 (i) in clause (i) by striking “; and”
22 and inserting a semicolon;
23 (ii) in clause (ii) by striking the pe-
24 riod and inserting “; and”; and

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

3 “(iii) the TIP approved under clause
4 (ii) improves the level of transportation
5 system access, consistent with section
6 150(f).”; and

7 (3) in subsection (l)(2)—

8 (A) by striking “5 years after the date of
9 enactment of the MAP-21” and inserting “2
10 years after the date of enactment of the IN-
11 VEST in America Act, and every 2 years there-
12 after”;

13 (B) in subparagraph (C) by striking “and
14 whether metropolitan planning organizations
15 are developing meaningful performance targets;
16 and” and inserting a semicolon; and

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

19 “(D) a listing of all metropolitan planning
20 organizations that are establishing performance
21 targets and whether such performance targets
22 established by the metropolitan planning orga-
23 nization are meaningful or regressive (as de-
24 fined in section 150(d)(3)(B)); and

1 “(E) the progress of implementing the
2 measure established under section 150(f).”.

3 (c) STATEWIDE AND NONMETROPOLITAN TRANSPOR-
4 TATION PLANNING.—Section 135(g)(4) of title 23, United
5 States Code, is further amended—

6 (1) by striking “PERFORMANCE TARGET
7 ACHIEVEMENT” in the heading and inserting “PER-
8 FORMANCE MANAGEMENT”;

9 (2) by striking “shall include, to the maximum
10 extent practicable, a discussion” and inserting the
11 following: “shall include—

12 “(A) a discussion”;

13 (3) by striking the period at the end and insert-
14 ing “; and”; and

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

16 “(B) a consideration of how the STIP im-
17 pacts the overall level of transportation system
18 access, consistent with section 150(f).”.

19 (d) EFFECTIVE DATE.—The amendment made by
20 subsection (a)(3)(B) shall take effect 1 year before the
21 subsequent State target and reporting deadlines estab-
22 lished pursuant to section 150 of title 23, United States
23 Code.

24 (e) DEVELOPMENT OF GREENHOUSE GAS MEAS-
25 URE.—Not later than 1 year after the date of enactment

1 of this Act, the Secretary of Transportation shall issue
2 such regulations as are necessary to carry out paragraph
3 (7) of section 150(c) of title 23, United States Code, as
4 added by this Act.

5 (f) DEVELOPMENT OF TRANSPORTATION SYSTEM
6 ACCESS MEASURE.—

7 (1) ESTABLISHMENT.—Not later than 120 days
8 after the date of enactment of this Act, the Sec-
9 retary of Transportation shall establish a working
10 group to assess the provisions of paragraphs (1) and
11 (2) of section 150(f) and make recommendations re-
12 garding the establishment of measures for States
13 and metropolitan planning organizations to use to
14 assess the level of transportation system access for
15 various modes of travel, consistent with section
16 150(f) of title 23, United States Code.

17 (2) MEMBERS.—The working group established
18 pursuant to paragraph (1) shall include representa-
19 tives from—

20 (A) the Department of Transportation;

21 (B) State departments of transportation,
22 including representatives that specialize in pe-
23 destrian and bicycle safety;

24 (C) the Bureau of Transportation Statis-
25 tics;

1 (D) metropolitan planning organizations
2 representing transportation management areas
3 (as those terms are defined in section 134 of
4 title 23, United States Code);

5 (E) other metropolitan planning organiza-
6 tions or local governments;

7 (F) providers of public transportation;

8 (G) nonprofit entities related to transpor-
9 tation, including relevant safety groups;

10 (H) experts in the field of transportation
11 access data; and

12 (I) any other stakeholders, as determined
13 by the Secretary.

14 (3) REPORT.—

15 (A) SUBMISSION.—Not later than 1 year
16 after the establishment of the working group
17 pursuant to paragraph (1), the working group
18 shall submit to the Secretary a report of rec-
19 ommendations regarding the establishment of
20 measures for States and metropolitan planning
21 organizations to use to assess the level of trans-
22 portation system access, consistent with section
23 150(f) of title 23, United States Code.

24 (B) PUBLICATION.—Not later than 30
25 days after the date on which the Secretary re-

1 ceives the report under subparagraph (A), the
2 Secretary shall publish the report on a publicly
3 accessible website of the Department of Trans-
4 portation.

5 (4) RULEMAKING.—Not later than 2 years after
6 the date on which the Secretary receives the report
7 under paragraph (3), the Secretary shall issue such
8 regulations as are necessary to implement the re-
9 quirements of section 150(f) of title 23, United
10 States Code.

11 (5) TERMINATION.—The Secretary shall termi-
12 nate the working group established pursuant to
13 paragraph (1) on the date on which the regulation
14 issued pursuant to paragraph (4) takes effect.

15 (g) TRANSPORTATION SYSTEM ACCESS DATA.—

16 (1) IN GENERAL.—Not later than 90 days after
17 the date on which the Secretary of Transportation
18 establishes the measure required under section
19 150(f) of title 23, United States Code, the Secretary
20 shall develop or procure eligible transportation sys-
21 tem access data sets and analytical tools and make
22 such data sets and analytical tools available to State
23 departments of transportation and metropolitan
24 planning areas that represent transportation man-
25 agement areas.

1 (2) REQUIREMENTS.—An eligible transpor-
2 tation system access data set and analytical tool
3 shall have the following characteristics:

4 (A) The ability to quantify the level of
5 safe, reliable, and convenient transportation
6 system access to—

7 (i) employment;

8 (ii) services; and

9 (iii) connections to other modes of
10 transportation.

11 (B) The ability to quantify transportation
12 system access for various modes of travel, in-
13 cluding—

14 (i) driving;

15 (ii) public transportation;

16 (iii) walking (including conveyance for
17 persons with disabilities); and

18 (iv) cycling (including micromobility).

19 (C) The ability to disaggregate the level of
20 transportation system access by various trans-
21 portation modes by a variety of population cat-
22 egories, including—

23 (i) low-income populations;

24 (ii) minority populations;

25 (iii) age;

1 (iv) disability; and

2 (v) geographical location.

3 (D) The ability to assess the change in the
4 level of transportation system access that would
5 result from new transportation investments.

6 (3) CONSIDERATION.—An eligible transpor-
7 tation system access data set and analytical tool
8 shall take into consideration safe and connected net-
9 works for walking, cycling, and persons with disabili-
10 ties.

11 (h) DEFINITIONS.—In this section:

12 (1) TRANSPORTATION SYSTEM ACCESS.—The
13 term “transportation system access” has the mean-
14 ing given such term in section 101 of title 23,
15 United States Code.

16 (2) SERVICES.—The term “services” has the
17 meaning given such term in section 150(f) of title
18 23, United States Code.

19 **SEC. 1404. TRANSPORTATION DEMAND DATA AND MOD-**
20 **ELING STUDY.**

21 (a) STUDY.—

22 (1) IN GENERAL.—The Secretary of Transpor-
23 tation shall conduct a study on transportation de-
24 mand data and modeling, including transportation
25 demand forecasting, and make recommendations for

1 developing and utilizing transportation and traffic
2 demand models with a demonstrated record of accu-
3 racy.

4 (2) CONTENTS.—In carrying out the study
5 under this section, the Secretary shall—

6 (A) collect observed transportation demand
7 data and transportation demand forecasts from
8 States and metropolitan planning organizations,
9 including data and forecasts on—

10 (i) traffic counts;

11 (ii) transportation mode share and
12 public transportation ridership; and

13 (iii) vehicle occupancy measures;

14 (B) compare the transportation demand
15 forecasts with the observed transportation de-
16 mand data gathered under subparagraph (A),
17 including an analysis of the level of accuracy of
18 forecasts and possible reasons for large discrep-
19 ancies; and

20 (C) use the information described in sub-
21 paragraphs (A) and (B) to—

22 (i) develop best practices and guid-
23 ance for States and metropolitan planning
24 organizations to use in forecasting trans-

1 portation demand for future investments in
2 transportation improvements;

3 (ii) evaluate the impact of transpor-
4 tation investments, including new roadway
5 capacity, on transportation behavior and
6 transportation demand, including public
7 transportation ridership, induced highway
8 transportation, and congestion;

9 (iii) support more accurate transpor-
10 tation demand forecasting by States and
11 metropolitan planning organizations;

12 (iv) enhance the capacity of States
13 and metropolitan planning organizations
14 to—

15 (I) forecast transportation de-
16 mand; and

17 (II) track observed transpor-
18 tation behavior responses, including
19 induced transportation, to changes in
20 transportation capacity, pricing, and
21 land use patterns; and

22 (v) develop transportation demand
23 management strategies to maximize the ef-
24 ficiency of the transportation system, im-

1 prove mobility, reduce congestion, and
2 lower vehicle emissions.

3 (3) COVERED ENTITIES.—In carrying out the
4 study under this section, the Secretary shall ensure
5 that data and forecasts described in paragraph
6 (2)(A) are collected from—

7 (A) States;

8 (B) metropolitan planning organizations
9 that serve an area with a population of 200,000
10 people or fewer; and

11 (C) metropolitan planning organizations
12 that serve an area with a population of over
13 200,000 people.

14 (4) WORKING WITH THE PRIVATE SECTOR.—In
15 carrying out this section, the Secretary may, and is
16 encouraged to, procure additional data as necessary
17 from university transportation centers, private sector
18 providers, and other entities as is needed and may
19 use funds authorized under section 503(b) of title
20 23, United States Code, for carrying out this para-
21 graph.

22 (5) WORKING WITH AFFECTED COMMU-
23 NITIES.—In carrying out this section, the Secretary
24 shall consult with, and collect data and input from,
25 representatives of—

- 1 (A) the Department of Transportation;
2 (B) State departments of transportation;
3 (C) metropolitan planning organizations;
4 (D) local governments;
5 (E) providers of public transportation;
6 (F) nonprofit entities related to transpor-
7 tation, including safety, cycling, disability, and
8 equity groups; and
9 (G) any other stakeholders, as determined
10 by the Secretary.

11 (b) REPORT.—Not later than 2 years after the date
12 of enactment of this Act, the Secretary shall submit to
13 Congress a report containing the findings of the study
14 conducted under subsection (a).

15 (c) SECRETARIAL SUPPORT.—The Secretary shall
16 seek opportunities to support the transportation planning
17 processes under sections 134 and 135 of title 23, United
18 States Code, through the provision of data to States and
19 metropolitan planning organizations to improve the qual-
20 ity of transportation plans, models, and demand forecasts.

21 (d) UPDATE GUIDANCE AND REGULATIONS.—The
22 Secretary shall—

- 23 (1) update Department of Transportation guid-
24 ance and procedures to utilize best practices docu-
25 mented throughout the Federal program; and

1 (2) ensure that best practices included in the
2 report are incorporated into appropriate regulations
3 as such regulations are updated.

4 (e) CONTINUING IMPROVEMENT.—The Secretary
5 shall set out a process to repeat the study under this sec-
6 tion every 2 years as part of the conditions and perform-
7 ance report, including—

8 (1) progress in the accuracy of model projec-
9 tions;

10 (2) further recommendations for improvement;
11 and

12 (3) further changes to guidance, regulation, and
13 procedures required for the Department of Trans-
14 portation to adopt best practices.

15 **SEC. 1405. FISCAL CONSTRAINT ON LONG-RANGE TRANS-**
16 **PORTATION PLANS.**

17 Not later than 1 year after the date of enactment
18 of this Act, the Secretary shall amend section
19 450.324(f)(11)(v) of title 23, Code of Federal Regulations,
20 to ensure that the outer years of a metropolitan transpor-
21 tation plan are defined as “beyond the first 4 years”.

1 **Subtitle E—Federal Lands, Tribes,**
2 **and Territories**

3 **SEC. 1501. TERRITORIAL AND PUERTO RICO HIGHWAY PRO-**
4 **GRAM.**

5 Section 165 of title 23, United States Code, is
6 amended—

7 (1) in subsection (a)—

8 (A) in paragraph (1) by striking
9 “\$158,000,000” and inserting “\$210,000,000”;

10 and

11 (B) in paragraph (2) by striking
12 “\$42,000,000” and inserting “\$100,000,000”;

13 (2) in subsection (c)(6)(A)(iii) by striking “in
14 accordance with subsections (b) and (c) of section
15 129” and inserting “including such boats, facilities,
16 and approaches that are privately or majority-pri-
17 vately owned, provided that such boats, facilities,
18 and approaches provide a substantial public ben-
19 efit”; and

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

21 “(d) PARTICIPATION OF TERRITORIES IN DISCRE-
22 TIONARY PROGRAMS.—For any program in which the Sec-
23 retary may allocate funds out of the Highway Trust Fund
24 (other than the Mass Transit Account) to a State at the
25 discretion of the Secretary, the Secretary may allocate

1 funds to one or more territory for any project or activity
2 that otherwise would be eligible under such program if
3 such project or activity was being carried out in a State.”.

4 **SEC. 1502. TRIBAL TRANSPORTATION PROGRAM.**

5 Section 202 of title 23, United States Code, is
6 amended—

7 (1) in subsection (d)—

8 (A) in paragraph (1) by striking “improv-
9 ing deficient” and inserting “the construction
10 and reconstruction of”;

11 (B) in paragraph (2)—

12 (i) in subparagraph (A) by inserting
13 “construct,” after “project to”; and

14 (ii) in subparagraph (B)—

15 (I) by striking “deficient”; and

16 (II) by inserting “in poor condi-
17 tion” after “facility bridges”; and

18 (C) in paragraph (3)—

19 (i) in the heading by striking “ELIGI-
20 BLE BRIDGES” and inserting “ELIGIBILITY
21 FOR EXISTING BRIDGES”;

22 (ii) by striking “a bridge” and insert-
23 ing “an existing bridge”; and

24 (iii) in subparagraph (C) by striking
25 “structurally deficient or functionally obso-

1 lete” and inserting “in poor condition”;
2 and

3 (2) in subsection (e) by striking “for eligible
4 projects described in section 148(a)(4).” and insert-
5 ing the following: “for—

6 “(A) eligible projects described in section
7 148(a)(4);

8 “(B) projects to promote public awareness
9 and education concerning highway safety mat-
10 ters (including bicycle, all-terrain, motorcyclist,
11 and pedestrian safety); or

12 “(C) projects to enforce highway safety
13 laws.”.

14 **SEC. 1503. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**

15 (a) **TRIBAL TRANSPORTATION PROGRAM.**—Section
16 202 of title 23, United States Code, is amended—

17 (1) by redesignating subsection (f) as sub-
18 section (g); and

19 (2) by inserting after subsection (e) the fol-
20 lowing:

21 “(f) **TRIBAL HIGH PRIORITY PROJECTS PROGRAM.**—

22 Before making any distribution under subsection (b), the
23 Secretary shall set aside \$50,000,000 from the funds
24 made available under the tribal transportation program
25 for each fiscal year to carry out the Tribal High Priority

1 Projects program under section 1123 of MAP–21 (23
2 U.S.C. 202 note).”.

3 (b) TRIBAL HIGH PRIORITY PROJECTS PROGRAM.—

4 Section 1123 of MAP–21 (23 U.S.C. 202 note) is amend-
5 ed—

6 (1) in subsection (a)(1)(C) by striking “re-
7 quired by that section” and inserting “required
8 under such program”;

9 (2) in subsection (b)(1) by striking “use
10 amounts made available under subsection (h) to”;

11 (3) in subsection (d)—

12 (A) in paragraph (2) by inserting “, in
13 consultation with the Secretary of the Interior,”
14 after “The Secretary”; and

15 (B) in paragraph (3) by striking “of the
16 Interior” each place it appears;

17 (4) in subsection (f) by striking “\$1,000,000”
18 and inserting “\$5,000,000”;

19 (5) in subsection (g) by striking “and the Sec-
20 retary” and inserting “or the Secretary”; and

21 (6) by striking subsection (h) and inserting the
22 following:

23 “(h) ADMINISTRATION.—The funds made available to
24 carry out this section shall be administered in the same
25 manner as funds made available for the Tribal transpor-

1 tation program under section 202 of title 23, United
2 States Code.”.

3 **SEC. 1504. FEDERAL LANDS TRANSPORTATION PROGRAM.**

4 (a) IN GENERAL.—Section 203(a) of title 23, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 “(6) TRANSFER FOR HIGH-COMMUTER COR-
8 RIDORS.—

9 “(A) REQUEST.—If the head of a covered
10 agency determines that a high-commuter cor-
11 ridor requires additional investment, based on
12 the criteria described in subparagraph (D), the
13 head of a covered agency, with respect to such
14 corridor, shall submit to the State—

15 “(i) information on condition of pave-
16 ments and bridges;

17 “(ii) an estimate of the amounts need-
18 ed to bring such corridor into a state of
19 good repair, taking into consideration any
20 planned future investments; and

21 “(iii) at the discretion of the head of
22 a covered agency, a request that the State
23 transfer to the covered agency, under the
24 authority of section 132 or section 204, or
25 to the Federal Highway Administration,

1 under the authority of section 104, a por-
2 tion of such amounts necessary to address
3 the condition of the corridor.

4 “(B) STATE RESPONSE.—Not later than
5 45 days after the date of receipt of the request
6 described in subparagraph (A)(iii), the State
7 shall—

8 “(i) approve the request;

9 “(ii) deny the request and explain the
10 reasons for such denial; or

11 “(iii) request any additional informa-
12 tion necessary to take action on the re-
13 quest.

14 “(C) NOTIFICATION TO THE SEC-
15 RETARY.—The head of a covered agency shall
16 provide to the Secretary a copy of any request
17 described under subparagraph (A)(iii) and re-
18 sponse described under subparagraph (B).

19 “(D) CRITERIA.—In making a determina-
20 tion under subparagraph (A), the head of a cov-
21 ered agency, with respect to the corridor, shall
22 consider—

23 “(i) the condition of roads, bridges,
24 and tunnels; and

25 “(ii) the average annual daily traffic.

1 “(E) DEFINITIONS.—In this paragraph:

2 “(i) COVERED AGENCY.—The term
3 ‘covered agency’ means a Federal agency
4 eligible to receive funds under this section,
5 section 203, or section 204, including the
6 Army Corps of Engineers, Bureau of Rec-
7 lamation, and the Bureau of Land Man-
8 agement.

9 “(ii) HIGH-COMMUTER CORRIDOR.—
10 The term ‘high-commuter corridor’ means
11 a highway, bridge, or other transportation
12 facility for which title and maintenance re-
13 sponsibility is vested in the Federal Gov-
14 ernment that has average annual daily
15 traffic of not less than 20,000 vehicles.”.

16 (b) GAO STUDY REGARDING NPS MAINTENANCE.—

17 (1) STUDY.—The Comptroller General of the
18 United States shall study the National Park Service
19 maintenance prioritization of Federal lands trans-
20 portation facilities.

21 (2) CONTENTS.—At minimum, the study under
22 paragraph (1) shall examine—

23 (A) general administrative maintenance of
24 the National Park Service;

1 (B) how the National Park Service cur-
2 rently prioritizes maintenance of Federal facili-
3 ties covered under the Federal Lands Transpor-
4 tation Program;

5 (C) what kind of maintenance the National
6 Parkway Service is performing;

7 (D) to what degree does the National Park
8 Service prioritize high-commuter corridors; and

9 (E) how the National Park Service can
10 better service the needs of high commuter cor-
11 ridors.

12 (3) REPORT.—Not later than 1 year after the
13 date of enactment of this Act, the Comptroller Gen-
14 eral shall submit to the Committee on Transpor-
15 tation and Infrastructure of the House of Represent-
16 atives and the Committee on Environment and Pub-
17 lic Works of the Senate a report summarizing the
18 study and the results of such study, including rec-
19 ommendations for addressing the maintenance needs
20 and prioritization of high-commuter corridors.

21 (4) DEFINITION OF HIGH-COMMUTER COR-
22 RIDOR.—In this section, the term “high-commuter
23 corridor” means a Federal lands transportation fa-
24 cility that has average annual daily traffic of not less
25 than 20,000 vehicles.

1 **SEC. 1505. FEDERAL LANDS AND TRIBAL MAJOR PROJECTS**
2 **PROGRAM.**

3 (a) IN GENERAL.—Chapter 2 of title 23, United
4 States Code, is amended by inserting after section 207 the
5 following:

6 **“§ 208. Federal lands and Tribal major projects pro-**
7 **gram**

8 “(a) ESTABLISHMENT.—The Secretary shall estab-
9 lish a Federal lands and Tribal major projects program
10 (referred to in this section as the ‘program’) to provide
11 funding to construct, reconstruct, or rehabilitate critical
12 Federal lands and Tribal transportation infrastructure.

13 “(b) ELIGIBLE APPLICANTS.—

14 “(1) IN GENERAL.—Except as provided in para-
15 graph (2), entities eligible to receive funds under
16 sections 201, 202, 203, and 204 may apply for fund-
17 ing under the program.

18 “(2) SPECIAL RULE.—A State, county, or unit
19 of local government may only apply for funding
20 under the program if sponsored by an eligible Fed-
21 eral land management agency or Indian Tribe.

22 “(c) ELIGIBLE PROJECTS.—An eligible project under
23 the program shall be on a Federal lands transportation
24 facility, a Federal lands access transportation facility, or
25 a tribal transportation facility, except that such facility is

1 not required to be included in an inventory described in
2 section 202 or 203, and for which—

3 “(1) the project—

4 “(A) has completed the activities required
5 under the National Environmental Policy Act of
6 1969 (42 U.S.C. 4321 et seq.) which has been
7 demonstrated through—

8 “(i) a record of decision with respect
9 to the project;

10 “(ii) a finding that the project has no
11 significant impact; or

12 “(iii) a determination that the project
13 is categorically excluded; or

14 “(B) is reasonably expected to begin con-
15 struction not later than 18 months after the
16 date of obligation of funds for the project; and

17 “(2) the project has an estimated cost equal to
18 or exceeding—

19 “(A) \$12,500,000 if it is on a Federal
20 lands transportation facility or a Federal lands
21 access transportation facility; and

22 “(B) \$5,000,000 if it is on a Tribal trans-
23 portation facility.

24 “(d) ELIGIBLE ACTIVITIES.—Grant amounts re-
25 ceived for a project under this section may be used for—

1 “(1) development phase activities, including
2 planning, feasibility analysis, revenue forecasting,
3 environmental review, preliminary engineering and
4 design work, and other preconstruction activities;
5 and

6 “(2) construction, reconstruction, and rehabili-
7 tation activities.

8 “(e) APPLICATIONS.—Eligible applicants shall submit
9 to the Secretary an application at such time, in such form,
10 and containing such information as the Secretary may re-
11 quire.

12 “(f) PROJECT REQUIREMENTS.—The Secretary may
13 select a project to receive funds under the program only
14 if the Secretary determines that the project—

15 “(1) improves the condition of critical transpor-
16 tation facilities, including multimodal facilities;

17 “(2) cannot be easily and efficiently completed
18 with amounts made available under section 202,
19 203, or 204; and

20 “(3) is cost effective.

21 “(g) MERIT CRITERIA.—In making a grant under
22 this section, the Secretary shall consider whether the
23 project—

1 “(1) will generate state of good repair, resil-
2 ience, economic competitiveness, quality of life, mo-
3 bility, or safety benefits;

4 “(2) in the case of a project on a Federal lands
5 transportation facility or a Federal lands access
6 transportation facility, has costs matched by funds
7 that are not provided under this section or this title;
8 and

9 “(3) generates benefits for land owned by mul-
10 tiple Federal land management agencies or Indian
11 Tribes, or which spans multiple States.

12 “(h) EVALUATION AND RATING.—To evaluate appli-
13 cations, the Secretary shall—

14 “(1) determine whether a project meets the re-
15 quirements under subsection (f);

16 “(2) evaluate, through a discernable and trans-
17 parent methodology, how each application addresses
18 one or more merit criteria established under sub-
19 section (g);

20 “(3) assign a rating for each merit criteria for
21 each application; and

22 “(4) consider applications only on the basis of
23 such quality ratings and which meet the minimally
24 acceptable level for each of the merit criteria.

25 “(i) COST SHARE.—

1 “(1) FEDERAL LANDS PROJECTS.—

2 “(A) IN GENERAL.—Notwithstanding sec-
3 tion 120, the Federal share of the cost of a
4 project on a Federal lands transportation facil-
5 ity or a Federal lands access transportation fa-
6 cility shall be up to 90 percent.

7 “(B) NON-FEDERAL SHARE.—Notwith-
8 standing any other provision of law, any Fed-
9 eral funds may be used to pay the non-Federal
10 share of the cost of a project carried out under
11 this section.

12 “(2) TRIBAL PROJECTS.—The Federal share of
13 the cost of a project on a Tribal transportation facil-
14 ity shall be 100 percent.

15 “(j) USE OF FUNDS.—For each fiscal year, of the
16 amounts made available to carry out this section, not more
17 than 50 percent shall be used for eligible projects on Fed-
18 eral lands transportation facilities or Federal lands access
19 transportation facilities and Tribal transportation facili-
20 ties, respectively.”.

21 (b) CLERICAL AMENDMENT.—The analysis for chap-
22 ter 2 of title 23, United States Code, is amended by insert-
23 ing after the item relating to section 207 the following
24 new item:

“208. Federal lands and Tribal major projects program.”.

1 (c) REPEAL.—Section 1123 of the FAST Act (23
2 U.S.C. 201 note), and the item related to such section in
3 the table of contents under section 1(b) of such Act, are
4 repealed.

5 **SEC. 1506. OFFICE OF TRIBAL GOVERNMENT AFFAIRS.**

6 Section 102 of title 49, United States Code, is
7 amended—

8 (1) in subsection (e)(1)—

9 (A) by striking “6 Assistant” and inserting
10 “7 Assistant”;

11 (B) in subparagraph (C) by striking “;
12 and” and inserting a semicolon;

13 (C) by redesignating subparagraph (D) as
14 subparagraph (E); and

15 (D) by inserting after subparagraph (C)
16 the following:

17 “(D) an Assistant Secretary for Tribal
18 Government Affairs, who shall be appointed by
19 the President; and”;

20 (2) in subsection (f)—

21 (A) in the heading by striking “DEPUTY
22 ASSISTANT SECRETARY FOR TRIBAL GOVERN-
23 MENT AFFAIRS” and inserting “OFFICE OF
24 TRIBAL GOVERNMENT AFFAIRS”; and

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

3 “(1) ESTABLISHMENT.—There is established in
4 the Department an Office of Tribal Government Af-
5 fairs, under the Assistant Secretary for Tribal Gov-
6 ernment Affairs, to—

7 “(A) oversee the Tribal transportation self-
8 governance program under section 207 of title
9 23;

10 “(B) plan, coordinate, and implement poli-
11 cies and programs serving Indian Tribes and
12 Tribal organizations;

13 “(C) coordinate Tribal transportation pro-
14 grams and activities in all offices and adminis-
15 trations of the Department;

16 “(D) provide technical assistance to Indian
17 Tribes and Tribal organizations;

18 “(E) be a participant in any negotiated
19 rulemakings relating to, or having an impact
20 on, projects, programs, or funding associated
21 with the tribal transportation program under
22 section 202 of title 23; and

23 “(F) ensure that Department programs
24 have in place, implement, and enforce require-
25 ments and obligations for regular and meaning-

1 ful consultation and collaboration with Tribes
2 and Tribal officials under Executive Order No.
3 13175 and to serve as the primary advisor to
4 the Secretary and other Department compo-
5 nents regarding violations of those require-
6 ments.”.

7 **SEC. 1507. ALTERNATIVE CONTRACTING METHODS.**

8 (a) LAND MANAGEMENT AGENCIES AND TRIBAL
9 GOVERNMENTS.—Section 201 of title 23, United States
10 Code, is amended by adding at the end the following:

11 “(f) ALTERNATIVE CONTRACTING METHODS.—

12 “(1) IN GENERAL.—Notwithstanding any other
13 provision of law, the Secretary may use a con-
14 tracting method available to a State under this title
15 on behalf of—

16 “(A) a Federal land management agency,
17 with respect to any funds available pursuant to
18 section 203 or 204;

19 “(B) a Federal land management agency,
20 with respect to any funds available pursuant to
21 section 1535 of title 31 for any eligible use de-
22 scribed in sections 203(a)(1) and 204(a)(1) of
23 this title; or

1 “(C) a Tribal Government, with respect to
2 any funds available pursuant to section
3 202(b)(7)(D).

4 “(2) METHODS DESCRIBED.—The contracting
5 methods referred to in paragraph (1) shall include,
6 at a minimum—

7 “(A) project bundling;

8 “(B) bridge bundling;

9 “(C) design-build contracting;

10 “(D) 2-phase contracting;

11 “(E) long-term concession agreements; and

12 “(F) any method tested, or that could be
13 tested, under an experimental program relating
14 to contracting methods carried out by the Sec-
15 retary.

16 “(3) RULE OF CONSTRUCTION.—Nothing in
17 this subsection—

18 “(A) affects the application of the Federal
19 share for a project carried out with a con-
20 tracting method under this subsection; or

21 “(B) modifies the point of obligation of
22 Federal salaries and expenses.”.

23 (b) USE OF ALTERNATIVE CONTRACTING METH-
24 OD.—In carrying out the amendments made by this sec-
25 tion, the Secretary shall—

1 (1) in consultation with the applicable Federal
2 land management agencies, establish procedures that
3 are—

4 (A) applicable to each alternative con-
5 tracting method; and

6 (B) to the maximum extent practicable,
7 consistent with requirements for Federal pro-
8 curement transactions;

9 (2) solicit input on the use of each alternative
10 contracting method from any affected industry prior
11 to using such method; and

12 (3) analyze and prepare an evaluation of the
13 use of each alternative contracting method.

14 **SEC. 1508. DIVESTITURE OF FEDERALLY OWNED BRIDGES.**

15 (a) IN GENERAL.—The Commissioner of the Bureau
16 of Reclamation may transfer ownership of a bridge that
17 is owned by the Bureau of Reclamation if—

18 (1) the ownership of the bridge is transferred to
19 a State with the concurrence of such State;

20 (2) the State to which ownership is transferred
21 agrees to operate and maintain the bridge;

22 (3) the transfer of ownership complies with all
23 applicable Federal requirements, including—

24 (A) section 138 of title 23, United States
25 Code;

1 (B) section 306108 of title 54, United
2 States Code; and

3 (C) the National Environmental Policy Act
4 of 1969 (42 U.S.C. 4321 et seq.); and

5 (4) the Bureau of Reclamation and the State to
6 which ownership is being transferred jointly notify
7 the Secretary of Transportation of the intent to con-
8 duct a transfer prior to such transfer.

9 (b) ACCESS.—In a transfer of ownership of a bridge
10 under this section, the Commissioner of the Bureau of
11 Reclamation—

12 (1) shall not be required to transfer ownership
13 of the land on which the bridge is located or any ad-
14 jacent lands; and

15 (2) shall make arrangements with the State to
16 which ownership is being transferred to allow for
17 adequate access to such bridge, including for the
18 purposes of construction, maintenance, and bridge
19 inspections pursuant to section 144 of title 23,
20 United States Code.

21 **SEC. 1509. STUDY ON FEDERAL FUNDING AVAILABLE TO IN-**
22 **DIAN TRIBES.**

23 Not later than January 31 of each year, the Sec-
24 retary of Transportation shall submit to the Committee
25 on Transportation and Infrastructure of the House of

1 Representatives and the Committee on Environment and
2 Public Works of the Senate a report that—

3 (1) identifies the number of Indian Tribes that
4 were direct recipients of funds under any discre-
5 tionary Federal highway, transit, or highway safety
6 program in the prior fiscal year;

7 (2) lists the total amount of such funds made
8 available directly to such Tribes;

9 (3) identifies the number and location of Indian
10 Tribes that were indirect recipients of funds under
11 any formula-based Federal highway, transit, or high-
12 way safety program in the prior fiscal year; and

13 (4) lists the total amount of such funds made
14 available indirectly to such tribes through states or
15 other direct recipients of Federal highway, transit or
16 highway safety funding.

17 **SEC. 1510. GAO STUDY.**

18 (a) IN GENERAL.—The Comptroller General of the
19 United States shall conduct a study on the deferred main-
20 tenance of United States forest roads, including—

21 (1) the current backlog;

22 (2) the current actions on such maintenance
23 and backlog;

24 (3) the impacts of public safety due to such de-
25 ferred maintenance; and

1 (4) recommendations for Congress on ways to
2 address such backlog.

3 (b) REPORT.—Not later than 1 year after the date
4 of enactment of this Act, the Comptroller General of the
5 United States shall submit to the Committee on Transpor-
6 tation and Infrastructure of the House of Representatives
7 and the Committee on Environment and Public Works of
8 the Senate a report containing the results of the study
9 conducted under subsection (a).

10 **Subtitle F—Additional Provisions**

11 **SEC. 1601. VISION ZERO.**

12 (a) IN GENERAL.—A local government, metropolitan
13 planning organization, or regional transportation planning
14 organization may develop and implement a vision zero
15 plan to significantly reduce or eliminate transportation-re-
16 lated fatalities and serious injuries within a specified time-
17 frame, not to exceed 20 years.

18 (b) USE OF FUNDS.—Amounts apportioned to a
19 State under paragraph (2) or (3) of section 104(b) of title
20 23, United States Code, may be used to carry out a vision
21 zero plan under this section.

22 (c) CONTENTS OF PLAN.—A vision zero plan under
23 this section shall include—

24 (1) a description of programs, strategies, or
25 policies intended to significantly reduce or eliminate

1 transportation-related fatalities and serious injuries
2 within a specified timeframe, not to exceed 20 years,
3 that is consistent with a State strategic highway
4 safety plan and uses existing transportation data
5 and consideration of risk factors;

6 (2) plans for implementation of, education of
7 the public about, and enforcement of such programs,
8 strategies, or policies;

9 (3) a description of how such programs, strate-
10 gies, or policies, and the enforcement of such pro-
11 grams, strategies, or policies will—

12 (A) equitably invest in the safety needs of
13 low-income and minority communities;

14 (B) ensure that such communities are not
15 disproportionately targeted by law enforcement;
16 and

17 (C) protect the rights of members of such
18 communities with respect to title VI of the Civil
19 Rights Act of 1964 (42 U.S.C. 2000d et seq.);
20 and

21 (4) a description of a mechanism to evaluate
22 progress of the development and implementation of
23 the plan, including the gathering and use of trans-
24 portation safety and demographic data.

1 (d) INCLUSIONS.—A vision zero plan may include a
2 complete streets prioritization plan that identifies a spe-
3 cific list of projects to—

4 (1) create a connected network of active trans-
5 portation facilities, including sidewalks, bikeways, or
6 pedestrian and bicycle trails, to connect communities
7 and provide safe, reliable, affordable, and convenient
8 access to employment, housing, and services, con-
9 sistent with the goals described in section 150(b) of
10 title 23, United States Code;

11 (2) integrate active transportation facilities with
12 public transportation service or improve access to
13 public transportation; and

14 (3) improve transportation options for low-in-
15 come and minority communities.

16 (e) COORDINATION.—A vision zero plan under this
17 section shall provide for coordination of various subdivi-
18 sions of a unit of local government in the implementation
19 of the plan, including subdivisions responsible for law en-
20 forcement, public health, data collection, and public works.

21 (f) SAFETY PERFORMANCE MANAGEMENT.—A vision
22 zero plan under this section is not sufficient to dem-
23 onstrate compliance with the safety performance or plan-
24 ning requirements of section 148 or 150 of title 23, United
25 States Code.

1 **SEC. 1602. SPEED LIMITS.**

2 (a) **SPEED LIMITS.**—The Secretary of Transpor-
3 tation shall revise the Manual on Uniform Traffic Control
4 Devices to provide for a safe system approach to setting
5 speed limits, consistent with the safety recommendations
6 issued by the National Transportation Safety Board on
7 August 15, 2017, numbered H–17–27 and H–17–028.

8 (b) **CONSIDERATIONS.**—In carrying out subpara-
9 graph (A), the Secretary shall consider—

- 10 (1) crash statistics;
- 11 (2) road geometry characteristics;
- 12 (3) roadside characteristics;
- 13 (4) traffic volume;
- 14 (5) the possibility and likelihood of human
15 error;
- 16 (6) human injury tolerance;
- 17 (7) the prevalence of vulnerable road users; and
- 18 (8) any other consideration, consistent with a
19 safe system approach, as determined by the Sec-
20 retary.

21 (c) **REPORT ON SPEED MANAGEMENT PROGRAM**
22 **PLAN.**—Not later than 1 year after the date of enactment
23 of this Act, the Secretary shall update and report on the
24 implementation progress of the Speed Management Pro-
25 gram Plan of the Department of Transportation, as de-
26 scribed in the safety recommendation issued by the Na-

1 tional Transportation Safety Board on August 15, 2017,
2 numbered H–17–018.

3 (d) DEFINITIONS.—In this section, the terms “safe
4 system approach” and “vulnerable road user” have the
5 meanings given such terms in section 148(a) of title 23,
6 United States Code.

7 **SEC. 1603. BROADBAND INFRASTRUCTURE DEPLOYMENT.**

8 (a) DEFINITIONS.—In this section:

9 (1) APPROPRIATE STATE AGENCY.—The term
10 “appropriate State agency” means a State govern-
11 mental agency that is recognized by the executive
12 branch of the State as having the experience nec-
13 essary to evaluate and facilitate the installation and
14 operation of broadband infrastructure within the
15 State.

16 (2) BROADBAND.—The term “broadband” has
17 the meaning given the term “advanced telecommuni-
18 cations capability” in section 706 of the Tele-
19 communications Act of 1996 (47 U.S.C. 1302).

20 (3) BROADBAND CONDUIT.—The term
21 “broadband conduit” means a conduit or innerduct
22 for fiber optic cables (or successor technology of
23 greater quality and speed) that supports the provi-
24 sion of broadband.

1 (4) BROADBAND INFRASTRUCTURE.—The term
2 “broadband infrastructure” means any buried or un-
3 derground facility and any wireless or wireline con-
4 nection that enables the provision of broadband.

5 (5) BROADBAND PROVIDER.—The term
6 “broadband provider” means an entity that provides
7 broadband to any person or facilitates provision of
8 broadband to any person, including, with respect to
9 such entity—

10 (A) a corporation, company, association,
11 firm, partnership, nonprofit organization, or
12 any other private entity;

13 (B) a State or local broadband provider;

14 (C) an Indian Tribe; and

15 (D) a partnership between any of the enti-
16 ties described in subparagraphs (A), (B), and
17 (C).

18 (6) COVERED HIGHWAY CONSTRUCTION
19 PROJECT.—

20 (A) IN GENERAL.—The term “covered
21 highway construction project” means, without
22 regard to ownership of a highway, a project to
23 construct a new highway or an additional lane
24 for an existing highway, to reconstruct an exist-

1 ing highway, or new construction, including for
2 a paved shoulder.

3 (B) EXCLUSIONS.—The term “covered
4 highway construction project” excludes any
5 project—

6 (i) awarded before the date on which
7 regulations required under subsection (b)
8 take effect;

9 (ii) that does not include work beyond
10 the edge of pavement or current paved
11 shoulder; or

12 (iii) that does not require excavation.

13 (7) DIG ONCE REQUIREMENT.—The term “dig
14 once requirement” means a requirement designed to
15 reduce the cost and accelerate the deployment to
16 broadband by minimizing the number and scale of
17 repeated excavations for the installation and mainte-
18 nance of broadband conduit or broadband infrastruc-
19 ture in rights-of-way.

20 (8) INDIAN TRIBE.—The term “Indian Tribe”
21 has the meaning given such term in section 4(e) of
22 the Indian Self-Determination and Education Assist-
23 ance Act (25 U.S.C. 5304(e)).

1 (9) NTLA ADMINISTRATOR.—The term “NTLA
2 Administrator” means the Assistant Secretary of
3 Commerce for Communications and Information.

4 (10) PROJECT.—The term “project” has the
5 meaning given such term in section 101 of title 23,
6 United States Code.

7 (11) SECRETARY.—The term “Secretary”
8 means the Secretary of Transportation.

9 (12) STATE.—The term “State” has the mean-
10 ing given such term in section 401 of title 23,
11 United States Code.

12 (13) STATE OR LOCAL BROADBAND PRO-
13 VIDER.—The term “State or local broadband pro-
14 vider” means a State or political subdivision thereof,
15 or any agency, authority, or instrumentality of a
16 State or political subdivision thereof, that provides
17 broadband to any person or facilitates the provision
18 of broadband to any person in that State.

19 (14) TRIBAL GOVERNMENT.—The term “Tribal
20 government” means the recognized governing body
21 of an Indian Tribe or any agency, authority, or in-
22 strumentality of such governing body or such Indian
23 Tribe.

24 (b) DIG ONCE REQUIREMENT.—To facilitate the in-
25 stallation of broadband infrastructure, the Secretary shall,

1 not later than 9 months after the date of enactment of
2 this Act, promulgate regulations to ensure that each State
3 that receives funds under chapter 1 of title 23, United
4 States Code, meets the following requirements:

5 (1) BROADBAND PLANNING.—The State depart-
6 ment of transportation, in consultation with appro-
7 priate State agencies, shall—

8 (A) identify a broadband coordinator, who
9 may have additional responsibilities in the State
10 department of transportation or in another
11 State agency, that is responsible for facilitating
12 the broadband infrastructure right-of-way ef-
13 forts within the State; and

14 (B) review existing State broadband plans,
15 including existing dig once requirements of the
16 State, municipal governments incorporated
17 under State law, and Tribal governments within
18 the State, to determine opportunities to coordi-
19 nate projects occurring within or across high-
20 way rights-of-way with planned broadband in-
21 frastructure projects.

22 (2) NOTICE OF PLANNED CONSTRUCTION FOR
23 BROADBAND PROVIDERS.—

1 (A) NOTICE.—The State department of
2 transportation, in consultation with appropriate
3 State agencies, shall establish a process—

4 (i) for the registration of broadband
5 providers that seek to be included in the
6 advance notification of, and opportunity to
7 participate in, broadband infrastructure
8 right-of-way facilitation efforts within the
9 State; and

10 (ii) to electronically notify all
11 broadband providers registered under
12 clause (i)—

13 (I) of the State transportation
14 improvement program on at least an
15 annual basis; and

16 (II) of projects within the high-
17 way right-of-way for which Federal
18 funding is expected to be obligated in
19 the subsequent fiscal year.

20 (B) WEBSITE.—A State department of
21 transportation shall be considered to meet the
22 requirements of subparagraph (A) if such State
23 department of transportation publishes on a
24 public website—

1 (i) the State transportation improve-
2 ment program on at least an annual basis;
3 and

4 (ii) projects within the highway right-
5 of-way for which Federal funding is ex-
6 pected to be obligated in the subsequent
7 fiscal year.

8 (C) COORDINATION.—The State depart-
9 ment of transportation, in consultation with ap-
10 propriate State agencies, shall establish a proc-
11 ess for a broadband provider to commit to in-
12 stalling broadband conduit or broadband infra-
13 structure as part of any project.

14 (3) REQUIRED INSTALLATION OF CONDUIT.—

15 (A) IN GENERAL.—The State department
16 of transportation shall install broadband con-
17 duit, in accordance with this paragraph, except
18 as described in subparagraph (F), as part of
19 any covered highway construction project, un-
20 less a broadband provider has committed to in-
21 stall broadband conduit or broadband infra-
22 structure as part of such project in a process
23 described under paragraph (2)(C).

1 (B) INSTALLATION REQUIREMENTS.—The
2 State department of transportation shall ensure
3 that—

4 (i) an appropriate number of
5 broadband conduits, as determined in con-
6 sultation with the appropriate State agen-
7 cies, are installed along the highway of a
8 covered highway construction project to ac-
9 commodate multiple broadband providers,
10 with consideration given to the availability
11 of existing conduits;

12 (ii) the size of each such conduit is
13 consistent with industry best practices and
14 is sufficient to accommodate potential de-
15 mand, as determined in consultation with
16 the appropriate State agencies;

17 (iii) hand holes and manholes nec-
18 essary for fiber access and pulling with re-
19 spect to such conduit are placed at inter-
20 vals consistent with standards determined
21 in consultation with the appropriate State
22 agencies (which may differ by type of road,
23 topologies, and rurality) and consistent
24 with safety requirements;

1 (iv) each broadband conduit installed
2 pursuant to this paragraph includes a pull
3 tape and is capable of supporting fiber
4 optic cable placement techniques consistent
5 with best practices; and

6 (v) is placed at a depth consistent
7 with requirements of the covered highway
8 construction project and best practices and
9 that, in determining the depth of place-
10 ment, consideration is given to the location
11 of existing utilities and cable separation re-
12 quirements of State and local electrical
13 codes.

14 (C) GUIDANCE FOR THE INSTALLATION OF
15 BROADBAND CONDUIT.—The Secretary, in con-
16 sultation with the NTIA Administrator, shall
17 issue guidance for best practices related to the
18 installation of broadband conduit as described
19 in this paragraph and of conduit and similar in-
20 frastructure for intelligent transportation sys-
21 tems (as such term is defined in section 501 of
22 title 23, United States Code) that may utilize
23 broadband conduit installed pursuant to this
24 paragraph.

25 (D) ACCESS.—

1 (i) IN GENERAL.—The State depart-
2 ment of transportation shall ensure that
3 any requesting broadband provider has ac-
4 cess to each broadband conduit installed
5 pursuant to this paragraph, on a competi-
6 tively neutral and nondiscriminatory basis,
7 and in accordance with State permitting,
8 licensing, leasing, or other similar laws and
9 regulations.

10 (ii) FEE SCHEDULE.—The State de-
11 partment of transportation, in consultation
12 with appropriate State agencies, shall pub-
13 lish a fee schedule for a broadband pro-
14 vider to access conduit installed pursuant
15 to this paragraph. Fees in such schedule—

16 (I) shall be consistent with the
17 fees established pursuant to section
18 224 of the Communications Act of
19 1934 (47 U.S.C. 224);

20 (II) may vary by topography, lo-
21 cation, type of road, rurality, and
22 other factors in the determination of
23 the State; and

24 (III) may be updated not more
25 frequently than annually.

1 (iii) IN-KIND COMPENSATION.—The
2 State department of transportation may
3 negotiate in-kind compensation with any
4 broadband provider requesting access to
5 broadband conduit installed under the pro-
6 visions of this paragraph as a replacement
7 for part or all of, but not to exceed, the
8 relevant fee in the fee schedule described
9 in clause (ii).

10 (iv) SAFETY CONSIDERATIONS.—The
11 State department of transportation shall
12 require of broadband providers a process
13 for safe access to the highway right-of-way
14 during installation and on-going mainte-
15 nance of the broadband fiber optic cables
16 including a traffic control safety plan.

17 (v) COMMUNICATION.—A broadband
18 provider with access to the conduit in-
19 stalled pursuant to this subsection shall
20 notify and receive permission from the rel-
21 evant agencies of State responsible for the
22 installation of such broadband conduit
23 prior to accessing any highway or highway
24 right-of-way, in accordance with applicable
25 Federal requirements.

1 (E) TREATMENT OF PROJECTS.—Notwith-
2 standing any other provision of law, broadband
3 conduit and broadband infrastructure installa-
4 tion projects under this paragraph shall comply
5 with section 113(a) of title 23, United States
6 Code.

7 (F) WAIVER AUTHORITY.—

8 (i) IN GENERAL.—A State department
9 of transportation may waive the required
10 installation of broadband conduit for part
11 or all of any covered highway construction
12 project under this paragraph if, in the de-
13 termination of the State—

14 (I) broadband infrastructure, ter-
15 restrial broadband infrastructure, aer-
16 ial broadband fiber cables, or
17 broadband conduit is present near a
18 majority of the length of the covered
19 highway construction project;

20 (II) the installation of conduit in-
21 creases overall costs of a covered high-
22 way construction project by 1.5 per-
23 cent or greater;

24 (III) the installation of
25 broadband conduit associated with

1 covered highway construction project
2 will not be utilized or connected to fu-
3 ture broadband infrastructure in the
4 next 20 years, in the determination of
5 the State department of transpor-
6 tation, in consultation with appro-
7 priate State agencies and potentially
8 affected local governments and Tribal
9 governments;

10 (IV) the requirements of this
11 paragraph would require installation
12 of conduit redundant with a dig once
13 requirement of a local or Tribal gov-
14 ernment;

15 (V) there exists a circumstance
16 involving force majeure; or

17 (VI) other relevant factors, as de-
18 termined by the Secretary in consulta-
19 tion with the NTIA Administrator
20 through regulation, warrant a waiver.

21 (ii) CONTENTS OF WAIVER.—A waiver
22 authorized under this subparagraph
23 shall—

24 (I) identify the covered highway
25 construction project; and

1 (II) include a brief description of
2 the determination of the State for
3 issuing such waiver.

4 (iii) AVAILABILITY OF WAIVER.—A
5 waiver authorized under this subparagraph
6 shall be included in the plans, specifica-
7 tions, and estimates for the associated
8 project, as long as such info is publicly
9 available.

10 (4) PRIORITY.—If a State provides for the in-
11 stallation of broadband infrastructure or broadband
12 conduit in the right-of-way of an applicable project
13 under this subsection, the State department of
14 transportation, along with appropriate State agen-
15 cies, shall carry out appropriate measures to ensure
16 that any existing broadband providers are afforded
17 equal opportunity access, as compared to other
18 broadband providers, with respect to the program
19 under this subsection.

20 (5) CONSULTATION.—

21 (A) IN GENERAL.—In promulgating regu-
22 lations required by this subsection or to imple-
23 ment any part of this section, the Secretary
24 shall consult—

25 (i) the NTIA Administrator;

- 1 (ii) the Federal Communications Com-
2 mission;
- 3 (iii) State departments of transpor-
4 tation;
- 5 (iv) appropriate State agencies;
- 6 (v) agencies of local governments re-
7 sponsible for transportation and rights-of-
8 way, utilities, and telecommunications and
9 broadband;
- 10 (vi) Tribal governments;
- 11 (vii) broadband providers; and
- 12 (viii) manufacturers of optical fiber,
13 conduit, pull tape, and related items.

14 (B) BROADBAND USERS.—The Secretary
15 shall ensure that the entities consulted under
16 clauses (iii) through (vi) of subparagraph (A)
17 include rural areas and populations with limited
18 access to broadband infrastructure.

19 (C) BROADBAND PROVIDERS.—The Sec-
20 retary shall ensure that the entities consulted
21 under clause (vii) of subparagraph (A) include
22 entities who provide broadband to rural areas
23 and populations with limited access to
24 broadband infrastructure.

25 (6) PROHIBITION ON UNFUNDED MANDATE.—

1 (A) IN GENERAL.—This subsection shall
2 apply only to projects for which Federal obliga-
3 tions or expenditures are initially approved on
4 or after the date regulations required under this
5 subsection take effect.

6 (B) NO MANDATE.—Absent an available
7 and dedicated Federal source of funding—

8 (i) nothing in this subsection estab-
9 lishes a mandate or requirement that a
10 State install broadband conduit in a high-
11 way right-of-way; and

12 (ii) nothing in paragraph (3) shall es-
13 tablish any requirement for a State.

14 (7) RULES OF CONSTRUCTION.—

15 (A) STATE LAW.—Nothing in this sub-
16 section shall be construed to require a State to
17 install or allow the installation of broadband
18 conduit or broadband infrastructure—

19 (i) that is otherwise inconsistent with
20 what is allowable under State law; or

21 (ii) where the State lacks the author-
22 ity or property easement necessary for
23 such installation.

24 (B) NO REQUIREMENT FOR INSTALLATION
25 OF MOBILE SERVICES EQUIPMENT.—Nothing in

1 this section shall be construed to require a
2 State, a municipal government incorporated
3 under State law, or an Indian Tribe to install
4 or allow for the installation of equipment essen-
5 tial for the provision of commercial mobile serv-
6 ices (as defined in section 332(d) of the Com-
7 munications Act of 1934 (47 U.S.C. 332(d)))
8 or commercial mobile data service (as defined in
9 section 6001 of the Middle Class Tax Relief
10 and Job Creation Act of 2012 (47 U.S.C.
11 1401)), other than broadband conduit and asso-
12 ciated equipment described in paragraph
13 (3)(B).

14 (c) RELATION TO STATE DIG ONCE REQUIRE-
15 MENTS.—Nothing in subsection (b) or any regulations
16 promulgated under subsection (b) shall be construed to
17 alter or supersede any provision of a State law or regula-
18 tion that provides for a dig once requirement that includes
19 similar or more stringent requirements to the provisions
20 of subsection (b) and any regulations promulgated under
21 subsection (b).

22 (d) DIG ONCE FUNDING TASK FORCE.—

23 (1) ESTABLISHMENT.—There is established an
24 independent task force on funding the nationwide
25 dig once requirement described in this section to be

1 known as the “Dig Once Funding Task Force”
2 (hereinafter referred to as the “Task Force”).

3 (2) DUTIES.—The duties of the Task Force
4 shall be to—

5 (A) estimate the annual cost for imple-
6 menting and administering a nationwide dig
7 once requirement; and

8 (B) propose and evaluate options for fund-
9 ing a nationwide dig once requirement described
10 in this section that includes—

11 (i) a discussion of the role and poten-
12 tial share of costs of—

13 (I) the Federal Government;

14 (II) State, local, and Tribal gov-
15 ernments; and

16 (III) broadband providers; and

17 (ii) consideration of the role of exist-
18 ing dig once requirements of State, local,
19 and Tribal governments and private
20 broadband investment, with a goal to not
21 discourage or disincentivize such dig once
22 requirements or such investment.

23 (3) REPORTS.—

24 (A) INTERIM REPORT AND BRIEFING.—

25 Not later than 9 months after the date of en-

1 actment of this Act, the Task Force shall sub-
2 mit an interim report to Congress and provide
3 briefings for Congress on the findings of the
4 Task Force.

5 (B) FINAL REPORT.—Not later than 12
6 months after the date of enactment of this Act,
7 the Task Force shall submit a final report to
8 Congress on the findings of the Task Force.

9 (4) MEMBERS.—

10 (A) APPOINTMENTS.—The Task Force
11 shall consist of 14 members, consisting of—

12 (i) the two co-chairs described in sub-
13 paragraph (B);

14 (ii) six members jointly appointed by
15 the Speaker and minority leader of the
16 House of Representatives, in consultation
17 with the respective Chairs and Ranking
18 Members of the—

19 (I) the Committee on Transpor-
20 tation and Infrastructure of the
21 House of Representatives;

22 (II) the Committee on Energy
23 and Commerce of the House of Rep-
24 resentatives; and

1 (III) the Committee on Appro-
2 priations of the House of Representa-
3 tives; and

4 (iii) six members jointly appointed by
5 the majority leader and minority leader of
6 the Senate, in consultation with the respec-
7 tive Chairs and Ranking Members of the—

8 (I) the Committee on Environ-
9 ment and Public Works of the Senate;

10 (II) the Committee on Com-
11 merce, Science, and Transportation of
12 the Senate; and

13 (III) the Committee on Appro-
14 priations of the Senate.

15 (B) CO-CHAIRS.—The Task Force shall be
16 co-chaired by the Secretary and the NTIA Ad-
17 ministrator, or their designees.

18 (C) COMPOSITION.—The Task Force shall
19 include at least—

20 (i) one representative from a State de-
21 partment of transportation;

22 (ii) one representative from a local
23 government;

24 (iii) one representative from a Tribal
25 government;

1 (iv) one representative from a
2 broadband provider;

3 (v) one representative from a State or
4 local broadband provider;

5 (vi) one representative from a labor
6 union; and

7 (vii) one representative from a public
8 interest organization.

9 (D) APPOINTMENT DEADLINE.—Members
10 shall be appointed to the Task Force not later
11 than 60 days after the date of enactment of
12 this Act.

13 (E) EFFECT OF LACK OF APPOINTMENT
14 BY APPOINTMENT DATE.—If one or more ap-
15 pointments required under subparagraph (A) is
16 not made by the appointment date specified in
17 subparagraph (D), the authority to make such
18 appointment or appointments shall expire and
19 the number of members of the Task Force shall
20 be reduced by the number equal to the number
21 of appointments so expired.

22 (F) TERMS.—Members shall be appointed
23 for the life of the Task Force. A vacancy in the
24 Task Force shall not affect its powers and shall

1 be filled in the same manner as the initial ap-
2 pointment was made.

3 (5) CONSULTATIONS.—In carrying out the du-
4 ties required under this subsection, the Task Force
5 shall consult, at a minimum—

6 (A) the Federal Communications Commis-
7 sion;

8 (B) agencies of States including—

9 (i) State departments of transpor-
10 tation; and

11 (ii) appropriate State agencies;

12 (C) agencies of local governments respon-
13 sible for transportation and rights of way, utili-
14 ties, and telecommunications and broadband;

15 (D) Tribal governments;

16 (E) broadband providers and other tele-
17 communications providers;

18 (F) labor unions; and

19 (G) State or local broadband providers and
20 Tribal governments that act as broadband pro-
21 viders.

22 (6) ADDITIONAL PROVISIONS.—

23 (A) EXPENSES FOR NON-FEDERAL MEM-
24 BERS.—Non-Federal members of the Task
25 Force shall be allowed travel expenses, includ-

1 ing per diem in lieu of subsistence, at rates au-
2 thorized for employees under subchapter I of
3 chapter 57 of title 5, United States Code, while
4 away from their homes or regular places of
5 business in the performance of services for the
6 Task Force.

7 (B) STAFF.—Staff of the Task Force shall
8 comprise detailees with relevant expertise from
9 the Department of Transportation and the Na-
10 tional Telecommunications and Information Ad-
11 ministration, or another Federal agency the co-
12 chairpersons consider appropriate, with the con-
13 sent of the head of the Federal agency, and
14 such detailee shall retain the rights, status, and
15 privileges of his or her regular employment
16 without interruption.

17 (C) ADMINISTRATIVE ASSISTANCE.—The
18 Secretary and NTIA Administrator shall pro-
19 vide to the Task Force on a reimbursable basis
20 administrative support and other services for
21 the performance of the functions of the Task
22 Force.

23 (7) TERMINATION.—The Task Force shall ter-
24 minate not later than 90 days after issuance of the
25 final report required under paragraph (3)(B).

1 (e) GAO STUDY.—The Comptroller General of the
2 United States shall conduct a study on the deployment
3 of broadband infrastructure to cities and counties with a
4 population of not less than 2,500 and not more than
5 50,000.

6 **SEC. 1604. STORMWATER BEST MANAGEMENT PRACTICES.**

7 (a) STUDY.—

8 (1) IN GENERAL.—Not later than 180 days
9 after the date of enactment of this Act, the Sec-
10 retary of Transportation and the Administrator shall
11 seek to enter into an agreement with the Transpor-
12 tation Research Board of the National Academy of
13 Sciences to under which the Transportation Re-
14 search Board shall conduct a study—

15 (A) to estimate pollutant loads from
16 stormwater runoff from highways and pedes-
17 trian facilities eligible for assistance under title
18 23, United States Code, to inform the develop-
19 ment of appropriate total maximum daily load
20 requirements;

21 (B) to provide recommendations (including
22 recommended revisions to existing laws and reg-
23 ulations) regarding the evaluation and selection
24 by State departments of transportation of po-
25 tential stormwater management and total max-

1 imum daily load compliance strategies within a
2 watershed, including environmental restoration
3 and pollution abatement carried out under sec-
4 tion 328 of title 23, United States Code;

5 (C) to examine the potential for the Sec-
6 retary to assist State departments of transpor-
7 tation in carrying out and communicating
8 stormwater management practices for highways
9 and pedestrian facilities that are eligible for as-
10 sistance under title 23, United States Code,
11 through information-sharing agreements, data-
12 base assistance, or an administrative platform
13 to provide the information described in sub-
14 paragraphs (A) and (B) to entities issued per-
15 mits under the Federal Water Pollution Control
16 Act (33 U.S.C. 1251 et seq.); and

17 (D) to examine the benefit of concen-
18 trating stormwater retrofits in impaired water-
19 sheds and selecting such retrofits according to
20 a process that depends on a watershed manage-
21 ment plan developed in accordance with section
22 319 of the Federal Water Pollution Control Act
23 (33 U.S.C. 1329).

24 (2) REQUIREMENTS.—In conducting the study
25 under the agreement entered into pursuant to para-

1 graph (1), the Transportation Research Board
2 shall—

3 (A) review and supplement, as appropriate,
4 the methodologies examined and recommended
5 in the 2019 report of the National Academies
6 of Sciences, Engineering, and Medicine titled
7 “Approaches for Determining and Complying
8 with TMDL Requirements Related to Roadway
9 Stormwater Runoff”;

10 (B) consult with—

11 (i) the Secretary of Transportation;

12 (ii) the Secretary of Agriculture;

13 (iii) the Administrator;

14 (iv) the Secretary of the Army, acting
15 through the Chief of Engineers; and

16 (v) State departments of Transpor-
17 tation; and

18 (C) solicit input from—

19 (i) stakeholders with experience in im-
20 plementing stormwater management prac-
21 tices for projects; and

22 (ii) educational and technical
23 stormwater management groups.

24 (3) REPORT.—In carrying out the agreement
25 entered into pursuant to paragraph (1), not later

1 than 18 months after the date of enactment of this
2 Act, the Transportation Research Board shall sub-
3 mit to the Secretary of Transportation, the Adminis-
4 trator, the Committee on Transportation and Infra-
5 structure of the House of Representatives, and the
6 Committee on Environment and Public Works of the
7 Senate a report describing the results of the study.

8 (b) STORMWATER BEST MANAGEMENT PRACTICES
9 REPORTS.—

10 (1) REISSUANCE.—Not later than 180 days
11 after the date of enactment of this Act, the Adminis-
12 trator shall update and reissue the best management
13 practices reports to reflect new information and ad-
14 vancements in stormwater management.

15 (2) UPDATES.—Not less frequently than once
16 every 5 years after the date on which the Secretary
17 reissues the best management practices reports
18 under paragraph (1), the Secretary shall update and
19 reissue the best management practices reports, un-
20 less the contents of the best management practices
21 reports have been incorporated (including by ref-
22 erence) into applicable regulations of the Secretary.

23 (c) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Environ-
3 mental Protection Agency.

4 (2) BEST MANAGEMENT PRACTICES RE-
5 PORTS.—The term “best management practices re-
6 ports” means—

7 (A) the 2014 report sponsored by the De-
8 partment of Transportation titled “Determining
9 the State of the Practice in Data Collection and
10 Performance Measurement of Stormwater Best
11 Management Practices” (FHWA–HEP–16–
12 021); and

13 (B) the 2000 report sponsored by the De-
14 partment of Transportation titled “Stormwater
15 Best Management Practices in an Ultra-Urban
16 Setting: Selection and Monitoring”.

17 (3) TOTAL MAXIMUM DAILY LOAD.—The term
18 “total maximum daily load” has the meaning given
19 such term in section 130.2 of title 40, Code of Fed-
20 eral Regulations (or successor regulations).

21 **SEC. 1605. PEDESTRIAN FACILITIES IN THE PUBLIC RIGHT-**
22 **OF-WAY.**

23 (a) IN GENERAL.—Not later than 180 days after the
24 date of enactment of this Act, the Architectural and
25 Transportation Barriers Compliance Board established

1 under section 502(a)(1) of the Rehabilitation Act of 1973
2 (29 U.S.C. 792), in consultation with the Secretary of
3 Transportation, shall establish accessibility guidelines set-
4 ting forth minimum standards for pedestrian facilities in
5 the public right-of-way.

6 (b) CONTENT OF GUIDANCE.—The guidelines de-
7 scribed in subsection (a) shall be substantially similar to,
8 and carried out under the same statutory authority as—

9 (1) the notice of proposed rulemaking published
10 on July 26, 2011, titled “Accessibility Guidelines for
11 Pedestrian Facilities in the Public Right-of-Way”
12 (76 Fed. Reg. 44664); and

13 (2) the supplemental notice of proposed rule-
14 making published on February 13, 2013, titled “Ac-
15 cessibility Guidelines for Pedestrian Facilities in the
16 Public Right-of-Way; Shared Use Paths” (78 Fed.
17 Reg. 10110).

18 (c) ADOPTION OF REGULATIONS.—Not later than
19 180 days after the establishment of the guidelines pursu-
20 ant to subsection (a), the Secretary shall issue such regu-
21 lations as are necessary to adopt such guidelines.

22 **SEC. 1606. HIGHWAY FORMULA MODERNIZATION REPORT.**

23 (a) HIGHWAY FORMULA MODERNIZATION STUDY.—

24 (1) IN GENERAL.—The Secretary of Transpor-
25 tation, in consultation with the State departments of

1 transportation and representatives of local govern-
2 ments (including metropolitan planning organiza-
3 tions), shall conduct a highway formula moderniza-
4 tion study to assess the method and data used to ap-
5 portion Federal-aid highway funds under subsections
6 (b) and (c) of section 104 of title 23, United States
7 Code, and issue recommendations on such method
8 and data.

9 (2) ASSESSMENT.—The highway formula mod-
10 ernization study required under paragraph (1) shall
11 include an assessment of, based on the latest avail-
12 able data, whether the apportionment method under
13 such section results in—

14 (A) an equitable distribution of funds
15 based on the estimated tax payments attrib-
16 utable to—

17 (i) highway users in the State that are
18 paid into the Highway Trust Fund; and

19 (ii) individuals in the State that are
20 paid to the Treasury, based on contribu-
21 tions to the Highway Trust Fund from the
22 general fund of the Treasury; and

23 (B) the achievement of the goals described
24 in section 101(b)(3) of title 23, United States
25 Code.

1 (3) CONSIDERATIONS.—In carrying out the as-
2 sessment under paragraph (2), the Secretary shall
3 consider the following:

4 (A) The factors described in sections
5 104(b), 104(f)(2), 104(h)(2), 130(f), and
6 144(e) of title 23, United States Code, as in ef-
7 fect on the date of enactment of SAFETEA-
8 LU (Public Law 109–59).

9 (B) The availability and accuracy of data
10 necessary to calculate formula apportionments
11 under the factors described in subparagraph
12 (A).

13 (C) The measures established under sec-
14 tion 150 of title 23, United States Code, and
15 whether such measures are appropriate for con-
16 sideration as formula apportionment factors.

17 (D) The results of the CMAQ formula
18 modernization study required under subsection
19 (b).

20 (E) Any other factors that the Secretary
21 determines are appropriate.

22 (4) RECOMMENDATIONS.—The Secretary shall,
23 in consultation with the State departments of trans-
24 portation and representatives of local governments
25 (including metropolitan planning organizations), de-

1 velop recommendations on a new apportionment
2 method, including—

3 (A) the factors recommended to be in-
4 cluded in such apportionment method;

5 (B) the weighting recommended to be ap-
6 plied to the factors under subparagraph (A);
7 and

8 (C) any other recommendations to ensure
9 that the apportionment method best achieves an
10 equitable distribution of funds described under
11 paragraph (2)(A) and the goals described in
12 paragraph (2)(B).

13 (b) CMAQ FORMULA MODERNIZATION STUDY.—

14 (1) IN GENERAL.—Not later than 1 year after
15 the date of enactment of this Act, the Secretary of
16 Transportation, in consultation with the Adminis-
17 trator of the Environmental Protection Agency, shall
18 conduct an CMAQ formula modernization study to
19 assess whether the apportionment method under sec-
20 tion 104(b)(4) of title 23, United States Code, re-
21 sults in a distribution of funds that best achieves the
22 air quality goals of section 149 of such title.

23 (2) CONSIDERATIONS.—In providing consulta-
24 tion under this subsection, the Administrator of the

1 Environmental Protection Agency shall provide to
2 the Secretary an analysis of—

3 (A) factors that contribute to the appor-
4 tionment, including population, types of pollut-
5 ants, and severity of pollutants, as such factors
6 were determined on the date prior to the date
7 of enactment of MAP-21;

8 (B) the weighting of the factors listed
9 under subparagraph (A); and

10 (C) the recency of the data used in making
11 the apportionment under section 104(b)(4) of
12 title 23, United States Code.

13 (3) RECOMMENDATIONS.—If, in conducting the
14 study under this subsection, the Secretary finds that
15 modifying the apportionment method under section
16 104(b)(4) of title 23, United States Code, would
17 best achieve the air quality goals of section 149 of
18 title 23, United States Code, the Secretary shall, in
19 consultation with the Administrator, include in such
20 study recommendations for a new apportionment
21 method, including—

22 (A) the factors recommended to be in-
23 cluded in such apportionment method;

1 (B) the weighting recommended to be ap-
2 plied to the factors under subparagraph (A);
3 and

4 (C) any other recommendations to ensure
5 that the apportionment method best achieves
6 the air quality goals section 149 of such title.

7 (c) REPORT.—No later than 2 years after the date
8 of enactment of this Act, the Secretary shall submit to
9 the Committee on Transportation and Infrastructure of
10 the House of Representatives and the Committee on Envi-
11 ronment and Public Works of the Senate a report con-
12 taining the results of the highway formula modernization
13 study and the CMAQ formula modernization study.

14 **SEC. 1607. CONSOLIDATION OF PROGRAMS.**

15 Section 1519 of MAP-21 (Public Law 112-141) is
16 amended—

17 (1) in subsection (a)—

18 (A) by striking “fiscal years 2016 through
19 2020” and inserting “fiscal years 2022 through
20 2025”; and

21 (B) by striking “\$3,500,000” and insert-
22 ing “\$4,000,000”;

23 (2) by redesignating subsections (b) and (c) as
24 subsections (c) and (d), respectively; and

1 (3) by inserting after subsection (a) the fol-
2 lowing:

3 “(b) FEDERAL SHARE.—The Federal share of the
4 cost of a project or activity carried out under subsection
5 (a) shall be 100 percent.”.

6 **SEC. 1608. STUDENT OUTREACH REPORT TO CONGRESS.**

7 (a) REPORT.—Not later than 180 days after the date
8 of enactment of this Act, the Secretary of Transportation
9 shall submit to the Committee on Transportation and In-
10 frastructure of the House of Representatives and the Com-
11 mittee on Environment and Public Works of the Senate
12 a report that describes the efforts of the Department of
13 Transportation to encourage elementary, secondary, and
14 post-secondary students to pursue careers in the surface
15 transportation sector.

16 (b) CONTENTS.—The report required under sub-
17 section (a) shall include—

18 (1) a description of efforts to increase aware-
19 ness of careers related to surface transportation
20 among elementary, secondary, and post-secondary
21 students;

22 (2) a description of efforts to prepare and in-
23 spire such students for surface transportation ca-
24 reers;

1 (4) identify and address potential impacts of
2 emerging technologies on the surface transportation
3 workforce;

4 (5) increase access for vulnerable or underrep-
5 resented populations, especially women and minori-
6 ties, to high-skill, in-demand surface transportation
7 careers;

8 (6) facilitate and encourage elementary, sec-
9 ondary, and post-secondary students in the United
10 States to pursue careers in the surface transpor-
11 tation sector; and

12 (7) identify and develop pathways for students
13 and individuals to secure pre-apprenticeships, reg-
14 istered apprenticeships, and other work-based learn-
15 ing opportunities in the surface transportation sector
16 of the United States.

17 (c) CONSIDERATIONS.—In developing recommenda-
18 tions and strategies under subsection (b), the Task Force
19 shall—

20 (1) identify factors that influence whether
21 young people pursue careers in surface transpor-
22 tation, especially traditionally underrepresented pop-
23 ulations, including women and minorities;

24 (2) consider how the Department, businesses,
25 industry, labor, educators, and other stakeholders

1 can coordinate efforts to support qualified individ-
2 uals in pursuing careers in the surface transpor-
3 tation sector;

4 (3) identify methods of enhancing surface
5 transportation pre-apprenticeships and registered
6 apprenticeships, job skills training, mentorship, edu-
7 cation, and outreach programs that are exclusive to
8 youth in the United States; and

9 (4) identify potential sources of funding, includ-
10 ing grants and scholarships, that may be used to
11 support youth and other qualified individuals in pur-
12 suing careers in the surface transportation sector.

13 (d) CONSULTATION.—In developing the recommenda-
14 tions and strategies required under subsection (b), the
15 Task Force may consult with—

16 (1) local educational agencies and institutes of
17 higher education, including community colleges and
18 vocational schools; and

19 (2) State workforce development boards.

20 (e) REPORT.—Not later than 60 days after the sub-
21 mission of the recommendations and strategies under sub-
22 section (b), the Secretary shall submit to the Committee
23 on Transportation and Infrastructure of the House of
24 Representatives and the Committee on Environment and

1 Public Works of the Senate a report containing such rec-
2 ommendations and strategies.

3 (f) COMPOSITION OF TASK FORCE.—The Secretary
4 shall appoint members to the Task Force whose diverse
5 background and expertise allow such members to con-
6 tribute balanced points of view and ideas in carrying out
7 this section, comprised of equal representation from each
8 of the following:

9 (1) Industries in the surface transportation sec-
10 tor.

11 (2) Surface transportation sector labor organi-
12 zations.

13 (3) Such other surface transportation stake-
14 holders and experts as the Secretary considers ap-
15 propriate.

16 (g) PERIOD OF APPOINTMENT.—Members shall be
17 appointed to the Task Force for the duration of the exist-
18 ence of the Task Force.

19 (h) COMPENSATION.—Task Force members shall
20 serve without compensation.

21 (i) SUNSET.—The Task Force shall terminate upon
22 the submission of the report required under subsection (e).

23 (j) DEFINITIONS.—In this section:

24 (1) PRE-APPRENTICESHIP.—The term “pre-ap-
25 prenticeship” means a training model or program

1 that prepares individuals for acceptance into a reg-
2 istered apprenticeship and has a demonstrated part-
3 nership with one or more registered apprenticeships.

4 (2) REGISTERED APPRENTICESHIP.—The term
5 “registered apprenticeship” means an apprenticeship
6 program registered under the Act of August 16,
7 1937 (29 U.S.C. 50 et seq.; commonly known as the
8 “National Apprenticeship Act”), that satisfies the
9 requirements of parts 29 and 30 of title 29, Code
10 of Federal Regulations (as in effect on January 1,
11 2020).

12 **SEC. 1610. ON-THE-JOB TRAINING AND SUPPORTIVE SERV-**
13 **ICES.**

14 Section 140(b) of title 23, United States Code, is
15 amended to read as follows:

16 “(b) WORKFORCE TRAINING AND DEVELOPMENT.—

17 “(1) IN GENERAL.—The Secretary, in coopera-
18 tion with the Secretary of Labor and any other de-
19 partment or agency of the Government, State agen-
20 cy, authority, association, institution, Indian Tribal
21 government, corporation (profit or nonprofit), or any
22 other organization or person, is authorized to de-
23 velop, conduct, and administer surface transpor-
24 tation and technology training, including skill im-

1 provement programs, and to develop and fund sum-
2 mer transportation institutes.

3 “(2) STATE RESPONSIBILITIES.—A State de-
4 partment of transportation participating in the pro-
5 gram under this subsection shall—

6 “(A) develop an annual workforce plan
7 that identifies immediate and anticipated work-
8 force gaps and underrepresentation of women
9 and minorities and a detailed plan to fill such
10 gaps and address such underrepresentation;

11 “(B) establish an annual workforce devel-
12 opment compact with the State workforce devel-
13 opment board and appropriate agencies to pro-
14 vide a coordinated approach to workforce train-
15 ing, job placement, and identification of train-
16 ing and skill development program needs, which
17 shall be coordinated to the extent practical with
18 an institution or agency, such as a State work-
19 force development board under section 101 of
20 the Workforce Innovation and Opportunities
21 Act (29 U.S.C. 3111), that has established
22 skills training, recruitment, and placement re-
23 sources; and

24 “(C) demonstrate program outcomes, in-
25 cluding—

1 “(i) impact on areas with transpor-
2 tation workforce shortages;

3 “(ii) diversity of training participants;

4 “(iii) number and percentage of par-
5 ticipants obtaining certifications or creden-
6 tials required for specific types of employ-
7 ment;

8 “(iv) employment outcome, including
9 job placement and job retention rates and
10 earnings, using performance metrics estab-
11 lished in consultation with the Secretary of
12 Labor and consistent with metrics used by
13 programs under the Workforce Innovation
14 and Opportunity Act (29 U.S.C. 3101 et
15 seq.); and

16 “(v) to the extent practical, evidence
17 that the program did not preclude workers
18 that participate in training or registered
19 apprenticeship activities under the pro-
20 gram from being referred to, or hired on,
21 projects funded under this chapter.

22 “(3) FUNDING.—From administrative funds
23 made available under section 104(a), the Secretary
24 shall deduct such sums as necessary, not to exceed
25 \$10,000,000 in each fiscal year, for the administra-

1 tion of this subsection. Such sums shall remain
2 available until expended.

3 “(4) NONAPPLICABILITY OF TITLE 41.—Sub-
4 sections (b) through (d) of section 6101 of title 41
5 shall not apply to contracts and agreements made
6 under the authority granted to the Secretary under
7 this subsection.

8 “(5) USE OF SURFACE TRANSPORTATION PRO-
9 GRAM AND NATIONAL HIGHWAY PERFORMANCE PRO-
10 GRAM FUNDS.—Notwithstanding any other provision
11 of law, not to exceed $\frac{1}{2}$ of 1 percent of funds appor-
12 tioned to a State under paragraph (1) or (2) of sec-
13 tion 104(b) may be available to carry out this sub-
14 section upon request of the State transportation de-
15 partment to the Secretary.”.

16 **SEC. 1611. APPALACHIAN DEVELOPMENT HIGHWAY SYS-**
17 **TEM FUNDING FLEXIBILITY.**

18 (a) IN GENERAL.—Any funds made available to a
19 State for the Appalachian development highway system
20 program under subtitle IV of title 40, United States Code,
21 before the date of enactment of this Act may be used, at
22 the request of such State to the Secretary of Transpor-
23 tation, for the purposes described in section 133(b) of title
24 23, United States Code.

1 (b) LIMITATION.—The authority in subsection (a)
2 may only be used by an Appalachian development highway
3 system State if all of the Appalachian development high-
4 way system corridors authorized by subtitle IV of title 40,
5 United States Code, in such State, have been fully com-
6 pleted and are open to traffic prior to the State making
7 a request to the Secretary as described in subsection (a).

8 **SEC. 1612. TRANSPORTATION EDUCATION DEVELOPMENT**
9 **PROGRAM.**

10 Section 504 of title 23, United States Code, is
11 amended—

12 (1) in subsection (e)(1) by inserting “and (8)
13 through (9)” after “paragraphs (1) through (4)”;
14 and

15 (2) in subsection (f) by adding at the end the
16 following:

17 “(4) REPORTS.—The Secretary shall submit to
18 the Committee on Transportation and Infrastructure
19 of the House of Representatives and the Committee
20 on Commerce, Science, and Transportation of the
21 Senate an annual report that includes—

22 “(A) a list of all grant recipients under
23 this subsection;

1 “(B) an explanation of why each recipient
2 was chosen in accordance with the criteria
3 under paragraph (2);

4 “(C) a summary of each recipient’s objec-
5 tive to carry out the purpose described in para-
6 graph (1) and an analysis of progress made to-
7 ward achieving each such objective;

8 “(D) an accounting for the use of Federal
9 funds obligated or expended in carrying out this
10 subsection; and

11 “(E) an analysis of outcomes of the pro-
12 gram under this subsection.”.

13 **SEC. 1613. WORKING GROUP ON CONSTRUCTION RE-**
14 **SOURCES.**

15 (a) **ESTABLISHMENT.**—Not later than 120 days after
16 the date of enactment of this Act, the Secretary of Trans-
17 portation shall establish a working group (in this section
18 referred to as the “Working Group”) to conduct a study
19 on access to covered resources for infrastructure projects.

20 (b) **MEMBERSHIP.**—

21 (1) **APPOINTMENT.**—The Secretary shall ap-
22 point to the Working Group individuals with knowl-
23 edge and expertise in the production and transpor-
24 tation of covered resources.

1 (2) REPRESENTATION.—The Working Group
2 shall include at least one representative of each of
3 the following:

4 (A) State departments of transportation.

5 (B) State agencies associated with covered
6 resources protection.

7 (C) State planning and geologic survey and
8 mapping agencies.

9 (D) Commercial motor vehicle operators,
10 including small business operators and opera-
11 tors who transport covered resources.

12 (E) Covered resources producers.

13 (F) Construction contractors.

14 (G) Labor organizations.

15 (H) Metropolitan planning organizations
16 and regional planning organizations.

17 (I) Indian Tribes, including Tribal elected
18 leadership or Tribal transportation officials.

19 (J) Any other stakeholders that the Sec-
20 retary determines appropriate.

21 (3) TERMINATION.—The Working Group shall
22 terminate 6 months after the date on which the Sec-
23 retary receives the report under subsection (e)(1).

24 (c) DUTIES.—In carrying out the study required
25 under subsection (a), the Working Group shall analyze—

1 (1) the use of covered resources in transpor-
2 tation projects funded with Federal dollars;

3 (2) how the proximity of covered resources to
4 such projects affects the cost and environmental im-
5 pact of such projects;

6 (3) whether and how State, Tribal, and local
7 transportation and planning agencies consider cov-
8 ered resources when developing transportation
9 projects; and

10 (4) any challenges for transportation project
11 sponsors regarding access and proximity to covered
12 resources.

13 (d) CONSULTATION.—In carrying out the study re-
14 quired under subsection (a), the Working Group shall con-
15 sult with, as appropriate—

16 (1) chief executive officers of States;

17 (2) State, Tribal, and local transportation and
18 planning agencies;

19 (3) other relevant State, Tribal, and local agen-
20 cies, including State agencies associated with cov-
21 ered resources protection;

22 (4) members of the public with industry experi-
23 ence with respect to covered resources;

24 (5) other Federal entities that provide funding
25 for transportation projects; and

1 (6) any other stakeholder the Working Group
2 determines appropriate.

3 (e) REPORTS.—

4 (1) WORKING GROUP REPORT.—Not later than
5 2 years after the date on which the Working Group
6 is established, the Working Group shall submit to
7 the Secretary a report that includes—

8 (A) the findings of the study required
9 under subsection (a), including a summary of
10 comments received during the consultation
11 process under subsection (d); and

12 (B) any recommendations to preserve ac-
13 cess to and reduce the costs and environmental
14 impacts of covered resources for infrastructure
15 projects.

16 (2) DEPARTMENTAL REPORT.—Not later than
17 3 months after the date on which the Secretary re-
18 ceives the report under paragraph (1), the Secretary
19 shall submit to the Committee on Transportation
20 and Infrastructure of the House of Representatives
21 and the Committee on Environment and Public
22 Works of the Senate a summary of the findings
23 under such report and any recommendations, as ap-
24 propriate.

25 (f) DEFINITIONS.—In this section:

1 (1) COVERED RESOURCES.—The term “covered
2 resources” means common variety materials used in
3 transportation infrastructure construction and main-
4 tenance, including stone, sand, and gravel.

5 (2) STATE.—The term “State” means each of
6 the several States, the District of Columbia, and
7 each territory or possession of the United States.

8 **SEC. 1614. NUMBERING SYSTEM OF HIGHWAY INTER-**
9 **CHANGES.**

10 (a) IN GENERAL.—Notwithstanding section 315 of
11 title 23, United States Code, and section 1.36 of title 23,
12 Code of Federal Regulations, the Secretary of Transpor-
13 tation may not impose a penalty on a State that does not
14 comply with section 2E.31 of the Manual on Uniform
15 Traffic Control Devices (or a successor section) with re-
16 spect to the numbering of highway interchanges.

17 (b) APPLICABILITY.—Subsection (a) shall only apply
18 to a method of numbering of a highway interchange in
19 effect on the date of enactment of this Act.

20 **SEC. 1615. TOLL CREDITS.**

21 (a) PURPOSES.—The Secretary of Transportation
22 shall—

23 (1) identify the extent of the demand to pur-
24 chase toll credits;

1 (2) identify the expected cash price of toll cred-
2 its;

3 (3) analyze the impact of the exchange of toll
4 credits on transportation expenditures; and

5 (4) identify any other repercussions of estab-
6 lishing a toll credit exchange.

7 (b) SOLICITATION.—To carry out the requirements of
8 this section, the Secretary shall solicit information from
9 States eligible to use a credit under section 120(i) of title
10 23, United States Code, including—

11 (1) the amount of unused toll credits, includ-
12 ing—

13 (A) toll revenue generated and the sources
14 of that revenue;

15 (B) toll revenue used by public, quasi-pub-
16 lic, and private agencies to build, improve, or
17 maintain highways, bridges, or tunnels that
18 serve the public purpose of interstate commerce;
19 and

20 (C) an accounting of any Federal funds
21 used by the public, quasi-public, or private
22 agency to build, improve, or maintain the toll
23 facility, to validate that the credit has been re-
24 duced by a percentage equal to the percentage
25 of the total cost of building, improving, or

1 maintaining the facility that was derived from
2 Federal funds;

3 (2) the documentation of maintenance of effort
4 for toll credits earned by the State; and

5 (3) the accuracy of the accounting system of
6 the State to earn and track toll credits.

7 (c) WEBSITE.—The Secretary shall make available a
8 publicly accessible website on which a State eligible to use
9 a credit under section 120(i) of title 23, United States
10 Code shall publish the information described under sub-
11 section (b)(1).

12 (d) EVALUATION AND RECOMMENDATIONS TO CON-
13 GRESS.—Not later than 2 years after the date of enact-
14 ment of this Act, the Secretary shall provide to the Com-
15 mittee on Transportation and Infrastructure of the House
16 of Representatives and the Committee on Environment
17 and Public Works of the Senate, and make publicly avail-
18 able on the website of the Department of Transpor-
19 tation—

20 (1) an evaluation of the accuracy of the ac-
21 counting and documentation of toll credits earned
22 under section 120(i);

23 (2) a determination whether a toll credit mar-
24 ketplace is viable and cost effective;

1 (3) estimates, to the extent possible, of the av-
2 erage sale price of toll credits; and

3 (4) recommendations on any modifications nec-
4 essary, including legislative changes, to establish and
5 implement a toll credit exchange program.

6 (e) DEFINITION.—In this section, the term “State”
7 has the meaning given the term in section 101(a) of title
8 23, United States Code.

9 **SEC. 1616. TRANSPORTATION CONSTRUCTION MATERIALS**
10 **PROCUREMENT.**

11 (a) ESTABLISHMENT.—Not later than 180 days after
12 the date of enactment of this Act, the Secretary of Trans-
13 portation shall initiate a review of the procurement proc-
14 esses used by State departments of transportation to se-
15 lect construction materials on projects utilizing Federal-
16 aid highway funds.

17 (b) CONTENTS.—The review under subsection (a)
18 shall include—

19 (1) a review of competitive practices in the bid-
20 ding process for transportation construction mate-
21 rials;

22 (2) a list of States that currently issue bids
23 that include flexibility in the type of construction
24 materials used to meet the project specifications;

1 (3) any information provided by States on con-
2 siderations that influence the decision to include
3 competition by type of material in transportation
4 construction projects;

5 (4) any data on whether issuing bids that in-
6 clude flexibility in the type of construction materials
7 used to meet the project specifications will affect
8 project costs over the lifecycle of an asset;

9 (5) any data on the degree to which competition
10 leads to greater use of sustainable, innovative, or re-
11 silient materials; and

12 (6) an evaluation of any barriers to more wide-
13 spread use of competitive bidding processes for
14 transportation construction materials.

15 (c) REPORT.—Not later than 18 months after the
16 date of enactment of this Act, the Secretary shall submit
17 to the Committee on Transportation and Infrastructure
18 of the House of Representatives and the Committee on
19 Environment and Public Works of the Senate, and make
20 publicly available, a report on the review initiated by the
21 Secretary pursuant to this section.

22 **SEC. 1617. CONSTRUCTION OF CERTAIN ACCESS AND DE-**
23 **VELOPMENT ROADS.**

24 Section 118(d) of title 23, United States Code, is
25 amended by striking “and the Commonwealth of Puerto

1 Rico” and inserting “, the Commonwealth of Puerto Rico,
2 and any other territory of the United States”.

3 **SEC. 1618. NATIONWIDE ROAD SAFETY ASSESSMENT.**

4 (a) IN GENERAL.—The Secretary of Transportation
5 shall, every 2 years, conduct nationwide, on-the-ground
6 road safety assessments focused on pedestrian and bicycle
7 safety in each State.

8 (b) REQUIREMENTS.—The assessments required
9 under subsection (a) shall be conducted—

10 (1) by Department of Transportation field of-
11 fices from the Federal Highway Administration, the
12 National Highway Transportation Safety Adminis-
13 tration, the Federal Transit Administration, and the
14 Federal Motor Carrier Safety Administration; and

15 (2) in consultation with—

16 (A) State and local agencies with jurisdic-
17 tion over pedestrian and bicycle safety;

18 (B) pedestrian safety and bicycle safety
19 advocacy organizations; and

20 (C) other relevant pedestrian and bicycle
21 safety stakeholders.

22 (c) PURPOSES.—The purpose of the assessments
23 under this section is to—

1 (1) identify and examine specific locations with
2 documented or perceived problems with pedestrian
3 and bicycle safety and access;

4 (2) examine barriers to providing safe pedes-
5 trian and bicycle access to transportation infrastruc-
6 ture; and

7 (3) develop and issue recommendations de-
8 signed to effectively address specific safety and ac-
9 cess issues and enhance pedestrian and bicycle safe-
10 ty in high risk areas.

11 (d) REPORT ON STATE ASSESSMENTS.—Upon com-
12 pletion of the assessment of a State, the Secretary shall
13 issue, and make available to the public, a report con-
14 taining the assessment that includes—

15 (1) a list of locations that have been assessed
16 as presenting a danger to pedestrians or bicyclists;
17 and

18 (2) recommendations to enhance pedestrian and
19 bicycle safety in those locations.

20 (e) REPORT ON NATIONWIDE PROGRAM.—Upon com-
21 pletion of the biannual assessment nationwide required
22 under this section, the Secretary shall issue, and make
23 available to the public, that covers assessments for all ju-
24 risdictions and also present it to the congressional trans-
25 portation committees.

1 (f) NATIONAL PEDESTRIAN AND BICYCLE SAFETY
2 DATABASE.—The Secretary, in order to enhance pedes-
3 trian and bicycle safety and improve information sharing
4 on pedestrian and bicycle safety challenges between the
5 Federal Government and State and local governments,
6 shall maintain a national pedestrian and bicycle safety
7 database that includes—

8 (1) a list of high-risk intersections, roads, and
9 highways with a documented history of pedestrian or
10 bicycle accidents or fatalities and details regarding
11 those incidents; and

12 (2) information on corrective measures that
13 have been implemented at the State, local, or Fed-
14 eral level to enhance pedestrian and bicyclist safety
15 at those high risk areas, including details on the na-
16 ture and date of corrective action.

17 (g) STATE DEFINED.—In this section, the term
18 “State” means each of the States, the District of Colum-
19 bia, and Puerto Rico.

20 **SEC. 1619. WILDLIFE CROSSINGS.**

21 (a) IN GENERAL.—

22 (1) OBLIGATION REQUIREMENT.—For each of
23 fiscal years 2022 through 2025, of the amounts ap-
24 portioned to a State under paragraph (1) of section
25 104(b) of title 23, United States Code, each State

1 shall obligate amounts distributed to such State
2 under subsection (b) for projects and strategies that
3 reduce vehicle-caused wildlife mortality related to, or
4 to restore and maintain connectivity among terres-
5 trial or aquatic habitats affected by, a transpor-
6 tation facility otherwise eligible for assistance under
7 section 119 of title 23, United States Code.

8 (2) TOTAL AMOUNT.—The total amount to be
9 obligated by all States under paragraph (1) shall
10 equal \$75,000,000 for each of fiscal years 2022
11 through 2025.

12 (b) DISTRIBUTION.—Each State’s share of the
13 amount described under subsection (a)(2) shall be deter-
14 mined by multiplying the amount described under such
15 subsection by the ratio that—

16 (1) the amount apportioned in the previous fis-
17 cal year to the State under section 104 of title 23,
18 United States Code; bears to

19 (2) the total amount of funds apportioned to all
20 States in the previous fiscal year.

21 (c) STATE FLEXIBILITY.—

22 (1) IN GENERAL.—A State may opt out of the
23 obligation requirement described under this section
24 if the Governor of the State notifies the Secretary
25 that the State has inadequate needs to justify the

1 expenditure not later than 30 days prior to appor-
2 tionments being made for any fiscal year.

3 (2) USE OF FUNDS.—A State that exercises the
4 authority under paragraph (1) may use the funds
5 described under this section for any purpose de-
6 scribed under section 119 of title 23, United States
7 Code.

8 **SEC. 1620. CLIMATE RESILIENT TRANSPORTATION INFRA-**
9 **STRUCTURE STUDY.**

10 (a) CLIMATE RESILIENT TRANSPORTATION INFRA-
11 STRUCTURE STUDY.—Not later than 180 days after the
12 date of enactment of this Act, the Secretary of Transpor-
13 tation shall enter into an agreement with the Transpor-
14 tation Research Board of the National Academies to con-
15 duct a study of the actions needed to ensure that Federal
16 agencies are taking into account current and future cli-
17 mate conditions in planning, designing, building, oper-
18 ating, maintaining, investing in, and upgrading any feder-
19 ally funded transportation infrastructure investments.

20 (b) METHODOLOGIES.—In conducting the study, the
21 Transportation Research Board shall build on the meth-
22 odologies examined and recommended in—

23 (1) the 2018 report issued the American Soci-
24 ety of Civil Engineers, titled “Climate-Resilient In-

1 frastructure: Adaptive Design and Risk Manage-
2 ment”; and

3 (2) the report issued by the California Climate-
4 Safe Infrastructure Working Group, titled “Paying
5 it Forward: The Path Toward Climate-Safe Infra-
6 structure in California”.

7 (c) CONTENTS OF STUDY.—The study shall include
8 specific recommendations regarding the following:

9 (1) Integrating scientific knowledge of projected
10 climate change impacts, and other relevant data and
11 information, into Federal infrastructure planning,
12 design, engineering, construction, operation and
13 maintenance.

14 (2) Addressing critical information gaps and
15 challenges.

16 (3) Financing options to help fund climate-resil-
17 ient infrastructure.

18 (4) A platform or process to facilitate commu-
19 nication between climate scientists and other experts
20 with infrastructure planners, engineers and other
21 relevant experts.

22 (5) A stakeholder process to engage with rep-
23 resentatives of State, local, tribal and community
24 groups.

1 (6) A platform for tracking Federal funding of
2 climate-resilient infrastructure.

3 (7) Labor and workforce needs to implement
4 climate-resilient transportation infrastructure
5 projects including new and emerging skills, training
6 programs, competencies and recognized postsec-
7 ondary credentials that may be required to ade-
8 quately equip the workforce.

9 (8) Outlining how Federal infrastructure plan-
10 ning, design, engineering, construction, operation,
11 and maintenance impact the environment and public
12 health of disproportionately exposed communities.
13 For purposes of this paragraph, the term “dis-
14 proportionately exposed communities” means a com-
15 munity in which climate change, pollution, or envi-
16 ronmental destruction have exacerbated systemic ra-
17 cial, regional, social, environmental, and economic
18 injustices by disproportionately affecting indigenous
19 peoples, communities of color, migrant communities,
20 deindustrialized communities, depopulated rural
21 communities, the poor, low-income workers, women,
22 the elderly, people experiencing homelessness, people
23 with disabilities, people who are incarcerated, or
24 youth.

1 (d) CONSIDERATIONS.—In carrying out the study,
2 the Transportation Research Board shall determine the
3 need for information related to climate resilient transpor-
4 tation infrastructure by considering—

5 (1) the current informational and institutional
6 barriers to integrating projected infrastructure risks
7 posed by climate change into federal infrastructure
8 planning, design, engineering, construction, oper-
9 ation and maintenance;

10 (2) the critical information needed by engineers,
11 planners and those charged with infrastructure up-
12 grades and maintenance to better incorporate cli-
13 mate change risks and impacts over the lifetime of
14 projects;

15 (3) how to select an appropriate, adaptive engi-
16 neering design for a range of future climate sce-
17 narios as related to infrastructure planning and in-
18 vestment;

19 (4) how to incentivize and incorporate systems
20 thinking into engineering design to maximize the
21 benefits of multiple natural functions and emissions
22 reduction, as well as regional planning;

23 (5) how to take account of the risks of cas-
24 cading infrastructure failures and develop more ho-

1 listic approaches to evaluating and mitigating cli-
2 mate risks;

3 (6) how to ensure that investments in infra-
4 structure resilience benefit all communities, includ-
5 ing communities of color, low-income communities
6 and tribal communities that face a disproportionate
7 risk from climate change and in many cases have ex-
8 perience long-standing unmet needs and under-
9 investment in critical infrastructure;

10 (7) how to incorporate capital assessment and
11 planning training and techniques, including a range
12 of financing options to help local and State govern-
13 ments plan for and provide matching funds;

14 (8) how federal agencies can track and monitor
15 federally funded resilient infrastructure in a coordi-
16 nated fashion to help build the understanding of the
17 cost-benefit of resilient infrastructure and to build
18 the capacity for implementing resilient infrastruc-
19 ture; and

20 (9) the occupations, skillsets, training pro-
21 grams, competencies and recognized postsecondary
22 credentials that will be needed to implement such
23 climate-resilient transportation infrastructure
24 projects, and how to ensure that any new jobs cre-
25 ated by such projects ensure that priority hiring con-

1 siderations are given to individuals facing barriers to
2 employment, communities of color, low-income com-
3 munities and tribal communities that face a dis-
4 proportionate risk from climate change and have
5 been excluded from job opportunities.

6 (e) CONSULTATION.—In carrying out the study, the
7 Transportation Research Board—

8 (1) shall convene and consult with a panel of
9 national experts, including operators and users of
10 Federal transportation infrastructure and private
11 sector stakeholders; and

12 (2) is encouraged to consult with—

13 (A) representatives from the thirteen fed-
14 eral agencies that comprise the United States
15 Global Change Research Program;

16 (B) representatives from the Department
17 of the Treasury;

18 (C) professional engineers with relevant ex-
19 pertise in infrastructure design;

20 (D) scientists from the National Academies
21 with relevant expertise;

22 (E) scientists, social scientists and experts
23 from academic and research institutions who
24 have expertise in climate change projections and

1 impacts; engineering; architecture; or other rel-
2 evant areas of expertise;

3 (F) licensed architects with relevant expe-
4 rience in infrastructure design;

5 (G) certified planners;

6 (H) representatives of State, local and
7 Tribal governments;

8 (I) representatives of environmental justice
9 groups; and

10 (J) representatives of labor unions that
11 represent key trades and industries involved in
12 infrastructure projects.

13 (f) REPORT.—Not later than 3 years after the date
14 of enactment of this Act, the Transportation Research
15 Board shall submit to the Secretary, the Committee on
16 Transportation and Infrastructure of the House of Rep-
17 resentatives, and the Committee on Environment and
18 Public Works of the Senate a report on the results of the
19 study conducted under this section.

20 **SEC. 1621. ELIMINATION OF DUPLICATION OF ENVIRON-**
21 **MENTAL REVIEWS AND APPROVALS.**

22 The Secretary of Transportation shall issue a final
23 rule implementing the program under section 330 of title
24 23, United States Code.

1 **SEC. 1622. AMBER ALERTS ALONG MAJOR TRANSPOR-**
2 **TATION ROUTES.**

3 (a) IN GENERAL.—Section 303 of the PROTECT
4 Act (34 U.S.C. 20503) is amended—

5 (1) in the section heading, by inserting “**AND**
6 **MAJOR TRANSPORTATION ROUTES**” after
7 “**ALONG HIGHWAYS**”;

8 (2) in subsection (a)—

9 (A) by inserting “(referred to in this sec-
10 tion as the ‘Secretary’)” after “Secretary of
11 Transportation”; and

12 (B) by inserting “and at airports, mari-
13 time ports, border crossing areas and check-
14 points, and ports of exit from the United
15 States” after “along highways”;

16 (3) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) by striking “other motorist infor-
19 mation systems to notify motorists” and
20 inserting “other information systems to no-
21 tify motorists, aircraft passengers, ship
22 passengers, and travelers”; and

23 (ii) by inserting “, aircraft passengers,
24 ship passengers, and travelers” after “nec-
25 essary to notify motorists”; and

26 (B) in paragraph (2)—

1 (i) in subparagraph (A), by striking
2 “other motorist information systems to no-
3 tify motorists” and inserting “other infor-
4 mation systems to notify motorists, air-
5 craft passengers, ship passengers, and
6 travelers”;

7 (ii) in subparagraph (D), by inserting
8 “, aircraft passengers, ship passengers,
9 and travelers” after “support the notifica-
10 tion of motorists”;

11 (iii) in subparagraph (E), by inserting
12 “, aircraft passengers, ship passengers,
13 and travelers” after “motorists”, each
14 place it appears;

15 (iv) in subparagraph (F), by inserting
16 “, aircraft passengers, ship passengers,
17 and travelers” after “motorists”; and

18 (v) in subparagraph (G), by inserting
19 “, aircraft passengers, ship passengers,
20 and travelers” after “motorists”;

21 (4) in subsection (c), by striking “other motor-
22 ist information systems to notify motorists”, each
23 place it appears, and inserting “other information
24 systems to notify motorists, aircraft passengers, ship
25 passengers, and travelers”;

1 (5) by amending subsection (d) to read as fol-
2 lows:

3 “(d) FEDERAL SHARE.—

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), the Federal share of the cost of any ac-
6 tivities funded by a grant under this section may not
7 exceed 80 percent.

8 “(2) WAIVER.—If the Secretary determines
9 that American Samoa, Guam, the Northern Mariana
10 Islands, Puerto Rico, or the Virgin Islands of the
11 United States is unable to comply with the require-
12 ment under paragraph (1), the Secretary shall waive
13 such requirement.”;

14 (6) in subsection (g)—

15 (A) by striking “In this section” and in-
16 serting “In this subtitle”; and

17 (B) by striking “or Puerto Rico” and in-
18 serting “American Samoa, Guam, Puerto Rico,
19 the Northern Mariana Islands, the Virgin Is-
20 lands of the United States, and any other terri-
21 tory of the United States”.

22 (b) TECHNICAL AND CONFORMING AMENDMENT.—
23 The table of contents in section 1(b) of the PROTECT
24 Act (Public Law 108–21) is amended by striking the item
25 relating to section 303 and inserting the following:

“Sec. 303. Grant program for notification and communications systems along highways and major transportation routes for recovery of abducted children.”.

1 **SEC. 1623. NATURAL GAS, ELECTRIC BATTERY, AND ZERO**
2 **EMISSION VEHICLES.**

3 Subsection (s) of section 127 of title 23, United
4 States Code is amended to read as follows:

5 “(s) NATURAL GAS, ELECTRIC BATTERY, AND ZERO
6 EMISSION VEHICLES.—A vehicle, if operated by an engine
7 fueled primarily by natural gas, powered primarily by
8 means of electric battery power, or fueled primarily by
9 means of other zero emission fuel technologies, may exceed
10 the weight limit on the power unit by up to 2,000 pounds
11 (up to a maximum gross vehicle weight of 82,000 pounds)
12 under this section.”.

13 **SEC. 1624. GUIDANCE ON EVACUATION ROUTES.**

14 (a) IN GENERAL.—

15 (1) GUIDANCE.—The Administrator of the Fed-
16 eral Highway Administration, in coordination with
17 the Administrator of the Federal Emergency Man-
18 agement Agency, and consistent with guidance
19 issued by the Federal Emergency Management
20 Agency pursuant to section 1209 of the Disaster Re-
21 covery Reform Act of 2018 (Public Law 115–254),
22 shall revise existing guidance or issue new guidance
23 as appropriate for State, local, and Indian Tribal

1 governments regarding the design, construction,
2 maintenance, and repair of evacuation routes.

3 (2) CONSIDERATIONS.—In revising or issuing
4 guidance under subsection (a)(1), the Administrator
5 of the Federal Highway Administration shall con-
6 sider—

7 (A) methods that assist evacuation routes

8 to—

9 (i) withstand likely risks to viability,
10 including flammability and hydrostatic
11 forces;

12 (ii) improve durability, strength (in-
13 cluding the ability to withstand tensile
14 stresses and compressive stresses), and
15 sustainability; and

16 (iii) provide for long-term cost sav-
17 ings;

18 (B) the ability of evacuation routes to ef-
19 fectively manage contraflow operations;

20 (C) for evacuation routes on public lands,
21 the viewpoints of the applicable Federal land
22 management agency regarding emergency oper-
23 ations, sustainability, and resource protection;
24 and

1 (D) such other items the Administrator of
2 the Federal Highway Administration considers
3 appropriate.

4 (3) REPORT.—In the case in which the Admin-
5 istrator of the Federal Highway Administration, in
6 consultation with the Administrator of the Federal
7 Emergency Management Agency, concludes existing
8 guidance addresses the considerations in paragraph
9 (2), The Administrator of the Federal Highway Ad-
10 ministration shall submit to the Committee on
11 Transportation and Infrastructure of the House of
12 Representatives and the Committee on Environment
13 and Public Works of the Senate a detailed report de-
14 scribing how existing guidance addresses such con-
15 siderations.

16 (b) STUDY.—The Administrator of the Federal High-
17 way Administration, in coordination with the Adminis-
18 trator of the Federal Emergency Management Agency and
19 State, local, territorial, and Indian Tribal governments,
20 shall—

21 (1) conduct a study of the adequacy of available
22 evacuation routes to accommodate the flow of evac-
23 uees; and

1 (2) submit recommendations to Congress on
2 how to help with anticipated evacuation route flow,
3 based on the study conducted under paragraph (1).

4 **SEC. 1625. HIGH PRIORITY CORRIDORS ON NATIONAL**
5 **HIGHWAY SYSTEM.**

6 Section 1105(c) of the Intermodal Surface Transpor-
7 tation Efficiency Act of 1991 is amended by adding at
8 the end the following:

9 “(92) The Louisiana Capital Region High Pri-
10 ority Corridor, which shall generally follow—

11 “(A) Interstate 10, between its intersec-
12 tions with Interstate 12 and Louisiana High-
13 way 415;

14 “(B) Louisiana Highway 415, between its
15 intersections with Interstate 10 and United
16 States route 190;

17 “(C) United States route 190, between its
18 intersections with Louisiana Highway 415 and
19 intersection with Interstate 110;

20 “(D) Interstate 110, between its intersec-
21 tions with United States route 190 and Inter-
22 state 10;

23 “(E) Louisiana Highway 30, near St. Ga-
24 briel, LA and its intersections with Interstate
25 10;

1 “(F) Louisiana Highway 1, near White
2 Castle, LA and its intersection with Interstate
3 10; and

4 “(G) A bridge connecting Louisiana High-
5 way 1 with Louisiana Highway 30, south of the
6 Interstate described in subparagraph (A).”.

7 **SEC. 1626. GUIDANCE ON INUNDATED AND SUBMERGED**
8 **ROADS.**

9 Upon issuance of guidance issued pursuant to section
10 1228 of the Disaster Recovery Reform Act of 2018 (Public
11 Law 115–254), the Administrator of the Federal Highway
12 Administration, in consultation with the Administrator of
13 the Federal Emergency Management Agency, shall review
14 such guidance and issue guidance regarding repair, res-
15 toration, and replacement of inundated and submerged
16 roads damaged or destroyed by a major disaster declared
17 pursuant to the Robert T. Stafford Disaster Relief and
18 Emergency Assistance Act (42 U.S.C. 5121 et seq.) with
19 respect to roads eligible for assistance under Federal
20 Highway Administration programs.

21 **SEC. 1627. USE OF REVENUES.**

22 (a) WRITTEN ASSURANCES ON USE OF REVENUE.—
23 Section 47107(b) of title 49, United States Code, is
24 amended—

1 (1) in each of paragraphs (1) and (2) by strik-
2 ing “local taxes” and inserting “local excise taxes”;

3 (2) in paragraph (3) by striking “State tax”
4 and inserting “State excise tax”; and

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

6 “(4) This subsection does not apply to State or local
7 general sales taxes nor to State or local generally applica-
8 ble sales taxes.”.

9 (b) RESTRICTION ON USE OF REVENUES.—Section
10 47133 of title 49, United States Code, is amended—

11 (1) in subsection (a) in the matter preceding
12 paragraph (1) by striking “Local taxes” and insert-
13 ing “Local excise taxes”;

14 (2) in subsection (b)(1) by striking “local
15 taxes” and inserting “local excise taxes”;

16 (3) in subsection (c) by striking “State tax”
17 and inserting “State excise tax”; and

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

19 “(d) LIMITATION ON APPLICABILITY.—This sub-
20 section does not apply to—

21 “(1) State or local general sales taxes; or

22 “(2) State or local generally applicable sales
23 taxes.”.

1 **SEC. 1628. DRY BULK WEIGHT TOLERANCE.**

2 Section 127 of title 23, United States Code, is
3 amended by adding at the end the following:

4 “(v) DRY BULK WEIGHT TOLERANCE.—

5 “(1) DEFINITION OF DRY BULK GOODS.—In
6 this subsection, the term ‘dry bulk goods’ means any
7 homogeneous unmarked nonliquid cargo being trans-
8 ported in a trailer specifically designed for that pur-
9 pose.

10 “(2) WEIGHT TOLERANCE.—Notwithstanding
11 any other provision of this section, except for the
12 maximum gross vehicle weight limitation, a commer-
13 cial motor vehicle transporting dry bulk goods may
14 not exceed 110 percent of the maximum weight on
15 any axle or axle group described in subsection (a),
16 including any enforcement tolerance.”.

17 **SEC. 1629. HIGHWAY USE TAX EVASION PROJECTS.**

18 Section 143(b)(2)(A) of title 23, United States Code,
19 is amended by striking “2016 through 2020” and insert-
20 ing “2022 through 2025”.

21 **SEC. 1630. THE UNITED STATES OPPOSES CHILD LABOR.**

22 It is the policy of the United States that funds au-
23 thorized or made available by this Act, or the amendments
24 made by this Act, should not be used to purchase products
25 produced whole or in part through the use of child labor,
26 as such term is defined in Article 3 of the International

1 Labor Organization Convention concerning the prohibition
2 and immediate action for the elimination of the worst
3 forms of child labor (December 2, 2000), or in violation
4 of human rights.

5 **SEC. 1631. REPORT ON COVID-RELATED FUNDING FOR**
6 **AVIATION SECTOR.**

7 Not later than 45 days after the date of enactment
8 of this Act, the Secretary of Transportation shall direct
9 the Administrator of the Federal Aviation Administration
10 to issue a report within 60 days to the House and Senate
11 Committees of jurisdiction on specific sectors of the air-
12 port system of infrastructure that have yet to receive any
13 COVID-related funding, and provide a plan for
14 prioritizing these unfunded areas for the next round of
15 funding.

16 **SEC. 1632. CLIMATE RESILIENCY REPORT BY GAO.**

17 (a) IN GENERAL.—Not later than 1 year after the
18 date of enactment of this Act and every 5 years thereafter,
19 the Comptroller General shall evaluate and issue a report
20 to Congress on the economic benefits, including avoided
21 impacts on property and life, of the use of model, con-
22 sensus-based building codes, standards, and provisions
23 that support resilience to climate risks and impacts, in-
24 cluding—

25 (1) flooding;

- 1 (2) wildfires;
- 2 (3) hurricanes;
- 3 (4) heat waves;
- 4 (5) droughts;
- 5 (6) rises in sea level; and
- 6 (7) extreme weather.

7 (b) REPORT ISSUES.—The report required under
8 subsection (a) shall include the following:

9 (1) Assesses the status of adoption of building
10 codes, standards, and provisions within the States,
11 territories, and tribes at the State or jurisdictional
12 level; including whether the adopted codes meet or
13 exceed the most recent published edition of a na-
14 tional, consensus-based model code.

15 (2) Analysis of the extent to which pre-disaster
16 mitigation measures provide benefits to the nation
17 and individual States, territories and tribes, includ-
18 ing—

19 (A) an economic analysis of the benefits to
20 the design and construction of new resilient in-
21 frastructure;

22 (B) losses avoided, including economic
23 losses, number of structures (buildings, roads,
24 bridges), and injuries and deaths by utilizing

1 building codes and standards that prioritize re-
2 siliency; and

3 (C) an economic analysis of the benefits to
4 using hazard resistant building codes in rebuild-
5 ing and repairing infrastructure following a dis-
6 aster.

7 (3) An assessment of the building codes and
8 standards referenced or otherwise currently incor-
9 porated into Federal policies and programs, includ-
10 ing but not limited to grants, incentive programs,
11 technical assistance and design and construction cri-
12 teria, administered by the Federal Emergency Man-
13 agement Agency (FEMA), and—

14 (A) the extent to which such codes and
15 standards contribute to increasing climate resil-
16 iency;

17 (B) Recommendations for how FEMA
18 could improve their use of codes and standards
19 to prepare for climate change and address resil-
20 iency in housing, public buildings, and infra-
21 structure such as roads and bridges; and

22 (C) how FEMA could increase efforts to
23 support the adoption of hazard resistant codes
24 by the States, territories, and tribes.

1 (4) Recommendations for FEMA on how to bet-
2 ter incorporate climate resiliency into efforts to re-
3 build after natural disasters.

4 **SEC. 1633. AVIATION INDUSTRY ASSISTANCE FOR CLEANER**
5 **AND QUIETER SKIES VOUCHER PROGRAM.**

6 (a) ESTABLISHMENT.—The Secretary shall establish
7 and carry out a program, to be known as the “Aviation
8 Industry Assistance for Cleaner and Quieter Skies Vouch-
9 er Program”, under which the Secretary shall issue elec-
10 tronic vouchers to air carriers, subject to the specifications
11 set forth in subsection (d), to offset the purchase or cost
12 of a lease of eligible new aircraft in exchange for commit-
13 ments from such air carriers to decommission certain cur-
14 rently used aircraft and sell such aircraft for recycling of
15 parts or disposal.

16 (b) APPLICATION.—To be eligible for the program es-
17 tablished under subsection (a), an air carrier shall submit
18 to the Secretary an application at such time, in such man-
19 ner, and containing such information as the Secretary may
20 require, including a description of a currently used aircraft
21 of the air carrier.

22 (c) PROGRAM REQUIREMENTS.—

23 (1) LIST OF ELIGIBLE AIRCRAFT.—In carrying
24 out the program established under subsection (a),
25 the Secretary, in consultation with the Adminis-

1 trator, shall prepare, maintain, publicize, and make
2 available through a publicly available website, lists
3 of—

4 (A) applicable currently used aircraft;

5 (B) eligible aircraft for purchase or lease;

6 and

7 (C) registered aircraft recycling firms eligi-
8 ble to purchase currently used aircraft under
9 this section.

10 (2) COMMITMENT REQUIREMENT.—In carrying
11 out the program established under subsection (a),
12 the Secretary shall issue such regulations as are nec-
13 essary to establish requirements for an air carrier to
14 purchase or lease an eligible aircraft described in
15 subsection (a), including a timing requirement for
16 the purchase of such, and decommissioning and sell-
17 ing of applicable currently used aircraft of the air
18 carrier for recycling of parts or disposal, except as
19 provided in subsection (f)(2).

20 (d) VALUE OF VOUCHERS.—The Secretary may de-
21 termine the value of each voucher, not to exceed
22 \$10,000,000, based on the difference in emissions between
23 the currently used aircraft being decommissioned and sold
24 and the eligible aircraft being purchased or leased. In de-
25 termining the value of each voucher, the Secretary shall

1 also consider if such eligible aircraft also include noise re-
2 duction, including whether such aircraft meet Stage 5
3 standards. In addition, the Secretary shall consider seat
4 capacity and typical stage length of both the currently
5 used aircraft being decommissioned and sold and the eligi-
6 ble aircraft being purchased or leased in determining the
7 value of the voucher.

8 (e) REGULATIONS.—Not later than 180 days after
9 the date of enactment of this Act, the Secretary shall issue
10 such regulations as are necessary to carry out this section,
11 including a requirement that a voucher may be used only
12 to pay a new aircraft order, not an order placed (even if
13 not not filled) before the date of enactment of this Act.

14 (f) REGISTRATION.—

15 (1) IN GENERAL.—The Secretary shall register
16 aircraft recycling firms eligible to purchase currently
17 used aircraft under this section and establish re-
18 quirements and procedures for the recycling of parts
19 or disposal of such aircraft to ensure that such air-
20 craft are taken out of service and not used to de-
21 velop other aircraft with higher greenhouse gas
22 emissions.

23 (2) EXCEPTION.—Notwithstanding paragraph
24 (1), in the case of an emergency declared by the Sec-
25 retary or a national emergency declared by the

1 President, the Secretary may temporarily waive the
2 provisions of such paragraph that prevent the use of
3 aircraft taken out of service pursuant to this section
4 for the purposes of responding to such emergency or
5 national emergency.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to carry out the program established under this
8 section \$1,000,000,000 and such sums shall remain avail-
9 able until expended.

10 (h) DEFINITIONS.—In this section the following defi-
11 nitions apply:

12 (1) ADMINISTRATOR.—The term “Adminis-
13 trator” means the Administrator of the Environ-
14 mental Protection Agency.

15 (2) AIR CARRIER.—The term “air carrier” has
16 the meaning given such term in section 40102 of
17 title 49, United States Code.

18 (3) CURRENTLY USED AIRCRAFT.—The term
19 “currently used aircraft” means—

20 (A) aircraft in the bottom 25 percent of
21 the air carrier’s aircraft fleet in terms of fuel
22 efficiency per seat; and

23 (B) aircraft that have been in service for
24 at least 1,500 hours in the previous calendar
25 year.

1 (4) **ELIGIBLE AIRCRAFT.**—The term “eligible
2 aircraft” means aircraft that must be new and con-
3 sidered by the Secretary highly fuel-efficient with
4 some consideration given to their noise impact.

5 (5) **SECRETARY.**—The term “Secretary” means
6 the Secretary of Transportation.

7 **SEC. 1634. AIRBORNE ULTRAFINE PARTICLE STUDY.**

8 (a) **IN GENERAL.**—Not later than 180 days after the
9 date of enactment of this Act, the Administrator of the
10 Federal Aviation Administration, jointly with the Adminis-
11 trator of the Environmental Protection Agency, shall enter
12 into an agreement with an eligible institution of higher
13 education to conduct a study examining airborne ultrafine
14 particles and their effect on human health.

15 (b) **SCOPE OF STUDY.**—The study conducted under
16 subsection (a) shall—

17 (1) summarize the relevant literature and stud-
18 ies done on airborne ultrafine particles worldwide;

19 (2) focus on large hub commercial airports in—

20 (A) Seattle;

21 (B) Boston;

22 (C) Chicago;

23 (D) New York;

24 (E) the Northern California Metroplex;

25 (F) Phoenix;

1 (G) the Southern California Metroplex;

2 (H) the District of Columbia; and

3 (I) Atlanta;

4 (3) examine airborne ultrafine particles and
5 their effect on human health, including—

6 (A) characteristics of UFPs present in the
7 air;

8 (B) spatial and temporal distributions of
9 UFP concentrations;

10 (C) primary sources of UFPs;

11 (D) the contribution of aircraft and airport
12 operations to the distribution of UFP con-
13 centrations when compared to other sources;

14 (E) potential health effects associated with
15 elevated UFP exposures, including outcomes re-
16 lated to cardiovascular disease, respiratory in-
17 fection and disease, degradation of
18 neurocognitive functions, and other health ef-
19 fects, that have been considered in previous
20 studies; and

21 (F) potential UFP exposures, especially to
22 susceptible and vulnerable groups;

23 (4) identify measures, including the use of sus-
24 tainable aviation fuels, intended to reduce emissions

1 from aircraft and airport operations and assess po-
2 tential effects on emissions related to UFPs; and

3 (5) identifies information gaps related to under-
4 standing relationships between UFP exposures and
5 health effects, contributions of aviation-related emis-
6 sions to UFP exposures, and the effectiveness of
7 mitigation measures.

8 (c) ELIGIBILITY.—An institution of higher education
9 is eligible to conduct the study if the institution—

10 (1) is located in one of the areas identified in
11 subsection (b);

12 (2) applies to the Administrator of the Federal
13 Aviation Administration in a timely fashion;

14 (3) demonstrates to the satisfaction of the Ad-
15 ministrator that the institution is qualified to con-
16 duct the study;

17 (4) agrees to submit to the Administrator, not
18 later than 2 years after entering into an agreement
19 under subsection (a), the results of the study, in-
20 cluding any source materials used; and

21 (5) meets such other requirements as the Ad-
22 ministrator determines necessary.

23 (d) COORDINATION.—The Administrator may coordi-
24 nate with the Administrator of the Environmental Protec-
25 tion Agency, the Secretary of Health and Human Services,

1 and any other agency head whom the Administrator deems
2 appropriate to provide data and other assistance necessary
3 for the study.

4 (e) REPORT.—Not later than 180 days after submis-
5 sion of the results of the study by the institution of higher
6 education, the Administrator shall submit to the Com-
7 mittee on Transportation and Infrastructure and the
8 Committee on Energy and Commerce of the House of
9 Representatives and the Committee on Commerce,
10 Science, and Transportation of the Senate a report on the
11 study including the results of the study submitted under
12 subsection (c)(4) by the institution of higher education.

13 (f) DEFINITION.—In this Act, the terms “ultrafine
14 particle” and “UFP” mean particles with diameters less
15 than or equal to 100 nanometers.

16 **SEC. 1635. STUDY ON COLONIAS.**

17 (a) IN GENERAL.—The Secretary of Transportation
18 shall carry out a study on the infrastructure state of
19 colonias, including surface, transit, water, and broadband
20 infrastructure of such colonias.

21 (b) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Secretary shall submit to
23 the Committee on Transportation and Infrastructure of
24 the House of Representatives and the Committee on Com-
25 merce, Science, and Transportation of the Senate a report

1 describing the results of the study under subsection (a),
2 including any recommendations for congressional action
3 on colonias.

4 (c) COLONIAS DEFINED.—In this section, the term
5 “colonias” has the meaning given the term in section
6 509(f)(8) of the Housing Act of 1949 (42 U.S.C.
7 1479(f)(8)).

8 **SEC. 1636. GAO STUDY ON CAPITAL NEEDS OF PUBLIC FER-**
9 **RIES.**

10 (a) IN GENERAL.—The Comptroller General of the
11 United States shall conduct a study on the capital invest-
12 ment needs of United States public ferries and how Fed-
13 eral funding programs are meeting such needs.

14 (b) CONSIDERATIONS.—In carrying out the study
15 under subsection (a), the Comptroller General shall exam-
16 ine the feasibility of including United States public ferries
17 in the conditions and performance report of the Depart-
18 ment of Transportation.

19 (c) REPORT TO CONGRESS.—Not later than 1 year
20 after the date of enactment of this Act, the Comptroller
21 General shall submit to Congress a report describing the
22 results of the study described in subsection (a), including
23 any recommendations for how to include ferries in the con-
24 ditions and performance report of the Department of
25 Transportation.

1 **SEC. 1637. USE OF MODELING AND SIMULATION TECH-**
2 **NOLOGY.**

3 It is the sense of Congress that the Department
4 should utilize, to the fullest and most economically feasible
5 extent practicable, modeling and simulation technology to
6 analyze highway and public transportation projects au-
7 thorized by this Act to ensure that these projects—

8 (1) will increase transportation capacity and
9 safety, alleviate congestion, and reduce travel time
10 and environmental impacts; and

11 (2) are as cost effective as practicable.

12 **SEC. 1638. GAO STUDY ON PER-MILE USER FEE EQUITY.**

13 (a) ESTABLISHMENT.—Not later than 2 years after
14 the date of enactment of this Act, the Comptroller General
15 of the United States shall carry out a study on the impact
16 of equity issues associated with per-mile user fee funding
17 systems on the surface transportation system.

18 (b) CONTENTS.—The study under subsection (a)
19 shall include the following with respect to per-mile user
20 fee systems:

21 (1) The financial, social, and other impacts of
22 per-mile user fee systems on individuals, including
23 both men and women drivers, low-income individ-
24 uals, and individuals of different races.

1 (2) The impact that access to alternative modes
2 of transportation, including public transportation,
3 has in carrying out per-mile user fee systems.

4 (3) The ability to access jobs and services,
5 which may include healthcare facilities, child care,
6 education and workforce training, food sources,
7 banking and other financial institutions, and other
8 retail shopping establishments.

9 (4) Equity issues for low-income individuals in
10 urban and rural areas.

11 (5) Any differing impacts on passenger vehicles
12 and commercial vehicles.

13 (c) INCLUSIONS.—In carrying out the study under
14 subsection (a), the Comptroller General shall include an
15 analysis of the following programs:

16 (1) The State surface transportation system
17 funding pilot program under section 6020 of the
18 FAST Act; and

19 (2) The national surface transportation system
20 funding pilot under section 5402 of this Act.

21 (d) REPORT.—Not later than 2 years after the date
22 of the enactment after this Act, the Comptroller General
23 shall submit to the Committee on Transportation and In-
24 frastructure of the House of Representatives and the Com-
25 mittee on Environment and Public Works of the Senate,

1 and make publicly available, a report containing the re-
2 sults of the study under subsection (a), including rec-
3 ommendations for how to equitably implement per-mile
4 user fee systems.

5 (e) DEFINITIONS.—

6 (1) PER-MILE USER FEE.—The term “per-mile
7 user fee” means a revenue mechanism that—

8 (A) is applied to road users operating
9 motor vehicles on the surface transportation
10 system; and

11 (B) is based on the number of vehicle miles
12 traveled by an individual road user.

13 (2) COMMERCIAL VEHICLE.—The term “com-
14 mercial vehicle” has the meaning given the term
15 commercial motor vehicle in section 31101 of title
16 49, United States Code.

17 **SEC. 1639. GAO REVIEW OF EQUITY CONSIDERATIONS AT**
18 **STATE DOTs.**

19 (a) REVIEW REQUIRED.—Not later than 1 year after
20 the date of enactment of this Act, the Comptroller General
21 shall undertake a review of the extent to which State de-
22 partments of transportation have in place best practices,
23 standards, and protocols designed to ensure equity consid-
24 erations in transportation planning, project selection, and
25 project delivery, including considerations of the diverse

1 transportation needs of low-income populations, minority
2 populations, women, and other diverse populations.

3 (b) EVALUATION.—After the completion of the review
4 under subsection (a), the Comptroller General shall issue
5 and make available on a publicly accessible Website a re-
6 port detailing—

7 (1) findings based on the review in subsection
8 (a);

9 (2) a comprehensive set of recommendations for
10 State departments of transportation to improve eq-
11 uity considerations, which may include model legisla-
12 tion, best practices, or guidance; and

13 (3) any recommendations to Congress for addi-
14 tional statutory authority needed to support State
15 department of transportation efforts to incorporate
16 equity considerations into transportation planning,
17 project selection, and project delivery.

18 (c) REPORT.—After completing the review and eval-
19 uation required under subsections (a) and (b), and not
20 later than 2 years after the date of enactment of this Act,
21 the Comptroller General shall make available on a publicly
22 accessible Website, a report that includes—

23 (1) findings based on the review conducted
24 under subsection (a);

1 (2) the outcome of the evaluation conducted
2 under subsection (b);

3 (3) a comprehensive set of recommendations to
4 improve equity considerations in the public transpor-
5 tation industry, including recommendations for stat-
6 utory changes if applicable; and

7 (4) the actions that the Secretary of Transpor-
8 tation could take to effectively address the rec-
9 ommendations provided under paragraph (3).

10 **SEC. 1640. STUDY ON EFFECTIVENESS OF SUICIDE PREVEN-**
11 **TION NETS AND BARRIERS FOR STRUCTURES**
12 **OTHER THAN BRIDGES.**

13 (a) STUDY.—The Comptroller General of the United
14 States shall conduct a study to identify—

15 (1) the types of structures, other than bridges,
16 that attract a high number of individuals attempting
17 suicide-by-jumping;

18 (2) the characteristics that distinguish struc-
19 tures identified under paragraph (1) from similar
20 structures that do not attract a high number of indi-
21 viduals attempting suicide-by-jumping;

22 (3) the types of nets or barriers that are effec-
23 tive at reducing suicide-by-jumping with respect to
24 the structures identified under paragraph (1);

1 (4) methods of reducing suicide-by-jumping
2 with respect to the structures identified under para-
3 graph (1) other than nets and barriers;

4 (5) quantitative measures of the effectiveness of
5 the nets and barriers identified under paragraph (3);

6 (6) quantitative measures of the effectiveness of
7 the additional methods identified under paragraph
8 (4);

9 (7) the entities that typically install the nets
10 and barriers identified under paragraph (3); and

11 (8) the costs of the nets and barriers identified
12 under paragraph (3).

13 (b) REPORT.—Not later than 1 year after the date
14 of the enactment of this Act, the Comptroller General shall
15 submit to the Committee on Transportation and Infra-
16 structure and the Committee on Energy and Commerce
17 of the House of Representatives and the Committee on
18 Health, Education, Labor, and Pensions and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate a report on the results of the study conducted
21 under subsection (a).

22 **SEC. 1641. COMPTROLLER GENERAL STUDY ON NATIONAL**
23 **DUI REPORTING.**

24 (a) IN GENERAL.—The Comptroller General of the
25 United States shall conduct a study on the reporting of

1 alcohol-impaired driving arrest and citation results into
2 Federal databases to facilitate the widespread identifica-
3 tion of repeat impaired driving offenders.

4 (b) INCLUSIONS.—The study conducted under sub-
5 section (a) shall include a detailed assessment of—

6 (1) the extent to which State and local criminal
7 justice agencies are reporting alcohol-impaired driv-
8 ing arrest and citation results into Federal data-
9 bases;

10 (2) barriers on the Federal, State, and local lev-
11 els to the reporting of alcohol-impaired driving ar-
12 rest and citation results into Federal databases, as
13 well as barriers to the use of those systems by crimi-
14 nal justice agencies;

15 (3) Federal, State, and local resources available
16 to improve the reporting of alcohol-impaired driving
17 arrest and citation results into Federal databases;

18 (4) recommendations for policies and programs
19 to be carried out by the National Highway Traffic
20 Safety Administration; and

21 (5) recommendations for programs and grant
22 funding to be authorized by Congress.

23 (c) REPORT.—Not later than 1 year after the date
24 of enactment of this Act, the Comptroller General of the
25 United States shall submit to the appropriate committees

1 of Congress a report on the results of the study conducted
2 under subsection (a).

3 **SEC. 1642. FUTURE INTERSTATE DESIGNATION AND OPER-**
4 **ATION.**

5 Section 1105(e)(5)(A) of the Intermodal Surface
6 Transportation Efficiency Act of 1991 is amended by in-
7 serting “subclauses (I) through (IX) of subsection
8 (c)(38)(A)(i), subsection (c)(38)(A)(iv),” after “subsection
9 (c)(37),”.

10 **TITLE II—PUBLIC**
11 **TRANSPORTATION**
12 **Subtitle A—Federal Transit**
13 **Administration**

14 **SEC. 2101. AUTHORIZATIONS.**

15 (a) IN GENERAL.—Section 5338 of title 49, United
16 States Code, is amended to read as follows:

17 **“§ 5338. Authorizations**

18 “(a) GRANTS.—

19 “(1) IN GENERAL.—There shall be available
20 from the Mass Transit Account of the Highway
21 Trust Fund to carry out sections 5305, 5307, 5308,
22 5310, 5311, 5312, 5314, 5318, 5320, 5328, 5335,
23 5337, 5339, and 5340—

24 “(A) \$16,185,800,000 for fiscal year 2022;

25 “(B) \$16,437,600,000 for fiscal year 2023;

1 “(C) \$16,700,600,000 for fiscal year 2024;

2 and

3 “(D) \$16,963,600,000 for fiscal year

4 2025.

5 “(2) ALLOCATION OF FUNDS.—Of the amounts
6 made available under paragraph (1)—

7 “(A) \$189,879,151 for fiscal year 2022,

8 \$192,841,266 for fiscal year 2023,

9 \$195,926,726 for fiscal year 2024, and

10 \$199,002,776 for fiscal year 2025, shall be

11 available to carry out section 5305;

12 “(B) \$7,505,830,848 for fiscal year 2022,

13 \$7,622,921,809 for fiscal year 2023,

14 \$7,744,888,558 for fiscal year 2024, and

15 \$7,866,483,309 for fiscal year 2025 shall be al-

16 located in accordance with section 5336 to pro-

17 vide financial assistance for urbanized areas

18 under section 5307;

19 “(C) \$101,510,000 for fiscal year 2022,

20 \$103,093,556 for fiscal year 2023,

21 \$104,743,053 for fiscal year 2024, and

22 \$106,387,519 for fiscal year 2025 shall be

23 available for grants under section 5308;

24 “(D) \$434,830,298 for fiscal year 2022,

25 \$441,613,651 for fiscal year 2023,

1 \$448,679,469 for fiscal year 2024, and
2 \$455,723,737 for fiscal year 2025 shall be
3 available to carry out section 5310, of which
4 not less than—

5 “(i) \$5,075,500 for fiscal year 2022,
6 \$5,154,678 for fiscal year 2023,
7 \$5,237,153 for fiscal year 2024, and
8 \$5,319,376 for fiscal year 2025 shall be
9 available to carry out section 5310(j); and

10 “(ii) \$20,302,000 for fiscal year 2022,
11 \$20,618,711 for fiscal year 2023,
12 \$20,948,611 for fiscal year 2024, and
13 \$21,277,504 for fiscal year 2025 shall be
14 available to carry out section 5310(k);

15 “(E) \$1,025,199,724 for fiscal year 2022,
16 \$1,041,192,839 for fiscal year 2023,
17 \$1,057,851,925 for fiscal year 2024, and
18 \$1,074,460,200 for fiscal year 2025 shall be
19 available to carry out section 5311, of which
20 not less than—

21 “(i) \$55,679,500 for fiscal year 2022,
22 \$56,392,100 for fiscal year 2023,
23 \$57,134,374 for fiscal year 2024, and
24 \$57,874,383 for fiscal year 2025 shall be

1 available to carry out section 5311(c)(1);
2 and

3 “(ii) \$50,755,000 for fiscal year 2022,
4 \$51,546,778 for fiscal year 2023,
5 \$52,371,526 for fiscal year 2024, and
6 \$53,193,759 for fiscal year 2025 shall be
7 available to carry out section 5311(c)(2);

8 “(F) \$33,498,300 for fiscal year 2022,
9 \$34,020,873 for fiscal year 2023, \$34,565,207
10 for fiscal year 2024, and \$35,107,881 for fiscal
11 year 2025 shall be available to carry out section
12 5312, of which not less than—

13 “(i) \$5,075,500 for fiscal year 2022,
14 \$5,154,678 for fiscal year 2023,
15 \$5,237,153 for fiscal year 2024, and
16 \$5,319,376 for fiscal year 2025 shall be
17 available to carry out each of sections
18 5312(d)(3), 5312(d)(4) and 5312(j);

19 “(ii) \$3,045,300 for fiscal year 2022,
20 \$3,092,807 for fiscal year 2023,
21 \$3,142,292 for fiscal year 2024, and
22 \$3,191,626 for fiscal year 2025 shall be
23 available to carry out section 5312(h); and

24 “(iii) \$10,151,000 for fiscal year
25 2022, \$10,309,356 for fiscal year 2023,

1 \$10,474,305 for fiscal year 2024, and
2 \$10,638,752 for fiscal year 2025 shall be
3 available to carry out section 5312(i);

4 “(G) \$23,347,300 for fiscal year 2022,
5 \$23,711,518 for fiscal year 2023, \$24,090,902
6 for fiscal year 2024, and \$24,469,129 for fiscal
7 year 2025 shall be available to carry out section
8 5314, of which not less than—

9 “(i) \$4,060,400 for fiscal year 2022,
10 \$4,123,742 for fiscal year 2023,
11 \$4,189,722 for fiscal year 2024, and
12 \$4,255,501 for fiscal year 2025 shall be
13 available to carry out section of 5314(a);

14 “(ii) \$5,075,500 for fiscal year 2022,
15 \$5,154,678 for fiscal year 2023,
16 \$5,237,153 for fiscal year 2024, and
17 \$5,319,376 for fiscal year 2025 shall be
18 available to carry out section 5314(c); and

19 “(iii) \$12,181,200 for fiscal year
20 2022, \$12,371,227 for fiscal year 2023,
21 \$12,569,166 for fiscal year 2024, and
22 \$12,766,502 for fiscal year 2025 shall be
23 available to carry out section 5314(b)(2);

24 “(H) \$5,075,500 for fiscal year 2022,
25 \$5,154,678 for fiscal year 2023, \$5,237,153 for

1 fiscal year 2024, and \$5,319,376 for fiscal year
2 2025 shall be available to carry out section
3 5318;

4 “(I) \$30,453,000 for fiscal year 2022,
5 \$30,928,067 for fiscal year 2023, \$31,422,916
6 for fiscal year 2024, and \$31,916,256 for fiscal
7 year 2025 shall be available to carry out section
8 5328, of which not less than—

9 “(i) \$25,377,500 for fiscal year 2022,
10 \$25,773,389 for fiscal year 2023,
11 \$26,185,763 for fiscal year 2024, and
12 \$26,596,880 for fiscal year 2025 shall be
13 available to carry out section of 5328(b);
14 and

15 “(ii) \$2,537,750 for fiscal year 2022,
16 \$2,577,339 for fiscal year 2023,
17 \$2,618,576 for fiscal year 2024, and
18 \$2,659,688 for fiscal year 2025 shall be
19 available to carry out section 5328(e);

20 “(J) \$4,060,400 for fiscal year 2022,
21 \$4,123,742 for fiscal year 2023, \$4,189,722 for
22 fiscal year 2024, and \$4,255,501 for fiscal year
23 2025 shall be available to carry out section
24 5335;

1 “(K) \$4,192,573,361 for fiscal year 2022,
2 \$4,266,448,314 for fiscal year 2023,
3 \$4,344,093,870 for fiscal year 2024, and
4 \$4,422,314,724 for fiscal year 2025 shall be
5 available to carry out section 5337;

6 “(L) to carry out the bus formula program
7 under section 5339(a)—

8 “(i) \$1,240,328,213 for fiscal year
9 2022, \$1,259,667,334 for fiscal year 2023,
10 \$1,279,832,171 for fiscal year 2024, and
11 \$1,299,925,536 for fiscal year 2025; ex-
12 cept that

13 “(ii) 15 percent of the amounts under
14 clause (i) shall be available to carry out
15 5339(d);

16 “(M) \$437,080,000 for fiscal year 2022,
17 \$424,748,448 for fiscal year 2023,
18 \$387,944,423 for fiscal year 2024, and
19 \$351,100,151 for fiscal year 2025 shall be
20 available to carry out section 5339(b);

21 “(N) \$375,000,000 for fiscal year 2022,
22 \$400,000,000 for fiscal year 2023,
23 \$450,000,000 for fiscal year 2024, and
24 \$500,000,000 for fiscal year 2025 shall be
25 available to carry out section 5339(c); and

1 “(O) \$587,133,905 for each of fiscal years
2 2022 through 2025 shall be available to carry
3 out section 5340 to provide financial assistance
4 for urbanized areas under section 5307 and
5 rural areas under section 5311, of which—

6 “(i) \$309,688,908 for each of fiscal
7 years 2022 through 2025 shall be for
8 growing States under section 5340(c); and

9 “(ii) \$277,444,997 for each of fiscal
10 years 2022 through 2025 shall be for high
11 density States under section 5340(d).

12 “(b) CAPITAL INVESTMENT GRANTS.—There are au-
13 thorized to be appropriated to carry out section 5309
14 \$3,500,000,000 for fiscal year 2022, \$4,250,000,000 for
15 fiscal year 2023, \$5,000,000,000 for fiscal year 2024, and
16 5,500,000,000 for fiscal year 2025.

17 “(c) ADMINISTRATION.—

18 “(1) IN GENERAL.—There are authorized to be
19 appropriated to carry out section 5334,
20 \$142,060,785 for fiscal year 2022, \$144,191,696 for
21 fiscal year 2023, \$146,412,248 for fiscal year 2024,
22 and 148,652,356 for fiscal year 2025.

23 “(2) SECTION 5329.—Of the amounts author-
24 ized to be appropriated under paragraph (1), not
25 less than \$6,000,000 for each of fiscal years 2022

1 through 2025 shall be available to carry out section
2 5329.

3 “(3) SECTION 5326.—Of the amounts made
4 available under paragraph (2), not less than
5 \$2,500,000 for each of fiscal years 2022 through
6 2025 shall be available to carry out section 5326.

7 “(d) OVERSIGHT.—

8 “(1) IN GENERAL.—Of the amounts made
9 available to carry out this chapter for a fiscal year,
10 the Secretary may use not more than the following
11 amounts for the activities described in paragraph
12 (2):

13 “(A) 0.5 percent of amounts made avail-
14 able to carry out section 5305.

15 “(B) 0.75 percent of amounts made avail-
16 able to carry out section 5307.

17 “(C) 1 percent of amounts made available
18 to carry out section 5309.

19 “(D) 1 percent of amounts made available
20 to carry out section 601 of the Passenger Rail
21 Investment and Improvement Act of 2008
22 (Public Law 110–432; 126 Stat. 4968).

23 “(E) 0.5 percent of amounts made avail-
24 able to carry out section 5310.

1 “(F) 0.5 percent of amounts made avail-
2 able to carry out section 5311.

3 “(G) 1 percent of amounts made available
4 to carry out section 5337, of which not less
5 than 25 percent of such amounts shall be avail-
6 able to carry out section 5329 and of which not
7 less than 10 percent of such amounts shall be
8 made available to carry out section 5320.

9 “(H) 1 percent of amounts made available
10 to carry out section 5339 of which not less than
11 10 percent of such amounts shall be made
12 available to carry out section 5320.

13 “(I) 1 percent of amounts made available
14 to carry out section 5308.

15 “(2) ACTIVITIES.—The activities described in
16 this paragraph are as follows:

17 “(A) Activities to oversee the construction
18 of a major capital project.

19 “(B) Activities to review and audit the
20 safety and security, procurement, management,
21 and financial compliance of a recipient or sub-
22 recipient of funds under this chapter.

23 “(C) Activities to provide technical assist-
24 ance generally, and to provide technical assist-
25 ance to correct deficiencies identified in compli-

1 ance reviews and audits carried out under this
2 section.

3 “(3) GOVERNMENT SHARE OF COSTS.—The
4 Government shall pay the entire cost of carrying out
5 a contract under this subsection/activities described
6 in paragraph (2).

7 “(4) AVAILABILITY OF CERTAIN FUNDS.—
8 Funds made available under paragraph (1)(C) shall
9 be made available to the Secretary before allocating
10 the funds appropriated to carry out any project
11 under a full funding grant agreement.

12 “(e) GRANTS AS CONTRACTUAL OBLIGATIONS.—

13 “(1) GRANTS FINANCED FROM HIGHWAY TRUST
14 FUND.—A grant or contract that is approved by the
15 Secretary and financed with amounts made available
16 from the Mass Transit Account of the Highway
17 Trust Fund pursuant to this section is a contractual
18 obligation of the Government to pay the Government
19 share of the cost of the project.

20 “(2) GRANTS FINANCED FROM GENERAL
21 FUND.—A grant or contract that is approved by the
22 Secretary and financed with amounts appropriated
23 in advance from the general fund of the Treasury
24 pursuant to this section is a contractual obligation
25 of the Government to pay the Government share of

1 the cost of the project only to the extent that
2 amounts are appropriated for such purpose by an
3 Act of Congress.

4 “(f) AVAILABILITY OF AMOUNTS.—Amounts made
5 available by or appropriated under this section shall re-
6 main available until expended.

7 “(g) LIMITATION ON FINANCIAL ASSISTANCE FOR
8 STATE-OWNED ENTERPRISES.—

9 “(1) IN GENERAL.—Funds provided under this
10 section may not be used in awarding a contract, sub-
11 contract, grant, or loan to an entity that is owned
12 or controlled by, is a subsidiary of, or is otherwise
13 related legally or financially to a corporation based
14 in a country that—

15 “(A) is identified as a nonmarket economy
16 country (as defined in section 771(18) of the
17 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
18 the date of enactment of this Act;

19 “(B) was identified by the United States
20 Trade Representative in the most recent report
21 required by section 182 of the Trade Act of
22 1974 (19 U.S.C. 2242) as a priority foreign
23 country under subsection (a)(2) of that section;
24 and

1 “(C) is subject to monitoring by the Trade
2 Representative under section 306 of the Trade
3 Act of 1974 (19 U.S.C. 2416).

4 “(2) EXCEPTION.—For purposes of paragraph
5 (1), the term ‘otherwise related legally or financially’
6 does not include a minority relationship or invest-
7 ment.

8 “(3) INTERNATIONAL AGREEMENTS.—This sub-
9 section shall be applied in a manner consistent with
10 the obligations of the United States under inter-
11 national agreements.”.

12 (b) CONFORMING AMENDMENTS.—

13 (1) Section 5311 of title 49, United States
14 Code, is amended by striking “5338(a)(2)(F)” and
15 inserting “5338(a)(2)(E)”.

16 (2) Section 5312(i)(1) of title 49, United States
17 Code, is amended by striking “5338(a)(2)(G)(ii)”
18 and inserting “5338(a)(2)(F)(iii)”.

19 (3) Section 5333(b) of title 49, United States
20 Code, is amended by striking “5328, 5337, and
21 5338(b)” each place it appears and inserting “and
22 5337”.

23 (4) Section 5336 of title 49, United States
24 Code, is amended—

1 (A) in subsection (d)(1) by striking
2 “5338(a)(2)(C)” and inserting
3 “5338(a)(2)(B)”; and

4 (B) in subsection (h) by striking
5 “5338(a)(2)(C)” and inserting
6 “5338(a)(2)(B)”.

7 (5) Subsections (e) and (d)(1) of section 5327
8 of title 49, United States Code, are amended by
9 striking “5338(f)” and inserting “5338(d)”.

10 (6) Section 5340(b) of title 49, United States
11 Code, is amended by striking “5338(b)(2)(N)” and
12 inserting “5338(a)(2)(O)”.

13 **SEC. 2102. CHAPTER 53 DEFINITIONS.**

14 Section 5302 of title 49, United States Code, is
15 amended—

16 (1) in paragraph (1)(E)—

17 (A) by striking “and the installation” and
18 inserting “, the installation”; and

19 (B) by inserting “, and bikeshare projects”
20 after “public transportation vehicles”;

21 (2) in paragraph (3)—

22 (A) in subparagraph (G) by striking clause
23 (iii) and inserting the following:

24 “(iii) provides a fair share of revenue
25 established by the Secretary that will be

1 used for public transportation, except for a
2 joint development that is a community
3 service (as defined by the Federal Transit
4 Administration), publicly operated facility,
5 or offers a minimum of 50 percent of units
6 as affordable housing, meaning legally
7 binding affordability restricted housing
8 units available to tenants with incomes
9 below 60 percent of the area median in-
10 come or owners with incomes below the
11 area median;” and

12 (B) in subparagraph (N)—

13 (i) by striking “no emission” and in-
14 serting “zero emission”; and

15 (ii) by striking “(as defined in section
16 5339(c))”; and

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

18 “(25) RESILIENCE.—

19 “(A) IN GENERAL.—The term ‘resilience’
20 means, with respect to a facility, the ability
21 to—

22 “(i) anticipate, prepare for, or adapt
23 to conditions; or

24 “(ii) withstand, respond to, or recover
25 rapidly from disruptions.

1 “(B) INCLUSIONS.—Such term includes,
2 with respect to a facility, the ability to—

3 “(i) resist hazards or withstand im-
4 pacts from disruptions;

5 “(ii) reduce the magnitude, duration,
6 or impact of a disruption; or

7 “(iii) have the absorptive capacity,
8 adaptive capacity, and recoverability to de-
9 crease vulnerability to a disruption.

10 “(26) ASSAULT ON A TRANSIT WORKER.—The
11 term ‘assault on a transit worker’ means any cir-
12 cumstance in which an individual knowingly, without
13 lawful authority or permission, and with intent to
14 endanger the safety of any individual, or with a
15 reckless disregard for the safety of human life, inter-
16 feres with, disables, or incapacitates any transit
17 worker while the transit worker is performing his or
18 her duties.”.

19 **SEC. 2103. GENERAL PROVISIONS.**

20 Section 5323 of title 49, United States Code, is
21 amended—

22 (1) in subsection (d)—

23 (A) in paragraph (1) by striking “urban
24 area” and inserting “urbanized area”;

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

1 “(3) EXCEPTIONS.—This subsection shall not
2 apply to financial assistance under this chapter—

3 “(A) in which the non-Federal share of
4 project costs are provided from amounts re-
5 ceived under a service agreement with a State
6 or local social service agency or private social
7 service organization pursuant to section
8 5307(d)(3)(E) or section 5311(g)(3)(C);

9 “(B) provided to a recipient or sub-
10 recipient whose sole receipt of such assistance
11 derives from section 5310; or

12 “(C) provided to a recipient operating a
13 fixed route service that is—

14 “(i) for a period of less than 30 days;

15 “(ii) accessible to the public;

16 “(iii) contracted by a local govern-
17 ment entity that provides local cost share
18 to the recipient; and

19 “(iv) not contracted for the purposes
20 of a convention or on behalf of a conven-
21 tion and visitors bureau.

22 “(4) GUIDELINES.—The Secretary shall publish
23 guidelines for grant recipients and private bus oper-
24 ators that clarify when and how a transit agency
25 may step back and provide the service in the event

1 a registered charter provider does not contact the
2 customer, provide a quote, or provide the service.”;

3 (2) in subsection (h)—

4 (A) in paragraph (1) by adding “or” at the
5 end; and

6 (B) by striking paragraph (2) and redesignig-
7 nating paragraph (3) as paragraph (2);

8 (3) by striking subsection (j) and inserting the
9 following:

10 “(j) REPORTING ACCESSIBILITY COMPLAINTS.—

11 “(1) IN GENERAL.—The Secretary shall ensure
12 that an individual who believes that he or she, or a
13 specific class in which the individual belongs, has
14 been subjected to discrimination on the basis of dis-
15 ability by a State or local governmental entity, pri-
16 vate nonprofit organization, or Tribe that operates a
17 public transportation service and is a recipient or
18 subrecipient of funds under this chapter, may, by
19 the individual or by an authorized representative, file
20 a complaint with the Department of Transportation.

21 “(2) PROCEDURES.—Not later than 1 year
22 after the date of enactment of the INVEST in
23 America Act, the Secretary shall implement proce-
24 dures that allow an individual to submit a complaint
25 described in paragraph (1) by phone, mail-in form,

1 and online through the website of the Office of Civil
2 Rights of the Federal Transit Administration.

3 “(3) NOTICE TO INDIVIDUALS WITH DISABIL-
4 ITIES.—Not later than 12 months after the date of
5 enactment of the INVEST in America Act, the Sec-
6 retary shall require that each public transit provider
7 and contractor providing paratransit services shall
8 include on a publicly available website of the service
9 provider, any related mobile device application, and
10 online service—

11 “(A) notice that an individual can file a
12 disability-related complaint with the local tran-
13 sit agency and the process and any timelines for
14 filing such a complaint;

15 “(B) the telephone number, or a com-
16 parable electronic means of communication, for
17 the disability assistance hotline of the Office of
18 Civil Rights of the Federal Transit Administra-
19 tion;

20 “(C) notice that a consumer can file a dis-
21 ability related complaint with the Office of Civil
22 Rights of the Federal Transit Administration;
23 and

24 “(D) an active link to the website of the
25 Office of Civil Rights of the Federal Transit

1 Administration for an individual to file a dis-
2 ability-related complaint.

3 “(4) INVESTIGATION OF COMPLAINTS.—Not
4 later than 60 days after the last day of each fiscal
5 year, the Secretary shall publish a report that lists
6 the disposition of complaints described in paragraph
7 (1), including—

8 “(A) the number and type of complaints
9 filed with Department of Transportation;

10 “(B) the number of complaints inves-
11 tigated by the Department;

12 “(C) the result of the complaints that were
13 investigated by the Department including
14 whether the complaint was resolved—

15 “(i) informally;

16 “(ii) by issuing a violation through a
17 noncompliance Letter of Findings; or

18 “(iii) by other means, which shall be
19 described; and

20 “(D) if a violation was issued for a com-
21 plaint, whether the Department resolved the
22 noncompliance by—

23 “(i) reaching a voluntary compliance
24 agreement with the entity;

1 “(ii) referring the matter to the Attor-
2 ney General; or

3 “(iii) by other means, which shall be
4 described.

5 “(5) REPORT.—The Secretary shall, upon im-
6 plementation of this section and annually thereafter,
7 submit to the Committee on Transportation and In-
8 frastructure of the House of Representatives, the
9 Committee on Banking, Housing, and Urban Affairs
10 of the Senate, and make publicly available a report
11 containing the information collected under this sec-
12 tion.”;

13 (4) by striking subsection (m) and inserting the
14 following:

15 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
16 ROLLING STOCK PURCHASES.—The Secretary shall pre-
17 scribe regulations requiring a preaward and postdelivery
18 review of a grant under this chapter to buy rolling stock
19 to ensure compliance with bid specifications requirements
20 of grant recipients under this chapter. Under this sub-
21 section, grantee inspections and review are required, and
22 a manufacturer certification is not sufficient.”; and

23 (5) in subsection (r)—

24 (A) by inserting “or beneficial” after “det-
25 rimental”;

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

3 (C) by striking “under this chapter may
4 not deny” and inserting the following: “under
5 this chapter—
6 “(1) may not deny”; and

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

8 “(2) shall respond to any request for reasonable
9 access within 75 days of the receipt of the request
10 and, if a recipient of assistance under this chapter
11 denies access to a private intercity or charter trans-
12 portation operator based on the reasonable access
13 standards, provide, in writing, the reasons for the
14 denial.”.

15 **SEC. 2104. MISCELLANEOUS PROVISIONS.**

16 (a) STATE OF GOOD REPAIR GRANTS.—Section
17 5337(e) of title 49, United States Code, is amended by
18 adding at the end the following:

19 “(3) ACCESSIBILITY COSTS.—Notwithstanding
20 paragraph (1), the Federal share of the net project
21 cost of a project to provide accessibility in compli-
22 ance with the Americans with Disabilities Act of
23 1990 (42 U.S.C. 12101 et seq.) shall be 90 per-
24 cent.”.

1 (b) APPORTIONMENTS BASED ON GROWING STATES
2 AND HIGH DENSITY STATES FORMULA FACTORS.—Sec-
3 tion 5340(a) of title 49, United States Code, is amended
4 by inserting “and the District of Columbia” after “United
5 States”.

6 (c) TECHNICAL ASSISTANCE AND WORKFORCE DE-
7 VELOPMENT.—Section 5314 of title 49, United States
8 Code, is amended—

9 (1) in subsection (a)(1)(B)—

10 (A) in clause (i) by striking “; and” and
11 inserting a semicolon;

12 (B) in clause (ii) by striking the period
13 and inserting “; and”; and

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

15 “(iii) technical assistance to assist re-
16 cipients with the impacts of a new census
17 count.”; and

18 (2) in subsection (c)(4)(A) by inserting “,
19 5311” after “5307”.

20 (d) NATIONAL TRANSIT DATABASE.—Section 5335
21 of title 49, United States Code, is amended—

22 (1) in subsection (a) by inserting “, including
23 information on transit routes and ridership on those
24 routes” after “public sector investment decision”;
25 and

1 (2) in subsection (c) by inserting “, any data on
2 each assault on a transit worker, and pedestrian in-
3 juries and fatalities as a result of an impact with a
4 bus. Each of the data sets shall be publicly reported
5 without aggregating the data with other safety data”
6 after “by the recipient”.

7 (e) URBANIZED AREA FORMULA GRANTS.—Section
8 5307 of title 49, United States Code, is amended—

9 (1) in subsection (a)(2)(A)—

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

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

13 “(iii) operate a minimum of 101 buses
14 and a maximum of 125 buses in fixed
15 route service or demand response service,
16 excluding ADA complementary paratransit
17 service, during peak service hours, in an
18 amount not to exceed 25 percent of the
19 share of the apportionment which is attrib-
20 utable to such systems within the urban-
21 ized area, as measured by vehicle revenue
22 hours; or”;

23 (2) in subsection (a)(2)(B)—

24 (A) in clause (i) by striking “or” at the
25 end;

1 (B) in clause (ii) by striking the period at
2 the end and inserting “; or”; and

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

4 “(iii) operate a minimum of 101 buses
5 and a maximum of 125 buses in fixed
6 route service or demand response service,
7 excluding ADA complementary paratransit
8 service, during peak service hours, in an
9 amount not to exceed 25 percent of the
10 share of the apportionment allocated to
11 such systems within the urbanized area, as
12 determined by the local planning process
13 and included in the designated recipient’s
14 final program of projects prepared under
15 subsection (b).”; and

16 (3) in subsection (b)—

17 (A) in paragraph (6) by striking “and” at
18 the end;

19 (B) by redesignating paragraph (7) as
20 paragraph (8); and

21 (C) by inserting after paragraph (6) the
22 following:

23 “(7) ensure that the proposed program of
24 projects provides improved access to transit for the
25 individuals described in section 5336(j); and”.

1 (f) TECHNICAL CORRECTION.—Section
2 5307(a)(2)(B)(ii) of title 49, United States Code, is
3 amended by striking “service during peak” and inserting
4 “service, during peak”.

5 (g) IMPOSITION OF DEADLINE.—Section 5324 of title
6 49, United States Code, is amended by adding at the end
7 the following:

8 “(f) IMPOSITION OF DEADLINE.—

9 “(1) IN GENERAL.—Notwithstanding any other
10 provision of law, the Secretary may not require any
11 project funded under this section to advance to the
12 construction obligation stage before the date that is
13 the last day of the sixth fiscal year after the later
14 of—

15 “(A) the date on which the Governor de-
16 clared the emergency, as described in subsection
17 (d)(1)(A); or

18 “(B) the date on which the President de-
19 clared the emergency to be a major disaster, as
20 described in such subsection.

21 “(2) EXTENSION OF DEADLINE.—If the Sec-
22 retary imposes a deadline for advancement to the
23 construction obligation stage pursuant to paragraph
24 (1), the Secretary may, upon the request of the Gov-
25 ernor of the State, issue an extension of not more

1 than 1 year to complete such advancement, and may
2 issue additional extensions after the expiration of
3 any extension, if the Secretary determines the Gov-
4 ernor of the State has provided suitable justification
5 to warrant such an extension.”.

6 (h) TRANSPORTATION DEVELOPMENT CREDITS AS
7 LOCAL MATCH.—

8 (1) SECTION 5307.—Section 5307(d)(3) of title
9 49, United States Code, is amended—

10 (A) in subparagraph (D) by striking “;
11 and” and inserting a semicolon;

12 (B) in subparagraph (E) by striking the
13 period and inserting “; and”; and

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

15 “(F) transportation development credits.”.

16 (2) SECTION 5309.—Section 5309 of title 49,
17 United States Code, is amended—

18 (A) in subsection (f) by adding at the end
19 the following:

20 “(3) TRANSPORTATION DEVELOPMENT CRED-
21 ITS.—For purposes of assessments and determina-
22 tions under this subsection or subsection (h), trans-
23 portation development credits that are included as a
24 source of local financing or match shall be treated
25 the same as other sources of local financing.”; and

1 (B) in subsection (l)(4)—

2 (i) in subparagraph (B) by striking “;
3 or” and inserting a semicolon;

4 (ii) in subparagraph (C) by striking
5 the period and inserting “; or”; and

6 (iii) by adding at the end the fol-
7 lowing:

8 “(D) transportation development credits.”.

9 (3) SECTION 5339.—Section 5339(a)(7)(B) of
10 title 49, United States Code, is amended—

11 (A) in clause (iv) by striking “; or” and in-
12 serting a semicolon;

13 (B) in clause (v) by striking the period and
14 inserting “; or”; and

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

16 “(vi) transportation development cred-
17 its.”.

18 **SEC. 2105. POLICIES AND PURPOSES.**

19 Section 5301(b) of title 49, United States Code, is
20 amended—

21 (1) in paragraph (7) by striking “; and” and in-
22 serting a semicolon;

23 (2) in paragraph (8) by striking the period and
24 inserting a semicolon; and

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

1 “(9) reduce the contributions of the surface
2 transportation system to the total carbon pollution
3 of the United States; and

4 “(10) improve the resiliency of the public trans-
5 portation network to withstand weather events and
6 other natural disasters.”.

7 **SEC. 2106. FISCAL YEAR 2022 FORMULAS.**

8 For fiscal year 2022, the Secretary shall apportion
9 and distribute formula funds provided for under chapter
10 53 of title 49, United States Code, using data submitted
11 to the 2019 National Transit Database.

12 **SEC. 2107. METROPOLITAN TRANSPORTATION PLANNING.**

13 Section 5303 of title 49, United States Code, is
14 amended—

15 (1) by amending subsection (a)(1) to read as
16 follows:

17 “(1) to encourage and promote the safe and ef-
18 ficient management, operation, and development of
19 surface transportation systems that will serve the
20 mobility needs of people and freight, foster economic
21 growth and development within and between States
22 and urbanized areas, and take into consideration re-
23 siliency and climate change adaptation needs while
24 reducing transportation-related fuel consumption, air
25 pollution, and greenhouse gas emissions through

1 metropolitan and statewide transportation planning
2 processes identified in this chapter; and”.

3 (2) in subsection (b)—

4 (A) by redesignating paragraphs (6) and
5 (7) as paragraphs (7) and (8), respectively; and

6 (B) by inserting after paragraph (5) the
7 following:

8 “(6) STIP.—The term ‘STIP’ means a state-
9 wide transportation improvement program developed
10 by a State under section 135(g).”;

11 (3) in subsection (c)—

12 (A) in paragraph (1) by striking “and
13 transportation improvement programs” and in-
14 serting “and TIPs”; and

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

16 “(4) CONSIDERATION.—In developing the plans
17 and TIPs, metropolitan planning organizations shall
18 consider direct and indirect emissions of greenhouse
19 gases.”;

20 (4) in subsection (d)—

21 (A) in paragraph (2) by striking “Not
22 later than 2 years after the date of enactment
23 of the Federal Public Transportation Act of
24 2012, each” and inserting “Each”;

1 (B) in paragraph (3) by adding at the end
2 the following:

3 “(D) CONSIDERATIONS.—

4 “(i) EQUITABLE AND PROPORTIONAL
5 REPRESENTATION.—In designating offi-
6 cials or representatives under paragraph
7 (2), the metropolitan planning organization
8 shall consider the equitable and propor-
9 tional representation of the population of
10 the metropolitan planning area.

11 “(ii) SAVINGS CLAUSE.—Nothing in
12 this paragraph shall require a metropolitan
13 planning organization in existence on the
14 date of enactment of this subparagraph to
15 be restructured.

16 “(iii) REDESIGNATION.—Notwith-
17 standing clause (ii), the requirements of
18 this paragraph shall apply to any metro-
19 politan planning organization redesignated
20 under paragraph (6).”;

21 (C) in paragraph (6)(B) by striking “para-
22 graph (2)” and inserting “paragraphs (2) or
23 (3)(D)”; and

24 (D) in paragraph (7)—

1 (i) by striking “an existing metropoli-
2 tan planning area” and inserting “an ur-
3 banized area”; and

4 (ii) by striking “the existing metro-
5 politan planning area” and inserting “the
6 area”;

7 (5) in subsection (g)—

8 (A) in paragraph (1) by striking “a metro-
9 politan area” and inserting “an urbanized
10 area”;

11 (B) in paragraph (2) by striking “MPOS”
12 and inserting “METROPOLITAN PLANNING
13 AREAS”

14 (C) in paragraph (3)(A) by inserting
15 “emergency response and evacuation, climate
16 change adaptation and resilience,” after “dis-
17 aster risk reduction,”; and

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

19 “(4) COORDINATION BETWEEN MPOS.—

20 “(A) IN GENERAL.—If more than one met-
21 ropolitan planning organization is designated
22 within an urbanized area under subsection
23 (d)(7), the metropolitan planning organizations
24 designated within the area shall ensure, to the
25 maximum extent practicable, the consistency of

1 any data used in the planning process, includ-
2 ing information used in forecasting transpor-
3 tation demand.

4 “(B) SAVINGS CLAUSE.—Nothing in this
5 paragraph requires metropolitan planning orga-
6 nizations designated within a single urbanized
7 area to jointly develop planning documents, in-
8 cluding a unified long-range transportation plan
9 or unified TIP.”;

10 (6) in subsection (h)(1)—

11 (A) by striking subparagraph (E) and in-
12 serting the following:

13 “(E) protect and enhance the environment,
14 promote energy conservation, reduce greenhouse
15 gas emissions, improve the quality of life and
16 public health, and promote consistency between
17 transportation improvements and State and
18 local planned growth and economic development
19 patterns, including housing and land use pat-
20 terns;”;

21 (B) in subparagraph (H) by striking
22 “and” at the end;

23 (C) in subparagraph (I) by striking the pe-
24 riod at the end and inserting “and reduce or
25 mitigate stormwater, sea level rise, extreme

1 weather, and climate change impacts of surface
2 transportation;” and

3 (D) by inserting after subparagraph (I) the
4 following:

5 “(J) facilitate emergency management, re-
6 sponse, and evacuation and hazard mitigation;

7 “(K) improve the level of transportation
8 system access; and

9 “(L) support inclusive zoning policies and
10 land use planning practices that incentivize af-
11 fordable, elastic, and diverse housing supply, fa-
12 cilitate long-term economic growth by improving
13 the accessibility of housing to jobs, and prevent
14 high housing costs from displacing economically
15 disadvantaged households.”;

16 (7) in subsection (h)(2) by striking subpara-
17 graph (A) and inserting the following:

18 “(A) IN GENERAL.—Through the use of a
19 performance-based approach, transportation in-
20 vestment decisions made as a part of the metro-
21 politan transportation planning process shall
22 support the national goals described in section
23 150(b), the achievement of metropolitan and
24 statewide targets established under section
25 150(d), the improvement of transportation sys-

1 tem access (consistent with section 150(f)), and
2 the general purposes described in section 5301
3 of title 49.”;

4 (8) in subsection (i)—

5 (A) in paragraph (2)(D)(i) by inserting
6 “reduce greenhouse gas emissions and” before
7 “restore and maintain”;

8 (B) in paragraph (2)(G) by inserting “and
9 climate change” after “infrastructure to natural
10 disasters”;

11 (C) in paragraph (2)(H) by inserting
12 “greenhouse gas emissions,” after “pollution,”;

13 (D) in paragraph (5)—

14 (i) in subparagraph (A) by inserting
15 “air quality, public health, housing, trans-
16 portation, resilience, hazard mitigation,
17 emergency management,” after “conserva-
18 tion,”; and

19 (ii) by striking subparagraph (B) and
20 inserting the following:

21 “(B) ISSUES.—The consultation shall in-
22 volve, as appropriate, comparison of transpor-
23 tation plans to other relevant plans, including,
24 if available—

1 “(i) State conservation plans or maps;

2 and

3 “(ii) inventories of natural or historic

4 resources.”; and

5 (E) by amending paragraph (6)(C) to read

6 as follows:

7 “(C) METHODS.—

8 “(i) IN GENERAL.—In carrying out

9 subparagraph (A), the metropolitan plan-

10 ning organization shall, to the maximum

11 extent practicable—

12 “(I) hold any public meetings at

13 convenient and accessible locations

14 and times;

15 “(II) employ visualization tech-

16 niques to describe plans; and

17 “(III) make public information

18 available in electronically accessible

19 format and means, such as the inter-

20 net, as appropriate to afford reason-

21 able opportunity for consideration of

22 public information under subpara-

23 graph (A).

24 “(ii) ADDITIONAL METHODS.—In ad-

25 dition to the methods described in clause

1 (i), in carrying out subparagraph (A), the
2 metropolitan planning organization shall,
3 to the maximum extent practicable—

4 “(I) use virtual public involve-
5 ment, social media, and other web-
6 based tools to encourage public par-
7 ticipation and solicit public feedback;
8 and

9 “(II) use other methods, as ap-
10 propriate, to further encourage public
11 participation of historically underrep-
12 resented individuals in the transpor-
13 tation planning process.”;

14 (9) in subsection (j)—

15 (A) by striking “transportation improve-
16 ment program” and inserting “TIP” each place
17 it appears; and

18 (B) in paragraph (2)(D)—

19 (i) by striking “PERFORMANCE TAR-
20 GET ACHIEVEMENT” and inserting “PER-
21 FORMANCE MANAGEMENT”;

22 (ii) by striking “The TIP” and insert-
23 ing the following:

24 “(i) IN GENERAL.—The TIP”; and

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

3 “(ii) TRANSPORTATION MANAGEMENT
4 AREAS.—For metropolitan planning areas
5 that represent an urbanized area des-
6 ignated as a transportation management
7 area under subsection (k), the TIP shall
8 include—

9 “(I) a discussion of the antici-
10 pated effect of the TIP toward achiev-
11 ing the performance targets estab-
12 lished in the metropolitan transpor-
13 tation plan, linking investment prior-
14 ities to such performance targets; and

15 “(II) a description of how the
16 TIP would improve the overall level of
17 transportation system access, con-
18 sistent with section 150(f) of title
19 23.”;

20 (10) in subsection (k)—

21 (A) in paragraph (3)(A)—

22 (i) by striking “shall address conges-
23 tion management” and inserting the fol-
24 lowing: “shall address—

25 “(i) congestion management”;

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

3 (iii) by adding at the end the fol-
4 lowing:

5 “(ii) the overall level of transportation
6 system access for various modes of travel
7 within the metropolitan planning area, in-
8 cluding the level of access for economically
9 disadvantaged communities, consistent
10 with section 150(f) of title 23, that is
11 based on a cooperatively developed and im-
12 plemented metropolitan-wide strategy, as-
13 sessing both new and existing transpor-
14 tation facilities eligible for funding under
15 this chapter and title 23.”; and

16 (B) in paragraph (5)(B)—

17 (i) in clause (i) by striking “; and”
18 and inserting a semicolon;

19 (ii) in clause (ii) by striking the pe-
20 riod and inserting “; and”; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(iii) the TIP approved under clause
24 (ii) improves the level of transportation

1 system access, consistent with section
2 150(f) of title 23.”;

3 (11) in subsection (l)(2)—

4 (A) by striking “5 years after the date of
5 enactment of the Federal Public Transportation
6 Act of 2012” and inserting “2 years after the
7 date of enactment of the INVEST in America
8 Act, and every 2 years thereafter,”;

9 (B) in subparagraph (C) by striking “and
10 whether metropolitan planning organizations
11 are developing meaningful performance targets;
12 and” and inserting a semicolon; and

13 (C) by striking subparagraph (D) and in-
14 serting the following:

15 “(D) a listing of all metropolitan planning
16 organizations that are establishing performance
17 targets and whether such performance targets
18 established by the metropolitan planning orga-
19 nization are meaningful or regressive (as de-
20 fined in section 150(d)(3)(B) of title 23); and

21 “(E) the progress of implementing the
22 measure established under section 150(f) of
23 title 23.”; and

24 (12) by striking “Federally” each place it ap-
25 pears and inserting “federally”.

1 **SEC. 2108. STATEWIDE AND NONMETROPOLITAN TRANS-**
2 **PORTATION PLANNING.**

3 Section 5304 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a)—

6 (A) in paragraph (1) by striking “state-
7 wide transportation improvement program” and
8 inserting “STIP”;

9 (B) in paragraph (2)—

10 (i) by striking “The statewide trans-
11 portation plan and the” and inserting the
12 following:

13 “(A) IN GENERAL.—The statewide trans-
14 portation plan and the”;

15 (ii) by striking “transportation im-
16 provement program” and inserting
17 “STIP”; and

18 (iii) by adding at the end the fol-
19 lowing:

20 “(B) CONSIDERATION.—In developing the
21 statewide transportation plans and STIPs,
22 States shall consider direct and indirect emis-
23 sions of greenhouse gases.”; and

24 (C) in paragraph (3) by striking “trans-
25 portation improvement program” and inserting
26 “STIP”;

1 (2) in subsection (d)—

2 (A) in paragraph (1)—

3 (i) in subparagraph (E)—

4 (I) by inserting “reduce green-
5 house gas emissions,” after “promote
6 energy conservation,”;

7 (II) by inserting “and public
8 health” after “improve the quality of
9 life”; and

10 (III) by inserting “, including
11 housing and land use patterns” after
12 “economic development patterns”;

13 (ii) in subparagraph (H) by striking
14 “and”;

15 (iii) in subparagraph (I) by striking
16 the period at the end and inserting “and
17 reduce or mitigate stormwater, sea level
18 rise, extreme weather, and climate change
19 impacts of surface transportation;”; and

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

22 “(J) facilitate emergency management, re-
23 sponse, and evacuation and hazard mitigation;

24 “(K) improve the level of transportation
25 system access; and

1 “(L) support inclusive zoning policies and
2 land use planning practices that incentivize af-
3 fordable, elastic, and diverse housing supply, fa-
4 cilitate long-term economic growth by improving
5 the accessibility of housing to jobs, and prevent
6 high housing costs from displacing economically
7 disadvantaged households.”;

8 (B) in paragraph (2)—

9 (i) by striking subparagraph (A) and
10 inserting the following:

11 “(A) IN GENERAL.—Through the use of a
12 performance-based approach, transportation in-
13 vestment decisions made as a part of the state-
14 wide transportation planning process shall sup-
15 port—

16 “(i) the national goals described in
17 section 150(b);

18 “(ii) the consideration of transpor-
19 tation system access (consistent with sec-
20 tion 150(f));

21 “(iii) the achievement of statewide
22 targets established under section 150(d);
23 and

24 “(iv) the general purposes described
25 in section 5301 of title 49.”; and

1 (ii) in subparagraph (D) by striking
2 “statewide transportation improvement
3 program” and inserting “STIP”; and

4 (C) in paragraph (3) by striking “state-
5 wide transportation improvement program” and
6 inserting “STIP”;

7 (3) in subsection (e)(3) by striking “transpor-
8 tation improvement program” and inserting
9 “STIP”;

10 (4) in subsection (f)—

11 (A) in paragraph (2)(D)—

12 (i) in clause (i) by inserting “air qual-
13 ity, public health, housing, transportation,
14 resilience, hazard mitigation, emergency
15 management,” after “conservation,”; and

16 (ii) by amending clause (ii) to read as
17 follows:

18 “(ii) COMPARISON AND CONSIDER-
19 ATION.—Consultation under clause (i)
20 shall involve the comparison of transpor-
21 tation plans to other relevant plans and in-
22 ventories, including, if available—

23 “(I) State and tribal conservation
24 plans or maps; and

1 “(II) inventories of natural or
2 historic resources.”;

3 (B) in paragraph (3)(B)—

4 (i) by striking “In carrying out” and
5 inserting the following:

6 “(i) IN GENERAL.—in carrying out”;

7 (ii) by redesignating clauses (i)
8 through (iv) as subclauses (I) through
9 (IV), respectively; and

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

12 “(ii) ADDITIONAL METHODS.—In ad-
13 dition to the methods described in clause
14 (i), in carrying out subparagraph (A), the
15 State shall, to the maximum extent prac-
16 ticable—

17 “(I) use virtual public involve-
18 ment, social media, and other web-
19 based tools to encourage public par-
20 ticipation and solicit public feedback;
21 and

22 “(II) use other methods, as ap-
23 propriate, to further encourage public
24 participation of historically underrep-

1 resented individuals in the transpor-
2 tation planning process.”;

3 (C) in paragraph (4)(A) by inserting “re-
4 duce greenhouse gas emissions and” after “po-
5 tential to”; and

6 (D) in paragraph (8) by inserting “includ-
7 ing consideration of the role that intercity buses
8 may play in reducing congestion, pollution,
9 greenhouse gas emissions, and energy consump-
10 tion in a cost-effective manner and strategies
11 and investments that preserve and enhance
12 intercity bus systems, including systems that
13 are privately owned and operated” after “trans-
14 portation system”;

15 (5) in subsection (g)—

16 (A) in paragraph (1)(A) by striking “state-
17 wide transportation improvement program” and
18 inserting “STIP”;

19 (B) in paragraph (4)—

20 (i) by striking “PERFORMANCE TAR-
21 GET ACHIEVEMENT” and inserting “PER-
22 FORMANCE MANAGEMENT”;

23 (ii) by striking “shall include, to the
24 maximum extent practicable, a discussion”
25 and inserting the following: “shall include

1 “(A) a discussion”;

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

4 (iv) by striking “statewide transpor-
5 tation improvement program” and insert-
6 ing “STIP” each place it appears; and

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

8 “(B) a consideration of how the STIP im-
9 pacts the overall level of transportation system
10 access, consistent with section 150(f) of title
11 23.”;

12 (C) in paragraph (5)—

13 (i) in subparagraph (A) by striking
14 “transportation improvement program”
15 and inserting “STIP”;

16 (ii) in subparagraph (B)(ii) by strik-
17 ing “metropolitan transportation improve-
18 ment program” and inserting “TIP”;

19 (iii) in subparagraph (C) by striking
20 “transportation improvement program”
21 and inserting “STIP” each place it ap-
22 pears;

23 (iv) in subparagraph (E) by striking
24 “transportation improvement program”
25 and inserting “STIP”;

1 (v) in subparagraph (F)(i) by striking
2 “transportation improvement program”
3 and inserting “STIP” each place it ap-
4 pears;

5 (vi) in subparagraph (G)(ii) by strik-
6 ing “transportation improvement program”
7 and inserting “STIP”; and

8 (vii) in subparagraph (H) by striking
9 “transportation improvement program”
10 and inserting “STIP”;

11 (D) in paragraph (6)—

12 (i) in subparagraph (A)—

13 (I) by striking “transportation
14 improvement program” and inserting
15 “STIP”; and

16 (II) by striking “and projects
17 carried out under the bridge program
18 or the Interstate maintenance pro-
19 gram under title 23”; and

20 (ii) in subparagraph (B)—

21 (I) by striking “or under the
22 bridge program or the Interstate
23 maintenance program”; and

1 (II) by striking “statewide trans-
2 portation improvement program” and
3 inserting “STIP”;

4 (E) in paragraph (7)—

5 (i) in the heading by striking “TRANS-
6 PORTATION IMPROVEMENT PROGRAM” and
7 inserting “STIP”; and

8 (ii) by striking “transportation im-
9 provement program” and inserting
10 “STIP”;

11 (F) in paragraph (8) by striking “state-
12 wide transportation plans and programs” and
13 inserting “statewide transportation plans and
14 STIPs”; and

15 (G) in paragraph (9) by striking “trans-
16 portation improvement program” and inserting
17 “STIP”;

18 (6) in subsection (h)(2)(A) by striking “Not
19 later than 5 years after the date of enactment of the
20 Federal Public Transportation Act of 2012,” and in-
21 serting “Not less frequently than once every 4
22 years,”;

23 (7) in subsection (j) by striking “transportation
24 improvement program” and inserting “STIP” each
25 place it appears; and

1 (8) in subsection (l) by striking “transportation
2 improvement programs” and inserting “STIPs”.

3 **SEC. 2109. OBLIGATION LIMITATION.**

4 Notwithstanding any other provision of law, the total
5 of all obligations from amounts made available from the
6 Mass Transit Account of the Highway Trust Fund by sub-
7 section (a) of section 5338 of title 49, United States Code,
8 shall not exceed—

9 (1) \$16,185,800,000 in fiscal year 2022;

10 (2) \$16,437,600,000 in fiscal year 2023;

11 (3) \$16,700,600,000 in fiscal year 2024; and

12 (4) \$16,963,600,000 in fiscal year 2025.

13 **SEC. 2110. PUBLIC TRANSPORTATION EMERGENCY RELIEF**
14 **FUNDS.**

15 Section 5324 of title 49, United States Code, is fur-
16 ther amended by adding at the end the following:

17 “(g) IMPOSITION OF DEADLINE.—

18 “(1) IN GENERAL.—Notwithstanding any other
19 provision of law, the Secretary may not require any
20 project funded pursuant to this section to advance to
21 the construction obligation stage before the date
22 that is the last day of the sixth fiscal year after the
23 later of—

1 “(A) the date on which the Governor de-
2 clared the emergency, as described in subsection
3 (a)(2); or

4 “(B) the date on which the President de-
5 clared a major disaster, as described in such
6 subsection.

7 “(2) EXTENSION OF DEADLINE.—If the Sec-
8 retary imposes a deadline for advancement to the
9 construction obligation stage pursuant to paragraph
10 (1), the Secretary may, upon the request of the Gov-
11 ernor of the State, issue an extension of not more
12 than 1 year to complete such advancement, and may
13 issue additional extensions after the expiration of
14 any extension, if the Secretary determines the Gov-
15 ernor of the State has provided suitable justification
16 to warrant an extension.”.

17 **SEC. 2111. CERTIFICATION REQUIREMENTS.**

18 The certification requirements described in section
19 661.12 of title 49, Code of Federal Regulations, shall,
20 after the date of enactment of this Act, include a certifi-
21 cation that buses or other rolling stock (including train
22 control, communication and traction power equipment)
23 being procured do not contain or use any covered tele-
24 communications equipment or services, as such term is de-
25 fined by section 889 of the John S. McCain National De-

1 fense Authorization Act for Fiscal Year 2019 (Public Law
2 115–232).

3 **SEC. 2112. HOLD HARMLESS.**

4 Notwithstanding any other provision of law, for fiscal
5 years 2021 and 2022, the Secretary of Transportation
6 shall allow project sponsors, at the request of such spon-
7 sor, to submit ridership and service data and projections
8 collected before January 20, 2020 and projections based
9 on that data to determine project eligibility under section
10 5309 of title 49, United States Code.

11 **Subtitle B—Improving Frequency**
12 **and Ridership**

13 **SEC. 2201. MULTI-JURISDICTIONAL BUS FREQUENCY AND**
14 **RIDERSHIP COMPETITIVE GRANTS.**

15 (a) IN GENERAL.—Chapter 53 of title 49, United
16 States Code, is amended by inserting after section 5307
17 the following new section:

18 **“§ 5308. Multi-jurisdictional bus frequency and rider-**
19 **ship competitive grants**

20 “(a) IN GENERAL.—The Secretary shall make grants
21 under this section, on a competitive basis, to eligible re-
22 cipients to increase the frequency and ridership of public
23 transit buses.

24 “(b) APPLICATIONS.—To be eligible for a grant
25 under this section, an eligible recipient shall submit to the

1 Secretary an application at such time, in such manner,
2 and containing such information as the Secretary may re-
3 quire.

4 “(c) APPLICATION TIMING.—Not later than 90 days
5 after amounts are made available to carry out this section,
6 the Secretary shall solicit grant applications from eligible
7 recipients for projects described in subsection (d).

8 “(d) USES OF FUNDS.—An eligible recipient of a
9 grant under this section shall use such grant for capital
10 projects that—

11 “(1) increase—

12 “(A) the frequency of bus service;

13 “(B) bus ridership; and

14 “(C) total person throughput; and

15 “(2) are consistent with, and as described in,
16 the design guidance issued by the National Associa-
17 tion of City Transportation Officials and titled
18 ‘Transit Street Design Guide’.

19 “(e) GRANT CRITERIA.—In making grants under this
20 section, the Secretary shall consider the following:

21 “(1) Each eligible recipient’s projected increase
22 in bus frequency.

23 “(2) Each eligible recipient’s projected increase
24 in bus ridership.

1 “(3) Each eligible recipient’s projected increase
2 in total person throughput.

3 “(4) The degree of regional collaboration de-
4 scribed in each eligible recipient’s application, in-
5 cluding collaboration with—

6 “(A) a local government entity that oper-
7 ates a public transportation service;

8 “(B) local government agencies that con-
9 trol street design;

10 “(C) metropolitan planning organizations
11 (as such term is defined in section 5303); and

12 “(D) State departments of transportation.

13 “(f) GRANT TIMING.—The Secretary shall award
14 grants under this section not later than 120 days after
15 the date on which the Secretary completes the solicitation
16 described in subsection (e).

17 “(g) REQUIREMENTS OF THE SECRETARY.—In car-
18 rying out the program under this section, the Secretary
19 shall—

20 “(1) not later than the date described in sub-
21 section (e), publish in the Federal Register a list of
22 all metrics and evaluation procedures to be used in
23 making grants under this section; and

24 “(2) publish in the Federal Register—

1 “(A) a summary of the final metrics and
2 evaluations used in making grants under this
3 section; and

4 “(B) a list of the ratings of eligible recipi-
5 ents receiving a grant under this section based
6 on such metrics and evaluations.

7 “(h) FEDERAL SHARE.—

8 “(1) IN GENERAL.—The Federal share of the
9 cost of a project carried out under this section shall
10 not exceed 80 percent.

11 “(2) RESTRICTION ON GRANT AMOUNTS.—The
12 Secretary may make a grant for a project under this
13 section in an amount up to 150 percent of the
14 amount—

15 “(A) provided for such project under title
16 23; and

17 “(B) provided for such project from non-
18 Federal funds budgeted for roadways.

19 “(i) REQUIREMENTS OF SECTION 5307.—Except as
20 otherwise provided in this section, a grant under this sec-
21 tion shall be subject to the requirements of section 5307.

22 “(j) AVAILABILITY OF FUNDS.—

23 “(1) IN GENERAL.—Amounts made available to
24 carry out this section shall remain available for 4

1 fiscal years after the fiscal year for which the
2 amount was made available.

3 “(2) UNOBLIGATED AMOUNTS.—After the expi-
4 ration of the period described in paragraph (1) for
5 an amount made available to carry out this section,
6 any unobligated amounts made available to carry out
7 this section shall be added to the amounts made
8 available for the following fiscal year.

9 “(k) ELIGIBLE RECIPIENTS.—In this section, the
10 term ‘eligible recipient’ means a recipient of a grant under
11 section 5307 in an urbanized area with a population great-
12 er than 500,000.”.

13 (b) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 53 of title 49, United States Code, is amended by in-
15 serting after the item relating to section 5307 the fol-
16 lowing new item:

“5308. Multi-jurisdictional bus frequency and ridership competitive grants.”.

17 **SEC. 2202. INCENTIVIZING FREQUENCY IN THE URBAN FOR-**
18 **MULA.**

19 Section 5336 of title 49, United States Code, is
20 amended—

21 (1) in subsection (b)—

22 (A) in paragraph (2)—

23 (i) in subparagraph (A)—

1 (I) in the matter preceding clause
2 (i) by striking “95.61 percent” and
3 inserting “95 percent”;

4 (II) in clause (i) by striking
5 “95.61 percent” and inserting “95
6 percent”; and

7 (III) in clause (ii) by striking
8 “95.61 percent” and inserting “95
9 percent”; and
10 (ii) in subparagraph (B)—

11 (I) in the matter preceding clause
12 (i) by striking “4.39 percent” and in-
13 serting “5 percent”;

14 (II) in clause (i)—

15 (aa) by inserting “in the
16 highest 25 percent of routes by
17 ridership” before “multiplied
18 by”; and

19 (bb) by striking “vehicle
20 passenger miles traveled for each
21 dollar of operating cost in an
22 area” and inserting “vehicles op-
23 erating in peak revenue service
24 per hour in the highest 25 per-
25 cent of routes by ridership”; and

1 (III) in clause (ii)—

2 (aa) by inserting “in the
3 highest 25 percent of routes by
4 ridership” before “multiplied
5 by”; and

6 (bb) by striking “vehicle
7 passenger miles traveled for each
8 dollar of operating cost in all
9 areas” and inserting “vehicles
10 operating in peak revenue service
11 per hour in the highest 25 per-
12 cent of routes by ridership”; and

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

14 “(3) SPECIAL RULE.—For fiscal year 2022, the
15 percentage—

16 “(A) in paragraph (2)(A) in the matter
17 preceding clause (i) shall be treated as 100 per-
18 cent; and

19 “(B) in paragraph (2)(B) in the matter
20 preceding clause (i) shall be treated as 0 per-
21 cent.”;

22 (2) in subsection (c)—

23 (A) in paragraph (1) by striking “90.8
24 percent” and inserting “90 percent” each place
25 it appears;

1 (B) in paragraph (2)—

2 (i) by striking “9.2 percent” and in-
3 sserting “8 percent”;

4 (ii) by striking “200,000” and insert-
5 ing “500,000”;

6 (iii) by striking subparagraph (A) and
7 inserting the following:

8 “(A) the number of bus passenger miles
9 traveled on the highest 25 percent of routes by
10 ridership multiplied by the number of buses op-
11 erating in peak revenue service per hour on the
12 highest 25 percent of routes by ridership; di-
13 vided by”; and

14 (iv) by striking subparagraph (B) and
15 inserting the following:

16 “(B) the total number of bus passenger
17 miles traveled on the highest 25 percent of
18 routes by ridership multiplied by the total num-
19 ber of buses operating in peak revenue service
20 per hour on the highest 25 percent of routes by
21 ridership in all areas.”; and

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

23 “(3) Two percent of the total amount appor-
24 tioned under this subsection shall be apportioned so
25 that each urbanized area with a population of at

1 least 200,000 and less than 500,000 is entitled to
2 receive an amount using the formula in paragraph
3 (1).

4 “(4) For fiscal year 2022, the percentage—

5 “(A) in paragraph (1) in the matter pre-
6 ceding subparagraph (A) shall be treated as
7 100 percent;

8 “(B) in paragraph (2) in the matter pre-
9 ceding subparagraph (A) shall be treated as 0
10 percent; and

11 “(C) in paragraph (3) shall be treated as
12 0 percent.”; and

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

14 “(k) **PEAK REVENUE SERVICE DEFINED.**—In this
15 section, the term ‘peak revenue service’ means the time
16 period between the time in the morning that an agency
17 first exceeds the number of midday vehicles in revenue
18 service and the time in the evening that an agency falls
19 below the number of midday vehicles in revenue service.”.

20 **SEC. 2203. MOBILITY INNOVATION.**

21 (a) **IN GENERAL.**—Chapter 53 of title 49, United
22 States Code, is amended by inserting after section 5315
23 the following new section:

1 **“§ 5316. Mobility innovation**

2 “(a) IN GENERAL.—Amounts made available to a
3 covered recipient to carry out sections 5307, 5310, and
4 5311 may be used by such covered recipient under this
5 section to assist in the financing of—

6 “(1) mobility as a service; and

7 “(2) mobility on demand services.

8 “(b) FEDERAL SHARE.—

9 “(1) IN GENERAL.—Except as provided in para-
10 graphs (2) and (3), the Federal share of the net cost
11 of a project carried out under this section shall not
12 exceed 70 percent.

13 “(2) INSOURCING INCENTIVE.—Notwith-
14 standing paragraph (1), the Federal share of the net
15 cost of a project described in paragraph (1) shall not
16 exceed 90 percent for mobility on demand service op-
17 erated exclusively by personnel employed by the re-
18 cipient.

19 “(3) ZERO EMISSION INCENTIVE.—Notwith-
20 standing paragraph (1), the Federal share of the net
21 cost of a project described in paragraph (1) shall not
22 exceed 90 percent if such project involves an eligible
23 use that uses a vehicle that produces zero carbon di-
24 oxide or particulate matter.

25 “(c) ELIGIBLE USES.—

1 “(1) IN GENERAL.—The Secretary shall publish
2 guidance describing eligible activities that are dem-
3 onstrated to—

4 “(A) increase transit ridership;

5 “(B) be complementary to fixed route tran-
6 sit service;

7 “(C) demonstrate meaningful improve-
8 ments in—

9 “(i) environmental metrics, including
10 standards established pursuant to the
11 Clean Air Act (42 U.S.C. 7401 et seq.)
12 and greenhouse gas performance targets
13 established pursuant to section 150(d) of
14 title 23;

15 “(ii) traffic congestion;

16 “(iii) compliance with the require-
17 ments under the Americans with Disabil-
18 ities Act of 1990 (42 U.S.C. 12101 et
19 seq.);

20 “(iv) low-income service to increase
21 access to employment, healthcare, and
22 other essential services;

23 “(v) service outside of transit agency
24 operating hours, provided that the transit
25 agency operating hours are not reduced;

1 “(vi) new low density service relative
2 to the higher density urban areas of the
3 agency’s service area; or

4 “(vii) rural service.

5 “(D) FARE COLLECTION MODERNIZA-
6 TION.—In developing guidance referred to in
7 this section, the Secretary shall ensure that—

8 “(i) all costs associated with install-
9 ing, modernizing, and managing fare col-
10 lection, including touchless payment sys-
11 tems, shall be considered eligible expenses
12 under this title and subject to the applica-
13 ble Federal share; and

14 “(ii) such guidance includes guidance
15 on how agencies shall provide unbanked
16 and underbanked users with an oppor-
17 tunity to benefit from mobility as a service
18 platforms.

19 “(2) PROHIBITION ON USE OF FUNDS.—
20 Amounts used by a covered recipient for projects eli-
21 gible under this section may not be used for—

22 “(A) single passenger vehicle miles (in a
23 passenger motor vehicle, as such term is de-
24 fined in section 32101, that carries less than 9
25 passengers), unless the trip—

1 “(i) meets the definition of public
2 transportation; and

3 “(ii) begins or completes a fixed route
4 public transportation trip;

5 “(B) deadhead vehicle miles; or

6 “(C) any service considered a taxi service
7 that operates under an exemption from testing
8 requirements under section 5331.

9 “(d) FEDERAL REQUIREMENTS.—A project carried
10 out under this section shall be treated as if such project
11 were carried out under the section from which the funds
12 were provided to carry out such project, including the ap-
13 plication of any additional requirements provided for by
14 law that apply to section 5307, 5310, or 5311, as applica-
15 ble.

16 “(e) WAIVER.—

17 “(1) INDIVIDUAL WAIVER.—Except as provided
18 in paragraphs (2) and (3), the Secretary may waive
19 any requirement applied to a project carried out
20 under this section pursuant to subsection (d) if the
21 Secretary determines that the project would—

22 “(A) not undermine labor standards;

23 “(B) increase employment opportunities of
24 the recipient unless the Secretary determines

1 that such a waiver does not affect employment
2 opportunities; and

3 “(C) be consistent with the public interest.

4 “(2) WAIVER UNDER OTHER SECTIONS.—The
5 Secretary may not waive any requirement under
6 paragraph (1) for which a waiver is otherwise avail-
7 able.

8 “(3) PROHIBITION OF WAIVER.—Notwith-
9 standing paragraph (1), the Secretary may not
10 waive any requirement of—

11 “(A) section 5333;

12 “(B) section 5331;

13 “(C) section 5302(14); and

14 “(D) chapter 53 that establishes a max-
15 imum Federal share for operating costs.

16 “(4) APPLICATION OF SECTION 5320.—Notwith-
17 standing paragraphs (1) and (2), the Secretary may
18 only waive the requirements of section 5320 with re-
19 spect to—

20 “(A) a passenger vehicle owned by an indi-
21 vidual; and

22 “(B) subsection (q) of such section for any
23 passenger vehicle not owned by an individual
24 for the period beginning on the date of enact-

1 ment of this section and ending 3 years after
2 such date.

3 “(f) OPEN DATA STANDARDS.—

4 “(1) IN GENERAL.—Not later than 90 days
5 after the date of enactment of this section, the Sec-
6 retary shall initiate procedures under subchapter III
7 of chapter 5 of title 5 to develop an open data stand-
8 ard and an application programming interface nec-
9 essary to carry out this section.

10 “(2) REGULATIONS.—The regulations required
11 under paragraph (1) shall require public transpor-
12 tation agencies, mobility on demand providers, mo-
13 bility as a service technology providers, other non-
14 government actors, and local governments the effi-
15 cient means to transfer data to—

16 “(A) foster the efficient use of transpor-
17 tation capacity;

18 “(B) enhance the management of new
19 modes of mobility;

20 “(C) enable the use of innovative planning
21 tools;

22 “(D) enable single payment systems for all
23 mobility on demand services;

24 “(E) establish metropolitan planning orga-
25 nization, State, and local government access to

1 anonymized data for transportation planning,
2 real time operations data, and rules;

3 “(F) safeguard personally identifiable in-
4 formation;

5 “(G) protect confidential business informa-
6 tion; and

7 “(H) enhance cybersecurity protections.

8 “(3) PROHIBITION ON FOR PROFIT ACTIVITY.—

9 Any data received by an entity under this subsection
10 may not be sold, leased, or otherwise used to gen-
11 erate profit, except for the direct provision of the re-
12 lated mobility on demand services and mobility as a
13 service.

14 “(4) COMMITTEE.—A negotiated rulemaking
15 committee established pursuant to section 565 of
16 title 5 to carry out this subsection shall have a max-
17 imum of 17 members limited to representatives of
18 the Department of Transportation, State and local
19 governments, metropolitan planning organizations,
20 urban and rural covered recipients, associations that
21 represent public transit agencies, representatives
22 from at least 3 different organizations engaged in
23 collective bargaining on behalf of transit workers in
24 not fewer than 3 States, mobility on demand pro-

1 viders, and mobility as a service technology pro-
2 viders.

3 “(5) PUBLICATION OF PROPOSED REGULA-
4 TIONS.—Proposed regulations to implement this sec-
5 tion shall be published in the Federal Register by
6 the Secretary not later than 18 months after such
7 date of enactment.

8 “(6) EXTENSION OF DEADLINES.—A deadline
9 set forth in paragraph (4) may be extended up to
10 180 days if the negotiated rulemaking committee re-
11 ferred to in paragraph (5) concludes that the com-
12 mittee cannot meet the deadline and the Secretary
13 so notifies the Committee on Transportation and In-
14 frastructure of the House of Representatives and the
15 Committee on Banking, Housing, and Urban Affairs
16 of the Senate.

17 “(g) APPLICATION OF RECIPIENT REVENUE VEHI-
18 CLE MILES.—With respect to revenue vehicle miles with
19 one passenger of a covered recipient using amounts under
20 this section, such miles—

21 “(1) shall be included in the National Transit
22 Database under section 5335; and

23 “(2) shall be excluded from vehicle revenue
24 miles data used in the calculation described in sec-
25 tion 5336.

1 “(h) SAVINGS CLAUSE.—Subsection (c)(2) and sub-
2 section (g) shall not apply to any eligible activities under
3 this section if such activities are—

4 “(1) being carried out in compliance with the
5 Americans with Disabilities Act of 1990 (42
6 U.S.C. 12101 et seq.); or

7 “(2) projects eligible under section 5310 that
8 exceed the requirements of the Americans with Dis-
9 abilities Act of 1990 (42 U.S.C. 12101 et seq.).

10 “(i) DEFINITIONS.—In this section:

11 “(1) DEADHEAD VEHICLE MILES.—The term
12 ‘deadhead vehicle miles’ means the miles that a vehi-
13 cle travels when out of revenue service, including
14 leaving or returning to the garage or yard facility,
15 changing routes, when there is no expectation of car-
16 rying revenue passengers, and any miles traveled by
17 a private operator without a passenger.

18 “(2) MOBILITY AS A SERVICE.—The term ‘mo-
19 bility as a service’ means services that constitute the
20 integration of mobility on demand services and pub-
21 lic transportation that are available and accessible to
22 all travelers, provide multimodal trip planning, and
23 a unified payment system.

24 “(3) MOBILITY ON DEMAND.—The term ‘mobil-
25 ity on demand’ means an on-demand transportation

1 service shared among individuals, either concurrently
2 or one after another.

3 “(4) COVERED RECIPIENT.—The term ‘covered
4 recipient’ means a State or local government entity,
5 private nonprofit organization, or Tribe that—

6 “(A) operates a public transportation serv-
7 ice; and

8 “(B) is a recipient or subrecipient of funds
9 under section 5307, 5310, or 5311.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 53 of title 49, United States Code, is amended by in-
12 serting after the item relating to section 5315 the fol-
13 lowing new item:

“5316. Mobility innovation.”.

14 (c) EFFECTIVE DATE.—This section and the amend-
15 ments made by this section shall take effect on the date
16 on which the Secretary has finalized both—

17 (1) the guidance required under section 5316(c)
18 of title 49, United States Code; and

19 (2) the regulations required under section
20 5316(f) of title 49, United States Code.

21 **SEC. 2204. FORMULA GRANTS FOR RURAL AREAS.**

22 Section 5311 of title 49, United States Code, is
23 amended—

24 (1) in subsection (b)—

1 (A) in paragraph (2) by adding at the end
2 the following:

3 “(D) CENSUS DESIGNATION.—The Sec-
4 retary may approve a State program that allo-
5 cates not more than 5 percent of such State’s
6 apportionment to assist rural areas that were
7 redesignated as urban areas not more than 2
8 fiscal years after the last census designation of
9 urbanized area boundaries.”; and

10 (B) in paragraph (3) by striking “section
11 5338(a)(2)(F)” and inserting “section
12 5338(a)(2)(E)”;

13 (2) in subsection (c)—

14 (A) in paragraph (1)—

15 (i) in the matter preceding subpara-
16 graph (A) by striking “section
17 5338(a)(2)(F)” and inserting “section
18 5338(a)(2)(E)”;

19 (ii) in subparagraph (A) by striking
20 “\$5,000,000” and inserting
21 “\$10,000,000”; and

22 (iii) in subparagraph (B) by striking
23 “\$30,000,000” and inserting “the amount
24 remaining under section 5338(a)(2)(E)(i)

1 after the amount under subparagraph (A)
2 is distributed”;

3 (B) in paragraph (2)(C) by striking “sec-
4 tion 5338(a)(2)(F)” and inserting “section
5 5338(a)(2)(E)”;

6 (C) in paragraph (3)—

7 (i) in subparagraph (A) by striking
8 “section 5338(a)(2)(F)” and inserting
9 “section 5338(a)(2)(E)”;

10 (ii) by striking subparagraphs (B) and
11 (C) and inserting the following:

12 “(B) LAND AREA.—

13 “(i) IN GENERAL.—Subject to clause
14 (ii), each State shall receive an amount
15 that is equal to 15 percent of the amount
16 apportioned under this paragraph, multi-
17 plied by the ratio of the land area in rural
18 areas in that State and divided by the land
19 area in all rural areas in the United
20 States, as shown by the most recent decen-
21 nial census of population.

22 “(ii) MAXIMUM APPORTIONMENT.—
23 No State shall receive more than 5 percent
24 of the amount apportioned under clause
25 (i).

1 “(C) POPULATION.—Each State shall re-
2 ceive an amount equal to 50 percent of the
3 amount apportioned under this paragraph, mul-
4 tiplied by the ratio of the population of rural
5 areas in that State and divided by the popu-
6 lation of all rural areas in the United States, as
7 shown by the most recent decennial census of
8 population.

9 “(D) VEHICLE REVENUE MILES.—

10 “(i) IN GENERAL.—Subject to clause
11 (ii), each State shall receive an amount
12 that is equal to 25 percent of the amount
13 apportioned under this paragraph, multi-
14 plied by the ratio of vehicle revenue miles
15 in rural areas in that State and divided by
16 the vehicle revenue miles in all rural areas
17 in the United States, as determined by na-
18 tional transit database reporting.

19 “(ii) MAXIMUM APPORTIONMENT.—

20 No State shall receive more than 5 percent
21 of the amount apportioned under clause
22 (i).

23 “(E) LOW-INCOME INDIVIDUALS.—Each
24 State shall receive an amount that is equal to
25 10 percent of the amount apportioned under

1 this paragraph, multiplied by the ratio of low-
2 income individuals in rural areas in that State
3 and divided by the number of low-income indi-
4 viduals in all rural areas in the United States,
5 as shown by the Bureau of the Census.”;

6 (3) in subsection (f)—

7 (A) in paragraph (1) by inserting “A State
8 may expend funds to continue service into an-
9 other State to extend a route.” before “Eligible
10 activities under”; and

11 (B) in paragraph (2) by inserting “and
12 makes the certification and supporting docu-
13 ments publicly available” before the period at
14 the end; and

15 (4) in subsection (g) by adding at the end the
16 following:

17 “(6) ALLOWANCE FOR VOLUNTEER HOURS.—

18 “(A) APPLICABLE REGULATIONS.—For
19 any funds provided by a department or agency
20 of the Government under paragraph (3)(D) or
21 by a service agreement under paragraph (3)(C),
22 and such department or agency has regulations
23 in place that provide for the valuation of volun-
24 teer hours as allowable in-kind contributions to-
25 ward the non-Federal share of project costs,

1 such regulations shall be used to determine the
2 allowable valuation of volunteer hours as an in-
3 kind contribution toward the non-Federal re-
4 mainder of net project costs for a transit
5 project funded under this section.

6 “(B) LIMITATIONS.—Subparagraph (A)
7 shall not apply to the provision of fixed-route
8 bus services funded under this section.”.

9 **SEC. 2205. ONE-STOP PARATRANSIT PROGRAM.**

10 Section 5310 of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(j) ONE-STOP PARATRANSIT PROGRAM.—

13 “(1) IN GENERAL.—Not later than 6 months
14 after the date of enactment of this subsection, the
15 Secretary shall establish a one-stop paratransit com-
16 petitive grant program to encourage an extra stop in
17 non-fixed route Americans with Disabilities Act of
18 1990 (42 U.S.C. 12101 et seq.) service for a para-
19 transit rider to complete essential tasks.

20 “(2) PREFERENCE.—The Secretary shall give
21 preference to eligible recipients that—

22 “(A) have comparable data for the year
23 prior to implementation of the grant program
24 and made available to the Secretary, academic

1 and nonprofit organizations for research pur-
2 poses; and

3 “(B) plan to use agency personnel to im-
4 plement the pilot program.

5 “(3) APPLICATION CRITERIA.—To be eligible to
6 participate in the grant program, an eligible recipi-
7 ent shall submit to the Secretary an application con-
8 taining such information as the Secretary may re-
9 quire, including information on—

10 “(A) locations the eligible entity intends to
11 allow a stop at, if stops are limited, including—

12 “(i) childcare or education facilities;

13 “(ii) pharmacies;

14 “(iii) grocery stores; and

15 “(iv) bank or ATM locations;

16 “(B) methodology for informing the public
17 of the grant program;

18 “(C) vehicles, personnel, and other re-
19 sources that will be used to implement the
20 grant program;

21 “(D) if the applicant does not intend the
22 grant program to apply to the full area under
23 the jurisdiction of the applicant, a description
24 of the geographic area in which the applicant
25 intends the grant program to apply; and

1 “(E) the anticipated amount of increased
2 operating costs.

3 “(4) SELECTION.—The Secretary shall seek to
4 achieve diversity of participants in the grant pro-
5 gram by selecting a range of eligible entities that in-
6 cludes at least—

7 “(A) 5 eligible recipients that serve an
8 area with a population of 50,000 to 200,000;

9 “(B) 10 eligible recipients that serve an
10 area with a population of over 200,000; and

11 “(C) 5 eligible recipients that provide
12 transportation for rural communities.

13 “(5) DATA-SHARING CRITERIA.—An eligible re-
14 cipient in this subsection shall provide data as the
15 Secretary requires, including—

16 “(A) number of ADA paratransit trips
17 conducted each year;

18 “(B) requested time of each paratransit
19 trip;

20 “(C) scheduled time of each paratransit
21 trip;

22 “(D) actual pickup time for each para-
23 transit trip;

24 “(E) average length of a stop in the middle
25 of a ride as allowed by this subsection;

1 “(F) any complaints received by a para-
2 transit rider;

3 “(G) rider satisfaction with paratransit
4 services; and

5 “(H) after the completion of the grant, an
6 assessment by the eligible recipient of its capac-
7 ity to continue a one-stop program independ-
8 ently.

9 “(6) REPORT.—

10 “(A) IN GENERAL.—The Secretary shall
11 make publicly available an annual report on the
12 program carried out under this subsection for
13 each fiscal year, not later than December 31 of
14 the calendar year in which such fiscal year
15 ends.

16 “(B) CONTENTS.—The report required
17 under subparagraph (A) shall include a detailed
18 description of the activities carried out under
19 the program, and an evaluation of the program,
20 including an evaluation of the data shared by
21 eligible recipients under paragraph (5).”.

22 **Subtitle C—Buy America and**
23 **Other Procurement Reforms**

24 **SEC. 2301. BUY AMERICA.**

25 (a) BUY AMERICA.—

1 (1) IN GENERAL.—Chapter 53 of title 49,
2 United States Code, is amended by inserting before
3 section 5321 the following:

4 **“§ 5320. Buy America**

5 “(a) IN GENERAL.—The Secretary may obligate an
6 amount that may be appropriated to carry out this chapter
7 for a project only if the steel, iron, and manufactured
8 goods used in the project are produced in the United
9 States.

10 “(b) WAIVER.—The Secretary may waive subsection
11 (a) if the Secretary finds that—

12 “(1) applying subsection (a) would be incon-
13 sistent with the public interest;

14 “(2) the steel, iron, and goods produced in the
15 United States are not produced in a sufficient and
16 reasonably available amount or are not of a satisfac-
17 tory quality;

18 “(3) when procuring rolling stock (including
19 train control, communication, traction power equip-
20 ment, and rolling stock prototypes) under this chap-
21 ter—

22 “(A) the cost of components and sub-
23 components produced in the United States is
24 more than 70 percent of the cost of all compo-
25 nents of the rolling stock; and

1 “(B) final assembly of the rolling stock has
2 occurred in the United States; or

3 “(4) including domestic material will increase
4 the cost of the overall project by more than 25 per-
5 cent.

6 “(c) WRITTEN WAIVER DETERMINATION AND AN-
7 NUAL REPORT.—

8 “(1) WAIVER PROCEDURE.—Not later than 120
9 days after the submission of a request for a waiver,
10 the Secretary shall make a determination under sub-
11 section (b)(1), (b)(2), or (b)(4) as to whether to
12 waive subsection (a).

13 “(2) PUBLIC NOTIFICATION AND COMMENT.—

14 “(A) IN GENERAL.—Not later than 30
15 days before making a determination regarding a
16 waiver described in paragraph (1), the Sec-
17 retary shall provide notification and an oppor-
18 tunity for public comment on the request for
19 such waiver.

20 “(B) NOTIFICATION REQUIREMENTS.—The
21 notification required under subparagraph (A)
22 shall—

23 “(i) describe whether the application
24 is being made for a waiver described in
25 subsection (b)(1), (b)(2) or (b)(4); and

1 “(ii) be provided to the public by elec-
2 tronic means, including on the public
3 website of the Department of Transpor-
4 tation.

5 “(3) DETERMINATION.—Before a determination
6 described in paragraph (1) takes effect, the Sec-
7 retary shall publish a detailed justification for such
8 determination that addresses all public comments re-
9 ceived under paragraph (2)—

10 “(A) on the public website of the Depart-
11 ment of Transportation; and

12 “(B) if the Secretary issues a waiver with
13 respect to such determination, in the Federal
14 Register.

15 “(4) ANNUAL REPORT.—Annually, the Sec-
16 retary shall submit to the Committee on Banking,
17 Housing, and Urban Affairs of the Senate and the
18 Committee on Transportation and Infrastructure of
19 the House of Representatives a report listing any
20 waiver issued under paragraph (1) during the pre-
21 ceding year.

22 “(d) ROLLING STOCK WAIVER CONDITIONS.—

23 “(1) LABOR COSTS FOR FINAL ASSEMBLY.—In
24 this section, highly skilled labor costs involved in
25 final assembly shall be included as a separate com-

1 ponent in the cost of components and subcompo-
2 nents under subsection (b)(3)(A).

3 “(2) HIGH DOMESTIC CONTENT COMPONENT
4 BONUS.—In this section, in calculating the domestic
5 content of the rolling stock under subsection (b)(3),
6 the percent, rounded to the nearest whole number,
7 of the domestic content in components of such roll-
8 ing stock, weighted by cost, shall be used in calcu-
9 lating the domestic content of the rolling stock, ex-
10 cept—

11 “(A) with respect to components that ex-
12 ceed—

13 “(i) 70 percent domestic content, the
14 Secretary shall add 10 additional percent
15 to the component’s domestic content when
16 calculating the domestic content of the
17 rolling stock; and

18 “(ii) 75 percent domestic content, the
19 Secretary shall add 15 additional percent
20 to the component’s domestic content when
21 calculating the domestic content of the
22 rolling stock; and

23 “(B) in no case may a component exceed
24 100 domestic content when calculating the do-
25 mestic content of the rolling stock.

1 “(3) ROLLING STOCK FRAMES OR CAR
2 SHELLS.—

3 “(A) INCLUSION OF COSTS.—Subject to
4 the substantiation requirement of subparagraph
5 (B), in carrying out, in calculating the cost of
6 the domestic content of the rolling stock under
7 subsection (b)(3), in the case of a rolling stock
8 procurement receiving assistance under this
9 chapter in which the average cost of a rolling
10 stock vehicle in the procurement is more than
11 \$300,000, if rolling stock frames or car shells
12 are not produced in the United States, the Sec-
13 retary shall include in the calculation of the do-
14 mestic content of the rolling stock the cost of
15 the steel or iron that is produced in the United
16 States and used in the rolling stock frames or
17 car shells.

18 “(B) SUBSTANTIATION.—If a rolling stock
19 vehicle manufacturer wishes to include in the
20 calculation of the vehicle’s domestic content the
21 cost of steel or iron produced in the United
22 States and used in the rolling stock frames and
23 car shells that are not produced in the United
24 States, the manufacturer shall maintain and

1 provide upon request a mill certification that
2 substantiates the origin of the steel or iron.

3 “(4) TREATMENT OF WAIVED COMPONENTS
4 AND SUBCOMPONENTS.—In this section, a compo-
5 nent or subcomponent waived under subsection (b)
6 shall be excluded from any part of the calculation re-
7 quired under subsection (b)(3)(A).

8 “(5) ZERO-EMISSION VEHICLE DOMESTIC BAT-
9 TERY CELL INCENTIVE.—The Secretary shall pro-
10 vide an additional 2.5 percent of domestic content to
11 the total rolling stock domestic content percentage
12 calculated under this section for any zero-emission
13 vehicle that uses only battery cells for propulsion
14 that are manufactured domestically.

15 “(6) PROHIBITION ON DOUBLE COUNTING.—

16 “(A) IN GENERAL.—No labor costs in-
17 cluded in the cost of a component or subcompo-
18 nent by the manufacturer of rolling stock may
19 be treated as rolling stock assembly costs for
20 purposes of calculating domestic content.

21 “(B) VIOLATION.—A violation of this para-
22 graph shall be treated as a false claim under
23 subchapter III of chapter 37 of title 31.

1 “(7) DEFINITION OF HIGHLY SKILLED LABOR
2 COSTS.—In this subsection, the term ‘highly skilled
3 labor costs’—

4 “(A) means the apportioned value of direct
5 wage compensation associated with final assem-
6 bly activities of workers directly employed by a
7 rolling stock original equipment manufacturer
8 and directly associated with the final assembly
9 activities of a rolling stock vehicle that advance
10 the value or improve the condition of the end
11 product;

12 “(B) does not include any temporary or in-
13 direct activities or those hired via a third-party
14 contractor or subcontractor;

15 “(C) are limited to metalworking, fabrica-
16 tion, welding, electrical, engineering, and other
17 technical activities requiring training;

18 “(D) are not otherwise associated with ac-
19 tivities required under section 661.11 of title
20 49, Code of Federal Regulations; and

21 “(E) includes only activities performed in
22 the United States and does not include that of
23 foreign nationals providing assistance at a
24 United States manufacturing facility.

1 “(e) CERTIFICATION OF DOMESTIC SUPPLY AND
2 DISCLOSURE.—

3 “(1) CERTIFICATION OF DOMESTIC SUPPLY.—If
4 the Secretary denies an application for a waiver
5 under subsection (b), the Secretary shall provide to
6 the applicant a written certification that—

7 “(A) the steel, iron, or manufactured
8 goods, as applicable, (referred to in this para-
9 graph as the ‘item’) is produced in the United
10 States in a sufficient and reasonably available
11 amount;

12 “(B) the item produced in the United
13 States is of a satisfactory quality; and

14 “(C) includes a list of known manufactur-
15 ers in the United States from which the item
16 can be obtained.

17 “(2) DISCLOSURE.—The Secretary shall dis-
18 close the waiver denial and the written certification
19 to the public in an easily identifiable location on the
20 website of the Department of Transportation.

21 “(f) WAIVER PROHIBITED.—The Secretary may not
22 make a waiver under subsection (b) for goods produced
23 in a foreign country if the Secretary, in consultation with
24 the United States Trade Representative, decides that the
25 government of that foreign country—

1 “(1) has an agreement with the United States
2 Government under which the Secretary has waived
3 the requirement of this section; and

4 “(2) has violated the agreement by discrimi-
5 nating against goods to which this section applies
6 that are produced in the United States and to which
7 the agreement applies.

8 “(g) PENALTY FOR MISLABELING AND MISREPRE-
9 SENTATION.—A person is ineligible under subpart 9.4 of
10 the Federal Acquisition Regulation, or any successor
11 thereto, to receive a contract or subcontract made with
12 amounts authorized under title II of the INVEST in
13 America Act if a court or department, agency, or instru-
14 mentality of the Government decides the person inten-
15 tionally—

16 “(1) affixed a ‘Made in America’ label, or a
17 label with an inscription having the same meaning,
18 to goods sold in or shipped to the United States that
19 are used in a project to which this section applies
20 but not produced in the United States; or

21 “(2) represented that goods described in para-
22 graph (1) were produced in the United States.

23 “(h) STATE REQUIREMENTS.—The Secretary may
24 not impose any limitation on assistance provided under
25 this chapter that restricts a State from imposing more

1 stringent requirements than this subsection on the use of
2 articles, materials, and supplies mined, produced, or man-
3 ufactured in foreign countries in projects carried out with
4 that assistance or restricts a recipient of that assistance
5 from complying with those State-imposed requirements.

6 “(i) OPPORTUNITY TO CORRECT INADVERTENT
7 ERROR.—The Secretary may allow a manufacturer or
8 supplier of steel, iron, or manufactured goods to correct
9 after bid opening any certification of noncompliance or
10 failure to properly complete the certification (but not in-
11 cluding failure to sign the certification) under this sub-
12 section if such manufacturer or supplier attests under pen-
13 alty of perjury that such manufacturer or supplier sub-
14 mitted an incorrect certification as a result of an inad-
15 vertent or clerical error. The burden of establishing inad-
16 vertent or clerical error is on the manufacturer or supplier.

17 “(j) ADMINISTRATIVE REVIEW.—A party adversely
18 affected by an agency action under this subsection shall
19 have the right to seek review under section 702 of title
20 5.

21 “(k) STEEL AND IRON.—For purposes of this section,
22 steel and iron meeting the requirements of section
23 661.5(b) of title 49, Code of Federal Regulations, may be
24 considered produced in the United States.

1 “(l) DEFINITION OF SMALL PURCHASE.—For pur-
2 poses of determining whether a purchase qualifies for a
3 general public interest waiver under subsection (b)(1), in-
4 cluding under any regulation promulgated under such sub-
5 section, the term ‘small purchase’ means a purchase of
6 not more than \$150,000.

7 “(m) PREAWARD AND POSTDELIVERY REVIEW OF
8 ROLLING STOCK PURCHASES.—

9 “(1) IN GENERAL.—The Secretary shall pre-
10 scribe regulations requiring a preaward and
11 postdelivery certification of a rolling stock vehicle
12 that meets the requirements of this section and Gov-
13 ernment motor vehicle safety requirements to be eli-
14 gible for a grant under this chapter. For compliance
15 with this section—

16 “(A) Federal inspections and review are
17 required;

18 “(B) a manufacturer certification is not
19 sufficient; and

20 “(C) a rolling stock vehicle that has been
21 certified by the Secretary remains certified until
22 the manufacturer makes a material change to
23 the vehicle, or adjusts the cost of all compo-
24 nents of the rolling stock, that reduces, by more

1 than half, the percentage of domestic content
2 above 70 percent.

3 “(2) CERTIFICATION OF PERCENTAGE.—The
4 Secretary may, at the request of a component or
5 subcomponent manufacturer, certify the percentage
6 of domestic content and place of manufacturing for
7 a component or subcomponent.

8 “(3) FREEDOM OF INFORMATION ACT.—In car-
9 rying out this subsection, the Secretary shall consist-
10 ently apply the provisions of section 552 of title 5,
11 including subsection (b)(4) of such section.

12 “(4) NONCOMPLIANCE.—The Secretary shall
13 prohibit recipients from procuring rolling stock, com-
14 ponents, or subcomponents from a supplier that in-
15 tentionally provides false information to comply with
16 this subsection.

17 “(n) SCOPE.—The requirements of this section apply
18 to all contracts for a public transportation project carried
19 out within the scope of the applicable finding, determina-
20 tion, or decision under the National Environmental Policy
21 Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the
22 funding source of such contracts, if at least one contract
23 for the public transportation project is funded with
24 amounts made available to carry out this chapter.

1 “(o) BUY AMERICA CONFORMITY.—The Secretary
2 shall ensure that all Federal funds for new commuter rail
3 projects shall comply with this section and shall not be
4 subject to section 22905(a).

5 “(p) AUDITS AND REPORTING OF WASTE, FRAUD,
6 AND ABUSE.—

7 “(1) IN GENERAL.—The Inspector General of
8 the Department of Transportation shall conduct an
9 annual audit on certifications under subsection (m)
10 regarding compliance with Buy America.

11 “(2) REPORT FRAUD, WASTE, AND ABUSE.—
12 The Secretary shall display a ‘Report Fraud, Waste,
13 and Abuse’ button and link to Department of Trans-
14 portation’s Office of Inspector General Hotline on
15 the Federal Transit Administration’s Buy America
16 landing page.

17 “(3) CONTRACT REQUIREMENT.—The Secretary
18 shall require all recipients who enter into contracts
19 to purchase rolling stock with funds provided under
20 this chapter to include in such contract information
21 on how to contact the Department of Transpor-
22 tation’s Office of Inspector General Hotline to report
23 suspicions of fraud, waste, and abuse.

24 “(q) PASSENGER MOTOR VEHICLES.—

1 “(1) IN GENERAL.—Any domestically manufac-
2 tured passenger motor vehicle shall be considered to
3 be produced in the United States under this section.

4 “(2) DOMESTICALLY MANUFACTURED PAS-
5 SENGER MOTOR VEHICLE.—In this subsection, the
6 term ‘domestically manufactured passenger motor
7 vehicle’ means any passenger motor vehicle, as such
8 term is defined in section 32304(a) that—

9 “(A) has under section 32304(b)(1)(B) its
10 final assembly place in the United States; and

11 “(B) the percentage (by value) of pas-
12 senger motor equipment under section
13 32304(b)(1)(A) equals or exceeds 60 percent
14 value added.

15 “(r) ROLLING STOCK COMPONENTS AND SUBCOMPO-
16 NENTS.—No component or subcomponent of rolling stock
17 shall be treated as produced in the United States for pur-
18 poses of subsection (b)(3) or determined to be of domestic
19 origin under section 661.11 of title 49, Code of Federal
20 Regulations, if the material inputs of such component or
21 subcomponent were imported into the United States and
22 the operations performed in the United States on the im-
23 ported articles would not result in a change in the article’s
24 classification to chapter 86 or 87 of the Harmonized Tar-
25 iff Schedule of the United States from another chapter

1 or a new heading of any chapter from the heading under
2 which the article was classified upon entry.

3 “(s) TREATMENT OF STEEL AND IRON COMPONENTS
4 AS PRODUCED IN THE UNITED STATES.—Notwith-
5 standing any other provision of any law or any rule, regu-
6 lation, or policy of the Federal Transit Administration,
7 steel and iron components of a system, as defined in sec-
8 tion 661.3 of title 49, Code of Federal Regulations, and
9 of manufactured end products referred to in Appendix A
10 of such section, may not be considered to be produced in
11 the United States unless such components meet the re-
12 quirements of section 661.5(b) of title 49, Code of Federal
13 Regulations.

14 “(t) REQUIREMENT FOR TRANSIT AGENCIES.—Not-
15 withstanding the provisions of this section, if a transit
16 agency accepts Federal funds, such agency shall adhere
17 to the Buy America provisions set forth in this section
18 when procuring rolling stock.”.

19 (2) CLERICAL AMENDMENT.—The analysis for
20 chapter 53 of title 49, United States Code, is
21 amended by inserting before the item relating to sec-
22 tion 5321 the following:

“5320. Buy America.”.

23 (3) CONFORMING AMENDMENTS.—

24 (A) TECHNICAL ASSISTANCE AND WORK-
25 FORCE DEVELOPMENT.—Section 5314(a)(2)(G)

1 of title 49, United States Code, is amended by
2 striking “sections 5323(j) and 5323(m)” and
3 inserting “section 5320”.

4 (B) URBANIZED AREA FORMULA
5 GRANTS.—Section 5307(c)(1)(E) of title 49,
6 United States Code, is amended by inserting “,
7 5320,” after “5323”.

8 (C) INNOVATIVE PROCUREMENT.—Section
9 3019(c)(2)(E)(ii) of the FAST Act (49 U.S.C.
10 5325 note) is amended by striking “5323(j)”
11 and inserting “5320”.

12 (b) BUS ROLLING STOCK.—Not later than 18
13 months after the date of enactment of this Act, the Sec-
14 retary of Transportation shall issue such regulations as
15 are necessary to revise Appendix B and Appendix D of
16 section 661.11 of title 49, Code of Federal Regulations,
17 with respect to bus rolling stock to maximize job creation
18 and align such section with modern manufacturing tech-
19 niques.

20 (c) RAIL ROLLING STOCK.—Not later than 30
21 months after the date of enactment of this Act, the Sec-
22 retary shall issue such regulations as are necessary to re-
23 vise subsections (t), (u), and (v) of section 661.11 of title
24 49, Code of Federal Regulations, with respect to rail roll-

1 ing stock to maximize job creation and align such section
2 with modern manufacturing techniques.

3 (d) RULE OF APPLICABILITY.—

4 (1) IN GENERAL.—Except as otherwise pro-
5 vided in this subsection, the amendments made by
6 this section shall apply to any contract entered into
7 on or after the date of enactment of this Act.

8 (2) DELAYED APPLICABILITY OF CERTAIN PRO-
9 VISIONS.—Contracts described in paragraph (1)
10 shall be subject to the following delayed applicability
11 requirements:

12 (A) Section 5320(m)(2) shall apply to con-
13 tracts entered into on or after the date that is
14 30 days after the date of enactment of this Act.

15 (B) Notwithstanding subparagraph (A),
16 section 5320(m) shall apply to contracts for the
17 procurement of bus rolling stock beginning on
18 the earlier of—

19 (i) 180 days after the date on which
20 final regulations are issued pursuant to
21 subsection (b); or

22 (ii) the date that is 1 year after the
23 date of enactment of this Act.

24 (C) Notwithstanding subparagraph (A),
25 section 5320(m) shall apply to contracts for the

1 procurement of rail rolling stock beginning on
2 the earlier of—

3 (i) 180 days after the date on which
4 final regulations are issued pursuant to
5 subsection (c); or

6 (ii) the date that is 2 years after the
7 date of enactment of this Act.

8 (D) Section 5320(p)(1) shall apply on the
9 date that is 1 year after the latest of the appli-
10 cation dates described in subparagraphs (A)
11 through (C).

12 (3) SPECIAL RULE FOR CERTAIN CONTRACTS.—
13 For any contract described in paragraph (1) for
14 which the delivery for the first production vehicle oc-
15 curs before October 1, 2024, paragraphs (1) and (4)
16 of section 5320(d) shall not apply.

17 (4) SPECIAL RULE FOR BATTERY CELL INCEN-
18 TIVES.—For any contract described in paragraph
19 (1) for which the delivery for the first production ve-
20 hicle occurs before October 1, 2022, section
21 5320(d)(5) shall not apply.

22 (e) SPECIAL RULE FOR DOMESTIC CONTENT.—For
23 the calculation of the percent of domestic content cal-
24 culated under section 5320(d)(2) for a contract for rolling
25 stock entered into on or after October 1, 2020—

1 (1) if the delivery of the first production vehicle
2 occurs in fiscal year 2022 or fiscal year 2023, for
3 components that exceed 70 percent domestic con-
4 tent, the Secretary shall add 20 additional percent
5 to the component’s domestic content; and

6 (2) if the delivery of the first production vehicle
7 occurs in fiscal year 2024 or fiscal year 2025—

8 (A) for components that exceed 70 percent
9 but do not exceed 75 percent domestic content,
10 the Secretary shall add 15 additional percent to
11 the component’s domestic content; or

12 (B) for components that exceed 75 percent
13 domestic content, the Secretary shall add 20
14 additional percent to the component’s domestic
15 content.

16 **SEC. 2302. BUS PROCUREMENT STREAMLINING.**

17 Section 5323 of title 49, United States Code, as is
18 amended by adding at the end the following:

19 “(x) BUS PROCUREMENT STREAMLINING.—

20 “(1) IN GENERAL.—The Secretary may only ob-
21 ligate amounts for acquisition of buses under this
22 chapter to a recipient that issues a request for pro-
23 posals for an open market procurement that meets
24 the following criteria:

1 “(A) Such request for proposals is limited
2 to performance specifications, except for compo-
3 nents or subcomponents identified in the nego-
4 tiated rulemaking carried out pursuant to this
5 subsection.

6 “(B) Such request for proposals does not
7 seek any alternative design or manufacture
8 specification of a bus offered by a manufac-
9 turer, except to require a component or sub-
10 component identified in the negotiated rule-
11 making carried out pursuant to this subsection.

12 “(2) SPECIFIC BUS COMPONENT NEGOTIATED
13 RULEMAKING.—

14 “(A) INITIATION.—Not later than 120
15 days after the date of enactment of the IN-
16 VEST in America Act, the Secretary shall ini-
17 tiate procedures under subchapter III of chap-
18 ter 5 of title 5 to negotiate and issue such regu-
19 lations as are necessary to establish as limited
20 a list as is practicable of bus components and
21 subcomponents described in subparagraph (B).

22 “(B) LIST OF COMPONENTS.—The regula-
23 tions required under subparagraph (A) shall es-
24 tablish a list of bus components and subcompo-
25 nents that may be specified in a request for

1 proposals described in paragraph (1) by a re-
2 cipient. The Secretary shall ensure the list is
3 limited in scope and limited to only components
4 and subcomponents that cannot be selected with
5 performance specifications to ensure interoper-
6 ability.

7 “(C) PUBLICATION OF PROPOSED REGULA-
8 TIONS.—Proposed regulations to implement this
9 section shall be published in the Federal Reg-
10 ister by the Secretary not later than 18 months
11 after such date of enactment.

12 “(D) COMMITTEE.—A negotiated rule-
13 making committee established pursuant to sec-
14 tion 565 of title 5 to carry out this paragraph
15 shall have a maximum of 11 members limited
16 to representatives of the Department of Trans-
17 portation, urban and rural recipients (including
18 State government recipients), and transit vehi-
19 cle manufacturers.

20 “(E) EXTENSION OF DEADLINES.—A
21 deadline set forth in subparagraph (C) may be
22 extended up to 180 days if the negotiated rule-
23 making committee referred to in subparagraph
24 (D) concludes that the committee cannot meet
25 the deadline and the Secretary so notifies the

1 Committee on Transportation and Infrastruc-
2 ture of the House of Representatives and the
3 Committee on Banking, Housing, and Urban
4 Affairs of the Senate.

5 “(3) SAVINGS CLAUSE.—Nothing in this section
6 shall be construed to provide additional authority for
7 the Secretary to restrict what a bus manufacturer
8 offers to sell to a public transportation agency.”.

9 **SEC. 2303. BUS TESTING FACILITY.**

10 Section 5318 of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(f) TESTING SCHEDULE.—The Secretary shall—

13 “(1) determine eligibility of a bus manufactur-
14 er’s request for testing within 10 business days;

15 “(2) make publicly available the current backlog
16 (in months) to begin testing a new bus at the bus
17 testing facility; and

18 “(3) designate The Ohio State University as the
19 autonomous and advanced driver-assistance systems
20 test development facility for all bus testing with au-
21 tonomous or advanced driver-assistance systems
22 technology and The Ohio State University will also
23 serve as the over-flow new model bus testing facility
24 to Altoona.”.

1 **SEC. 2304. REPAYMENT REQUIREMENT.**

2 (a) IN GENERAL.—A transit agency shall repay into
3 the general fund of the Treasury all funds received from
4 the Federal Transit Administration under the heading
5 “Federal Transit Administration, Transit Infrastructure
6 Grants” under the CARES Act (Public Law 116–136) if
7 any portion of the funding was used to award a contract
8 or subcontract to an entity for the procurement of rolling
9 stock for use in public transportation if the manufacturer
10 of the rolling stock—

11 (1) is incorporated in or has manufacturing fa-
12 cilities in the United States; and

13 (2) is owned or controlled by, is a subsidiary of,
14 or is otherwise related legally or financially to a cor-
15 poration based in a country that—

16 (A) is identified as a nonmarket economy
17 country (as defined in section 771(18) of the
18 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
19 the date of enactment of this subsection;

20 (B) was identified by the United States
21 Trade Representative in the most recent report
22 required by section 182 of the Trade Act of
23 1974 (19 U.S.C. 2242) as a priority foreign
24 country under subsection (a)(2) of that section;
25 and

1 (C) is subject to monitoring by the Trade
2 Representative under section 306 of the Trade
3 Act of 1974 (19 U.S.C. 2416).

4 (b) CERTIFICATION.—Not later than 60 days after
5 the date of enactment of this section, a transit agency that
6 received funds pursuant to the CARES Act (Public Law
7 116–136) shall certify that the agency has not and shall
8 not use such funds to purchase rolling stock described in
9 subsection (a). Repayment shall also be required for any
10 such agency that fails to certify in accordance with the
11 preceding sentence.

12 **SEC. 2305. DEFINITION OF URBANIZED AREAS FOLLOWING**
13 **A MAJOR DISASTER.**

14 (a) IN GENERAL.—Section 5323 of title 49, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 “(y) URBANIZED AREAS FOLLOWING A MAJOR DIS-
18 ASTER.—

19 “(1) DEFINED TERM.—In this subsection, the
20 term ‘decennial census date’ has the meaning given
21 the term in section 141(a) of title 13.

22 “(2) URBANIZED AREA MAJOR DISASTER POPU-
23 LATION CRITERIA.—Notwithstanding section 5302,
24 for purposes of this chapter, the Secretary shall

1 treat an area as an urbanized area for the period de-
2 scribed in paragraph (3) if—

3 “(A) a major disaster was declared by the
4 President under section 401 of the Robert T.
5 Stafford Disaster Relief and Emergency Assist-
6 ance Act (42 U.S.C. 5170) for the area during
7 the 3-year period preceding the decennial cen-
8 sus date for the 2010 decennial census or for
9 any subsequent decennial census;

10 “(B) the area was defined and designated
11 as an ‘urbanized area’ by the Secretary of Com-
12 merce in the decennial census immediately pre-
13 ceding the major disaster described in subpara-
14 graph (A); and

15 “(C) the population of the area fell below
16 50,000 as a result of the major disaster de-
17 scribed in subparagraph (A).

18 “(3) COVERED PERIOD.—The Secretary shall
19 treat an area as an urbanized area under paragraph
20 (2) during the period—

21 “(A) beginning on—

22 “(i) in the case of a major disaster de-
23 scribed in paragraph (2)(A) that occurred
24 during the 3-year period preceding the de-
25 cennial census date for the 2010 decennial

1 census, October 1 of the first fiscal year
2 that begins after the date of enactment of
3 this subsection; or

4 “(ii) in the case of any other major
5 disaster described in paragraph (2)(A), Oc-
6 tober 1 of the first fiscal year—

7 “(I) that begins after the decen-
8 nial census date for the first decennial
9 census conducted after the major dis-
10 aster; and

11 “(II) for which the Secretary has
12 sufficient data from that census to de-
13 termine that the area qualifies for
14 treatment as an urbanized area under
15 paragraph (2); and

16 “(B) ending on the day before the first fis-
17 cal year—

18 “(i) that begins after the decennial
19 census date for the second decennial cen-
20 sus conducted after the major disaster de-
21 scribed in paragraph (2)(A); and

22 “(ii) for which the Secretary has suffi-
23 cient data from that census to determine
24 which areas are urbanized areas for pur-
25 poses of this chapter.

1 “(4) POPULATION CALCULATION.—An area
2 treated as an urbanized area under this subsection
3 shall be assigned the population and square miles of
4 the urbanized area designated by the Secretary of
5 Commerce in the most recent decennial census con-
6 ducted before the major disaster described in para-
7 graph (2)(A).

8 “(5) SAVINGS PROVISION.—Nothing in this sub-
9 section may be construed to affect apportionments
10 made under this chapter before the date of enact-
11 ment of this subsection.”.

12 (b) AMENDMENT TAKES EFFECT ON ENACTMENT.—
13 Notwithstanding section 1001, the amendment made by
14 subsection (a) shall take effect on the date of enactment
15 of this Act.

16 **SEC. 2306. SPECIAL RULE FOR CERTAIN ROLLING STOCK**
17 **PROCUREMENTS.**

18 (a) CERTIFICATION.—Section 5323(u)(4) of title 49,
19 United States Code, is amended—

20 (1) in the heading of subparagraph (A) by
21 striking “RAIL”; and

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

23 “(C) NONRAIL ROLLING STOCK.—Notwith-
24 standing subparagraph (B) of paragraph (5), as
25 a condition of financial assistance made avail-

1 able in a fiscal year under section 5339, a re-
2 recipient shall certify in that fiscal year that the
3 recipient will not award any contract or sub-
4 contract for the procurement of rolling stock for
5 use in public transportation with a rolling stock
6 manufacturer described in paragraph (1).”.

7 (b) SPECIAL RULE.—Section 5323(u)(5)(A) of title
8 49, United States Code, (as redesignated by this Act) is
9 amended by striking “made by a public transportation
10 agency with a rail rolling stock manufacturer described in
11 paragraph (1)” and inserting “as of December 20, 2019,
12 including options and other requirements tied to these
13 contracts or subcontracts, made by a public transportation
14 agency with a restricted rail rolling stock manufacturer”.

15 **SEC. 2307. CERTIFICATION REQUIREMENTS.**

16 (a) LIMITATION OF TREATMENT OF DOMESTIC OR
17 U.S. ORIGIN.—Notwithstanding any other provision of
18 any law or any rule, regulation, or policy of the Adminis-
19 tration, including part 661 of title 49, Code of Federal
20 Regulations, no article, material, or supply, shall be treat-
21 ed as a component of “U.S. origin” for purposes of section
22 661.5 of title 49, Code of Federal Regulations, or a com-
23 ponent or subcomponent of domestic origin for purposes
24 of section 661.11 of title 49, Code of Federal Regulations,
25 if—

1 (1) it contains any material inputs manufac-
2 tured or supplied by entities that—

3 (A) are subject to relief authorized under
4 the fair trade laws of the United States, includ-
5 ing subtitle B of title VII of the Tariff Act of
6 1930 (19 U.S.C. 1673 et seq.) and subtitle A
7 of title VII of the Tariff Act of 1930 (19
8 U.S.C. 1671 et seq.);

9 (B) are owned or controlled by entities
10 subject to United States sanctions; or

11 (C) are entities owned by a foreign govern-
12 ment, closely linked to or in partnership with a
13 foreign government or whose directors or orga-
14 nizational and board leadership include any per-
15 son serving in any capacity in the defense appa-
16 ratus of another nation;

17 (2) it contains or uses covered telecommuni-
18 cations equipment or services as that term is defined
19 by section 889 of the John S. McCain National De-
20 fense Authorization Act for Fiscal Year 2019 (Pub-
21 lic Law 115–232); or

22 (3) it is of a class or category of products and
23 was produced by a manufacturer or an affiliate of
24 such a manufacturer found to have violated United
25 States intellectual property laws, including trade se-

1 cret theft under section 1832(a)(5) of title 18,
2 United States Code, found to have committed eco-
3 nomic espionage under section 183J(a)(5) of such
4 title, or deemed to have infringed the intellectual
5 property rights of any person in the United States.

6 (b) CERTIFICATION.—If buses or other rolling stock
7 are being procured, the Administrator of the Federal
8 Transit Administration shall require as a condition of re-
9 sponsiveness that each bidder certify that no component,
10 subcomponent, article, material, or supply described in
11 subparagraphs (A) through (C) of subsection (a)(1) of this
12 section is incorporated in or used by the rolling stock that
13 is offered by the bidder.

14 **SEC. 2308. SPARE RATIO WAIVER.**

15 Section 5323 of title 49, United States Code, is fur-
16 ther amended by adding at the end the following:

17 “(z) SPARE RATIO WAIVER.—The Federal Transit
18 Administration shall waive spare ratio policies for rolling
19 stock found in FTA Grant Management Requirements
20 Circular 5010.1, FTA Circular 9030.1 providing Urban-
21 ized Area Formula Program guidance, and other guidance
22 documents for 2 years from the date of enactment of this
23 Act.”.

1 **Subtitle D—Bus Grant Reforms**

2 **SEC. 2401. FORMULA GRANTS FOR BUSES.**

3 Section 5339(a) of title 49, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) by inserting “and subsection (d)” after
7 “In this subsection”;

8 (B) in subparagraph (A) by striking “term
9 ‘low or no emission vehicle’ has” and inserting
10 “term ‘zero emission vehicle’ has”;

11 (C) in subparagraph (B) by inserting “and
12 the District of Columbia” after “United
13 States”; and

14 (D) in subparagraph (C) by striking “the
15 District of Columbia,”;

16 (2) in paragraph (2)(A) by striking “low or no
17 emission vehicles” and inserting “zero emission vehi-
18 cles”;

19 (3) in paragraph (4)—

20 (A) in subparagraph (A) by inserting “and
21 subsection (d)” after “this subsection”; and

22 (B) in subparagraph (B) by inserting “and
23 subsection (d)” after “this subsection”;

24 (4) in paragraph (5)(A)—

1 (A) by striking “\$90,500,000” and insert-
2 ing “\$156,750,000”;

3 (B) by striking “2016 through 2020” and
4 inserting “2022 through 2025”;

5 (C) by striking “\$1,750,000” and inserting
6 “\$3,000,000”; and

7 (D) by striking “\$500,000” and inserting
8 “\$750,000”;

9 (5) in paragraph (7) by adding at the end the
10 following:

11 “(C) SPECIAL RULE FOR BUSES AND RE-
12 LATED EQUIPMENT FOR ZERO EMISSION VEHI-
13 CLES.—Notwithstanding subparagraph (A), a
14 grant for a capital project for buses and related
15 equipment for zero emission vehicles and hybrid
16 electric buses, that make meaningful reductions
17 in energy consumption and harmful emissions,
18 including direct carbon emissions, under this
19 subsection shall be for 90 percent of the net
20 capital costs of the project. A recipient of a
21 grant under this subsection may provide addi-
22 tional local matching amounts.”;

23 (6) in paragraph (8) by striking “3 fiscal
24 years” and inserting “4 fiscal years” and by striking

1 “3-fiscal-year period” and inserting “4-fiscal-year
2 period”; and

3 (7) by striking paragraph (9).

4 **SEC. 2402. BUS FACILITIES AND FLEET EXPANSION COM-**
5 **PETITIVE GRANTS.**

6 Section 5339(b) of title 49, United States Code, is
7 amended—

8 (1) in the heading by striking “BUSES AND
9 BUS FACILITIES COMPETITIVE GRANTS” and insert-
10 ing “BUS FACILITIES AND FLEET EXPANSION COM-
11 PETITIVE GRANTS”;

12 (2) in paragraph (1)—

13 (A) by striking “buses and”;

14 (B) by inserting “and certain buses” after
15 “capital projects”;

16 (C) in subparagraph (A) by striking
17 “buses or related equipment” and inserting
18 “bus-related facilities”; and

19 (D) by striking subparagraph (B) and in-
20 serting the following:

21 “(B) purchasing or leasing buses that will
22 not replace buses in the applicant’s fleet at the
23 time of application and will be used to—

24 “(i) increase the frequency of bus
25 service; or

1 “(ii) increase the service area of the
2 applicant.”;

3 (3) by striking paragraph (2) and inserting the
4 following:

5 “(2) GRANT CONSIDERATIONS.—In making
6 grants—

7 “(A) under subparagraph (1)(A), the Sec-
8 retary shall only consider—

9 “(i) the age and condition of bus-re-
10 lated facilities of the applicant compared to
11 all applicants and proposed improvements
12 to the resilience (as such term is defined in
13 section 5302) of such facilities;

14 “(ii) for a facility within or partially
15 within the 100-year floodplain, whether
16 such facility will be at least 2 feet above
17 the base flood elevation; and

18 “(iii) for a bus station, the degree of
19 multi-modal connections at such station;
20 and

21 “(B) under paragraph (1)(B), the Sec-
22 retary shall consider the improvements to head-
23 way and projected new ridership.”; and

24 (4) in paragraph (6) by striking subparagraph
25 (B) and inserting the following:

1 “(B) GOVERNMENT SHARE OF COSTS.—

2 “(i) IN GENERAL.—The Government
3 share of the cost of an eligible project car-
4 ried out under this subsection shall not ex-
5 ceed 80 percent.

6 “(ii) SPECIAL RULE FOR BUSES AND
7 RELATED EQUIPMENT FOR ZERO EMISSION
8 VEHICLES.—Notwithstanding clause (i),
9 the Government share of the cost of an eli-
10 gible project for the financing of buses and
11 related equipment for zero emission vehi-
12 cles and hybrid electric buses, that make
13 meaningful reductions in energy consump-
14 tion and harmful emissions, including di-
15 rect carbon emissions, shall not exceed 90
16 percent.”.

17 **SEC. 2403. ZERO EMISSION BUS GRANTS.**

18 (a) IN GENERAL.—Section 5339(c) of title 49,
19 United States Code, is amended—

20 (1) in the heading by striking “LOW OR NO
21 EMISSION GRANTS” and inserting “ZERO EMISSION
22 GRANTS”;

23 (2) in paragraph (1)—

24 (A) in subparagraph (B)—

- 1 (i) in clause (i) by striking “low or no
2 emission” and inserting “zero emission”;
- 3 (ii) in clause (ii) by striking “low or
4 no emission” and inserting “zero emis-
5 sion”;
- 6 (iii) in clause (iii) by striking “low or
7 no emission” and inserting “zero emis-
8 sion”;
- 9 (iv) in clause (iv) by striking “facili-
10 ties and related equipment for low or no
11 emission” and inserting “related equip-
12 ment for zero emission”;
- 13 (v) in clause (v) by striking “facilities
14 and related equipment for low or no emis-
15 sion vehicles;” and inserting “related
16 equipment for zero emission vehicles; or”;
- 17 (vi) in clause (vii) by striking “low or
18 no emission” and inserting “zero emis-
19 sion”;
- 20 (vii) by striking clause (vi); and
- 21 (viii) by redesignating clause (vii) as
22 clause (vi);
- 23 (B) by striking subparagraph (D) and in-
24 serting the following:

1 “(D) the term ‘zero emission bus’ means a
2 bus that is a zero emission vehicle;”;

3 (C) by striking subparagraph (E) and in-
4 sserting the following:

5 “(E) the term ‘zero emission vehicle’
6 means a vehicle used to provide public transpor-
7 tation that produces no carbon dioxide or par-
8 ticulate matter;”;

9 (D) in subparagraph (F) by striking “and”
10 at the end;

11 (E) by striking subparagraph (G) and in-
12 sserting the following:

13 “(G) the term ‘eligible area’ means an area
14 that is—

15 “(i) designated as a nonattainment
16 area for ozone or particulate matter under
17 section 107(d) of the Clean Air Act (42
18 U.S.C. 7407(d));

19 “(ii) a maintenance area, as such
20 term is defined in section 5303, for ozone
21 or particulate matter; or

22 “(iii) in a State that has enacted a
23 statewide zero emission bus transition re-
24 quirement, as determined by the Secretary;
25 and”;

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

2 “(H) the term ‘low-income community’

3 means any population census tract if—

4 “(i) the poverty rate for such tract is
5 at least 20 percent; or

6 “(ii) in the case of a tract—

7 “(I) not located within a metro-
8 politan area, the median family in-
9 come for such tract does not exceed
10 80 percent of statewide median family
11 income; or

12 “(II) located within a metropoli-
13 tan area, the median family income
14 for such tract does not exceed 80 per-
15 cent of the greater statewide median
16 family income or the metropolitan
17 area median family income.”; and

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

20 “(5) GRANT ELIGIBILITY.—In awarding grants
21 under this subsection, the Secretary shall make
22 grants to eligible projects relating to the acquisition
23 or leasing of zero emission buses or bus facility im-
24 provements—

25 “(A) that procure—

- 1 “(i) at least 10 zero emission buses;
- 2 “(ii) if the recipient operates less than
- 3 50 buses in peak service, at least 5 zero
- 4 emission buses; or
- 5 “(iii) hydrogen buses;
- 6 “(B) for which the recipient’s board of di-
- 7 rectors has approved a long-term integrated
- 8 fleet management plan that—
- 9 “(i) establishes a goal by a set date to
- 10 convert the entire bus fleet to zero emis-
- 11 sion buses; or
- 12 “(ii) establishes a goal that within 10
- 13 years from the date of approval of such
- 14 plan the recipient will convert a set per-
- 15 centage of the total bus fleet of such re-
- 16 cipient to zero emission buses; and
- 17 “(C) for which the recipient has performed
- 18 a fleet transition study that includes optimal
- 19 route planning and an analysis of how utility
- 20 rates may impact the recipient’s operations and
- 21 maintenance budget.
- 22 “(7) LOW AND MODERATE COMMUNITY
- 23 GRANTS.—Not less than 10 percent of the amounts
- 24 made available under this subsection in a fiscal year

1 shall be distributed to projects serving predomi-
2 nantly low-income communities.”.

3 (b) METROPOLITAN TRANSPORTATION PLANNING.—
4 Section 5303(b) of title 49, United States Code, is amend-
5 ed by adding at the end the following:

6 “(9) MAINTENANCE AREA.—The term ‘mainte-
7 nance area’ has the meaning given the term in sec-
8 tions 171(2) and 175A of the Clean Air Act (42
9 U.S.C. 7501(2); 7505a).”.

10 **SEC. 2404. RESTORATION TO STATE OF GOOD REPAIR FOR-**
11 **MULA SUBGRANT.**

12 Section 5339 of title 49, United States Code, is
13 amended by adding at the end the following:

14 “(d) RESTORATION TO STATE OF GOOD REPAIR
15 FORMULA SUBGRANT.—

16 “(1) GENERAL AUTHORITY.—The Secretary
17 may make grants under this subsection to assist eli-
18 gible recipients and subrecipients described in para-
19 graph (2) in financing capital projects to replace, re-
20 habilitate, and purchase buses and related equip-
21 ment.

22 “(2) ELIGIBLE RECIPIENTS AND SUBRECIPI-
23 ENTS.—Not later than September 1 annually, the
24 Secretary shall make public a list of eligible recipi-
25 ents and subrecipients based on the most recent

1 data available in the National Transit Database to
2 calculate the 20 percent of eligible recipients and
3 subrecipients with the highest percentage of asset
4 vehicle miles for buses beyond the useful life bench-
5 mark established by the Federal Transit Administra-
6 tion.

7 “(3) URBAN APPORTIONMENTS.—Funds allo-
8 cated under section 5338(a)(2)(L)(ii) shall be—

9 “(A) distributed to—

10 “(i) designated recipients in an urban-
11 ized area with a population of more than
12 200,000 made eligible by paragraph (1);
13 and

14 “(ii) States based on subrecipients
15 made eligible by paragraph (1) in an ur-
16 banized area under 200,000; and

17 “(B) allocated pursuant to the formula set
18 forth in section 5336 other than subsection (b),
19 using the data from the 20 percent of eligible
20 recipients and subrecipients.

21 “(4) RURAL ALLOCATION.—The Secretary
22 shall—

23 “(A) calculate the percentage of funds
24 under section 5338(a)(2)(L)(ii) to allocate to
25 rural subrecipients by dividing—

1 “(i) the asset vehicle miles for buses
2 beyond the useful life benchmark (estab-
3 lished by the Federal Transit Administra-
4 tion) of the rural subrecipients described in
5 paragraph (2); by

6 “(ii) the total asset vehicle miles for
7 buses beyond such benchmark of all eligi-
8 ble recipients and subrecipients described
9 in paragraph (2); and

10 “(B) prior to the allocation described in
11 paragraph (3)(B), apportion to each State the
12 amount of the total rural allocation calculated
13 under subparagraph (A) attributable to such
14 State based the proportion that—

15 “(i) the asset vehicle miles for buses
16 beyond the useful life benchmark (estab-
17 lished by the Federal Transit Administra-
18 tion) for rural subrecipients described in
19 paragraph (2) in such State; bears to

20 “(ii) the total asset vehicle miles de-
21 scribed in subparagraph (A)(i).

22 “(5) APPLICATION OF OTHER PROVISIONS.—
23 Paragraphs (3), (7), and (8) of subsection (a) shall
24 apply to eligible recipients and subrecipients de-

1 scribed in paragraph (2) of a grant under this sub-
2 section.

3 “(6) PROHIBITION.—No eligible recipient or
4 subrecipient outside the top 5 percent of asset vehi-
5 cle miles for buses beyond the useful life benchmark
6 established by the Federal Transit Administration
7 may receive a grant in both fiscal year 2022 and fis-
8 cal year 2023.

9 “(7) REQUIREMENT.—The Secretary shall re-
10 quire—

11 “(A) States to expend, to the benefit of the
12 subrecipients eligible under paragraph (2), the
13 apportioned funds attributed to such subrecipi-
14 ents; and

15 “(B) designated recipients to provide the
16 allocated funds to the recipients eligible under
17 paragraph (2) the apportioned funds attributed
18 to such recipients.”.

19 **Subtitle E—Supporting All Riders**

20 **SEC. 2501. LOW-INCOME URBAN FORMULA FUNDS.**

21 Section 5336(j) of title 49, United States Code, is
22 amended—

23 (1) in paragraph (1) by striking “75 percent”
24 and inserting “50 percent”;

1 (2) in paragraph (2) by striking “25 percent”
2 and inserting “12.5 percent”; and

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

4 “(3) 30 percent of the funds shall be appor-
5 tioned among designated recipients for urbanized
6 areas with a population of 200,000 or more in the
7 ratio that—

8 “(A) the number of individuals in each
9 such urbanized area residing in an urban cen-
10 sus tract with a poverty rate of at least 20 per-
11 cent during the 5 years most recently ending;
12 bears to

13 “(B) the number of individuals in all such
14 urbanized areas residing in an urban census
15 tract with a poverty rate of at least 20 percent
16 during the 5 years most recently ending; and

17 “(4) 7.5 percent of the funds shall be appor-
18 tioned among designated recipients for urbanized
19 areas with a population less than 200,000 in the
20 ratio that—

21 “(A) the number of individuals in each
22 such urbanized area residing in an urban cen-
23 sus tract with a poverty rate of at least 20 per-
24 cent during the 5 years most recently ending;
25 bears to

1 “(B) the number of individuals in all such
2 areas residing in an urban census tract with a
3 poverty rate of at least 20 percent during the
4 5 years most recently ending.”.

5 **SEC. 2502. RURAL PERSISTENT POVERTY FORMULA.**

6 Section 5311 of title 49, United States Code, as
7 amended in section 2204, is further amended—

8 (1) in subsection (a) by adding at the end the
9 following:

10 “(3) PERSISTENT POVERTY COUNTY.—The
11 term ‘persistent poverty county’ means any county
12 with a poverty rate of at least 20 percent—

13 “(A) as determined in each of the 1990
14 and 2000 decennial censuses;

15 “(B) in the Small Area Income and Pov-
16 erty Estimates of the Bureau of the Census for
17 the most recent year for which the estimates
18 are available; and

19 “(C) has at least 25 percent of its popu-
20 lation in rural areas.”;

21 (2) in subsection (b)(2)(C)(i) by inserting “and
22 persistent poverty counties” before the semicolon;
23 and

24 (3) in subsection (c) by striking paragraph (2)
25 and inserting the following:

1 “(2) PERSISTENT POVERTY PUBLIC TRANSPOR-
2 TATION ASSISTANCE PROGRAM.—

3 “(A) IN GENERAL.—The Secretary shall
4 carry out a public transportation assistance
5 program for areas of persistent poverty.

6 “(B) APPORTIONMENT.—Of amounts
7 made available or appropriated for each fiscal
8 year under section 5338(a)(2)(E)(ii) to carry
9 out this paragraph, the Secretary shall appor-
10 tion funds to recipients for service in, or di-
11 rectly benefitting, persistent poverty counties
12 for any eligible purpose under this section in
13 the ratio that—

14 “(i) the number of individuals in each
15 such rural area residing in a persistent
16 poverty county; bears to

17 “(ii) the number of individuals in all
18 such rural areas residing in a persistent
19 poverty county.”.

20 **SEC. 2503. DEMONSTRATION GRANTS TO SUPPORT RE-**
21 **DUCE FARE TRANSIT.**

22 Section 5312 of title 49, United States Code, is
23 amended by adding at the end the following:

24 “(j) DEMONSTRATION GRANTS TO SUPPORT RE-
25 DUCED FARE TRANSIT.—

1 “(1) IN GENERAL.—Not later than 300 days
2 after the date of enactment of the INVEST in
3 America Act, the Secretary shall award grants
4 (which shall be known as ‘Access to Jobs Grants’)
5 to eligible entities, on a competitive basis, to imple-
6 ment reduced fare transit service.

7 “(2) NOTICE.—Not later than 180 days after
8 the date of enactment of the INVEST in America
9 Act, the Secretary shall provide notice to eligible en-
10 tities of the availability of grants under paragraph
11 (1).

12 “(3) APPLICATION.—To be eligible to receive a
13 grant under this subsection, an eligible recipient
14 shall submit to the Secretary an application con-
15 taining such information as the Secretary may re-
16 quire, including, at a minimum, the following:

17 “(A) A description of how the eligible enti-
18 ty plans to implement reduced fare transit ac-
19 cess with respect to low-income individuals, in-
20 cluding any eligibility requirements for such
21 transit access.

22 “(B) A description of how the eligible enti-
23 ty will consult with local community stake-
24 holders, labor unions, local education agencies
25 and institutions of higher education, public

1 housing agencies, and workforce development
2 boards in the implementation of reduced fares.

3 “(C) A description of the eligible entity’s
4 current fare evasion enforcement policies, in-
5 cluding how the eligible entity plans to use the
6 reduced fare program to reduce fare evasion.

7 “(D) An estimate of additional costs to
8 such eligible entity as a result of reduced tran-
9 sit fares.

10 “(E) A plan for a public awareness cam-
11 paign of the transit agency’s ability to provide
12 reduced fares, including in foreign languages,
13 based on—

14 “(i) data from the Bureau of the Cen-
15 sus and be consistent with the local area
16 demographics where the transit agency op-
17 erates and will include the languages that
18 are most prevalent and commonly re-
19 quested for translation services; or

20 “(ii) qualitative and quantitative ob-
21 servation from community service providers
22 including those that provide health and
23 mental health services, social services,
24 transportation, and other relevant social
25 services.

1 “(4) GRANT DURATION.—Grants awarded
2 under this subsection shall be for a 2-year period.

3 “(5) SELECTION OF ELIGIBLE RECIPIENTS.—In
4 carrying out the program under this subsection, the
5 Secretary shall award not more than 20 percent of
6 grants to eligible entities located in rural areas.

7 “(6) USES OF FUNDS.—An eligible entity re-
8 ceiving a grant under this subsection shall use such
9 grant to implement a reduced fare transit program
10 and offset lost fare revenue.

11 “(7) RULE OF CONSTRUCTION.—Nothing in
12 this section shall be construed to limit the eligibility
13 of an applicant if a State, local, or Tribal govern-
14 mental entity provides reduced fair transportation to
15 low-income individuals.

16 “(8) DEFINITIONS.—In this subsection:

17 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
18 ble entity’ means a State, local, or Tribal gov-
19 ernmental entity that operates a public trans-
20 portation service and is a recipient or sub-
21 recipient of funds under this chapter.

22 “(B) LOW-INCOME INDIVIDUAL.—The
23 term ‘low-income individual’ means an indi-
24 vidual—

25 “(i) that has qualified for—

1 “(I) any program of medical as-
2 sistance under a State plan or under
3 a waiver of the plan under title XIX
4 of the Social Security Act (42 U.S.C.
5 1396 et seq.);

6 “(II) supplemental nutrition as-
7 sistance program (SNAP) under the
8 Food and Nutrition Act of 2008 (7
9 U.S.C. 2011 et seq.);

10 “(III) the program of block
11 grants for States for temporary assist-
12 ance for needy families (TANF) es-
13 tablished under part A of title IV of
14 the Social Security Act (42 U.S.C.
15 601 et seq.);

16 “(IV) the free and reduced price
17 school lunch program established
18 under the Richard B. Russell National
19 School Lunch Act (42 U.S.C. 1751 et
20 seq.);

21 “(V) a housing voucher through
22 section 8(o) of the United States
23 Housing Act of 1937 (42 U.S.C.
24 1437f(o));

1 “(VI) benefits under the Low-In-
2 come Home Energy Assistance Act of
3 1981;

4 “(VII) special supplemental food
5 program for women, infants and chil-
6 dren (WIC) under section 17 of the
7 Child Nutrition Act of 1966 (42
8 U.S.C. 1786); or

9 “(VIII) a Federal Pell Grant
10 under section 401 of the Higher Edu-
11 cation Act of 1965 (20 U.S.C.
12 1070a); or

13 “(ii) whose family income is at or
14 below a set percent (as determined by the
15 eligible recipient) of the poverty line (as
16 that term is defined in section 673(2) of
17 the Community Service Block Grant Act
18 (42 U.S.C. 9902(2)), including any revi-
19 sion required by that section) for a family
20 of the size involved.

21 “(9) REPORT.—The Secretary shall designate a
22 university transportation center under section 5505
23 to collaborate with the eligible entities receiving a
24 grant under this subsection to collect necessary data
25 to evaluate the effectiveness of meeting the targets

1 described in the application of such recipient, includ-
2 ing increased ridership and progress towards signifi-
3 cantly closing transit equity gaps.”.

4 **Subtitle F—Supporting Frontline** 5 **Workers and Passenger Safety**

6 **SEC. 2601. NATIONAL TRANSIT FRONTLINE WORKFORCE** 7 **TRAINING CENTER.**

8 Section 5314(b) of title 49, United States Code, is
9 amended—

10 (1) by striking paragraph (2) and inserting the
11 following:

12 “(2) NATIONAL TRANSIT FRONTLINE WORK-
13 FORCE TRAINING CENTER.—

14 “(A) ESTABLISHMENT.—The Secretary
15 shall establish a national transit frontline work-
16 force training center (hereinafter referred to as
17 the ‘Center’) and award grants to a nonprofit
18 organization with a demonstrated capacity to
19 develop and provide transit career pathway pro-
20 grams through labor-management partnerships
21 and registered apprenticeships on a nationwide
22 basis, in order to carry out the duties under
23 subparagraph (B). The Center shall be dedi-
24 cated to the needs of the frontline transit work-
25 force in both rural and urban transit systems

1 by providing standards-based training in the
2 maintenance and operations occupations.

3 “(B) DUTIES.—

4 “(i) IN GENERAL.—In cooperation
5 with the Administrator of the Federal
6 Transit Administration, public transpor-
7 tation authorities, and national entities,
8 the Center shall develop and conduct train-
9 ing and educational programs for frontline
10 local transportation employees of recipients
11 eligible for funds under this chapter.

12 “(ii) TRAINING AND EDUCATIONAL
13 PROGRAMS.—The training and educational
14 programs developed under clause (i) may
15 include courses in recent developments,
16 techniques, and procedures related to—

17 “(I) developing consensus na-
18 tional training standards, skills, com-
19 petencies, and recognized postsec-
20 ondary credentials in partnership with
21 industry stakeholders for key frontline
22 transit occupations with demonstrated
23 skill gaps;

24 “(II) developing recommenda-
25 tions and best practices for cur-

1 rriculum and recognized postsecondary
2 credentials, including related instruc-
3 tion and on-the-job learning for reg-
4 istered apprenticeship programs for
5 transit maintenance and operations
6 occupations;

7 “(III) building local, regional,
8 and statewide transit training part-
9 nerships to identify and address work-
10 force skill gaps and develop skills,
11 competencies, and recognized postsec-
12 ondary credentials needed for deliv-
13 ering quality transit service and sup-
14 porting employee career advancement;

15 “(IV) developing programs for
16 training of transit frontline workers,
17 instructors, mentors, and labor-man-
18 agement partnership representatives,
19 in the form of classroom, hands-on,
20 on-the-job, and web-based training,
21 delivered at a national center, region-
22 ally, or at individual transit agencies;

23 “(V) developing training pro-
24 grams for skills and competencies re-
25 lated to existing and emerging transit

1 technologies, including zero emission
2 buses;

3 “(VI) developing improved capac-
4 ity for safety, security, and emergency
5 preparedness in local transit systems
6 and in the industry as a whole
7 through—

8 “(aa) developing the role of
9 the transit frontline workforce in
10 building and sustaining safety
11 culture and safety systems in the
12 industry and in individual public
13 transportation systems; and

14 “(bb) training to address
15 transit frontline worker roles in
16 promoting health and safety for
17 transit workers and the riding
18 public;

19 “(VII) developing local transit
20 capacity for career pathways pro-
21 grams with schools and other commu-
22 nity organizations for recruiting and
23 training under-represented popu-
24 lations as successful transit employees

1 who can develop careers in the transit
2 industry;

3 “(VIII) in collaboration with the
4 Administrator of the Federal Transit
5 Administration, the Bureau of Labor
6 Statistics, the Employment and
7 Training Administration, and organi-
8 zations representing public transit
9 agencies, conducting and dissemi-
10 nating research to—

11 “(aa) provide transit work-
12 force job projections and identify
13 training needs and gaps;

14 “(bb) determine the most
15 cost-effective methods for transit
16 workforce training and develop-
17 ment, including return on invest-
18 ment analysis;

19 “(cc) identify the most effec-
20 tive methods for implementing
21 successful safety systems and a
22 positive safety culture; and

23 “(dd) promote transit work-
24 force best practices for achieving
25 cost-effective, quality, safe, and

1 reliable public transportation
2 services; and

3 “(IX) providing culturally com-
4 petent training and educational pro-
5 grams to all who participate, regard-
6 less of gender, sexual orientation, or
7 gender identity, including those with
8 limited English proficiency, diverse
9 cultural and ethnic backgrounds, and
10 disabilities.

11 “(C) COORDINATION.—The Secretary shall
12 coordinate activities under this section, to the
13 maximum extent practicable, with the Employ-
14 ment and Training Administration, including
15 the National Office of Apprenticeship of the
16 Department of Labor and the Office of Career,
17 Technical, and Adult Education of the Depart-
18 ment of Education.

19 “(D) AVAILABILITY OF AMOUNTS.—

20 “(i) IN GENERAL.—Not more than 1
21 percent of amounts made available to a re-
22 cipient under sections 5307, 5311, 5337,
23 and 5339 is available for expenditures by
24 the recipient, with the approval of the Sec-
25 retary, to pay not more than 80 percent of

1 the cost of eligible activities under this
2 subsection.

3 “(ii) EXISTING PROGRAMS.—A recipi-
4 ent may use amounts made available under
5 clause (i) to carry out existing local edu-
6 cation and training programs for public
7 transportation employees supported by the
8 Secretary, the Department of Labor, or
9 the Department of Education.

10 “(iii) LIMITATION.—Any funds made
11 available under this section that are used
12 to fund an apprenticeship or apprentice-
13 ship program shall only be used for, or
14 provided to, a registered apprenticeship
15 program, including any funds awarded for
16 the purposes of grants, contracts, or coop-
17 erative agreements, or the development,
18 implementation, or administration, of an
19 apprenticeship or an apprenticeship pro-
20 gram.

21 “(E) DEFINITIONS.—In this paragraph:

22 “(i) CAREER PATHWAY.—The term
23 ‘career pathway’ has the meaning given
24 such term in section 3 of the Workforce

1 Innovation and Opportunity Act (29
2 U.S.C. 3102).

3 “(ii) **RECOGNIZED POSTSECONDARY**
4 **CREDENTIAL.**—The term ‘recognized post-
5 secondary credential’ has the meaning
6 given such term in section 3 of the Work-
7 force Innovation and Opportunity Act (29
8 U.S.C. 3102).

9 “(iii) **REGISTERED APPRENTICESHIP**
10 **PROGRAM.**—The term ‘registered appren-
11 ticeship program’ means an apprenticeship
12 program registered with the Department of
13 Labor or a Federally-recognized State Ap-
14 prenticeship Agency and that complies with
15 the requirements under parts 29 and 30 of
16 title 29, Code of Federal Regulations, as in
17 effect on January 1, 2019.”;

18 (2) in paragraph (3) by striking “or (2)”; and

19 (3) by striking paragraph (4).

20 **SEC. 2602. PUBLIC TRANSPORTATION SAFETY PROGRAM.**

21 Section 5329 of title 49, United States Code, is
22 amended—

23 (1) in subsection (b)(2)(C)(ii)—

24 (A) in subclause (I) by striking “and” at
25 the end;

1 (B) in subclause (II) by striking the semi-
2 colon and inserting “; and”; and

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

4 “(III) innovations in driver as-
5 sistance technologies and driver pro-
6 tection infrastructure where appro-
7 priate, and a reduction in visibility
8 impairments that contribute to pedes-
9 trian fatalities;”;

10 (2) in subsection (b)(2)—

11 (A) by redesignating subparagraphs (D)
12 and (E) as subparagraphs (E) and (F), respec-
13 tively; and

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

15 “(D) in consultation with the Secretary of
16 the Department of Health and Human Services,
17 precautionary and reactive actions required to
18 ensure public and personnel safety and health
19 during an emergency as defined in section
20 5324.”.

21 (3) in subsection (d)—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A) by inserting
24 “the safety committee established under

1 paragraph (4), and subsequently,” before
2 “the board of directors”;

3 (ii) in subparagraph (C) by striking
4 “public, personnel, and property” and in-
5 serting “public and personnel to injuries,
6 assaults, fatalities, and, consistent with
7 guidelines by the Centers for Disease Con-
8 trol and Prevention, infectious diseases,
9 and strategies to minimize the exposure of
10 property”;

11 (iii) by striking subparagraph (G) and
12 inserting the following:

13 “(G) a comprehensive staff training pro-
14 gram for the operations and maintenance per-
15 sonnel and personnel directly responsible for
16 safety of the recipient that includes—

17 “(i) the completion of a safety train-
18 ing program;

19 “(ii) continuing safety education and
20 training; and

21 “(iii) de-escalation training;

22 “(H) a requirement that the safety com-
23 mittee only approve a safety plan under sub-
24 paragraph (A) if such plan stays within such
25 recipient’s fiscal budget; and

1 “(I) a risk reduction program for transit
2 operations to improve safety by reducing the
3 number and rates of accidents, injuries, and as-
4 saults on transit workers using data submitted
5 to the National Transit Database, including—

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 fu-
12 ture procurements that reduce visibility
13 impairments; and

14 “(ii) transit worker assault mitigation,
15 including the deployment of assault mitiga-
16 tion infrastructure and technology on
17 buses, including barriers to restrict the un-
18 wanted entry of individuals and objects
19 into bus operators’ workstations when a re-
20 cipient’s risk analysis performed by the
21 safety committee established in paragraph
22 (4) determines that such barriers or other
23 measures would reduce assaults on and in-
24 juries to transit workers; and”;

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

1 “(4) SAFETY COMMITTEE.—For purposes of the
2 approval process of an agency safety plan under
3 paragraph (1), the safety committee shall be con-
4 vened by a joint labor-management process and con-
5 sist of an equal number of—

6 “(A) frontline employee representatives, se-
7 lected by the labor organization representing
8 the plurality of the frontline workforce em-
9 ployed by the recipient or if applicable a con-
10 tractor to the recipient; and

11 “(B) employer or State representatives.”;
12 and

13 (4) in subsection (e)(4)(A)(v) by inserting “, in-
14 spection,” after “has investigative”.

15 **SEC. 2603. INNOVATION WORKFORCE STANDARDS.**

16 (a) PROHIBITION ON USE OF FUNDS.—No financial
17 assistance under chapter 53 of title 49, United States
18 Code, may be used for—

19 (1) an automated vehicle providing public trans-
20 portation unless—

21 (A) the recipient of such assistance that
22 proposes to deploy an automated vehicle pro-
23 viding public transportation certifies to the Sec-
24 retary of Transportation that the deployment

1 does not eliminate or reduce the frequency of
2 existing public transportation service; and

3 (B) the Secretary receives, approves, and
4 publishes the workforce development plan under
5 subsection (b) submitted by the eligible entity
6 when required by subsection (b)(1); and
7 (2) a mobility on demand service unless—

8 (A) the recipient of such assistance that
9 proposes to deploy a mobility on demand service
10 certifies to the Secretary that the service meets
11 the criteria under section 5307, 5310, 5311,
12 5312, or 5316 of title 49, United States Code;
13 and

14 (B) the Secretary receives, approves, and
15 publishes the workforce development plan under
16 subsection (b) submitted by the eligible entity
17 when required by subsection (b)(1).

18 (b) WORKFORCE DEVELOPMENT PLAN.—

19 (1) IN GENERAL.—A recipient of financial as-
20 sistance under chapter 53 of title 49, United States
21 Code, proposing to deploy an automated vehicle pro-
22 viding public transportation or mobility on demand
23 service shall submit to the Secretary, prior to imple-
24 mentation of such service, a workforce development
25 plan if such service, combined with any other auto-

1 mated vehicle providing public transportation or mo-
2 bility on demand service offered by such recipient,
3 would exceed by more than 0.5 percent of the recipi-
4 ent's total transit passenger miles traveled.

5 (2) CONTENTS.—The workforce development
6 plan under subsection (a) shall include the following:

7 (A) A description of services offered by ex-
8 isting conventional modes of public transpor-
9 tation in the area served by the recipient that
10 could be affected by the proposed automated ve-
11 hicle providing public transportation or mobility
12 on demand service, including jobs and functions
13 of such jobs.

14 (B) A forecast of the number of jobs pro-
15 vided by existing conventional modes of public
16 transportation that would be eliminated or that
17 would be substantially changed and the number
18 of jobs expected to be created by the proposed
19 automated vehicle providing public transpor-
20 tation or mobility on demand service over a 5-
21 year period from the date of the publication of
22 the workforce development plan.

23 (C) Identified gaps in skills needed to op-
24 erate and maintain the proposed automated ve-

1 hicle providing public transportation or mobility
2 on demand service.

3 (D) A comprehensive plan to transition,
4 train, or retrain employees that could be af-
5 fected by the proposed automated vehicle pro-
6 viding public transportation or mobility on de-
7 mand service.

8 (E) An estimated budget to transition,
9 train, or retrain employees impacted by the pro-
10 posed automated vehicle providing public trans-
11 portation or mobility on demand service over a
12 5-year period from the date of the publication
13 of the workforce development plan.

14 (c) NOTICE REQUIRED.—

15 (1) IN GENERAL.—A recipient of financial as-
16 sistance under chapter 53 of title 49, United States
17 Code, shall issue a notice to employees who, due to
18 the use of an automated vehicle providing public
19 transportation or mobility on demand service, may
20 be subjected to a loss of employment or a change in
21 responsibilities not later than 60 days before signing
22 a contract for such service or procurement. A recipi-
23 ent shall provide employees copies of a request for
24 a proposal related to an automated vehicle providing

1 public transportation or mobility on demand services
2 at the time such request is issued.

3 (2) CONTENT.—The notice required in para-
4 graph (1) shall include the following:

5 (A) A description of the automated vehicle
6 providing public transportation or mobility on
7 demand service.

8 (B) The impact of the automated vehicle
9 providing public transportation or mobility on
10 demand service on employment positions, in-
11 cluding a description of which employment posi-
12 tions will be affected and whether any new posi-
13 tions will be created.

14 (d) DEFINITIONS.—In this section:

15 (1) AUTOMATED VEHICLE.—The term “auto-
16 mated vehicle” means a motor vehicle that—

17 (A) is capable of performing the entire
18 task of driving (including steering, accelerating
19 and decelerating, and reacting to external stim-
20 ulus) without human intervention; and

21 (B) is designed to be operated exclusively
22 by a Level 4 or Level 5 automated driving sys-
23 tem for all trips according to the recommended
24 practice standards published on June 15, 2018,
25 by the Society of Automotive Engineers Inter-

1 national (J3016__201806) or equivalent stand-
2 ards adopted by the Secretary with respect to
3 automated motor vehicles.

4 (2) MOBILITY ON DEMAND.—The term “mobil-
5 ity on demand” has the meaning given such term in
6 section 5316 of title 49, United States Code.

7 (3) PUBLIC TRANSPORTATION.—The term
8 “public transportation” has the meaning given such
9 term in section 5302 of title 49, United States Code.

10 (e) SAVINGS CLAUSE.—Nothing in this section shall
11 prohibit the use of funds for an eligible activity or pilot
12 project of a covered recipient authorized under current law
13 prior to the date of enactment of this Act.

14 **SEC. 2604. SAFETY PERFORMANCE MEASURES AND SET**
15 **ASIDES.**

16 Section 5329(d)(2) of title 49, United States Code,
17 is amended to read as follows:

18 “(2) SAFETY COMMITTEE PERFORMANCE MEAS-
19 URES.—

20 “(A) IN GENERAL.—The safety committee
21 described in paragraph (4) shall establish per-
22 formance measures for the risk reduction pro-
23 gram in paragraph (1)(I) using a 3-year rolling
24 average of the data submitted by the recipient
25 to the National Transit Database.

1 “(B) SAFETY SET ASIDE.—With respect to
2 a recipient serving an urbanized area that re-
3 ceives funds under section 5307, such recipient
4 shall allocate not less than 0.75 percent of such
5 funds to projects eligible under section 5307.

6 “(C) FAILURE TO MEET PERFORMANCE
7 MEASURES.—Any recipient that receives funds
8 under section 5307 that does not meet the per-
9 formance measures established in subparagraph
10 (A) shall allocate the amount made available in
11 subparagraph (B) in the following fiscal year to
12 projects described in subparagraph (D).

13 “(D) ELIGIBLE PROJECTS.—Funds set
14 aside under this paragraph shall be used for
15 projects that are reasonably likely to meet the
16 performance measures established in subpara-
17 graph (A), including modifications to rolling
18 stock and de-escalation training.”.

19 **SEC. 2605. U.S. EMPLOYMENT PLAN.**

20 (a) IN GENERAL.—Chapter 53 of title 49, United
21 States Code, is amended by adding at the end the fol-
22 lowing:

23 **“§ 5341. U.S. Employment Plan**

24 “(a) DEFINITIONS.—In this section:

1 “(1) COMMITMENT TO HIGH-QUALITY CAREER
2 AND BUSINESS OPPORTUNITIES.—The term ‘com-
3 mitment to high-quality career and business oppor-
4 tunities’ means participation in a registered appren-
5 ticeship program.

6 “(2) COVERED INFRASTRUCTURE PROGRAM.—
7 The term ‘covered infrastructure program’ means
8 any activity under program or project under this
9 chapter for the purchase or acquisition of rolling
10 stock.

11 “(3) U.S. EMPLOYMENT PLAN.—The term ‘U.S.
12 Employment Plan’ means a plan under which an en-
13 tity receiving Federal assistance for a project under
14 a covered infrastructure program shall—

15 “(A) include in a request for proposal an
16 encouragement for bidders to include, with re-
17 spect to the project—

18 “(i) high-quality wage, benefit, and
19 training commitments by the bidder and
20 the supply chain of the bidder for the
21 project; and

22 “(ii) a commitment to recruit and hire
23 individuals described in subsection (e) if
24 the project results in the hiring of employ-
25 ees not currently or previously employed by

1 the bidder and the supply chain of the bid-
2 der for the project;

3 “(B) give preference for the award of the
4 contract to a bidder that includes the commit-
5 ments described in clauses (i) and (ii) of sub-
6 paragraph (A); and

7 “(C) ensure that each bidder that includes
8 the commitments described in clauses (i) and
9 (ii) of subparagraph (A) that is awarded a con-
10 tract complies with those commitments.

11 “(4) REGISTERED APPRENTICESHIP PRO-
12 GRAM.—The term ‘registered apprenticeship pro-
13 gram’ means an apprenticeship program registered
14 with the Department of Labor or a Federally-recog-
15 nized State Apprenticeship Agency and that com-
16 plies with the requirements under parts 29 and 30
17 of title 29, Code of Federal Regulations, as in effect
18 on January 1, 2019.

19 “(b) BEST-VALUE FRAMEWORK.—To the maximum
20 extent practicable, a recipient of assistance under a cov-
21 ered infrastructure program is encouraged—

22 “(1) to ensure that each dollar invested in in-
23 frastructure uses a best-value contracting framework
24 to maximize the local value of federally funded con-

1 tracts by evaluating bids on price and other tech-
2 nical criteria prioritized in the bid, such as—

3 “(A) equity;

4 “(B) environmental and climate justice;

5 “(C) impact on greenhouse gas emissions;

6 “(D) resilience;

7 “(E) the results of a 40-year life-cycle
8 analysis;

9 “(F) safety;

10 “(G) commitment to creating or sustaining
11 high-quality job opportunities affiliated with
12 registered apprenticeship programs (as defined
13 in subsection (a)(3)) for disadvantaged or
14 underrepresented individuals in infrastructure
15 industries in the United States; and

16 “(H) access to jobs and essential services
17 by all modes of travel for all users, including
18 disabled individuals; and

19 “(2) to ensure community engagement, trans-
20 parency, and accountability in carrying out each
21 stage of the project.

22 “(c) PREFERENCE FOR REGISTERED APPRENTICE-
23 SHIP PROGRAMS.—To the maximum extent practicable, a
24 recipient of assistance under a covered infrastructure pro-
25 gram, with respect to the project for which the assistance

1 is received, shall give preference to a bidder that dem-
2 onstrates a commitment to high-quality job opportunities
3 affiliated with registered apprenticeship programs.

4 “(d) USE OF U.S. EMPLOYMENT PLAN.—Notwith-
5 standing any other provision of law, in carrying out a
6 project under a covered infrastructure program, each enti-
7 ty that receives Federal assistance shall use a U.S. Em-
8 ployment Plan for each contract of \$10,000,000 or more
9 for the purchase of manufactured goods or of services,
10 based on an independent cost estimate.

11 “(e) PRIORITY.—The head of the relevant Federal
12 agency shall ensure that the entity carrying out a project
13 under the covered infrastructure program gives priority
14 to—

15 “(1) individuals with a barrier to employment
16 (as defined in section 3 of the Workforce Innovation
17 and Opportunity Act (29 U.S.C. 3102)), including
18 ex-offenders and disabled individuals;

19 “(2) veterans; and

20 “(3) individuals that represent populations that
21 are traditionally underrepresented in the infrastruc-
22 ture workforce, such as women and racial and ethnic
23 minorities.

24 “(f) REPORT.—Not less frequently than once each
25 fiscal year, the heads of the relevant Federal agencies shall

1 jointly submit to Congress a report describing the imple-
2 mentation of this section.

3 “(g) INTENT OF CONGRESS.—

4 “(1) IN GENERAL.—It is the intent of Con-
5 gress—

6 “(A) to encourage recipients of Federal as-
7 sistance under covered infrastructure programs
8 to use a best-value contracting framework de-
9 scribed in subsection (b) for the purchase of
10 goods and services;

11 “(B) to encourage recipients of Federal as-
12 sistance under covered infrastructure programs
13 to use preferences for registered apprenticeship
14 programs as described in subsection (c) when
15 evaluating bids for projects using that assist-
16 ance;

17 “(C) to require that recipients of Federal
18 assistance under covered infrastructure pro-
19 grams use the U.S. Employment Plan in car-
20 rying out the project for which the assistance
21 was provided; and

22 “(D) that full and open competition under
23 covered infrastructure programs means a proce-
24 dural competition that prevents corruption, fa-

1 voritism, and unfair treatment by recipient
2 agencies.

3 “(2) INCLUSION.—A best-value contracting
4 framework described in subsection (b) is a frame-
5 work that authorizes a recipient of Federal assist-
6 ance under a covered infrastructure program, in
7 awarding contracts, to evaluate a range of factors,
8 including price, the quality of products, the quality
9 of services, and commitments to the creation of good
10 jobs for all people in the United States.

11 “(h) AWARD BASIS.—In awarding grants under this
12 section, the Secretary shall give priority to eligible entities
13 that—

14 “(1) ensure that not less than 50 percent of the
15 workers hired to participate in the job training pro-
16 gram are hired through local hiring in accordance
17 with subsection (e), including by prioritizing individ-
18 uals with a barrier to employment (including ex-of-
19 fenders), disabled individuals (meaning an individual
20 with a disability (as defined in section 3 of the
21 Americans with Disabilities Act of 1990 (42 U.S.C.
22 12102))), veterans, and individuals that represent
23 populations that are traditionally underrepresented
24 in the infrastructure workforce; or

1 to carry out activities described in paragraph
2 (2)(I).”.

3 (b) AVAILABILITY OF AMOUNTS.— Section
4 5314(c)(4)(A) of title 49, United States Code, is amended
5 by inserting “5311,” after “5307,”.

6 **Subtitle G—Transit-Supportive**
7 **Communities**

8 **SEC. 2701. TRANSIT-SUPPORTIVE COMMUNITIES.**

9 (a) IN GENERAL.—Chapter 53 of title 49, United
10 States Code, is amended by inserting after section 5327
11 the following:

12 **“§ 5328. Transit-supportive communities**

13 “(a) ESTABLISHMENT.—The Secretary shall estab-
14 lish within the Federal Transit Administration, an Office
15 of Transit-Supportive Communities to make grants, pro-
16 vide technical assistance, and assist in the coordination
17 of transit and housing policies within the Federal Transit
18 Administration, the Department of Transportation, and
19 across the Federal Government.

20 “(b) TRANSIT ORIENTED DEVELOPMENT PLANNING
21 GRANT PROGRAM.—

22 “(1) DEFINITION.—In this subsection the term
23 ‘eligible project’ means—

1 “(A) a new fixed guideway capital project
2 or a core capacity improvement project as de-
3 fined in section 5309;

4 “(B) an existing fixed guideway system, or
5 an existing station that is served by a fixed
6 guideway system; or

7 “(C) the immediate corridor along the
8 highest 25 percent of routes by ridership as
9 demonstrated in section 5336(b)(2)(B).

10 “(2) GENERAL AUTHORITY.—The Secretary
11 may make grants under this subsection to a State,
12 local governmental authority, or metropolitan plan-
13 ning organization to assist in financing comprehen-
14 sive planning associated with an eligible project that
15 seeks to—

16 “(A) enhance economic development, rider-
17 ship, and other goals established during the
18 project development and engineering processes
19 or the grant application;

20 “(B) facilitate multimodal connectivity and
21 accessibility;

22 “(C) increase access to transit hubs for pe-
23 destrian and bicycle traffic;

24 “(D) enable mixed-use development;

1 “(E) identify infrastructure needs associ-
2 ated with the eligible project; and

3 “(F) include private sector participation.

4 “(3) ELIGIBILITY.—A State, local governmental
5 authority, or metropolitan planning organization
6 that desires to participate in the program under this
7 subsection shall submit to the Secretary an applica-
8 tion that contains at a minimum—

9 “(A) an identification of an eligible project;

10 “(B) a schedule and process for the devel-
11 opment of a comprehensive plan;

12 “(C) a description of how the eligible
13 project and the proposed comprehensive plan
14 advance the metropolitan transportation plan of
15 the metropolitan planning organization;

16 “(D) proposed performance criteria for the
17 development and implementation of the com-
18 prehensive plan;

19 “(E) a description of how the project will
20 reduce and mitigate social and economic im-
21 pacts on existing residents and businesses vul-
22 nerable to displacement; and

23 “(F) identification of—

24 “(i) partners;

1 “(ii) availability of and authority for
2 funding; and

3 “(iii) potential State, local or other
4 impediments to the implementation of the
5 comprehensive plan.

6 “(4) COST SHARE.—A grant under this sub-
7 section shall not exceed an amount in excess of 80
8 percent of total project costs, except that a grant
9 that includes an affordable housing component shall
10 not exceed an amount in excess of 90 percent of
11 total project costs.

12 “(c) TECHNICAL ASSISTANCE.—The Secretary shall
13 provide technical assistance to States, local governmental
14 authorities, and metropolitan planning organizations in
15 the planning and development of transit-oriented develop-
16 ment projects and transit supportive corridor policies, in-
17 cluding—

18 “(1) the siting, planning, financing, and inte-
19 gration of transit-oriented development projects;

20 “(2) the integration of transit-oriented develop-
21 ment and transit-supportive corridor policies in the
22 preparation for and development of an application
23 for funding under section 602 of title 23;

24 “(3) the siting, planning, financing, and inte-
25 gration of transit-oriented development and transit

1 supportive corridor policies associated with projects
2 under section 5309;

3 “(4) the development of housing feasibility as-
4 sessments as allowed under section 5309(g)(3)(B);

5 “(5) the development of transit-supportive cor-
6 ridor policies that promote transit ridership and
7 transit-oriented development;

8 “(6) the development, implementation, and
9 management of land value capture programs; and

10 “(7) the development of model contracts, model
11 codes, and best practices for the implementation of
12 transit-oriented development projects and transit-
13 supportive corridor policies.

14 “(d) VALUE CAPTURE POLICY REQUIREMENTS.—

15 “(1) VALUE CAPTURE POLICY.—Not later than
16 October 1 of the fiscal year that begins 2 years after
17 the date of enactment of this section, the Secretary,
18 in collaboration with State departments of transpor-
19 tation, metropolitan planning organizations, and re-
20 gional council of governments, shall establish vol-
21 untary and consensus-based value capture stand-
22 ards, policies, and best practices for State and local
23 value capture mechanisms that promote greater in-
24 vestments in public transportation and affordable
25 transit-oriented development.

1 “(2) REPORT.—Not later than 15 months after
2 the date of enactment of this section, the Secretary
3 shall make available to the public a report cataloging
4 examples of State and local laws and policies that
5 provide for value capture and value sharing that pro-
6 mote greater investment in public transportation and
7 affordable transit-oriented development.

8 “(d) EQUITY.—In providing technical assistance
9 under subsection (c), the Secretary shall incorporate strat-
10 egies to promote equity for underrepresented and under-
11 served communities, including—

12 “(1) preventing displacement of existing resi-
13 dents and businesses;

14 “(2) mitigating rent and housing price in-
15 creases;

16 “(3) incorporating affordable rental and owner-
17 ship housing in transit-oriented development;

18 “(4) engaging under-served, limited English
19 proficiency, low income, and minority communities
20 in the planning process;

21 “(5) fostering economic development opportuni-
22 ties for existing residents and businesses; and

23 “(6) targeting affordable housing that help less-
24 en homelessness.

1 “(d) AUTHORITY TO REQUEST STAFFING ASSIST-
2 ANCE.—In fulfilling the duties of this section, the Sec-
3 retary shall, as needed, request staffing and technical as-
4 sistance from other Federal agencies, programs, adminis-
5 trations, boards, or commissions.

6 “(e) REVIEW EXISTING POLICIES AND PROGRAMS.—
7 Not later than 24 months after the date of enactment of
8 this section, the Secretary shall review and evaluate all
9 existing policies and programs within the Federal Transit
10 Administration that support or promote transit-oriented
11 development to ensure their coordination and effectiveness
12 relative to the goals of this section.

13 “(f) REPORTING.—Not later than February 1 of each
14 year beginning the year after the date of enactment of
15 this section, the Secretary shall prepare a report detailing
16 the grants and technical assistance provided under this
17 section, the number of affordable housing units con-
18 structed or planned as a result of projects funded in this
19 section, and the number of affordable housing units con-
20 structed or planned as a result of a property transfer
21 under section 5334(h)(1). The report shall be provided to
22 the Committee on Transportation and Infrastructure of
23 the House of Representatives and the Committee on
24 Banking, Housing, and Urban Affairs of the Senate.

1 “(g) SAVINGS CLAUSE.—Nothing in this section au-
2 thorizes the Secretary to provide any financial assistance
3 for the construction of housing.

4 “(h) PRIORITY FOR LOW-INCOME AREAS.—In award-
5 ing grants under this section, the Secretary shall give pri-
6 ority to projects under this section that expand or build
7 transit in low-income areas or that provide access to public
8 transportation to low-income areas that do not have access
9 to public transportation.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 53 of title 49, United States Code, is amended by in-
12 serting after the item relating to section 5327 the fol-
13 lowing:

“5328. Transit-supportive communities.”.

14 (c) TECHNICAL AND CONFORMING AMENDMENT.—
15 Section 20005 of the MAP-21 (Public Law 112-141) is
16 amended—

17 (1) by striking “(a) AMENDMENT.—”; and

18 (2) by striking subsection (b).

19 **SEC. 2702. PROPERTY DISPOSITION FOR AFFORDABLE**
20 **HOUSING.**

21 Section 5334(h)(1) of title 49, United States Code,
22 is amended to read as follows:

23 “(1) IN GENERAL.—If a recipient of assistance
24 under this chapter decides an asset acquired under
25 this chapter at least in part with that assistance is

1 no longer needed for the purpose for which such
2 asset was acquired, the Secretary may authorize the
3 recipient to transfer such asset to—

4 “(A) a local governmental authority to be
5 used for a public purpose with no further obli-
6 gation to the Government if the Secretary de-
7 cides—

8 “(i) the asset will remain in public use
9 for at least 5 years after the date the asset
10 is transferred;

11 “(ii) there is no purpose eligible for
12 assistance under this chapter for which the
13 asset should be used;

14 “(iii) the overall benefit of allowing
15 the transfer is greater than the interest of
16 the Government in liquidation and return
17 of the financial interest of the Government
18 in the asset, after considering fair market
19 value and other factors; and

20 “(iv) through an appropriate screen-
21 ing or survey process, that there is no in-
22 terest in acquiring the asset for Govern-
23 ment use if the asset is a facility or land;
24 or

1 “(B) a local governmental authority, non-
2 profit organization, or other third party entity
3 to be used for the purpose of transit-oriented
4 development with no further obligation to the
5 Government if the Secretary decides—

6 “(i) the asset is a necessary compo-
7 nent of a proposed transit-oriented devel-
8 opment project;

9 “(ii) the transit-oriented development
10 project will increase transit ridership;

11 “(iii) at least 40 percent of the hous-
12 ing units offered in the transit-oriented de-
13 velopment , including housing units owned
14 by nongovernmental entities, are legally
15 binding affordability restricted to tenants
16 with incomes at or below 60 percent of the
17 area median income and/or owners with in-
18 comes at or below 60 percent the area me-
19 dian income;

20 “(iv) the asset will remain in use as
21 described in this section for at least 30
22 years after the date the asset is trans-
23 ferred; and

24 “(v) with respect to a transfer to a
25 third party entity—

1 “(I) a local government authority
2 or nonprofit organization is unable to
3 receive the property;

4 “(II) the overall benefit of allow-
5 ing the transfer is greater than the in-
6 terest of the Government in liquida-
7 tion and return of the financial inter-
8 est of the Government in the asset,
9 after considering fair market value
10 and other factors; and

11 “(III) the third party has dem-
12 onstrated a satisfactory history of
13 construction or operating an afford-
14 able housing development.”.

15 **SEC. 2703. AFFORDABLE HOUSING INCENTIVES IN CAPITAL**
16 **INVESTMENT GRANTS.**

17 Section 5309 of title 49, United States Code, is
18 amended—

19 (1) in subsection (g)—

20 (A) in paragraph (2)(B)—

21 (i) in clause (i) by striking “; and”
22 and inserting a semicolon;

23 (ii) in clause (ii) by striking the pe-
24 riod and inserting “; and”; and

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

3 “(iii) in the case of a new fixed guide-
4 way capital project or a core capacity im-
5 provement project, allow a weighting five
6 points greater to the economic development
7 subfactor and five points lesser to the low-
8 est scoring subfactor if the applicant dem-
9 onstrates substantial efforts to preserve or
10 encourage affordable housing near the
11 project by providing documentation of poli-
12 cies that allow by-right multi-family hous-
13 ing, single room occupancy units, or acces-
14 sory dwelling units, providing local capital
15 sources for transit-oriented development,
16 or demonstrate other methods as deter-
17 mined by the Secretary.”; and

18 (B) in paragraph (3), as amended by this
19 Act, by adding at the end the following:

20 “(B) establish a warrant that applies to
21 the economic development project justification
22 criteria, provided that the applicant that re-
23 quests a warrant under this process has com-
24 pleted and submitted a housing feasibility as-
25 sessment.”; and

1 (2) in subsection (l)(4)—

2 (A) in subparagraph (B) by striking “; or”
3 and inserting a semicolon;

4 (B) in subparagraph (C) by striking the
5 period and inserting “; or”; and

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

7 “(D) from grant proceeds distributed
8 under section 103 of the Housing and Commu-
9 nity Development Act of 1974 (42 U.S.C.
10 5303) or section 201 of the Public Works and
11 Economic Development Act of 1965 (42 U.S.C.
12 3141) provided that—

13 “(i) such funds are used in conjunc-
14 tion with the planning or development of
15 affordable housing; and

16 “(ii) such affordable housing is lo-
17 cated within one-half of a mile of a new
18 station.”.

19 **Subtitle H—Innovation**

20 **SEC. 2801. MOBILITY INNOVATION SANDBOX PROGRAM.**

21 Section 5312(d) of title 49, United States Code, is
22 amended by adding at the end the following:

23 “(3) MOBILITY INNOVATION SANDBOX PRO-
24 GRAM.—The Secretary may make funding available
25 under this subsection to carry out research on mobil-

1 ity on demand and mobility as a service activities eli-
2 gible under section 5316.”.

3 **SEC. 2802. TRANSIT BUS OPERATOR COMPARTMENT REDE-**
4 **SIGN PROGRAM.**

5 Section 5312(d) of title 49, United States Code, is
6 further amended by adding at the end the following:

7 “(4) TRANSIT BUS OPERATOR COMPARTMENT
8 REDESIGN PROGRAM.—

9 “(A) IN GENERAL.—The Secretary may
10 make funding available under this subsection to
11 carry out research on redesigning transit bus
12 operator compartments to improve safety, oper-
13 ational efficiency, and passenger accessibility.

14 “(B) OBJECTIVES.—Research objectives
15 under this paragraph shall include—

16 “(i) increasing bus operator safety
17 from assaults;

18 “(ii) optimizing operator visibility and
19 reducing operator distractions to improve
20 safety of bus passengers, pedestrians,
21 bicyclists, and other roadway users;

22 “(iii) expanding passenger accessi-
23 bility for positive interactions between op-
24 erators and passengers, including assisting
25 passengers in need of special assistance;

1 “(iv) accommodating compliance for
2 passenger boarding, alighting, and secure-
3 ment with the Americans with Disabilities
4 Act of 1990 (42 U.S.C. 12101 et seq.);
5 and

6 “(v) improving ergonomics to reduce
7 bus operator work-related health issues
8 and injuries, as well as locate key instru-
9 ment and control interfaces to improve
10 operational efficiency and convenience.

11 “(C) ACTIVITIES.—Eligible activities under
12 this paragraph shall include—

13 “(i) measures to reduce visibility im-
14 pairments and distractions for bus opera-
15 tors that contribute to accidents, including
16 retrofits to buses in revenue service and
17 specifications for future procurements that
18 reduce visibility impairments and distrac-
19 tions;

20 “(ii) the deployment of assault mitiga-
21 tion infrastructure and technology on
22 buses, including barriers to restrict the un-
23 wanted entry of individuals and objects
24 into bus operators’ workstations;

1 “(iii) technologies to improve pas-
2 senger accessibility, including boarding,
3 alighting, and securement in compliance
4 with the Americans with Disabilities Act of
5 1990 (42 U.S.C. 12101 et seq.);

6 “(iv) installation of seating and modi-
7 fication to design specifications of bus op-
8 erator workstations that reduce or prevent
9 injuries from ergonomic risks; or

10 “(v) other measures that align with
11 the objectives under subparagraph (B).

12 “(D) ELIGIBLE ENTITIES.—Entities eligi-
13 ble to receive funding under this paragraph
14 shall include consortia consisting of, at a min-
15 imum:

16 “(i) recipients of funds under this
17 chapter that provide public transportation
18 services;

19 “(ii) transit vehicle manufacturers;

20 “(iii) representatives from organiza-
21 tions engaged in collective bargaining on
22 behalf of transit workers in not fewer than
23 three States; and

24 “(iv) any nonprofit institution of high-
25 er education, as defined in section 101 of

1 the Higher Education Act of 1965 (20
2 U.S.C. 1001).”.

3 **SEC. 2803. FEDERAL TRANSIT ADMINISTRATION EVERY DAY**
4 **COUNTS INITIATIVE.**

5 Section 5312 of title 49, United States Code, as
6 amended by section 2503, is further amended by adding
7 at the end the following:

8 “(k) EVERY DAY COUNTS INITIATIVE.—

9 “(1) IN GENERAL.—It is in the national inter-
10 est for the Department of Transportation and recipi-
11 ents of Federal public transportation funds—

12 “(A) to identify, accelerate, and deploy in-
13 novation aimed at expediting project delivery,
14 enhancing the safety of transit systems of the
15 United States, and protecting the environment;

16 “(B) to ensure that the planning, design,
17 engineering, construction, and financing of
18 transportation projects is done in an efficient
19 and effective manner;

20 “(C) to promote the rapid deployment of
21 proven solutions that provide greater account-
22 ability for public investments; and

23 “(D) to create a culture of innovation
24 within the transit community.

1 “(2) FTA EVERY DAY COUNTS INITIATIVE.—To
2 advance the policies described in paragraph (1), the
3 Administrator of the Federal Transit Administration
4 shall adopt the Every Day Counts initiative to work
5 with recipients to identify and deploy the proven in-
6 novation practices and products that—

7 “(A) accelerate innovation deployment;

8 “(B) expedite the project delivery process;

9 “(C) improve environmental sustainability;

10 “(D) enhance transit safety;

11 “(E) expand mobility; and

12 “(F) reduce greenhouse gas emissions.

13 “(3) CONSIDERATION.—In accordance with the
14 Every Day Counts goals described in paragraphs (1)
15 and (2), the Administrator shall consider research
16 conducted through the university transportation cen-
17 ters program in section 5505.

18 “(4) INNOVATION DEPLOYMENT.—

19 “(A) IN GENERAL.—At least every 2 years,
20 the Administrator shall work collaboratively
21 with recipients to identify a new collection of in-
22 novations, best practices, and data to be de-
23 ployed to recipients through case studies,
24 webinars, and demonstration projects.

1 “(B) REQUIREMENTS.—In identifying a
2 collection described in subparagraph (A), the
3 Secretary shall take into account market readi-
4 ness, impacts, benefits, and ease of adoption of
5 the innovation or practice.

6 “(5) PUBLICATION.—Each collection identified
7 under paragraph (4) shall be published by the Ad-
8 ministrator on a publicly available website.”.

9 **SEC. 2804. TECHNICAL CORRECTIONS.**

10 Section 5312 of title 49, United States Code, as
11 amended in section 2503 and 2803, is further amended—

12 (1) in subsection (e)—

13 (A) in paragraph (3)(C) by striking “low
14 or no emission vehicles, zero emission vehicles,”
15 and inserting “zero emission vehicles”; and

16 (B) by striking paragraph (6) and insert-
17 ing the following:

18 “(6) ZERO EMISSION VEHICLE DEFINED.—In
19 this subsection, the term ‘zero emission vehicle’
20 means a passenger vehicle used to provide public
21 transportation that produces no carbon or particu-
22 late matter.”;

23 (2) by redesignating the first subsection (g) as
24 subsection (f); and

25 (3) in subsection (h)—

1 (A) in the header by striking “LOW OR NO
2 EMISSION” and inserting “ZERO EMISSION”;

3 (B) in paragraph (1)—

4 (i) by striking subparagraph (B) and
5 inserting the following:

6 “(B) the term ‘zero emission vehicle’ has
7 the meaning given such term in subsection
8 (e)(6);” and

9 (ii) in subparagraph (D) by striking
10 “low or no emission vehicle” and inserting
11 “zero emission vehicle” each place such
12 term appears;

13 (C) in paragraph (2)—

14 (i) in the heading by striking “LOW
15 OR NO EMISSION” and inserting “ZERO
16 EMISSION”; and

17 (ii) by striking “low or no emission”
18 and inserting “zero emission” each place
19 such term appears;

20 (D) in paragraph (3) by striking “low or
21 no emission” and inserting “zero emission”
22 each place such term appears; and

23 (E) in paragraph (5)(A) by striking “low
24 or no emission” and inserting “zero emission”.

1 **SEC. 2805. NATIONAL ADVANCED TECHNOLOGY TRANSIT**
2 **BUS DEVELOPMENT PROGRAM.**

3 (a) **ESTABLISHMENT.**—The Secretary shall establish
4 a national advanced technology transit bus development
5 program to facilitate the development and testing of com-
6 mercially viable advanced technology transit buses that do
7 not exceed a Level 3 automated driving system and related
8 infrastructure.

9 (b) **AUTHORIZATION.**—There shall be available
10 \$20,000,000 for each of fiscal years 2021 through 2025.

11 (c) **GRANTS.**—The Secretary may enter into grants,
12 contracts, and cooperative agreements with no more than
13 three geographically diverse nonprofit organizations and
14 recipients under chapter 53 of title 49, United States
15 Code, to facilitate the development and testing of commer-
16 cially viable advance technology transit buses and related
17 infrastructure.

18 (d) **CONSIDERATIONS.**—The Secretary shall consider
19 the applicant's—

20 (1) ability to contribute significantly to fur-
21 thering advanced technologies as it relates to transit
22 bus operations, including advanced driver assistance
23 systems, automatic emergency braking, accessibility,
24 and energy efficiency;

25 (2) financing plan and cost share potential;

1 (3) technical experience developing or testing
2 advanced technologies in transit buses;

3 (4) commitment to frontline worker involve-
4 ment; and

5 (5) other criteria that the Secretary determines
6 are necessary to carry out the program.

7 The Secretary shall not consider applicants working on
8 autonomous vehicles.

9 (e) COMPETITIVE GRANT SELECTION.—The Sec-
10 retary shall conduct a national solicitation for applications
11 for grants under the program. Grant recipients shall be
12 selected on a competitive basis. The Secretary shall give
13 priority consideration to applicants that have successfully
14 managed advanced transportation technology projects, in-
15 cluding projects related to public transportation oper-
16 ations for a period of not less than 5 years.

17 (f) CONSORTIA.—As a condition of receiving an
18 award in (c), the Secretary shall ensure—

19 (1) that the selected non-profit recipients subse-
20 quently establish a consortia for each proposal sub-
21 mitted, including representatives from a labor union,
22 transit agency, an FTA-designated university bus
23 and component testing center, a Buy America com-
24 pliant transit bus manufacturer, and others as deter-
25 mined by the Secretary;

1 (2) that no proposal selected would decrease
2 workplace or passenger safety; and

3 (3) that no proposal selected would undermine
4 the creation of high-quality jobs or workforce sup-
5 port and development programs.

6 (g) FEDERAL SHARE.—The Federal share of costs
7 of the program shall be provided from funds made avail-
8 able to carry out this section. The Federal share of the
9 cost of a project carried out under the program shall not
10 exceed 80 percent of such cost.

11 **SEC. 2806. PUBLIC TRANSPORTATION INNOVATION.**

12 Section 5312(h)(2) of title 49, United States Code,
13 is amended by striking subparagraph (G).

14 **Subtitle I—Other Program**
15 **Reauthorizations**

16 **SEC. 2901. REAUTHORIZATION FOR CAPITAL AND PREVEN-**
17 **TIVE MAINTENANCE PROJECTS FOR WASH-**
18 **INGTON METROPOLITAN AREA TRANSIT AU-**
19 **THORITY.**

20 Section 601 of the Passenger Rail Investment and
21 Improvement Act of 2008 (Public Law 110–432) is
22 amended—

23 (1) in subsection (b) by striking “The Federal”
24 and inserting “Except as provided in subsection
25 (f)(2), the Federal”;

1 (2) by striking subsections (d) through (f) and
2 inserting the following:

3 “(d) **REQUIRED BOARD APPROVAL.**—No amounts
4 may be provided to the Transit Authority under this sec-
5 tion until the Transit Authority certifies to the Secretary
6 of Transportation that—

7 “(1) a board resolution has passed on or before
8 July 1, 2021, and is in effect for the period of July
9 1, 2022 through June 30, 2031, that—

10 “(A) establishes an independent budget au-
11 thority for the Office of Inspector General of
12 the Transit Authority;

13 “(B) establishes an independent procure-
14 ment authority for the Office of Inspector Gen-
15 eral of the Transit Authority;

16 “(C) establishes an independent hiring au-
17 thority for the Office of Inspector General of
18 the Transit Authority;

19 “(D) ensures the Inspector General of the
20 Transit Authority can obtain legal advice from
21 a counsel reporting directly to the Inspector
22 General;

23 “(E) requires the Inspector General of the
24 Transit Authority to submit recommendations
25 for corrective action to the General Manager

1 and the Board of Directors of the Transit Au-
2 thority;

3 “(F) requires the Inspector General of the
4 Transit Authority to publish any recommenda-
5 tion described in subparagraph (E) on the
6 website of the Office of Inspector General of the
7 Transit Authority, except that the Inspector
8 General may redact personally identifiable in-
9 formation and information that, in the deter-
10 mination of the Inspector General, would pose
11 a security risk to the systems of the Transit
12 Authority;

13 “(G) requires the Board of Directors of
14 the Transit Authority to provide written notice
15 to the Committee on Transportation and Infra-
16 structure of the House of Representatives and
17 the Committee on Banking, Housing, and
18 Urban Affairs of the Senate not less than 30
19 days before the Board of Directors removes the
20 Inspector General of the Transit Authority,
21 which shall include the reasons for removal and
22 supporting documentation; and

23 “(H) prohibits the Board of Directors from
24 removing the Inspector General of the Transit
25 Authority unless the Board of Directors has

1 provided a 30 day written notification as de-
2 scribed in subparagraph (G) that documents—

3 “(i) a permanent incapacity;

4 “(ii) a neglect of duty;

5 “(iii) malfeasance;

6 “(iv) a conviction of a felony or con-
7 duct involving moral turpitude;

8 “(v) a knowing violation of a law or
9 regulation;

10 “(vi) gross mismanagement;

11 “(vii) a gross waste of funds;

12 “(viii) an abuse of authority; or

13 “(ix) inefficiency; and

14 “(2) the Code of Ethics for Members of the
15 WMATA Board of Directors passed on September
16 26, 2019, remains in effect, or the Inspector General
17 of the Transit Authority has consulted with any
18 modifications to the Code of Ethics by the Board.

19 “(e) AUTHORIZATIONS.—

20 “(1) IN GENERAL.—There are authorized to be
21 appropriated to the Secretary of Transportation for
22 grants under this section—

23 “(A) for fiscal year 2021, \$150,000,000;

24 “(B) for fiscal year 2022, \$155,000,000;

25 “(C) for fiscal year 2023, \$160,000,000;

1 “(D) for fiscal year 2024, \$165,000,000;
2 “(E) for fiscal year 2025, \$170,000,000;
3 “(F) for fiscal year 2026, \$175,000,000;
4 “(G) for fiscal year 2027, \$180,000,000;
5 “(H) for fiscal year 2028, \$185,000,000;
6 “(I) for fiscal year 2029, \$190,000,000;
7 and
8 “(J) for fiscal year 2030, \$200,000,000.

9 “(2) SET ASIDE FOR OFFICE OF INSPECTOR
10 GENERAL OF TRANSIT AUTHORITY.—From the
11 amounts in paragraph (1), the Transit Authority
12 shall provide at least 7 percent for each fiscal year
13 to the Office of Inspector General of the Transit Au-
14 thority to carry out independent and objective au-
15 dits, investigations, and reviews of Transit Authority
16 programs and operations to promote economy, effi-
17 ciency, and effectiveness, and to prevent and detect
18 fraud, waste, and abuse in such programs and oper-
19 ations.”; and

20 (3) by redesignating subsection (g) as sub-
21 section (f).

22 **SEC. 2902. OTHER APPORTIONMENTS.**

23 Section 5336 of title 49, United States Code, is
24 amended—

25 (1) in subsection (h)—

1 (A) in the matter preceding paragraph (1)
2 by striking “section 5336(a)(2)(C)” and insert-
3 ing “section 5336(a)(2)(B)”;

4 (B) by amending paragraph (1) to read as
5 follows:

6 “(1) to carry out section 5307(h)—

7 “(A) \$60,906,000 shall be set aside in fis-
8 cal year 2022;

9 “(B) \$61,856,134 shall be set aside in fis-
10 cal year 2023;

11 “(C) \$62,845,832 shall be set aside in fis-
12 cal year 2024; and

13 “(D) \$63,832,511 shall be set aside in fis-
14 cal year 2025;”;

15 (C) in paragraph (2) by striking “3.07
16 percent” and inserting “6 percent”; and

17 (D) by amending paragraph (3) to read as
18 follows:

19 “(3) of amounts not apportioned under para-
20 graphs (1) and (2), 3 percent shall be apportioned
21 to urbanized areas with populations of less than
22 200,000 in accordance with subsection (i);”;

23 (2) in subsection (i) by adding at the end the
24 following:

1 “(3) CENSUS PHASE-OUT.—Before apportioning
2 funds under subsection (h)(3), for any urbanized
3 area that is no longer an eligible area due to a
4 change in population in the most recent decennial
5 census, the Secretary shall apportion to such urban-
6 ized area, for 3 fiscal years, an amount equal to half
7 of the funds apportioned to such urbanized area pur-
8 suant to this subsection for the previous fiscal
9 year.”.

10 **Subtitle J—Streamlining**

11 **SEC. 2911. FIXED GUIDEWAY CAPITAL INVESTMENT** 12 **GRANTS.**

13 Section 5309 of title 49, United States Code, as
14 amended by section 2703 of this Act, is further amend-
15 ed—

16 (1) in subsection (a)—

17 (A) by striking paragraph (6);

18 (B) by redesignating paragraph (7) as
19 paragraph (6); and

20 (C) in paragraph (6), as so redesignated;

21 (i) in subparagraph (A) by striking

22 “\$100,000,000” and inserting

23 “\$320,000,000”; and

1 (ii) in subparagraph (B) by striking
2 “\$300,000,000” and inserting
3 “\$400,000,000”;

4 (2) in subsection (b)(2) by inserting “expanding
5 station capacity,” after “construction of infill sta-
6 tions,”;

7 (3) in subsection (d)(1)—

8 (A) in subparagraph (C)(i) by striking “2
9 years” and inserting “3 years”; and

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

11 “(D) OPTIONAL PROJECT DEVELOPMENT
12 ACTIVITIES.—An applicant may perform cost
13 and schedule risk assessments with technical
14 assistance provided by the Secretary.

15 “(E) STATUTORY CONSTRUCTION.—Noth-
16 ing in this section shall be construed as author-
17 izing the Secretary to require cost and schedule
18 risk assessments in the project development
19 phase.”;

20 (4) in subsection (e)(1)—

21 (A) in subparagraph (C)(i) by striking “2
22 years” and inserting “3 years”; and

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

24 “(D) OPTIONAL PROJECT DEVELOPMENT
25 ACTIVITIES.—An applicant may perform cost

1 and schedule risk assessments with technical
2 assistance provided by the Secretary.

3 “(E) STATUTORY CONSTRUCTION.—Noth-
4 ing in this section shall be construed as author-
5 izing the Secretary to require cost and schedule
6 risk assessments in the project development
7 phase.”;

8 (5) in subsection (e)(2)(A)(iii)(II) by striking
9 “5 years” and inserting “10 years”;

10 (6) in subsection (f)—

11 (A) in paragraph (1) by striking “sub-
12 section (d)(2)(A)(v)” and inserting “subsection
13 (d)(2)(A)(iv)”;

14 (B) in paragraph (2)—

15 (i) by striking “subsection
16 (d)(2)(A)(v)” and inserting “subsection
17 (d)(2)(A)(iv)”;

18 (ii) in subparagraph (D) by adding
19 “and” at the end;

20 (iii) by striking subparagraph (E);

21 and

22 (iv) by redesignating subparagraph
23 (F) as subparagraph (E); and

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

1 “(3) COST-SHARE INCENTIVES.—For a project
2 for which a lower CIG cost share is elected by the
3 applicant under subsection (l)(1)(C), the Secretary
4 shall apply the following requirements and consider-
5 ations in lieu of paragraphs (1) and (2):

6 “(A) REQUIREMENTS.—In determining
7 whether a project is supported by local financial
8 commitment and shows evidence of stable and
9 dependable financing sources for purposes of
10 subsection (d)(2)(A)(iv) or (e)(2)(A)(v), the
11 Secretary shall require that—

12 “(i) the proposed project plan pro-
13 vides for the availability of contingency
14 amounts that the applicant determines to
15 be reasonable to cover unanticipated cost
16 increases or funding shortfalls;

17 “(ii) each proposed local source of
18 capital and operating financing is stable,
19 reliable, and available within the proposed
20 project timetable; and

21 “(iii) an applicant certifies that local
22 resources are available to recapitalize,
23 maintain, and operate the overall existing
24 and proposed public transportation system,
25 including essential feeder bus and other

1 services necessary to achieve the projected
2 ridership levels without requiring a reduc-
3 tion in existing public transportation serv-
4 ices or level of service to operate the
5 project.

6 “(B) CONSIDERATIONS.—In assessing the
7 stability, reliability, and availability of proposed
8 sources of local financing for purposes of sub-
9 section (d)(2)(A)(iv) or (e)(2)(A)(v), the Sec-
10 retary shall consider—

11 “(i) the reliability of the forecasting
12 methods used to estimate costs and reve-
13 nues made by the recipient and the con-
14 tractors to the recipient;

15 “(ii) existing grant commitments;

16 “(iii) any debt obligation that exists,
17 or is proposed by the recipient, for the pro-
18 posed project or other public transpor-
19 tation purpose; and

20 “(iv) private contributions to the
21 project, including cost-effective project de-
22 livery, management or transfer of project
23 risks, expedited project schedule, financial
24 partnering, and other public-private part-
25 nership strategies.”.

1 (7) in subsection (g)—

2 (A) in paragraph (2)(A) by striking “de-
3 gree of local financial commitment” and insert-
4 ing “criteria in subsection (f)” each place it ap-
5 pears;

6 (B) in paragraph (3) by striking “The Sec-
7 retary shall” and all that follows through the
8 end and inserting the following: “The Secretary
9 shall—

10 “(A) to the maximum extent practicable,
11 develop and use special warrants for making a
12 project justification determination under sub-
13 section (d)(2) or (e)(2), as applicable, for a
14 project proposed to be funded using a grant
15 under this section if—

16 “(i) the share of the cost of the
17 project to be provided under this section—

18 “(I) does not exceed
19 \$500,000,000 and the total project
20 cost does not exceed \$1,000,000,000;
21 or

22 “(II) complies with subsection
23 (l)(1)(C);

24 “(ii) the applicant requests the use of
25 the warrants;

1 “(iii) the applicant certifies that its
2 existing public transportation system is in
3 a state of good repair; and

4 “(iv) the applicant meets any other
5 requirements that the Secretary considers
6 appropriate to carry out this subsection;
7 and”;

8 (C) by striking paragraph (5) and insert-
9 ing the following:

10 “(5) POLICY GUIDANCE.—The Secretary shall
11 issue policy guidance on the review and evaluation
12 process and criteria not later than 180 days after
13 the date of enactment of the INVEST in America
14 Act.”;

15 (D) by striking paragraph (6) and insert-
16 ing the following:

17 “(6) TRANSPARENCY.—Not later than 30 days
18 after the Secretary receives a written request from
19 an applicant for all remaining information necessary
20 to obtain 1 or more of the following, the Secretary
21 shall provide such information to the applicant:

22 “(A) Project advancement.

23 “(B) Medium or higher rating.

24 “(C) Warrant.

25 “(D) Letter of intent.

1 “(E) Early systems work agreement.”; and

2 (E) in paragraph (7) by striking “the Fed-
3 eral Public Transportation Act of 2012” and
4 inserting “the INVEST in America Act”;

5 (8) in subsection (h)—

6 (A) in paragraph (5) by inserting “, except
7 that for a project for which a lower local cost
8 share is elected under subsection (l)(1)(C), the
9 Secretary shall enter into a grant agreement
10 under this subsection for any such project that
11 establishes contingency amounts that the appli-
12 cant determines to be reasonable to cover unan-
13 ticipated cost increases or funding shortfalls”
14 before the period at the end; and

15 (B) in paragraph (7)(C) by striking “10
16 days” and inserting “3 days”;

17 (9) by striking subsection (i) and inserting the
18 following:

19 “(i) INTERRELATED PROJECTS.—

20 “(1) RATINGS IMPROVEMENT.—The Secretary
21 shall grant a rating increase of 1 level in mobility
22 improvements to any project being rated under sub-
23 section (d), (e), or (h), if the Secretary certifies that
24 the project has a qualifying interrelated project that
25 meets the requirements of paragraph (2).

1 “(2) INTERRELATED PROJECT.—A qualifying
2 interrelated project is a transit project that—

3 “(A) is adopted into the metropolitan
4 transportation plan required under section
5 5303;

6 “(B) has received a class of action designa-
7 tion under the National Environmental Policy
8 Act of 1969 (42 U.S.C. 4321 et seq.);

9 “(C) will likely increase ridership on the
10 project being rated in subsection (d), (e), or
11 (h), respectively, as determined by the Sec-
12 retary; and

13 “(D) meets one of the following criteria:

14 “(i) Extends the corridor of the
15 project being rated in subsection (d), (e),
16 or (h), respectively.

17 “(ii) Provides a direct passenger
18 transfer to the project being rated in sub-
19 section (d), (e), or (h), respectively.”;

20 (10) in subsection (k)—

21 (A) in paragraph (2)(D) by adding at the
22 end the following:

23 “(v) LOCAL FUNDING COMMIT-
24 MENT.— For a project for which a lower
25 CIG cost share is elected by the applicant

1 under subsection (l)(1)(C), the Secretary
2 shall enter into a full funding grant agree-
3 ment that has at least 75 percent of local
4 financial commitment committed and the
5 remaining percentage budgeted for the pro-
6 posed purposes.”; and

7 (B) in paragraph (5) by striking “30
8 days” and inserting “3 days”;

9 (11) in subsection (l)—

10 (A) in paragraph (1) by striking subpara-
11 graph (B) and inserting the following:

12 “(B) CAP.—Except as provided in sub-
13 paragraph (C), a grant for a project under this
14 section shall not exceed 80 percent of the net
15 capital project cost, except that a grant for a
16 core capacity improvement project shall not ex-
17 ceed 80 percent of the net capital project cost
18 of the incremental cost to increase the capacity
19 in the corridor.

20 “(C) APPLICANT ELECTION OF LOWER
21 LOCAL CIG COST SHARE.—An applicant may
22 elect a lower local CIG cost share for a project
23 under this section for purposes of application of
24 the cost-share incentives under subsection
25 (f)(3). Such cost share shall not exceed 60 per-

1 cent of the net capital project cost, except that
2 for a grant for a core capacity improvement
3 project such cost share shall not exceed 60 per-
4 cent of the net capital project cost of the incre-
5 mental cost to increase the capacity in the cor-
6 ridor.”;

7 (B) by striking paragraph (5) and insert-
8 ing the following:

9 “(5) LIMITATION ON STATUTORY CONSTRUC-
10 TION.—Nothing in this section shall be construed as
11 authorizing the Secretary to require, incentivize (in
12 any manner not specified in this section), or place
13 additional conditions upon a non-Federal financial
14 commitment for a project that is more than 20 per-
15 cent of the net capital project cost or, for a core ca-
16 pacity improvement project, 20 percent of the net
17 capital project cost of the incremental cost to in-
18 crease the capacity in the corridor.”; and

19 (C) by striking paragraph (8) and insert-
20 ing the following:

21 “(8) CONTINGENCY SHARE.—The Secretary
22 shall provide funding for the contingency amount
23 equal to the proportion of the CIG cost share. If the
24 Secretary increases the contingency amount after a
25 project has received a letter of no prejudice or been

1 allocated appropriated funds, the federal share of
2 the additional contingency amount shall be 25 per-
3 cent higher than the original proportion the CIG
4 cost share and in addition to the grant amount set
5 in subsection (k)(2)(C)(ii).”;

6 (12) in subsection (o) by adding at the end the
7 following:

8 “(4) CIG PROGRAM DASHBOARD.—Not later
9 than the fifth day of each month, the Secretary shall
10 make publicly available on a website data on, includ-
11 ing the status of, each project under this section
12 that is in the project development phase, in the engi-
13 neering phase, or has received a grant agreement
14 and remains under construction. Such data shall in-
15 clude, for each project—

16 “(A) the amount and fiscal year of any
17 funding appropriated, allocated, or obligated for
18 the project;

19 “(B) the date on which the project—

20 “(i) entered the project development
21 phase;

22 “(ii) entered the engineering phase, if
23 applicable; and

24 “(iii) received a grant agreement, if
25 applicable; and

1 “(C) the status of review by the Federal
2 Transit Administration and the Secretary, in-
3 cluding dates of request, dates of acceptance of
4 request, and dates of a decision for each of the
5 following, if applicable:

6 “(i) A letter of no prejudice.

7 “(ii) An environmental impact state-
8 ment notice of intent.

9 “(iii) A finding of no significant envi-
10 ronmental impact.

11 “(iv) A draft environmental impact
12 statement.

13 “(v) A final environmental impact
14 statement.

15 “(vi) A record of decision on the final
16 environmental impact statement.

17 “(vii) The status of the applicant in
18 securing the non-Federal match, based on
19 information provided by the applicant, in-
20 cluding the amount committed, budgeted,
21 planned, and undetermined.”;

22 (13) by striking “an acceptable degree of” and
23 inserting “a” each place it appears; and

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

25 “(r) PUBLICATION .—

1 “(1) PUBLICATION.—The Secretary shall pub-
2 lish a record of decision on all projects in the New
3 Starts tranche of the program within 2 years of re-
4 ceiving a project’s draft environmental impact state-
5 ment or update or change to such statement.

6 “(2) FAILURE TO ISSUE RECORD OF DECI-
7 SION.—For each calendar month beginning on or
8 after the date that is 12 months after the date of
9 enactment of the INVEST in America Act in which
10 the Secretary has not published a record of decision
11 for the final environmental impact statement on
12 projects in the New Starts tranche for at least 1
13 year, the Secretary shall reduce the full-time equiva-
14 lent employees within the immediate office of the
15 Secretary by 1.”.

16 **SEC. 2912. RURAL AND SMALL URBAN APPORTIONMENT**
17 **DEADLINE.**

18 Section 5336(d) of title 49, United States Code, is
19 amended—

20 (1) by redesignating paragraph (2) as para-
21 graph (3); and

22 (2) by inserting after paragraph (1) the fol-
23 lowing:

24 “(2) notwithstanding paragraph (1), apportion
25 amounts to the States appropriated under section

1 5338(a)(2) to carry out sections 5307, 5310, and
2 5311 not later than December 15 for which any
3 amounts are appropriated; and”.

4 **SEC. 2913. DISPOSITION OF ASSETS BEYOND USEFUL LIFE.**

5 Section 5334 of title 49, United States Code, is fur-
6 ther amended by adding at the end the following:

7 “(1) DISPOSITION OF ASSETS BEYOND USEFUL
8 LIFE.—

9 “(1) IN GENERAL.—If a recipient, or sub-
10 recipient, for assistance under this chapter disposes
11 of an asset with a current market value, or proceed
12 from the sale of such asset, acquired under this
13 chapter at least in part with such assistance, after
14 such asset has reached the useful life of such asset,
15 the Secretary shall allow the recipient, or sub-
16 recipient, to use the proceeds attributable to the
17 Federal share of such asset calculated under para-
18 graph (3) for capital projects under section 5307,
19 5310, or 5311.

20 “(2) MINIMUM VALUE.—This subsection shall
21 only apply to assets with a current market value, or
22 proceeds from sale, of at least \$5,000.

23 “(3) CALCULATION OF FEDERAL SHARE AT-
24 TRIBUTABLE.—The proceeds attributable to the

1 Federal share of an asset described in paragraph (1)
2 shall be calculated by multiplying—

3 “(A) the current market value of, or the
4 proceeds from the disposition of, such asset; by

5 “(B) the Federal share percentage for the
6 acquisition of such asset at the time of acqui-
7 sition of such asset.”.

8 **SEC. 2914. INNOVATIVE COORDINATED ACCESS AND MOBIL-**
9 **ITY.**

10 Section 5310 of title 49, United States Code, as
11 amended by section 2205, is further amended by adding
12 at the end the following:

13 “(k) INNOVATIVE COORDINATED ACCESS AND MO-
14 BILITY.—

15 “(1) START UP GRANTS.—

16 “(A) IN GENERAL.—The Secretary may
17 make grants under this paragraph to eligible
18 recipients to assist in financing innovative
19 projects for the transportation disadvantaged
20 that improve the coordination of transportation
21 services and non-emergency medical transpor-
22 tation services.

23 “(B) APPLICATION.—An eligible recipient
24 shall submit to the Secretary an application
25 that, at a minimum, contains—

1 “(i) a detailed description of the eligi-
2 ble project;

3 “(ii) an identification of all eligible
4 project partners and the specific role of
5 each eligible project partner in the eligible
6 project, including—

7 “(I) private entities engaged in
8 the coordination of nonemergency
9 medical transportation services for the
10 transportation disadvantaged;

11 “(II) nonprofit entities engaged
12 in the coordination of nonemergency
13 medical transportation services for the
14 transportation disadvantaged; or

15 “(III) Federal and State entities
16 engaged in the coordination of non-
17 emergency medical transportation
18 services for the transportation dis-
19 advantaged; and

20 “(iii) a description of how the eligible
21 project shall—

22 “(I) improve local coordination or
23 access to coordinated transportation
24 services;

1 “(II) reduce duplication of serv-
2 ice, if applicable; and

3 “(III) provide innovative solu-
4 tions in the State or community.

5 “(C) PERFORMANCE MEASURES.—An eligi-
6 ble recipient shall specify, in an application for
7 a grant under this paragraph, the performance
8 measures the eligible project, in coordination
9 with project partners, will use to quantify ac-
10 tual outcomes against expected outcomes, in-
11 cluding—

12 “(i) changes to transportation expend-
13 itures as a result of improved coordination;

14 “(ii) changes to healthcare expendi-
15 tures provided by projects partners as a re-
16 sult of improved coordination; and

17 “(iii) changes to health care metrics,
18 including aggregate health outcomes pro-
19 vided by projects partners.

20 “(D) ELIGIBLE USES.—Eligible recipients
21 receiving a grant under this section may use
22 such funds for—

23 “(i) the deployment of coordination
24 technology;

1 “(ii) projects that create or increase
2 access to community One-Call/One-Click
3 Centers;

4 “(iii) projects that coordinate trans-
5 portation for 3 or more of—

6 “(I) public transportation pro-
7 vided under this section;

8 “(II) a State plan approved
9 under title XIX of the Social Security
10 Act (42 U.S.C. 1396 et seq.);

11 “(III) title XVIII of the Social
12 Security Act (42 U.S.C. 1395 et seq.);

13 “(IV) Veterans Health Adminis-
14 tration; or

15 “(V) private health care facilities;
16 and

17 “(iv) such other projects as deter-
18 mined appropriate by the Secretary.

19 “(E) CONSULTATION.—In evaluating the
20 performance metrics described in subparagraph
21 (C), the Secretary shall consult with the Sec-
22 retary of Health and Human Services.

23 “(2) INCENTIVE GRANTS.—

24 “(A) IN GENERAL.—The Secretary may
25 make grants under this paragraph to eligible

1 recipients to incentivize innovative projects for
2 the transportation disadvantaged that improve
3 the coordination of transportation services and
4 non-emergency medical transportation services.

5 “(B) SELECTION OF GRANT RECIPI-
6 ENTS.—The Secretary shall distribute grant
7 funds made available to carry out this para-
8 graph as described in subparagraph (E) to eli-
9 gible recipients that apply and propose to dem-
10 onstrate improvement in the metrics described
11 in subparagraph (F).

12 “(C) ELIGIBILITY.—An eligible recipient
13 shall not be required to have received a grant
14 under paragraph (1) to be eligible to receive a
15 grant under this paragraph.

16 “(D) APPLICATIONS.—Eligible recipients
17 shall submit to the Secretary an application
18 that includes—

19 “(i) which metrics under subpara-
20 graph (F) the eligible recipient intends to
21 improve;

22 “(ii) the performance data eligible re-
23 cipients and the Federal, State, nonprofit,
24 and private partners, as described in para-

1 graph (1)(B)(ii), of the eligible recipient
2 will make available; and

3 “(iii) a proposed incentive formula
4 that makes payments to the eligible recipi-
5 ent based on the proposed data and
6 metrics.

7 “(E) DISTRIBUTION.—The Secretary shall
8 distribute funds made available to carry out
9 this paragraph based upon the number of grant
10 applications approved by the Secretary, number
11 of individuals served by each grant, and the in-
12 centive formulas approved by the Secretary
13 using the following metrics:

14 “(i) The reduced transportation ex-
15 penditures as a result of improved coordi-
16 nation.

17 “(ii) The reduced Federal and State
18 healthcare expenditures using the metrics
19 described in subparagraph (F).

20 “(iii) The reduced private healthcare
21 expenditures using the metrics described in
22 subparagraph (F).

23 “(F) HEALTHCARE METRICS.—Healthcare
24 metrics described in this subparagraph shall
25 be—

1 “(i) reducing missed medical appoint-
2 ments;

3 “(ii) the timely discharge of patients
4 from hospitals;

5 “(iii) preventing hospital admissions
6 and reducing readmissions of patients into
7 hospitals; and

8 “(iv) other measureable healthcare
9 metrics, as determined appropriate by the
10 Secretary, in consultation with the Sec-
11 retary of Health and Human Services.

12 “(G) ELIGIBLE EXPENDITURES.—The Sec-
13 retary shall allow the funds distributed by this
14 grant program to be expended on eligible activi-
15 ties described in paragraph (1)(D) and any eli-
16 gible activity under this section that is likely to
17 improve the metrics described in subparagraph
18 (F).

19 “(H) RECIPIENT CAP.—The Secretary—

20 “(i) may not provide more than 20
21 grants under this paragraph; and

22 “(ii) shall reduce the maximum num-
23 ber of grants under this paragraph to en-
24 sure projects are fully funded, if necessary.

1 “(I) CONSULTATION.—In evaluating the
2 health care metrics described in subparagraph
3 (F), the Secretary shall consult with the Sec-
4 retary of Health and Human Services.

5 “(J) ANNUAL GRANTEE REPORT.—Each
6 grantee shall submit a report, in coordination
7 with the project partners of such grantee, that
8 includes an evaluation of the outcomes of the
9 grant awarded to such grantee, including the
10 performance measures.

11 “(3) REPORT.—The Secretary shall make pub-
12 licly available an annual report on the program car-
13 ried out under this subsection for each fiscal year,
14 not later than December 31 of the calendar year in
15 which that fiscal year ends. The report shall include
16 a detailed description of the activities carried out
17 under the program, and an evaluation of the pro-
18 gram, including an evaluation of the performance
19 measures used by eligible recipients in consultation
20 with the Secretary of Health and Human Services.

21 “(4) FEDERAL SHARE.—

22 “(A) IN GENERAL.—The Federal share of
23 the costs of a project carried out under this
24 subsection shall not exceed 80 percent.

1 “(B) NON-FEDERAL SHARE.—The non-
2 Federal share of the costs of a project carried
3 out under this subsection may be derived from
4 in-kind contributions.

5 “(5) RULE OF CONSTRUCTION.—For purposes
6 of this subsection, nonemergency medical transpor-
7 tation services shall be limited to services eligible
8 under Federal programs other than programs au-
9 thorized under this chapter.”.

10 **SEC. 2915. PASSENGER FERRY GRANTS.**

11 Section 5307(h) of title 49, United States Code, is
12 amended by adding at the end the following paragraph:

13 “(4) ZERO-EMISSION OR REDUCED-EMISSION
14 GRANTS.—

15 “(A) DEFINITIONS.—In this paragraph—

16 “(i) the term ‘eligible project’ means a
17 project or program of projects in an area
18 eligible for a grant under subsection (a)
19 for—

20 “(I) acquiring zero- or reduced-
21 emission passenger ferries;

22 “(II) leasing zero- or reduced-
23 emission passenger ferries;

1 “(III) constructing facilities and
2 related equipment for zero- or re-
3 duced-emission passenger ferries;

4 “(IV) leasing facilities and re-
5 lated equipment for zero- or reduced-
6 emission passenger ferries;

7 “(V) constructing new public
8 transportation facilities to accommo-
9 date zero- or reduced-emission pas-
10 senger ferries;

11 “(VI) constructing shoreside
12 ferry charging infrastructure for zero-
13 or reduced-emission passenger ferries;
14 or

15 “(VII) rehabilitating or improv-
16 ing existing public transportation fa-
17 cilities to accommodate zero- or re-
18 duced-emission passenger ferries;

19 “(ii) the term ‘zero- or reduced-emis-
20 sion passenger ferry’ means a passenger
21 ferry used to provide public transportation
22 that reduces emissions by utilizing onboard
23 energy storage systems for hybrid-electric
24 or 100 percent electric propulsion, related
25 charging infrastructure, and other tech-

1 nologies deployed to reduce emissions or
2 produce zero onboard emissions under nor-
3 mal operation; and

4 “(iii) the term ‘recipient’ means a des-
5 ignated recipient, a local government au-
6 thority, or a State that receives a grant
7 under subsection (a).

8 “(B) GENERAL AUTHORITY.—The Sec-
9 retary may make grants to recipients to finance
10 eligible projects under this paragraph.

11 “(C) GRANT REQUIREMENTS.—A grant
12 under this paragraph shall be subject to the
13 same terms and conditions as a grant under
14 subsection (a).

15 “(D) COMPETITIVE PROCESS.—The Sec-
16 retary shall solicit grant applications and make
17 grants for eligible projects under this paragraph
18 on a competitive basis.

19 “(E) GOVERNMENT SHARE OF COSTS.—

20 “(i) IN GENERAL.—The Federal share
21 of the cost of an eligible project carried out
22 under this paragraph shall not exceed 80
23 percent.

24 “(ii) NON-FEDERAL SHARE.—The
25 non-Federal share of the cost of an eligible

1 project carried out under this subsection
2 may be derived from in-kind contribu-
3 tions.”.

4 **SEC. 2916. EVALUATION OF BENEFITS AND FEDERAL IN-**
5 **VESTMENT.**

6 Section 5309(h)(4) of title 49, United States Code,
7 is amended by inserting “, the extent to which the project
8 improves transportation options to economically distressed
9 areas,” after “public transportation”.

10 **SEC. 2917. BEST PRACTICES FOR THE APPLICATION OF NA-**
11 **TIONAL ENVIRONMENTAL POLICY ACT OF**
12 **1969 TO FEDERALLY FUNDED BUS SHELTERS.**

13 Not later than 1 year after the date of enactment
14 of this Act, the Secretary of Transportation shall issue
15 best practices on the application of the National Environ-
16 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.) to
17 federally funded bus shelters to assist recipients of Fed-
18 eral funds in receiving exclusions permitted by law.

19 **TITLE III—HIGHWAY TRAFFIC**
20 **SAFETY**

21 **SEC. 3001. AUTHORIZATION OF APPROPRIATIONS.**

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

1 (1) HIGHWAY SAFETY PROGRAMS.—For car-
2 rying out section 402 of title 23, United States
3 Code—

4 (A) \$378,400,000 for fiscal year 2022;

5 (B) \$382,400,000 for fiscal year 2023;

6 (C) \$386,500,000 for fiscal year 2024; and

7 (D) \$390,400,000 for fiscal year 2025.

8 (2) HIGHWAY SAFETY RESEARCH AND DEVEL-
9 OPMENT.—For carrying out section 403 of title 23,
10 United States Code—

11 (A) \$182,495,000 for fiscal year 2022;

12 (B) \$184,795,000 for fiscal year 2023;

13 (C) \$187,795,000 for fiscal year 2024; and

14 (D) \$190,695,000 for fiscal year 2025.

15 (3) NATIONAL PRIORITY SAFETY PROGRAMS.—
16 For carrying out section 405 of title 23, United
17 States Code—

18 (A) \$384,119,000 for fiscal year 2022;

19 (B) \$393,205,000 for fiscal year 2023;

20 (C) \$402,205,000 for fiscal year 2024; and

21 (D) \$411,388,000 for fiscal year 2025.

22 (4) NATIONAL DRIVER REGISTER.—For the Na-
23 tional Highway Traffic Safety Administration to
24 carry out chapter 303 of title 49, United States
25 Code—

- 1 (A) \$5,700,000 for fiscal year 2022;
2 (B) \$5,800,000 for fiscal year 2023;
3 (C) \$5,900,000 for fiscal year 2024; and
4 (D) \$6,000,000 for fiscal year 2025.

5 (5) HIGH-VISIBILITY ENFORCEMENT PRO-
6 GRAM.—For carrying out section 404 of title 23,
7 United States Code—

- 8 (A) \$60,200,000 for fiscal year 2022;
9 (B) \$60,600,000 for fiscal year 2023;
10 (C) \$60,800,000 for fiscal year 2024; and
11 (D) \$61,200,000 for fiscal year 2025.

12 (6) ADMINISTRATIVE EXPENSES.—For adminis-
13 trative and related operating expenses of the Na-
14 tional Highway Traffic Safety Administration in car-
15 rying out chapter 4 of title 23, United States
16 Code—

- 17 (A) \$30,586,000 for fiscal year 2022;
18 (B) \$31,000,000 for fiscal year 2023;
19 (C) \$31,500,000 for fiscal year 2024; and
20 (D) \$31,917,000 for fiscal year 2025.

21 (b) PROHIBITION ON OTHER USES.—Except as oth-
22 erwise provided in chapter 4 of title 23, United States
23 Code, and chapter 303 of title 49, United States Code,
24 the amounts made available from the Highway Trust

1 Fund (other than the Mass Transit Account) for a pro-
2 gram under such chapters—

3 (1) shall only be used to carry out such pro-
4 gram; and

5 (2) may not be used by States or local govern-
6 ments for construction purposes.

7 (c) APPLICABILITY OF TITLE 23.—Except as other-
8 wise provided in chapter 4 of title 23, United States Code,
9 and chapter 303 of title 49, United States Code, amounts
10 made available under subsection (a) for fiscal years 2022
11 through 2025 shall be available for obligation in the same
12 manner as if such funds were apportioned under chapter
13 1 of title 23, United States Code.

14 (d) REGULATORY AUTHORITY.—Grants awarded
15 under chapter 4 of title 23, United States Code, including
16 any amendments made by this title, shall be carried out
17 in accordance with regulations issued by the Secretary of
18 Transportation.

19 (e) STATE MATCHING REQUIREMENTS.—If a grant
20 awarded under chapter 4 of title 23, United States Code,
21 requires a State to share in the cost, the aggregate of all
22 expenditures for highway safety activities made during a
23 fiscal year by the State and its political subdivisions (ex-
24 clusive of Federal funds) for carrying out the grant (other
25 than planning and administration) shall be available for

1 the purpose of crediting the State during such fiscal year
2 for the non-Federal share of the cost of any other project
3 carried out under chapter 4 of title 23, United States Code
4 (other than planning or administration), without regard
5 to whether such expenditures were made in connection
6 with such project.

7 (f) GRANT APPLICATION AND DEADLINE.—To re-
8 ceive a grant under chapter 4 of title 23, United States
9 Code, a State shall submit an application, and the Sec-
10 retary of Transportation shall establish a single deadline
11 for such applications to enable the award of grants early
12 in the next fiscal year.

13 **SEC. 3002. HIGHWAY SAFETY PROGRAMS.**

14 Section 402 of title 23, United States Code, is
15 amended—

16 (1) in subsection (a)—

17 (A) in paragraph (2)(A)—

18 (i) in clause (ii) by striking “occupant
19 protection devices (including the use of
20 safety belts and child restraint systems)”
21 and inserting “seatbelts”;

22 (ii) in clause (vii) by striking “; and”
23 and inserting a semicolon; and

24 (iii) by inserting after clause (viii) the
25 following:

1 “(ix) to encourage more widespread
2 and proper use of child safety seats (in-
3 cluding booster seats) with an emphasis on
4 underserved populations;

5 “(x) to reduce injuries and deaths re-
6 sulting from drivers of motor vehicles not
7 moving to another traffic lane or reducing
8 the speed of such driver’s vehicle when law
9 enforcement, fire service, emergency med-
10 ical services, and other emergency vehicles
11 are stopped or parked on or next to a
12 roadway with emergency lights activated;
13 and

14 “(xi) to increase driver awareness of
15 the dangers of pediatric vehicular
16 hyperthermia;” and

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

18 “(3) ADDITIONAL CONSIDERATIONS.—States
19 which have legalized medicinal or recreational mari-
20 juana shall consider programs in addition to the pro-
21 grams described in paragraph (2)(A) to educate
22 drivers on the risks associated with marijuana-im-
23 paired driving and to reduce injuries and deaths re-
24 sulting from individuals driving motor vehicles while
25 impaired by marijuana.”;

1 (2) in subsection (c)(4)—

2 (A) by striking subparagraph (C);

3 (B) by redesignating subparagraph (B) as
4 subparagraph (D); and

5 (C) by inserting after subparagraph (A)
6 the following:

7 “(B) SPECIAL RULE FOR SCHOOL AND
8 WORK ZONES.—Notwithstanding subparagraph
9 (A), a State may expend funds apportioned to
10 that State under this section to carry out a pro-
11 gram to purchase, operate, or maintain an
12 automated traffic system in a work zone or
13 school zone.

14 “(C) AUTOMATED TRAFFIC ENFORCEMENT
15 SYSTEM GUIDELINES.—Any automated traffic
16 enforcement system installed pursuant to sub-
17 paragraph (B) shall comply with speed enforce-
18 ment camera systems and red light camera sys-
19 tems guidelines established by the Secretary.”;
20 and

21 (3) in subsection (n)—

22 (A) by striking “PUBLIC TRANSPARENCY”
23 and all that follows through “The Secretary”
24 and inserting the following: “PUBLIC TRANS-
25 PARENCY.—

1 “(1) IN GENERAL.—The Secretary”; and

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

3 “(2) STATE HIGHWAY SAFETY PLAN
4 WEBSITE.—

5 “(A) IN GENERAL.—In carrying out the
6 requirements of paragraph (1), the Secretary
7 shall establish a public website that is easily ac-
8 cessible, navigable, and searchable for the infor-
9 mation required under paragraph (1), in order
10 to foster greater transparency in approved
11 State highway safety programs.

12 “(B) CONTENTS.—The website established
13 under subparagraph (A) shall—

14 “(i) include each State highway safety
15 plan and annual report submitted and ap-
16 proved by the Secretary under subsection
17 (k);

18 “(ii) provide a means for the public to
19 search such website for State highway
20 safety program content required in sub-
21 section (k), including—

22 “(I) performance measures re-
23 quired by the Secretary under para-
24 graph (3)(A);

1 “(II) progress made toward
2 meeting the State’s performance tar-
3 gets for the previous year;

4 “(III) program areas and ex-
5 penditures; and

6 “(IV) a description of any
7 sources of funds other than funds pro-
8 vided under this section that the State
9 proposes to use to carry out the State
10 highway safety plan of such State.”.

11 **SEC. 3003. TRAFFIC SAFETY ENFORCEMENT GRANTS.**

12 Section 402 of title 23, United States Code, as
13 amended by section 3002 of this Act, is further amended
14 by inserting after subsection (k) the following:

15 “(1) TRAFFIC SAFETY ENFORCEMENT GRANTS.—

16 “(1) GENERAL AUTHORITY.—Subject to the re-
17 quirements under this subsection, the Secretary shall
18 award grants to States for the purpose of carrying
19 out top-rated traffic safety enforcement counter-
20 measures to reduce traffic-related injuries and fatali-
21 ties.

22 “(2) EFFECTIVE COUNTERMEASURE DE-
23 FINED.—In this subsection, the term ‘effective coun-
24 termeasure’ means a countermeasure rated 3, 4, or
25 5 stars in the most recent edition of the National

1 Highway Traffic Safety Administration’s Counter-
2 measures That Work highway safety guide.

3 “(3) FUNDING.—Notwithstanding the appor-
4 tionment formula set forth in section 402(c)(2), the
5 Secretary shall set aside \$35,000,000 of the funds
6 made available under this section for each fiscal year
7 to be allocated among up to 10 States.

8 “(4) SELECTION CRITERIA.—The Secretary
9 shall select up to 10 applicants based on the fol-
10 lowing criteria:

11 “(A) A preference for applicants who are
12 geographically diverse.

13 “(B) A preference for applicants with a
14 higher average number of traffic fatalities per
15 vehicle mile traveled.

16 “(C) A preference for applicants whose ac-
17 tivities under subparagraphs (A) and (B) of
18 paragraph (6) are expected to have the greatest
19 impact on reducing traffic-related fatalities and
20 injuries, as determined by the Secretary.

21 “(5) ELIGIBILITY.—A State may receive a
22 grant under this subsection in a fiscal year if the
23 State demonstrates, to the satisfaction of the Sec-
24 retary, that the State is able to meet the require-
25 ments in paragraph (6).

1 “(6) REQUIREMENTS.—In order to receive
2 funds, a State must establish an agreement with the
3 Secretary to—

4 “(A) identify areas with the highest risk of
5 traffic fatalities and injuries;

6 “(B) determine the most effective counter-
7 measures to implement in those areas, with pri-
8 ority given to countermeasures rated above 3
9 stars; and

10 “(C) report annual data under uniform re-
11 porting requirements established by the Sec-
12 retary, including—

13 “(i) traffic citations, arrests, and
14 other interventions made by law enforce-
15 ment, including such interventions that did
16 not result in arrest or citation;

17 “(ii) the increase in traffic safety en-
18 forcement activity supported by these
19 funds; and

20 “(iii) any other metrics the Secretary
21 determines appropriate to determine the
22 success of the grant.

23 “(7) USE OF FUNDS.—

1 “(A) IN GENERAL.—Grant funds received
2 by a State under this subsection may be used
3 for—

4 “(i) implementing effective counter-
5 measures determined under paragraph (6);
6 and

7 “(ii) law enforcement-related ex-
8 penses, such as officer training, overtime,
9 technology, and equipment, if the Sec-
10 retary determines effective counter-
11 measures have been implemented success-
12 fully and the Secretary provides approval.

13 “(B) BROADCAST AND PRINT MEDIA.—Up
14 to 5 percent of grant funds received by a State
15 under this subsection may be used for the de-
16 velopment, production, and use of broadcast
17 and print media advertising in carrying out
18 traffic safety law enforcement efforts under this
19 subsection.

20 “(8) ALLOCATION.—Grant funds allocated to a
21 State under this subsection for a fiscal year shall be
22 in proportion to the State’s apportionment under
23 subsection (c)(2) for the fiscal year.

24 “(9) MAINTENANCE OF EFFORT.—No grant
25 may be made to a State in any fiscal year under this

1 subsection unless the State enters into such an
2 agreement with the Secretary, as the Secretary may
3 require, to ensure that the State will maintain its
4 aggregate expenditures from all State and local
5 sources for activities carried out in accordance with
6 this subsection at or above the average level of ex-
7 penditures in the 2 fiscal years preceding the date
8 of enactment of this subsection.

9 “(10) ANNUAL EVALUATION AND REPORT TO
10 CONGRESS.—The Secretary shall conduct an annual
11 evaluation of the effectiveness of grants awarded
12 under this subsection and shall submit to the Com-
13 mittee on Transportation and Infrastructure of the
14 House of Representatives and the Committee on
15 Commerce, Science, and Transportation of the Sen-
16 ate an annual report on the effectiveness of the
17 grants.”.

18 **SEC. 3004. HIGHWAY SAFETY RESEARCH AND DEVELOP-**
19 **MENT.**

20 Section 403 of title 23, United States Code, is
21 amended—

22 (1) in subsection (b) by inserting “, training,”
23 after “demonstration projects”;

24 (2) in subsection (f)(1)—

1 (A) by striking “\$2,500,000” and inserting
2 “\$3,500,000”; and

3 (B) by striking “subsection 402(c) in each
4 fiscal year ending before October 1, 2015, and
5 \$443,989 of the total amount available for ap-
6 portionment to the States for highway safety
7 programs under section 402(c) in the period be-
8 ginning on October 1, 2015, and ending on De-
9 cember 4, 2015,” and inserting “section
10 402(c)(2) in each fiscal year”; and

11 (3) by striking subsection (h) and redesignating
12 subsections (i) and (j) as subsections (h) and (i), re-
13 spectively.

14 **SEC. 3005. GRANT PROGRAM TO PROHIBIT RACIAL**
15 **PROFILING.**

16 Section 403 of title 23, United States Code, as
17 amended by section 3004 of this Act, is further amended
18 by adding at the end the following:

19 “(j) GRANT PROGRAM TO PROHIBIT RACIAL
20 PROFILING.—

21 “(1) GENERAL AUTHORITY.—Subject to the re-
22 quirements of this subsection, the Secretary shall
23 make grants to a State that—

24 “(A) is maintaining and allows public in-
25 spection of statistical information for each

1 motor vehicle stop made by a law enforcement
2 officer on a Federal-aid highway in the State
3 regarding the race, ethnicity, and mode of
4 transportation of the driver and the officer; or

5 “(B) provides assurances satisfactory to
6 the Secretary that the State is undertaking ac-
7 tivities to comply with the requirements of sub-
8 paragraph (A).

9 “(2) USE OF GRANT FUNDS.—A grant received
10 by a State under paragraph (1) shall be used by the
11 State for the costs of—

12 “(A) collecting and maintaining data on
13 traffic stops; and

14 “(B) evaluating the results of such data.

15 “(3) LIMITATIONS.—

16 “(A) MAXIMUM AMOUNT OF GRANTS.—
17 The total amount of grants made to a State
18 under this section in a fiscal year may not ex-
19 ceed 5 percent of the amount made available to
20 carry out this section in the fiscal year.

21 “(B) ELIGIBILITY.—On or after October
22 1, 2022, a State may not receive a grant under
23 paragraph (1)(B) in more than 2 fiscal years.

24 “(4) FUNDING.—

1 “(A) IN GENERAL.—From funds made
2 available under this section, the Secretary shall
3 set aside \$7,500,000 for each fiscal year to
4 carry out this subsection.

5 “(B) OTHER USES.—The Secretary may
6 reallocate, before the last day of any fiscal year,
7 amounts remaining available under subpara-
8 graph (A) to increase the amounts made avail-
9 able to carry out any other activities authorized
10 under this section in order to ensure, to the
11 maximum extent possible, that all such amounts
12 are obligated during such fiscal year.”.

13 **SEC. 3006. HIGH-VISIBILITY ENFORCEMENT PROGRAM.**

14 Section 404 of title 23, United States Code, is
15 amended—

16 (1) in subsection (a) by striking “3 campaigns
17 will be carried out in each of fiscal years 2016
18 through 2020” and inserting “6 campaigns will be
19 carried out in each of fiscal years 2022 through
20 2025”;

21 (2) in subsection (b)—

22 (A) in paragraph (1) by striking “or drug-
23 impaired”;

1 (B) in paragraph (2) by striking “Increase
2 use of seatbelts” and inserting “Increase proper
3 use of seatbelts and child restraints”;

4 (C) by redesignating paragraph (2) as
5 paragraph (3);

6 (D) by inserting after paragraph (1) the
7 following:

8 “(2) Reduce drug-impaired operation of motor
9 vehicles.”; and

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

11 “(4) Reduce texting through a personal wireless
12 communications device by drivers while operating a
13 motor vehicle.

14 “(5) Reduce violations of move over laws of a
15 State that require motorists to change lanes or slow
16 down when law enforcement, fire service, emergency
17 medical services and other emergency vehicles are
18 stopped or parked on or next to a roadway with
19 emergency lights activated.”;

20 (3) by redesignating subsections (e) and (f) as
21 subsections (g) and (h), respectively;

22 (4) by inserting after subsection (d) the fol-
23 lowing:

24 “(e) FREQUENCY.—Each campaign administered
25 under this section shall occur not less than once in each

1 of fiscal years 2022 through 2025 with the exception of
2 campaigns to reduce alcohol-impaired operation of motor
3 vehicles which shall occur not less than twice in each of
4 fiscal years 2022 through 2025.

5 “(f) COORDINATION OF DYNAMIC HIGHWAY MES-
6 SAGE SIGNS.—During the time a State is carrying out a
7 campaign, the Secretary shall coordinate with States car-
8 rying out the campaigns under this section on the use of
9 dynamic highway message signs to support national high-
10 visibility advertising and education efforts associated with
11 the campaigns.”; and

12 (5) in subsection (g), as so redesignated—

13 (A) by redesignating paragraph (2) as
14 paragraph (3);

15 (B) by inserting after paragraph (1) the
16 following:

17 “(2) DYNAMIC HIGHWAY MESSAGE SIGN.—The
18 term ‘dynamic highway message sign’ means a traf-
19 fic control device that is capable of displaying one or
20 more alternative messages which convey information
21 to occupants of motor vehicles.”; and

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

23 “(4) TEXTING.—The term ‘texting’ has the
24 meaning given such term in section 405(e).”.

1 **SEC. 3007. NATIONAL PRIORITY SAFETY PROGRAMS.**

2 (a) IN GENERAL.—Section 405 of title 23, United
3 States Code, is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1) by striking “13 per-
6 cent” and inserting “12.85 percent”;

7 (B) in paragraph (2) by striking “14.5
8 percent” and inserting “14.3 percent”;

9 (C) in paragraph (3) by striking “52.5
10 percent” and inserting “51.75 percent”;

11 (D) in paragraph (4) by striking “8.5 per-
12 cent” and inserting “8.3 percent”;

13 (E) in paragraph (6) by striking “5 per-
14 cent” and inserting “4.9 percent”;

15 (F) in paragraph (7) by striking “5 per-
16 cent” and inserting “4.9 percent”;

17 (G) in paragraph (8)—

18 (i) by striking “paragraphs (1)
19 through (7)” and inserting “paragraphs
20 (1) through (8)”;

21 (ii) by striking “subsection (b)
22 through (h)” and inserting “subsections
23 (b) through (i)”;

24 (iii) by inserting “to carry out any of
25 the other activities described in such sub-

1 sections, or the amount made available”
2 before “under section 402(c)(2)”;

3 (H) in paragraph (9)(A) by striking “date
4 of enactment of the FAST Act” and inserting
5 “date of enactment of the INVEST in America
6 Act”;

7 (I) by redesignating paragraphs (8) and
8 (9) as paragraphs (9) and (10), respectively;
9 and

10 (J) by inserting after paragraph (7) the
11 following:

12 “(8) DRIVER AND OFFICER SAFETY EDU-
13 CATION.—In each fiscal year, 1.5 percent of the
14 funds provided under this section shall be allocated
15 among States that meet the requirements with re-
16 spect to driver and officer safety education (as de-
17 scribed in subsection (i)).”;

18 (2) in subsection (c)(3)(E) by striking “5” and
19 inserting “10”;

20 (3) in subsection (b)(3) by adding at the end
21 the following:

22 “(C) MINIMUM AMOUNT.—A State that is
23 eligible for funds under subparagraph (B), shall
24 use a minimum of 10 percent of such funds to

1 carry out the activities under paragraph
2 (4)(A)(v).”;

3 (4) in subsection (b)(4)—

4 (A) in subparagraph (A) by striking clause
5 (v) and inserting the following:

6 “(v) implement programs in low-in-
7 come and underserved populations to—

8 “(I) recruit and train occupant
9 protection safety professionals, nation-
10 ally certified child passenger safety
11 technicians, police officers, fire and
12 emergency medical personnel, and
13 educators serving low-income and un-
14 derserved populations;

15 “(II) educate parents and care-
16 givers in low-income and underserved
17 populations about the proper use and
18 installation of child safety seats; and

19 “(III) purchase and distribute
20 child safety seats to low-income and
21 underserved populations; and”;

22 (B) in subparagraph (B)—

23 (i) by striking “100 percent” and in-
24 serting “90 percent”; and

1 (ii) by adding at the end the fol-
2 lowing: “The remaining 10 percent of such
3 funds shall be used to carry out subsection
4 (A)(v).”;

5 (5) by striking subsection (c)(4) and inserting
6 the following:

7 “(4) USE OF GRANT AMOUNTS.—Grant funds
8 received by a State under this subsection shall be
9 used for—

10 “(A) making data program improvements
11 to core highway safety databases related to
12 quantifiable, measurable progress in any of the
13 6 significant data program attributes set forth
14 in paragraph (3)(D);

15 “(B) developing or acquiring programs to
16 identify, collect, and report data to State and
17 local government agencies, and enter data, in-
18 cluding crash, citation and adjudication, driver,
19 emergency medical services or injury surveil-
20 lance system, roadway, and vehicle, into the
21 core highway safety databases of a State;

22 “(C) purchasing equipment to improve
23 processes by which data is identified, collected,
24 and reported to State and local government
25 agencies;

1 “(D) linking core highway safety databases
2 of a State with such databases of other States
3 or with other data systems within the State, in-
4 cluding systems that contain medical, roadway,
5 and economic data;

6 “(E) improving the compatibility and
7 interoperability of the core highway safety data-
8 bases of the State with national data systems
9 and data systems of other States;

10 “(F) enhancing the ability of a State and
11 the Secretary to observe and analyze local,
12 State, and national trends in crash occurrences,
13 rates, outcomes, and circumstances;

14 “(G) supporting traffic records-related
15 training and related expenditures for law en-
16 forcement, emergency medical, judicial, prosecu-
17 torial, and traffic records professionals;

18 “(H) hiring traffic records professionals,
19 including a Fatality Analysis Reporting System
20 liaison for a State; and

21 “(I) conducting research on State traffic
22 safety information systems, including devel-
23 oping and evaluating programs to improve core
24 highway safety databases of such State and
25 processes by which data is identified, collected,

1 reported to State and local government agen-
2 cies, and entered into such core safety data-
3 bases.”;

4 (6) by striking subsection (d)(6)(A) and insert-
5 ing the following:

6 “(A) GRANTS TO STATES WITH ALCOHOL-
7 IGNITION INTERLOCK LAWS.—The Secretary
8 shall make a separate grant under this sub-
9 section to each State that—

10 “(i) adopts and is enforcing a manda-
11 tory alcohol-ignition interlock law for all
12 individuals arrested or convicted of driving
13 under the influence of alcohol or of driving
14 while intoxicated;

15 “(ii) does not allow any individual ar-
16 rested or convicted of driving under the in-
17 fluence of alcohol or driving while intoxi-
18 cated to drive a motor vehicle unless such
19 individual installs an ignition interlock for
20 a minimum 6-month interlock period; or

21 “(iii) has—

22 “(I) enacted and is enforcing a
23 state law requiring all individuals con-
24 victed of, or whose driving privilege is
25 revoked or denied for, refusing to sub-

1 mit to a chemical or other test for the
2 purpose of determining the presence
3 or concentration of any intoxicating
4 substance to install an ignition inter-
5 lock for a minimum 6-month interlock
6 period; and

7 “(II) a compliance-based removal
8 program in which an individual ar-
9 rested or convicted of driving under
10 the influence of alcohol or driving
11 while intoxicated shall install an igni-
12 tion interlock for a minimum 6-month
13 interlock period and have completed a
14 minimum consecutive period of not
15 less than 40 percent of the required
16 interlock period immediately preceding
17 the date of release, without a con-
18 firmed violation of driving under the
19 influence of alcohol or driving while
20 intoxicated.”;

21 (7) in subsection (e)—

22 (A) in paragraph (1) by striking “para-
23 graphs (2) and (3)” and inserting “paragraph
24 (2)”;

25 (B) in paragraph (4)—

1 (i) by striking “paragraph (2) or (3)”
2 and inserting “paragraph (3) or (4)”;

3 (ii) in subparagraph (A) by striking
4 “communications device to contact emer-
5 gency services” and inserting “communica-
6 tions device during an emergency to con-
7 tact emergency services or to prevent in-
8 jury to persons or property”;

9 (iii) in subparagraph (C) by striking
10 “; and” and inserting a semicolon;

11 (iv) by redesignating subparagraph
12 (D) as subparagraph (E); and

13 (v) by inserting after subparagraph
14 (C) the following:

15 “(D) a driver who uses a personal wireless
16 communication device for navigation; and”;

17 (C) in paragraph (5)(A)(i) by striking
18 “texting or using a cell phone while” and in-
19 serting “distracted”;

20 (D) in paragraph (7) by striking “Of the
21 amounts” and inserting “In addition to the
22 amounts authorized under section 404 and of
23 the amounts”;

24 (E) in paragraph (9)—

1 (i) by striking subparagraph (B) and
2 inserting the following:

3 “(B) PERSONAL WIRELESS COMMUNICA-
4 TIONS DEVICE.—The term ‘personal wireless
5 communications device’ means—

6 “(i) until the date on which the Sec-
7 retary issues a regulation pursuant to
8 paragraph (8)(A), a device through which
9 personal services (as such term is defined
10 in section 332(e)(7)(C)(i) of the Commu-
11 nications Act of 1934 (47 U.S.C.
12 332(e)(7)(C)(i)) are transmitted, but not
13 including the use of such a device as a
14 global navigation system receiver used for
15 positioning, emergency notification, or
16 navigation purposes; and

17 “(ii) on and after the date on which
18 the Secretary issues a regulation pursuant
19 to paragraph (8)(A), the definition de-
20 scribed in such regulation.”; and

21 (ii) by striking subparagraph (E) and
22 inserting the following:

23 “(E) TEXTING.—The term ‘texting’
24 means—

1 “(i) until the date on which the Sec-
2 retary issues a regulation pursuant to
3 paragraph (8)(A), reading from or manu-
4 ally entering data into a personal wireless
5 communications device, including doing so
6 for the purpose of SMS texting, emailing,
7 instant messaging, or engaging in any
8 other form of electronic data retrieval or
9 electronic data communication; and

10 “(ii) on and after the date on which
11 the Secretary issues a regulation pursuant
12 to paragraph (8)(A), the definition de-
13 scribed in such regulation.”;

14 (F) by striking paragraphs (2), (3), (6),
15 and (8);

16 (G) by redesignating paragraphs (4) and
17 (5) as paragraphs (5) and (6), respectively;

18 (H) by inserting after paragraph (1) the
19 following:

20 “(2) ALLOCATION.—

21 “(A) IN GENERAL.—Subject to subpara-
22 graphs (B), (C), and (D), the allocation of
23 grant funds to a State under this subsection for
24 a fiscal year shall be in proportion to the

1 State's apportionment under section 402 for
2 fiscal year 2009.

3 “(B) PRIMARY OFFENSE LAWS.—A State
4 that has enacted and is enforcing a law that
5 meets the requirements set forth in paragraphs
6 (3) and (4) as a primary offense shall be allo-
7 cated 100 percent of the amount calculated
8 under subparagraph (A).

9 “(C) SECONDARY OFFENSE LAWS.—A
10 State that has enacted and is enforcing a law
11 that meets the requirements set forth in para-
12 graphs (3) and (4) as a secondary offense shall
13 be allocated 50 percent of the amount cal-
14 culated under subparagraph (A).

15 “(D) TEXTING WHILE DRIVING.—Notwith-
16 standing subparagraphs (B) and (C), a State
17 shall be allocated 25 percent of the amount cal-
18 culated under subparagraph (A) if such State
19 has enacted and is enforcing a law that pro-
20 hibits a driver from viewing a personal wireless
21 communication device, except for the purpose of
22 navigation.

23 “(3) PROHIBITION ON HANDHELD PERSONAL
24 WIRELESS COMMUNICATION DEVICE USE WHILE

1 DRIVING.—A State law meets the requirements set
2 forth in this paragraph if the law—

3 “(A) prohibits a driver from holding or
4 using, including texting, a personal wireless
5 communications device while driving, except for
6 the use of a personal wireless communications
7 device—

8 “(i) in a hands-free manner or with a
9 hands-free accessory; or

10 “(ii) to activate or deactivate a fea-
11 ture or function of the personal wireless
12 communications device;

13 “(B) establishes a fine for a violation of
14 the law; and

15 “(C) does not provide for an exemption
16 that specifically allows a driver to hold or use
17 a personal wireless communication device while
18 stopped in traffic.

19 “(4) PROHIBITION ON PERSONAL WIRELESS
20 COMMUNICATION DEVICE USE WHILE DRIVING OR
21 STOPPED IN TRAFFIC.—A State law meets the re-
22 quirements set forth in this paragraph if the law—

23 “(A) prohibits a driver from holding or
24 using a personal wireless communications device
25 while driving if the driver is—

1 “(i) younger than 18 years of age; or

2 “(ii) in the learner’s permit or inter-
3 mediate license stage described in subpara-
4 graph (A) or (B) of subsection (g)(2);

5 “(B) establishes a fine for a violation of
6 the law; and

7 “(C) does not provide for an exemption
8 that specifically allows a driver to use a per-
9 sonal wireless communication device while
10 stopped in traffic.”; and

11 (I) by inserting after paragraph (7) the
12 following:

13 “(8) RULEMAKING.—Not later than 1 year
14 after the date of enactment of this paragraph, the
15 Secretary shall issue such regulations as are nec-
16 essary to account for diverse State approaches to
17 combating distracted driving that—

18 “(A) defines the terms personal wireless
19 communications device and texting for the pur-
20 poses of this subsection; and

21 “(B) determines additional permitted ex-
22 ceptions that are appropriate for a State law
23 that meets the requirements under paragraph
24 (3) or (4).”;

25 (8) in subsection (g)—

1 (A) in paragraph (1) by inserting “sub-
2 paragraphs (A) and (B) of” before “paragraph
3 (2)”;

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

6 “(2) MINIMUM REQUIREMENTS.—

7 “(A) TIER 1 STATE.—A State shall be eli-
8 gible for a grant under this subsection as a Tier
9 1 State if such State requires novice drivers
10 younger than 18 years of age to comply with a
11 2-stage graduated driver licensing process be-
12 fore receiving an unrestricted driver’s license
13 that includes—

14 “(i) a learner’s permit stage that—

15 “(I) is at least 180 days in dura-
16 tion;

17 “(II) requires that the driver be
18 accompanied and supervised at all
19 times; and

20 “(III) has a requirement that the
21 driver obtain at least 40 hours of be-
22 hind-the-wheel training with a super-
23 visor; and

24 “(ii) an intermediate stage that—

1 “(I) commences immediately
2 after the expiration of the learner’s
3 permit stage;

4 “(II) is at least 180 days in du-
5 ration; and

6 “(III) for the first 180 days of
7 the intermediate stage, restricts the
8 driver from—

9 “(aa) driving at night be-
10 tween the hours of 11:00 p.m.
11 and at least 4:00 a.m. except—

12 “(AA) when a parent,
13 guardian, driving instructor,
14 or licensed driver who is at
15 least 21 years of age is in
16 the motor vehicle; and

17 “(BB) when driving to
18 and from work, school and
19 school-related activities, reli-
20 gious activities, for emer-
21 gencies, or as a member of
22 voluntary emergency service;
23 and

24 “(bb) operating a motor ve-
25 hicle with more than 1 non-

1 familial passenger younger than
2 18 years of age, except when a
3 parent, guardian, driving instruc-
4 tor, or licensed driver who is at
5 least 21 years of age is in the
6 motor vehicle.

7 “(B) TIER 2 STATE.—A State shall be eli-
8 gible for a grant under this subsection as a Tier
9 2 State if such State requires novice drivers
10 younger than 18 years of age to comply with a
11 2-stage graduated driver licensing process be-
12 fore receiving an unrestricted driver’s license
13 that includes—

14 “(i) a learner’s permit stage that—

15 “(I) is at least 180 days in dura-
16 tion;

17 “(II) requires that the driver be
18 accompanied and supervised at all
19 times; and

20 “(III) has a requirement that the
21 driver obtain at least 50 hours of be-
22 hind-the-wheel training, with at least
23 10 hours at night, with a supervisor;
24 and

25 “(ii) an intermediate stage that—

1 “(I) commences immediately
2 after the expiration of the learner’s
3 permit stage;

4 “(II) is at least 180 days in du-
5 ration; and

6 “(III) for the first 180 days of
7 the intermediate stage, restricts the
8 driver from—

9 “(aa) driving at night be-
10 tween the hours of 10:00 p.m.
11 and at least 4:00 a.m. except—

12 “(AA) when a parent,
13 guardian, driving instructor,
14 or licensed driver who is at
15 least 21 years of age is in
16 the motor vehicle; and

17 “(BB) when driving to
18 and from work, school and
19 school-related activities, reli-
20 gious activities, for emer-
21 gencies, or as a member of
22 voluntary emergency service;
23 and

24 “(bb) operating a motor ve-
25 hicle with any nonfamilial pas-

1 senger younger than 18 years of
2 age, except when a parent,
3 guardian, driving instructor, or
4 licensed driver who is at least 21
5 years of age is in the motor vehi-
6 cle.”;

7 (C) in paragraph (3)—

8 (i) in subparagraph (A) by inserting
9 “subparagraphs (A) and (B) of” before
10 “paragraph (2)”; and

11 (ii) in subparagraph (B) by inserting
12 “subparagraphs (A) and (B) of” before
13 “paragraph (2)” each place such term ap-
14 pears;

15 (D) in paragraph (4) by striking “such fis-
16 cal year” and inserting “fiscal year 2009”; and

17 (E) by striking paragraph (5) and insert-
18 ing the following:

19 “(5) USE OF FUNDS.—

20 “(A) TIER 1 STATES.—A Tier 1 State shall
21 use grant funds provided under this subsection
22 for—

23 “(i) enforcing a 2-stage licensing
24 process that complies with paragraph (2);

1 “(ii) training for law enforcement per-
2 sonnel and other relevant State agency
3 personnel relating to the enforcement de-
4 scribed in clause (i);

5 “(iii) publishing relevant educational
6 materials that pertain directly or indirectly
7 to the State graduated driver licensing law;

8 “(iv) carrying out other administrative
9 activities that the Secretary considers rel-
10 evant to the State’s 2-stage licensing proc-
11 ess; or

12 “(v) carrying out a teen traffic safety
13 program described in section 402(m).

14 “(B) TIER 2 STATES.—Of the grant funds
15 made available to a Tier 2 State under this
16 subsection—

17 “(i) 25 percent shall be used for any
18 activity described in subparagraph (A);
19 and

20 “(ii) 75 percent may be used for any
21 project or activity eligible under section
22 402.”;

23 (9) by amending subsection (h)(4) to read as
24 follows:

1 “(4) USE OF GRANT AMOUNTS.—Grant funds
2 received by a State under this subsection may be
3 used for the safety of pedestrians and bicyclists, in-
4 cluding—

5 “(A) training of law enforcement officials
6 on pedestrian and bicycle safety, State laws ap-
7 plicable to pedestrian and bicycle safety, and in-
8 frastructure designed to improve pedestrian and
9 bicycle safety;

10 “(B) carrying out a program to support
11 enforcement mobilizations and campaigns de-
12 signed to enforce State traffic laws applicable to
13 pedestrian and bicycle safety;

14 “(C) public education and awareness pro-
15 grams designed to inform motorists, pedes-
16 trians, and bicyclists about—

17 “(i) pedestrian and bicycle safety, in-
18 cluding information on nonmotorized mo-
19 bility and the important of speed manage-
20 ment to the safety of pedestrians and
21 bicyclists;

22 “(ii) the value of the use of pedestrian
23 and bicycle safety equipment, including
24 lighting, conspicuity equipment, mirrors,
25 helmets and other protective equipment,

1 and compliance with any State or local
2 laws requiring their use;

3 “(iii) State traffic laws applicable to
4 pedestrian and bicycle safety, including
5 motorists’ responsibilities towards pedes-
6 trians and bicyclists; and

7 “(iv) infrastructure designed to im-
8 prove pedestrian and bicycle safety; and

9 “(D) data analysis and research con-
10 cerning pedestrian and bicycle safety.”; and

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

12 “(i) DRIVER AND OFFICER SAFETY EDUCATION.—

13 “(1) GENERAL AUTHORITY.—Subject to the re-
14 quirements under this subsection, the Secretary shall
15 award grants to—

16 “(A) States that enact a commuter safety
17 education program; and

18 “(B) States qualifying under paragraph
19 (5)(A).

20 “(2) FEDERAL SHARE.—The Federal share of
21 the costs of activities carried out using amounts
22 from a grant awarded under this subsection may not
23 exceed 80 percent.

1 “(3) ELIGIBILITY.—To be eligible for a grant
2 under this subsection, a State shall enact a law or
3 adopt a program that requires the following:

4 “(A) DRIVER EDUCATION AND DRIVING
5 SAFETY COURSES.—Inclusion, in driver edu-
6 cation and driver safety courses provided to in-
7 dividuals by educational and motor vehicle
8 agencies of the State, of instruction and testing
9 concerning law enforcement practices during
10 traffic stops, including information on—

11 “(i) the role of law enforcement and
12 the duties and responsibilities of peace offi-
13 cers;

14 “(ii) an individual’s legal rights con-
15 cerning interactions with peace officers;

16 “(iii) best practices for civilians and
17 peace officers during such interactions;

18 “(iv) the consequences for an individ-
19 ual’s or officer’s failure to comply with
20 those laws and programs; and

21 “(v) how and where to file a com-
22 plaint against or a compliment on behalf of
23 a 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
4 who have received training in a civilian course
5 described in subparagraph (A)) with respect to
6 proper interaction with civilians during traffic
7 stops.

8 “(4) GRANT AMOUNT.—The allocation of grant
9 funds to a State under this subsection for a fiscal
10 year shall be in proportion to the State’s apportion-
11 ment under section 402 for fiscal year 2009.

12 “(5) SPECIAL RULE FOR CERTAIN STATES.—

13 “(A) QUALIFYING STATE.—A State quali-
14 fies pursuant to this subparagraph if—

15 “(i) the Secretary determines such
16 State has taken meaningful steps toward
17 the full implementation of a law or pro-
18 gram described in paragraph (3);

19 “(ii) the Secretary determines such
20 State has established a timetable for the
21 implementation of such a law or program;
22 and

23 “(iii) such State has received a grant
24 pursuant to this subsection for a period of
25 not more than 5 years.

1 “(B) WITHHOLDING.—With respect to a
2 State that qualifies pursuant to subparagraph
3 (A), the Secretary shall—

4 “(i) withhold 50 percent of the
5 amount that such State would otherwise
6 receive if such State were a State described
7 in paragraph (1)(A); and

8 “(ii) direct any such amounts for dis-
9 tribution among the States that are enforc-
10 ing and carrying out a law or program de-
11 scribed in paragraph (3).

12 “(6) USE OF GRANT AMOUNTS.—A State re-
13 ceiving a grant under this subsection may use such
14 grant—

15 “(A) for the production of educational ma-
16 terials and training of staff for driver education
17 and driving safety courses and peace officer
18 training described in paragraph (3); and

19 “(B) for the implementation of the law de-
20 scribed in paragraph (3).”.

21 (b) CONFORMING AMENDMENT.—Sections 402, 403,
22 and 405 of title 23, United States Code, are amended—

23 (1) by striking “accidents” and inserting
24 “crashes” each place it appears; and

1 (2) by striking “accident” and inserting
2 “crash” each place it appears.

3 **SEC. 3008. 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 polysubstance-
10 impaired”; and

11 (2) in subparagraph (B)—

12 (A) by striking “alcohol-impaired” and in-
13 serting “alcohol or polysubstance-impaired”;

14 (B) by striking “or” and inserting a
15 comma; and

16 (C) by inserting “, or driving while
17 polysubstance-impaired” after “driving under
18 the influence”.

19 **SEC. 3009. NATIONAL PRIORITY SAFETY PROGRAM GRANT**
20 **ELIGIBILITY.**

21 Section 4010(2) of the FAST Act (23 U.S.C. 405
22 note) is amended by striking “deficiencies” and inserting
23 “all deficiencies”.

1 **SEC. 3010. IMPLICIT BIAS RESEARCH AND TRAINING**
2 **GRANTS.**

3 (a) **IN GENERAL.**—The Secretary of Transportation
4 shall make grants to institutions of higher education (as
5 such term is defined in section 101 of the Higher Edu-
6 cation Act of 1965 (20 U.S.C. 1001) for research and
7 training in the operation or establishment of an implicit
8 bias training program as it relates to racial profiling at
9 traffic stops.

10 (b) **QUALIFICATIONS.**—To be eligible for a grant
11 under this section, an institution of higher education
12 shall—

13 (1) have an active research program or dem-
14 onstrate, to the satisfaction of the Secretary, that
15 the applicant is beginning a research program to
16 study implicit bias as it relates to racial profiling be-
17 fore and during traffic stops; and

18 (2) partner with State and local police depart-
19 ments to conduct the research described in para-
20 graph (1) and carry out the implementation of im-
21 plicit bias training with State and local police de-
22 partments.

23 (c) **REPORT.**—No later than 1 year after a grant has
24 been awarded under this section, the institution of higher
25 education awarded the grant shall submit to the Com-
26 mittee on Transportation and Infrastructure of the House

1 of Representatives and the Committee on Commerce,
2 Science, and Transportation of the Senate a report sum-
3 marizing the research on implicit bias as it relates to racial
4 profiling before and during traffic stops, and recommenda-
5 tions on effective interventions and trainings.

6 (d) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated \$10,000,000 for each
8 fiscal year to carry out this section.

9 (e) DEFINITIONS.—In this section, the term “implicit
10 bias training program” means a program that looks at the
11 attitudes, stereotypes, and lenses human beings develop
12 through various experiences in life that can unconsciously
13 affect how they interact with one another.

14 **SEC. 3011. STOP MOTORCYCLE CHECKPOINT FUNDING.**

15 Section 4007 of the FAST Act (23 U.S.C. 153 note)
16 is amended—

17 (1) in paragraph (1) by striking “or” at the
18 end;

19 (2) in paragraph (2) by striking the period at
20 the end and inserting “; or”; and

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

22 “(3) otherwise profile and stop motorcycle oper-
23 ators or motorcycle passengers using as a factor the
24 clothing or mode of transportation of such operators
25 or passengers.”.

1 **SEC. 3012. ELECTRONIC DRIVER'S LICENSE.**

2 (a) REAL ID ACT.—Section 202(a)(1) of the REAL
3 ID Act of 2005 (49 U.S.C. 30301 note) is amended by
4 striking “a driver’s license or identification card” and in-
5 serting “a physical or digital driver’s license or identifica-
6 tion card”.

7 (b) TITLE 18.—Section 1028(d)(7)(A) of title 18,
8 United States Code, is amended by striking “government
9 issued driver’s license” and inserting “government issued
10 physical or digital driver’s license”.

11 **SEC. 3013. MOTORCYCLIST ADVISORY COUNCIL.**

12 (a) SHORT TITLE.—This section may be cited as the
13 “Motorcyclist Advisory Council Reauthorization Act”.

14 (b) ESTABLISHMENT.—Not later than 90 days after
15 the date of enactment of this Act, the Secretary of Trans-
16 portation shall establish a Motorcyclist Advisory Council
17 (in this section referred to as the “Council”).

18 (c) DUTIES.—

19 (1) ADVISING.—The Council shall advise the
20 Secretary, the Administrator of the National High-
21 way Traffic Safety Administration, and the Adminis-
22 trator of the Federal Highway Administration on
23 transportation issues of concern to motorcyclists, in-
24 cluding—

25 (A) barrier design;

1 (B) road design, construction, and mainte-
2 nance practices; and

3 (C) the architecture and implementation of
4 intelligent transportation system technologies.

5 (2) BIENNIAL COUNCIL REPORT.—

6 (A) IN GENERAL.—The Council shall sub-
7 mit a report to the Secretary containing the
8 Council’s recommendations regarding the issues
9 described in paragraph (1) on which the Coun-
10 cil provides advice pursuant to such paragraph.

11 (B) TIMING.—Not later than October 31
12 of the calendar year following the calendar year
13 in which the Council is established, and by
14 every 2nd October 31 thereafter, the Council
15 shall submit the report required under this
16 paragraph.

17 (d) MEMBERSHIP.—

18 (1) IN GENERAL.—The Council shall be com-
19 prised of 12 members appointed by the Secretary as
20 follows:

21 (A) Five experts from State or local gov-
22 ernment on highway engineering issues, includ-
23 ing—

24 (i) barrier design;

1 (ii) road design, construction, and
2 maintenance; or

3 (iii) intelligent transportation systems.

4 (B) One State or local traffic and safety
5 engineer, design engineer, or other transpor-
6 tation department official who is a motorcycleist.

7 (C) One representative from a national as-
8 sociation of State transportation officials.

9 (D) One representative from a national
10 motorcycleist association.

11 (E) One representative from a national
12 motorcycleist foundation.

13 (F) One representative from a national
14 motorcycle manufacturing association.

15 (G) One roadway safety data expert on
16 crash testing and analysis.

17 (H) One member of a national safety orga-
18 nization that represents the traffic safety sys-
19 tems industry.

20 (2) DURATION.—

21 (A) TERM.—Subject to subparagraphs (B)
22 and (C), each member shall serve one term of
23 2 years.

24 (B) ADDITIONAL TERMS.—If a successor is
25 not designated for a member before the expira-

1 tion of the term the member is serving, the
2 member may serve another term.

3 (C) APPOINTMENT OF REPLACEMENTS.—If
4 a member resigns before serving a full 2-year
5 term, the Secretary may appoint a replacement
6 for such member to serve the remaining portion
7 such term. A member may continue to serve
8 after resignation until a successor has been ap-
9 pointed. A vacancy in the Council shall be filled
10 in the manner in which the original appoint-
11 ment was made.

12 (3) COMPENSATION.—Members shall serve
13 without compensation.

14 (e) TERMINATION.—The Council shall terminate 6
15 years after the date of its establishment.

16 (f) DUTIES OF THE SECRETARY.—

17 (1) ACCEPT OR REJECT RECOMMENDATION.—

18 (A) SECRETARY DETERMINES.—The Sec-
19 retary shall determine whether to accept or re-
20 ject a recommendation contained in a Council
21 report.

22 (B) TIMING.—

23 (i) MUST ACCEPT OR REJECT.—The
24 Secretary must indicate in each report sub-
25 mitted under this section the Secretary's

1 acceptance or rejection of each rec-
2 ommendation listed in such report.

3 (ii) EXCEPTION.—The Secretary may
4 indicate in a report submitted under this
5 section that a recommendation is under
6 consideration. If the Secretary does so, the
7 Secretary must accept or reject the rec-
8 ommendation in the next report submitted
9 under this section.

10 (2) REPORT.—

11 (A) IN GENERAL.—Not later than 60 days
12 after the Secretary receives a Council report,
13 the Secretary shall submit a report to the fol-
14 lowing committees and subcommittees:

15 (i) The Committee on Transportation
16 and Infrastructure of the House of Rep-
17 resentatives.

18 (ii) The Committee on Environment
19 and Public Works of the Senate.

20 (iii) The Committee on Commerce,
21 Science, and Transportation of the Senate.

22 (iv) The Subcommittee on Transpor-
23 tation, and Housing and Urban Develop-
24 ment, and Related Agencies of the Com-

1 mittee on Appropriations of the House of
2 Representatives.

3 (v) The Subcommittee on Transpor-
4 tation, and Housing and Urban Develop-
5 ment, and Related Agencies of the Com-
6 mittee on Appropriations of the Senate.

7 (B) CONTENTS.—A report submitted
8 under this subsection shall include—

9 (i) a list containing—

10 (I) each recommendation con-
11 tained in the Council report described
12 in paragraph (1); and

13 (II) each recommendation indi-
14 cated as under consideration in the
15 previous report submitted under this
16 subsection; and

17 (ii) for each such recommendation,
18 whether it is accepted, rejected, or under
19 consideration by the Secretary.

20 (3) ADMINISTRATIVE AND TECHNICAL SUP-
21 PORT.—The Secretary shall provide such adminis-
22 trative support, staff, and technical assistance to the
23 Council as the Secretary determines to be necessary
24 for the Council to carry out its duties.

25 (g) DEFINITIONS.—In this section:

1 (1) COUNCIL REPORT.—The term “Council re-
2 port” means the report described in subsection
3 (f)(2).

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

6 **SEC. 3014. REPORT ON MARIJUANA RESEARCH.**

7 (a) IN GENERAL.—Not later than 2 years after the
8 date of enactment of this Act, the Secretary of Transpor-
9 tation, in consultation with the Attorney General and the
10 Secretary of Health and Human Services, shall submit to
11 the Committee on Transportation and Infrastructure of
12 the House of Representatives and the Committee on Com-
13 merce, Science, and Transportation of the Senate, and
14 make publicly available on the Department of Transpor-
15 tation website, a report and recommendations on—

16 (1) increasing and improving access, for sci-
17 entific researchers studying impairment while driv-
18 ing under the influence of marijuana, to samples
19 and strains of marijuana and products containing
20 marijuana lawfully being offered to patients or con-
21 sumers in a State on a retail basis;

22 (2) establishing a national clearinghouse to col-
23 lect and distribute samples and strains of marijuana
24 for scientific research that includes marijuana and

1 products containing marijuana lawfully available to
2 patients or consumers in a State on a retail basis;

3 (3) facilitating access, for scientific researchers
4 located in States that have not legalized marijuana
5 for medical or recreational use, to samples and
6 strains of marijuana and products containing mari-
7 juana from such clearinghouse for purposes of re-
8 search on marijuana-impaired driving; and

9 (4) identifying Federal statutory and regulatory
10 barriers to the conduct of scientific research and the
11 establishment of a national clearinghouse for pur-
12 poses of facilitating research on marijuana-impaired
13 driving.

14 (b) DEFINITION OF MARIJUANA.—In this section, the
15 term “marijuana” has the meaning given such term in
16 section 4008 of the FAST Act (Public Law 114–94).

17 **TITLE IV—MOTOR CARRIER** 18 **SAFETY**

19 **Subtitle A—Motor Carrier Safety** 20 **Grants, Operations, and Programs**

21 **SEC. 4101. MOTOR CARRIER SAFETY GRANTS.**

22 (a) IN GENERAL.—Section 31104 of title 49, United
23 States Code, is amended—

24 (1) by striking subsection (a) and inserting the
25 following:

1 “(a) FINANCIAL ASSISTANCE PROGRAMS.—The fol-
2 lowing sums are authorized to be appropriated from the
3 Highway Trust Fund (other than the Mass Transit Ac-
4 count):

5 “(1) MOTOR CARRIER SAFETY ASSISTANCE PRO-
6 GRAM.—Subject to paragraph (2) and subsection (c),
7 to carry out section 31102 (except subsection (l))—

8 “(A) \$388,950,000 for fiscal year 2022;

9 “(B) \$398,700,000 for fiscal year 2023;

10 “(C) \$408,900,000 for fiscal year 2024;

11 and

12 “(D) \$418,425,000 for fiscal year 2025.

13 “(2) HIGH-PRIORITY ACTIVITIES PROGRAM.—
14 Subject to subsection (c), to carry out section
15 31102(l)—

16 “(A) \$72,604,000 for fiscal year 2022;

17 “(B) \$74,424,000 for fiscal year 2023;

18 “(C) \$76,328,000 for fiscal year 2024; and

19 “(D) \$78,106,000 for fiscal year 2025.

20 “(3) COMMERCIAL MOTOR VEHICLE OPERATORS
21 GRANT PROGRAM.—To carry out section 31103—

22 “(A) \$1,037,200 for fiscal year 2022;

23 “(B) \$1,063,200 for fiscal year 2023;

24 “(C) \$1,090,400 for fiscal year 2024; and

25 “(D) \$1,115,800 for fiscal year 2025.

1 “(4) COMMERCIAL DRIVER’S LICENSE PROGRAM
2 IMPLEMENTATION PROGRAM.—Subject to subsection
3 (c), to carry out section 31313—

4 “(A) \$56,008,800 for fiscal year 2022;

5 “(B) \$57,412,800 for fiscal year 2023;

6 “(C) \$58,881,600 for fiscal year 2024; and

7 “(D) \$60,253,200 for fiscal year 2025.”;

8 (2) by striking subsection (c) and inserting the
9 following:

10 “(c) PARTNER TRAINING AND PROGRAM SUPPORT.—

11 “(1) IN GENERAL.—On October 1 of each fiscal
12 year, or as soon after that date as practicable, the
13 Secretary may deduct from amounts made available
14 under paragraphs (1), (2), and (4) of subsection (a)
15 for that fiscal year not more than 1.50 percent of
16 those amounts for partner training and program
17 support in that fiscal year.

18 “(2) USE OF FUNDS.—The Secretary shall use
19 at least 75 percent of the amounts deducted under
20 paragraph (1) on training and related training mate-
21 rials for non-Federal Government employees.

22 “(3) PARTNERSHIP.—The Secretary shall carry
23 out the training and development of materials pursu-
24 ant to paragraph (2) in partnership with one or

1 more nonprofit organizations, selected on a competi-
2 tive basis, that have—

3 “(A) expertise in conducting a training
4 program for non-Federal Government employ-
5 ees; and

6 “(B) a demonstrated ability to involve in a
7 training program the target population of com-
8 mercial motor vehicle safety enforcement em-
9 ployees.”;

10 (3) in subsection (f)—

11 (A) in paragraph (1) by striking “the next
12 fiscal year” and inserting “the following 2 fiscal
13 years”;

14 (B) in paragraph (2)—

15 (i) by striking “section 31102(l)(2)”
16 and inserting “paragraphs (2) and (4) of
17 section 31102(l)”;

18 (ii) by striking “the next 2 fiscal
19 years” and inserting “the following 3 fiscal
20 years”; and

21 (C) in paragraph (3) by striking “the next
22 4 fiscal years” and inserting “the following 5
23 fiscal years”; and

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

1 “(j) TREATMENT OF REALLOCATIONS.—Amounts
2 that are obligated and subsequently, after the date of en-
3 actment of this subsection, released back to the Secretary
4 under subsection (i) shall not be subject to limitations on
5 obligations provided under any other provision of law.”.

6 (b) COMMERCIAL DRIVER’S LICENSE PROGRAM IM-
7 PLEMENTATION FINANCIAL ASSISTANCE PROGRAM.—Sec-
8 tion 31313(b) of title 49, United States Code, is amend-
9 ed—

10 (1) by striking the period at the end and insert-
11 ing “; and”;

12 (2) by striking “A recipient” and inserting the
13 following: “In participating in financial assistance
14 program under this section—

15 “(1) a recipient”; and

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

17 “(2) a State may not receive more than
18 \$250,000 in grants under subsection (a)(2) in any
19 fiscal year—

20 “(A) in which the State prohibits private
21 commercial driving schools or independent com-
22 mercial driver’s license testing facilities from of-
23 fering a commercial driver’s license skills test
24 as a third-party tester; or

1 “(B) in which a State fails to report to the
2 Administrator of the Federal Motor Carrier
3 Safety Administration, during the previous fis-
4 cal year, the average number of days of delays
5 for an initial commercial driver’s license skills
6 test or retest within the State.”.

7 **SEC. 4102. MOTOR CARRIER SAFETY OPERATIONS AND**
8 **PROGRAMS.**

9 (a) IN GENERAL.—Section 31110 of title 49, United
10 States Code, is amended by striking subsection (a) and
11 inserting the following:

12 “(a) ADMINISTRATIVE EXPENSES.—There is author-
13 ized to be appropriated from the Highway Trust Fund
14 (other than the Mass Transit Account) for the Secretary
15 of Transportation to pay administrative expenses of the
16 Federal Motor Carrier Safety Administration—

17 “(1) \$380,500,000 for fiscal year 2022;

18 “(2) \$381,500,000 for fiscal year 2023;

19 “(3) \$382,500,000 for fiscal year 2024; and

20 “(4) \$384,500,000 for fiscal year 2025.”.

21 (b) ADMINISTRATIVE EXPENSES.—

22 (1) USE OF FUNDS.—The Administrator of the
23 Federal Motor Carrier Safety Administration shall
24 use funds made available in subsection (a) for—

1 (A) acceleration of planned investments to
2 modernize the Administration's information
3 technology and information management sys-
4 tems;

5 (B) completing outstanding mandates;

6 (C) carrying out a Large Truck Crash
7 Causal Factors Study of the Administration;

8 (D) construction and maintenance of bor-
9 der facilities; and

10 (E) other activities authorized under sec-
11 tion 31110(b) of title 49, United States Code.

12 (2) DEFINITION OF OUTSTANDING MANDATE.—

13 In this subsection, the term “outstanding mandate”
14 means a requirement for the Federal Motor Carrier
15 Safety Administration to issue regulations, under-
16 take a comprehensive review or study, conduct a
17 safety assessment, or collect data—

18 (A) under this Act;

19 (B) under MAP-21 (Public Law 112-
20 141), that has not been published in the Fed-
21 eral Register, if required, or otherwise com-
22 pleted as of the date of enactment of this Act;

23 (C) under the FAST Act (Public Law
24 114-94), that has not been published in the
25 Federal Register, if required, or otherwise com-

1 pleted as of the date of enactment of this Act;
2 and

3 (D) under any other Act enacted before
4 the date of enactment of this Act that has not
5 been published in the Federal Register by the
6 date required in such Act.

7 **SEC. 4103. IMMOBILIZATION GRANT PROGRAM.**

8 Section 31102(l) of title 49, United States Code, is
9 amended—

10 (1) in paragraph (1) by striking “and (3)” and
11 inserting “, (3), and (4)”; and

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

13 “(4) IMMOBILIZATION GRANT PROGRAM.—

14 “(A) IN GENERAL.—The Secretary shall
15 establish an immobilization grant program to
16 make discretionary grants to States for the im-
17 mobilization or impoundment of passenger-car-
18 rying commercial motor vehicles if such vehicles
19 are found to be unsafe or fail inspection.

20 “(B) CRITERIA FOR IMMOBILIZATION.—

21 The Secretary, in consultation with State com-
22 mercial motor vehicle entities, shall develop a
23 list of commercial motor vehicle safety viola-
24 tions and defects that the Secretary determines

1 warrant the immediate immobilization of a pas-
2 senger-carrying commercial motor vehicle.

3 “(C) ELIGIBILITY.—A State is only eligible
4 to receive a grant under this paragraph if such
5 State has the authority to require the immo-
6 bilization or impoundment of a passenger-car-
7 rying commercial motor vehicle if such vehicle is
8 found to have a violation or defect included in
9 the list developed under subparagraph (B).

10 “(D) USE OF FUNDS.— Grant funds pro-
11 vided under this paragraph may be used for—

12 “(i) the immobilization or impound-
13 ment of passenger-carrying commercial
14 motor vehicles found to have a violation or
15 defect included in the list developed under
16 subparagraph (B);

17 “(ii) safety inspections of such vehi-
18 cles; and

19 “(iii) other activities related to the ac-
20 tivities described in clauses (i) and (ii), as
21 determined by the Secretary.

22 “(E) SECRETARY AUTHORIZATION.—The
23 Secretary is authorized to award a State fund-
24 ing for the costs associated with carrying out

1 an immobilization program with funds made
2 available under section 31104(a)(2).

3 “(F) DEFINITION OF PASSENGER-CAR-
4 RYING COMMERCIAL MOTOR VEHICLE.—In this
5 paragraph, the term ‘passenger-carrying com-
6 mercial motor vehicle’ has the meaning given
7 the term commercial motor vehicle in section
8 31301.”.

9 **SEC. 4104. OPERATION OF SMALL COMMERCIAL VEHICLES**
10 **STUDY.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Secretary of Transpor-
13 tation shall initiate a review of the prevalence of, charac-
14 teristics of, and safe operation of commercial vehicles that
15 have a gross vehicle weight rating or gross vehicle weight
16 below 10,000 pounds, and are utilized in package delivery
17 of goods moving in interstate commerce.

18 (b) INDEPENDENT RESEARCH.—If the Secretary de-
19 cides to enter into a contract with a third party to perform
20 the research required under subsection (a), the Secretary
21 shall—

22 (1) solicit applications from research institu-
23 tions that conduct objective, fact-based research to
24 conduct the study; and

1 (2) ensure that such third party does not have
2 any financial or contractual ties with an entity en-
3 gaged in interstate commerce utilizing commercial
4 vehicles or commercial motor vehicles.

5 (c) ENTITIES INCLUDED.—As part of the review, the
6 Secretary shall collect information from a cross-section of
7 companies that use fleets of such vehicles for package de-
8 livery in interstate commerce, including companies that—

9 (1) directly perform deliveries; use contracted
10 entities to perform work; and

11 (2) utilize a combination of direct deliveries and
12 contract entities.

13 (d) EVALUATION FACTORS.—The review shall include
14 an evaluation of the following:

15 (1) Fleet characteristics, including fleet struc-
16 ture, and vehicle miles traveled.

17 (2) Fleet management, including scheduling of
18 deliveries and maintenance practices.

19 (3) Driver employment characteristics, includ-
20 ing the basis of compensation and classification.

21 (4) How training, medical fitness, hours on
22 duty, and safety of drivers is evaluated and overseen
23 by companies, including prevention of occupational
24 injuries and illnesses.

1 (5) Safety performance metrics, based on data
2 associated with the included entities, including crash
3 rates, moving violations, failed inspections, and other
4 related data points.

5 (6) Financial responsibility and liability for
6 safety or maintenance violations among companies,
7 fleet managers, and drivers.

8 (7) Loading and unloading practices, and how
9 package placement in the vehicle is determined.

10 (8) Other relevant information determined nec-
11 essary by the Secretary in order to make rec-
12 ommendations under subsection (e).

13 (e) REPORT AND RECOMMENDATIONS.—Upon com-
14 pletion of the review, the Secretary shall submit to the
15 Committee on Transportation and Infrastructure of the
16 House of Representatives and the Committee on Com-
17 merce of the Senate a report containing—

18 (1) the findings of the Secretary on each of the
19 factors in (d);

20 (2) a list of regulations applicable to commer-
21 cial motor vehicles and commercial motor vehicle op-
22 erators that are not applicable to commercial vehicle
23 operations described in this section; and

24 (3) recommendations, based on the findings, on
25 changes to laws or regulations at the Federal, State,

1 or local level to promote safe operations and safe
2 and fair working conditions for commercial vehicle
3 operators.

4 **Subtitle B—Motor Carrier Safety** 5 **Oversight**

6 **SEC. 4201. MOTOR CARRIER SAFETY ADVISORY COM-** 7 **MITTEE.**

8 Section 4144 of SAFETEA-LU (49 U.S.C. 31100
9 note) is amended—

10 (1) in subsection (b)(1) by inserting “, includ-
11 ing small business motor carriers” after “industry”;
12 and

13 (2) in subsection (d) by striking “September
14 30, 2013” and inserting “September 30, 2025”.

15 **SEC. 4202. COMPLIANCE, SAFETY, ACCOUNTABILITY.**

16 (a) **IN GENERAL.**—Not later than 1 year after the
17 date of enactment of this Act, the Secretary of Transpor-
18 tation shall implement a revised methodology to be used
19 in the Compliance, Safety, Accountability program of the
20 Federal Motor Carrier Safety Administration to identify
21 and prioritize motor carriers for intervention, using the
22 recommendations of the study required by section 5221(a)
23 of the FAST Act (49 U.S.C. 31100 note).

24 (b) **DATA AVAILABILITY.**—The Secretary shall, in
25 working toward implementation of the revised method-

1 ology described in subsection (a) prioritize revisions nec-
2 essary to—

3 (1) restore the public availability of all relevant
4 safety data under a revised methodology; and

5 (2) make such safety data publicly available
6 that was made publicly available on the day before
7 the date of enactment of the FAST Act, and make
8 publicly available any safety data that was required
9 to be made available by section 5223 of the FAST
10 Act (49 U.S.C. 31100 note).

11 (c) IMPLEMENTATION.—

12 (1) PROGRESS REPORTS.—Not later than 30
13 days after the date of enactment of this Act, and
14 every 90 days thereafter until the date on which the
15 Secretary implements the revised methodology de-
16 scribed in subsection (a), the Secretary shall submit
17 to the Committee on Transportation and Infrastruc-
18 ture of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of
20 the Senate, and make publicly available on a website
21 of the Department of Transportation, a progress re-
22 port on—

23 (A) the status of the revision of the meth-
24 odology and related data modifications under
25 subsection (a), a timeline for completion of such

1 revision, and an estimated date for implementa-
2 tion of such revised methodology;

3 (B) an explanation for any delays in devel-
4 opment or implementation of the revised meth-
5 odology over the reporting period; and

6 (C) if the Secretary has not resumed mak-
7 ing publicly available the data described in sub-
8 section (b), an updated timeline for the restora-
9 tion of the public availability of data and a de-
10 tailed explanation for why such restoration has
11 not occurred.

12 (2) PUBLICATION AND NOTIFICATION.—Prior
13 to commencing the use of the revised methodology
14 described in subsection (a) to identify and prioritize
15 motor carriers for intervention (other than in a test-
16 ing capacity), the Secretary shall—

17 (A) publish a detailed summary of the
18 methodology in the Federal Register and pro-
19 vide a period for public comment; and

20 (B) notify the Committee on Transpor-
21 tation and Infrastructure of the House of Rep-
22 resentatives and the Committee on Commerce,
23 Science, and Transportation of the Senate, in
24 writing.

25 (d) SAFETY FITNESS RULE.—

1 (1) RULEMAKING.—Not later than 1 year after
2 the date on which the Secretary notifies Congress
3 under subsection (c)(2), the Secretary shall issue
4 final regulations pursuant to section 31144(b) of
5 title 49, United States Code, to revise the method-
6 ology for issuance of motor carrier safety fitness de-
7 terminations.

8 (2) CONSIDERATIONS.—In issuing the regula-
9 tions under paragraph (1), the Secretary shall con-
10 sider the use of all available data to determine the
11 fitness of a motor carrier.

12 (e) REPEAL.—Section 5223 of the FAST Act (49
13 U.S.C. 31100 note), and the item related to such section
14 in the table of contents in section 1(b) of such Act, are
15 repealed.

16 **SEC. 4203. TERMS AND CONDITIONS FOR EXEMPTIONS.**

17 Section 31315 of title 49, United States Code, is
18 amended—

19 (1) in subsection (b)—

20 (A) in paragraph (4)(A) by inserting “, in-
21 cluding data submission requirements,” after
22 “terms and conditions”; and

23 (B) by striking paragraph (8) and insert-
24 ing the following:

25 “(8) TERMS AND CONDITIONS.—

1 “(A) IN GENERAL.—The Secretary shall
2 establish terms and conditions for each exemp-
3 tion to ensure that the exemption will not likely
4 degrade the level of safety achieved by the per-
5 son or class of persons granted the exemption,
6 and allow the Secretary to evaluate whether an
7 equivalent level of safety is maintained while
8 the person or class of persons is operating
9 under such exemption, including—

10 “(i) requiring the regular submission
11 of accident and incident data to the Sec-
12 retary;

13 “(ii) requiring immediate notification
14 to the Secretary in the event of a crash
15 that results in a fatality or serious bodily
16 injury;

17 “(iii) for exemptions granted by the
18 Secretary related to hours of service rules
19 under part 395 of title 49, Code of Federal
20 Regulations, requiring that the exempt
21 person or class of persons submit to the
22 Secretary evidence of participation in a
23 recognized fatigue management plan; and

24 “(iv) providing documentation of the
25 authority to operate under the exemption

1 to each exempt person, to be used to dem-
2 onstrate compliance if requested by a
3 motor carrier safety enforcement officer
4 during a roadside inspection.

5 “(B) IMPLEMENTATION.—The Secretary
6 shall monitor the implementation of the exemp-
7 tion to ensure compliance with its terms and
8 conditions.”; and

9 (2) in subsection (e) by inserting “, based on an
10 analysis of data collected by the Secretary and sub-
11 mitted to the Secretary under subsection (b)(8)”
12 after “safety”.

13 **SEC. 4204. SAFETY FITNESS OF MOTOR CARRIERS OF PAS-**
14 **SENGERS.**

15 Section 31144(i) of title 49, United States Code, is
16 amended—

17 (1) in paragraph (1)—

18 (A) in subparagraph (A) by striking “who
19 the Secretary registers under section 13902 or
20 31134”; and

21 (B) in subparagraph (B) by inserting “to
22 motor carriers of passengers and” after
23 “apply”; and

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

1 “(5) MOTOR CARRIER OF PASSENGERS DE-
2 FINED.—In this subsection, the term ‘motor carrier
3 of passengers’ includes an offeror of motorcoach
4 services that sells scheduled transportation of pas-
5 sengers for compensation at fares and on schedules
6 and routes determined by such offeror, regardless of
7 ownership or control of the vehicles or drivers used
8 to provide the transportation by motorcoach.”.

9 **SEC. 4205. PROVIDERS OF RECREATIONAL ACTIVITIES.**

10 Section 13506(b) of title 49, United States Code, is
11 amended—

12 (1) in paragraph (2) by striking “or” at the
13 end;

14 (2) in paragraph (3) by striking the period at
15 the end and inserting “; or”; and

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

17 “(4) transportation by a motor vehicle designed
18 or used to transport between 9 and 15 passengers
19 (including the driver), whether operated alone or
20 with a trailer attached for the transport of rec-
21 reational equipment, that is operated by a person
22 that provides recreational activities if—

23 “(A) the transportation is provided within
24 a 150 air-mile radius of the location where pas-
25 sengers are boarded; and

1 “(B) the person operating the motor vehi-
2 cle, if transporting passengers over a route be-
3 tween a place in a State and a place in another
4 State, is otherwise lawfully providing transpor-
5 tation of passengers over the entire route in ac-
6 cordance with applicable State law.”.

7 **SEC. 4206. AMENDMENTS TO REGULATIONS RELATING TO**
8 **TRANSPORTATION OF HOUSEHOLD GOODS IN**
9 **INTERSTATE COMMERCE.**

10 (a) DEFINITIONS.—In this section:

11 (1) ADMINISTRATION.—The term “Administra-
12 tion” means the Federal Motor Carrier Safety Ad-
13 ministration.

14 (2) COVERED CARRIER.—The term “covered
15 carrier” means a motor carrier that is—

16 (A) engaged in the interstate transpor-
17 tation of household goods; and

18 (B) subject to the requirements of part
19 375 of title 49, Code of Federal Regulations (as
20 in effect on the effective date of the amend-
21 ments required by subsection (b)).

22 (3) SECRETARY.—The term “Secretary” means
23 the Secretary of Transportation.

24 (b) AMENDMENTS TO REGULATIONS.—Not later
25 than 1 year after the date of enactment of this Act, the

1 Secretary shall issue a notice of proposed rulemaking to
2 amend regulations related to the interstate transportation
3 of household goods.

4 (c) CONSIDERATIONS.—In issuing the notice of pro-
5 posed rulemaking under subsection (b), the Secretary shall
6 consider the following recommended amendments to provi-
7 sions of title 49, Code of Federal Regulations:

8 (1) Section 375.207(b) to require each covered
9 carrier to include on the website of the covered car-
10 rier a link—

11 (A) to the publication of the Administra-
12 tion titled “Ready to Move—Tips for a Success-
13 ful Interstate Move” (ESA 03005) on the
14 website of the Administration; or

15 (B) to a copy of the publication referred to
16 in subparagraph (A) on the website of the cov-
17 ered carrier.

18 (2) Subsections (a) and (b)(1) of section
19 375.213 to require each covered carrier to provide to
20 each individual shipper, with any written estimate
21 provided to the shipper, a copy of the publication de-
22 scribed in appendix A of part 375 of such title, enti-
23 tled “Your Rights and Responsibilities When You
24 Move” (ESA–03–006 (or a successor publication)),
25 in the form of a written copy or a hyperlink on the

1 website of the covered carrier to the location on the
2 website of the Administration containing such publi-
3 cation.

4 (3) Subsection (e) of section 375.213, to repeal
5 such subsection.

6 (4) Section 375.401(a), to require each covered
7 carrier—

8 (A) to conduct a visual survey of the
9 household goods to be transported by the cov-
10 ered carrier—

11 (i) in person; or

12 (ii) virtually, using—

13 (I) a remote camera; or

14 (II) another appropriate tech-
15 nology;

16 (B) to offer a visual survey described in
17 subparagraph (A) for all household goods ship-
18 ments, regardless of the distance between—

19 (i) the location of the household
20 goods; and

21 (ii) the location of the agent of the
22 covered carrier preparing the estimate; and

23 (C) to provide to each shipper a copy of
24 publication of the Administration titled “Ready
25 to Move—Tips for a Successful Interstate Move”

1 (ESA 03005) on receipt from the shipper of a
2 request to schedule, or a waiver of, a visual sur-
3 vey offered under subparagraph (B).

4 (5) Sections 375.401(b)(1), 375.403(a)(6)(ii),
5 and 375.405(b)(7)(ii), and subpart D of appendix A
6 of part 375, to require that, in any case in which a
7 shipper tenders any additional item or requests any
8 additional service prior to loading a shipment, the
9 affected covered carrier shall—

10 (A) prepare a new estimate; and

11 (B) maintain a record of the date, time,
12 and manner in which the new estimate was ac-
13 cepted by the shipper.

14 (6) Section 375.501(a), to establish that a cov-
15 ered carrier is not required to provide to a shipper
16 an order for service if the covered carrier elects to
17 provide the information described in paragraphs (1)
18 through (15) of such section in a bill of lading that
19 is presented to the shipper before the covered carrier
20 receives the shipment.

21 (7) Subpart H of part 375, to replace the re-
22 place the terms “freight bill” and “expense bill”
23 with the term “invoice”.

1 **Subtitle C—Commercial Motor**
2 **Vehicle Driver Safety**

3 **SEC. 4301. COMMERCIAL DRIVER’S LICENSE FOR PAS-**
4 **SENGER CARRIERS.**

5 Section 31301(4)(B) of title 49, United States Code,
6 is amended to read as follows:

7 “(B) is designed or used to transport—

8 “(i) more than 8 passengers (includ-
9 ing the driver) for compensation; or

10 “(ii) more than 15 passengers (includ-
11 ing the driver), whether or not the trans-
12 portation is provided for compensation;
13 or”.

14 **SEC. 4302. ALCOHOL AND CONTROLLED SUBSTANCES TEST-**
15 **ING.**

16 Section 31306(c)(2) of title 49, United States Code,
17 is amended by striking “, for urine testing,”.

18 **SEC. 4303. ENTRY-LEVEL DRIVER TRAINING.**

19 Not later than January 1, 2021, and every 90 days
20 thereafter until the compliance date for the final rule pub-
21 lished on December 8, 2016, titled “Minimum Training
22 Requirements for Entry-Level Commercial Motor Vehicle
23 Operators” (81 Fed. Reg. 88732), the Secretary shall sub-
24 mit to the Committee on Transportation and Infrastruc-
25 ture of the House of Representatives and the Committee

1 on Commerce, Science, and Transportation of the Senate
2 a report on—

3 (1) a schedule, including benchmarks, to com-
4 plete implementation of the requirements under such
5 final rule;

6 (2) any anticipated delays, if applicable, in
7 meeting the benchmarks described in paragraph (1);

8 (3) the progress that the Secretary has made in
9 updating the Department of Transportation’s infor-
10 mation technology infrastructure to support the
11 training provider registry;

12 (4) a list of States that have adopted laws or
13 regulations to implement such final rule; and

14 (5) a list of States, if applicable, that are imple-
15 menting the rule and confirming that an applicant
16 for a commercial driver’s license has complied with
17 the requirements.

18 **SEC. 4304. DRIVER DETENTION TIME.**

19 (a) DATA COLLECTION.—Not later than 30 days
20 after the date of enactment of this Act, the Secretary
21 shall—

22 (1) begin to collect data on delays experienced
23 by operators of commercial motor vehicles, as re-
24 quired under section 5501 of the FAST Act (49
25 U.S.C. 14103 note) and as referenced in the request

1 for information published on June 10, 2019, titled
2 “Request for Information Concerning Commercial
3 Motor Vehicle Driver Detention Times During Load-
4 ing and Unloading” (84 Fed. Reg. 26932); and

5 (2) make such data available on a publicly ac-
6 cessible website of the Department of Transpor-
7 tation.

8 (b) DETENTION TIME LIMITS.—

9 (1) RULEMAKING.—Not later than 1 year after
10 the date of enactment of this Act, the Secretary
11 shall initiate a rulemaking to establish limits on the
12 amount of time that an operator of a commercial
13 motor vehicle may be reasonably detained by a ship-
14 per or receiver before the loading or unloading of the
15 vehicle, if the operator is not compensated for such
16 time detained.

17 (2) CONTENTS.—As part of the rulemaking
18 conducted pursuant to subsection (a), the Secretary
19 shall—

20 (A) consider the diverse nature of oper-
21 ations in the movement of goods by commercial
22 motor vehicle;

23 (B) examine any correlation between time
24 detained and violations of the hours-of-service

1 rules under part 395 of title 49, Code of Fed-
2 eral Regulations;

3 (C) determine whether the effect of deten-
4 tion time on safety differs based on—

5 (i) how an operator is compensated;

6 and

7 (ii) the contractual relationship be-
8 tween the operator and the motor carrier,
9 including whether an operator is an em-
10 ployee, a leased owner-operator, or an
11 owner-operator with independent authority;

12 and

13 (D) establish a process for a motor carrier,
14 shipper, receiver, broker, or commercial motor
15 vehicle operator to report instances of time de-
16 tained beyond the Secretary's established limits.

17 (3) INCORPORATION OF INFORMATION.—The
18 Secretary shall incorporate information received
19 under paragraph (2)(D) into the process established
20 pursuant to subsection (a) once a final rule takes ef-
21 fect.

22 (c) DATA PROTECTION.—Data made available pursu-
23 ant to this section shall be made available in a manner
24 that—

1 (1) precludes the connection of the data to any
2 individual motor carrier or commercial motor vehicle
3 operator; and

4 (2) protects privacy and confidentiality of indi-
5 viduals, operators, and motor carriers submitting the
6 data.

7 (d) **COMMERCIAL MOTOR VEHICLE DEFINED.**—In
8 this section, the term “commercial motor vehicle” has the
9 meaning given such term in section 31101 of title 49,
10 United States Code.

11 **SEC. 4305. TRUCK LEASING TASK FORCE.**

12 (a) **ESTABLISHMENT.**—Not later than 6 months after
13 the date of enactment of this Act, the Secretary of Trans-
14 portation, in consultation with the Secretary of Labor,
15 shall establish a Truck Leasing Task Force (hereinafter
16 referred to as the “Task Force”).

17 (b) **MEMBERSHIP.**—The Secretary of Transportation
18 shall select not more than 15 individuals to serve as mem-
19 bers of the Task Force, including equal representation
20 from each of the following:

21 (1) Labor organizations.

22 (2) The motor carrier industry, including inde-
23 pendent owner-operators.

24 (3) Consumer protection groups.

25 (4) Safety groups.

1 (5) Members of the legal profession who spe-
2 cialize in consumer finance issues.

3 (c) DUTIES.—The Task Force shall examine, at a
4 minimum—

5 (1) common truck leasing arrangements avail-
6 able to commercial motor vehicle drivers, including
7 lease-purchase agreements;

8 (2) the terms of such leasing agreements;

9 (3) the prevalence of predatory leasing agree-
10 ments in the motor carrier industry;

11 (4) specific agreements available to drayage
12 drivers at ports related to the Clean Truck Program
13 or similar programs to decrease emissions from port
14 operations;

15 (5) the impact of truck leasing agreements on
16 the net compensation of commercial motor vehicle
17 drivers, including port drayage drivers;

18 (6) resources to assist commercial motor vehicle
19 drivers in assessing the impacts of leasing agree-
20 ments; and

21 (7) the classification of commercial motor vehi-
22 cle drivers under lease-purchase agreements.

23 (d) COMPENSATION.—A member of the Task Force
24 shall serve without compensation.

1 (e) REPORT.—Upon completion of the examination
2 described in subsection (c), the Task Force shall submit
3 to the Secretary of Transportation, Secretary of Labor,
4 and appropriate congressional committees a report con-
5 taining—

6 (1) the findings of the Task Force on the mat-
7 ters described in subsection (c);

8 (2) best practices related to—

9 (A) assisting a commercial motor vehicle
10 driver in assessing the impacts of leasing agree-
11 ments prior to entering into such agreements;
12 and

13 (B) assisting a commercial motor vehicle
14 driver who has entered into a predatory lease
15 agreement; and

16 (3) recommendations on changes to laws or reg-
17 ulations, as applicable, at the Federal, State, or local
18 level to promote fair leasing agreements under which
19 a commercial motor vehicle driver is able to earn a
20 living wage.

21 (f) TERMINATION.—Not later than 1 month after the
22 date of submission of the report pursuant to subsection
23 (e), the Task Force shall terminate.

1 **SEC. 4306. HOURS OF SERVICE.**

2 (a) **AUTHORITY TO ISSUE REGULATIONS.**—Notwith-
3 standing the authority of the Secretary of Transportation
4 to issue regulations under section 31502 of title 49,
5 United States Code, the Secretary shall delay the effective
6 date of the final rule published on June 1, 2020, titled
7 “Hours of Service of Drivers” (85 Fed. Reg. 33396) until
8 60 days after the date on which the Secretary submits
9 the report required under subsection (d).

10 (b) **COMPREHENSIVE REVIEW.**—

11 (1) **COMPREHENSIVE REVIEW OF HOURS OF**
12 **SERVICE RULES.**—Not later than 60 days after the
13 date of enactment of this Act, the Secretary shall
14 initiate a comprehensive review of hours of service
15 rules and the impacts of waivers, exemptions, and
16 other allowances that limit the applicability of such
17 rules.

18 (2) **LIST OF EXEMPTIONS.**—In carrying out the
19 comprehensive review required under paragraph (1),
20 the Secretary shall—

21 (A) compile a list of waivers, exemptions,
22 and other allowances—

23 (i) under which a driver may operate
24 in excess of the otherwise applicable limits
25 on on-duty or driving time in absence of
26 such exemption, waiver, or other allowance;

1 (ii) under which a driver may operate
2 without recording compliance with hours of
3 service rules through the use of an elec-
4 tronic logging device; and

5 (iii) applicable—

6 (I) to specific segments of the
7 motor carrier industry or sectors of
8 the economy;

9 (II) on a periodic or seasonal
10 basis; and

11 (III) to specific types of oper-
12 ations, including the short haul ex-
13 emption under part 395 of title 49,
14 Code of Federal Regulations;

15 (B) specify whether each such waiver, ex-
16 emption, or other allowance was granted by the
17 Department of Transportation or enacted by
18 Congress, and how long such waiver, exemption,
19 or other allowance has been in effect; and

20 (C) estimate the number of motor carriers,
21 motor private carriers, and drivers that may
22 qualify to use each waiver, exemption, or other
23 allowance.

24 (3) SAFETY IMPACT ANALYSIS.—

1 (A) IN GENERAL.—In carrying out the
2 comprehensive review under paragraph (1), the
3 Secretary, in consultation with State motor car-
4 rier enforcement entities, shall undertake a sta-
5 tistically valid analysis to determine the safety
6 impact, including on enforcement, of the exemp-
7 tions, waivers, or other allowances compiled
8 under paragraph (2) by—

9 (i) using available data, or collecting
10 from motor carriers or motor private car-
11 riers and drivers operating under an ex-
12 emption, waiver, or other allowance if the
13 Secretary does not have sufficient data, to
14 determine the incidence of accidents, fa-
15 tigue-related incidents, and other relevant
16 safety information related to hours of serv-
17 ice among motor carriers, private motor
18 carriers, and drivers permitted to operate
19 under each exemption, waiver, or other al-
20 lowance;

21 (ii) comparing the data described in
22 subparagraph (A) to safety data from
23 motor carriers, motor private carriers, and
24 drivers that are subject to the hours of

1 service rules and not operating under an
2 exemption, waiver, or other allowance; and

3 (iii) based on the comparison under
4 subparagraph (B), determining whether
5 waivers, exemptions, and other allowances
6 in effect provide an equivalent level of safe-
7 ty as would exist in the absence of exemp-
8 tions, waivers, or other allowances.

9 (B) CONSULTATION.—The Secretary shall
10 consult with State motor carrier enforcement
11 entities in carrying out this paragraph.

12 (C) EXCLUSIONS.—The Secretary shall ex-
13 clude data related to exemptions, waivers, or
14 other allowances made pursuant to an emer-
15 gency declaration under section 390.23 of title
16 49, Code of Federal Regulations, or extended
17 under section 390.25 of title 49, Code of Fed-
18 eral Regulations, from the analysis required
19 under this paragraph.

20 (4) DRIVER IMPACT ANALYSIS.—In carrying out
21 the comprehensive review under paragraph (1), the
22 Secretary shall further consider—

23 (A) data on driver detention collected by
24 the Secretary pursuant to section 4304 of this
25 Act and other conditions affecting the move-

1 ment of goods by commercial motor vehicle, and
2 how such conditions interact with the Sec-
3 retary's regulations on hours of service;

4 (B) whether exemptions, waivers, or other
5 allowances that permit additional on-duty time
6 or driving time have a deleterious effect on the
7 physical condition of drivers; and

8 (C) whether differences in the manner in
9 which drivers are compensated result in dif-
10 ferent levels of burden for drivers in complying
11 with hours of service rules.

12 (c) PEER REVIEW.—Prior to the publication of the
13 review required under subsection (d), the analyses per-
14 formed by the Secretary shall undergo an independent
15 peer review.

16 (d) PUBLICATION.—Not later than 18 months after
17 the date that the Secretary initiates the comprehensive re-
18 view under subsection (b)(1), the Secretary shall publish
19 the findings of such review in the Federal Register and
20 provide for a period for public comment.

21 (e) REPORT TO CONGRESS.—Not later than 30 days
22 after the conclusion of the public comment period under
23 subsection (d), the Secretary shall submit to the Com-
24 mittee on Commerce, Science, and Transportation and the
25 Committee on Environment and Public Works of the Sen-

1 ate and the Committee on Transportation and Infrastruc-
2 ture of the House of Representatives and make publicly
3 available on a website of the Department of Transpor-
4 tation a report containing the information and analyses
5 required under subsection (b).

6 (f) REPLACEMENT OF GUIDANCE.—Notwithstanding
7 subsection (a), the Secretary shall replace the Department
8 of Transportation guidance published on June 7, 2018,
9 titled “Hours of Service of Drivers of Commercial Motor
10 Vehicles: Regulatory Guidance Concerning the Use of a
11 Commercial Motor Vehicle for Personal Conveyance” (83
12 Fed. Reg. 26377) with specific mileage or time limits, or
13 both, for the use of personal conveyance established
14 through a rulemaking.

15 (g) DEFINITIONS.—In this section:

16 (1) MOTOR CARRIER; MOTOR PRIVATE CAR-
17 RIER.—The terms “motor carrier” and “motor pri-
18 vate carrier” have the meanings given such terms in
19 section 31501 of title 49, United States Code.

20 (2) ON-DUTY TIME; DRIVING TIME; ELEC-
21 TRONIC LOGGING DEVICE.—The terms “on-duty
22 time”, “driving time”, and “electronic logging de-
23 vice” have the meanings given such terms in section
24 395.2 of title 49, Code of Federal Regulations (as
25 in effect on June 1, 2020).

1 **SEC. 4307. DRIVER RECRUITMENT.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the inspector general of the
4 Department of Transportation shall submit to the Com-
5 mittee on Transportation and Infrastructure of the House
6 of Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate a report exam-
8 ining the operation of commercial motor vehicles in the
9 United States by drivers admitted to the United States
10 under temporary business visas.

11 (b) CONTENTS.—The report under paragraph (1)
12 shall include—

13 (1) an assessment of—

14 (A) the prevalence of the operation of com-
15 mercial motor vehicles in the United States by
16 drivers admitted to the United States under
17 temporary business visas;

18 (B) the characteristics of motor carriers
19 that recruit and use such drivers, including the
20 country of domicile of the motor carrier or sub-
21 sidiary;

22 (C) the demographics of drivers operating
23 in the United States under such visas, including
24 the country of domicile of such drivers; and

25 (D) the contractual relationship between
26 such motor carriers and such drivers;

1 (2) an analysis of whether such drivers are re-
2 quired to comply with—

3 (A) motor carrier safety regulations under
4 subchapter B of chapter III of title 49, Code of
5 Federal Regulations, including—

6 (i) the English proficiency require-
7 ment under section 391.11(2) of title 49,
8 Code of Federal Regulations;

9 (ii) the requirement for drivers of a
10 motor carrier to report any violations of a
11 regulation to such motor carrier under sec-
12 tion 391.27 of title 49, Code of Federal
13 Regulations; and

14 (iii) driver’s licensing requirements
15 under part 383 of title 49, Code of Federal
16 Regulations, including entry-level driver
17 training and drug and alcohol testing
18 under part 382 of such title; and

19 (B) regulations prohibiting point-to-point
20 transportation in the United States, or cabo-
21 tage, under part 365 of title 49, Code of Fed-
22 eral Regulations;

23 (3) an evaluation of the safety record of the op-
24 erations and drivers described in paragraph (1), in-
25 cluding—

1 (A) violations of the motor carrier safety
2 regulations under subchapter B of chapter III
3 of title 49, Code of Federal Regulations, includ-
4 ing applicable requirements described in para-
5 graph (2)(A); and

6 (B) the number of crashes involving such
7 operations and drivers; and

8 (4) the impact of such operations and drivers
9 on—

10 (A) commercial motor vehicle drivers domi-
11 ciled in the United States, including employ-
12 ment levels and driver compensation of such
13 drivers; and

14 (B) the competitiveness of motor carriers
15 domiciled in the United States.

16 (c) DEFINITIONS.—In this section:

17 (1) COMMERCIAL MOTOR VEHICLE.—In this
18 section, the term “commercial motor vehicle” has
19 the meaning given such term in section 31101 of
20 title 49, United States Code.

21 (2) TEMPORARY BUSINESS VISA.—The term
22 “temporary business visa” means any driver who is
23 present in the United States with status under sec-
24 tion 101(a)(15)(H)(i)(b) of the Immigration and
25 Nationality Act (8 U.S.C. 1101(a)(15)(H)(i)(b)).

1 **SEC. 4308. SCREENING FOR OBSTRUCTIVE SLEEP APNEA.**

2 (a) IN GENERAL.—Not later than 6 months after the
3 date of enactment of this Act, the Secretary of Transpor-
4 tation shall—

5 (1) assess the risk posed by untreated obstruc-
6 tive sleep apnea in drivers of commercial motor vehi-
7 cles and the feasibility, benefits, and costs associated
8 with establishing screening criteria for obstructive
9 sleep apnea in drivers of commercial motor vehicles;

10 (2) issue a notice in the Federal Register con-
11 taining the independently peer-reviewed findings of
12 the assessment required under paragraph (1) not
13 later than 30 days after completion of the assess-
14 ment and provide an opportunity for public com-
15 ment; and

16 (3) if the Secretary contracts with an inde-
17 pendent third party to conduct the assessment re-
18 quired under paragraph (1), ensure that the inde-
19 pendent third party shall not have any financial or
20 contractual ties or relationship with a motor carrier
21 that transports passengers or property for com-
22 pensation, the motor carrier industry, or driver ad-
23 vocacy organizations.

24 (b) SCREENING CRITERIA.—

25 (1) IN GENERAL.—Not later than 12 months
26 after the date of enactment of this Act, the Sec-

1 retary shall publish in the Federal Register a pro-
2 posed rule to establish screening criteria for obstruc-
3 tive sleep apnea in commercial motor vehicle drivers
4 and provide an opportunity for public comment.

5 (2) FINAL RULE.—Not later than 2 years after
6 the date of enactment of this Act, the Secretary
7 shall issue a final rule to establish screening criteria
8 for obstructive sleep apnea in commercial motor ve-
9 hicle drivers.

10 (c) DEFINITIONS.—In this section:

11 (1) COMMERCIAL MOTOR VEHICLE.—The term
12 “commercial motor vehicle” has the meaning given
13 such term in section 31132 of title 49, United
14 States Code.

15 (2) MOTOR CARRIER.—The term “motor car-
16 rier” has the meaning given such term in section
17 13102 of title 49, United States Code.

18 **SEC. 4309. WOMEN OF TRUCKING ADVISORY BOARD.**

19 (a) SHORT TITLE.—This section may be cited as the
20 “Promoting Women in Trucking Workforce Act”.

21 (b) FINDINGS.—Congress finds that—

22 (1) women make up 47 percent of the work-
23 force of the United States;

24 (2) women are significantly underrepresented in
25 the trucking industry, holding only 24 percent of all

1 transportation and warehousing jobs and rep-
2 resenting only—

3 (A) 6.6 percent of truck drivers;

4 (B) 12.5 percent of all workers in truck
5 transportation; and

6 (C) 8 percent of freight firm owners;

7 (3) given the total number of women truck driv-
8 ers, women are underrepresented in the truck-driv-
9 ing workforce; and

10 (4) women truck drivers have been shown to be
11 20 percent less likely than male counterparts to be
12 involved in a crash.

13 (c) SENSE OF CONGRESS REGARDING WOMEN IN
14 TRUCKING.—It is the sense of Congress that the trucking
15 industry should explore every opportunity, including driver
16 training and mentorship programs, to encourage and sup-
17 port the pursuit of careers in trucking by women.

18 (d) ESTABLISHMENT.—To encourage women to enter
19 the field of trucking, the Administrator shall establish and
20 facilitate an advisory board, to be known as the “Women
21 of Trucking Advisory Board”, to promote organizations
22 and programs that—

23 (1) provide education, training, mentorship, or
24 outreach to women in the trucking industry; and

25 (2) recruit women into the trucking industry.

1 (e) MEMBERSHIP.—

2 (1) IN GENERAL.—The Board shall be com-
3 posed of not fewer than seven members whose back-
4 grounds allow those members to contribute balanced
5 points of view and diverse ideas regarding the strate-
6 gies and objectives described in subsection (f)(2).

7 (2) APPOINTMENT.—Not later than 270 days
8 after the date of enactment of this Act, the Adminis-
9 trator shall appoint the members of the Board, of
10 whom—

11 (A) not fewer than one shall be a rep-
12 resentative of large trucking companies;

13 (B) not fewer than one shall be a rep-
14 resentative of mid-sized trucking companies;

15 (C) not fewer than one shall be a rep-
16 resentative of small trucking companies;

17 (D) not fewer than one shall be a rep-
18 resentative of nonprofit organizations in the
19 trucking industry;

20 (E) not fewer than one shall be a rep-
21 resentative of trucking business associations;

22 (F) not fewer than one shall be a rep-
23 resentative of independent owner-operators; and

24 (G) not fewer than one shall be a woman
25 who is a professional truck driver.

1 (3) TERMS.—Each member shall be appointed
2 for the life of the Board.

3 (4) COMPENSATION.—A member of the Board
4 shall serve without compensation.

5 (f) DUTIES.—

6 (1) IN GENERAL.—The Board shall identify—

7 (A) industry trends that directly or indi-
8 rectly discourage women from pursuing careers
9 in trucking, including—

10 (i) any differences between women mi-
11 nority groups;

12 (ii) any differences between women
13 who live in rural, suburban, and urban
14 areas; and

15 (iii) any safety risks unique to the
16 trucking industry;

17 (B) ways in which the functions of truck-
18 ing companies, nonprofit organizations, and
19 trucking associations may be coordinated to fa-
20 cilitate support for women pursuing careers in
21 trucking;

22 (C) opportunities to expand existing oppor-
23 tunities for women in the trucking industry;
24 and

1 (D) opportunities to enhance trucking
2 training, mentorship, education, and outreach
3 programs that are exclusive to women.

4 (2) REPORT.—Not later than 18 months after
5 the date of enactment of this Act, the Board shall
6 submit to the Administrator a report describing
7 strategies that the Administrator may adopt—

8 (A) to address any industry trends identi-
9 fied under paragraph (1)(A);

10 (B) to coordinate the functions of trucking
11 companies, nonprofit organizations, and truck-
12 ing associations in a manner that facilitates
13 support for women pursuing careers in truck-
14 ing;

15 (C) to—

16 (i) take advantage of any opportuni-
17 ties identified under paragraph (1)(C); and

18 (ii) create new opportunities to ex-
19 pand existing scholarship opportunities for
20 women in the trucking industry; and

21 (D) to enhance trucking training,
22 mentorship, education, and outreach programs
23 that are exclusive to women.

24 (g) REPORT TO CONGRESS.—

1 (1) IN GENERAL.—Not later than 2 years after
2 the date of enactment of this Act, the Administrator
3 shall submit to the Committee on Commerce,
4 Science, and Transportation of the Senate and the
5 Committee on Transportation and Infrastructure of
6 the House of Representatives a report describing—

7 (A) any strategies recommended by the
8 Board under subsection (f)(2); and

9 (B) any actions taken by the Adminis-
10 trator to adopt the strategies recommended by
11 the Board (or an explanation of the reasons for
12 not adopting the strategies).

13 (2) PUBLIC AVAILABILITY.—The Administrator
14 shall make the report under paragraph (1) publicly
15 available—

16 (A) on the website of the Federal Motor
17 Carrier Safety Administration; and

18 (B) in appropriate offices of the Federal
19 Motor Carrier Safety Administration.

20 (h) TERMINATION.—The Board shall terminate on
21 submission of the report to Congress under subsection (g).

22 (i) DEFINITIONS.—In this section:

23 (1) ADMINISTRATOR.—The term “Adminis-
24 trator” means the Administrator of the Federal
25 Motor Carrier Safety Administration.

1 (2) BOARD.—The term “Board” means the
2 Women of Trucking Advisory Board established
3 under subsection (d).

4 (3) LARGE TRUCKING COMPANY.—The term
5 “large trucking company” means a motor carrier (as
6 defined in section 13102 of title 49, United States
7 Code) with an annual revenue greater than
8 \$1,000,000,000.

9 (4) MID-SIZED TRUCKING COMPANY.—The term
10 “mid-sized trucking company” means a motor car-
11 rier (as defined in section 13102 of title 49, United
12 States Code) with an annual revenue of not less
13 than \$35,000,000 and not greater than
14 \$1,000,000,000.

15 (5) SMALL TRUCKING COMPANY.—The term
16 “small trucking company” means a motor carrier
17 (as defined in section 13102 of title 49, United
18 States Code) with an annual revenue less than
19 \$35,000,000.

20 **SEC. 4310. APPLICATION OF COMMERCIAL MOTOR VEHICLE**
21 **SAFETY.**

22 (a) DEFINITION.—Section 31301(14) of title 49,
23 United States Code, is amended—

24 (1) by striking “and” and inserting a comma;
25 and

1 (2) by inserting “, and Puerto Rico” before the
2 period.

3 (b) IMPLEMENTATION.—The Administrator of the
4 Federal Motor Carrier Safety Administration shall work
5 with the Commonwealth of Puerto Rico on obtaining full
6 compliance with chapter 313 of title 49, United States
7 Code, and regulations adopted under that chapter.

8 (c) GRACE PERIOD.—Notwithstanding section
9 31311(a) of title 49, United States Code, during a 5-year
10 period beginning on the date of enactment of this Act, the
11 Commonwealth of Puerto Rico shall not be subject to a
12 withholding of an apportionment of funds under para-
13 graphs (1) and (2) of section 104(b) of title 23, United
14 States Code, for failure to comply with any requirement
15 under section 31311(a) of title 49, United States Code.

16 **Subtitle D—Commercial Motor** 17 **Vehicle and Schoolbus Safety**

18 **SEC. 4401. SCHOOLBUS SAFETY STANDARDS.**

19 (a) SCHOOLBUS SEATBELTS.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, the Secretary
22 shall issue a notice of proposed rulemaking to con-
23 sider requiring large schoolbuses to be equipped with
24 safety belts for all seating positions, if the Secretary
25 determines that such standards meet the require-

1 ments and considerations set forth in subsections (a)
2 and (b) of section 30111 of title 49, United States
3 Code.

4 (2) CONSIDERATIONS.—In issuing a notice of
5 proposed rulemaking under paragraph (1), the Sec-
6 retary shall consider—

7 (A) the safety benefits of a lap/shoulder
8 belt system (also known as a Type 2 seatbelt
9 assembly);

10 (B) the recommendations of the National
11 Transportation Safety Board on seatbelts in
12 schoolbuses;

13 (C) existing experience, including analysis
14 of student injuries and fatalities compared to
15 States without seat belt laws, and seat belt
16 usage rates, from States that require
17 schoolbuses to be equipped with seatbelts, in-
18 cluding Type 2 seatbelt assembly;

19 (D) the impact of lap/shoulder belt systems
20 on emergency evacuations, with a focus on
21 emergency evacuations involving students below
22 the age of 14, and emergency evacuations ne-
23 cessitated by fire or water submersion; and

1 (E) the impact of lap/shoulder belt systems
2 on the overall availability of schoolbus transpor-
3 tation.

4 (3) REPORT.—If the Secretary determines that
5 a standard described in paragraph (1) does not meet
6 the requirements and considerations set forth in sub-
7 sections (a) and (b) of section 30111 of title 49,
8 United States Code, the Secretary shall submit to
9 the Committee on Transportation and Infrastructure
10 of the House of Representatives and the Committee
11 on Commerce, Science, and Transportation of the
12 Senate a report that describes the reasons for not
13 prescribing such a standard.

14 (4) APPLICATION OF REGULATIONS.—Any regu-
15 lation issued based on the notice of proposed rule-
16 making described in paragraph (1) shall apply to
17 schoolbuses manufactured more than 3 years after
18 the date on which the regulation takes effect.

19 (b) AUTOMATIC EMERGENCY BRAKING.—Not later
20 than 2 years after the date of enactment of this Act, the
21 Secretary shall—

22 (1) prescribe a motor vehicle safety standard
23 under section 30111 of title 49, United States Code,
24 that requires all schoolbuses manufactured after the

1 effective date of such standard to be equipped with
2 an automatic emergency braking system; and

3 (2) as part of such standard, establish perform-
4 ance requirements for automatic emergency braking
5 systems, including operation of such systems.

6 (c) ELECTRONIC STABILITY CONTROL.—Not later
7 than 2 years after the date of enactment of this Act, the
8 Secretary shall—

9 (1) prescribe a motor vehicle safety standard
10 under section 30111 of title 49, United States Code,
11 that requires all schoolbuses manufactured after the
12 effective date of such standard to be equipped with
13 an electronic stability control system (as such term
14 is defined in section 571.136 of title 49, Code of
15 Federal Regulations (as in effect on the date of en-
16 actment of this Act)); and

17 (2) as part of such standard, establish perform-
18 ance requirements for electronic stability control sys-
19 tems, including operation of such systems.

20 (d) FIRE PREVENTION AND MITIGATION.—

21 (1) RESEARCH AND TESTING.—The Secretary
22 shall conduct research and testing to determine the
23 most prevalent causes of schoolbus fires and the best
24 methods to prevent such fires and to mitigate the ef-

1 fect of such fires, both inside and outside the school-
2 bus. Such research and testing shall consider—

3 (A) fire suppression systems standards,
4 which at a minimum prevent engine fires;

5 (B) firewall standards to prevent gas or
6 flames from entering into the passenger com-
7 partment in schoolbuses with engines that ex-
8 tend beyond the firewall; and

9 (C) interior flammability and smoke emis-
10 sions characteristics standards.

11 (2) STANDARDS.—The Secretary may issue fire
12 prevention and mitigation standards for schoolbuses,
13 based on the results of the Secretary’s research and
14 testing under paragraph (1), if the Secretary deter-
15 mines that such standards meet the requirements
16 and considerations set forth in subsections (a) and
17 (b) of section 30111 of title 49, United States Code.

18 (e) SCHOOL BUS TEMPERATURE SAFETY STUDY AND
19 REPORT.—Not later than 1 year after the date of enact-
20 ment of this Act, the Secretary shall study and issue a
21 report on the safety implications of temperature controls
22 in school buses. The study and report shall include—

23 (1) an analysis of the internal temperature in
24 school buses without air condition in weather be-
25 tween 80 and 110 degrees Fahrenheit;

1 (2) the collection and analysis of data on tem-
2 perature-related injuries to students, including heat-
3 stroke and dehydration;

4 (3) the collection of data on how many public
5 school districts currently operate buses without air
6 conditioning; and

7 (4) recommendations for preventing heat re-
8 lated illnesses for children on school buses.

9 (f) DEFINITIONS.—In this section:

10 (1) AUTOMATIC EMERGENCY BRAKING.—The
11 term “automatic emergency braking” means a crash
12 avoidance system installed and operational in a vehi-
13 cle that consists of—

14 (A) a forward warning function—

15 (i) to detect vehicles and objects
16 ahead of the vehicle; and

17 (ii) to alert the operator of an im-
18 pending collision; and

19 (B) a crash-imminent braking function to
20 provide automatic braking when forward-look-
21 ing sensors of the vehicle indicate that—

22 (i) a crash is imminent; and

23 (ii) the operator of the vehicle is not
24 applying the brakes.

1 (2) LARGE SCHOOLBUS.—The term “large
2 schoolbus” means a schoolbus with a gross vehicle
3 weight rating of more than 10,000 pounds.

4 (3) SCHOOLBUS.—The term “schoolbus” has
5 the meaning given such term in section 30125(a) of
6 title 49, United States Code.

7 **SEC. 4402. ILLEGAL PASSING OF SCHOOLBUSES.**

8 (a) REVIEW OF ILLEGAL PASSING LAWS.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the date of enactment of this Act, the Secretary of
11 Transportation shall—

12 (A) prepare a compilation of illegal passing
13 laws in all States, including levels of enforce-
14 ment and penalties and enforcement issues with
15 such laws and the impact of such laws on illegal
16 passing of schoolbuses in each State;

17 (B) review existing State laws that may in-
18 hibit effective schoolbus loading zone counter-
19 measures, which may include laws requiring
20 camera visibility of a driver’s face for enforce-
21 ment action, laws that may reduce stop-arm
22 camera effectiveness, the need for an officer to
23 witness the event for enforcement, and the lack
24 of primary enforcement for texting and driving;

1 (C) evaluate methods used by States to re-
2 view, document, and report to law enforcement
3 schoolbus stop-arm violations; and

4 (D) following the completion of the com-
5 pilation, issue recommendations on best prac-
6 tices on the most effective approaches to ad-
7 dress illegal passing of schoolbuses.

8 (2) PUBLICATION.—The compilation and rec-
9 ommendations prepared under paragraph (1) shall
10 be made publicly available on the website of the De-
11 partment of Transportation.

12 (b) PUBLIC SAFETY MESSAGING CAMPAIGN.—

13 (1) IN GENERAL.—Not later than 1 year after
14 the date on which the Secretary makes the compila-
15 tion and recommendations under subsection (a)(2)
16 publicly available, the Secretary shall create and exe-
17 cute a public safety messaging campaign for dis-
18 tribution to States, divisions of motor vehicles,
19 schools, and other public outlets to highlight the
20 dangers of the illegal passing of schoolbuses, and
21 should include educating students and the public on
22 safe loading and unloading of schoolbuses.

23 (2) CONSULTATION.—The Secretary shall con-
24 sult with public and private schoolbus industry rep-

1 representatives and States in developing the campaign
2 materials.

3 (3) UPDATE.—The Secretary shall periodically
4 update such materials.

5 (c) REVIEW OF TECHNOLOGIES.—

6 (1) IN GENERAL.—Not later than 2 years after
7 the date of enactment of this Act, the Secretary
8 shall review and evaluate the effectiveness of various
9 technologies to enhance schoolbus safety, including
10 cameras, audible warning systems, enhanced light-
11 ing, and other technological solutions.

12 (2) CONTENT.—The review under paragraph
13 (1)—

14 (A) shall include an evaluation of the costs
15 of new equipment and the potential impact on
16 overall schoolbus ridership;

17 (B) shall include an evaluation of advanced
18 technologies surrounding loading zone safety;

19 (C) shall include an evaluation of motion-
20 activated detection systems that are capable
21 of—

22 (i) detecting pedestrians, bicyclists,
23 and other road users located near the exte-
24 rior of the schoolbus; and

1 (ii) alerting the operator of the school-
2 bus of the road users described in clause
3 (i);

4 (D) shall include an evaluation of school-
5 bus lighting systems, to ensure clear commu-
6 nication to surrounding drivers on their appro-
7 priate action; and

8 (E) may include other technological solu-
9 tions that enhance schoolbus safety.

10 (3) CONSULTATION.—The Secretary shall con-
11 sult with manufacturers of schoolbus vehicles, manu-
12 facturers of various technologies, and school bus in-
13 dustry representatives in conducting the review
14 under paragraph (1).

15 (4) PUBLICATION.—The Secretary shall make
16 the findings of the review under paragraph (1) pub-
17 licly available on the website of the Department.

18 (d) REVIEW OF DRIVER EDUCATION MATERIALS.—

19 (1) IN GENERAL.—Not later than 2 years after
20 the date of enactment of this Act, the Secretary
21 shall—

22 (A) review driver education materials
23 across all States to determine whether and how
24 illegal passing of schoolbuses is addressed in
25 driver education materials, manuals, non-com-

1 merchial driver’s license testing, and road tests;
2 and

3 (B) make recommendations on how States
4 can improve education about illegal passing of
5 schoolbuses, particularly with new drivers.

6 (2) CONSULTATION.—The Secretary shall con-
7 sult with schoolbus industry representatives, States,
8 motor vehicle administrators, and other appropriate
9 motor vehicle experts in the preparation of the re-
10 view under paragraph (1).

11 (3) PUBLICATION.—The Secretary shall make
12 the findings of the review under paragraph (1) pub-
13 licly available on the website of the Department.

14 (e) REVIEW OF OTHER SAFETY ISSUES.—

15 (1) IN GENERAL.—Not later than 2 years after
16 the date of enactment of this Act, the Secretary
17 shall—

18 (A) research the connections between ille-
19 gal passing of schoolbuses and other safety
20 issues, including distracted driving, morning
21 darkness, poor visibility, illumination and reach
22 of vehicle headlights, speed limits, and school-
23 bus stop locations in rural areas; and

24 (B) create a report containing the findings.

1 (2) PUBLICATION.—The Secretary shall make
2 the report created under paragraph (1)(B) publicly
3 available on the website of the Department.

4 **SEC. 4403. STATE INSPECTION OF PASSENGER-CARRYING**
5 **COMMERCIAL MOTOR VEHICLES.**

6 (a) IN GENERAL.—Not later than 2 years after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall issue a final rule based on the advance notice
9 of proposed rulemaking published on April 27, 2016, titled
10 “State Inspection Programs for Passenger-Carrier Vehi-
11 cles” (81 Fed. Reg. 24769).

12 (b) CONSIDERATIONS.—In issuing a final rule under
13 subsection (a), the Secretary shall consider the impact of
14 continuing to allow self-inspection as a means to satisfy
15 periodic inspection requirements on the safety of pas-
16 senger carrier operations.

17 **SEC. 4404. AUTOMATIC EMERGENCY BRAKING.**

18 (a) FEDERAL MOTOR VEHICLE SAFETY STAND-
19 ARD.—

20 (1) IN GENERAL.—Not later than 1 year after
21 the date of enactment of this Act, the Secretary of
22 Transportation shall—

23 (A) prescribe a motor vehicle safety stand-
24 ard under section 30111 of title 49, United
25 States Code, that requires all commercial motor

1 vehicles manufactured after the effective date of
2 such standard to be equipped with an automatic
3 emergency braking system; and

4 (B) as part of such standard, establish
5 performance requirements for automatic emer-
6 gency braking systems, including operation of
7 such systems in a variety of driving conditions.

8 (2) CONSIDERATIONS.—Prior to prescribing the
9 standard required under paragraph (1)(A), the Sec-
10 retary shall—

11 (A) conduct a review of automatic emer-
12 gency braking systems in use in commercial
13 motor vehicles and address any identified defi-
14 ciencies with such systems in the rulemaking
15 proceeding to prescribe the standard, if prac-
16 ticable;

17 (B) assess the feasibility of updating the
18 software of emergency braking systems in use
19 in commercial motor vehicles to address any de-
20 ficiencies and to enable such systems to meet
21 the new standard; and

22 (C) consult with representatives of com-
23 mercial motor vehicle drivers regarding the ex-
24 periences of drivers with automatic emergency
25 braking systems in use in commercial motor ve-

1 hicles, including malfunctions or unwarranted
2 activations of such systems.

3 (3) COMPLIANCE DATE.—The Secretary shall
4 ensure that the compliance date of the standard pre-
5 scribed pursuant to paragraph (1) shall be not later
6 than 2 years after the date of publication of the
7 final rule prescribing such standard.

8 (b) FEDERAL MOTOR CARRIER SAFETY REGULA-
9 TION.—Not later than 1 year after the date of enactment
10 of this Act, the Secretary shall issue a regulation under
11 section 31136 of title 49, United States Code, that re-
12 quires that an automatic emergency braking system in-
13 stalled in a commercial motor vehicle that is in operation
14 on or after the effective date of the standard prescribed
15 under subsection (a) be used at any time during which
16 such commercial motor vehicle is in operation.

17 (c) DEFINITIONS.—In this section:

18 (1) AUTOMATIC EMERGENCY BRAKING SYS-
19 TEM.—The term “automatic emergency braking sys-
20 tem” means a crash avoidance system installed and
21 operational in a vehicle that consists of—

22 (A) a forward collision warning function—

23 (i) to detect vehicles and objects
24 ahead of the vehicle; and

1 (ii) to alert the operator of the vehicle
2 of an impending collision; and

3 (B) a crash-imminent braking function to
4 provide automatic braking when forward-look-
5 ing sensors of the vehicle indicate that—

6 (i) a crash is imminent; and

7 (ii) the operator of the vehicle is not
8 applying the brakes.

9 (2) COMMERCIAL MOTOR VEHICLE.—The term
10 “commercial motor vehicle” has the meaning given
11 such term in section 31101 of title 49, United
12 States Code.

13 **SEC. 4405. UNDERRIDE PROTECTION.**

14 (a) REAR UNDERRIDE GUARDS.—

15 (1) REAR GUARDS ON TRAILERS AND
16 SEMITRAILERS.—

17 (A) IN GENERAL.—Not later than 1 year
18 after the date of enactment of this Act, the Sec-
19 retary of Transportation shall issue such regu-
20 lations as are necessary to revise motor vehicle
21 safety standards under sections 571.223 and
22 571.224 of title 49, Code of Federal Regula-
23 tions, to require trailers and semi-trailers man-
24 ufactured after the date on which such regula-
25 tion is issued to be equipped with rear impact

1 guards that are designed to prevent passenger
2 compartment intrusion from a trailer or
3 semitrailer when a passenger vehicle traveling
4 at 35 miles per hour makes—

5 (i) an impact in which the passenger
6 vehicle impacts the center of the rear of
7 the trailer or semitrailer;

8 (ii) an impact in which 50 percent the
9 width of the passenger vehicle overlaps the
10 rear of the trailer or semitrailer; and

11 (iii) an impact in which 30 percent of
12 the width of the passenger vehicle overlaps
13 the rear of the trailer or semitrailer.

14 (B) EFFECTIVE DATE.—The rule issued
15 under subparagraph (A) shall require full com-
16 pliance with the motor carrier safety standard
17 prescribed in such rule not later than 2 years
18 after the date on which a final rule is issued.

19 (2) ADDITIONAL RESEARCH.—The Secretary
20 shall conduct additional research on the design and
21 development of rear impact guards that can prevent
22 underride crashes and protect motor vehicle pas-
23 sengers against severe injury at crash speeds of up
24 to 65 miles per hour.

1 (3) REVIEW OF STANDARDS.—Not later than 5
2 years after any revisions to standards or require-
3 ments related to rear impact guards pursuant to
4 paragraph (1), the Secretary shall review the stand-
5 ards or requirements to evaluate the need for
6 changes in response to advancements in technology
7 and upgrade such standards accordingly.

8 (4) INSPECTIONS.—

9 (A) IN GENERAL.—Not later than 1 year
10 after the date of enactment of this Act, the Sec-
11 retary shall issue such regulations as are nec-
12 essary to amend the regulations on minimum
13 periodic inspection standards under appendix G
14 to subchapter B of chapter III of title 49, Code
15 of Federal Regulations, and driver vehicle in-
16 spection reports under section 396.11 of title
17 49, Code of Federal Regulations, to include
18 rear impact guards and rear end protection (as
19 required by section 393.86 of title 49, Code of
20 Federal Regulations).

21 (B) CONSIDERATIONS.—In updating the
22 regulations described in subparagraph (A), the
23 Secretary shall consider it to be a defect or a
24 deficiency if a rear impact guard is missing or
25 has a corroded or compromised element that af-

1 fects the structural integrity and protective fea-
2 ture of such guard.

3 (b) SIDE UNDERRIDE GUARDS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Secretary
6 shall—

7 (A) complete additional research on side
8 underride guards to better understand the over-
9 all effectiveness of such guards;

10 (B) assess the feasibility, benefits, and
11 costs associated with installing side underride
12 guards on newly manufactured trailers and
13 semitrailers with a gross vehicle weight rating
14 of 10,000 pounds or more; and

15 (C) if warranted, develop performance
16 standards for such guards.

17 (2) INDEPENDENT RESEARCH.—If the Sec-
18 retary enters into a contract with a third party to
19 perform the research required under paragraph
20 (1)(A), the Secretary shall ensure that such third
21 party does not have any financial or contractual ties
22 or relationship with a motor carrier that transports
23 passengers or property for compensation, the motor
24 carrier industry, or an entity producing or supplying
25 underride guards.

1 (3) PUBLICATION OF ASSESSMENT.—Not later
2 than 90 days after completing the assessment re-
3 quired under paragraph (1)(B), the Secretary shall
4 issue a notice in the Federal Register containing the
5 findings of the assessment and provide an oppor-
6 tunity for public comment.

7 (4) REPORT TO CONGRESS.—After the conclu-
8 sion of the public comment period under paragraph
9 (3), the Secretary shall submit to the Committee on
10 Transportation and Infrastructure of the House of
11 Representatives and the Committee on Commerce,
12 Science, and Transportation of the Senate a report
13 that provides—

14 (A) the results of the assessment under
15 this subsection;

16 (B) a summary of the public comments re-
17 ceived by the Secretary under paragraph (3);
18 and

19 (C) a determination as to whether the Sec-
20 retary intends to develop performance require-
21 ments for side underride guards, including any
22 analysis that led to such determination.

23 (e) ADVISORY COMMITTEE ON UNDERRIDE PROTEC-
24 TION.—

1 (1) ESTABLISHMENT.—Not later than 30 days
2 after the date of enactment of this Act, the Sec-
3 retary of Transportation shall establish an Advisory
4 Committee on Underride Protection (in this sub-
5 section referred to as the “Committee”) to provide
6 advice and recommendations to the Secretary on
7 safety regulations to reduce crashes and fatalities in-
8 volving truck underrides.

9 (2) REPRESENTATION.—

10 (A) IN GENERAL.—The Committee shall be
11 composed of not more than 20 members ap-
12 pointed by the Secretary who are not employees
13 of the Department of Transportation and who
14 are qualified to serve because of their expertise,
15 training, or experience.

16 (B) MEMBERSHIP.—Members shall include
17 two representatives of each of the following:

18 (i) Truck and trailer manufacturers.

19 (ii) Motor carriers, including inde-
20 pendent owner-operators.

21 (iii) Law enforcement.

22 (iv) Motor vehicle engineers.

23 (v) Motor vehicle crash investigators.

24 (vi) Truck safety organizations.

25 (vii) The insurance industry.

1 (viii) Emergency medical service pro-
2 viders.

3 (ix) Families of underride crash vic-
4 tims.

5 (x) Labor organizations.

6 (3) COMPENSATION.—Members of the Com-
7 mittee shall serve without compensation.

8 (4) MEETINGS.—The Committee shall meet at
9 least annually.

10 (5) SUPPORT.—On request of the Committee,
11 the Secretary shall provide information, administra-
12 tive services, and supplies necessary for the Com-
13 mittee to carry out the duties described in para-
14 graph (1).

15 (6) REPORT.—The Committee shall submit to
16 the Committee on Transportation and Infrastructure
17 of the House of Representatives and the Committee
18 on Commerce, Science, and Transportation of the
19 Senate a biennial report that shall—

20 (A) describe the advice and recommenda-
21 tions made to the Secretary; and

22 (B) include an assessment of progress
23 made by the Secretary in advancing safety reg-
24 ulations.

1 (d) DATA COLLECTION.—Not later than 1 year after
2 the date of enactment of this Act, the Secretary shall im-
3 plement recommendations 1 and 2 described in the report
4 by the Government Accountability Office published on
5 March 14, 2019, titled “Truck Underride Guards: Im-
6 proved Data Collection, Inspections, and Research Need-
7 ed” (GAO–19–264).

8 **SEC. 4406. TRANSPORTATION OF HORSES.**

9 Section 80502 of title 49, United States Code, is
10 amended—

11 (1) in subsection (c) by striking “This section
12 does not” and inserting “Subsections (a) and (b)
13 shall not”;

14 (2) by redesignating subsection (d) as sub-
15 section (e);

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

18 “(d) TRANSPORTATION OF HORSES.—

19 “(1) PROHIBITION.—No person may transport,
20 or cause to be transported, a horse from a place in
21 a State, the District of Columbia, or a territory or
22 possession of the United States through or to a
23 place in another State, the District of Columbia, or
24 a territory or possession of the United States in a

1 motor vehicle containing two or more levels stacked
2 on top of each other.

3 “(2) MOTOR VEHICLE DEFINED.—In this sub-
4 section, the term ‘motor vehicle’—

5 “(A) means a vehicle driven or drawn by
6 mechanical power and manufactured primarily
7 for use on public highways; and

8 “(B) does not include a vehicle operated
9 exclusively on a rail or rails.”; and

10 (4) in subsection (e), as redesignated—

11 (A) by striking “A rail carrier” and insert-
12 ing the following:

13 “(1) IN GENERAL.—A rail carrier”;

14 (B) by striking “this section” and insert-
15 ing “subsection (a) or (b)”;

16 (C) by striking “On learning” and insert-
17 ing the following:

18 “(2) TRANSPORTATION OF HORSES IN MULTI-
19 LEVEL TRAILER.—

20 “(A) CIVIL PENALTY.—A person that
21 knowingly violates subsection (d) is liable to the
22 United States Government for a civil penalty of
23 at least \$100, but not more than \$500, for each
24 violation. A separate violation of subsection (d)
25 occurs for each horse that is transported, or

1 caused to be transported, in violation of sub-
2 section (d).

3 “(B) RELATIONSHIP TO OTHER LAWS.—
4 The penalty imposed under subparagraph (A)
5 shall be in addition to any penalty or remedy
6 available under any other law.

7 “(3) CIVIL ACTION.—On learning”.

8 **SEC. 4407. ADDITIONAL STATE AUTHORITY.**

9 (a) ADDITIONAL AUTHORITY.—Notwithstanding the
10 limitation in section 127(d) of title 23, United States
11 Code, if a State had in effect on or before June 1, 1991,
12 a statute or regulation which placed a limitation on the
13 overall length of a longer combination vehicle consisting
14 of 3 trailers, such State may allow the operation of a
15 longer combination vehicle to accommodate a longer en-
16 ergy efficient truck tractor in such longer combination ve-
17 hicle under such limitation, if the additional tractor length
18 is the only added length to such longer combination vehicle
19 and does not result in increased cargo capacity in weight
20 or volume.

21 (b) SAVINGS CLAUSE.—Nothing in this section au-
22 thorizes a State to allow an increase in the length of a
23 trailer, semitrailer, or other cargo-carrying unit of a
24 longer combination vehicle.

1 (c) LONGER COMBINATION VEHICLE DEFINED.—
2 The term “longer combination vehicle” has the meaning
3 given such term in section 127 of title 23, United States
4 Code.

5 **SEC. 4408. UPDATING THE REQUIRED AMOUNT OF INSUR-**
6 **ANCE FOR COMMERCIAL MOTOR VEHICLES.**

7 Section 31139(b) of title 49, United States Code, is
8 amended—

9 (1) in paragraph (2), by striking “\$750,000”
10 and inserting “\$2,000,000”; and

11 (2) by adding at the end the following:

12 “(3) ADJUSTMENT.—The Secretary, in con-
13 sultation with the Bureau of Labor Statistics, shall
14 adjust the minimum level of financial responsibility
15 under paragraph (2) quinquennially for inflation.”.

16 **TITLE V—INNOVATION**

17 **SEC. 5001. AUTHORIZATION OF APPROPRIATIONS.**

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

21 (1) HIGHWAY RESEARCH AND DEVELOPMENT
22 PROGRAM.—To carry out section 503(b) of title 23,
23 United States Code, \$144,000,000 for each of fiscal
24 years 2022 through 2025.

1 (2) TECHNOLOGY AND INNOVATION DEPLOY-
2 MENT PROGRAM.—To carry out section 503(c) of
3 title 23, United States Code, \$152,000,000 for each
4 of fiscal years 2022 through 2025.

5 (3) TRAINING AND EDUCATION.—To carry out
6 section 504 of title 23, United States Code,
7 \$26,000,000 for each of fiscal years 2022 through
8 2025.

9 (4) INTELLIGENT TRANSPORTATION SYSTEMS
10 PROGRAM.—To carry out sections 512 through 518
11 of title 23, United States Code, \$100,000,000 for
12 each of fiscal years 2022 through 2025.

13 (5) UNIVERSITY TRANSPORTATION CENTERS
14 PROGRAM.—To carry out section 5505 of title 49,
15 United States Code, \$96,000,000 for each of fiscal
16 years 2022 through 2025.

17 (6) BUREAU OF TRANSPORTATION STATIS-
18 TICS.—To carry out chapter 63 of title 49, United
19 States Code, \$27,000,000 for each of fiscal years
20 2022 through 2025.

21 (b) ADDITIONAL PROGRAMS.—The following
22 amounts are authorized to be appropriated out of the
23 Highway Trust Fund (other than the Mass Transit Ac-
24 count):

1 (1) SAFE, EFFICIENT MOBILITY THROUGH AD-
2 VANCED TECHNOLOGIES.—To carry out section
3 503(c)(4) of title 23, United States Code,
4 \$70,000,000 for each of fiscal years 2022 through
5 2025 from funds made available to carry out section
6 503(c) of such title.

7 (2) MATERIALS TO REDUCE GREENHOUSE GAS
8 EMISSIONS PROGRAM.—To carry out section 503(d)
9 of title 23, United States Code, \$10,000,000 for
10 each of fiscal years 2022 through 2025 from funds
11 made available to carry out section 503(c) of such
12 title.

13 (3) NATIONAL HIGHLY AUTOMATED VEHICLE
14 AND MOBILITY INNOVATION CLEARINGHOUSE.—To
15 carry out section 5507 of title 49, United States
16 Code, \$2,000,000 for each of fiscal years 2022
17 through 2025 from funds made available to carry
18 out sections 512 through 518 of title 23, United
19 States Code.

20 (4) NATIONAL COOPERATIVE MULTIMODAL
21 FREIGHT TRANSPORTATION RESEARCH PROGRAM.—
22 To carry out section 70205 of title 49, United
23 States Code, \$4,000,000 for each of fiscal years
24 2022 through 2025 from funds made available to

1 carry out section 503(b) of title 23, United States
2 Code.

3 (5) STATE SURFACE TRANSPORTATION SYSTEM
4 FUNDING PILOTS.—To carry out section 6020 of the
5 FAST Act (23 U.S.C. 503 note), \$35,000,000 for
6 each of fiscal years 2022 through 2025 from funds
7 made available to carry out section 503(b) of title
8 23, United States Code.

9 (6) NATIONAL SURFACE TRANSPORTATION SYS-
10 TEM FUNDING PILOT.—To carry out section 5402 of
11 this title, \$10,000,000 for each of fiscal years 2022
12 through 2025 from funds made available to carry
13 out section 503(b) of title 23, United States Code.

14 (c) ADMINISTRATION.—The Federal Highway Ad-
15 ministration shall—

16 (1) administer the programs described in para-
17 graphs (1), (2), and (3) of subsection (a) and para-
18 graph (1) of subsection (b); and

19 (2) in consultation with relevant modal adminis-
20 trations, administer the programs described in sub-
21 sections (a)(4) and (b)(2).

22 (d) TREATMENT OF FUNDS.—Funds authorized to be
23 appropriated by subsections (a) and (b) shall—

24 (1) be available for obligation in the same man-
25 ner as if those funds were apportioned under chap-

1 ter 1 of title 23, United States Code, except that the
2 Federal share of the cost of a project or activity car-
3 ried out using those funds shall be 80 percent, un-
4 less otherwise expressly provided by this title (in-
5 cluding the amendments by this title) or otherwise
6 determined by the Secretary; and

7 (2) remain available until expended and not be
8 transferable, except as otherwise provided in this
9 title.

10 **Subtitle A—Research and** 11 **Development**

12 **SEC. 5101. HIGHWAY RESEARCH AND DEVELOPMENT PRO-** 13 **GRAM.**

14 (a) IN GENERAL.—Section 503 of title 23, United
15 States Code, is amended—

16 (1) in subsection (a)(2) by striking “section
17 508” and inserting “section 6503 of title 49”; and

18 (2) in subsection (b)—

19 (A) in paragraph (3)—

20 (i) in subparagraph (A)—

21 (I) in clause (ii) by striking “;
22 and” and inserting a semicolon;

23 (II) in clause (iii) by striking the
24 period and inserting “; and”; and

1 (III) by adding at the end the
2 following:

3 “(iv) to reduce greenhouse gas emis-
4 sions and limit the effects of climate
5 change.”; and

6 (ii) by striking subparagraphs (D)
7 and (E);

8 (B) in paragraph (4)(A)—

9 (i) in clause (ii) by striking “; and”
10 and inserting a semicolon;

11 (ii) in clause (iii) by striking the pe-
12 riod and inserting “; and”; and

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

15 “(iv) to reduce greenhouse gas emis-
16 sions and limit the effects of climate
17 change.”;

18 (C) in paragraph (5)(A)—

19 (i) in clause (iv) by striking “; and”
20 and inserting a semicolon;

21 (ii) in clause (v) by striking the period
22 and inserting “; and”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(vi) reducing greenhouse gas emis-
2 sions and limiting the effects of climate
3 change.”; and

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

5 “(9) ANALYSIS TOOLS.—The Secretary may de-
6 velop interactive modeling tools and databases
7 that—

8 “(A) track the condition of highway assets,
9 including interchanges, and the reconstruction
10 history of such assets;

11 “(B) can be used to assess transportation
12 options;

13 “(C) allow for the monitoring and mod-
14 eling of network-level traffic flows on highways;
15 and

16 “(D) further Federal and State under-
17 standing of the importance of national and re-
18 gional connectivity and the need for long-dis-
19 tance and interregional passenger and freight
20 travel by highway and other surface transpor-
21 tation modes.

22 “(10) PERFORMANCE MANAGEMENT DATA SUP-
23 PORT PROGRAM.—

24 “(A) PERFORMANCE MANAGEMENT DATA
25 SUPPORT.—The Administrator of the Federal

1 Highway Administration shall develop, use, and
2 maintain data sets and data analysis tools to
3 assist metropolitan planning organizations,
4 States, and the Federal Highway Administra-
5 tion in carrying out performance management
6 analyses (including the performance manage-
7 ment requirements under section 150).

8 “(B) INCLUSIONS.—The data analysis ac-
9 tivities authorized under subparagraph (A) may
10 include—

11 “(i) collecting and distributing vehicle
12 probe data describing traffic on Federal-
13 aid highways;

14 “(ii) collecting household travel behav-
15 ior data to assess local and cross-jurisdic-
16 tional travel, including to accommodate ex-
17 ternal and through travel;

18 “(iii) enhancing existing data collec-
19 tion and analysis tools to accommodate
20 performance measures, targets, and related
21 data, so as to better understand trip origin
22 and destination, trip time, and mode;

23 “(iv) enhancing existing data analysis
24 tools to improve performance predictions

1 and travel models in reports described in
2 section 150(e);

3 “(v) developing tools—

4 “(I) to improve performance
5 analysis; and

6 “(II) to evaluate the effects of
7 project investments on performance;

8 “(vi) assisting in the development or
9 procurement of the transportation system
10 access data under section 1403(g) of the
11 INVEST in America Act; and

12 “(vii) developing tools and acquiring
13 data described under paragraph (9).

14 “(C) FUNDING.—The Administrator of the
15 Federal Highway Administration may use up to
16 \$15,000,000 for each of fiscal years 2022
17 through 2025 to carry out this paragraph.”.

18 (b) REPEAL.—Section 6028 of the FAST Act (23
19 U.S.C. 150 note), and the item relating to such section
20 in the table of contents in section 1(b) of such Act, are
21 repealed.

1 **SEC. 5102. MATERIALS TO REDUCE GREENHOUSE GAS**
2 **EMISSIONS PROGRAM.**

3 Section 503 of title 23, United States Code, as
4 amended by section 5101, is further amended by adding
5 at the end the following:

6 “(d) MATERIALS TO REDUCE GREENHOUSE GAS
7 EMISSIONS PROGRAM.—

8 “(1) IN GENERAL.—Not later than 6 months
9 after the date of enactment of this subsection, the
10 Secretary shall establish and implement a program
11 under which the Secretary shall award grants to eli-
12 gible entities to research and support the develop-
13 ment of materials that will reduce or sequester the
14 amount of greenhouse gas emissions generated dur-
15 ing the production of highway materials and the
16 construction and use of highways.

17 “(2) ACTIVITIES.—The Secretary shall ensure
18 that the program, at a minimum—

19 “(A) carries out research to determine the
20 materials proven to most effectively reduce or
21 sequester greenhouse gas emissions;

22 “(B) evaluates and improves the ability of
23 materials to most effectively reduce or sequester
24 greenhouse gas emissions; and

1 “(C) supports the development and deploy-
2 ment of materials that will reduce or sequester
3 greenhouse gas emissions.

4 “(3) COMPETITIVE SELECTION PROCESS.—

5 “(A) APPLICATIONS.—To be eligible to re-
6 ceive a grant under this subsection, an eligible
7 entity shall submit to the Secretary an applica-
8 tion in such form and containing such informa-
9 tion as the Secretary may require.

10 “(B) CONSIDERATION.—In making grants
11 under this subsection, the Secretary shall con-
12 sider the degree to which applicants presently
13 carry out research on materials that reduce or
14 sequester greenhouse gas emissions.

15 “(C) SELECTION CRITERIA.—The Sec-
16 retary may make grants under this subsection
17 to any eligible entity based on the demonstrated
18 ability of the applicant to fulfill the activities
19 described in paragraph (2).

20 “(D) TRANSPARENCY.—

21 “(i) IN GENERAL.—The Secretary
22 shall provide to each eligible entity submit-
23 ting an application under this subsection,
24 upon request, any materials, including cop-
25 ies of reviews (with any information that

1 would identify a reviewer redacted), used
2 in the evaluation process of the application
3 of such entity.

4 “(ii) REPORTS.—The Secretary shall
5 submit to the Committee on Transpor-
6 tation and Infrastructure of the House of
7 Representatives and the Committee on En-
8 vironment and Public Works of the Senate
9 a report describing the overall review proc-
10 ess for a grant under this subsection, in-
11 cluding—

12 “(I) specific criteria of evaluation
13 used in the review;

14 “(II) descriptions of the review
15 process; and

16 “(III) explanations of the grants
17 awarded.

18 “(4) GRANTS.—

19 “(A) RESTRICTIONS.—

20 “(i) IN GENERAL.—For each fiscal
21 year, a grant made available under this
22 subsection shall be not greater than
23 \$4,000,000 and not less than \$2,000,000
24 per recipient.

1 “(ii) LIMITATION.—An eligible entity
2 may only receive one grant in a fiscal year
3 under this subsection.

4 “(B) MATCHING REQUIREMENTS.—

5 “(i) IN GENERAL.—As a condition of
6 receiving a grant under this subsection, a
7 grant recipient shall match 50 percent of
8 the amounts made available under the
9 grant.

10 “(ii) SOURCES.—The matching
11 amounts referred to in clause (i) may in-
12 clude amounts made available to the recipi-
13 ent under—

14 “(I) section 504(b); or

15 “(II) section 505.

16 “(5) PROGRAM COORDINATION.—

17 “(A) IN GENERAL.—The Secretary shall—

18 “(i) coordinate the research, edu-
19 cation, and technology transfer activities
20 carried out by grant recipients under this
21 subsection;

22 “(ii) disseminate the results of that
23 research through the establishment and op-
24 eration of a publicly accessible online infor-
25 mation clearinghouse; and

1 “(iii) to the extent practicable, sup-
2 port the deployment and commercial adop-
3 tion of effective materials researched or de-
4 veloped under this subsection to relevant
5 stakeholders.

6 “(B) ANNUAL REVIEW AND EVALUA-
7 TION.—Not later than 2 years after the date of
8 enactment of this subsection, and not less fre-
9 quently than annually thereafter, the Secretary
10 shall, consistent with the activities in paragraph
11 (3)—

12 “(i) review and evaluate the programs
13 carried out under this subsection by grant
14 recipients, describing the effectiveness of
15 the program in identifying materials that
16 reduce or sequester greenhouse gas emis-
17 sions;

18 “(ii) submit to the Committee on
19 Transportation and Infrastructure of the
20 House of Representatives and the Com-
21 mittee on Environment and Public Works
22 of the Senate a report describing such re-
23 view and evaluation; and

24 “(iii) make the report in clause (ii)
25 available to the public on a website.

1 “(6) LIMITATION ON AVAILABILITY OF
2 AMOUNTS.—Amounts made available to carry out
3 this subsection shall remain available for obligation
4 by the Secretary for a period of 3 years after the
5 last day of the fiscal year for which the amounts are
6 authorized.

7 “(7) INFORMATION COLLECTION.—Any survey,
8 questionnaire, or interview that the Secretary deter-
9 mines to be necessary to carry out reporting require-
10 ments relating to any program assessment or evalua-
11 tion activity under this subsection, including cus-
12 tomer satisfaction assessments, shall not be subject
13 to chapter 35 of title 44.

14 “(8) DEFINITION OF ELIGIBLE ENTITY.—In
15 this subsection, the term ‘eligible entity’ means a
16 nonprofit institution of higher education, as such
17 term is defined in section 101 of the Higher Edu-
18 cation Act of 1965 (20 U.S.C. 1001).”.

19 **SEC. 5103. TRANSPORTATION RESEARCH AND DEVELOP-**
20 **MENT 5-YEAR STRATEGIC PLAN.**

21 Section 6503 of title 49, United States Code, is
22 amended—

23 (1) in subsection (a) by striking “The Sec-
24 retary” and inserting “For the period of fiscal years

1 2017 through 2021, and for each 5-year period
2 thereafter, the Secretary”;

3 (2) in subsection (c)(1)—

4 (A) in subparagraph (D) by inserting “and
5 the existing transportation system” after “in-
6 frastructure”;

7 (B) in subparagraph (E) by striking “;
8 and” and inserting a semicolon;

9 (C) by amending subparagraph (F) to read
10 as follows:

11 “(F) reducing greenhouse gas emissions;
12 and”; and

13 (D) by adding at the end the following:

14 “(G) developing and maintaining a diverse
15 workforce in transportation sectors;”; and

16 (3) in subsection (d) by striking “not later than
17 December 31, 2016,” and inserting “not later than
18 December 31, 2021,”.

19 **SEC. 5104. UNIVERSITY TRANSPORTATION CENTERS PRO-**
20 **GRAM.**

21 Section 5505 of title 49, United States Code, is
22 amended—

23 (1) in subsection (b)(4)—

24 (A) in subparagraph (A) by striking “re-
25 search priorities identified in chapter 65.” and

1 inserting the following: “following research pri-
2 orities:

3 “(i) Improving the mobility of people
4 and goods.

5 “(ii) Reducing congestion.

6 “(iii) Promoting safety.

7 “(iv) Improving the durability and ex-
8 tending the life of transportation infra-
9 structure and the existing transportation
10 system.

11 “(v) Preserving the environment.

12 “(vi) Reducing greenhouse gas emis-
13 sions.”; and

14 (B) in subparagraph (B)—

15 (i) by striking “Technology and” and
16 inserting “Technology,”; and

17 (ii) by inserting “, the Associate Ad-
18 ministrator for Research, Demonstration,
19 and Innovation and Administrator of the
20 Federal Transit Administration,” after
21 “Federal Highway Administration”;

22 (2) in subsection (c)—

23 (A) in paragraph (1)—

1 (i) by striking “Not later than 1 year
2 after the date of enactment of this sec-
3 tion,” and inserting the following:

4 “(A) SELECTION OF GRANTS.—Not later
5 than 1 year after the date of enactment of the
6 INVEST in America Act,”; and

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

9 “(B) LIMITATIONS.—A grant under this
10 subsection may not include a cooperative agree-
11 ment described in section 6305 of title 31.”;

12 (B) in paragraph (2)—

13 (i) in subparagraph (A) by striking “5
14 consortia” and inserting “6 consortia”;

15 (ii) in subparagraph (B)—

16 (I) in clause (i) by striking “not
17 greater than \$4,000,000 and not less
18 than \$2,000,000” and inserting “not
19 greater than \$4,250,000 and not less
20 than \$2,250,000”; and

21 (II) in clause (ii) by striking
22 “section 6503(c)” and inserting “sub-
23 section (b)(4)(A)”;

1 (iii) in subparagraph (C) by striking
2 “100 percent” and inserting “50 percent”;
3 and

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

6 “(D) REQUIREMENT.—In awarding grants
7 under this section, the Secretary shall award 1
8 grant to a national consortia for each focus
9 area described in subsection (b)(4)(A).”;

10 (C) in paragraph (3)—

11 (i) in subparagraph (C) by striking
12 “not greater than \$3,000,000 and not less
13 than \$1,500,000” and inserting “not
14 greater than \$3,250,000 and not less than
15 \$1,750,000”;

16 (ii) in subparagraph (D)(i) by striking
17 “100 percent” and inserting “50 percent”;
18 and

19 (iii) by striking subparagraph (E);
20 and

21 (D) in paragraph (4)—

22 (i) in subparagraph (A) by striking
23 “greater than \$2,000,000 and not less
24 than \$1,000,000” and inserting “greater

1 than \$2,250,000 and not less than
2 \$1,250,000”; and

3 (ii) by striking subparagraph (C) and
4 inserting the following:

5 “(C) REQUIREMENTS.—In awarding
6 grants under this paragraph, the Secretary
7 shall—

8 “(i) consider consortia that include in-
9 stitutions that have demonstrated an abil-
10 ity in transportation-related research; and

11 “(ii) award not less than four grants
12 under this section to historically black col-
13 leges and universities and other minority-
14 serving institutions, as defined in section
15 371(a) of the Higher Education Act (20
16 U.S.C. 1067q).

17 “(D) FOCUSED RESEARCH.—

18 “(i) IN GENERAL.—In awarding
19 grants under this section, the Secretary
20 shall select not less than one grant recipi-
21 ent with each of the following focus areas:

22 “(I) Transit.

23 “(II) Connected and automated
24 vehicle technology.

1 “(III) Non-motorized transpor-
2 tation, including bicycle and pedes-
3 trian safety.

4 “(IV) Transportation planning,
5 including developing metropolitan
6 planning practices to meet the consid-
7 erations described in section 134(e)(4)
8 of title 23 and section 5303(e)(4).

9 “(V) The surface transportation
10 workforce, including—

11 “(aa) current and future
12 workforce needs and challenges;
13 and

14 “(bb) the impact of tech-
15 nology on the transportation sec-
16 tor.

17 “(VI) Climate change mitigation,
18 including—

19 “(aa) researching the types
20 of transportation projects that
21 are expected to provide the most
22 significant greenhouse gas emis-
23 sions reductions from the surface
24 transportation sector; and

1 “(bb) researching the types
2 of transportation projects that
3 are not expected to provide sig-
4 nificant greenhouse gas emissions
5 reductions from the surface
6 transportation sector.

7 “(VII) Rail.

8 “(ii) ADDITIONAL GRANTS.—In
9 awarding grants under this section and
10 after awarding grants pursuant to clause
11 (i), the Secretary may award any remain-
12 ing grants to any grant recipient based on
13 the criteria described in subsection
14 (b)(4)(A).

15 “(E) CONSIDERATIONS FOR SELECTED IN-
16 STITUTIONS.—

17 “(i) IN GENERAL.—Tier 1 transpor-
18 tation centers awarded a grant under this
19 paragraph with a focus area described in
20 subparagraph (D)(i)(IV) shall consider the
21 following areas for research:

22 “(I) strategies to address climate
23 change mitigation and impacts de-
24 scribed in section 134(i)(2)(I)(ii) of
25 title 23 and the incorporation of such

1 strategies into long range transpor-
2 tation plan; and

3 “(II) preparation of a vulner-
4 ability assessment described in section
5 134(i)(2)(I)(iii) of title 23.

6 “(ii) ACTIVITIES.—A tier 1 transpor-
7 tation center receiving a grant under this
8 section with a focus area described in sub-
9 paragraph (D)(i)(IV) may—

10 “(I) establish best practices;

11 “(II) develop modeling tools; and

12 “(III) carry out other activities
13 and develop technology that addresses
14 the planning considerations described
15 in clause (i).

16 “(iii) LIMITATION.—Research under
17 this subparagraph shall focus on metropoli-
18 tan planning organizations that represent
19 urbanized areas with populations of
20 200,000 or fewer.”;

21 (3) in subsection (d)(3) by striking “fiscal years
22 2016 through 2020” and inserting “fiscal years
23 2022 through 2025”;

24 (4) by redesignating subsection (f) as sub-
25 section (g); and

1 (5) by inserting after subsection (e) the fol-
2 lowing:

3 “(f) SURPLUS AMOUNTS.—

4 “(1) IN GENERAL.—Amounts made available to
5 the Secretary to carry out this section that remain
6 unobligated after awarding grants under subsection
7 (c) shall be made available under the unsolicited re-
8 search initiative under section 5506.

9 “(2) LIMITATION ON AMOUNTS.—Amounts
10 under paragraph (1) shall not exceed \$2,000,000 for
11 any given fiscal year.”.

12 **SEC. 5105. UNSOLICITED RESEARCH INITIATIVE.**

13 (a) IN GENERAL.—Subchapter I of chapter 55 of title
14 49, United States Code, is amended by adding at the end
15 the following:

16 **“§ 5506. Unsolicited research initiative**

17 “(a) IN GENERAL.—Not later than 180 days after
18 the date of enactment of this section, the Secretary shall
19 establish a program under which an eligible entity may
20 at any time submit unsolicited research proposals for
21 funding under this section.

22 “(b) CRITERIA.—A research proposal submitted
23 under subsection (a) shall meet the purposes of the Sec-
24 retary’s 5-year transportation research and development
25 strategic plan described in section 6503(c)(1).

1 “(c) PROJECT REVIEW.—Not later than 90 days
2 after an eligible entity submits a proposal under sub-
3 section (a), the Secretary shall—

4 “(1) review the research proposal submitted
5 under subsection (a);

6 “(2) evaluate such research proposal relative to
7 the criteria described in subsection (b);

8 “(3) provide to such eligible entity a written no-
9 tice that—

10 “(A) if the research proposal is not se-
11 lected for funding under this section—

12 “(i) notifies the eligible entity that the
13 research proposal has not been selected for
14 funding;

15 “(ii) provides an explanation as to
16 why the research proposal was not se-
17 lected, including if the research proposal
18 does not cover an area of need; and

19 “(iii) if applicable, recommends that
20 the research proposal be submitted to an-
21 other research program; and

22 “(B) if the research proposal is selected for
23 funding under this section, notifies the eligible
24 entity that the research proposal has been se-
25 lected for funding; and

1 “(4) fund the proposals described in paragraph
2 (3)(B).

3 “(d) REPORT.—Not later than 18 months after the
4 date of enactment of this section, and annually thereafter,
5 the Secretary shall make available to the public on a public
6 website a report on the progress and findings of the pro-
7 gram established under subsection (a).

8 “(e) FEDERAL SHARE.—

9 “(1) IN GENERAL.—The Federal share of the
10 cost of an activity carried out under this section may
11 not exceed 50 percent.

12 “(2) NON-FEDERAL SHARE.—All costs directly
13 incurred by the non-Federal partners, including per-
14 sonnel, travel, facility, and hardware development
15 costs, shall be credited toward the non-Federal share
16 of the cost of an activity carried out under this sec-
17 tion.

18 “(f) FUNDING.—

19 “(1) IN GENERAL.—Of the funds made avail-
20 able to carry out the university transportation cen-
21 ters program under section 5505, \$2,000,000 shall
22 be available for each of fiscal years 2022 through
23 2025 to carry out this section.

24 “(2) FUNDING FLEXIBILITY.—

1 “(A) IN GENERAL.—For fiscal years 2022
2 through 2025, funds made available under
3 paragraph (1) shall remain available until ex-
4 pended.

5 “(B) UNCOMMITTED FUNDS.—If the Sec-
6 retary determines, at the end of a fiscal year,
7 funds under paragraph (1) remain unexpended
8 as a result of a lack of meritorious projects
9 under this section, the Secretary may, for the
10 following fiscal year, make remaining funds
11 available under either this section or under sec-
12 tion 5505.

13 “(g) ELIGIBLE ENTITY DEFINED.—In this section,
14 the term ‘eligible entity’ means—

15 “(1) a State;

16 “(2) a unit of local government;

17 “(3) a transit agency;

18 “(4) any nonprofit institution of higher edu-
19 cation, including a university transportation center
20 under section 5505; and

21 “(5) a nonprofit organization.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 55 of title 49, United States Code, is amended by in-
24 serting after the item relating to section 5505 the fol-
25 lowing new item:

“5506. Unsolicited research initiative.”.

1 **SEC. 5106. NATIONAL COOPERATIVE MULTIMODAL**
2 **FREIGHT TRANSPORTATION RESEARCH PRO-**
3 **GRAM.**

4 (a) IN GENERAL.—Chapter 702 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 70205. National cooperative multimodal freight**
8 **transportation research program**

9 “(a) ESTABLISHMENT.—Not later than 1 year after
10 the date of enactment of this section, the Secretary shall
11 establish and support a national cooperative multimodal
12 freight transportation research program.

13 “(b) AGREEMENT.—Not later than 6 months after
14 the date of enactment of this section, the Secretary shall
15 seek to enter into an agreement with the National Acad-
16 emy of Sciences to support and carry out administrative
17 and management activities relating to the governance of
18 the national cooperative multimodal freight transportation
19 research program.

20 “(c) ADVISORY COMMITTEE.—In carrying out the
21 agreement described in subsection (b), the National Acad-
22 emy of Sciences shall select a multimodal freight transpor-
23 tation research advisory committee consisting of
24 multimodal freight stakeholders, including, at a min-
25 imum—

1 “(1) a representative of the Department of
2 Transportation;

3 “(2) representatives of any other Federal agen-
4 cies relevant in supporting the nation’s multimodal
5 freight transportation research needs;

6 “(3) a representative of a State department of
7 transportation;

8 “(4) a representative of a local government
9 (other than a metropolitan planning organization);

10 “(5) a representative of a metropolitan planning
11 organization;

12 “(6) a representative of the trucking industry;

13 “(7) a representative of the railroad industry;

14 “(8) a representative of the port industry;

15 “(9) a representative of logistics industry;

16 “(10) a representative of shipping industry;

17 “(11) a representative of a safety advocacy
18 group with expertise in freight transportation;

19 “(12) an academic expert on multimodal freight
20 transportation;

21 “(13) an academic expert on the contributions
22 of freight movement to greenhouse gas emissions;
23 and

24 “(14) representatives of labor organizations
25 representing workers in freight transportation.

1 “(d) ELEMENTS.—The national cooperative
2 multimodal freight transportation research program estab-
3 lished under this section shall include the following ele-
4 ments:

5 “(1) NATIONAL RESEARCH AGENDA.—The advi-
6 sory committee under subsection (c), in consultation
7 with interested parties, shall recommend a national
8 research agenda for the program established in this
9 section.

10 “(2) INVOLVEMENT.—Interested parties may—

11 “(A) submit research proposals to the advi-
12 sory committee;

13 “(B) participate in merit reviews of re-
14 search proposals and peer reviews of research
15 products; and

16 “(C) receive research results.

17 “(3) OPEN COMPETITION AND PEER REVIEW OF
18 RESEARCH PROPOSALS.—The National Academy of
19 Sciences may award research contracts and grants
20 under the program through open competition and
21 merit review conducted on a regular basis.

22 “(4) EVALUATION OF RESEARCH.—

23 “(A) PEER REVIEW.—Research contracts
24 and grants under the program may allow peer
25 review of the research results.

1 “(B) PROGRAMMATIC EVALUATIONS.—The
2 National Academy of Sciences shall conduct
3 periodic programmatic evaluations on a regular
4 basis of research contracts and grants.

5 “(5) DISSEMINATION OF RESEARCH FIND-
6 INGS.—

7 “(A) IN GENERAL.—The National Acad-
8 emy of Sciences shall disseminate research find-
9 ings to researchers, practitioners, and decision-
10 makers, through conferences and seminars, field
11 demonstrations, workshops, training programs,
12 presentations, testimony to government offi-
13 cials, a public website for the National Academy
14 of Sciences, publications for the general public,
15 and other appropriate means.

16 “(B) REPORT.—Not more than 18 months
17 after the date of enactment of this section, and
18 annually thereafter, the Secretary shall make
19 available on a public website a report that de-
20 scribes the ongoing research and findings of the
21 program.

22 “(e) CONTENTS.—The national research agenda
23 under subsection (d)(1) shall include—

24 “(1) techniques and tools for estimating and
25 identifying both quantitative and qualitative public

1 benefits derived from multimodal freight transpor-
2 tation projects, including—

3 “(A) greenhouse gas emissions reduction;

4 “(B) congestion reduction; and

5 “(C) safety benefits;

6 “(2) the impact of freight delivery vehicles, in-
7 cluding trucks, railcars, and non-motorized vehicles,
8 on congestion in urban and rural areas;

9 “(3) the impact of both centralized and dis-
10 parate origins and destinations on freight movement;

11 “(4) the impacts of increasing freight volumes
12 on transportation planning, including—

13 “(A) first-mile and last-mile challenges to
14 multimodal freight movement;

15 “(B) multimodal freight travel in both
16 urban and rural areas; and

17 “(C) commercial motor vehicle parking and
18 rest areas;

19 “(5) the effects of Internet commerce and accel-
20 erated delivery speeds on freight movement and in-
21 creased commercial motor vehicle volume, including
22 impacts on—

23 “(A) safety on public roads;

24 “(B) congestion in both urban and rural
25 areas;

1 “(C) first-mile and last-mile challenges and
2 opportunities;

3 “(D) the environmental impact of freight
4 transportation, including on air quality and on
5 greenhouse gas emissions; and

6 “(E) vehicle miles-traveled by freight-deliv-
7 ering vehicles;

8 “(6) the impacts of technological advancements
9 in freight movement, including impacts on—

10 “(A) congestion in both urban and rural
11 areas;

12 “(B) first-mile and last-mile challenges
13 and opportunities; and

14 “(C) vehicle miles-traveled;

15 “(7) methods and best practices for aligning
16 multimodal infrastructure improvements with
17 multimodal freight transportation demand, including
18 improvements to the National Multimodal Freight
19 Network under section 70103; and

20 “(8) other research areas to identify and ad-
21 dress current, emerging, and future needs related to
22 multimodal freight transportation.

23 “(f) FUNDING.—

1 (i) update and expand on, as appro-
2 priate—

3 (I) the report titled “Wildlife Ve-
4 hicle Collision Reduction Study: 2008
5 Report to Congress”: and

6 (II) the document titled “Wildlife
7 Vehicle Collision Reduction Study:
8 Best Practices Manual” and dated
9 October 2008; and

10 (ii) include—

11 (I) an assessment, as of the date
12 of the study, of—

13 (aa) the causes of wildlife-
14 vehicle collisions;

15 (bb) the impact of wildlife-
16 vehicle collisions on motorists
17 and wildlife; and

18 (cc) the impacts of roads
19 and traffic on habitat
20 connectivity for terrestrial and
21 aquatic species; and

22 (II) solutions and best practices
23 for—

24 (aa) reducing wildlife-vehicle
25 collisions; and

1 (bb) improving habitat
2 connectivity for terrestrial and
3 aquatic species.

4 (B) METHODS.—In carrying out the study
5 required under paragraph (1), the Secretary
6 shall—

7 (i) conduct a thorough review of re-
8 search and data relating to—

9 (I) wildlife-vehicle collisions; and

10 (II) habitat fragmentation that
11 results from transportation infrastruc-
12 ture;

13 (ii) survey current practices of the
14 Department of Transportation and State
15 departments of transportation to reduce
16 wildlife-vehicle collisions; and

17 (iii) consult with—

18 (I) appropriate experts in the
19 field of wildlife-vehicle collisions; and

20 (II) appropriate experts on the
21 effects of roads and traffic on habitat
22 connectivity for terrestrial and aquatic
23 species.

24 (3) REPORT.—

1 (A) IN GENERAL.—Not later than 18
2 months after the date of enactment of this Act,
3 the Secretary shall submit to Congress a report
4 on the results of the study required under para-
5 graph (1).

6 (B) CONTENTS.—The report required
7 under subparagraph (A) shall include—

8 (i) a description of—

9 (I) the causes of wildlife-vehicle
10 collisions;

11 (II) the impacts of wildlife-vehicle
12 collisions; and

13 (III) the impacts of roads and
14 traffic on—

15 (aa) species listed as threat-
16 ened species or endangered spe-
17 cies under the Endangered Spe-
18 cies Act of 1973 (16 U.S.C. 1531
19 et seq.);

20 (bb) species identified by
21 States as species of greatest con-
22 servation need;

23 (cc) species identified in
24 State wildlife plans; and

1 (dd) medium and small ter-
2 restrial and aquatic species;

3 (ii) an economic evaluation of the
4 costs and benefits of installing highway in-
5 frastructure and other measures to miti-
6 gate damage to terrestrial and aquatic spe-
7 cies, including the effect on jobs, property
8 values, and economic growth to society, ad-
9 jacent communities, and landowners;

10 (iii) recommendations for preventing
11 wildlife-vehicle collisions, including rec-
12 ommended best practices, funding re-
13 sources, or other recommendations for ad-
14 dressing wildlife-vehicle collisions; and

15 (iv) guidance to develop, for each
16 State that agrees to participate, a vol-
17 untary joint statewide transportation and
18 wildlife action plan.

19 (C) PURPOSES.—The purpose of the guid-
20 ance described in subparagraph (B)(iv) shall
21 be—

22 (i) to address wildlife-vehicle colli-
23 sions; and

24 (ii) to improve habitat connectivity for
25 terrestrial and aquatic species.

1 (D) CONSULTATION.—The Secretary shall
2 develop the guidance described under subpara-
3 graph (B)(iv) in consultation with—

4 (i) Federal land management agen-
5 cies;

6 (ii) State departments of transpor-
7 tation;

8 (iii) State fish and wildlife agencies;
9 and

10 (iv) Tribal governments.

11 (b) STANDARDIZATION OF WILDLIFE COLLISION AND
12 CARCASS DATA.—

13 (1) STANDARDIZATION METHODOLOGY.—

14 (A) IN GENERAL.—The Secretary of
15 Transportation, acting through the Adminis-
16 trator of the Federal Highway Administration,
17 shall develop a quality standardized method-
18 ology for collecting and reporting spatially accu-
19 rate wildlife collision and carcass data for the
20 National Highway System, taking into consider-
21 ation the practicability of the methodology with
22 respect to technology and cost.

23 (B) METHODOLOGY.—In developing the
24 standardized methodology under subparagraph
25 (A), the Secretary shall—

1 (i) survey existing methodologies and
2 sources of data collection, including the
3 Fatality Analysis Reporting System, the
4 General Estimates System of the National
5 Automotive Sampling System, and the
6 Highway Safety Information System; and

7 (ii) to the extent practicable, identify
8 and correct limitations of such existing
9 methodologies and sources of data collec-
10 tion.

11 (C) CONSULTATION.—In developing the
12 standardized methodology under subparagraph
13 (A), the Secretary shall consult with—

14 (i) the Secretary of the Interior;

15 (ii) the Secretary of Agriculture, act-
16 ing through the Chief of the Forest Serv-
17 ice;

18 (iii) Tribal, State, and local transpor-
19 tation and wildlife authorities;

20 (iv) metropolitan planning organiza-
21 tions (as such term is defined in section
22 134(b) of title 23, United States Code);

23 (v) members of the American Associa-
24 tion of State Highway and Transportation
25 Officials;

- 1 (vi) members of the Association of
2 Fish and Wildlife Agencies;
3 (vii) experts in the field of wildlife-ve-
4 hicle collisions;
5 (viii) nongovernmental organizations;
6 and
7 (ix) other interested stakeholders, as
8 appropriate.

9 (2) STANDARDIZED NATIONAL DATA SYSTEM
10 WITH VOLUNTARY TEMPLATE IMPLEMENTATION.—

11 The Secretary shall—

12 (A) develop a template for State implemen-
13 tation of a standardized national wildlife colli-
14 sion and carcass data system for the National
15 Highway System that is based on the standard-
16 ized methodology developed under paragraph
17 (1); and

18 (B) encourage the voluntary implementa-
19 tion of the template developed under subpara-
20 graph (A) for States, metropolitan planning or-
21 ganizations, and additional relevant transpor-
22 tation stakeholders.

23 (3) REPORTS.—

24 (A) METHODOLOGY.—The Secretary shall
25 submit to Congress a report describing the de-

1 development of the standardized methodology re-
2 quired under paragraph (1) not later than—

3 (i) the date that is 18 months after
4 the date of enactment of this Act; and

5 (ii) the date that is 180 days after the
6 date on which the Secretary completes the
7 development of such standardized method-
8 ology.

9 (B) IMPLEMENTATION.—Not later than 3
10 years after the date of enactment of this Act,
11 the Secretary shall submit to Congress a report
12 describing—

13 (i) the status of the voluntary imple-
14 mentation of the standardized methodology
15 developed under paragraph (1) and the
16 template developed under paragraph
17 (2)(A);

18 (ii) whether the implementation of the
19 standardized methodology developed under
20 paragraph (1) and the template developed
21 under paragraph (2)(A) has impacted ef-
22 forts by States, units of local government,
23 and other entities—

24 (I) to reduce the number of wild-
25 life-vehicle collisions; and

- 1 (II) to improve habitat
2 connectivity;
- 3 (iii) the degree of the impact de-
4 scribed in clause (ii); and
- 5 (iv) the recommendations of the Sec-
6 retary, including recommendations for fur-
7 ther study aimed at reducing motorist col-
8 lisions involving wildlife and improving
9 habitat connectivity for terrestrial and
10 aquatic species on the National Highway
11 System, if any.

12 (c) NATIONAL THRESHOLD GUIDANCE.—The Sec-
13 retary of Transportation shall—

14 (1) establish guidance, to be carried out by
15 States on a voluntary basis, that contains a thresh-
16 old for determining whether a highway shall be eval-
17 uated for potential mitigation measures to reduce
18 wildlife-vehicle collisions and increase habitat
19 connectivity for terrestrial and aquatic species, tak-
20 ing into consideration—

21 (A) the number of wildlife-vehicle collisions
22 on the highway that pose a human safety risk;

23 (B) highway-related mortality and effects
24 of traffic on the highway on—

1 (i) species listed as endangered spe-
2 cies or threatened species under the En-
3 dangered Species Act of 1973 (16 U.S.C.
4 1531 et seq.);

5 (ii) species identified by a State as
6 species of greatest conservation need;

7 (iii) species identified in State wildlife
8 plans; and

9 (iv) medium and small terrestrial and
10 aquatic species; and

11 (C) habitat connectivity values for terres-
12 trial and aquatic species and the barrier effect
13 of the highway on the movements and migra-
14 tions of those species.

15 (d) WORKFORCE DEVELOPMENT AND TECHNICAL
16 TRAINING.—

17 (1) IN GENERAL.—Not later than 3 years after
18 the date of enactment of this Act, the Secretary
19 shall, based on the study conducted under subsection
20 (a), develop a series of in-person and online work-
21 force development and technical training courses—

22 (A) to reduce wildlife-vehicle collisions; and

23 (B) to improve habitat connectivity for ter-
24 restrial and aquatic species.

25 (2) AVAILABILITY.—The Secretary shall—

1 (A) make the series of courses developed
2 under paragraph (1) available for transpor-
3 tation and fish and wildlife professionals; and

4 (B) update the series of courses not less
5 frequently than once every 2 years.

6 (e) WILDLIFE HABITAT CONNECTIVITY AND NA-
7 TIONAL BRIDGE AND TUNNEL INVENTORY AND INSPEC-
8 TION STANDARDS.—Section 144 of title 23, United States
9 Code, is amended in subsection (a)(2)—

10 (1) in subparagraph (B) by inserting “, resil-
11 ience,” after “safety”;

12 (2) in subparagraph (D) by striking “and” at
13 the end;

14 (3) in subparagraph (E) by striking the period
15 at the end and inserting “; and”; and

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

17 “(F) to ensure adequate passage of aquatic
18 and terrestrial species, where appropriate.”;

19 **SEC. 5108. RESEARCH ACTIVITIES.**

20 Section 330(g) of title 49, United States Code, is
21 amended by striking “each of fiscal years 2016 through
22 2020” and inserting “each of fiscal years 2022 through
23 2025”.

24 **SEC. 5109. INNOVATIVE MATERIAL INNOVATION HUBS.**

25 (a) ESTABLISHMENT.—

1 (1) IN GENERAL.—The Secretary of Transpor-
2 tation shall carry out a program to enhance the de-
3 velopment of innovative materials in the United
4 States by making awards to consortia for estab-
5 lishing and operating Hubs (to be known as “Inno-
6 vative Material Innovation Hubs”) to conduct and
7 support multidisciplinary, collaborative research, de-
8 velopment, demonstration, standardized design de-
9 velopment, and commercial application of innovative
10 materials.

11 (2) COORDINATION.—The Secretary shall en-
12 sure the coordination of, and avoid duplication of,
13 the activities of each Hub with the activities of—

14 (A) other research entities of the Depart-
15 ment of Transportation, including the Federal
16 Highway Administration; and

17 (B) research entities of other Federal
18 agencies, as appropriate.

19 (b) COMPETITIVE SELECTION PROCESS.—

20 (1) ELIGIBILITY.—To be eligible to receive an
21 award for the establishment and operation of a Hub
22 under subsection (a)(1), a consortium shall—

23 (A) be composed of not fewer than two
24 qualifying entities;

1 (B) operate subject to a binding agree-
2 ment, entered into by each member of the con-
3 sortium, that documents—

4 (i) the proposed partnership agree-
5 ment, including the governance and man-
6 agement structure of the Hub;

7 (ii) measures the consortium will un-
8 dertake to enable cost-effective implemen-
9 tation of activities under the program de-
10 scribed in subsection (a)(1); and

11 (iii) a proposed budget, including fi-
12 nancial contributions from non-Federal
13 sources; and

14 (C) operate as a nonprofit organization.

15 (2) APPLICATION.—

16 (A) IN GENERAL.—A consortium seeking
17 to establish and operate a Hub under sub-
18 section (a)(1) shall submit to the Secretary an
19 application at such time, in such manner, and
20 containing such information as the Secretary
21 may require, including a detailed description
22 of—

23 (i) each element of the consortium
24 agreement required under paragraph
25 (1)(B); and

1 (ii) any existing facilities the consor-
2 tium intends to use for Hub activities.

3 (B) REQUIREMENT.—If the consortium
4 members will not be located at 1 centralized lo-
5 cation, the application under subparagraph (A)
6 shall include a communications plan that en-
7 sures close coordination and integration of Hub
8 activities.

9 (3) SELECTION.—

10 (A) IN GENERAL.—The Secretary shall se-
11 lect consortia for awards for the establishment
12 and operation of Hubs through a competitive
13 selection process.

14 (B) CONSIDERATIONS.—In selecting con-
15 sortia under subparagraph (A), the Secretary
16 shall consider—

17 (i) any existing facilities a consortium
18 has identified to be used for Hub activities;

19 (ii) maintaining geographic diversity
20 in locations of selected Hubs;

21 (iii) the demonstrated ability of the
22 recipient to conduct and support multi-
23 disciplinary, collaborative research, devel-
24 opment, demonstration, standardized de-

1 sign development, and commercial applica-
2 tion of innovative materials;

3 (iv) the demonstrated research, tech-
4 nology transfer, and education resources
5 available to the recipient to carry out this
6 section;

7 (v) the ability of the recipient to pro-
8 vide leadership in solving immediate and
9 long-range national and regional transpor-
10 tation problems related to innovative mate-
11 rials;

12 (vi) the demonstrated ability of the re-
13 cipient to disseminate results and spur the
14 implementation of transportation research
15 and education programs through national
16 or statewide continuing education pro-
17 grams;

18 (vii) the demonstrated commitment of
19 the recipient to the use of peer review prin-
20 ciples and other research best practices in
21 the selection, management, and dissemina-
22 tion of research projects;

23 (viii) the performance metrics to be
24 used in assessing the performance of the
25 recipient in meeting the stated research,

1 technology transfer, education, and out-
2 reach goals; and

3 (ix) the ability of the recipient to im-
4 plement the proposed program in a cost-ef-
5 ficient manner, including through cost
6 sharing and overall reduced overhead, fa-
7 cilities, and administrative costs.

8 (4) TRANSPARENCY.—

9 (A) IN GENERAL.—The Secretary shall
10 provide to each applicant, upon request, any
11 materials, including copies of reviews (with any
12 information that would identify a reviewer re-
13 dacted), used in the evaluation process of the
14 proposal of the applicant.

15 (B) REPORTS.—The Secretary shall sub-
16 mit to the Committee on Transportation and
17 Infrastructure of the House of Representatives
18 and the Committee on Environment and Public
19 Works of the Senate a report describing the
20 overall review process under paragraph (2),
21 given the considerations under paragraph (3),
22 that includes—

23 (i) specific criteria of evaluation used
24 in the review;

- 1 (ii) descriptions of the review process;
2 and
3 (iii) explanations of the selected
4 awards.

5 (c) AUTHORIZATION.—There is authorized to be ap-
6 propriated to carry out this section such sums as may be
7 necessary and such sums shall remain available for a pe-
8 riod of 3 years after the last day of the fiscal year in which
9 such sums were made available.

10 (d) HUB OPERATIONS.—

11 (1) IN GENERAL.—Each Hub shall conduct, or
12 provide for, multidisciplinary, collaborative research,
13 development, demonstration, and commercial appli-
14 cation of innovative materials.

15 (2) ACTIVITIES.—Each Hub shall—

16 (A) encourage collaboration and commu-
17 nication among the member qualifying entities
18 of the consortium, as described in subsection
19 (b)(1), and awardees;

20 (B) develop and publish proposed plans
21 and programs on a publicly accessible website;

22 (C) submit to the Department of Trans-
23 portation an annual report summarizing the ac-
24 tivities of the Hub, including information—

1 (i) detailing organizational expendi-
2 tures; and

3 (ii) describing each project under-
4 taken by the Hub, as it relates to con-
5 ducting and supporting multidisciplinary,
6 collaborative research, development, dem-
7 onstration, standardized design develop-
8 ment, and commercial application of inno-
9 vative materials; and

10 (D) monitor project implementation and
11 coordination.

12 (3) CONFLICTS OF INTEREST.—Each Hub shall
13 maintain conflict of interest procedures, consistent
14 with the conflict of interest procedures of the De-
15 partment of Transportation.

16 (4) PROHIBITION ON CONSTRUCTION AND REN-
17 OVATION.—

18 (A) IN GENERAL.—No funds provided
19 under this section may be used for construction
20 or renovation of new buildings, test beds, or ad-
21 ditional facilities for Hubs.

22 (B) NON-FEDERAL SHARE.—Construction
23 of new buildings or facilities shall not be consid-
24 ered as part of the non-Federal share of a Hub
25 cost-sharing agreement.

1 (e) APPLICABILITY.—The Secretary shall administer
2 this section in accordance with section 330 of title 49,
3 United States Code.

4 (f) DEFINITIONS.—In this section:

5 (1) HUB.—The term “Hub” means an Innova-
6 tive Material Innovation Hub established under this
7 section.

8 (2) QUALIFYING ENTITY.—The term “quali-
9 fying entity” means—

10 (A) an institution of higher education (as
11 such term is defined in section 101(a) of the
12 Higher Education Act of 1965 (20 U.S.C.
13 1001(a));

14 (B) an appropriate Federal or State entity,
15 including a federally funded research and devel-
16 opment center of the Department of Transpor-
17 tation;

18 (C) a university transportation center
19 under section 5505 of title 49, United States
20 Code; and

21 (D) a research and development entity in
22 existence on the date of enactment of this Act
23 focused on innovative materials that the Sec-
24 retary determines to be similar in scope and in-
25 tent to a Hub under this section.

1 (3) INNOVATIVE MATERIAL.—The term “inno-
2 vative material”, with respect to an infrastructure
3 project, includes materials or combinations and proc-
4 esses for use of materials that enhance the overall
5 service life, sustainability, and resiliency of the
6 project or provide ancillary benefits relative to widely
7 adopted state of practice technologies, as determined
8 by the Secretary.

9 **SEC. 5110. STRATEGIC TRANSPORTATION RESEARCH AGEN-**
10 **DA.**

11 (a) IN GENERAL.—Subchapter 1 of chapter 55 of
12 title 49, United States Code, as amended, is further
13 amended by adding at the end the following:

14 **“SEC. 5509. STRATEGIC TRANSPORTATION RESEARCH**
15 **AGENDA.**

16 “(a) IN GENERAL.—Not later than 1 year after the
17 date of enactment of this section, the Secretary shall enter
18 into an agreement with the National Academies to under-
19 take a study of the research needs of the surface transpor-
20 tation system to fully adapt and integrate advanced tech-
21 nologies and innovation. The focus areas of the study shall
22 include—

23 “(1) connected and autonomous technologies;

24 “(2) incorporating safety-related technologies;

25 “(3) addressing infrastructure resiliency;

1 “(4) multimodal connectivity;

2 “(5) data gathering of travel behavior, includ-
3 ing the public’s short and long-term responses to
4 transformational technologies;

5 “(6) impacts of private-sector transportation
6 product development on society and the traditional
7 research enterprise;

8 “(7) support for a public-sector culture of
9 transportation innovation and acceleration of feder-
10 ally funded research into practice, codes, and stand-
11 ards; and

12 “(8) fostering development of transportation
13 educators and transportation professionals.

14 “(b) REPORT.—The agreement entered into under
15 this section shall require the National Academies to sub-
16 mit to Congress a report containing the results of the
17 study not later than 2 years after the date of enactment
18 of this section.

19 “(c) AUTHORIZATION OF APPROPRIATIONS.—There
20 is authorized to be appropriated to carry out this section
21 \$1,500,000 for fiscal year 2022.”.

22 (b) CONFORMING AMENDMENT.—The analysis for
23 chapter 55 of title 49, United States Code, is further
24 amended by adding at the end the following:

“5509. Strategic transportation research agenda.”.

1 **SEC. 5111. ADVANCED TRANSPORTATION RESEARCH AND**
2 **INNOVATION PROGRAM.**

3 (a) IN GENERAL.—Subchapter I of chapter 55 of title
4 49, United States Code, as amended, is further amended
5 by adding at the end the following:

6 **“§ 5510. Advanced transportation research and inno-**
7 **vation program.**

8 “(a) ESTABLISHMENT.—The Secretary of Transpor-
9 tation shall establish an advanced transportation research
10 and innovation program, to be administered by the Assist-
11 ant Secretary of Research and Technology, to—

12 “(1) support research that addresses the long-
13 term barriers to development of advanced transpor-
14 tation technologies with the potential to meet the
15 Nation’s long-term safety, competitiveness, and
16 transportation goals;

17 “(2) support high-risk research and develop-
18 ment to accelerate transformational transportation
19 innovations and emerging technology development;

20 “(3) advance research and development that
21 improves the resilience of regions of the United
22 States to natural disasters, extreme weather, and
23 the effects of climate change on modal and
24 multimodal transportation and infrastructure;

25 “(4) leverage Federal interagency research
26 mechanisms and the academic research enterprise;

1 “(5) educate and train students in science,
2 technology, engineering, and mathematics fields to
3 conduct research and standards development rel-
4 evant to transportation technologies, materials, sys-
5 tems, operations, processes, and policies; and

6 “(6) fostering collaboration among federal re-
7 searchers and academic researchers.

8 “(b) COLLABORATION.—

9 “(1) INTERAGENCY COLLABORATION.—In car-
10 rying out this section, the Secretary shall collaborate
11 on, identify, and disseminate within the Department,
12 as appropriate, advanced transportation research,
13 development, and other activities of other Federal
14 agencies, including the Office of Science and Tech-
15 nology Policy, the National Science Foundation, the
16 Department of Energy, the National Institute of
17 Standards and Technology, the Department of
18 Homeland Security, the National Aeronautics and
19 Space Administration, the National Oceanic and At-
20 mospheric Administration, and the Department of
21 Defense to ensure the Department’s research invest-
22 ments are making the best possible contribution to
23 the Nation’s goals of public health and safety, eco-
24 nomic prosperity, national security, environmental
25 quality, and a diverse transportation workforce.

1 “(2) NON-GOVERNMENTAL COLLABORATION.—

2 In carrying out this section, the Secretary shall col-
3 laborate with labor organizations, as appropriate.

4 “(c) RESEARCH GRANTS.—In carrying out this sec-
5 tion, the Secretary may carry out the activities described
6 under subsection (a) through—

7 “(1) competitive, merit-based basic research
8 grants to individual investigators and teams of in-
9 vestigators; and

10 “(2) centers of excellence selected through a
11 competitive, merit-based process.

12 “(d) APPLICATION.—

13 “(1) IN GENERAL.—An investigator, team of in-
14 vestigators, or an institution of higher education (or
15 consortium thereof) seeking funding under this sec-
16 tion shall submit an application to the Secretary at
17 such time, in such manner, and containing such in-
18 formation as the Secretary may require.

19 “(2) RESEARCH CENTERS.—Each application
20 under paragraph (1) from an institution of higher
21 education (or consortium thereof) shall include a de-
22 scription of how the Center will promote multidisci-
23 plinary transportation research and development col-
24 laboration.

1 “(e) RESEARCH.—At a minimum, the Secretary shall
2 award 75 percent of awards under this program to
3 projects for basic research.

4 “(f) REVIEW.—Not later than September 30, 2025,
5 the Secretary shall enter into an agreement with the Na-
6 tional Academies to conduct a review of the research and
7 activities carried out under this program and assess
8 whether such activities are consistent with subsection (a).
9 Members of the review panel shall represent, at a min-
10 imum, multimodal surface transportation researchers and
11 practitioners.

12 “(g) REPORT.—Not later than 1 year after the date
13 of enactment of the INVEST in America Act, and bienni-
14 ally thereafter, the Secretary shall provide to the Com-
15 mittee on Commerce, Science, and Transportation and
16 Environment and Public Works of the Senate and the
17 Committee on Transportation and Infrastructure and the
18 Committee on Science, Space, and Technology of the
19 House of Representatives a report on implementation of
20 the program under this section and research areas that
21 the program will support.

22 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$25,000,000 for each of fiscal years 2022 through 2025.”.

1 (b) CONFORMING AMENDMENT.—The analysis for
2 chapter 55 of title 49, United States Code, is further
3 amended by adding at the end the following:

“5510. Advanced transportation research and innovation program.”.

4 **SEC. 5112. INTERAGENCY INNOVATIVE MATERIALS STAND-**
5 **ARDS TASK FORCE.**

6 (a) PURPOSES.—The purposes of this section shall
7 be—

8 (1) to encourage the research, design, and use
9 of innovative materials, in concert with traditional
10 materials, and associated techniques in the construc-
11 tion and preservation of the domestic infrastructure
12 network;

13 (2) to accelerate the deployment and extend the
14 service life, improve the performance, and reduce the
15 cost of infrastructure projects; and

16 (3) to improve the economy, resilience, main-
17 tainability, sustainability, and safety of the domestic
18 infrastructure network.

19 (b) ESTABLISHMENT.—

20 (1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this Act, the Director
22 of the National Institute of Standards and Tech-
23 nology shall establish an Interagency Innovative Ma-
24 terials Standards Task Force (referred to in this
25 section as the “Task Force”) composed of the heads

1 of Federal agencies responsible for significant civil
2 infrastructure projects, including the Administrator
3 of the Federal Highway Administration.

4 (2) CHAIRPERSON.—The Director of the Na-
5 tional Institute of Standards and Technology shall
6 serve as Chairperson of the Task Force.

7 (c) DUTIES.—The Task Force shall coordinate and
8 improve, with respect to infrastructure construction, retro-
9 fitting, rehabilitation, and other improvements—

10 (1) Federal testing standards;

11 (2) Federal design and use guidelines;

12 (3) Federal regulations; and

13 (4) other applicable standards and performance
14 and sustainability metrics.

15 (d) REPORT.—

16 (1) IN GENERAL.—Not later than 18 months
17 after the date of enactment of this Act, the Task
18 Force shall conduct, and submit to the appropriate
19 committees of Congress a report that describes the
20 results of, a study—

21 (A) to assess the standards and perform-
22 ance metrics for the use of innovative materials
23 in infrastructure projects;

24 (B) to identify any barriers, regulatory or
25 otherwise, relating to the standards described in

1 subparagraph (A) that preclude the use of cer-
2 tain products or associated techniques; and

3 (C) to identify opportunities for the devel-
4 opment of standardized designs and materials
5 genome approaches that design and use innova-
6 tive materials to reduce costs, improve perform-
7 ance and sustainability, and extend the service
8 life of infrastructure assets.

9 (2) REPORT.—The report under paragraph (1)
10 shall—

11 (A) identify any non-Federal entities or
12 other organizations, including the American As-
13 sociation of State Highway and Transportation
14 Officials, that develop relevant standards; and

15 (B) outline a strategy to improve coordina-
16 tion and information sharing between the enti-
17 ties described in subparagraph (A) and any rel-
18 evant Federal agencies.

19 (e) IMPROVED COORDINATION.—Not later than 2
20 years after the date of enactment of this Act, the Task
21 Force shall collaborate with any non-Federal entity identi-
22 fied under subsection (d)(2)(A)—

23 (1) to identify and carry out appropriate re-
24 search, testing methods, and processes relating to
25 the development and use of innovative materials;

1 (2) to develop new methods and processes relat-
2 ing to the development and use of innovative mate-
3 rials, as the applicable agency head determines to be
4 necessary;

5 (3) to contribute to the development of stand-
6 ards, performance metrics, and guidelines for the
7 use of innovative materials and approaches in civil
8 infrastructure projects;

9 (4) to develop a plan for addressing potential
10 barriers, regulatory or otherwise, identified in sub-
11 section (d)(1)(B); and

12 (5) to develop a plan for the development of
13 standardized designs that use innovative materials to
14 reduce costs, improve performance and sustain-
15 ability, and extend the service life of infrastructure
16 assets.

17 (f) INNOVATIVE MATERIAL DEFINED.—In this sec-
18 tion, the term “innovative material”, with respect to an
19 infrastructure project, includes those materials or com-
20 binations and processes for use of materials that enhance
21 the overall service life, sustainability, and resiliency of the
22 project or provide ancillary benefits relative to widely
23 adopted state of practice technologies, as determined by
24 the appropriate Secretary or agency head.

1 **SEC. 5113. TRANSPORTATION EQUITY RESEARCH PRO-**
2 **GRAM.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall carry out a transportation equity research program
5 for research and demonstration activities that focus on the
6 impacts that surface transportation planning, investment,
7 and operations have on low-income populations, minority
8 populations, women, and other underserved populations
9 that may be dependent on public transportation. Such ac-
10 tivities shall include research on surface transportation eq-
11 uity issues, the development of strategies to advance eco-
12 nomic and community development in public transpor-
13 tation-dependent populations, and the development of
14 training programs that promote the employment of low-
15 income populations, minority populations, women, and
16 other underserved populations on Federal-aid transpor-
17 tation projects constructed in their communities.

18 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to carry out this section
20 \$2,000,000 for each of fiscal years 2022 through 2025.

21 (c) AVAILABILITY OF AMOUNTS.—Amounts made
22 available to the Secretary to carry out this section shall
23 remain available for a period of 3 years beginning after
24 the last day of the fiscal year for which the amounts are
25 authorized.

1 **Subtitle B—Technology**
2 **Deployment**

3 **SEC. 5201. TECHNOLOGY AND INNOVATION DEPLOYMENT**
4 **PROGRAM.**

5 Section 503(e) of title 23, United States Code, is
6 amended—

7 (1) in paragraph (1)—

8 (A) in subparagraph (A) by inserting “,
9 while considering the impacts on jobs” after
10 “transportation community”;

11 (B) in subparagraph (D) by striking “;
12 and” and inserting a semicolon;

13 (C) in subparagraph (E) by striking the
14 period and inserting “; and”; and

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

16 “(F) reducing greenhouse gas emissions
17 and limiting the effects of climate change.”;
18 and

19 (2) in paragraph (2)(A) by striking the period
20 and inserting “and findings from the materials to
21 reduce greenhouse gas emissions program under
22 subsection (d).”.

1 **SEC. 5202. ACCELERATED IMPLEMENTATION AND DEPLOY-**
2 **MENT OF PAVEMENT TECHNOLOGIES.**

3 Section 503(c)(3) of title 23, United States Code, is
4 amended—

5 (1) in subparagraph (B)—

6 (A) in clause (v) by striking “; and” and
7 inserting a semicolon;

8 (B) in clause (vi) by striking the period
9 and inserting “; and”; and

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

11 “(vii) the deployment of innovative
12 pavement designs, materials, and practices
13 that reduce or sequester the amount of
14 greenhouse gas emissions generated during
15 the production of highway materials and
16 the construction of highways, with consid-
17 eration for findings from the materials to
18 reduce greenhouse gas emissions program
19 under subsection (d).”;

20 (2) in subparagraph (C) by striking “fiscal
21 years 2016 through 2020” and inserting “fiscal
22 years 2022 through 2025”; and

23 (3) in subparagraph (D)(ii)—

24 (A) in subclause (III) by striking “; and”
25 and inserting a semicolon;

1 (B) in subclause (IV) by striking the pe-
2 riod and inserting a semicolon; and

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

4 “(V) pavement monitoring and
5 data collection practices;

6 “(VI) pavement durability and
7 resilience;

8 “(VII) stormwater management;

9 “(VIII) impacts on vehicle effi-
10 ciency;

11 “(IX) the energy efficiency of the
12 production of paving materials and
13 the ability of paving materials to en-
14 hance the environment and promote
15 sustainability;

16 “(X) integration of renewable en-
17 ergy in pavement designs; and

18 “(XI) greenhouse gas emissions
19 reduction, including findings from the
20 materials to reduce greenhouse gas
21 emissions program under subsection
22 (d).”.

1 **SEC. 5203. FEDERAL HIGHWAY ADMINISTRATION EVERY**
2 **DAY COUNTS INITIATIVE.**

3 (a) IN GENERAL.—Chapter 5 of title 23, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 520. Every Day Counts initiative**

7 “(a) IN GENERAL.—It is in the national interest for
8 the Department of Transportation, State departments of
9 transportation, and all other recipients of Federal surface
10 transportation funds—

11 “(1) to identify, accelerate, and deploy innova-
12 tion aimed at expediting project delivery;

13 “(2) enhancing the safety of the roadways of
14 the United States, and protecting the environment;

15 “(3) to ensure that the planning, design, engi-
16 neering, construction, and financing of transpor-
17 tation projects is done in an efficient and effective
18 manner;

19 “(4) to promote the rapid deployment of proven
20 solutions that provide greater accountability for pub-
21 lic investments and encourage greater private sector
22 involvement; and

23 “(5) to create a culture of innovation within the
24 highway community.

25 “(b) EVERY DAY COUNTS INITIATIVE.—To advance
26 the policy described in subsection (a), the Administrator

1 of the Federal Highway Administration shall continue the
2 Every Day Counts initiative to work with States, local
3 transportation agencies, all other recipients of Federal
4 surface transportation funds, and industry stakeholders,
5 including labor representatives, to identify and deploy
6 proven innovative practices and products that—

7 “(1) accelerate innovation deployment;

8 “(2) expedite the project delivery process;

9 “(3) improve environmental sustainability;

10 “(4) enhance roadway safety;

11 “(5) reduce congestion; and

12 “(6) reduce greenhouse gas emissions.

13 “(c) CONSIDERATIONS.—In carrying out the Every
14 Day Counts initiative, the Administrator shall consider
15 any innovative practices and products in accordance with
16 subsections (a) and (b), including—

17 “(1) research results from the university trans-
18 portation centers program under section 5505 of
19 title 49; and

20 “(2) results from the materials to reduce green-
21 house gas emissions program in section 503(d).

22 “(d) INNOVATION DEPLOYMENT.—

23 “(1) IN GENERAL.—At least every 2 years, the
24 Administrator shall work collaboratively with stake-
25 holders to identify a new collection of innovations,

1 best practices, and data to be deployed to highway
2 stakeholders through case studies, outreach, and
3 demonstration projects.

4 “(2) REQUIREMENTS.—In identifying a collec-
5 tion described in paragraph (1), the Secretary shall
6 take into account market readiness, impacts, bene-
7 fits, and ease of adoption of the innovation or prac-
8 tice.

9 “(e) PUBLICATION.—Each collection identified under
10 subsection (d) shall be published by the Administrator on
11 a publicly available website.

12 “(f) FUNDING.—The Secretary may use funds made
13 available to carry out section 503(c) to carry out this sec-
14 tion.”.

15 (b) CLERICAL AMENDMENT.—The analysis for chap-
16 ter 5 of title 23, United States Code, is amended by add-
17 ing at the end the following new item:

“520. Every Day Counts initiative.”.

18 (c) REPEAL.—Section 1444 of the FAST Act (23
19 U.S.C. 101 note), and the item related to such section in
20 the table of contents in section 1(b) of such Act, are re-
21 pealed.

1 **Subtitle C—Emerging Technologies**

2 **SEC. 5301. SAFE, EFFICIENT MOBILITY THROUGH AD-** 3 **VANCED TECHNOLOGIES.**

4 Section 503(c)(4) of title 23, United States Code, is
5 amended—

6 (1) in subparagraph (A)—

7 (A) by striking “Not later than 6 months
8 after the date of enactment of this paragraph,
9 the” and inserting “The”;

10 (B) by striking “establish an advanced
11 transportation and congestion management
12 technologies deployment” and inserting “estab-
13 lish a safe, efficient mobility through advanced
14 technologies”;

15 (C) by inserting “mobility,” before “effi-
16 ciency,”; and

17 (D) by inserting “environmental impacts,”
18 after “system performance,”;

19 (2) in subparagraph (B)—

20 (A) by striking clause (i) and inserting the
21 following:

22 “(i) reduce costs, improve return on
23 investments, and improve person through-
24 put and mobility, including through the op-

1 timization of existing transportation capac-
2 ity;”;

3 (B) in clause (iv) by inserting “bicyclist
4 and” before “pedestrian”;

5 (C) in clause (vii) by striking “; or” and
6 inserting a semicolon;

7 (D) in clause (viii)—

8 (i) by striking “accelerate” and insert-
9 ing “prepare for”; and

10 (ii) by striking the period and insert-
11 ing “; or”; and

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

13 “(ix) reduce greenhouse gas emissions
14 and limit the effects of climate change.”;

15 (3) in subparagraph (C)—

16 (A) in clause (ii)(II)(aa) by striking “con-
17 gestion” and inserting “congestion and delays,
18 greenhouse gas emissions”; and

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

20 “(iii) CONSIDERATIONS.—An applica-
21 tion submitted under this paragraph may
22 include a description of how the proposed
23 project would support the national goals
24 described in section 150(b), the achieve-
25 ment of metropolitan and statewide targets

1 established under section 150(d), or the
2 improvement of transportation system ac-
3 cess consistent with section 150(f), includ-
4 ing through—

5 “(I) the congestion and on-road
6 mobile-source emissions performance
7 measure established under section
8 150(c)(5); or

9 “(II) the greenhouse gas emis-
10 sions performance measure estab-
11 lished under section 150(c)(7).”;

12 (4) in subparagraph (D) by adding at the end
13 the following:

14 “(iv) PRIORITIZATION.—In awarding
15 a grant under this paragraph, the Sec-
16 retary shall prioritize projects that, in ac-
17 cordance with the criteria described in sub-
18 paragraph (B)—

19 “(I) improve person throughput
20 and mobility, including through the
21 optimization of existing transportation
22 capacity;

23 “(II) deliver environmental bene-
24 fits;

1 “(III) reduce the number and se-
2 verity of traffic accidents and increase
3 driver, passenger, and bicyclist and
4 pedestrian safety; or

5 “(IV) reduce greenhouse gas
6 emissions.

7 “(v) GRANT DISTRIBUTION.—The
8 Secretary shall award not fewer than 3
9 grants under this paragraph based on the
10 potential of the project to reduce the num-
11 ber and severity of traffic crashes and in-
12 crease, driver, passenger, and bicyclist and
13 pedestrian safety.”;

14 (5) in subparagraph (E)—

15 (A) in clause (vi)—

16 (i) by inserting “, vehicle-to-pedes-
17 trian,” after “vehicle-to-vehicle”; and

18 (ii) by inserting “systems to improve
19 vulnerable road user safety,” before “tech-
20 nologies associated with” ; and

21 (B) in clause (ix) by inserting “, including
22 activities under section 5316 of title 49” after
23 “disabled individuals”;

24 (6) by striking subparagraph (G) and inserting
25 the following:

1 “(G) REPORTING.—

2 “(i) APPLICABILITY OF LAW.—The
3 program under this paragraph shall be
4 subject to the accountability and oversight
5 requirements in section 106(m).

6 “(ii) REPORT.—Not later than 1 year
7 after the date that the first grant is
8 awarded under this paragraph, and each
9 year thereafter, the Secretary shall make
10 available to the public on a website a re-
11 port that describes the effectiveness of
12 grant recipients in meeting their projected
13 deployment plans, including data provided
14 under subparagraph (F) on how the pro-
15 gram has—

16 “(I) reduced traffic-related fatali-
17 ties and injuries;

18 “(II) reduced traffic congestion
19 and improved travel time reliability;

20 “(III) reduced transportation-re-
21 lated emissions;

22 “(IV) optimized multimodal sys-
23 tem performance;

24 “(V) improved access to trans-
25 portation alternatives;

1 “(VI) provided the public with
2 access to real-time integrated traffic,
3 transit, and multimodal transpor-
4 tation information to make informed
5 travel decisions;

6 “(VII) provided cost savings to
7 transportation agencies, businesses,
8 and the traveling public;

9 “(VIII) created or maintained
10 transportation jobs and supported
11 transportation workers; or

12 “(IX) provided other benefits to
13 transportation users and the general
14 public.

15 “(iii) CONSIDERATIONS.—If applica-
16 ble, the Secretary shall ensure that the ac-
17 tivities described in subclauses (I) and (IV)
18 of clause (ii) reflect—

19 “(I) any information described in
20 subparagraph (C)(iii) that is included
21 by an applicant; or

22 “(II) the project prioritization
23 guidelines under subparagraph
24 (D)(iv).”;

1 (7) in subparagraph (I) by striking “(i) IN
2 GENERAL” and all that follows through “the Sec-
3 retary may set aside” and inserting “Of the
4 amounts made available to carry out this paragraph,
5 the Secretary may set aside”;

6 (8) in subparagraph (J) by striking the period
7 at the end and inserting “, except that the Federal
8 share of the cost of a project for which a grant is
9 awarded under this paragraph shall not exceed 80
10 percent.”;

11 (9) in subparagraph (K) by striking “amount
12 described under subparagraph (I)” and inserting
13 “funds made available to carry out this paragraph”;

14 (10) by striking subparagraph (M) and insert-
15 ing the following:

16 “(M) GRANT FLEXIBILITY.—If, by August
17 1 of each fiscal year, the Secretary determines
18 that there are not enough grant applications
19 that meet the requirements described in sub-
20 paragraph (C) to carry out this paragraph for
21 a fiscal year, the Secretary shall transfer to the
22 technology and innovation deployment pro-
23 gram—

24 “(i) any of the funds made available
25 to carry out this paragraph in a fiscal year

1 that the Secretary has not yet awarded
2 under this paragraph; and

3 “(ii) an amount of obligation limita-
4 tion equal to the amount of funds that the
5 Secretary transfers under clause (i).”; and

6 (11) in subparagraph (N)—

7 (A) in clause (i) by inserting “an urban-
8 ized area with” before “a population of”; and

9 (B) in clause (iii) by striking “a any” and
10 inserting “any”.

11 **SEC. 5302. INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
12 **GRAM.**

13 (a) **USE OF FUNDS FOR ITS ACTIVITIES.**—Section
14 513(c)(1) of title 23, United States Code, is amended by
15 inserting “greenhouse gas emissions reduction,” before
16 “and congestion management”.

17 (b) **GOALS AND PURPOSES.**—Section 514(a) of title
18 23, United States Code, is amended—

19 (1) in paragraph (6) by striking “national
20 freight policy goals” and inserting “national
21 multimodal freight policy goals and activities de-
22 scribed in subtitle IX of title 49”;

23 (2) by redesignating paragraphs (4), (5), and
24 (6) as paragraphs (5), (6), and (7), respectively; and

1 (3) by inserting after paragraph (3) the fol-
2 lowing:

3 “(4) reduction of greenhouse gas emissions and
4 mitigation of the effects of climate change;”.

5 (c) GENERAL AUTHORITIES AND REQUIREMENTS.—
6 Section 515(h) of title 23, United States Code, is amend-
7 ed—

8 (1) in paragraph (2)—

9 (A) by striking “20 members” and insert-
10 ing “25 members”;

11 (B) in subparagraph (A) by striking
12 “State highway department” and inserting
13 “State department of transportation”;

14 (C) in subparagraph (B) by striking “local
15 highway department” and inserting “local de-
16 partment of transportation”;

17 (D) by striking subparagraphs (E), (F),
18 (G), (H), (I), and (J) and inserting the fol-
19 lowing:

20 “(E) a private sector representative of the
21 intelligent transportation systems industry;

22 “(F) a representative from an advocacy
23 group concerned with safety, including bicycle
24 and pedestrian interests;

1 “(G) a representative from a labor organi-
2 zation; and”;

3 (E) by redesignating subparagraph (K) as
4 subparagraph (H); and

5 (F) by striking subparagraph (L);

6 (2) in paragraph (3)—

7 (A) in subparagraph (A) by striking “sec-
8 tion 508” and inserting “section 6503 of title
9 49”;

10 (B) in subparagraph (B)—

11 (i) in clause (ii)—

12 (I) by inserting “in both urban
13 and rural areas” after “by users”;
14 and

15 (II) by striking “; and” and in-
16 serting a semicolon;

17 (ii) in clause (iii) by striking the pe-
18 riod and inserting “; and”; and

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

21 “(iv) assess how Federal transpor-
22 tation resources, including programs under
23 this title, are being used to advance intel-
24 ligent transportation systems.”; and

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

1 “(C) Convene not less frequently than
2 twice each year, either in person or remotely.”;

3 (3) in paragraph (4) by striking “May 1” and
4 inserting “April 1”; and

5 (4) in paragraph (5) by inserting “, except that
6 section 14 of such Act shall not apply” before the
7 period at the end.

8 (d) RESEARCH AND DEVELOPMENT.—Section 516(b)
9 of title 23, United States Code, is amended—

10 (1) by redesignating paragraphs (5), (6), and
11 (7) as paragraphs (6), (7), and (8), respectively; and

12 (2) by inserting after paragraph (4) the fol-
13 lowing:

14 “(5) demonstrate reductions in greenhouse gas
15 emissions;”.

16 **SEC. 5303. NATIONAL HIGHLY AUTOMATED VEHICLE AND**
17 **MOBILITY INNOVATION CLEARINGHOUSE.**

18 (a) IN GENERAL.—Subchapter I of chapter 55 of title
19 49, United States Code, is further amended by adding at
20 the end the following:

21 **“§ 5507. National highly automated vehicle and mo-**
22 **bility innovation clearinghouse**

23 “(a) IN GENERAL.—The Secretary shall make a
24 grant to an institution of higher education engaged in re-

1 search on the secondary impacts of highly automated vehi-
2 cles and mobility innovation to—

3 “(1) operate a national highly automated vehi-
4 cle and mobility innovation clearinghouse;

5 “(2) collect, conduct, and fund research on the
6 secondary impacts of highly automated vehicles and
7 mobility innovation;

8 “(3) make such research available on a public
9 website; and

10 “(4) conduct outreach and dissemination of the
11 information described in this subsection to assist
12 communities.

13 “(b) DEFINITIONS.—In this section:

14 “(1) HIGHLY AUTOMATED VEHICLE.—The term
15 ‘highly automated vehicle’ means a motor vehicle
16 that—

17 “(A) is capable of performing the entire
18 task of driving (including steering, accelerating
19 and decelerating, and reacting to external stim-
20 ulus) without human intervention; and

21 “(B) is designed to be operated exclusively
22 by a Level 3, Level 4, or Level 5 automated
23 driving system for all trips according to the rec-
24 ommended practice standards published on
25 June 15, 2018, by the Society of Automotive

1 Engineers International (J3016__201806) or
2 equivalent standards adopted by the Secretary
3 with respect to automated motor vehicles.

4 “(2) MOBILITY INNOVATION.—The term ‘mobil-
5 ity innovation’ means an activity described in section
6 5316, including mobility on demand and mobility as
7 a service (as such terms are defined in such section).

8 “(3) INSTITUTION OF HIGHER EDUCATION.—
9 The term ‘institution of higher education’ has the
10 meaning given the term in section 101 of the Higher
11 Education Act of 1965 (20 U.S.C. 1001).

12 “(4) SECONDARY IMPACTS.—The term ‘sec-
13 ondary impacts’ means the impacts on land use,
14 urban design, transportation systems, real estate,
15 accessibility, municipal budgets, social equity, avail-
16 ability and quality of jobs, air quality and climate,
17 energy consumption, and the environment.”.

18 (b) CLERICAL AMENDMENT.—The analysis for chap-
19 ter 55 of title 49, United States Code, is amended by in-
20 serting after the item relating to section 5506, as added
21 by this Act, the following:

“5507. National highly automated vehicle and mobility innovation clearing-
house.”.

22 (c) DEADLINE FOR CLEARINGHOUSE.—The Sec-
23 retary of Transportation shall ensure that the institution
24 of higher education that receives the grant described in

1 section 5507(a)(1) of title 49, United States Code, as
2 added by subsection (a), shall establish the national highly
3 automated vehicle clearinghouse described in such section
4 not later than 180 days after the date of enactment of
5 this Act.

6 **SEC. 5304. STUDY ON SAFE INTERACTIONS BETWEEN AUTO-**
7 **MATED VEHICLES AND ROAD USERS.**

8 (a) PURPOSE.—The purpose of this section shall be
9 to ensure that the increasing deployment of automated ve-
10 hicles does not jeopardize the safety of road users.

11 (b) STUDY.—

12 (1) ESTABLISHMENT.—Not later than 9
13 months after the date of enactment of this Act, the
14 Secretary of Transportation shall initiate a study on
15 the ability of automated vehicles to safely interact
16 with other road users.

17 (2) CONTENTS.—In carrying out the study
18 under paragraph (1), the Secretary shall—

19 (A) examine the ability of automated vehi-
20 cles to safely interact with general road users,
21 including vulnerable road users;

22 (B) identify barriers to improving the safe-
23 ty of interactions between automated vehicles
24 and general road users; and

1 (C) issue recommendations to improve the
2 safety of interactions between automated vehi-
3 cles and general road users, including, at a
4 minimum—

5 (i) technology advancements with the
6 potential to facilitate safer interactions be-
7 tween automated vehicles and general road
8 users given the safety considerations in
9 paragraph (3);

10 (ii) road user public awareness; and

11 (iii) improvements to transportation
12 planning and road design.

13 (3) CONSIDERATIONS.—In carrying out the
14 study under paragraph (1), the Secretary shall take
15 into consideration whether automated vehicles can
16 safely operate within the surface transportation sys-
17 tem, including—

18 (A) the degree to which ordinary human
19 behaviors make it difficult for an automated ve-
20 hicle to safely, reliably predict human actions;

21 (B) unique challenges for automated vehi-
22 cles in urban and rural areas;

23 (C) the degree to which an automated ve-
24 hicle is capable of uniformly recognizing and re-
25 sponding to individuals with disabilities and in-

1 individuals of different sizes, ages, races, and
2 other varying characteristics;

3 (D) for bicyclist, motorecyclist, and pedes-
4 trian road users—

5 (i) the varying and non-standardized
6 nature of bicyclist and pedestrian infra-
7 structure in different locations;

8 (ii) the close proximity to motor vehi-
9 cles within which bicyclists often operate,
10 including riding in unprotected bike lanes
11 and crossing lanes to make a left turn, and
12 the risk of such close proximity; and

13 (iii) roadways that lack marked bicy-
14 clist infrastructure, particularly in
15 midsized and rural areas, on which
16 bicyclists often operate;

17 (E) for motorecyclist road users, the close
18 proximity to other motor vehicles within which
19 motorecyclists operate, including operating be-
20 tween lanes of slow or stopped traffic; and

21 (F) depending on the level of automation
22 of the vehicle, the degree to which human inter-
23 vention remains necessary to safely operate an
24 automated vehicle to ensure the safety of gen-
25 eral road users in circumstances including—

- 1 (i) dangerous weather;
- 2 (ii) an electronic or system malfunc-
- 3 tion of the automated vehicle; and
- 4 (iii) a cybersecurity threat to the op-
- 5 eration of the vehicle.

6 (4) PUBLIC COMMENT.—Before conducting the

7 study under paragraph (1), the Secretary shall pro-

8 vide an opportunity for public comment on the study

9 proposal.

10 (c) WORKING GROUP.—

11 (1) ESTABLISHMENT.—Not later than 6

12 months after the date of enactment of this Act, the

13 Secretary of Transportation shall establish a work-

14 ing group to assist in the development of the study

15 and recommendations under subsection (b).

16 (2) MEMBERSHIP.—The working group estab-

17 lished under paragraph (1) shall include representa-

18 tion from—

19 (A) the National Highway Traffic Safety

20 Administration;

21 (B) State departments of transportation;

22 (C) local governments (other than metro-

23 politan planning organizations, as such term is

24 defined in section 134(b) of title 23, United

25 States Code);

1 (D) transit agencies;

2 (E) metropolitan planning organizations
3 (as such term is defined in section 134(b) of
4 title 23, United States Code);

5 (F) bicycle and pedestrian safety groups;

6 (G) highway and automobile safety groups;

7 (H) truck safety groups;

8 (I) law enforcement officers and first re-
9 sponders;

10 (J) motor carriers and independent owner-
11 operators;

12 (K) the road construction industry;

13 (L) labor organizations;

14 (M) academic experts on automated vehicle
15 technologies;

16 (N) manufacturers and developers of both
17 passenger and commercial automated vehicles;

18 (O) a motorecyclist rights group; and

19 (P) other industries and entities as the
20 Secretary determines appropriate.

21 (3) DUTIES.—The working group established
22 under paragraph (1) shall assist the Secretary by, at
23 a minimum—

24 (A) assisting in the development of the
25 scope of the study under subsection (b);

1 (B) reviewing the data and analysis from
2 such study;

3 (C) provide ongoing recommendations and
4 feedback to ensure that such study reflects the
5 contents described in paragraphs (2) and (3) of
6 subsection (b); and

7 (D) providing input to the Secretary on
8 recommendations required under subsection
9 (b)(2)(C).

10 (4) APPLICABILITY OF THE FEDERAL ADVISORY
11 COMMITTEE ACT.—The working group under this
12 subsection shall be subject to the Federal Advisory
13 Committee Act (5 U.S.C. App.), except that section
14 14 of such Act shall not apply.

15 (d) REPORT.—Not later than 2 years after the date
16 of enactment of this Act, the Secretary of Transportation
17 shall submit to the Committee on Transportation and In-
18 frastructure of the House of Representatives and the Com-
19 mittee on Commerce, Science, and Transportation of the
20 Senate, and make publicly available, the study initiated
21 under subsection (b), including recommendations for en-
22 suring that automated vehicles safely interact with general
23 road users.

24 (e) DEFINITIONS.—In this section:

1 (1) AUTOMATED VEHICLE.—The term “auto-
2 mated vehicle” means a motor vehicle equipped with
3 Level 3, Level 4, or Level 5 automated driving sys-
4 tems for all trips according to the recommended
5 practice standards published on June 15, 2018 by
6 the Society of Automotive Engineers International
7 (J3016__201806) or equivalent standards adopted
8 by the Secretary with respect to automated motor
9 vehicles.

10 (2) GENERAL ROAD USERS.—The term “gen-
11 eral road users” means—

12 (A) motor vehicles driven by individuals;

13 (B) bicyclists and pedestrians;

14 (C) motorcyclists;

15 (D) workers in roadside construction
16 zones;

17 (E) emergency response vehicles, including
18 first responders;

19 (F) vehicles providing local government
20 services, including street sweepers and waste
21 collection vehicles;

22 (G) law enforcement officers;

23 (H) personnel who manually direct traffic,
24 including crossing guards;

1 (I) users of shared micromobility (includ-
2 ing bikesharing and shared scooter systems);
3 and

4 (J) other road users that may interact
5 with automated vehicles, as determined by the
6 Secretary of Transportation.

7 (3) VULNERABLE ROAD USER.—The term “vul-
8 nerable road user” has the meaning given such term
9 in section 148(a) of title 23, United States Code.

10 **SEC. 5305. NONTRADITIONAL AND EMERGING TRANSPOR-**
11 **TATION TECHNOLOGY COUNCIL.**

12 (a) IN GENERAL.—Chapter 1 of title 49, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 **“§ 118. Nontraditional and Emerging Transportation**
16 **Technology Council**

17 “(a) ESTABLISHMENT.—The Secretary of Transpor-
18 tation shall establish a Nontraditional and Emerging
19 Transportation Technology Council (hereinafter referred
20 to as the ‘Council’) in accordance with this section.

21 “(b) MEMBERSHIP.—

22 “(1) IN GENERAL.—The Council shall be com-
23 posed of the following officers of the Department of
24 Transportation:

25 “(A) The Secretary of Transportation.

1 “(B) The Deputy Secretary of Transpor-
2 tation.

3 “(C) The Under Secretary of Transpor-
4 tation for Policy.

5 “(D) The General Counsel of the Depart-
6 ment of Transportation.

7 “(E) The Chief Information Officer of the
8 Department of Transportation.

9 “(F) The Assistant Secretary for Research
10 and Technology.

11 “(G) The Assistant Secretary for Budget
12 and Programs.

13 “(H) The Administrator of the Federal
14 Aviation Administration.

15 “(I) The Administrator of the Federal
16 Highway Administration.

17 “(J) The Administrator of the Federal
18 Motor Carrier Safety Administration.

19 “(K) The Administrator of the Federal
20 Railroad Administration.

21 “(L) The Administrator of the Federal
22 Transit Administration.

23 “(M) The Administrator of the Federal
24 Maritime Administration.

1 “(N) The Administrator of the National
2 Highway Traffic Safety Administration.

3 “(O) The Administrator of the Pipeline
4 and Hazardous Materials Safety Administra-
5 tion.

6 “(2) ADDITIONAL MEMBERS.—The Secretary
7 may designate additional members of the Depart-
8 ment to serve as at-large members of the Council.

9 “(3) CHAIR AND VICE CHAIR.—The Secretary
10 may designate officials to serve as the Chair and
11 Vice Chair of the Council and of any working groups
12 of the Council.

13 “(c) DUTIES.—The Council shall—

14 “(1) identify and resolve any jurisdictional or
15 regulatory gaps or inconsistencies associated with
16 nontraditional and emerging transportation tech-
17 nologies, modes, or projects pending or brought be-
18 fore the Department to eliminate, so far as prac-
19 ticable, impediments to the prompt and safe deploy-
20 ment of new and innovative transportation tech-
21 nology, including with respect to safety regulation
22 and oversight, environmental review, and funding
23 issues;

24 “(2) coordinate the Department’s internal over-
25 sight of nontraditional and emerging transportation

1 technologies, modes, or projects and engagement
2 with external stakeholders;

3 “(3) within applicable statutory authority other
4 than this paragraph, develop and establish depart-
5 ment-wide processes, solutions, and best practices
6 for identifying, managing and resolving issues re-
7 garding emerging transportation technologies,
8 modes, or projects pending or brought before the
9 Department; and

10 “(4) carry out such additional duties as the
11 Secretary may prescribe, to the extent consistent
12 with this title, including subsections (f)(2) and (g)
13 of section 106.”.

14 (b) CLERICAL AMENDMENT.—The analysis for chap-
15 ter 1 of title 49, United States Code, is amended by add-
16 ing at the end the following:

“118. Nontraditional and Emerging Transportation Technology Council.”.

17 **SEC. 5306. HYPERLOOP TRANSPORTATION.**

18 (a) IN GENERAL.—Not later than 6 months after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation, acting through the Nontraditional and Emerging
21 Transportation Technology Council of the Department of
22 Transportation, shall issue guidance to provide a clear
23 regulatory framework for the safe deployment of hyperloop
24 transportation.

1 (b) ELEMENTS.—In developing the guidance under
2 subsection (a), the Council shall—

3 (1) consider safety, oversight, environmental,
4 project delivery, and other regulatory requirements
5 prescribed by various modal administrations in the
6 Department;

7 (2) clearly delineate between relevant authori-
8 ties with respect to hyperloop transportation in the
9 Department and provide project sponsors with a sin-
10 gle point of access to the Department to inquire
11 about projects, plans, and proposals;

12 (3) establish clear, coordinated procedures for
13 the regulation of hyperloop transportation projects;
14 and

15 (4) develop and establish department-wide proc-
16 esses, solutions, and best practices for identifying,
17 managing, and resolving matters regarding
18 hyperloop transportation subject to the Depart-
19 ment’s jurisdiction.

20 **SEC. 5307. SURFACE TRANSPORTATION WORKFORCE RE-**
21 **TRAINING GRANT PROGRAM.**

22 (a) ESTABLISHMENT.—The Secretary of Transpor-
23 tation shall establish a program to make grants to eligible
24 entities to develop a curriculum for and establish transpor-
25 tation workforce training programs in urban and rural

1 areas to train, upskill, and prepare surface transportation
2 workers, whose jobs may be changed or worsened by auto-
3 mation, who have been separated from their jobs, or who
4 have received notice of impending job loss, as a result of
5 being replaced by automated driving systems.

6 (b) ELIGIBLE ENTITIES.—The following entities
7 shall be eligible to receive grants under this section:

8 (1) Institutions of higher education.

9 (2) Consortia of institutions of higher edu-
10 cation.

11 (3) Trade associations.

12 (4) Nongovernmental stakeholders.

13 (5) Organizations with a demonstrated capacity
14 to develop and provide career pathway programs
15 through labor-management partnerships and appren-
16 ticeships on a nationwide basis.

17 (c) LIMITATION ON AWARDS.—An entity may only
18 receive one grant per fiscal year under this section for an
19 amount determined appropriate by the Secretary.

20 (d) USE OF FUNDS.—

21 (1) IN GENERAL.—A recipient of a grant under
22 this section may only use grant amounts for devel-
23 oping and carrying out direct surface transportation
24 workforce retraining programs, including—

1 (A) testing of new roles for existing jobs,
2 including mechanical work, diagnostic work,
3 and fleet operations management;

4 (B) coursework or curricula through which
5 participants may pursue a degree or certifi-
6 cation;

7 (C) direct worker training or train-the-
8 trainer type programs in support of surface
9 transportation workers displaced by automated
10 vehicles; or

11 (D) training and upskilling workers, in-
12 cluding current drivers and maintenance techni-
13 cians, for positions directly related to auto-
14 mated vehicle operations.

15 (2) LIMITATION.—Funds made available under
16 this section may not be used in support of programs
17 to evaluate the effectiveness of automated vehicle
18 technologies.

19 (e) SELECTION CRITERIA.—The Secretary shall se-
20 lect recipients of grants under this section based on the
21 following criteria:

22 (1) Demonstrated research resources available
23 to the applicant for carrying out this section.

24 (2) Capability of the applicant to develop cur-
25 ricula in the training or retraining of individuals de-

1 scribed in subsection (a) as a result of automated
2 vehicles.

3 (3) Demonstrated commitment of the recipient
4 to carry out a surface transportation workforce de-
5 velopment program through degree-granting pro-
6 grams or programs that provide other industry-rec-
7 ognized credentials.

8 (4) The ability of the applicant to fulfill the
9 purposes under subsection (a).

10 (f) ELIGIBILITY.—An applicant is only eligible for a
11 grant under this section if such applicant—

12 (1) has an established surface transportation
13 workforce development program;

14 (2) has expertise in solving surface transpor-
15 tation problems through research, training, edu-
16 cation, and technology;

17 (3) actively shares information and results with
18 other surface transportation workforce development
19 programs with similar objectives;

20 (4) has experience in establishing, developing
21 and administering a surface transportation-related
22 apprenticeship or training program with at least 5
23 years of demonstrable results; and

1 (5) agrees to make all curricula, research find-
2 ings, or other materials developed using grant fund-
3 ing under this section publicly available.

4 (g) FEDERAL SHARE.—

5 (1) IN GENERAL.—The Federal share of a
6 grant under this section shall be a dollar for dollar
7 match of the costs of establishing and administering
8 the retraining program and related activities carried
9 out by the grant recipient or consortium of grant re-
10 cipients.

11 (2) AVAILABILITY OF FUNDS.—For a recipient
12 of a grant under this section carrying out activities
13 under such grant in partnership with a public trans-
14 portation agency that is receiving funds under sec-
15 tion 5307, 5337, or 5339 of title 49, United States
16 Code, not more than 0.5 percent of amounts made
17 available under any such section may qualify as the
18 non-Federal share under paragraph (1).

19 (h) REPORTING.—Not later than 60 days after
20 grants are awarded in any fiscal year under this section,
21 the Secretary shall submit to the Committee on Transpor-
22 tation and Infrastructure of the House of Representatives
23 and the Committees on Commerce, Science, and Transpor-
24 tation, Banking, Housing, and Urban Affairs, and Envi-
25 ronment and Public Works of the Senate, and make pub-

1 lically available, a report describing the activities and effec-
2 tiveness of the program under this section.

3 (1) TRANSPARENCY.—The report under this
4 subsection shall include the following information on
5 activities carried out under this section:

6 (A) A list of all grant recipients under this
7 section.

8 (B) An explanation of why each recipient
9 was chosen in accordance with the selection cri-
10 teria under subsection (e) and the eligibility re-
11 quirements under subsection (f).

12 (C) A summary of activities carried out by
13 each recipient and an analysis of the progress
14 of such activities toward achieving the purposes
15 under subsection (a).

16 (D) An accounting for the use of Federal
17 funds expended in carrying out this section.

18 (E) An analysis of outcomes of the pro-
19 gram under this section.

20 (2) TRAINING INFORMATION.—The report shall
21 include the following data on surface transportation
22 workforce training:

23 (A) The sectors of the surface transpor-
24 tation system from which workers are being dis-
25 placed.

1 (B) The skills and professions for which
2 workers are being retrained.

3 (C) How many workers have benefitted
4 from the grant award.

5 (D) Relevant demographic information of
6 impacted workers.

7 (i) DEFINITIONS.—For the purposes of this section,
8 the following definitions apply:

9 (1) INSTITUTION OF HIGHER EDUCATION.—The
10 term “institution of higher education” has the
11 meaning given the term in section 101 of the Higher
12 Education Act of 1965 (20 U.S.C. 1001).

13 (2) AUTOMATED VEHICLE.—The term “auto-
14 mated vehicle” means a motor vehicle that—

15 (A) is capable of performing the entire
16 task of driving (including steering, accelerating,
17 and decelerating, and reacting to external stim-
18 ulus) without human intervention; and

19 (B) is designed to be operated exclusively
20 by a Level 4 or Level 5 automated driving sys-
21 tem for all trips according to the recommended
22 practice standards published on June 15, 2018,
23 by the Society of Automotive Engineers Inter-
24 national (J3016__201806) or equivalent stand-

1 ards adopted by the Secretary with respect to
2 automated motor vehicles.

3 (3) PUBLIC TRANSPORTATION.—The term
4 “public transportation” has the meaning given such
5 term in section 5302 of title 49, United States Code.

6 (j) AUTHORIZATION OF APPROPRIATIONS.—

7 (1) IN GENERAL.—There is authorized to be
8 appropriated \$50,000,000 for each of fiscal years
9 2022 through 2025 to carry out this section.

10 (2) AVAILABILITY OF AMOUNTS.—Amounts
11 made available to the Secretary to carry out this sec-
12 tion shall remain available for a period of 3 years
13 after the last day of the fiscal year for which the
14 amounts are authorized.

15 **SEC. 5308. THIRD-PARTY DATA INTEGRATION PILOT PRO-**
16 **GRAM.**

17 (a) IN GENERAL.—Not later than 180 days after the
18 date of enactment of this Act, the Secretary of Transpor-
19 tation shall establish and implement a pilot program (in
20 this section referred to as the “program”) to leverage
21 anonymous crowdsourced data from third-party entities to
22 improve transportation management capabilities and effi-
23 ciency on Federal-aid highways.

24 (b) GOALS.—The goals of the program include the
25 utilization of anonymous crowdsourced data from third

1 parties to implement integrated traffic management sys-
2 tems which leverage real-time data to provide dynamic and
3 efficient traffic-flow management for purposes of—

4 (1) adjusting traffic light cycle times to opti-
5 mize traffic management and decrease congestion;

6 (2) expanding or contracting lane capacity to
7 meet traffic demand;

8 (3) enhancing traveler notification of service
9 conditions;

10 (4) prioritizing high-priority vehicles such as
11 emergency response and law enforcement within the
12 transportation system; and

13 (5) any other purposes which the Secretary
14 deems an appropriate use of anonymous user data.

15 (c) PARTNERSHIP.—In carrying out the program, the
16 Secretary is authorized to enter into agreements with pub-
17 lic and private sector entities to accomplish the goals listed
18 in subsection (b).

19 (d) DATA PRIVACY AND SECURITY.—The Secretary
20 shall ensure the protection of privacy for all sources of
21 data utilized in the program, promoting cybersecurity to
22 prevent hacking, spoofing, and disruption of connected
23 and automated transportation systems.

24 (e) PROGRAM LOCATIONS.—In carrying out the pro-
25 gram, the Secretary shall initiate programs in a variety

1 of areas, including urban, suburban, rural, tribal, or any
2 other appropriate settings.

3 (f) BEST PRACTICES.—Not later than 3 years after
4 date of enactment of this Act, the Secretary shall publicly
5 make available best practices to leverage private user data
6 to support improved transportation management capabili-
7 ties and efficiency, including—

8 (1) legal considerations when acquiring private
9 user data for public purposes; and

10 (2) protecting privacy and security of individual
11 user data.

12 (g) REPORT.—The Secretary shall annually submit
13 a report to the Committee on Transportation and Infra-
14 structure of the House of Representatives and the Com-
15 mittee on Environment and Public Works of the Senate
16 a report detailing—

17 (1) a description of the activities carried out
18 under the pilot program;

19 (2) an evaluation of the effectiveness of the
20 pilot program in meeting goals described in sub-
21 section (b);

22 (3) policy recommendations to improve integra-
23 tion of systems between public and private entities;
24 and

1 (4) a description of costs associated with equip-
2 ping and maintaining systems.

3 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated such sums as are necessary
5 to carry out the program.

6 (i) SUNSET.—On a date that is 5 years after the en-
7 actment of this Act, this program shall cease to be effec-
8 tive.

9 **SEC. 5309. THIRD-PARTY DATA PLANNING INTEGRATION**
10 **PILOT PROGRAM.**

11 (a) IN GENERAL.—Not later than 180 days after en-
12 actment of this Act, the Secretary of Transportation shall
13 establish and implement a pilot program (in this section
14 referred to as the “program”) to leverage anonymous
15 crowdsourced data from third-party entities to improve
16 transportation management capabilities and efficiency on
17 Federal-aid highways.

18 (b) GOALS.—The goals of the program include the
19 utilization of anonymous crowdsourced data from third
20 parties to—

21 (1) utilize private-user data to inform infra-
22 structure planning decisions for the purposes of—

23 (A) reducing congestion;

24 (B) decreasing miles traveled;

25 (C) increasing safety;

1 (D) improving freight efficiency;
2 (E) enhancing environmental conditions;
3 and
4 (F) other purposes as the Secretary deems
5 necessary.

6 (c) PARTNERSHIP.—In carrying out the program, the
7 Secretary is authorized to enter into agreements with pub-
8 lic and private sector entities to accomplish the goals listed
9 in subsection (b).

10 (d) DATA PRIVACY AND SECURITY.—The Secretary
11 shall ensure the protection of privacy for all sources of
12 data utilized in the program, promoting cybersecurity to
13 prevent hacking, spoofing, and disruption of connected
14 and automated transportation systems.

15 (e) PROGRAM LOCATIONS.—In carrying out the pro-
16 gram, the Secretary shall initiate programs in a variety
17 of areas, including urban, suburban, rural, tribal, or any
18 other appropriate settings.

19 (f) BEST PRACTICES.—Not later than 3 years after
20 date of enactment of this Act, the Secretary shall publicly
21 make available best practices to leverage private user data
22 to support improved transportation management capabili-
23 ties and efficiency, including—

24 (1) legal considerations when acquiring private
25 user data for public purposes; and

1 (2) protecting privacy and security of individual
2 user data.

3 (g) REPORT.—The Secretary shall annually submit
4 a report to the Committee on Transportation and Infra-
5 structure of the House of Representatives and the Com-
6 mittee on Environment and Public Works of the Senate
7 a report detailing—

8 (1) a description of the activities carried out
9 under the pilot program;

10 (2) an evaluation of the effectiveness of the
11 pilot program in meeting goals described in sub-
12 section (b); and

13 (3) policy recommendations to improve the im-
14 plementation of anonymous crowdsourced data into
15 planning decisions.

16 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated such sums as are necessary
18 to carry out the program.

19 (i) SUNSET.—On a date that is 5 years after the en-
20 actment of this Act, this program shall cease to be effec-
21 tive.

1 **SEC. 5310. MULTIMODAL TRANSPORTATION DEMONSTRATION PROGRAM.**
2

3 (a) IN GENERAL.—Subchapter 1 of chapter 55 of
4 title 49, United States Code is amended by adding at the
5 end the following:

6 **“SEC. 5511. MULTIMODAL TRANSPORTATION DEMONSTRATION PROGRAM.**
7

8 “(a) ESTABLISHMENT.—The Secretary of Transpor-
9 tation may establish a pilot program for the demonstration
10 of advanced transportation technologies for surface trans-
11 portation modes in small- and mid-sized communities by
12 providing grants to entities to achieve the purposes of the
13 national transportation research and development pro-
14 gram described in section 6503.

15 “(b) ELIGIBLE ACTIVITIES.—Activities eligible for
16 funding under this section include data interoperability,
17 mobility-on-demand, and micro-mobility projects to dem-
18 onstrate first-mile transportation, last-mile transpor-
19 tation, and any other activity as determined appropriate
20 by the Secretary.

21 “(c) JOINT INTERAGENCY FUNDING.—If determined
22 appropriate by the Secretary, joint interagency funding for
23 projects is authorized to support multimodal projects.

24 “(d) ELIGIBILITY.—Entities eligible to receive grants
25 under this program include local transportation organiza-
26 tions and transit agencies serving a population of not more

1 than 200,000 individuals, including communities of eco-
2 nomic hardship and communities that experience trans-
3 portation equity and accessibility issues.

4 “(e) APPLICATION.—

5 “(1) IN GENERAL.—An entity seeking funding
6 under this section shall submit an application to the
7 Secretary at such time, in such manner, and con-
8 taining such information as the Secretary may re-
9 quire.

10 “(2) COLLABORATION.—Each application sub-
11 mitted under this section shall describe how the ap-
12 plying entity will collaborate, as appropriate, with in-
13 stitutions of higher education, State and local gov-
14 ernments, regional transportation organizations,
15 nonprofit organizations, labor organizations, and pri-
16 vate sector entities.

17 “(f) AUTHORIZATION.—There is authorized to be ap-
18 propriated to carry out activities under this section
19 \$30,000,000 for each of fiscal years 2022 through 2025.”.

20 (b) CONFORMING AMENDMENT.—The analysis for
21 chapter 55 of title 49, United States Code, is further
22 amended by adding at the end the following:

“5511. Multimodal transportation demonstration program.”.

1 **SEC. 5311. AUTOMATED COMMERCIAL VEHICLE REPORT-**
2 **ING.**

3 (a) **ESTABLISHMENT.**—Not later than 1 year after
4 the date of enactment of this Act, the Secretary of Trans-
5 portation shall establish a repository for motor carriers,
6 shippers, technology companies, and other entities to sub-
7 mit information to the Secretary on testing, demonstra-
8 tions, or commercial operations of an automated commer-
9 cial motor vehicle on public roads.

10 (b) **INFORMATION REQUIRED.**—

11 (1) **SUBMISSIONS.**—Prior to the performance of
12 any tests, demonstrations, or commercial operations
13 of automated commercial motor vehicles on public
14 roads, the Secretary shall require an entity per-
15 forming such tests, demonstrations, or commercial
16 operations to provide the following information:

17 (A) The name of the entity responsible for
18 the operation of the automated commercial
19 motor vehicles to be used in the test, dem-
20 onstration, or commercial operation.

21 (B) The make and model of such vehicle or
22 vehicles.

23 (C) The level of automation of such vehicle
24 or vehicles, according to the standards de-
25 scribed in subsection (e)(1).

1 (D) The expected weight of such vehicle
2 during the test, demonstration, or operation.

3 (E) The Department of Transportation
4 number or operating authority assigned to the
5 entity described in subparagraph (A), if applica-
6 ble.

7 (F) The location of the testing, demonstra-
8 tion, or commercial operation, including the an-
9 ticipated route of such vehicle, planned stops,
10 and total anticipated miles traveled.

11 (G) Any cargo or passengers to be trans-
12 ported in such vehicle or vehicles, including
13 whether the entity is transporting such cargo or
14 passengers under contract with another entity.

15 (H) Documentation of training or certifi-
16 cations provided to any drivers, monitors, or
17 others involved in the operation or control of
18 the vehicle.

19 (I) Any fatigue management plans or work
20 hour limitations applicable to drivers or mon-
21 itors.

22 (J) Notices provided to local law enforce-
23 ment, State departments of transportation, and
24 related entities, if applicable.

25 (K) Proof of insurance coverage.

1 (2) UPDATES.—If an entity responsible for the
2 operation of an automated commercial motor vehicle
3 submits incomplete or inaccurate information pursu-
4 ant to subsection (d), the entity shall be given an
5 opportunity to amend or correct the submission
6 within a reasonable timeframe.

7 (3) NOTIFICATION.—Upon submission of the
8 information under paragraph (1), the Secretary shall
9 provide written notification acknowledging receipt of
10 the information and acknowledging that the submit-
11 ting entity will perform tests, demonstrations, or
12 commercial operations on public roads, as applicable.

13 (c) PUBLIC AVAILABILITY OF INFORMATION.—

14 (1) IN GENERAL.—The Secretary shall make
15 available information on the prevalence of, charac-
16 teristics of, and geographic location of testing, dem-
17 onstration, and commercial operations of automated
18 commercial motor vehicles on a publicly accessible
19 website of the Department of Transportation.

20 (2) PROTECTION OF INFORMATION.—Any data
21 collected under subsection (b) and made publicly
22 available pursuant to this subsection shall be made
23 available in a manner that—

1 (A) precludes the connection of the data to
2 any individual motor carrier, shipper, company,
3 or other entity submitting data; and

4 (B) protects the privacy and confidentiality
5 of individuals, operators, and entities submit-
6 ting the data.

7 (d) CRASH DATA.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary
10 shall require entities to submit information regard-
11 ing safety incidents which occur during the testing,
12 demonstration, or commercial operation of an auto-
13 mated commercial motor vehicle on public roads, in-
14 cluding—

15 (A) injuries and fatalities involving the
16 automated commercial motor vehicle;

17 (B) collisions or damage to persons or
18 property as a result of an automated commer-
19 cial motor vehicle test, demonstration, or com-
20 mercial operation;

21 (C) any malfunction or issue with a safety
22 critical element of an automated commercial
23 motor vehicle which compromises the safety of
24 the automated commercial motor vehicle or
25 other road users; and

1 (D) the mode of transportation used by
2 any road users involved in a safety critical inci-
3 dent, including general road users as defined
4 under section 5304 of this Act.

5 (2) DATA AVAILABILITY.—The Secretary shall
6 ensure that any entity described under this section
7 that has a Department of Transportation number or
8 operating authority from the Federal Motor Carrier
9 Safety Administration—

10 (A) shall be subject to safety monitoring
11 and oversight under the Compliance, Safety,
12 and Accountability program of the Federal
13 Motor Carrier Safety Administration; and

14 (B) shall be included when the Secretary
15 restores the public availability of relevant safety
16 data under such program under section 4202(b)
17 of this Act.

18 (e) DEFINITIONS.—In this section:

19 (1) AUTOMATED COMMERCIAL MOTOR VEHI-
20 CLE.—The term “automated commercial motor vehi-
21 cle” means a commercial motor vehicle as such term
22 is defined in section 31101 of title 49, United States
23 Code, that is designed to be operated exclusively by
24 a Level 3, Level 4, or Level 5 automated driving
25 system for all trips according to the recommended

1 practice standards published on June 15, 2018, by
2 the Society of Automotive Engineers International
3 (J3016__201806) or equivalent standards adopted
4 by the Secretary with respect to automated motor
5 vehicles, while operating on public roads.

6 (2) SAFETY CRITICAL ELEMENT.—The term
7 “safety critical element” means both the hardware
8 and software designed to prevent, limit, control,
9 mitigate, or respond to a change in the vehicle’s en-
10 vironment thereby allowing the vehicle to prevent,
11 avoid, or minimize a potential collision or other safe-
12 ty incident on an automated commercial motor vehi-
13 cle.

14 **Subtitle D—Surface Transportation** 15 **Funding Pilot Programs**

16 **SEC. 5401. STATE SURFACE TRANSPORTATION SYSTEM** 17 **FUNDING PILOTS.**

18 Section 6020 of the FAST Act (23 U.S.C. 503 note)
19 is amended—

20 (1) by striking subsection (b) and inserting the
21 following:

22 “(b) ELIGIBILITY.—

23 “(1) APPLICATION.—To be eligible for a grant
24 under this section, a State or group of States shall
25 submit to the Secretary an application in such form

1 and containing such information as the Secretary
2 may require.

3 “(2) ELIGIBLE PROJECTS.—The Secretary may
4 provide grants to States or a group of States under
5 this section for the following projects:

6 “(A) STATE PILOT PROJECTS.—

7 “(i) IN GENERAL.—A pilot project to
8 demonstrate a user-based alternative rev-
9 enue mechanism in a State.

10 “(ii) LIMITATION.—If an applicant
11 has previously been awarded a grant under
12 this section, such applicant’s proposed pilot
13 project must be comprised of core activities
14 or iterations not substantially similar in
15 manner or scope to activities previously
16 carried out by the applicant with a grant
17 for a project under this section.

18 “(B) STATE IMPLEMENTATION
19 PROJECTS.—A project—

20 “(i) to implement a user-based alter-
21 native revenue mechanism that collects rev-
22 enue to be expended on projects for the
23 surface transportation system of the State;
24 or

1 “(ii) that demonstrates progress to-
2 wards implementation of a user-based al-
3 ternative revenue mechanism, with consid-
4 eration for previous grants awarded to the
5 applicant under this section.”;

6 (2) in subsection (c)—

7 (A) in paragraph (1) by striking “2 or
8 more future”; and

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

10 “(6) To test solutions to ensure the privacy and
11 security of data collected for the purpose of imple-
12 menting a user-based alternative revenue mecha-
13 nism.”;

14 (3) in subsection (d) by striking “to test the de-
15 sign, acceptance, and implementation of a user-
16 based alternative revenue mechanism” and inserting
17 “to test the design and acceptance of, or implement,
18 a user-based alternative revenue mechanism”;

19 (4) in subsection (g) by striking “50 percent”
20 and inserting “80 percent”;

21 (5) in subsection (i)—

22 (A) in the heading by striking “BIENNIAL”
23 and inserting “ANNUAL”;

24 (B) by striking “2 years after the date of
25 enactment of this Act” and inserting “1 year

1 after the date of enactment of the INVEST in
2 America Act”;

3 (C) by striking “every 2 years thereafter”
4 and inserting “every year thereafter”; and

5 (D) by inserting “and containing a deter-
6 mination of the characteristics of the most suc-
7 cessful mechanisms with the highest potential
8 for future widespread deployment” before the
9 period at the end; and

10 (6) by striking subsections (j) and (k) and in-
11 serting the following:

12 “(j) FUNDING.—Of amounts made available to carry
13 out this section—

14 “(1) for fiscal year 2022, \$17,500,000 shall be
15 used to carry out projects under subsection
16 (b)(2)(A) and \$17,500,000 shall be used to carry
17 out projects under subsection (b)(2)(B);

18 “(2) for fiscal year 2023, \$15,000,000 shall be
19 used to carry out projects under subsection
20 (b)(2)(A) and \$20,000,000 shall be used to carry
21 out projects under subsection (b)(2)(B);

22 “(3) for fiscal year 2024, \$12,500,000 shall be
23 used to carry out projects under subsection
24 (b)(2)(A) and \$22,500,000 shall be used to carry
25 out projects under subsection (b)(2)(B); and

1 “(4) for fiscal year 2025, \$10,000,000 shall be
2 used to carry out projects under subsection
3 (b)(2)(A) and \$25,000,000 shall be used to carry
4 out projects under subsection (b)(2)(B).

5 “(k) FUNDING FLEXIBILITY.—Funds made available
6 in a fiscal year for making grants for projects under sub-
7 section (b)(2) that are not obligated in such fiscal year
8 may be made available in the following fiscal year for
9 projects under such subsection or for the national surface
10 transportation system funding pilot under section 5402 of
11 the INVEST in America Act.”.

12 **SEC. 5402. NATIONAL SURFACE TRANSPORTATION SYSTEM**
13 **FUNDING PILOT.**

14 (a) ESTABLISHMENT.—

15 (1) IN GENERAL.—The Secretary of Transpor-
16 tation, in coordination with the Secretary of the
17 Treasury, shall establish a pilot program to dem-
18 onstrate a national motor vehicle per-mile user fee to
19 restore and maintain the long-term solvency of the
20 Highway Trust Fund and achieve and maintain a
21 state of good repair in the surface transportation
22 system.

23 (2) OBJECTIVES.—The objectives of the pilot
24 program are to—

1 (A) test the design, acceptance, implemen-
2 tation, and financial sustainability of a national
3 per-mile user fee;

4 (B) address the need for additional rev-
5 enue for surface transportation infrastructure
6 and a national per-mile user fee; and

7 (C) provide recommendations regarding
8 adoption and implementation of a national per-
9 mile user fee.

10 (b) PARAMETERS.—In carrying out the pilot program
11 established under subsection (a), the Secretary of Trans-
12 portation, in coordination with the Secretary of the Treas-
13 ury, shall—

14 (1) provide different methods that volunteer
15 participants can choose from to track motor vehicle
16 miles traveled;

17 (2) solicit volunteer participants from all 50
18 States and the District of Columbia;

19 (3) ensure an equitable geographic distribution
20 by population among volunteer participants;

21 (4) include commercial vehicles and passenger
22 motor vehicles in the pilot program; and

23 (5) use components of, and information from,
24 the States selected for the State surface transpor-

1 tation system funding pilot program under section
2 6020 of the FAST Act (23 U.S.C. 503 note).

3 (c) METHODS.—

4 (1) TOOLS.—In selecting the methods described
5 in subsection (b)(1), the Secretary of Transportation
6 shall coordinate with entities that voluntarily provide
7 to the Secretary for use in the program any of the
8 following vehicle-miles-traveled collection tools:

9 (A) Third-party on-board diagnostic
10 (OBD–II) devices.

11 (B) Smart phone applications.

12 (C) Telemetric data collected by auto-
13 makers.

14 (D) Motor vehicle data obtained by car in-
15 surance companies.

16 (E) Data from the States selected for the
17 State surface transportation system funding
18 pilot program under section 6020 of the FAST
19 Act (23 U.S.C. 503 note).

20 (F) Motor vehicle data obtained from fuel-
21 ing stations.

22 (G) Any other method that the Secretary
23 considers appropriate.

24 (2) COORDINATION.—

1 (A) SELECTION.—The Secretary shall de-
2 termine which methods under paragraph (1) are
3 selected for the pilot program.

4 (B) VOLUNTEER PARTICIPANTS.—In a
5 manner that the Secretary considers appro-
6 priate, the Secretary shall provide each selected
7 method to each volunteer participant.

8 (d) PER-MILE USER FEES.—For the purposes of the
9 pilot program established in subsection (a), the Secretary
10 of the Treasury shall establish on an annual basis—

11 (1) for passenger vehicles and light trucks, a
12 per-mile user fee that is equivalent to—

13 (A) the average annual taxes imposed by
14 sections 4041 and 4081 of the Internal Rev-
15 enue Code of 1986 with respect to gasoline or
16 any other fuel used in a motor vehicle (other
17 than aviation gasoline or diesel), divided by

18 (B) the total vehicle miles traveled by pas-
19 senger vehicles and light trucks; and

20 (2) for medium- and heavy-duty trucks, a per-
21 mile user fee that is equivalent to—

22 (A) the average annual taxes imposed by
23 sections 4041 and 4081 of such Code with re-
24 spect to diesel fuel, divided by

1 (B) the total vehicle miles traveled by
2 medium- and heavy-duty trucks.

3 Taxes shall only be taken into account under the
4 preceding sentence to the extent taken into account
5 in determining appropriations to the Highway Trust
6 Fund under section 9503(b) of such Code, and the
7 amount so determined shall be reduced to account
8 for transfers from such fund under paragraphs (3),
9 (4), and (5) of section 9503(c) of such Code.

10 (e) VOLUNTEER PARTICIPANTS.—The Secretary of
11 Transportation, in coordination with the Secretary of the
12 Treasury, shall—

13 (1) ensure, to the extent practicable, that an
14 appropriate number of volunteer participants partici-
15 pate in the pilot program; and

16 (2) issue policies to—

17 (A) protect the privacy of volunteer partici-
18 pants; and

19 (B) secure the data provided by volunteer
20 participants.

21 (f) ADVISORY BOARD.—

22 (1) IN GENERAL.—The Secretary shall establish
23 an advisory board to assist with—

24 (A) advancing and implementing the pilot
25 program under this section;

1 (B) carrying out the public awareness cam-
2 paign under subsection (g); and

3 (C) developing the report under subsection
4 (m).

5 (2) MEMBERS.—The advisory board shall, at a
6 minimum, include the following entities, to be ap-
7 pointed by the Secretary—

8 (A) State departments of transportation;

9 (B) any public or nonprofit entity that led
10 a surface transportation system funding alter-
11 natives pilot project under section 6020 of the
12 FAST Act (23 U.S.C. 503 note; Public Law
13 114–94) (as in effect on the day before the date
14 of enactment of this Act);

15 (C) representatives of the trucking indus-
16 try, including owner-operator independent driv-
17 ers;

18 (D) data security experts with expertise in
19 personal privacy;

20 (E) academic experts on surface transpor-
21 tation;

22 (F) consumer advocates; and

23 (G) advocacy groups focused on equity.

24 (g) PUBLIC AWARENESS CAMPAIGN.—

1 (1) IN GENERAL.—The Secretary of Transpor-
2 tation, with guidance from the advisory board under
3 subsection (f), may carry out a public awareness
4 campaign to increase public awareness regarding a
5 national per-mile user fee, including distributing in-
6 formation related to the pilot program carried out
7 under this section, information from the State sur-
8 face transportation system funding pilot program
9 under section 6020 of the FAST Act (23 U.S.C. 503
10 note), and information related to consumer privacy.

11 (2) CONSIDERATIONS.—In carrying out the
12 public awareness campaign under this subsection,
13 the Secretary shall consider issues unique to each
14 State.

15 (h) REVENUE COLLECTION.—The Secretary of the
16 Treasury, in coordination with the Secretary of Transpor-
17 tation, shall establish a mechanism to collect per-mile user
18 fees established under subsection (d) from volunteer par-
19 ticipants. Such mechanism—

20 (1) may be adjusted as needed to address tech-
21 nical challenges; and

22 (2) may allow third-party vendors to collect the
23 per-mile user fees and forward such fees to the
24 Treasury.

1 (i) AGREEMENT.—The Secretary of Transportation
2 may enter into an agreement with a volunteer participant
3 containing such terms and conditions as the Secretary
4 considers necessary for participation in the pilot program.

5 (j) LIMITATION.—Any revenue collected through the
6 mechanism established in subsection (h) shall not be con-
7 sidered a toll under section 301 of title 23, United States
8 Code.

9 (k) HIGHWAY TRUST FUND.—The Secretary of the
10 Treasury shall ensure that any revenue collected under
11 subsection (h) is deposited into the Highway Trust Fund.

12 (l) REFUND.—Not more than 45 days after the end
13 of each calendar quarter in which a volunteer participant
14 has participated in the pilot program, the Secretary of the
15 Treasury shall calculate and issue an equivalent refund
16 to volunteer participants for applicable Federal motor fuel
17 taxes under section 4041 and section 4081 of the Internal
18 Revenue Code of 1986, the applicable battery tax under
19 section 4111 of such Code, or both, if applicable.

20 (m) REPORT TO CONGRESS.—Not later than 1 year
21 after the date on which volunteer participants begin par-
22 ticipating in the pilot program, and each year thereafter
23 for the duration of the pilot program, the Secretary of
24 Transportation and the Secretary of the Treasury shall
25 submit to the Committee on Transportation and Infra-

1 structure of the House of Representatives and the Com-
2 mittee on Environment and Public Works of the Senate
3 a report that includes an analysis of—

4 (1) whether the objectives described in sub-
5 section (a)(2) were achieved;

6 (2) how volunteer protections in subsection
7 (e)(2) were complied with;

8 (3) whether per-mile user fees can maintain the
9 long-term solvency of the Highway Trust Fund and
10 achieve and maintain a state of good repair in the
11 surface transportation system;

12 (4) how the personal privacy of volunteers was
13 maintained; and

14 (5) equity effects of the pilot program, includ-
15 ing the effects of the program on low-income com-
16 muters.

17 (n) SUNSET.—The pilot program established under
18 this section shall expire on the date that is 4 years after
19 the date on which volunteer participants begin partici-
20 pating in such program.

21 (o) DEFINITIONS.—In this section, the following defi-
22 nitions apply:

23 (1) COMMERCIAL VEHICLE.—The term “com-
24 mercial vehicle” has the meaning given the term

1 commercial motor vehicle in section 31101 of title
2 49, United States Code.

3 (2) HIGHWAY TRUST FUND.—The term “High-
4 way Trust Fund” means the Highway Trust Fund
5 established under section 9503 of the Internal Rev-
6 enue Code of 1986.

7 (3) 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.

10 (4) MEDIUM- AND HEAVY-DUTY TRUCK.—The
11 term “medium- and heavy-duty truck” has the
12 meaning given the term “commercial medium- and
13 heavy-duty on-highway vehicle” in section 32901(a)
14 of title 49, United States Code.

15 (5) PER-MILE USER FEE.—The term “per-mile
16 user fee” means a revenue mechanism that—

17 (A) is applied to road users operating
18 motor vehicles on the surface transportation
19 system; and

20 (B) is based on the number of vehicle miles
21 traveled by an individual road user.

22 (6) VOLUNTEER PARTICIPANT.—The term “vol-
23 unteer participant” means—

1 (A) an owner or lessee of an individual pri-
2 vate motor vehicle who volunteers to participate
3 in the pilot program;

4 (B) a commercial vehicle operator who vol-
5 unteers to participate in the pilot program; or

6 (C) an owner of a motor vehicle fleet who
7 volunteers to participate in the pilot program.

8 **Subtitle E—Miscellaneous**

9 **SEC. 5501. ERGONOMIC SEATING WORKING GROUP.**

10 (a) IN GENERAL.—

11 (1) ESTABLISHMENT.—Not later than 180 days
12 after the date of enactment of this Act, the Sec-
13 retary of Transportation shall convene a working
14 group to examine the seating standards for commer-
15 cial drivers.

16 (2) MEMBERS.—At a minimum, the working
17 group shall include—

18 (A) seat manufacturers;

19 (B) commercial vehicle manufacturers;

20 (C) transit vehicle manufacturers;

21 (D) labor representatives for the trucking
22 industry;

23 (E) representatives from organizations en-
24 gaged in collective bargaining on behalf of tran-
25 sit workers in not fewer than three States; and

1 (F) musculoskeletal health experts.

2 (b) OBJECTIVES.—The Secretary shall pursue the
3 following objectives through the working group:

4 (1) To identify health issues, including mus-
5 culoskeletal health issues, that afflict commercial
6 drivers due to sitting for long periods of time while
7 on duty.

8 (2) To identify the impact that commercial ve-
9 hicle sizing, design, and safety measures have on
10 women in comparison to men, and to identify de-
11 signs that may improve the health and safety of
12 women drivers.

13 (3) To identify research topics for further devel-
14 opment and best practices to improve seating.

15 (4) To determine ways to incorporate improved
16 seating into manufacturing standards for public
17 transit vehicles and commercial vehicles.

18 (c) REPORT.—

19 (1) SUBMISSION.—Not later than 18 months
20 after the date of enactment of this Act, the working
21 group shall submit to the Secretary, the Committee
22 on Transportation and Infrastructure of the House
23 of Representatives, and the Committee on Banking,
24 Housing, and Urban Affairs and the Committee on
25 Commerce, Science, and Transportation of the Sen-

1 ate a report on the findings of the working group
2 under this section and any recommendations for the
3 adoption of better ergonomic seating for commercial
4 drivers.

5 (2) PUBLICATION.—Upon receipt of the report
6 in paragraph (1), the Secretary shall publish the re-
7 port on a publicly accessible website of the Depart-
8 ment.

9 (d) APPLICABILITY OF FEDERAL ADVISORY COM-
10 MITTEE ACT.—The Advisory Committee shall be subject
11 to the Federal Advisory Committee Act (5 U.S.C. App.).

12 **SEC. 5502. REPEAL OF SECTION 6314 OF TITLE 49, UNITED**
13 **STATES CODE.**

14 (a) IN GENERAL.—Section 6314 of title 49, United
15 States Code, is repealed.

16 (b) CONFORMING AMENDMENTS.—

17 (1) TITLE ANALYSIS.—The analysis for chapter
18 63 of title 49, United States Code, is amended by
19 striking the item relating to section 6314.

20 (2) SECTION 6307.—Section 6307(b) of title 49,
21 United States Code, is amended—

22 (A) in paragraph (1)—

23 (i) in subparagraph (A) by striking
24 “or section 6314(b)”;

1 (ii) in subparagraph (B) by striking
2 “or section 6314(b)”; and
3 (iii) in subparagraph (C) by striking
4 “or section 6314(b)”; and
5 (B) in paragraph (2)(A) by striking “or
6 section 6314(b)”.

7 **SEC. 5503. TRANSPORTATION WORKFORCE OUTREACH**
8 **PROGRAM.**

9 (a) IN GENERAL.—Subchapter I of chapter 55 of title
10 49, United States Code, is further amended by adding at
11 the end the following:

12 **“§ 5508. Transportation workforce outreach program**

13 “(a) IN GENERAL.—The Secretary shall establish
14 and administer a transportation workforce outreach pro-
15 gram that carries out a series of public service announce-
16 ment campaigns during fiscal years 2022 through 2026.

17 “(b) PURPOSE.—The purpose of each campaign car-
18 ried out under the program shall be to achieve the fol-
19 lowing objectives:

20 “(1) Increase awareness of career opportunities
21 in the transportation sector, including aviation pi-
22 lots, safety inspectors, mechanics and technicians,
23 maritime transportation workers, air traffic control-
24 lers, flight attendants, truck drivers, engineers, tran-

1 sit workers, railroad workers, and other transpor-
2 tation professionals.

3 “(2) Increase diversity, including race, gender,
4 ethnicity, and socioeconomic status, of professionals
5 in the transportation sector.

6 “(c) ADVERTISING.—The Secretary may use, or au-
7 thorize the use of, funds available to carry out the pro-
8 gram for the development, production, and use of broad-
9 cast, digital, and print media advertising and outreach in
10 carrying out campaigns under this section.

11 “(d) AUTHORIZATION OF APPROPRIATIONS.—To
12 carry out this section, there are authorized to be appro-
13 priated \$5,000,000 for each fiscal years 2022 through
14 2026.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 55 of subchapter I of title 49, United States
17 Code, is further amended by inserting after the item relat-
18 ing to section 5507, as added by this Act, the following:
“5508. Transportation workforce outreach program.”.

19 **SEC. 5504. ADVISORY COUNCIL ON TRANSPORTATION STA-**
20 **TISTICS.**

21 Section 6305 of title 49, United States Code, is
22 amended—

23 (1) in subsection (a), by striking “The Direc-
24 tor” and all that follows to the period and inserting
25 “Notwithstanding section 418 of the FAA Reauthor-

1 ization Act of 2018 (Public Law 115–254), not later
2 than 6 months after the date of enactment of the
3 INVEST in America Act, the Director shall estab-
4 lish and consult with an advisory council on trans-
5 portation statistics.”; and

6 (2) by striking subsection (d)(3).

7 **SEC. 5505. GAO REVIEW OF DISCRETIONARY GRANT PRO-**
8 **GRAMS.**

9 (a) IN GENERAL.—Not later than 2 years after the
10 date of enactment of this Act, the Comptroller General
11 of the United States shall submit to the Committee on
12 Appropriations and Committee on Transportation and In-
13 frastructure of the House of Representatives and the Com-
14 mittees on Environment and Public Works; Appropria-
15 tions; Banking, Housing, and Urban Affairs; and Com-
16 merce, Science, and Transportation of the Senate a review
17 of the extent to which the Secretary is considering the
18 needs of and awarding funding through covered discre-
19 tionary grant programs to projects that serve—

20 (1) low-income communities;

21 (2) minority communities; and

22 (3) populations that are underserved or have
23 limited transportation choices, including women.

24 (b) RECOMMENDATIONS.—The Comptroller General
25 shall include as part of the review under subsection (a)

1 recommendations to the Secretary on possible means to
2 improve consideration of projects that serve the unique
3 needs of communities described in subsection (a)(1).

4 (c) DEFINITION OF COVERED DISCRETIONARY
5 GRANT PROGRAM.—For purposes of this section, the term
6 “covered discretionary grant programs” means the
7 Projects of National and Regional Significance program
8 under section 117 of title 23, the Community Transpor-
9 tation Investment Grant program under section 173 of
10 such title, the Community Climate Innovation Grant pro-
11 gram under section 172 of such title, and the grants for
12 fueling and charging infrastructure under section 151 of
13 such title.

14 **SEC. 5506. UNIVERSAL ELECTRONIC IDENTIFIER.**

15 Not later than 2 years after the date of enactment
16 of this Act, the Secretary shall issue a final motor vehicle
17 safety standard that requires a commercial motor vehicle
18 manufactured after the effective date of such standard to
19 be equipped with a universal electronic vehicle identifier
20 that—

21 (1) identifies the vehicle to roadside inspectors
22 for enforcement purposes;

23 (2) does not transmit personally identifiable in-
24 formation regarding operators; and

1 (3) does not create an undue cost burden for
2 operators and carriers.

3 **TITLE VI—MULTIMODAL**
4 **TRANSPORTATION**

5 **SEC. 6001. NATIONAL MULTIMODAL FREIGHT POLICY.**

6 Section 70101(b) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (2) by inserting “in rural and
9 urban areas” after “freight transportation”;

10 (2) in paragraph (7)—

11 (A) in subparagraph (B) by striking “;
12 and” and inserting a semicolon;

13 (B) by redesignating subparagraph (C) as
14 subparagraph (D); and

15 (C) by inserting after subparagraph (B)
16 the following:

17 “(C) travel within population centers;
18 and”;

19 (3) in paragraph (9) by striking “; and” and in-
20 serting the following: “including—

21 “(A) greenhouse gas emissions;

22 “(B) local air pollution;

23 “(C) minimizing, capturing, or treating
24 stormwater runoff or other adverse impacts to
25 water quality; and

1 “(D) wildlife habitat loss;”;

2 (4) by redesignating paragraph (10) as para-
3 graph (11); and

4 (5) by inserting after paragraph (9) the fol-
5 lowing:

6 “(10) to decrease any adverse impact of freight
7 transportation on communities located near freight
8 facilities or freight corridors; and”.

9 **SEC. 6002. NATIONAL FREIGHT STRATEGIC PLAN.**

10 Section 70102(c) of title 49, United States Code, is
11 amended by striking “shall” and all that follows through
12 the end and inserting the following: “shall—

13 “(1) update the plan and publish the updated
14 plan on the public website of the Department of
15 Transportation; and

16 “(2) include in the update described in para-
17 graph (1)—

18 “(A) each item described in subsection (b);

19 and

20 “(B) best practices to reduce the adverse
21 environmental impacts of freight-related—

22 “(i) greenhouse gas emissions;

23 “(ii) local air pollution;

24 “(iii) stormwater runoff or other ad-
25 verse impacts to water quality; and

1 “(iv) wildlife habitat loss.”.

2 **SEC. 6003. NATIONAL MULTIMODAL FREIGHT NETWORK.**

3 Section 70103 of title 49, United States Code, is
4 amended—

5 (1) in subsection (b)(2)(C) by striking “of the
6 United States that have” and inserting the fol-
7 lowing: “of the United States that—

8 “(i) have a total annual value of cargo
9 of at least \$1,000,000,000, as identified by
10 United States Customs and Border Protec-
11 tion and reported by the Bureau of the
12 Census; or

13 “(ii) have”; and

14 (2) in subsection (c)—

15 (A) in paragraph (1) by striking “Not
16 later than 1 year after the date of enactment of
17 this section,” and inserting the following:

18 “(A) REPORT TO CONGRESS.—Not later
19 than 30 days after the date of enactment of the
20 INVEST in America Act, the Secretary shall
21 submit to the Committee on Transportation and
22 Infrastructure of the House of Representatives
23 and the Committee on Commerce, Science, and
24 Transportation of the Senate a report detailing
25 a plan to designate a final National Multimodal

1 Freight Network, including a detailed summary
2 of the resources within the Office of the Sec-
3 retary that will be dedicated to carrying out
4 such plan.

5 “(B) DESIGNATION OF NATIONAL
6 MULTIMODAL FREIGHT NETWORK.—Not later
7 than 60 days after the submission of the report
8 described in subparagraph (A),”;

9 (B) in paragraph (3)(C)—

10 (i) by inserting “and metropolitan
11 planning organizations” after “States”;
12 and

13 (ii) by striking “paragraph (4)” and
14 inserting “paragraphs (4) and (5)”;

15 (C) in paragraph (4)—

16 (i) in the header by inserting “AND
17 METROPOLITAN PLANNING ORGANIZATION”
18 after “STATE”;

19 (ii) by redesignating subparagraph
20 (D) as subparagraph (E); and

21 (iii) by striking subparagraph (C) and
22 inserting the following:

23 “(C) CRITICAL URBAN FREIGHT FACILI-
24 TIES AND CORRIDORS.—

1 “(i) AREA WITH A POPULATION OF
2 OVER 500,000.—In an urbanized area with
3 a population of 500,000 or more individ-
4 uals, the representative metropolitan plan-
5 ning organization, in consultation with the
6 State, may designate a freight facility or
7 corridor within the borders of the State as
8 a critical urban freight facility or corridor.

9 “(ii) AREA WITH A POPULATION OF
10 LESS THAN 500,000.—In an urbanized area
11 with a population of less than 500,000 in-
12 dividuals, the State, in consultation with
13 the representative metropolitan planning
14 organization, may designate a freight facil-
15 ity or corridor within the borders of the
16 State as a critical urban freight corridor.

17 “(iii) DESIGNATION.—A designation
18 may be made under subparagraph (i) or
19 (ii) if the facility or corridor is in an ur-
20 banized area, regardless of population, and
21 such facility or corridor—

22 “(I) provides access to the pri-
23 mary highway freight system, the
24 Interstate system, or an intermodal
25 freight facility;

1 “(II) is located within a corridor
2 of a route on the primary highway
3 freight system and provides an alter-
4 native option important to goods
5 movement;

6 “(III) serves a major freight gen-
7 erator, logistics center, or manufac-
8 turing and warehouse industrial land;

9 “(IV) connects to an inter-
10 national port of entry;

11 “(V) provides access to a signifi-
12 cant air, rail, water, or other freight
13 facility in the State; or

14 “(VI) is important to the move-
15 ment of freight within the region, as
16 determined by the metropolitan plan-
17 ning organization or the State.

18 “(D) LIMITATION.—A State may propose
19 additional designations to the National
20 Multimodal Freight Network in the State in an
21 amount that is—

22 “(i) for a highway project, not more
23 than 20 percent of the total mileage des-
24 ignated by the Under Secretary in the
25 State; and

1 “(ii) for a non-highway project, using
2 a limitation determined by the Under Sec-
3 retary.”; and

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

5 “(5) REQUIRED NETWORK COMPONENTS.—In
6 designating or redesignating the National
7 Multimodal Freight Network, the Under Secretary
8 shall ensure that the National Multimodal Freight
9 Network includes the components described in sub-
10 section (b)(2).”.

11 **SEC. 6004. STATE FREIGHT ADVISORY COMMITTEES.**

12 Section 70201(a) of title 49, United States Code, is
13 amended by striking “and local governments” and insert-
14 ing “local governments, metropolitan planning organiza-
15 tions, and the departments with responsibility for environ-
16 mental protection and air quality of the State”.

17 **SEC. 6005. STATE FREIGHT PLANS.**

18 Section 70202(b) of title 49, United States Code, is
19 amended—

20 (1) in paragraph (3)(A) by inserting “and
21 urban” after “rural”;

22 (2) in paragraph (9) by striking “; and” and in-
23 serting a semicolon;

24 (3) by redesignating paragraph (10) as para-
25 graph (12); and

1 (4) by inserting after paragraph (9) the fol-
2 lowing:

3 “(10) strategies and goals to decrease freight-
4 related—

5 “(A) greenhouse gas emissions;

6 “(B) local air pollution;

7 “(C) stormwater runoff or other adverse
8 impacts to water quality; and

9 “(D) wildlife habitat loss;

10 “(11) strategies and goals to decrease any ad-
11 verse impact of freight transportation on commu-
12 nities located near freight facilities or freight cor-
13 ridors; and”.

14 **SEC. 6006. STUDY OF FREIGHT TRANSPORTATION FEE.**

15 (a) **STUDY.**—Not later than 90 days after the date
16 of enactment of this Act, the Secretary of Transportation,
17 in consultation with the Secretary of the Treasury and the
18 Commissioner of the Internal Revenue Service, shall es-
19 tablish a joint task force to study the establishment and
20 administration of a fee on multimodal freight surface
21 transportation services.

22 (b) **CONTENTS.**—The study required under sub-
23 section (a) shall include the following:

1 (1) in subsection (b) by striking paragraph (1)
2 and inserting the following:

3 “(1) to provide assistance and communicate
4 best practices and financing and funding opportuni-
5 ties to eligible entities for the programs referred to
6 in subsection (d)(1), including by—

7 “(A) conducting proactive outreach to com-
8 munities located outside of metropolitan or
9 micropolitan statistical areas (as such areas are
10 defined by the Office of Management and
11 Budget) using data from the most recent decen-
12 nial Census; and

13 “(B) coordinating with the Office of Rural
14 Development of the Department of Agriculture,
15 the Office of Community Revitalization of the
16 Environmental Protection Agency, and any
17 other agencies that provide technical assistance
18 for rural communities, as determined by the
19 Executive Director;”;

20 (2) by redesignating subsection (j) as sub-
21 section (k); and

22 (3) by inserting after subsection (i) the fol-
23 lowing:

24 “(j) ANNUAL PROGRESS REPORT.—Not later than 1
25 year after the date of enactment of this subsection, and

1 annually thereafter, the Executive Director shall submit
2 to the Committee on Transportation and Infrastructure
3 of the House of Representatives and the Committee on
4 Environment and Public Works of the Senate a report de-
5 tailing—

6 “(1) the use of funds authorized under section
7 605(f) of title 23; and

8 “(2) the progress of the Bureau in carrying out
9 the purposes described in subsection (b).”.

10 **SEC. 6008. LOCAL HIRE.**

11 (a) **ESTABLISHMENT.**—The Secretary of Transpor-
12 tation shall immediately reinstate the local labor hiring
13 pilot program containing the contracting initiative estab-
14 lished by the Secretary and published in the Federal Reg-
15 ister on March 6, 2015 (80 Fed. Reg. 12257), under the
16 same terms, conditions, and requirements as so published.

17 (b) **DURATION.**—The Secretary shall continue the
18 local labor hiring pilot program reinstated under this sec-
19 tion through September 30, 2025.

20 **SEC. 6009. FTE CAP.**

21 The Secretary of Transportation may not employ
22 more than 15 full-time equivalent positions in any fiscal
23 year in the Immediate Office of the Secretary.

1 **SEC. 6010. IDENTIFICATION OF COVID-19 TESTING NEEDS**
2 **OF CRITICAL INFRASTRUCTURE EMPLOYEES.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall—

5 (1) adopt, for use by the Department of Trans-
6 portation in carrying out response efforts relating to,
7 and operations during, the Coronavirus Disease
8 2019 (COVID-19) pandemic, the categorization of
9 “essential critical infrastructure workers” identified
10 in the Guidance on the Essential Critical Infrastruc-
11 ture Workforce published by the Department of
12 Homeland Security on March 28, 2020 (or a subse-
13 quent version of such guidance); and

14 (2) coordinate with the Director of the Centers
15 for Disease Control and Prevention and the Admin-
16 istrator of the Federal Emergency Management
17 Agency to support efforts of State and local govern-
18 ments to provide for—

19 (A) priority testing of essential critical in-
20 frastructure workers (as such term is used in
21 paragraph (1)) with respect to COVID-19; and

22 (B) priority access to personal protective
23 equipment, sanitizers, nonmedical-grade facial
24 coverings, and other health-related or protective
25 supplies necessary to safely perform essential
26 critical infrastructure work.

1 (b) APPLICATION.—Nothing in this section requires
2 the provision of priority testing or priority access to per-
3 sonal protective equipment for essential critical infrastruc-
4 ture workers (as such term is used in subsection (a)(1))
5 to be prioritized over the provision of that testing or access
6 to personal protective equipment for other individuals who
7 are identified by the Centers for Disease Control and Pre-
8 vention or any other relevant Federal, State, or local agen-
9 cy as having a higher priority for that testing or access
10 to personal protective equipment, including—

11 (1) patients;

12 (2) healthcare workers; and

13 (3) first responders.

14 **SEC. 6011. RAIL COVERING.**

15 Not later than 1 year after the date of enactment
16 of this Act, the Administrator of the Federal Railroad Ad-
17 ministration shall issue such regulations as are necessary
18 to require municipal waste transported by rail to be com-
19 pletely covered while in transit, including while being held,
20 delayed, or transferred.

1 **TITLE VII—TRANSPORTATION**
2 **INFRASTRUCTURE FINANCE**
3 **AND INNOVATION ACT**

4 **SEC. 7001. TRANSPORTATION INFRASTRUCTURE FINANCE**
5 **AND INNOVATION ACT.**

6 (a) CREDITWORTHINESS.—Section 602(a)(2) of title
7 23, 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 insert-
12 ing “\$150,000,000”; and

13 (2) in subparagraph (B)—

14 (A) by striking “the senior debt” and in-
15 serting “senior debt”; and

16 (B) by striking “credit instrument is for
17 an amount less than \$75,000,000” and insert-
18 ing “total amount of other senior debt and the
19 Federal credit instrument is less than
20 \$150,000,000”.

21 (b) NON-FEDERAL SHARE.—Section 603(b) of title
22 23, United States Code, is amended by striking paragraph
23 (8) and inserting the following:

24 “(8) NON-FEDERAL SHARE.—Notwithstanding
25 paragraph (9) and section 117(j)(2), the proceeds of

1 a secured loan under the TIFIA program shall be
2 considered to be part of the non-Federal share of
3 project costs required under this title or chapter 53
4 of title 49, if the loan is repayable from non-Federal
5 funds.”.

6 (c) EXEMPTION OF FUNDS FROM TIFIA FEDERAL
7 SHARE REQUIREMENT.—Section 603(b)(9) of title 23,
8 United States Code, is amended by adding at the end the
9 following:

10 “(C) TERRITORIES.—Funds provided for a
11 territory under section 165(c) shall not be con-
12 sidered Federal assistance for purposes of sub-
13 paragraph (A).”.

14 (d) STREAMLINED APPLICATION PROCESS.—Section
15 603(f) of title 23, United States Code, is amended by add-
16 ing at the end the following:

17 “(3) ADDITIONAL TERMS FOR EXPEDITED DE-
18 CISIONS.—

19 “(A) IN GENERAL.—Not later than 120
20 days after the date of enactment of this para-
21 graph, the Secretary shall implement an expe-
22 dited decision timeline for public agency bor-
23 rowers seeking secured loans that meet—

24 “(i) the terms under paragraph (2);

25 and

1 “(ii) the additional criteria described
2 in subparagraph (B).

3 “(B) ADDITIONAL CRITERIA.—The addi-
4 tional criteria referred to in subparagraph
5 (A)(ii) are the following:

6 “(i) The secured loan is made on
7 terms and conditions that substantially
8 conform to the conventional terms and
9 conditions established by the National Sur-
10 face Transportation Innovative Finance
11 Bureau.

12 “(ii) The secured loan is rated in the
13 A category or higher.

14 “(iii) The TIFIA program share of el-
15 igible project costs is 33 percent or less.

16 “(iv) The applicant demonstrates a
17 reasonable expectation that the contracting
18 process for the project can commence by
19 not later than 90 days after the date on
20 which a Federal credit instrument is obli-
21 gated for the project under the TIFIA pro-
22 gram.

23 “(v) The project has received a cat-
24 egorical exclusion, a finding of no signifi-
25 cant impact, or a record of decision under

1 the National Environmental Policy Act of
2 1969 (42 U.S.C. 4321 et seq.).

3 “(C) WRITTEN NOTICE.—The Secretary
4 shall provide to an applicant seeking a secured
5 loan under the expedited decision process under
6 this paragraph a written notice informing the
7 applicant whether the Secretary has approved
8 or disapproved the application by not later than
9 180 days after the date on which the Secretary
10 submits to the applicant a letter indicating that
11 the National Surface Transportation Innovative
12 Finance Bureau has commenced the credit-
13 worthiness review of the project.”.

14 (e) ASSISTANCE TO SMALL PROJECTS.—Section
15 605(f)(1) of title 23, United States Code, is amended by
16 striking “\$2,000,000” and inserting “\$3,000,000”.

17 (f) APPLICATION PROCESS REPORT.—Section
18 609(b)(2)(A) of title 23, United States Code, is amend-
19 ed—

20 (1) in clause (iv) by striking “and”;

21 (2) in clause (v) by striking the period at the
22 end and inserting “; and”; and

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

24 “(vi) whether the project is located in
25 a metropolitan statistical area,

1 micropolitan statistical area, or neither (as
2 such areas are defined by the Office of
3 Management and Budget).”.

4 (g) STATUS REPORTS.—Section 609 of title 23,
5 United States Code, is amended by adding at the end the
6 following:

7 “(c) STATUS REPORTS.—

8 “(1) IN GENERAL.—The Secretary shall publish
9 on the website for the TIFIA program—

10 “(A) on a monthly basis, a current status
11 report on all submitted letters of interest and
12 applications received for assistance under the
13 TIFIA program; and

14 “(B) on a quarterly basis, a current status
15 report on all approved applications for assist-
16 ance under the TIFIA program.

17 “(2) INCLUSIONS.—Each monthly and quar-
18 terly status report under paragraph (1) shall in-
19 clude, at a minimum, with respect to each project in-
20 cluded in the status report—

21 “(A) the name of the party submitting the
22 letter of interest or application;

23 “(B) the name of the project;

24 “(C) the date on which the letter of inter-
25 est or application was received;

1 “(D) the estimated project eligible costs;
2 “(E) the type of credit assistance sought;
3 and
4 “(F) the anticipated fiscal year and quar-
5 ter for closing of the credit assistance.”.

6 **DIVISION C—HAZARDOUS** 7 **MATERIALS TRANSPORTATION**

8 **SEC. 8001. SHORT TITLE.**

9 This division may be cited as the “Improving Haz-
10 ardous Materials Safety Act of 2020”.

11 **TITLE I—AUTHORIZATIONS**

12 **SEC. 8101. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 5128 of title 49, United States Code, is
14 amended—

15 (1) in subsection (a) by striking paragraphs (1)
16 through (5) and inserting the following:

17 “(1) \$67,000,000 for fiscal year 2021;

18 “(2) \$68,000,000 for fiscal year 2022;

19 “(3) \$69,000,000 for fiscal year 2023;

20 “(4) \$71,000,000 for fiscal year 2024; and

21 “(5) \$72,000,000 for fiscal year 2025;”;

22 (2) in subsection (b)—

23 (A) by striking “fiscal years 2016 through
24 2020” and inserting “fiscal years 2021 through
25 2025”; and

1 (B) by striking “\$21,988,000” and insert-
2 ing “\$24,025,000”;

3 (3) in subsection (c) by striking “\$4,000,000
4 for each of fiscal years 2016 through 2020” and in-
5 serting “\$5,000,000 for each of fiscal years 2021
6 through 2025”;

7 (4) in subsection (d) by striking “\$1,000,000
8 for each of fiscal years 2016 through 2020” and in-
9 serting “\$4,000,000 for each of fiscal years 2021
10 through 2025”;

11 (5) by redesignating subsection (e) as sub-
12 section (f); and

13 (6) by inserting after subsection (d) the fol-
14 lowing:

15 “(e) ASSISTANCE WITH LOCAL EMERGENCY RE-
16 SPONDER TRAINING GRANTS.—From the Hazardous Ma-
17 terials Emergency Preparedness Fund established under
18 section 5116(h), the Secretary may expend \$1,800,000 for
19 each of fiscal years 2021 through 2025 to carry out the
20 grant program under section 5107(j).”.

1 **TITLE II—HAZARDOUS MATE-**
2 **RIALS SAFETY AND IMPROVE-**
3 **MENT**

4 **SEC. 8201. REPEAL OF CERTAIN REQUIREMENTS RELATED**
5 **TO LITHIUM CELLS AND BATTERIES.**

6 (a) REPEAL.—Section 828 of the FAA Modernization
7 and Reform Act of 2012 (49 U.S.C. 44701 note), and the
8 item relating to such section in the table of contents in
9 section 1(b) of such Act, are repealed.

10 (b) CONFORMING AMENDMENTS.—Section 333 of the
11 FAA Reauthorization Act of 2018 (49 U.S.C. 44701 note)
12 is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by striking “(A) IN GENERAL.—”

16 and all that follows through “the Sec-
17 retary” and inserting “The Secretary”;

18 and

19 (ii) by striking subparagraph (B); and

20 (B) in paragraph (2) by striking “Pursu-
21 ant to section 828 of the FAA Modernization
22 and Reform Act of 2012 (49 U.S.C. 44701
23 note), the Secretary” and inserting “The Sec-
24 retary”;

1 (2) by striking paragraph (4) of subsection (b);

2 and

3 (3) by striking paragraph (1) of subsection (h)

4 and inserting the following:

5 “(1) ICAO TECHNICAL INSTRUCTIONS.—The
6 term ‘ICAO Technical Instructions’ means the Inter-
7 national Civil Aviation Organization Technical In-
8 structions for the Safe Transport of Dangerous
9 Goods by Air.”.

10 **SEC. 8202. TRANSPORTATION OF LIQUEFIED NATURAL GAS**
11 **BY RAIL TANK CAR.**

12 (a) EVALUATION.—Not later than 120 days after the
13 date of enactment of this Act, the Administrator of the
14 Federal Railroad Administration, in coordination with the
15 Administrator of the Pipeline and Hazardous Materials
16 Safety Administration, shall initiate an evaluation of the
17 safety, security, and environmental risks of transporting
18 liquefied natural gas by rail.

19 (b) TESTING.—In conducting the evaluation under
20 subsection (a), the Administrator of the Federal Railroad
21 Administration shall—

22 (1) perform physical testing of rail tank cars,
23 including, at a minimum, the DOT–113 specifica-
24 tion, to evaluate the performance of such rail tank
25 cars in the event of an accident or derailment, in-

1 including evaluation of the extent to which design and
2 construction features such as steel thickness and
3 valve protections prevent or mitigate the release of
4 liquefied natural gas;

5 (2) analyze multiple release scenarios, including
6 derailments, front-end collisions, rear-end collisions,
7 side-impact collisions, grade-crossing collisions,
8 punctures, and impact of an incendiary device, at a
9 minimum of three speeds of travel with a sufficient
10 range of speeds to evaluate the safety, security, and
11 environmental risks posed under real-world oper-
12 ating conditions; and

13 (3) examine the effects of exposure to climate
14 conditions across rail networks, including tempera-
15 ture, humidity, and any other factors that the Ad-
16 ministrator of the Federal Railroad Administration
17 determines could influence performance of rail tank
18 cars and components of such rail tank cars.

19 (c) OTHER FACTORS TO CONSIDER.—In conducting
20 the evaluation under subsection (a), the Administrator of
21 the Federal Railroad Administration shall evaluate the im-
22 pact of a discharge of liquefied natural gas from a rail
23 tank car on public safety and the environment, and con-
24 sider—

1 (1) the benefits of route restrictions, speed re-
2 strictions, enhanced brake requirements, personnel
3 requirements, rail tank car technological require-
4 ments, and other operating controls;

5 (2) the advisability of consist restrictions, in-
6 cluding limitations on the arrangement and quantity
7 of rail tank cars carrying liquefied natural gas in
8 any given consist;

9 (3) the identification of potential impact areas,
10 and the number of homes and structures potentially
11 endangered by a discharge in rural, suburban, and
12 urban environments;

13 (4) the impact of discharge on the environment,
14 including air quality impacts;

15 (5) the benefits of advanced notification to the
16 Department of Transportation, State Emergency
17 Response Commissions, and Tribal Emergency Re-
18 sponse Commissions of routes for moving liquefied
19 natural gas by rail tank car;

20 (6) how first responders respond to an incident,
21 including the extent to which specialized equipment
22 or training would be required and the cost to com-
23 munities for acquiring any necessary equipment or
24 training;

1 (7) whether thermal radiation could occur from
2 a discharge;

3 (8) an evaluation of the rail tank car authorized
4 by the Secretary of Transportation for liquefied nat-
5 ural gas or similar cryogenic liquids, and a deter-
6 mination of whether specific safety enhancements or
7 new standards are necessary to ensure the safety of
8 rail transport of liquefied natural gas; and

9 (9) the risks posed by the transportation of liq-
10 uefied natural gas by International Organization for
11 Standardization containers authorized by the Fed-
12 eral Railroad Administration.

13 (d) REPORT.—Not later than 2 years after the date
14 of enactment of this Act, the Secretary of Transportation
15 shall submit to the Committee on Transportation and In-
16 frastructure of the House of Representatives and the Com-
17 mittee on Commerce, Science, and Transportation of the
18 Senate, and make available to the public—

19 (1) a report based on the evaluation and testing
20 conducted under subsections (a) and (b), which shall
21 include the results of the evaluation and testing and
22 recommendations for mitigating or eliminating the
23 safety, security, environmental, and other risks of an
24 accident or incident involving the transportation of
25 liquefied natural gas by rail; and

1 (2) a complete list of all research related to the
2 transportation of liquefied natural gas by rail con-
3 ducted by the Federal Railroad Administration, the
4 Pipeline and Hazardous Materials Safety Adminis-
5 tration, or any other entity of the Federal Govern-
6 ment since 2010 that includes, for each research
7 item—

8 (A) the title of any reports or studies pro-
9 duced with respect to the research;

10 (B) the agency, entity, or organization per-
11 forming the research;

12 (C) the names of all authors and co-au-
13 thors of any report or study produced with re-
14 spect to the research; and

15 (D) the date any related report was pub-
16 lished or is expected to publish.

17 (e) DATA COLLECTION.—The Administrator of the
18 Federal Railroad Administration and the Administrator of
19 the Pipeline and Hazardous Materials Safety Administra-
20 tion shall collect any relevant data or records necessary
21 to complete the evaluation required by subsection (a).

22 (f) GAO REPORT.—After the evaluation required by
23 subsection (a) has been completed, the Comptroller Gen-
24 eral of the United States shall conduct an independent
25 evaluation to verify that the Federal Railroad Administra-

1 tion and the Pipeline and Hazardous Materials Safety Ad-
2 ministration complied with the requirements of this Act,
3 and transmit to the Committee on Transportation and In-
4 frastructure of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate a report on the findings of such independent eval-
7 uation.

8 (g) RULEMAKINGS.—

9 (1) IN GENERAL.—Any regulation authorizing
10 the transportation of liquefied natural gas by rail
11 tank car issued before the date of enactment of this
12 Act shall be stayed until the Secretary conducts the
13 evaluation, testing, and analysis required in sub-
14 sections (a), (b), and (c), issues the report required
15 by subsection (d), and the Comptroller General com-
16 pletes the evaluation and report required under sub-
17 section (f).

18 (2) PERMIT OR APPROVAL.—The Secretary of
19 Transportation shall rescind any special permit or
20 approval for the transportation of liquefied natural
21 gas by rail tank car issued before the date of enact-
22 ment of this Act.

1 **SEC. 8203. HAZARDOUS MATERIALS TRAINING REQUIRE-**
 2 **MENTS AND GRANTS.**

3 Section 5107 of title 49, United States Code, is
 4 amended by adding at the end the following:

5 “(j) ASSISTANCE WITH LOCAL EMERGENCY RE-
 6 SPONDER TRAINING.—The Secretary shall make grants to
 7 nonprofit organizations to develop hazardous materials re-
 8 sponse training for emergency responders and make such
 9 training available electronically or in person.”.

10 **SEC. 8204. PIPELINE AND HAZARDOUS MATERIALS SAFETY**
 11 **ADMINISTRATION REPORTING TRANS-**
 12 **PARENCY REQUIREMENTS.**

13 The Secretary of Transportation shall ensure that the
 14 Pipeline and Hazardous Materials Safety Administration
 15 shares with all relevant stakeholders, including State and
 16 local governments, all materials and information received,
 17 reviewed, or produced related to pipeline leaks, damage,
 18 or disruption, as soon as possible.

19 **DIVISION D—RAIL**

20 **SEC. 9001. SHORT TITLE.**

21 This division may be cited as the “Transforming Rail
 22 by Accelerating Investment Nationwide Act” or the
 23 “TRAIN Act”.

24 **TITLE I—AUTHORIZATIONS**

25 **SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.**

26 (a) AUTHORIZATION OF GRANTS TO AMTRAK.—

1 (1) NORTHEAST CORRIDOR.—There are author-
2 ized to be appropriated to the Secretary for the use
3 of Amtrak for activities associated with the North-
4 east Corridor the following amounts:

5 (A) For fiscal year 2021, \$2,900,000,000.

6 (B) For fiscal year 2022, \$2,700,000,000.

7 (C) For fiscal year 2023, \$2,500,000,000.

8 (D) For fiscal year 2024, \$2,500,000,000.

9 (E) For fiscal year 2025, \$2,500,000,000.

10 (2) NATIONAL NETWORK.—There are author-
11 ized to be appropriated to the Secretary for the use
12 of Amtrak for activities associated with the National
13 Network the following amounts:

14 (A) For fiscal year 2021, \$3,450,000,000.

15 (B) For fiscal year 2022, \$3,250,000,000.

16 (C) For fiscal year 2023, \$3,050,000,000.

17 (D) For fiscal year 2024, \$2,850,000,000.

18 (E) For fiscal year 2025, \$2,850,000,000.

19 (b) PROJECT MANAGEMENT OVERSIGHT.—The Sec-
20 retary may withhold up to \$15,000,000 for each of fiscal
21 years 2021 through 2025 from the amounts made avail-
22 able under subsection (a) for Amtrak grant expenditure
23 oversight.

24 (c) AMTRAK COMMON BENEFIT COSTS FOR STATE-
25 SUPPORTED ROUTES.—For any fiscal year in which funds

1 are made available under subsection (a)(2) in excess of
2 the amounts authorized for fiscal year 2020 under section
3 11101(b) of the FAST Act (Public Law 114–94), Amtrak
4 shall use up to \$250,000,000 of the excess funds to defray
5 the share of operating costs of Amtrak’s national assets
6 (as such term is defined in section 24320(c)(5) of title
7 49, United States Code) and corporate services (as such
8 term is defined pursuant to section 24317(b) of title 49,
9 United States Code) that is allocated to the State-sup-
10 ported services.

11 (d) STATE-SUPPORTED ROUTE COMMITTEE.—Of the
12 funds made available under subsection (a)(2), the Sec-
13 retary may make available up to \$3,000,000 for each fis-
14 cal year for the State-Supported Route Committee estab-
15 lished under section 24712 of title 49, United States Code.

16 (e) NORTHEAST CORRIDOR COMMISSION.—Of the
17 funds made available under subsection (a)(1), the Sec-
18 retary may make available up to \$6,000,000 for each fis-
19 cal year for the Northeast Corridor Commission estab-
20 lished under section 24905 of title 49, United States Code.

21 (f) AUTHORIZATION OF APPROPRIATIONS FOR AM-
22 TRAK OFFICE OF INSPECTOR GENERAL.—There are au-
23 thorized to be appropriated to the Office of Inspector Gen-
24 eral of Amtrak the following amounts:

25 (1) For fiscal year 2021, \$26,500,000.

1 (2) For fiscal year 2022, \$27,000,000.

2 (3) For fiscal year 2023, \$27,500,000.

3 (4) For fiscal year 2024, \$28,000,000.

4 (5) For fiscal year 2025, \$28,500,000.

5 (g) PASSENGER RAIL IMPROVEMENT, MODERNIZA-
6 TION, AND ENHANCEMENT GRANTS.—There are author-
7 ized to be appropriated to the Secretary to carry out sec-
8 tion 22906 of title 49, United States Code, the following
9 amounts:

10 (1) For fiscal year 2021, \$3,800,000,000.

11 (2) For fiscal year 2022, \$3,800,000,000.

12 (3) For fiscal year 2023, \$3,800,000,000.

13 (4) For fiscal year 2024, \$3,800,000,000.

14 (5) For fiscal year 2025, \$3,800,000,000.

15 (h) CONSOLIDATED RAIL INFRASTRUCTURE AND
16 SAFETY IMPROVEMENTS.—

17 (1) IN GENERAL.—There are authorized to be
18 appropriated to the Secretary to carry out section
19 22907 of title 49, United States Code, the following
20 amounts:

21 (A) For fiscal year 2021, \$1,400,000,000.

22 (B) For fiscal year 2022, \$1,400,000,000.

23 (C) For fiscal year 2023, \$1,400,000,000.

24 (D) For fiscal year 2024, \$1,400,000,000.

25 (E) For fiscal year 2025, \$1,400,000,000.

1 (2) PROJECT MANAGEMENT OVERSIGHT.—The
2 Secretary may withhold up to 1 percent from the
3 amount appropriated under paragraph (1) for the
4 costs of project management oversight of grants car-
5 ried out under section 22907 of title 49, United
6 States Code.

7 (i) RAILROAD REHABILITATION AND IMPROVEMENT
8 FINANCING.—

9 (1) IN GENERAL.—There are authorized to be
10 appropriated to the Secretary for payment of credit
11 risk premiums in accordance with section 9104 of
12 this division and section 502 of the Railroad Revital-
13 ization and Regulatory Reform Act of 1976 (45
14 U.S.C. 822) \$180,000,000 for each of fiscal years
15 2021 through 2025, to remain available until ex-
16 pended.

17 (2) REFUND OF PREMIUM.—There are author-
18 ized to be appropriated to the Secretary
19 \$70,000,000 to repay the credit risk premium under
20 section 502 of the Railroad Revitalization and Regu-
21 latory Reform Act of 1976 (45 U.S.C. 822) in ac-
22 cordance with section 9104.

23 (j) RESTORATION AND ENHANCEMENT GRANTS.—

24 (1) IN GENERAL.—There are authorized to be
25 appropriated to the Secretary to carry out section

1 22908 of title 49, United States Code, \$20,000,000
2 for each of fiscal years 2021 through 2025.

3 (2) PROJECT MANAGEMENT OVERSIGHT.—The
4 Secretary may withhold up to 1 percent from the
5 amount appropriated under paragraph (1) for the
6 costs of project management oversight of grants car-
7 ried out under section 22908 of title 49, United
8 States Code.

9 (k) GRADE CROSSING SEPARATION GRANTS.—

10 (1) IN GENERAL.—There are authorized to be
11 appropriated to the Secretary to carry out section
12 20171 of title 49, United States Code, (as added by
13 section 9551 of this Act) the following amounts:

14 (A) For fiscal year 2021, \$450,000,000.

15 (B) For fiscal year 2022, \$475,000,000.

16 (C) For fiscal year 2023, \$500,000,000.

17 (D) For fiscal year 2024, \$525,000,000.

18 (E) For fiscal year 2025, \$550,000,000.

19 (2) PROJECT MANAGEMENT OVERSIGHT.—The
20 Secretary may withhold up to 1 percent from the
21 amount appropriated under paragraph (1) for the
22 costs of project management oversight of grants car-
23 ried out under section 20171 of title 49, United
24 States Code.

1 (l) RAIL SAFETY PUBLIC AWARENESS GRANTS.—Of
2 the amounts made available under subsection (k), the Sec-
3 retary shall make available \$5,000,000 for each of fiscal
4 years 2021 through 2025 to carry out section 20172 of
5 title 49, United States Code, (as added by section 9552
6 of this Act).

7 (m) AUTHORIZATION OF APPROPRIATIONS TO THE
8 FEDERAL RAILROAD ADMINISTRATION.—Section 20117
9 of title 49, United States Code, is amended to read as
10 follows:

11 **“§ 20117. Authorization of appropriations**

12 “(a) SAFETY AND OPERATIONS.—

13 “(1) IN GENERAL.—There are authorized to be
14 appropriated to the Secretary of Transportation for
15 the operations of the Federal Railroad Administra-
16 tion and to carry out railroad safety activities au-
17 thORIZED or delegated to the Administrator—

18 “(A) \$229,000,000 for fiscal year 2021;

19 “(B) \$231,000,000 for fiscal year 2022;

20 “(C) \$233,000,000 for fiscal year 2023;

21 “(D) \$235,000,000 for fiscal year 2024;

22 and

23 “(E) \$237,000,000 for fiscal year 2025.

24 “(2) AUTOMATED TRACK INSPECTION PROGRAM
25 AND DATA ANALYSIS.—From the funds made avail-

1 able under paragraph (1) for each of fiscal years
2 2021 through 2025, not more than \$17,000,000
3 may be expended for the Automated Track Inspec-
4 tion Program and data analysis related to track in-
5 spection. Such funds shall remain available until ex-
6 pended.

7 “(3) STATE PARTICIPATION GRANTS.—Amounts
8 made available under paragraph (1) for grants
9 under section 20105(e) shall remain available until
10 expended.

11 “(b) RAILROAD RESEARCH AND DEVELOPMENT.—

12 “(1) AUTHORIZATION OF APPROPRIATIONS.—
13 There are authorized to be appropriated to the Sec-
14 retary of Transportation for necessary expenses for
15 carrying out railroad research and development ac-
16 tivities the following amounts which shall remain
17 available until expended:

18 “(A) \$42,000,000 for fiscal year 2021.

19 “(B) \$44,000,000 for fiscal year 2022.

20 “(C) \$46,000,000 for fiscal year 2023.

21 “(D) \$48,000,000 for fiscal year 2024.

22 “(E) \$50,000,000 for fiscal year 2025.

23 “(2) STUDY ON LNG BY RAIL.—From the
24 amounts made available for fiscal years 2021
25 through 2025 under paragraph (1), the Secretary

1 shall expend not less than \$6,000,000 and not more
2 than \$8,000,000 to carry out the evaluation of
3 transporting liquefied natural gas by rail under sec-
4 tion 8202 of the TRAIN Act.

5 “(3) STUDY ON SAFETY CULTURE ASSESS-
6 MENTS.—From the amounts made available for fis-
7 cal year 2021 under paragraph (1), the Secretary
8 shall expend such sums as are necessary to carry out
9 the study on safety culture assessments under sec-
10 tion 9517 of the TRAIN Act.

11 “(4) SHORT LINE SAFETY.—From funds made
12 available under paragraph (1) for each of fiscal
13 years 2021 through 2025, the Secretary may expend
14 not more than \$4,000,000—

15 “(A) for grants to improve safety practices
16 and training for Class II and Class III freight
17 railroads; and

18 “(B) to develop safety management sys-
19 tems for Class II and Class III freight railroads
20 through safety culture assessments, training
21 and education, outreach activities, and technical
22 assistance.”.

23 (n) FATIGUE REDUCTION PILOT PROJECTS.—There
24 are authorized to be appropriated to the Secretary for
25 costs associated with carrying out section 21109(e) of title

1 49, United States Code, \$200,000 to remain available
2 until expended.

3 (o) LIMITATION ON FINANCIAL ASSISTANCE FOR
4 STATE-OWNED ENTERPRISES.—

5 (1) IN GENERAL.—Funds provided under this
6 section and the amendments made by this section
7 may not be used in awarding a contract, sub-
8 contract, grant, or loan to an entity that is owned
9 or controlled by, is a subsidiary of, or is otherwise
10 related legally or financially to a corporation based
11 in a country that—

12 (A) is identified as a nonmarket economy
13 country (as defined in section 771(18) of the
14 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
15 the date of enactment of this Act;

16 (B) was identified by the United States
17 Trade Representative in the most recent report
18 required by section 182 of the Trade Act of
19 1974 (19 U.S.C. 2242) as a priority foreign
20 country under subsection (a)(2) of that section;
21 and

22 (C) is subject to monitoring by the Trade
23 Representative under section 306 of the Trade
24 Act of 1974 (19 U.S.C. 2416).

1 (2) EXCEPTION.—For purposes of paragraph
2 (1), the term “otherwise related legally or finan-
3 cially” does not include a minority relationship or in-
4 vestment.

5 (3) INTERNATIONAL AGREEMENTS.—This sub-
6 section shall be applied in a manner consistent with
7 the obligations of the United States under inter-
8 national agreements.

9 **SEC. 9102. PASSENGER RAIL IMPROVEMENT, MODERNIZA-**
10 **TION, AND EXPANSION GRANTS.**

11 (a) IN GENERAL.—Section 22906 of title 49, United
12 States Code, is amended to read as follows:

13 **“§ 22906. Passenger rail improvement, modernization,**
14 **and expansion grants**

15 “(a) ESTABLISHMENT.—The Secretary of Transpor-
16 tation shall establish a program to make grants for capital
17 projects that improve the state of good repair, operational
18 performance, or growth of intercity rail passenger trans-
19 portation.

20 “(b) PROJECT SELECTION CRITERIA.—

21 “(1) IN GENERAL.—Capital projects eligible for
22 a grant under this section include—

23 “(A) a project to replace, rehabilitate, or
24 repair a major infrastructure asset used for

1 providing passenger rail service to bring such
2 infrastructure asset into a state of good repair;

3 “(B) a project to improve passenger rail
4 performance, including congestion mitigation,
5 reliability improvements, achievement of on-
6 time performance standards established under
7 section 207 of the Rail Safety Improvement Act
8 of 2008 (49 U.S.C. 24101 note), reduced trip
9 times, increased train frequencies, higher oper-
10 ating speeds, electrification, and other improve-
11 ments, as determined by the Secretary; and

12 “(C) a project to repair, rehabilitate, re-
13 place, or build infrastructure to expand or es-
14 tablish intercity rail passenger transportation
15 and facilities, including high-speed rail.

16 “(2) REQUIREMENTS.—To be eligible for a
17 grant under this section, an applicant shall have, or
18 provide documentation of a credible plan to
19 achieve—

20 “(A) the legal, financial, and technical ca-
21 pacity to carry out the project;

22 “(B) satisfactory continuing control over
23 the use of the equipment or facilities that are
24 the subject of the project; and

1 “(C) an agreement in place for mainte-
2 nance of such equipment or facilities.

3 “(3) PRIORITY.—In selecting an applicant for a
4 grant under this section, the Secretary shall give
5 preference to capital projects that—

6 “(A) are supported by multiple States or
7 are included in a regional planning process; or

8 “(B) achieve environmental benefits such
9 as a reduction in greenhouse gas emissions or
10 an improvement in local air quality.

11 “(4) ADDITIONAL CONSIDERATIONS.—In select-
12 ing an applicant for a grant under this section, the
13 Secretary shall consider—

14 “(A) the cost-benefit analysis of the pro-
15 posed project, including anticipated public bene-
16 fits relative to the costs of the proposed project,
17 including—

18 “(i) effects on system and service per-
19 formance;

20 “(ii) effects on safety, competitive-
21 ness, reliability, trip or transit time, and
22 resilience;

23 “(iii) impacts on the overall transpor-
24 tation system, including efficiencies from
25 improved integration with other modes of

1 transportation or benefits associated with
2 achieving modal shifts;

3 “(iv) the ability to meet existing, an-
4 ticipated, or induced passenger or service
5 demand; and

6 “(v) projected effects on regional and
7 local economies along the corridor, includ-
8 ing increased competitiveness, productivity,
9 efficiency, and economic development;

10 “(B) the applicant’s past performance in
11 developing and delivering similar projects;

12 “(C) if applicable, the consistency of the
13 project with planning guidance and documents
14 set forth by the Secretary or required by law;
15 and

16 “(D) if applicable, agreements between all
17 stakeholders necessary for the successful deliv-
18 ery of the project.

19 “(c) NORTHEAST CORRIDOR PROJECTS.—Of the
20 funds made available to carry out this section, not less
21 than 40 percent shall be made available for projects in-
22 cluded in the Northeast Corridor investment plan required
23 under section 24904.

1 “(d) NATIONAL PROJECTS.—Of the funds made
2 available to carry out this section, not less than 40 percent
3 shall be made available for—

4 “(1) projects on the National Network;

5 “(2) high-speed rail projects; and

6 “(3) the establishment of new passenger rail
7 corridors not located on the Northeast Corridor.

8 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

9 “(1) TOTAL PROJECT COST ESTIMATE.—The
10 Secretary shall estimate the total cost of a project
11 under this section based on the best available infor-
12 mation, including engineering studies, studies of eco-
13 nomic feasibility, environmental analyses, and infor-
14 mation on the expected use of equipment or facili-
15 ties.

16 “(2) FEDERAL SHARE.—The Federal share of
17 total costs for a project under this section shall not
18 exceed 90 percent.

19 “(3) TREATMENT OF REVENUE.—Applicants
20 may use ticket and other revenues generated from
21 operations and other sources to satisfy the non-Fed-
22 eral share requirements.

23 “(f) LETTERS OF INTENT.—

1 “(1) IN GENERAL.—The Secretary shall, to the
2 maximum extent practicable, issue a letter of intent
3 to a recipient of a grant under this section that—

4 “(A) announces an intention to obligate,
5 for a major capital project under this section,
6 an amount that is not more than the amount
7 stipulated as the financial participation of the
8 Secretary in the project; and

9 “(B) states that the contingent commit-
10 ment—

11 “(i) is not an obligation of the Fed-
12 eral Government; and

13 “(ii) is subject to the availability of
14 appropriations for grants under this sec-
15 tion and subject to Federal laws in force or
16 enacted after the date of the contingent
17 commitment.

18 “(2) CONGRESSIONAL NOTIFICATION.—

19 “(A) IN GENERAL.—Not later than 3 days
20 before issuing a letter of intent under para-
21 graph (1), the Secretary shall submit written
22 notification to—

23 “(i) the Committee on Transportation
24 and Infrastructure of the House of Rep-
25 resentatives;

1 “(ii) the Committee on Appropriations
2 of the House of Representatives;

3 “(iii) the Committee on Appropria-
4 tions of the Senate; and

5 “(iv) the Committee on Commerce,
6 Science, and Transportation of the Senate.

7 “(B) CONTENTS.—The notification sub-
8 mitted under subparagraph (A) shall include—

9 “(i) a copy of the letter of intent;

10 “(ii) the criteria used under sub-
11 section (b) for selecting the project for a
12 grant; and

13 “(iii) a description of how the project
14 meets such criteria.

15 “(g) APPROPRIATIONS REQUIRED.—An obligation or
16 administrative commitment may be made under this sec-
17 tion only when amounts are appropriated for such pur-
18 pose.

19 “(h) GRANT ADMINISTRATION.—The Secretary may
20 withhold up to 1 percent of the total amount made avail-
21 able to carry out this section for program oversight and
22 management, including providing technical assistance and
23 project planning guidance.

24 “(i) REGIONAL PLANNING GUIDANCE.—The Sec-
25 retary may withhold up to half a percent of the total

1 amount made available to carry out this section to facili-
2 tate and provide guidance for regional planning processes.

3 “(j) AVAILABILITY.—Amounts made available to
4 carry out this section shall remain available until ex-
5 pended.

6 “(k) GRANT CONDITIONS.—Except as specifically
7 provided in this section, the use of any amounts appro-
8 priated for grants under this section shall be subject to
9 the grant conditions under section 22905, except that the
10 domestic buying preferences of section 24305(f) shall
11 apply to grants provided to Amtrak in lieu of the require-
12 ments of section 22905(a).

13 “(l) DEFINITIONS.—In this section:

14 “(1) APPLICANT.—The term ‘applicant’
15 means—

16 “(A) a State;

17 “(B) a group of States;

18 “(C) an Interstate Compact;

19 “(D) a public agency or publicly chartered
20 authority established by one or more States;

21 “(E) a political subdivision of a State; or

22 “(F) Amtrak, acting on its own behalf or
23 under a cooperative agreement with one or
24 more States.

1 “(2) CAPITAL PROJECT.—The term ‘capital
2 project’ means—

3 “(A) acquisition, construction, replace-
4 ment, rehabilitation, or repair of major infra-
5 structure assets or equipment that benefit
6 intercity rail passenger transportation, includ-
7 ing tunnels, bridges, stations, track, electrifica-
8 tion, grade crossings, passenger rolling stock,
9 and other assets, as determined by the Sec-
10 retary;

11 “(B) projects that ensure service can be
12 maintained while existing assets are rehabili-
13 tated or replaced; and

14 “(C) project planning, development, de-
15 sign, and environmental analysis related to
16 projects under subsections (A) and (B).

17 “(3) INTERCITY RAIL PASSENGER TRANSPOR-
18 TATION.—The term ‘intercity rail passenger trans-
19 portation’ has the meaning given such term in sec-
20 tion 24102.

21 “(4) HIGH-SPEED RAIL.—The term ‘high-speed
22 rail’ has the meaning given such term in section
23 26106(b).

1 shall not be required to be in a State rail plan
2 developed under chapter 227”;

3 (C) in paragraph (3) by inserting “or safe-
4 ty” after “address congestion”;

5 (D) in paragraph (4) by striking “identi-
6 fied by the Secretary” and all that follows
7 through “rail transportation” and inserting “to
8 reduce congestion, improve service, or facilitate
9 ridership growth in intercity rail passenger
10 transportation and commuter rail passenger
11 transportation (as such term is defined in sec-
12 tion 24102)”;

13 (E) in paragraph (5) by inserting “or to
14 establish new quiet zones” before the period at
15 the end; and

16 (F) in paragraph (9) by inserting “or com-
17 muter rail passenger transportation (as such
18 term is defined in section 24102)” after “be-
19 tween intercity rail passenger transportation”;

20 (3) in subsection (e)—

21 (A) by striking paragraph (1) and insert-
22 ing the following:

23 “(1) IN GENERAL.—In selecting a recipient of
24 a grant for an eligible project, the Secretary shall
25 give preference to—

1 “(A) projects that will maximize the net
2 benefits of the funds made available for use
3 under this section, considering the cost-benefit
4 analysis of the proposed project, including an-
5 ticipated private and public benefits relative to
6 the costs of the proposed project and factoring
7 in the other considerations described in para-
8 graph (2); and

9 “(B) projects that benefit a station that—

10 “(i) serves Amtrak and commuter rail;

11 “(ii) is listed amongst the 25 stations
12 with highest ridership in the most recent
13 Amtrak Company Profile; and

14 “(iii) has support from both Amtrak
15 and the provider of commuter rail pas-
16 senger transportation servicing the sta-
17 tion.”; and

18 (B) in paragraph (3) by striking “para-
19 graph (1)(B)” and inserting “paragraph
20 (1)(A)”;

21 (4) in subsection (l) by striking “Secretary
22 shall” and inserting “Secretary may”;

23 (5) by redesignating subsections (i), (j), (k),
24 and (l) as subsections (l), (m), (n), and (o), respec-
25 tively; and

1 (6) by inserting after subsection (h) the fol-
2 lowing:

3 “(i) LARGE PROJECTS.—Of the amounts made avail-
4 able under this section, at least 50 percent shall be for
5 projects that have total project costs of greater than
6 \$100,000,000.

7 “(j) COMMUTER RAIL.—

8 “(1) ADMINISTRATION OF FUNDS.—The
9 amounts awarded under this section for commuter
10 rail passenger transportation projects shall be trans-
11 ferred by the Secretary, after selection, to the Fed-
12 eral Transit Administration for administration of
13 funds in accordance with chapter 53.

14 “(2) GRANT CONDITION.—

15 “(A) IN GENERAL.—As a condition of re-
16 ceiving a grant under this section that is used
17 to acquire, construct, or improve railroad right-
18 of-way or facilities, any employee covered by the
19 Railway Labor Act (45 U.S.C. 151 et seq.) and
20 the Railroad Retirement Act of 1974 (45
21 U.S.C. 231 et seq.) who is adversely affected by
22 actions taken in connection with the project fi-
23 nanced in whole or in part by such grant shall
24 be covered by employee protective arrangements
25 established under section 22905(e).

1 “(B) APPLICATION OF PROTECTIVE AR-
2 RANGEMENT.—The grant recipient and the suc-
3 cessors, assigns, and contractors of such recipi-
4 ent shall be bound by the protective arrange-
5 ments required under subparagraph (A). Such
6 recipient shall be responsible for the implemen-
7 tation of such arrangement and for the obliga-
8 tions under such arrangement, but may arrange
9 for another entity to take initial responsibility
10 for compliance with the conditions of such ar-
11 rangement.

12 “(3) APPLICATION OF LAW.—Subsections (g)
13 and (f)(1) of section 22905 shall not apply to grants
14 awarded under this section for commuter rail pas-
15 senger transportation projects.

16 “(k) DEFINITION OF CAPITAL PROJECT.—In this
17 section, the term ‘capital project’ means a project or pro-
18 gram for—

19 “(1) acquiring, constructing, improving, or in-
20 specting equipment, track and track structures, or a
21 facility, expenses incidental to the acquisition or con-
22 struction (including designing, engineering, location
23 surveying, mapping, environmental studies, and ac-
24 quiring rights-of-way), payments for the capital por-
25 tions of rail trackage rights agreements, highway-

1 rail grade crossing improvements, mitigating envi-
2 ronmental impacts, communication and signalization
3 improvements, relocation assistance, acquiring re-
4 placement housing sites, and acquiring, constructing,
5 relocating, and rehabilitating replacement housing;

6 “(2) rehabilitating, remanufacturing, or over-
7 hauling rail rolling stock and facilities;

8 “(3) costs associated with developing State rail
9 plans; and

10 “(4) the first-dollar liability costs for insurance
11 related to the provision of intercity passenger rail
12 service under section 22904.”.

13 **SEC. 9104. RAILROAD REHABILITATION AND IMPROVE-**
14 **MENT FINANCING.**

15 Section 502 of the Railroad Revitalization and Regu-
16 latory Reform Act of 1976 (45 U.S.C. 822) is amended—

17 (1) in subsection (b)—

18 (A) in paragraph (1)—

19 (i) in subparagraph (A) by inserting

20 “civil works such as cuts and fills, stations,
21 tunnels,” after “components of track,”;

22 and

23 (ii) in subparagraph (D) by inserting

24 “, permitting,” after “reimburse plan-
25 ning”; and

1 (B) by striking paragraph (3);

2 (2) in subsection (f)—

3 (A) in paragraph (3) by adding at the end
4 the following:

5 “(D) A projection of freight or passenger
6 demand for the project based on regionally de-
7 veloped economic forecasts, including projec-
8 tions of any modal diversion resulting from the
9 project.”; and

10 (B) in paragraph (4)—

11 (i) by inserting “In the case of an ap-
12 plicant seeking a loan that is less than 50
13 percent of the total cost of the project, half
14 of the credit risk premiums under this sub-
15 section shall be paid to the Secretary be-
16 fore the disbursement of loan amounts and
17 the remaining half shall be paid to the Sec-
18 retary in equal amounts semiannually and
19 fully paid not later than 10 years after the
20 first loan disbursement is executed.” after
21 “modifications thereof.”;

22 (ii) by striking “Credit risk pre-
23 miums” and inserting “(A) TIMING OF
24 PAYMENT.—Credit risk premiums”; and

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

3 “(B) PAYMENT OF CREDIT RISK PRE-
4 MIUMS.—

5 “(i) IN GENERAL.—In granting assist-
6 ance under this section, the Secretary may
7 pay credit risk premiums required under
8 paragraph (3) for entities described in
9 paragraphs (1) through (3) of subsection
10 (a), in whole or in part, with respect to a
11 loan or loan guarantee.

12 “(ii) SET-ASIDE.—Of the amounts
13 made available for payments for a fiscal
14 year under clause (i), the Secretary shall
15 reserve \$175,000,000 for payments for
16 passenger rail projects, to remain available
17 until expended.

18 “(C) REFUND OF PREMIUM.—The Sec-
19 retary shall repay the credit risk premium of
20 each loan in cohort 3, as defined by the memo-
21 randum to the Office of Management and
22 Budget of the Department of Transportation
23 dated November 5, 2018, with interest accrued
24 thereon, not later than 60 days after the date
25 on which all obligations attached to each such

1 loan have been satisfied. For each such loan for
2 which obligations have been satisfied as of the
3 date of enactment of the TRAIN Act, the Sec-
4 retary shall repay the credit risk premium of
5 each such loan, with interest accrued thereon,
6 not later than 60 days after the date of the en-
7 actment of such Act.”; and

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

9 “(n) NON-FEDERAL SHARE.—The proceeds of a loan
10 provided under this section may be used as the non-Fed-
11 eral share of project costs under this title or chapter 53
12 of title 49 if such loan is repayable from non-Federal
13 funds.

14 “(o) BUY AMERICA.—

15 “(1) IN GENERAL.—In awarding direct loans or
16 loan guarantees under this section, the Secretary
17 shall require each recipient to comply with section
18 22905(a) of title 49, United States Code.

19 “(2) SPECIFIC COMPLIANCE.—Notwithstanding
20 paragraph (1), the Secretary shall require—

21 “(A) Amtrak to comply with section
22 24305(f) of title 49, United States Code; and

23 “(B) a commuter authority (as defined in
24 section 24102 of title 49, United States Code),

1 as applicable, to comply with section 5320 of
2 title 49, United States Code.”.

3 **SEC. 9105. BUY AMERICA.**

4 Section 22905(a) of title 49, United States Code, is
5 amended—

6 (1) in paragraph (2)—

7 (A) in subparagraph (B) by adding “or” at
8 the end;

9 (B) by striking subparagraph (C); and

10 (C) by redesignating subparagraph (D) as
11 subparagraph (C);

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

14 “(4)(A) If the Secretary receives a request for
15 a waiver under paragraph (2), the Secretary shall
16 provide notice of and an opportunity for public com-
17 ment on the request at least 30 days before making
18 a finding based on the request.

19 “(B) A notice provided under subparagraph (A)
20 shall—

21 “(i) include the information available to
22 the Secretary concerning the request, including
23 whether the request is being made under sub-
24 paragraph (A), (B), or (C) of paragraph (2);
25 and

1 “(ii) be provided by electronic means, in-
2 cluding on the official public website of the De-
3 partment of Transportation.”;

4 (3) in paragraph (5)—

5 (A) by striking “2012” and inserting
6 “2020, and each year thereafter”; and

7 (B) by inserting “during the preceding fis-
8 cal year” before the period; and

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

10 “(12) The requirements of this subsection apply
11 to all contracts for a project carried out within the
12 scope of the applicable finding, determination, or de-
13 cisions under the National Environmental Policy Act
14 of 1969 (42 U.S.C. 4321 et seq.), regardless of the
15 funding source for activities carried out pursuant to
16 such contracts, if at least 1 contract for the project
17 is funded with amounts made available to carry out
18 a provision specified in paragraph (1).”.

19 **SEC. 9106. RAIL NETWORK CLIMATE CHANGE VULNER-**
20 **ABILITY ASSESSMENT.**

21 (a) **IN GENERAL.**—The Secretary of Transportation
22 shall sponsor a study by the National Academies to con-
23 duct an assessment of the potential impacts of climate
24 change on the national rail network.

1 (b) ASSESSMENT.—At a minimum, the assessment
2 conducted pursuant to subsection (a) shall—

3 (1) cover the entire freight and intercity pas-
4 senger rail network of the United States;

5 (2) evaluate risk to the network over 5-, 30-,
6 and 50-year outlooks;

7 (3) examine and describe potential effects of cli-
8 mate change and extreme weather events on pas-
9 senger and freight rail infrastructure, trackage, and
10 facilities, including facilities owned by rail shippers;

11 (4) identify and categorize the assets described
12 in paragraph (3) by vulnerability level and geo-
13 graphic area; and

14 (5) recommend strategies or measures to miti-
15 gate any adverse impacts of climate change, includ-
16 ing emergency preparedness measures and resiliency
17 best practices for infrastructure planning.

18 (c) REPORT.—Not later than 18 months after the
19 date of enactment of this Act, the Secretary shall submit
20 to the Committee on Transportation and Infrastructure
21 of the House of Representatives and the Committee on
22 Commerce, Science, and Transportation of the Senate a
23 report containing the findings of the assessment conducted
24 pursuant to subsection (a).

1 (d) FURTHER COORDINATION.—The Secretary shall
2 make the report publicly available on the website of the
3 Department of Transportation and communicate the re-
4 sults of the assessment with stakeholders.

5 (e) REGULATORY AUTHORITY.—If the Secretary
6 finds in the report required under subsection (c) that reg-
7 ulatory measures are warranted and such measures are
8 otherwise under the existing authority of the Secretary,
9 the Secretary may issue such regulations as are necessary
10 to implement such measures.

11 (f) FUNDING.—From the amounts made available for
12 fiscal year 2021 under section 20117(a) of title 49, United
13 States Code, the Secretary shall expend not less than
14 \$1,000,000 to carry out the study required under subpara-
15 graph (a).

16 **SEC. 9107. NORTH RIVER TUNNEL SHUTDOWN CONTIN-**
17 **GENCY ASSESMENT.**

18 Not later than 60 days after the date of enactment
19 of this Act, the Secretary of Transportation shall publish
20 a report that explains—

21 (1) the contingency plan of the Department of
22 Transportation, in coordination with other relevant
23 Federal agencies, detailing a specific plan of action
24 in the case of a shutdown of the North River Tunnel
25 under the Hudson River and that addresses issues

1 including ensuring commuters, tourists, and others
2 will maintain the ability to travel between New Jer-
3 sey and New York and throughout the region; and

4 (2) the contingency plan of the Department of
5 Transportation, in coordination with other relevant
6 Federal agencies, detailing a specific plan of action
7 to ensure minimal disruption to, and negative im-
8 pact on national security, the economy, public
9 health, the environment, and property values.

10 **SEC. 9108. ADVANCE ACQUISITION.**

11 (a) IN GENERAL.—Chapter 242 of title 49, United
12 States Code, is amended by inserting the following after
13 section 24202:

14 **“SEC. 24203. ADVANCE ACQUISITION.**

15 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
16 retary may allow a recipient of a grant under chapter 229
17 for a passenger rail project to acquire right-of-way and
18 adjacent real property interests before or during the com-
19 pletion of the environmental reviews for a project that may
20 use such property interests if the acquisition is otherwise
21 permitted under Federal law.

22 “(b) CERTIFICATION.—Before authorizing advance
23 acquisition under this section, the Secretary shall verify
24 that—

1 “(1) the recipient has authority to acquire the
2 real property interest;

3 “(2) the acquisition of the real property inter-
4 est—

5 “(A) is for a transportation purpose;

6 “(B) will not cause significant adverse en-
7 vironmental impact;

8 “(C) will not limit the choice of reasonable
9 alternatives for the proposed project or other-
10 wise influence the decision of the Secretary on
11 any approval required for the project;

12 “(D) does not prevent the lead agency
13 from making an impartial decision as to wheth-
14 er to accept an alternative that is being consid-
15 ered;

16 “(E) complies with other applicable Fed-
17 eral laws and regulations; and

18 “(F) will not result in elimination or re-
19 duction of benefits or assistance to a displaced
20 person required by the Uniform Relocation As-
21 sistance and Real Property Acquisition Policies
22 Act of 1970 (42 U.S.C. 4601 et seq.) and title
23 VI of the Civil Rights Act of 1964 (42 U.S.C.
24 2000d et seq.).

25 “(c) ENVIRONMENTAL REVIEWS.—

1 “(1) COMPLETION OF NEPA REVIEW.—Before
2 authorizing Federal funding for an acquisition of a
3 real property interest, the Secretary shall complete
4 all review processes otherwise required under the
5 National Environmental Policy Act of 1969 (42
6 U.S.C. 4321 et seq.), section 4(f) of the Department
7 of Transportation Act of 1966 (49 U.S.C. 303), and
8 Section 106 of the National Historic Preservation
9 Act (16 U.S.C. 470f) with respect to the acquisition.

10 “(2) TIMING OF DEVELOPMENT ACQUISITION.—
11 A real property interest acquired under subsection
12 (a) may not be developed in anticipation of the pro-
13 posed project until all required environmental re-
14 views for the project have been completed.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 242 of title 49, United States Code, is amend-
17 ed by inserting after the item relating to section 24202
18 the following new item:

 “Sec. 24203. Advance acquisition.”.

19 **TITLE II—AMTRAK REFORMS**

20 **SEC. 9201. AMTRAK FINDINGS, MISSION, AND GOALS.**

21 Section 24101 of title 49, United States Code, is
22 amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1)—

1 (i) by striking “, to the extent its
2 budget allows,”; and

3 (ii) by striking “between crowded
4 urban areas and in other areas of” and in-
5 serting “throughout”;

6 (B) in paragraph (2) by striking the period
7 and inserting “, thereby providing additional
8 capacity for the traveling public and widespread
9 air quality benefits.”;

10 (C) in paragraph (4)—

11 (i) by striking “greater” and inserting
12 “high”; and

13 (ii) by striking “to Amtrak to achieve
14 a performance level sufficient to justify ex-
15 pending public money” and inserting “in
16 order to meet the intercity passenger rail
17 needs of the United States”;

18 (D) in paragraph (5)—

19 (i) by inserting “intercity and” after
20 “efficient”; and

21 (ii) by striking “the energy conserva-
22 tion and self-sufficiency” and inserting
23 “addressing climate change, energy con-
24 servation, and self-sufficiency”;

1 (E) in paragraph (6) by striking “through
2 its subsidiary, Amtrak Commuter,”; and

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

4 “(9) Long-distance intercity passenger rail is
5 an important part of the national transportation sys-
6 tem.

7 “(10) Investments in intercity and commuter
8 rail passenger transportation support jobs that pro-
9 vide a pathway to the middle class.”;

10 (2) in subsection (b) by striking “The” and all
11 that follows through “consistent” and inserting
12 “The mission of Amtrak is to provide a safe, effi-
13 cient, and high-quality national intercity passenger
14 rail system that is trip-time competitive with other
15 intercity travel options, consistent”;

16 (3) in subsection (c)—

17 (A) by striking paragraph (1) and insert-
18 ing the following:

19 “(1) use its best business judgment in acting to
20 maximize the benefits of public funding;”;

21 (B) in paragraph (2)—

22 (i) by striking “minimize Government
23 subsidies by encouraging” and inserting
24 “work with”; and

1 (ii) by striking the semicolon and in-
2 serting “and improvements to service;”;

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

5 “(3) manage the passenger rail network in the
6 interest of public transportation needs, including
7 current and future Amtrak passengers;”;

8 (D) in paragraph (7) by striking “encour-
9 age” and inserting “work with”;

10 (E) in paragraph (11) by striking “and”
11 the last place it appears; and

12 (F) by striking paragraph (12) and insert-
13 ing the following:

14 “(12) utilize and manage resources with a long-
15 term perspective, including sound investments that
16 take into account the overall lifecycle costs of an
17 asset;

18 “(13) ensure that service is accessible and ac-
19 commodating to passengers with disabilities; and

20 “(14) maximize the benefits Amtrak generates
21 for the United States by creating quality jobs and
22 supporting the domestic workforce.”; and

23 (4) by striking subsection (d).

1 **SEC. 9202. AMTRAK STATUS.**

2 Section 24301(a) of title 49, United States Code, is
3 amended—

4 (1) in paragraph (1) by striking “20102(2)”
5 and inserting “20102”; and

6 (2) in paragraph (2) by inserting “serving the
7 public interest in reliable passenger rail service”
8 after “for-profit corporation”.

9 **SEC. 9203. BOARD OF DIRECTORS.**

10 (a) IN GENERAL.—Section 24302 of title 49, United
11 States Code, is amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) by striking subparagraph (C) and
15 inserting the following:

16 “(C) Eight individuals appointed by the
17 President of the United States, by and with the
18 advice and consent of the Senate, with a record
19 of support for national passenger rail service,
20 general business and financial experience, and
21 transportation qualifications or expertise. Of
22 the individuals appointed—

23 “(i) one shall be a Mayor or Governor
24 of a location served by a regularly sched-
25 uled Amtrak service on the Northeast Cor-
26 ridor;

1 “(ii) one shall be a Mayor or Governor
2 of a location served by a regularly sched-
3 uled Amtrak service that is not on the
4 Northeast Corridor;

5 “(iii) one shall be a labor representa-
6 tive of Amtrak employees; and

7 “(iv) two shall be individuals with a
8 history of regular Amtrak ridership and an
9 understanding of the concerns of rail pas-
10 sengers.”;

11 (B) in paragraph (2) by inserting “users of
12 Amtrak, including the elderly and individuals
13 with disabilities, and” after “and balanced rep-
14 resentation of”;

15 (C) in paragraph (3) by adding at the end
16 the following: “A member of the Board ap-
17 pointed under clause (i) or (ii) of paragraph
18 (1)(C) shall serve for a term of 5 years or until
19 such member leaves the elected office such
20 member occupied at the time such member was
21 appointed, whichever is first.”; and

22 (D) by striking paragraph (5) and insert-
23 ing the following:

1 “(5) The Secretary and any Governor of a
2 State may be represented at a Board meeting by a
3 designee.”;

4 (2) in subsection (b)—

5 (A) by striking “PAY AND EXPENSES” and
6 inserting “DUTIES, PAY, AND EXPENSES”; and

7 (B) by inserting “Each director must con-
8 sider the well-being of current and future Am-
9 trak passengers, and the public interest in sus-
10 tainable national passenger rail service.” before
11 “Each director not employed by the United
12 States Government or Amtrak”; and

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

14 “(g) GOVERNOR DEFINED.—In this section, the term
15 ‘Governor’ means the Governor of a State or the Mayor
16 of the District of Columbia and includes the designee of
17 the Governor.”.

18 (b) TIMING OF NEW BOARD REQUIREMENTS.—

19 (1) IN GENERAL.—The appointment and mem-
20 bership requirements under section 24302 of title
21 49, United States Code (as amended by this Act),
22 shall apply to any member of the Board appointed
23 pursuant to subsection (a)(1)(C) of such section who
24 is appointed on or after the date of enactment of
25 this Act.

1 (2) REAPPOINTMENT.—Any member described
2 under paragraph (1) who is serving on such Board
3 as of the date of enactment of this Act may be re-
4 appointed on or after such date of enactment, sub-
5 ject to the advice and consent of the Senate, if such
6 member meets the requirements of such section.

7 (3) TERMINATION OF TERM.—The term of any
8 member described under paragraph (1) who is serv-
9 ing on such Board as of the date of enactment of
10 this Act who is not reappointed under paragraph (2)
11 before the date that is 60 days after the date of en-
12 actment of this Act, shall cease on such date.

13 **SEC. 9204. AMTRAK PREFERENCE ENFORCEMENT.**

14 (a) IN GENERAL.—Section 24308(c) of title 49,
15 United States Code, is amended by adding at the end the
16 following: “Notwithstanding section 24103(a) and section
17 24308(f), Amtrak shall have the right to bring an action
18 for equitable or other relief in the United States District
19 Court for the District of Columbia to enforce the pref-
20 erence rights granted under this subsection.”.

21 (b) CONFORMING AMENDMENT.—Section 24103 of
22 title 49, United States Code, is amended by inserting “and
23 section 24308(c)” before “, only the Attorney General”.

1 **SEC. 9205. USE OF FACILITIES AND PROVIDING SERVICES**
2 **TO AMTRAK.**

3 Section 24308(e) of title 49, United States Code, is
4 amended—

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

7 “(1)(A) When a rail carrier does not agree to
8 allow Amtrak to operate additional trains over any
9 rail line of the carrier on which Amtrak is operating
10 or seeks to operate, Amtrak may submit an applica-
11 tion to the Board for an order requiring the carrier
12 to allow for the operation of the requested trains.
13 Within 90 days of receipt of such application, the
14 Board shall determine whether the additional trains
15 would unreasonably impair freight transportation
16 and—

17 “(i) for a determination that such trains
18 do not unreasonably impair freight transpor-
19 tation, order the rail carrier to allow for the op-
20 eration of such trains on a schedule established
21 by the Board; or

22 “(ii) for a determination that such trains
23 do unreasonably impair freight transportation,
24 initiate a proceeding to determine any addi-
25 tional infrastructure investments required by,
26 or on behalf of, Amtrak.

1 “(B) If Amtrak seeks to resume operation of a
2 train that Amtrak operated during the 5-year period
3 preceding an application described in subparagraph
4 (A), the Board shall apply a presumption that the
5 resumed operation of such train will not unreason-
6 ably impair freight transportation unless the Board
7 finds that there are substantially changed cir-
8 cumstances.”;

9 (2) in paragraph (2)—

10 (A) by striking “The Board shall consider”
11 and inserting “The Board shall”;

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

14 “(A) in making the determination under para-
15 graph (1), take into account any infrastructure in-
16 vestments proposed in Amtrak’s application, with
17 the rail carrier having the burden of demonstrating
18 that the additional trains will unreasonably impair
19 the freight transportation; and”;

20 (C) in subparagraph (B) by inserting “con-
21 sider investments described in subparagraph
22 (A) and” after “times,”; and

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

24 “(4) In a proceeding initiated by the Board
25 under paragraph (1)(B), the Board shall solicit the

1 views of the parties and require the parties to pro-
2 vide any necessary data or information. Not later
3 than 180 days after the date on which the Board
4 makes a determination under paragraph (1)(B), the
5 Board shall issue an order requiring the rail carrier
6 to allow for the operation of the requested trains
7 conditioned upon additional infrastructure or other
8 investments needed to mitigate the unreasonable in-
9 terference. In determining the necessary level of ad-
10 ditional infrastructure or other investments, the
11 Board shall use any criteria, assumptions, and proc-
12 esses it considers appropriate.

13 “(5) The provisions of this subsection shall be
14 in addition to any other statutory or contractual
15 remedies Amtrak may have to obtain the right to op-
16 erate the additional trains.”

17 **SEC. 9206. PROHIBITION ON MANDATORY ARBITRATION.**

18 (a) IN GENERAL.—Section 28103 of title 49, United
19 States Code, is amended—

20 (1) by redesignating subsection (e) as sub-
21 section (f); and

22 (2) by inserting after subsection (d) the fol-
23 lowing:

24 “(e) PROHIBITION ON CHOICE-OF-FORUM CLAUSE.—

1 “(1) IN GENERAL.—Amtrak may not impose a
2 choice-of-forum clause that attempts to preclude a
3 passenger, or a person who purchases a ticket for
4 rail transportation on behalf of a passenger, from
5 bringing a claim against Amtrak in any court of
6 competent jurisdiction, including a court within the
7 jurisdiction of the residence of such passenger in the
8 United States (provided that Amtrak does business
9 within that jurisdiction).

10 “(2) COURT OF COMPETENT JURISDICTION.—
11 Under this subsection, a court of competent jurisdic-
12 tion may not include an arbitration forum.”.

13 (b) EFFECTIVE DATE.—This section, and the amend-
14 ments made by this section, shall apply to any claim that
15 arises on or after the date of enactment of this Act.

16 **SEC. 9207. AMTRAK ADA ASSESSMENT.**

17 (a) ASSESSMENT.—Amtrak shall conduct an assess-
18 ment and review of all Amtrak policies, procedures, proto-
19 cols, and guidelines for compliance with the requirements
20 of the Americans With Disabilities Act of 1990 (42 U.S.C.
21 12101 et seq.).

22 (b) REPORT.—Not later than 180 days after the date
23 of enactment of this Act, Amtrak shall submit to the Com-
24 mittee on Transportation and Infrastructure of the House
25 of Representatives and the Committee on Commerce,

1 Science, and Transportation of the Senate a report on the
2 results of the assessment conducted under subsection (a).

3 (c) CONTENTS.—The report required under sub-
4 section (b) shall include—

5 (1) a summary of the policies, procedures, pro-
6 tocols, and guidelines reviewed;

7 (2) any necessary changes to such policies, pro-
8 cedures, protocols, and guidelines to ensure compli-
9 ance with the Americans With Disabilities Act of
10 1990 (42 U.S.C. 12101 et seq.), including full com-
11 pliance under such Act for stations and facilities for
12 which Amtrak has responsibility under such Act and
13 consideration of the needs of individuals with disabil-
14 ities when procuring rolling stock; and

15 (3) an implementation plan and timeline for
16 making any such necessary changes.

17 (d) ENGAGEMENT.—Amtrak is encouraged to engage
18 with a range of advocates for individuals with disabilities
19 during the assessment conducted under subsection (a),
20 and develop an ongoing and standardized process for en-
21 gagement with advocates for individuals with disabilities.

22 (e) PERIODIC EVALUATION.—At least once every 2
23 years, Amtrak shall review and update, as necessary, Am-
24 trak policies, procedures, protocols, and guidelines to en-

1 sure compliance with the Americans With Disabilities Act
2 of 1990 (42 U.S.C. 12101 et seq.).

3 **SEC. 9208. PROHIBITION ON SMOKING ON AMTRAK TRAINS.**

4 (a) IN GENERAL.—Chapter 243 of title 49, United
5 States Code, is amended by adding at the end the fol-
6 lowing:

7 **“§ 24323. Prohibition on smoking on Amtrak trains**

8 “(a) PROHIBITION.—Beginning on the date of enact-
9 ment of the TRAIN Act, Amtrak shall prohibit smoking
10 on board Amtrak trains.

11 “(b) ELECTRONIC CIGARETTES.—

12 “(1) INCLUSION.—The use of an electronic cig-
13 arette shall be treated as smoking for purposes of
14 this section.

15 “(2) ELECTRONIC CIGARETTE DEFINED.—In
16 this section, the term ‘electronic cigarette’ means a
17 device that delivers nicotine or other substances to
18 a user of the device in the form of a vapor that is
19 inhaled to simulate the experience of smoking.”.

20 (b) CONFORMING AMENDMENT.—The analysis for
21 chapter 243 of title 49, United States Code, is amended
22 by adding at the end the following:

“24323. Prohibition on smoking on Amtrak trains.”.

1 **SEC. 9209. STATE-SUPPORTED ROUTES OPERATED BY AM-**
2 **TRAK.**

3 (a) IN GENERAL.—Section 24712 of title 49, United
4 States Code, is amended—

5 (1) in subsection (a)—

6 (A) in paragraph (4) by striking the first
7 sentence and inserting “The Committee shall
8 define and periodically update the rules and
9 procedures governing the Committee’s pro-
10 ceedings.”; and

11 (B) in paragraph (6)—

12 (i) by striking subparagraph (B) and
13 inserting the following:

14 “(B) PROCEDURES.—The rules and proce-
15 dures implemented under paragraph (4) shall
16 include—

17 “(i) procedures for changing the cost
18 allocation methodology, notwithstanding
19 section 209(b) of the Passenger Rail In-
20 vestment and Improvement Act (49 U.S.C.
21 24101 note); and

22 “(ii) procedures or broad guidelines
23 for conducting financial planning, includ-
24 ing operation, ridership, capital fore-
25 casting, station staffing projections, report-
26 ing, and data sharing and governance.”;

1 (ii) in subparagraph (C)—

2 (I) in clause (i) by striking
3 “and” at the end;

4 (II) in clause (ii) by striking the
5 period at the end and inserting “;
6 and”; and

7 (III) by adding at the end the
8 following:

9 “(iii) promote increased efficiency in
10 Amtrak’s operating and capital activities.”;

11 and

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

14 “(D) ANNUAL REVIEW.—Not later than
15 June 30 of each year, the Committee shall pre-
16 pare an evaluation of the cost allocation meth-
17 odology and procedures under subparagraph
18 (B) and transmit such evaluation to the Com-
19 mittee on Transportation and Infrastructure of
20 the House of Representatives and the Com-
21 mittee on Commerce, Science, and Transpor-
22 tation of the Senate.”;

23 (2) in subsection (b)—

24 (A) by inserting “and to the Committee”
25 before “, as well as the planning”; and

1 (B) by inserting before the period at the
2 end the following: “and the Committee. Not
3 later than 180 days after the date of enactment
4 of the TRAIN Act, the Committee shall develop
5 a report that contains the general ledger data
6 and operating statistics from Amtrak’s account-
7 ing systems used to calculate payments to
8 States. Amtrak shall provide to the States and
9 the Committee the report for the prior month
10 not later than 30 days after the last day of
11 each month”;

12 (3) in subsection (e) by inserting “, including
13 incentives to increase revenue, reduce costs, finalize
14 contracts by the beginning of the fiscal year, and re-
15 quire States to promptly make payments for services
16 delivered” before the period;

17 (4) in subsection (f)—

18 (A) in paragraph (1)—

19 (i) by inserting “and annually review
20 and update, as necessary,” after “shall de-
21 velop”; and

22 (ii) by inserting before “The Com-
23 mittee may consult” the following: “The
24 statement shall include a list of capital
25 projects, including infrastructure, fleet,

1 station, and facility initiatives, needed to
2 support the growth of State-supported
3 routes.”;

4 (B) in paragraph (2) by striking “Not
5 later than 2 years” and all that follows through
6 “transmit the statement” and inserting “The
7 Committee shall transmit, not later than March
8 31 of each year, the most recent annual update
9 to the statement”; and

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

11 “(3) SENSE OF CONGRESS.—It is the sense of
12 Congress that the Committee shall be the forum
13 where Amtrak and States collaborate on the plan-
14 ning, improvement, and development of corridor
15 routes across the National Network. The Committee
16 shall identify obstacles to intercity passenger rail
17 growth and identify solutions to overcome such ob-
18 stacles.”;

19 (5) by redesignating subsections (g) and (h) as
20 subsections (j) and (k), respectively; and

21 (6) by inserting after subsection (f) the fol-
22 lowing:

23 “(g) NEW STATE-SUPPORTED ROUTES.—

1 “(1) CONSULTATION.—In developing a new
2 State-supported route, Amtrak shall consult with the
3 following:

4 “(A) The State or States and local municipi-
5 palities where such new service would operate.

6 “(B) Commuter authorities and regional
7 transportation authorities (as such terms are
8 defined in section 24102) in the areas that
9 would be served by the planned route.

10 “(C) Host railroads.

11 “(D) Administrator of the Federal Rail-
12 road Administration.

13 “(E) Other stakeholders, as appropriate.

14 “(2) STATE COMMITMENTS.—Notwithstanding
15 any other provision of law, before beginning con-
16 struction necessary for, or beginning operation of, a
17 State-supported route that is initiated on or after
18 the date of enactment of the TRAIN Act, Amtrak
19 shall enter into a memorandum of understanding, or
20 otherwise secure an agreement, with the State in
21 which such route will operate for sharing—

22 “(A) ongoing operating costs and capital
23 costs in accordance with the cost allocation
24 methodology described under subsection (a); or

1 “(B) ongoing operating costs and capital
2 costs in accordance with the alternative cost al-
3 location schedule described in paragraph (3).

4 “(3) ALTERNATIVE COST ALLOCATION.—Under
5 the alternative cost allocation schedule described in
6 this paragraph, with respect to costs not covered by
7 revenues for the operation of the new State-sup-
8 ported route, Amtrak shall pay—

9 “(A) the share Amtrak otherwise would
10 have paid under the cost allocation methodology
11 under subsection (a); and

12 “(B) a percentage of the share that the
13 State otherwise would have paid under the cost
14 allocation methodology under subsection (a) ac-
15 cording to the following:

16 “(i) Amtrak shall pay up to 100 per-
17 cent of the capital costs necessary to ini-
18 tiate a new State-supported route, includ-
19 ing planning and development, design, and
20 environmental analysis, prior to beginning
21 operations on the new route.

22 “(ii) For the first 2 years of oper-
23 ation, Amtrak shall pay for 100 percent of
24 operating costs and capital costs.

1 “(iii) For the third year of operation,
2 Amtrak shall pay 90 percent of operating
3 costs and capital costs and the State shall
4 pay the remainder.

5 “(iv) For the fourth year of operation,
6 Amtrak shall pay 80 percent of operating
7 costs and capital costs and the State shall
8 pay the remainder.

9 “(v) For the fifth year of operation,
10 Amtrak shall pay 50 percent of operating
11 costs and capital costs and the State shall
12 pay the remainder.

13 “(vi) For the sixth year of operation
14 and thereafter, operating costs and capital
15 costs shall be allocated in accordance with
16 the cost allocation methodology described
17 under subsection (a), as applicable.

18 “(4) APPLICATION OF TERMS.—In this sub-
19 section, the terms ‘capital cost’ and ‘operating cost’
20 shall apply in the same manner as such terms apply
21 under the cost allocation methodology developed
22 under subsection (a).

23 “(h) COST ALLOCATION METHODOLOGY AND IMPLE-
24 MENTATION REPORT.—

1 “(1) IN GENERAL.—Not later than 18 months
2 after the date of enactment of the TRAIN Act, the
3 Committee shall submit to the Committee on Trans-
4 portation and Infrastructure of the House of Rep-
5 resentatives and the Committee on Commerce,
6 Science, and Transportation of the Senate a report
7 assessing potential improvements to the cost alloca-
8 tion methodology required and approved under sec-
9 tion 209 of the Passenger Rail Investment and Im-
10 provement Act of 2008 (49 U.S.C. 24101 note).

11 “(2) REPORT CONTENTS.—The report required
12 under paragraph (1) shall—

13 “(A) identify improvements to the cost al-
14 location methodology that would promote—

15 “(i) transparency of route and train
16 costs and revenues;

17 “(ii) facilitation of service and net-
18 work growth;

19 “(iii) improved services for the trav-
20 eling public;

21 “(iv) maintenance or achievement of
22 labor collective bargaining agreements;

23 “(v) increased revenues; and

24 “(vi) reduced costs;

1 “(B) describe the various contracting ap-
2 proaches used in State-supported services be-
3 tween States and Amtrak, including the meth-
4 od, amount, and timeliness of payments for
5 each State-supported service;

6 “(C) evaluate the potential benefits and
7 feasibility, including identifying any necessary
8 statutory changes, of implementing a service
9 pricing model for State-supported routes in lieu
10 of a cost allocation methodology and how such
11 a service pricing model would advance the pri-
12 orities described in subparagraph (A); and

13 “(D) summarize share of costs from the
14 cost allocation methodology that are—

15 “(i) assigned;

16 “(ii) allocated regionally or locally;

17 and

18 “(iii) allocated nationally.

19 “(3) UPDATE TO THE METHODOLOGY.—Not
20 later than 2 years after the implementation of the
21 TRAIN Act, the Committee shall update the meth-
22 odology, if necessary, based on the findings of the
23 report required under paragraph (1).

24 “(i) IDENTIFICATION OF STATE-SUPPORTED ROUTE
25 CHANGES.—Amtrak shall provide an update in the general

1 and legislative annual report under section 24315(b) of
2 planned or proposed changes to State-supported routes,
3 including the introduction of new State-supported routes.
4 In identifying routes to be included in such request, Am-
5 trak shall—

6 “(1) identify the timeframe in which such
7 changes could take effect and whether Amtrak has
8 entered into a commitment with a State under sub-
9 section (g)(2); and

10 “(2) consult with the Committee and any addi-
11 tional States in which proposed routes may operate,
12 not less than 120 days before the annual grant re-
13 quest is transmitted to the Secretary.”.

14 (b) CONFORMING AMENDMENT.—Section
15 24315(b)(1) of title 49, United States Code, is amended—

16 (1) by redesignating subparagraph (B) as sub-
17 paragraph (C);

18 (2) in subparagraph (A) by striking “section
19 24902(b) of this title; and” and inserting “section
20 24902(a) of this title;”; and

21 (3) by inserting after subparagraph (A) the fol-
22 lowing:

23 “(B) shall identify the planned or proposed
24 State-supported routes, as required under sec-
25 tion 24712(i); and”.

1 **SEC. 9210. AMTRAK POLICE DEPARTMENT.**

2 (a) DEPARTMENT MISSION.—Not later than 180
3 days after the date of enactment of this Act, Amtrak shall
4 identify the mission of the Amtrak Police Department (in
5 this section referred to as the “Department”), including
6 the scope and priorities of the Department, in mitigating
7 risks to and ensuring the safety and security of Amtrak
8 passengers, employees, trains, stations, facilities, and
9 other infrastructure. In identifying such mission, Amtrak
10 shall consider—

11 (1) the unique needs of maintaining the safety
12 and security of Amtrak’s network; and

13 (2) comparable passenger rail systems and the
14 mission of the police departments of such rail sys-
15 tems.

16 (b) WORKFORCE PLANNING PROCESS.—Not later
17 than 120 days after identifying the mission of the Depart-
18 ment under subsection (a), Amtrak shall develop a work-
19 force planning process that—

20 (1) ensures adequate employment levels and al-
21 location of sworn and civilian personnel, including
22 patrol officers, necessary for fulfilling the Depart-
23 ment’s mission; and

24 (2) sets performance goals and metrics for the
25 Department and monitors and evaluates the Depart-
26 ment’s progress toward such goals and metrics.

1 (c) CONSIDERATIONS.—In developing the workforce
2 planning process under subsection (b), Amtrak shall—

3 (1) identify critical positions, skills, and com-
4 petencies necessary for fulfilling the Department’s
5 mission;

6 (2) analyze employment levels and ensure
7 that—

8 (A) an adequate number of civilian and
9 sworn personnel are allocated across the De-
10 partment’s 6 geographic divisions, including pa-
11 trol officers, detectives, canine units, special op-
12 erations unit, strategic operations, intelligence,
13 corporate security, the Office of Professional
14 Responsibilities, and the Office of Chief of Po-
15 lices; and

16 (B) patrol officers have an adequate pres-
17 ence on trains and route segments, and in sta-
18 tions, facilities, and other infrastructure;

19 (3) analyze workforce gaps and develop strate-
20 gies to address any such gaps;

21 (4) consider the risks identified by Amtrak’s
22 triannual risk assessments;

23 (5) consider variables, including ridership levels,
24 miles of right-of-way, crime data, call frequencies,
25 interactions with vulnerable populations, and work-

1 load, that comparable passenger rail systems with
2 similar police departments consider in the develop-
3 ment of the workforce plans of such systems; and

4 (6) consider collaboration or coordination with
5 local, State, Tribal, and Federal agencies, and public
6 transportation agencies to support the safety and se-
7 curity of the Amtrak network.

8 (d) CONSULTATION.—In carrying out this section,
9 Amtrak shall consult with the Amtrak Police Department
10 Labor Committee, public safety experts, foreign or domes-
11 tic entities providing passenger rail service comparable to
12 Amtrak, and any other relevant entities, as determined by
13 Amtrak.

14 (e) REPORTS.—

15 (1) REPORT ON MISSION OF DEPARTMENT.—
16 Not later than 10 days after Amtrak identifies the
17 mission of the Department under subsection (a),
18 Amtrak shall transmit to the Committee on Trans-
19 portation and Infrastructure of the House of Rep-
20 resentatives and the Committee on Commerce,
21 Science, and Transportation of the Senate a report
22 containing a description of the mission of the De-
23 partment and the reasons for the content of such
24 mission.

1 (2) REPORT ON WORKFORCE PLANNING PROC-
2 ESS.—Not later than 10 days after Amtrak com-
3 pletes the workforce planning process under sub-
4 section (b), Amtrak shall transmit to the Committee
5 on Transportation and Infrastructure of the House
6 of Representatives and the Committee on Commerce,
7 Science, and Transportation of the Senate a report
8 containing the workforce planning process, the un-
9 derlying data used to develop such process, and how
10 such process will achieve the Department’s mission.

11 **SEC. 9211. AMTRAK FOOD AND BEVERAGE.**

12 (a) AMTRAK FOOD AND BEVERAGE.—Section 24321
13 of title 49, United States Code, is amended to read as
14 follows:

15 **“§ 24321. Amtrak food and beverage**

16 “(a) ENSURING ACCESS TO FOOD AND BEVERAGE
17 SERVICES.—On all long-distance routes, Amtrak shall en-
18 sure that all passengers who travel overnight on such
19 route shall have access to purchasing the food and bev-
20 erages that are provided to sleeping car passengers on
21 such route.

22 “(b) FOOD AND BEVERAGE WORKFORCE.—

23 “(1) WORKFORCE REQUIREMENT.—Amtrak
24 shall ensure that any individual onboard a train who
25 prepares food and beverages is an Amtrak employee.

1 “(2) SAVINGS CLAUSE.—No Amtrak employee
2 holding a position as of the date of enactment of the
3 TRAIN Act may be involuntarily separated because
4 of any action taken by Amtrak to implement this
5 section, including any employees who are furloughed
6 as a result of the COVID–19 pandemic.

7 “(c) SAVINGS CLAUSE.—Amtrak shall ensure that no
8 Amtrak employee holding a position as of the date of en-
9 actment of the Passenger Rail Reform and Investment Act
10 of 2015 is involuntarily separated because of the develop-
11 ment and implementation of the plan required by the
12 amendments made by section 11207 of such Act.”.

13 (b) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) ANALYSIS.—The item relating to section
15 24321 in the analysis for chapter 243 of title 49,
16 United States Code, is amended to read as follows:

“24321. Amtrak food and beverage.”.

17 (2) AMTRAK AUTHORITY.—Section 24305(c)(4)
18 of title 49, United States Code, is amended by strik-
19 ing “only if revenues from the services each year at
20 least equal the cost of providing the services”.

21 (3) CONTRACTING OUT.—Section 121(e) of the
22 Amtrak Reform and Accountability Act of 1997 (49
23 U.S.C. 24312 note; 111 Stat. 2574) is amended by
24 striking “, other than work related to food and bev-
25 erage service,”.

1 (c) AMTRAK FOOD AND BEVERAGE WORKING
2 GROUP.—

3 (1) ESTABLISHMENT.—Not later than 90 days
4 after the date of enactment of this Act, Amtrak shall
5 establish a working group (in this subsection re-
6 ferred to as the “Working Group”) to provide rec-
7 ommendations on Amtrak onboard food and bev-
8 erage services.

9 (2) MEMBERSHIP.—The Working Group shall
10 consist of individuals representing—

11 (A) Amtrak;

12 (B) the labor organizations representing
13 Amtrak employees who prepare or provide on-
14 board food and beverage services; and

15 (C) nonprofit organizations representing
16 Amtrak passengers.

17 (3) RECOMMENDATIONS.—

18 (A) IN GENERAL.—The Working Group
19 shall develop recommendations to increase rid-
20 ership and improve customer satisfaction by—

21 (i) promoting collaboration and en-
22 gagement between Amtrak, Amtrak pas-
23 sengers, and Amtrak employees preparing
24 or providing onboard food and beverage
25 services, prior to Amtrak implementing

1 changes to onboard food and beverage
2 services;

3 (ii) improving onboard food and bev-
4 erage services; and

5 (iii) improving solicitation, reception,
6 and consideration of passenger feedback
7 regarding onboard food and beverage serv-
8 ices.

9 (B) CONSIDERATIONS.—In developing the
10 recommendations under subparagraph (A), the
11 Working Group shall consider—

12 (i) the healthfulness of onboard food
13 and beverages offered, including the ability
14 of passengers to address dietary restric-
15 tions;

16 (ii) the preparation and delivery of on-
17 board food and beverages;

18 (iii) the differing needs of passengers
19 traveling on long-distance routes, State-
20 supported routes, and the Northeast Cor-
21 ridor;

22 (iv) the reinstatement of the dining
23 car service on long-distance routes;

1 (v) Amtrak passenger survey data
2 about the food and beverages offered on
3 Amtrak trains; and

4 (vi) any other issue the Working
5 Group determines appropriate.

6 (4) REPORTS.—

7 (A) INITIAL REPORT.—Not later than 1
8 year after the date on which the Working
9 Group is established, the Working Group shall
10 submit to the Board of Directors of Amtrak,
11 the Committee on Transportation and Infra-
12 structure of the House of Representatives, and
13 the Committee on Commerce, Science, and
14 Transportation of the Senate a report con-
15 taining the recommendations developed under
16 paragraph (3).

17 (B) SUBSEQUENT REPORT.—Not later
18 than 30 days after the date on which the Work-
19 ing Group submits the report required under
20 subparagraph (A), Amtrak shall submit to the
21 Committee on Transportation and Infrastruc-
22 ture of the House of Representatives and the
23 Committee on Commerce, Science, and Trans-
24 portation of the Senate a report on whether
25 Amtrak agrees with the recommendations of the

1 Working Group and describing any plans to im-
2 plement such recommendations.

3 (5) PROHIBITION ON FOOD AND BEVERAGE
4 SERVICE CHANGES.—During the period beginning on
5 the date of enactment of this Act and ending 30
6 days after the date on which Amtrak submits the re-
7 port required under paragraph (4)(B), Amtrak may
8 not make large-scale, structural changes to existing
9 onboard food and beverage services, except that Am-
10 trak shall reverse any changes to onboard food and
11 beverage service made in response to the COVID–19
12 pandemic as Amtrak service is restored.

13 (6) TERMINATION.—The Working Group shall
14 terminate on the date on which Amtrak submits the
15 report required under paragraph (4)(B), except that
16 Amtrak may extend such date by up to 1 year if
17 Amtrak determines that the Working Group is bene-
18 ficial to Amtrak in making decisions related to on-
19 board food and beverage services. If Amtrak extends
20 such date, Amtrak shall include notification of the
21 extension in the report required under paragraph
22 (4)(B).

23 (7) NONAPPLICABILITY OF FEDERAL ADVISORY
24 COMMITTEE ACT.—The Federal Advisory Committee

1 Act (5 U.S.C. App.) does not apply to the Working
2 Group established under this section.

3 (8) LONG-DISTANCE ROUTE; NORTHEAST COR-
4 RIDOR; AND STATE-SUPPORTED ROUTE DEFINED.—
5 In this subsection, the terms “long-distance route”,
6 “Northeast Corridor”, and “State-supported route”
7 have the meaning given those terms in section
8 24102 of title 49, United States Code.

9 **SEC. 9212. CLARIFICATION ON AMTRAK CONTRACTING**
10 **OUT.**

11 Section 121 of the Amtrak Reform and Account-
12 ability Act of 1997 (49 U.S.C. 24312 note; 111 Stat.
13 2574) is amended by striking subsection (d) and inserting
14 the following:

15 “(d) FURLOUGHED WORK.—Amtrak may not con-
16 tract out work within the scope of work performed by an
17 employee in a bargaining unit covered by a collective bar-
18 gaining agreement entered into between Amtrak and an
19 organization representing Amtrak employees during the
20 period of time such employee has been laid off and has
21 not been recalled to perform such work.

22 “(e) AGREEMENT PROHIBITIONS ON CONTRACTING
23 OUT.—This section does not—

24 “(1) supersede a prohibition or limitation on
25 contracting out work covered by a collective bar-

1 gaining agreement entered into between Amtrak and
2 an organization representing Amtrak employees; or

3 “(2) prohibit Amtrak and an organization rep-
4 resenting Amtrak employees from entering into a
5 collective bargaining agreement that allows for con-
6 tracting out the work of a furloughed employee that
7 would otherwise be prohibited under subsection
8 (d).”.

9 **SEC. 9213. AMTRAK STAFFING.**

10 Section 24312 of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(c) CALL CENTER STAFFING.—

13 “(1) OUTSOURCING.—Amtrak may not renew
14 or enter into a contract to outsource call center cus-
15 tomer service work on behalf of Amtrak, including
16 through a business process outsourcing group.

17 “(2) TRAINING.—Amtrak shall make available
18 appropriate training programs to any Amtrak call
19 center employee carrying out customer service activi-
20 ties using telephone or internet platforms.

21 “(d) STATION AGENT STAFFING.—

22 “(1) IN GENERAL.—Beginning on the date that
23 is 1 year after the date of enactment of the TRAIN
24 Act, Amtrak shall ensure that at least one Amtrak
25 ticket agent is employed at each station building

1 where at least one Amtrak ticket agent was em-
2 ployed on or after October 1, 2017.

3 “(2) LOCATIONS.—Notwithstanding section (1),
4 beginning on the date that is 1 year after the date
5 of enactment of the TRAIN Act, Amtrak shall en-
6 sure that at least one Amtrak ticket agent is em-
7 ployed at each station building—

8 “(A) that Amtrak owns, or operates service
9 through, as part of a passenger service route;
10 and

11 “(B) for which the number of passengers
12 boarding or deboarding an Amtrak long-dis-
13 tance train in the previous fiscal year exceeds
14 the average of at least 40 passengers per day
15 over all days in which the station was serviced
16 by Amtrak, regardless of the number of Amtrak
17 vehicles servicing the station per day. For fiscal
18 year 2021, ridership from fiscal year 2019 shall
19 be used to determine qualifying stations.

20 “(3) EXCEPTION.—This subsection does not
21 apply to any station building in which a commuter
22 rail ticket agent has the authority to sell Amtrak
23 tickets.

24 “(4) AMTRAK TICKET AGENT.—For purposes of
25 this section, the term ‘Amtrak ticket agent’ means

1 an Amtrak employee with authority to sell Amtrak
2 tickets onsite and assist in the checking of Amtrak
3 passenger baggage.”.

4 **SEC. 9214. SPECIAL TRANSPORTATION.**

5 Section 24307(a) of title 49, United States Code, is
6 amended—

7 (1) in the matter preceding paragraph (1) by
8 striking “for the following:” and inserting “of at
9 least a 10 percent discount on full-price coach class
10 rail fares for, at a minimum—”;

11 (2) in paragraph (1) by striking the period at
12 the end and inserting a semicolon; and

13 (3) by striking paragraph (2) and inserting the
14 following:

15 “(2) individuals of 12 years of age or younger;

16 “(3) individuals with a disability, as such term
17 is defined in section 3 of the Americans with Dis-
18 abilities Act of 1990 (42 U.S.C. 12102);

19 “(4) members of the Armed Forces on active
20 duty (as those terms are defined in section 101 of
21 title 10) and their spouses and dependents with valid
22 identification;

23 “(5) veterans (as that term is defined in section
24 101 of title 38) with valid identification; and

1 “(6) individuals attending federally-accredited
2 postsecondary education institutions with valid stu-
3 dent identification cards.”.

4 **SEC. 9215. DISASTER AND EMERGENCY RELIEF PROGRAM.**

5 (a) IN GENERAL.—Chapter 243 of title 49, United
6 States Code, is further amended by adding at the end the
7 following:

8 **“§ 24324. Disaster and emergency relief program**

9 “(a) IN GENERAL.—The Secretary of Transportation
10 may make grants to Amtrak for—

11 “(1) capital projects to repair, reconstruct, or
12 replace equipment, infrastructure, stations, and
13 other facilities that the Secretary determines are in
14 danger of suffering serious damage, or have suffered
15 serious damage, as a result of an emergency event;

16 “(2) offset revenue lost as a result of such an
17 event; and

18 “(3) support continued operations following
19 emergency events.

20 “(b) COORDINATION OF EMERGENCY FUNDS.—
21 Funds made available to carry out this section shall be
22 in addition to any other funds available and shall not af-
23 fect the ability of Amtrak to use any other funds otherwise
24 authorized by law.

1 “(c) GRANT CONDITIONS.—Grants made under this
2 subsection (a) shall be subject to section 22905(c)(2)(A)
3 and other such terms and conditions as the Secretary de-
4 termines necessary.

5 “(d) DEFINITION OF EMERGENCY EVENT.—In this
6 section, the term ‘emergency event’ has the meaning given
7 such term in section 20103.”.

8 (b) CLERICAL AMENDMENT.—The analysis for chap-
9 ter 243 of title 49, United States Code, is further amend-
10 ed by adding at the end the following:

“24324. Disaster and emergency relief program.”.

11 **SEC. 9216. RECREATIONAL TRAIL ACCESS.**

12 Section 24315 of title 49, United States Code, is
13 amended by adding at the end the following:

14 “(i) RECREATIONAL TRAIL ACCESS.—At least 30
15 days before implementing a new policy, structure, or oper-
16 ation that impedes recreational trail access, Amtrak shall
17 work with potentially affected communities, making a
18 good-faith effort to address local concerns about such rec-
19 reational trail access. Not later than February 15 of each
20 year, Amtrak shall submit to the Committee on Transpor-
21 tation and Infrastructure of the House of Representatives
22 and the Committee on Environment and Public Works of
23 the Senate a report on any such engagement in the pre-
24 ceding calendar year, and any changes to policies, struc-
25 tures, or operations affecting recreational trail access that

1 were considered or made as a result. Such report shall
2 include Amtrak’s plans to mitigate the impact to such rec-
3 reational trail access.”.

4 **SEC. 9217. INVESTIGATION OF SUBSTANDARD PERFORM-**
5 **ANCE.**

6 Section 24308(f) of title 49, United States Code, is
7 amended—

8 (1) in paragraph (1)—

9 (A) by striking “If the on-time” and in-
10 sserting “If either the on-time”;

11 (B) by inserting “, measured at each sta-
12 tion on its route based upon the arrival times
13 plus 15 minutes shown in schedules Amtrak
14 and the host railroad have agreed to or have
15 been determined by the Surface Transportation
16 Board pursuant to section 213 of the Passenger
17 Rail Investment and Improvement Act of 2008
18 as of or subsequent to the date of enactment of
19 the TRAIN Act,” after “intercity passenger
20 train” the first place it appears; and

21 (C) by striking “or the service quality of”
22 and inserting “or the on-time performance of”;

23 (2) in paragraph (2) by striking “minimum
24 standards investigated under paragraph (1)” and in-

1 serting “either performance standard under para-
2 graph (1)”; and

3 (3) in paragraph (4) by striking “or failures to
4 achieve minimum standards” and inserting “or fail-
5 ure to achieve either performance standard under
6 paragraph (1)”.

7 **SEC. 9218. AMTRAK CYBERSECURITY ENHANCEMENT**
8 **GRANT PROGRAM.**

9 (a) IN GENERAL.—Chapter 243 of title 49, United
10 States Code, is further amended by adding at the end the
11 following:

12 **“§ 24325. Amtrak cybersecurity enhancement grant**
13 **program**

14 “(a) IN GENERAL.—The Secretary of Transportation
15 shall make grants to Amtrak for improvements in infor-
16 mation technology systems, including cyber resiliency im-
17 provements for Amtrak information technology assets.

18 “(b) APPLICATION OF BEST PRACTICES.—Any cyber
19 resiliency improvements carried out with a grant under
20 this section shall be consistent with the principles con-
21 tained in the special publication numbered 800–160 issued
22 by the National Institute of Standards and Technology
23 Special and any other applicable security controls pub-
24 lished by the Institute.

1 “(c) COORDINATION OF CYBERSECURITY FUNDS.—
2 Funds made available to carry out this section shall be
3 in addition to any other Federal funds and shall not affect
4 the ability of Amtrak to use any other funds otherwise
5 authorized by law for purposes of enhancing the cyberse-
6 curity architecture of Amtrak.

7 “(d) GRANT CONDITIONS.—Grants made under this
8 section shall be subject to such terms and conditions as
9 the Secretary determines necessary.”.

10 (b) CLERICAL AMENDMENT.—The analysis for chap-
11 ter 243 of title 49, United States Code, is further amend-
12 ed by adding at the end the following:

“24325. Amtrak cybersecurity enhancement grant program.”.

13 **SEC. 9219. AMTRAK AND PRIVATE CARS.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that private cars and charter trains can—

16 (1) improve Amtrak’s financial performance,
17 particularly on the long-distance routes;

18 (2) have promotional value for Amtrak that re-
19 sults in future travel on Amtrak trains by pas-
20 sengers made aware of Amtrak as a result;

21 (3) support private-sector jobs, including for
22 mechanical work and on-board services; and

23 (4) provide good-will benefits to Amtrak.

24 (b) POLICY REVIEW.—Amtrak shall review the policy
25 changes since January 1, 2018, that have caused signifi-

1 cant changes to the relationship between Amtrak and pri-
2 vate car owners and charter train services and evaluate
3 opportunities to strengthen these services, including by re-
4 instating some access points and restoring flexibility to
5 charter-train policies. For charter trains, private cars, and
6 package express carried on regular Amtrak trains, con-
7 sistent with sound business practice, Amtrak should re-
8 cover direct costs plus a reasonable profit margin.

9 **SEC. 9220. AMTRAK OFFICE OF COMMUNITY OUTREACH.**

10 (a) IN GENERAL.—Chapter 243 of title 49, United
11 States Code, is further amended by adding at the end the
12 following new section:

13 **“§ 24326. Amtrak Office of Community Outreach**

14 “(a) IN GENERAL.—Not later than 180 days after
15 the date of enactment of the TRAIN Act, Amtrak shall
16 establish an Office of Community Outreach to engage with
17 communities impacted by Amtrak operations.

18 “(b) RESPONSIBILITIES.—The Office of Community
19 Outreach shall be responsible for—

20 “(1) outreach and engagement with—

21 “(A) local officials before capital improve-
22 ment project plans are finalized; and

23 “(B) local stakeholders and relevant orga-
24 nizations on projects of community significance;

1 “(2) clear explanation and publication of how
2 community members can communicate with Amtrak;

3 “(3) the use of virtual public involvement, social
4 media, and other web-based tools to encourage pub-
5 lic participation and solicit public feedback; and

6 “(4) making publicly available on the website of
7 Amtrak, planning documents for proposed and im-
8 plemented capital improvement projects.

9 “(c) REPORT TO CONGRESS.—Not later than 1 year
10 after the establishment of the Office of Community Out-
11 reach, and annually thereafter, Amtrak shall submit to the
12 Committee on Transportation and Infrastructure in the
13 House of Representatives and the Committee on Com-
14 merce, Science, and Transportation of the Senate a report
15 that—

16 “(1) describes the community outreach efforts
17 undertaken by the Amtrak Office of Community
18 Outreach for the previous year; and

19 “(2) identifies changes Amtrak made to capital
20 improvement project plans after engagement with af-
21 fected communities.”.

22 (b) CLERICAL AMENDMENT.—The analysis for chap-
23 ter 243 of title 49, United States Code, is further amend-
24 ed by adding at the end the following:

“24326. Amtrak Office of Community Outreach.”.

1 **SEC. 9221. SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Amtrak received \$1,018,000,000 in aid
4 from Congress as part of the CARES Act, to help
5 Amtrak and its state partners respond to the drastic
6 drop in demand caused by the coronavirus pandemic.

7 (2) The CARES Act also included a provision
8 requiring that, for any employee who is furloughed
9 as a result of the pandemic, Amtrak provide such
10 employee the opportunity to return to the job as
11 service ramps back up, thereby helping prevent the
12 health crisis from being a reason to outsource work.

13 (3) Amtrak has requested additional funds to
14 help it respond to the continued loss of passenger
15 demand while also announcing plans to permanently
16 cut 20 percent of its workforce, which could hinder
17 its ability to serve the Amtrak national passenger
18 rail system, including its long-distance routes, now
19 and in the future.

20 (4) Additionally, Amtrak recently announced its
21 intention to eliminate daily service on most of its
22 long-distance routes, leaving only one long-distance
23 route to operate daily. These reductions are set to
24 begin October 1, 2020.

1 (5) Estimates indicate the plan to decrease
2 service would drastically impact as many as 461 sta-
3 tions.

4 (6) If the service disruptions are implemented,
5 the passengers served by these long-distance trains
6 would be disconnected from a critical transportation
7 option, and these communities would lose important
8 economic contributions generated by this service .
9 These cuts would also impact the lives of Amtrak
10 employees whose work contributes to the operation
11 of these trains.

12 (7) Amtrak has not provided Congress, the pub-
13 lic at large, or its workforce, sufficient notice or ex-
14 planation of its plan to restore service to commu-
15 nities served by long-distance routes.

16 (b) SENSE OF CONGRESS.—Congress is concerned by
17 the recent announcements from Amtrak that it intends to
18 reduce its workforce and its daily long-distance train serv-
19 ice and calls on Amtrak to provide assurance about the
20 future of the passenger rail network and its employees.

21 **TITLE III—INTERCITY**
22 **PASSENGER RAIL POLICY**

23 **SEC. 9301. NORTHEAST CORRIDOR COMMISSION.**

24 Section 24905 of title 49, United States Code, is
25 amended—

1 (1) in subsection (a)(1)—

2 (A) in subparagraph (A) by striking
3 “members” and inserting “4 members”;

4 (B) in subparagraph (B) by striking
5 “members” and inserting “5 members”; and

6 (C) in subparagraph (D) by striking “and
7 commuter railroad carriers using the Northeast
8 Corridor selected by the Secretary” and insert-
9 ing “railroad carriers and commuter authorities
10 using the Northeast Corridor, as determined by
11 the Commission”;

12 (2) by striking paragraph (2) of subsection (a)
13 and inserting the following:

14 “(2) At least two of the members described in
15 paragraph (1)(B) shall be career appointees, as such
16 term is defined in section 3132(a) of title 5.”;

17 (3) in subsection (b)(3)(B)—

18 (A) in clause (i) by inserting “, including
19 ridership trends,” before “along the Northeast
20 Corridor”;

21 (B) in clause (ii) by striking “capital in-
22 vestment plan described in section 24904.” and
23 inserting “first year of the capital investment
24 plan described in section 24904; and”;

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

1 “(iii) progress in assessing and elimi-
2 nating the state-of-good-repair backlog.”;

3 (4) in subsection (c)—

4 (A) by striking “(1) DEVELOPMENT” and
5 all that follows through “standardized policy”
6 and inserting the following:

7 “(1) POLICY.—The Commission shall—

8 “(A) maintain and update, as appropriate,
9 the ‘Northeast Corridor Commuter and Inter-
10 city Rail Cost Allocation Policy’ approved on
11 September 17, 2015,”;

12 (B) in paragraph (1)—

13 (i) in subparagraph (B) by striking “a
14 proposed timetable for implementing” and
15 inserting “timetables for implementing and
16 maintaining”;

17 (ii) in subparagraph (C) by striking
18 “the policy and the timetable” and insert-
19 ing “updates to the policy and the time-
20 tables”; and

21 (iii) by striking subparagraph (D) and
22 inserting the following:

23 “(D) support the efforts of the members of
24 the Commission to implement the policy in ac-
25 cordance with such timetables; and”;

1 (C) in paragraph (2)—

2 (i) by striking the first sentence and
3 inserting “In accordance with the time-
4 table developed in paragraph (1), Amtrak
5 and commuter authorities on the North-
6 east Corridor shall implement the policy
7 developed under paragraph (1) in agree-
8 ments for usage of facilities or services.”;

9 (ii) by striking “fail to implement
10 such new agreements” and inserting “fail
11 to implement the policy”; and

12 (iii) by striking “paragraph (1)(A), as
13 applicable” and inserting “paragraph (1)”;
14 and

15 (D) in paragraph (4) by striking “public
16 authorities providing commuter rail passenger
17 transportation” and inserting “commuter au-
18 thorities”;

19 (5) by striking subsection (d);

20 (6) by redesignating subsection (e) as sub-
21 section (d); and

22 (7) in paragraph (1)(D) of subsection (d) (as
23 redesignated by paragraph (6)) by striking “com-
24 muter rail agencies” and inserting “commuter au-
25 thorities”.

1 **SEC. 9302. NORTHEAST CORRIDOR PLANNING.**

2 (a) IN GENERAL.—Section 24904 of title 49, United
3 States Code, is amended—

4 (1) by redesignating subsection (e) as sub-
5 section (f);

6 (2) by striking subsection (c);

7 (3) by redesignating subsections (a) and (b) as
8 subsections (b) and (c), respectively;

9 (4) by inserting before subsection (b), as so re-
10 designated, the following:

11 “(a) STRATEGIC DEVELOPMENT PLAN.—

12 “(1) REQUIREMENT.—Not later than December
13 31, 2021, the Northeast Corridor Commission estab-
14 lished under section 24905 (referred to in this sec-
15 tion as the ‘Commission’) shall submit to Congress
16 a strategic development plan that identifies key
17 state-of-good-repair, capacity expansion, and capital
18 improvement projects planned for the Northeast
19 Corridor, to upgrade aging infrastructure and im-
20 prove the reliability, capacity, connectivity, perform-
21 ance, and resiliency of passenger rail service on the
22 Northeast Corridor.

23 “(2) CONTENTS.—The strategic development
24 plan required under paragraph (1) shall—

25 “(A) provide a coordinated and consensus-
26 based plan covering a period of 15 years;

1 “(B) identify service objectives and capital
2 investments needs;

3 “(C) provide a delivery-constrained strat-
4 egy that identifies capital investment phasing,
5 an evaluation of workforce needs, and strategies
6 for managing resources and mitigating con-
7 struction impacts on operations;

8 “(D) include a financial strategy that iden-
9 tifies funding needs and potential sources and
10 includes an economic impact analysis; and

11 “(E) be updated at least every 5 years.”;

12 (5) in subsection (b) (as redesignated by para-
13 graph (3))—

14 (A) by striking “Not later than” and all
15 that follows through “shall” and inserting “Not
16 later than November 1 of each year, the Com-
17 mission shall”;

18 (B) in paragraph (1)(A) by striking “a
19 capital investment plan” and inserting “an an-
20 nual capital investment plan”;

21 (C) in paragraph (2)—

22 (i) in subparagraph (A) by striking
23 “and network optimization”;

24 (ii) in subparagraph (B) by striking
25 “and service”;

1 (iii) in subparagraph (C) by striking
2 “first fiscal year after the date on which”
3 and inserting “fiscal year during which”;

4 (iv) in subparagraph (D) by striking
5 “identify, prioritize,” and all that follows
6 through “and consider” and inserting
7 “document the projects and programs
8 being undertaken to achieve the service
9 outcomes identified in the Northeast Cor-
10 ridor strategic development plan, once
11 available, and the asset condition needs
12 identified in the Northeast Corridor asset
13 management plans and consider”; and

14 (v) in subparagraph (E)(i) by striking
15 “normalized capital replacement and”; and

16 (D) in paragraph (3)(B) by striking “ex-
17 pected allocated shares of costs” and inserting
18 “status of cost sharing agreements”;

19 (6) in subsection (c) (as redesignated by para-
20 graph (3)) by striking “may be spent only on” and
21 all that follows through the end and inserting “may
22 be spent only on capital projects and programs con-
23 tained in the Commission’s capital investment plan
24 from the previous year.”; and

1 (7) by striking subsection (d) and inserting the
2 following:

3 “(d) REVIEW AND COORDINATION.—The Commis-
4 sion shall gather information from Amtrak, the States in
5 which the Northeast Corridor is located, and commuter
6 rail authorities to support development of the capital in-
7 vestment plan. The Commission may specify a format and
8 other criteria for the information submitted. Submissions
9 to the plan from Amtrak, States in which the Northeast
10 Corridor are located, and commuter rail authorities shall
11 be provided to the Commission in a manner that allows
12 for a reasonable period of review by, and coordination
13 with, affected agencies.

14 “(e) NORTHEAST CORRIDOR ASSET MANAGE-
15 MENT.—With regard to existing infrastructure, Amtrak
16 and other infrastructure owners that provide or support
17 intercity rail passenger transportation on the Northeast
18 Corridor shall develop an asset management system, and
19 use and update such system as necessary, to develop sub-
20 missions to the Northeast Corridor capital investment
21 plan described in subsection (b). Such system shall—

22 “(1) be consistent with the Federal Transit Ad-
23 ministration process, as authorized under section
24 5326, when implemented; and

25 “(2) include, at a minimum—

1 “(A) an inventory of all capital assets
2 owned by the developer of the plan;

3 “(B) an assessment of asset condition;

4 “(C) a description of the resources and
5 processes necessary to bring or maintain those
6 assets in a state of good repair; and

7 “(D) a description of changes in asset con-
8 dition since the previous version of the plan.”.

9 (b) CONFORMING AMENDMENTS.—

10 (1) ACCOUNTS.—Section 24317(d)(1) of title
11 49, United States Code, is amended—

12 (A) in subparagraph (B) by striking
13 “24904(a)(2)(E)” and inserting
14 “24904(b)(2)(E)”; and

15 (B) in subparagraph (F) by striking
16 “24904(b)” and inserting “24904(c)”.

17 (2) FEDERAL-STATE PARTNERSHIP FOR STATE
18 OF GOOD REPAIR.—Section 24911(e)(2) of title 49,
19 United States Code, is amended by striking
20 “24904(a)” and inserting “24904(b)”.

21 **SEC. 9303. PROTECTIVE ARRANGEMENTS.**

22 Section 22905 of title 49, United States Code, is
23 amended—

24 (1) in subsection (c)(2)(B) by striking “that are
25 equivalent to the protective arrangements established

1 under section 504 of the Railroad Revitalization and
2 Regulatory Reform Act of 1976 (45 U.S.C. 836)”
3 and inserting “established by the Secretary under
4 subsection (e)(1)”;

5 (2) by redesignating subsections (e) and (f) as
6 subsections (f) and (g), respectively; and

7 (3) by inserting after subsection (d) the fol-
8 lowing:

9 “(e) EQUIVALENT EMPLOYEE PROTECTIONS.—

10 “(1) ESTABLISHMENT.—Not later than 90 days
11 after the date of enactment of this subsection, the
12 Administrator of the Federal Railroad Administra-
13 tion shall establish protective arrangements equiva-
14 lent to those established under section 504 of the
15 Railroad Revitalization and Regulatory Reform Act
16 of 1976 (45 U.S.C. 836), and require such protec-
17 tive arrangements to apply to employees described
18 under subsection (c)(2)(B) and as required under
19 subsection (j) of section 22907.

20 “(2) PUBLICATION.—The Administrator shall
21 make available on a publicly available website the
22 protective arrangements established under para-
23 graph (1).”.

1 **SEC. 9304. HIGH-SPEED RAIL FUNDS.**

2 (a) IN GENERAL.—Notwithstanding any other provi-
3 sion of law and not later than 90 days after the date of
4 enactment of this Act, the Secretary of Transportation
5 shall reinstate any cooperative agreement terminated after
6 January 1, 2019 that was originally entered into under
7 the heading “Capital Assistance for High Speed Rail Cor-
8 ridors and Intercity Passenger Rail Service” in the De-
9 partment of Transportation Appropriations Act, 2010
10 (Public Law 111–117).

11 (b) INCLUSION.—The reinstatement under subsection
12 (a) shall include the obligation to such agreement of all
13 of the funds obligated to such agreement as of the date
14 of termination of such agreement.

15 (c) GRANT CONDITIONS.—The reinstatement under
16 subsection (a) shall include all grant conditions required
17 under such agreement, including section 22905(c)(2)(A)
18 of title 49, United States Code, as of the date of termi-
19 nation of such agreement.

20 **TITLE IV—COMMUTER RAIL**
21 **POLICY**

22 **SEC. 9401. SURFACE TRANSPORTATION BOARD MEDIATION**
23 **OF TRACKAGE USE REQUESTS.**

24 Section 28502 of title 49, United States Code, is
25 amended to read as follows:

1 **“§ 28502. Surface Transportation Board mediation of**
2 **trackage use requests**

3 “A rail carrier shall provide good faith consideration
4 to a reasonable request from a provider of commuter rail
5 passenger transportation for access to trackage and provi-
6 sion of related services. If, after a reasonable period of
7 negotiation, a public transportation authority cannot
8 reach agreement with a rail carrier to use trackage of, and
9 have related services provided by, the rail carrier for pur-
10 poses of commuter rail passenger transportation, the pub-
11 lic transportation authority or the rail carrier may apply
12 to the Board for nonbinding mediation. In any case in
13 which dispatching for the relevant trackage is controlled
14 by a rail carrier other than the trackage owner, both shall
15 be subject to the requirements of this section and included
16 in the Board’s mediation process. The Board shall conduct
17 the nonbinding mediation in accordance with the medi-
18 ation process of section 1109.4 of title 49, Code of Federal
19 Regulations, as in effect on the date of enactment of the
20 TRAIN Act.”.

21 **SEC. 9402. SURFACE TRANSPORTATION BOARD MEDIATION**
22 **OF RIGHTS-OF-WAY USE REQUESTS.**

23 Section 28503 of title 49, United States Code, is
24 amended to read as follows:

1 **“§ 28503. Surface Transportation Board mediation of**
2 **rights-of-way use requests**

3 “A rail carrier shall provide good faith consideration
4 to a reasonable request from a provider of commuter rail
5 passenger transportation for access to rail right-of-way for
6 the construction and operation of a segregated fixed guide-
7 way facility. If, after a reasonable period of negotiation,
8 a public transportation authority cannot reach agreement
9 with a rail carrier to acquire an interest in a railroad
10 right-of-way for the construction and operation of a seg-
11 regated fixed guideway facility to provide commuter rail
12 passenger transportation, the public transportation au-
13 thority or the rail carrier may apply to the Board for non-
14 binding mediation. In any case in which dispatching for
15 the relevant trackage is controlled by a rail carrier other
16 than the right-of-way owner, both shall be subject to the
17 requirements of this section and included in the Board’s
18 mediation process. The Board shall conduct the non-
19 binding mediation in accordance with the mediation proc-
20 ess of section 1109.4 of title 49, Code of Federal Regula-
21 tions, as in effect on the date of enactment of the TRAIN
22 Act.”.

23 **SEC. 9403. CHICAGO UNION STATION IMPROVEMENT**
24 **PLANS.**

25 (a) ONE-YEAR CAPITAL IMPROVEMENT PLAN.—

1 (1) IN GENERAL.—Not later than 90 days after
2 the conclusion of the Surface Transportation Board
3 proceeding in the petition by Amtrak for a pro-
4 ceeding pursuant to section 24903(c)(2) of title 49,
5 United States Code (Docket No. FD 36332), Am-
6 trak and Metra shall enter into an agreement for a
7 one-year capital improvement plan for Chicago
8 Union Station.

9 (2) EXTENSION.—The deadline under para-
10 graph (1) may be extended with the consent of both
11 Amtrak and Metra.

12 (3) SUBMISSION OF PLAN.—Amtrak and Metra
13 shall transmit the one-year capital improvement plan
14 to the Committee on Transportation and Infrastruc-
15 ture of the House of Representatives and Committee
16 on Commerce, Science, and Transportation of the
17 Senate.

18 (b) FIVE-YEAR CAPITAL IMPROVEMENT PLAN.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date on which Amtrak and Metra enter
21 into the agreement under subsection (a), Amtrak
22 shall enter into an agreement with Metra for a 5-
23 year capital improvement plan for Chicago Union
24 Station.

1 (2) EXTENSION.—The deadline required under
2 paragraph (1) may be extended with the consent of
3 both Amtrak and Metra.

4 (3) SUBMISSION OF PLAN.—Amtrak and Metra
5 shall transmit the 5-year capital improvement plan
6 to the Committee on Transportation and Infrastruc-
7 ture of the House of Representatives and Committee
8 on Commerce, Science, and Transportation of the
9 Senate.

10 (c) CONTENTS.—The capital improvement plans re-
11 quired under subsections (a) and (b) shall identify the
12 projects that Amtrak and Metra agree to implement at
13 Chicago Union Station within the timeframe of each such
14 plan, including projects that improve—

15 (1) areas considered outside the glass such as
16 tracks, platforms switches, and other rail infrastruc-
17 ture;

18 (2) facilities for Amtrak and Metra crew; and

19 (3) the operations of Chicago Union Station,
20 such as the dispatching of commuter and intercity
21 passenger trains out of Chicago Union Station.

22 (d) ANNUAL PROGRESS REPORT.—Not later than 1
23 year after the date on which Amtrak and Metra enter into
24 an agreement required under subsection (b), and annually
25 thereafter for 5 years, Amtrak and Metra shall jointly sub-

1 mit to the Committee on Transportation and Infrastruc-
2 ture of the House of Representatives and the Committee
3 on Commerce, Science, and Transportation of the Senate
4 a report describing the progress Amtrak and Metra have
5 made in implementing the plan required under subsection
6 (b).

7 (e) DEFINITIONS.—In this section:

8 (1) CHICAGO UNION STATION.—The term “Chi-
9 cago Union Station” means the passenger train sta-
10 tion located at 225 South Canal Street, Chicago, Il-
11 linois 60606, and its associated facilities.

12 (2) METRA.—The term “Metra” means the
13 Northeast Illinois Regional Commuter Railroad Cor-
14 poration.

15 **TITLE V—RAIL SAFETY**
16 **Subtitle A—Passenger and Freight**
17 **Safety**

18 **SEC. 9501. NATIONAL ACADEMIES STUDY ON SAFETY IM-**
19 **PACT OF TRAINS LONGER THAN 7,500 FEET.**

20 (a) STUDY.—The Secretary of Transportation shall
21 seek to enter into an agreement with the National Acad-
22 emies to conduct a study and issue to the Committee on
23 Transportation and Infrastructure of the House of Rep-
24 resentatives and the Committee on Commerce, Science,

1 and Transportation of the Senate a report on the safety
2 impacts of freight trains longer than 7,500 feet.

3 (b) CONTENTS.—The study conducted pursuant to
4 subsection (a) shall include—

5 (1) an examination of any potential risks of the
6 operation of such trains and recommendations on
7 mitigation of such risks;

8 (2) among other safety factors with respect to
9 such trains, an evaluation of—

10 (A) any increased risk of loss of commu-
11 nications between the end of train device and
12 the locomotive cab, including communications
13 over differing terrains and conditions;

14 (B) any increased risk of loss of commu-
15 nications between crewmembers, including com-
16 munications over differing terrains and condi-
17 tions;

18 (C) any increased risk of derailments, in-
19 cluding risks associated with in-train compres-
20 sive forces and slack action or other safety risks
21 in the operations of such trains in differing ter-
22 rains and conditions;

23 (D) safety risks associated with the deploy-
24 ment of multiple distributed power units in the
25 consists of such trains; and

1 (E) impacts of the length of trains on
2 braking and locomotive performance and track
3 wear and tear; and

4 (3) an evaluation of whether additional engineer
5 and conductor training is required for safely oper-
6 ating such trains.

7 (c) REPORT.—Not later than 24 months after the
8 date of enactment of this Act, the Secretary shall submit
9 to the Committee on Transportation and Infrastructure
10 of the House of Representatives and the Committee on
11 Commerce, Science, and Transportation of the Senate a
12 report on the results of the study.

13 (d) FUNDING.—From the amounts made available
14 for fiscal year 2021 to carry out section 20117(a) of title
15 49, United States Code, the Secretary shall expend not
16 less than \$1,000,000 and not more than \$2,000,000 to
17 carry out the study required under subsection (a).

18 **SEC. 9502. GAO STUDY ON CHANGES IN FREIGHT RAILROAD**

19 **OPERATING AND SCHEDULING PRACTICES.**

20 (a) STUDY.—The Comptroller General of the United
21 States shall study the impact on freight rail shippers, Am-
22 trak, commuter railroads, railroad employees, and other
23 affected parties of changes in freight railroad operating
24 and scheduling practices as a result of the implementation
25 of the precision scheduled railroading model.

1 (b) CONTENTS.—At minimum, the study shall exam-
2 ine—

3 (1) the impacts of the operation of longer
4 trains;

5 (2) safety impacts of reduction in workforce, in-
6 cluding occupational injury rates, impacts to inspec-
7 tion frequencies and repair quality, and changes in
8 workforce demands;

9 (3) the elimination or downsizing of yards, re-
10 pair facilities, and other operational facilities;

11 (4) increases in demurrage or accessorial
12 charges or other costs to shippers;

13 (5) capital expenditures for rail infrastructure;
14 and

15 (6) the effect of changes to dispatching prac-
16 tices and locations of dispatching centers on—

17 (A) the on-time performance of passenger
18 trains; and

19 (B) the quality and reliability of service to
20 freight shippers.

21 (c) REPORT.—Not later than 1 year after the date
22 of enactment of this Act, the Comptroller General shall
23 submit to the Committee on Transportation and Infra-
24 structure of the House of Representatives and the Com-
25 mittee on Commerce, Science, and Transportation of the

1 Senate a report summarizing the study and the results
2 of such study, including recommendations for addressing
3 any negative impacts of precision scheduled railroading on
4 freight shippers or passenger railroads.

5 **SEC. 9503. FRA SAFETY REPORTING.**

6 (a) IN GENERAL.—Section 20901 of title 49, United
7 States Code, is amended by inserting “(including the train
8 length, the number of crew members on board the train,
9 and the duties of such crew members)” after “reported
10 accident or incident”.

11 (b) REGULATIONS.—Not later than 180 days after
12 the date of enactment of this Act, the Secretary of Trans-
13 portation shall issue such regulations as are necessary to
14 carry out the amendment made by subsection (a).

15 **SEC. 9504. WAIVER NOTICE REQUIREMENTS.**

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 may waive
20 compliance with any part of a regulation prescribed
21 or order issued under this chapter if the waiver is
22 in the public interest and consistent with railroad
23 safety.

24 “(2) NOTICE REQUIRED.—The Secretary
25 shall—

1 “(A) provide timely public notice of any re-
2 quest for a waiver under this subsection;

3 “(B) make the application for such waiver
4 and any related underlying data available to in-
5 terested parties;

6 “(C) provide the public with notice and a
7 reasonable opportunity to comment on a pro-
8 posed waiver under this subsection before mak-
9 ing a final decision; and

10 “(D) make public the reasons for granting
11 a waiver under this subsection.

12 “(3) INFORMATION PROTECTION.—Nothing in
13 this subsection shall be construed to require the re-
14 lease of information protected by law from public
15 disclosure.”.

16 **SEC. 9505. NOTICE OF FRA COMPREHENSIVE SAFETY AS-**
17 **SESSMENTS.**

18 (a) INITIAL NOTICE.—Not later than 10 business
19 days after the Federal Railroad Administration initiates
20 a comprehensive safety assessment of an entity providing
21 regularly scheduled intercity or commuter rail passenger
22 transportation, the Federal Railroad Administration shall
23 notify in electronic format the Committee on Transpor-
24 tation and Infrastructure of the House of Representatives
25 and the Committee on Commerce, Science, and Transpor-

1 tation of the Senate, and each member of Congress rep-
2 resenting a State in which the service that is the subject
3 of the assessment being conducted is located, of the initi-
4 ation of such assessment.

5 (b) FINDINGS.—Not later than 90 days after comple-
6 tion of a comprehensive safety assessment described in
7 subsection (a), the Federal Railroad Administration shall
8 transmit in electronic format to the Committee on Trans-
9 portation and Infrastructure of the House of Representa-
10 tives and the Committee on Commerce, Science, and
11 Transportation of the Senate, and to each member of Con-
12 gress representing a State in which the service that is the
13 subject of the assessment being conducted is located, the
14 findings of such assessment, including identified defects
15 and any recommendations.

16 (c) DEFINITION OF COMPREHENSIVE SAFETY AS-
17 SESSMENT.—In this section, the term “comprehensive
18 safety assessment” means a focused review of the safety-
19 related processes and procedures, compliance with safety
20 regulations and requirements, and overall safety culture
21 of an entity providing regularly scheduled intercity or com-
22 muter rail passenger transportation.

23 **SEC. 9506. FRA ACCIDENT AND INCIDENT INVESTIGATIONS.**

24 Section 20902 of title 49, United States Code, is
25 amended—

1 (1) in subsection (b) by striking “subpena” and
2 inserting “subpoena”; and

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

4 “(d) GATHERING INFORMATION AND TECHNICAL
5 EXPERTISE.—

6 “(1) IN GENERAL.—The Secretary shall create
7 a standard process for investigators to use during
8 accident and incident investigations conducted under
9 this section for determining when it is appropriate
10 to, and how to—

11 “(A) gather information about an accident
12 or incident under investigation from railroad
13 carriers, contractors or employees of railroad
14 carriers or representatives of employees of rail-
15 road carriers, and others, as determined rel-
16 evant by the Secretary; and

17 “(B) consult with railroad carriers, con-
18 tractors or employees of railroad carriers or
19 representatives of employees of railroad car-
20 riers, and others, as determined relevant by the
21 Secretary, for technical expertise on the facts of
22 the accident or incident under investigation.

23 “(2) CONFIDENTIALITY.—In developing the
24 process under paragraph (1), the Secretary shall fac-

1 tor in ways to maintain the confidentiality of any en-
2 tity identified under paragraph (1) if—

3 “(A) such entity requests confidentiality;

4 “(B) such entity was not involved in the
5 accident or incident; and

6 “(C) maintaining such entity’s confiden-
7 tiality does not adversely affect an investigation
8 of the Federal Railroad Administration.

9 “(3) APPLICATION OF LAW.—This subsection
10 shall not apply to any investigation carried out by
11 the National Transportation Safety Board.”.

12 **SEC. 9507. RAIL SAFETY IMPROVEMENTS.**

13 (a) FEDERAL RAILROAD ADMINISTRATION REQUIRE-
14 MENTS.—Not later than 18 months after the date of en-
15 actment of this Act, the Secretary of Transportation shall
16 carry out the following:

17 (1) Complete a study on how signage can be
18 used to improve safety in the rail industry that in-
19 cludes—

20 (A) a review of how signs used for other
21 modes of transportation may be effectively used
22 in the rail industry;

23 (B) a review of how signs used in the rail-
24 road industry differ; and

1 (C) an analysis of whether a uniform sys-
2 tem for speed signs across the United States
3 rail system would benefit the railroad industry
4 and improve safety.

5 (2) Reevaluate seat securement mechanisms
6 and the susceptibility of such mechanisms to inad-
7 vertent rotation, and identify a means to prevent the
8 failure of such mechanisms to maintain seat secure-
9 ment.

10 (3) Conduct research to evaluate the causes of
11 passenger injuries in passenger railcar derailments
12 and overturns and evaluate potential methods for
13 mitigating such injuries.

14 (4) Based on the research conducted under
15 paragraph (3), develop occupant protection stand-
16 ards for passenger railcars that will mitigate pas-
17 senger injuries likely to occur during derailments
18 and overturns.

19 (5) Develop policies for the safe use of child
20 seats to prevent uncontrolled or unexpected move-
21 ments in intercity passenger trains from disrupting
22 the secure position of such seats.

23 (b) REQUIREMENTS FOR AMTRAK.—Not later than
24 18 months after the date of enactment of this Act, Amtrak
25 shall—

1 (1) ensure operating crewmembers demonstrate
2 proficiency, under daylight and nighttime conditions,
3 on the physical characteristics of a territory by using
4 all resources available, including in-cab instruments,
5 observation rides, throttle time, signage, signals, and
6 landmarks;

7 (2) ensure the proficiency required under para-
8 graph (1) is demonstrated on written examinations;

9 (3) revise classroom and road training pro-
10 grams to ensure that operating crews fully under-
11 stand all locomotive operating characteristics,
12 alarms, and the appropriate response to abnormal
13 conditions;

14 (4) when possible, require that all engineers un-
15 dergo simulator training—

16 (A) before operating new or unfamiliar
17 equipment (at a minimum, experience and re-
18 spond properly to all alarms); and

19 (B) to experience normal and abnormal
20 conditions on new territory before operating in
21 revenue service on such new territory;

22 (5) ensure that simulator training specified in
23 paragraph (4) supplements the hours engineers
24 spend training on new equipment before becoming
25 certified on such equipment and performing runs on

1 new territory before becoming qualified on such ter-
2 ritory;

3 (6) implement a formal, systematic approach to
4 developing training and qualification programs to
5 identify the most effective strategies for preparing
6 crewmembers to safely operate new equipment on
7 new territories;

8 (7) work in consultation with host railroad car-
9 riers and States that own infrastructure over which
10 Amtrak operates to complete a comprehensive as-
11 sessment of the territories to ensure that necessary
12 wayside signs and plaques are identified, highly no-
13 ticeable, and strategically located to provide oper-
14 ating crews the information needed to safely operate
15 trains;

16 (8) update the safety review process to ensure
17 that all operating documents are up to date and ac-
18 curate before initiating new or revised revenue oper-
19 ations;

20 (9) incorporate all prerevenue service planning,
21 construction, and route verification work into the
22 scope of a corporate-wide system safety plan, includ-
23 ing through rules and policies, risk assessment anal-
24 yses, safety assurances, and safety promotions; and

1 “(d) PERIODIC REVIEWS AND UPDATES.—Each rail-
2 road carrier that files an action plan under subsection (b)
3 shall—

4 “(1) not later than 1 year after the date of en-
5 actment of the TRAIN Act, and annually thereafter,
6 review such plan to ensure the effectiveness of ac-
7 tions taken to enable warning and enforcement of
8 the maximum authorized speed for passenger trains
9 at each location identified under subsection (b)(1);
10 and

11 “(2) not later than 90 days prior to imple-
12 menting any operational or territorial operating
13 change, including initiating a new service or route,
14 submit to the Secretary a revised action plan that
15 addresses such operational or territorial operating
16 change.”; and

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

18 “(h) PROHIBITION.—No new intercity rail passenger
19 transportation or commuter rail passenger service may
20 begin operation unless the railroad carrier providing such
21 service is in compliance with this section.”.

22 **SEC. 9509. FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

23 (a) IN GENERAL.—Subchapter II of chapter 201 of
24 title 49, United States Code, is amended by adding at the
25 end the following:

1 **“§ 20169. Freight train crew size safety standards**

2 “(a) MINIMUM CREW SIZE.—No freight train may be
3 operated unless such train has a crew of at least one ap-
4 propriately qualified and certified conductor and one ap-
5 propriately qualified and certified engineer.

6 “(b) EXCEPTIONS.—Except as provided in subsection
7 (d), the prohibition in subsection (a) shall not apply in
8 any of the following circumstances:

9 “(1) Train operations within a rail yard or ter-
10 minal area or on auxiliary or industry tracks.

11 “(2) A train operated—

12 “(A) by a railroad carrier that has fewer
13 than 400,000 total employee work hours annu-
14 ally and less than \$40,000,000 annual revenue
15 (adjusted for inflation as measured by the Sur-
16 face Transportation Board Railroad Inflation-
17 Adjusted Index);

18 “(B) at a speed of not more than 25 miles
19 per hour; and

20 “(C) on a track with an average track
21 grade of less than 2 percent for any segment of
22 track that is at least 2 continuous miles.

23 “(3) Locomotives performing assistance to a
24 train that has incurred mechanical failure or lacks
25 the power to traverse difficult terrain, including

1 traveling to or from the location where assistance is
2 provided.

3 “(4) Locomotives that—

4 “(A) are not attached to any equipment or
5 attached only to a caboose; and

6 “(B) do not travel farther than 30 miles
7 from a rail yard.

8 “(5) Train operations staffed with fewer than a
9 two-person crew at least 1 year prior to the date of
10 enactment of this section, if the Secretary deter-
11 mines that the operation achieves an equivalent level
12 of safety.

13 “(c) TRAINS INELIGIBLE FOR EXCEPTION.—The ex-
14 ceptions under subsection (b) may not be applied to—

15 “(1) a train transporting 1 or more loaded cars
16 carrying material toxic by inhalation, as defined in
17 section 171.8 of title 49, Code of Federal Regula-
18 tions;

19 “(2) a train carrying 20 or more loaded tank
20 cars of a Class 2 material or a Class 3 flammable
21 liquid in a continuous block or a single train car-
22 rying 35 or more loaded tank cars of a Class 2 ma-
23 terial or a Class 3 flammable liquid throughout the
24 train consist; and

1 “(3) a train with a total length of 7,500 feet or
2 greater.

3 “(d) WAIVER.—A railroad carrier may seek a waiver
4 of the requirements of this section pursuant to section
5 20103(d).”.

6 (b) CLERICAL AMENDMENT.—The analysis for sub-
7 chapter II of chapter 201 of title 49, United States Code,
8 is amended by adding at the end the following:

 “20169. Freight train crew size safety standards.”.

9 **SEC. 9510. SAFE CROSS BORDER OPERATIONS.**

10 (a) IN GENERAL.—Section 416 title IV of division
11 A of the Rail Safety Improvement Act of 2008 (49 U.S.C.
12 20107 note) is amended—

13 (1) by striking “Mechanical and brake” and in-
14 serting “(a) IN GENERAL.—Mechanical and brake”;
15 and

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

17 “(b) WAIVER.—The Secretary may not grant any
18 waiver or waiver modification that provides for the ability
19 to perform mechanical or brake inspections of rail cars
20 in Mexico in lieu of complying with the certification re-
21 quirements of this section.”.

22 (b) SAFETY STANDARDS FOR CERTAIN RAIL
23 CREWS.—

24 (1) IN GENERAL.—Title IV of division A of the
25 Rail Safety Improvement Act of 2008 (Public Law

1 110–432) is amended by adding at the end the fol-
2 lowing:

3 **“SEC. 421. SAFETY STANDARDS FOR CERTAIN RAIL CREWS.**

4 “(a) IN GENERAL.—The Secretary of Transportation
5 may not permit covered rail employees to enter the United
6 States to perform train or dispatching service unless the
7 Secretary certifies that—

8 “(1) Mexico has adopted and is enforcing safety
9 standards for covered rail employees that are equiva-
10 lent to, or greater than, those applicable to railroad
11 employees whose primary reporting point is in the
12 United States, including qualification and certifi-
13 cation requirements under parts 240 and 242 of title
14 49, Code of Federal Regulations;

15 “(2) covered rail employees are subject to the
16 alcohol and drug testing requirements in part 219 of
17 title 49, Code of Federal Regulations, including the
18 requirements of subparts F, G, and H of such part,
19 to the same extent as such requirements apply to
20 railroad employees whose primary reporting point is
21 in the United States and who are subject to such
22 part;

23 “(3) covered rail employees are subject to hours
24 of service requirements under section 21103 of title

1 49, United States Code, at all times any such em-
2 ployee is on duty, regardless of location;

3 “(4) covered rail employees are subject to the
4 motor vehicle driving record evaluation requirements
5 in section 240.115 of title 49, Code of Federal Reg-
6 ulations, to the same extent as such requirements
7 apply to railroad employees whose primary reporting
8 point is in the United States and are subject to such
9 section, and that such evaluation includes driving
10 records from the same country as the employee’s
11 primary reporting point; and

12 “(5) the Federal Railroad Administration is
13 permitted to perform onsite inspections of rail facili-
14 ties in Mexico to ensure compliance with paragraphs
15 (1) and (2).

16 “(b) NOTICE REQUIRED.—

17 “(1) IN GENERAL.—Not later than 5 days after
18 the date on which the Secretary certifies each of the
19 requirements under paragraphs (1) through (5) of
20 subsection (a), the Secretary shall publish in the
21 Federal Register—

22 “(A) notice of each such certification; and

23 “(B) documentation supporting each such
24 certification.

1 “(2) PUBLIC COMMENT.—To ensure compliance
2 with the requirements of this section and any other
3 applicable safety requirements, the Secretary shall—

4 “(A) allow for public comment on the no-
5 tice required under paragraph (1); and

6 “(B) hold a public hearing on such notice.

7 “(3) CONGRESSIONAL NOTICE.—On the date on
8 which each publication required under paragraph (1)
9 is published in the Federal Register, the Secretary
10 shall notify the Committee on Transportation and
11 Infrastructure of the House of Representatives and
12 the Committee on Commerce, Science, and Trans-
13 portation of the Senate of such publication.

14 “(c) DRUG AND ALCOHOL TESTING.—

15 “(1) NONAPPLICATION OF EXEMPTION.—For
16 purposes of compliance with subsection (a)(2), the
17 exemption contained in part 219.3(d)(2) of title 49,
18 Code of Federal Regulations, shall not apply.

19 “(2) AUDIT BY OFFICE OF DRUG AND ALCOHOL
20 COMPLIANCE.—To ensure compliance with the drug
21 and alcohol testing programs described in subsection
22 (a)(2), the Office of Drug and Alcohol Compliance
23 in the Department of Transportation shall conduct
24 an annual audit of such programs and recommend
25 enforcement actions as needed.

1 “(d) DEFINITION OF COVERED RAIL EMPLOYEE.—
2 In this section, the term ‘covered rail employee’ means a
3 railroad employee whose primary reporting point is in
4 Mexico.”.

5 (2) CLERICAL AMENDMENT.—The table of con-
6 tents in section 1(b) of the Rail Safety Improvement
7 Act of 2008 (Public Law 110–432), is amended by
8 inserting after the item relating to section 420 the
9 following:

“Sec. 421. Safety standards for certain rail crews.”.

10 **SEC. 9511. YARDMASTERS HOURS OF SERVICE.**

11 (a) LIMITATIONS ON DUTY HOURS OF YARDMASTER
12 EMPLOYEES.—Section 21103 of title 49, United States
13 Code, is amended—

14 (1) in the section heading by inserting “**AND**
15 **YARDMASTER EMPLOYEES**” after “**TRAIN EM-**
16 **PLOYEES**”;

17 (2) by inserting “or yardmaster employee” after
18 “train employee” each place it appears; and

19 (3) in subsection (e) by inserting “or
20 yardmaster employee’s” after “During a train em-
21 ployee’s”.

22 (b) DEFINITIONS.—Section 21101 of title 49, United
23 States Code, is amended—

1 (1) in paragraph (3) by inserting “a yardmaster
2 employee,” after “dispatching service employee,”;
3 and

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

5 “(6) ‘yardmaster employee’ means an indi-
6 vidual responsible for supervising and coordi-
7 nating the control of trains and engines oper-
8 ating within a rail yard.”.

9 (c) CONFORMING AMENDMENT.—The analysis for
10 chapter 211 of title 49, United States Code, is amended
11 by striking the item relating to section 21103 and insert-
12 ing the following:

 “21103. Limitations on duty hours of train employees and yardmaster employ-
 ees.”.

13 **SEC. 9512. LEAKING BRAKES.**

14 (a) IN GENERAL.—The Administrator of the Federal
15 Railroad Administration shall take such actions as are
16 necessary to ensure that no air brake control valve (de-
17 fined in this section as an air brake control valve that was
18 subject to the circular letter issued by the Association of
19 American Railroads issued on October 25, 2013 (C-
20 12027)) manufactured before January 1, 2006, is
21 equipped on a rail car operating on—

22 (1) a unit train north of the 37th parallel on
23 or after August 1, 2022; or

1 (2) a non-unit train north of the 37th parallel
2 on or after August 1, 2024.

3 (b) REPORTS.—Not later than 1 year after the date
4 of enactment of this Act, and every year thereafter until
5 brake valves described in subsection (a) are no longer op-
6 erating on rail cars as required under subsection (a), the
7 Administrator shall transmit to the Committee on Trans-
8 portation and Infrastructure of the House of Representa-
9 tives and the Committee on Commerce, Science, and
10 Transportation of the Senate a report that identifies—

11 (1) the estimated number of such brake valves
12 on rail cars operating on—

13 (A) unit trains north of the 37th parallel;
14 and

15 (B) non-unit trains north of the 37th par-
16 allel;

17 (2) any issues affecting the industry’s progress
18 toward ensuring that such brake valves are phased
19 out in accordance with the requirements of sub-
20 section (a); and

21 (3) efforts the Administrator has taken since
22 the previous report to ensure such brake valves are
23 phased out in accordance with the requirements of
24 subsection (a).

1 (c) ADDITIONAL VALVES.—If the Administrator de-
2 termines that air brake control valves not covered under
3 subsection (a) demonstrate leakage in low temperatures
4 similar to the leakage exhibited by the air brake control
5 valve identified in subsection (a), the Administrator shall
6 ensure that the air brake control valves determined to be
7 demonstrating leakage under this subsection are phased
8 out in accordance with the requirements of subsection (a).

9 **SEC. 9513. ANNUAL REPORT ON PTC SYSTEM FAILURES.**

10 Section 20157 of title 49, United States Code, is
11 amended by adding at the end the following:

12 “(m) ANNUAL REPORT OF SYSTEM FAILURES.—Not
13 later than April 16 of each calendar year following the
14 date of an implementation deadline under subsection
15 (a)(1), each railroad shall submit to the Secretary a report
16 containing the number of positive train control system fail-
17 ures, separated by each major hardware category, that oc-
18 curred during the previous calendar year.”.

19 **SEC. 9514. FATIGUE REDUCTION PILOT PROJECTS.**

20 (a) SENSE OF CONGRESS.—It is the sense of Con-
21 gress that—

22 (1) maintaining the highest level of safety
23 across the nation’s railroad network is of critical im-
24 portance;

1 (2) ensuring the safety of rail transportation re-
2 quires the full attention of all workers engaged in
3 safety-critical functions;

4 (3) fatigue degrades an individual’s ability to
5 stay awake, alert, and attentive to the demands of
6 safe job performance;

7 (4) the cognitive impairments to railroad work-
8 ers that result from fatigue can cause dangerous sit-
9 uations that put workers and communities at risk;

10 (5) the Rail Safety Improvement Act of 2008
11 mandated that the Federal Railroad Administration
12 conduct two pilot projects to analyze specific prac-
13 tices that may be used to reduce fatigue in employ-
14 ees and as of the date of enactment of this Act, nei-
15 ther pilot project has commenced; and

16 (6) the Federal Railroad Administration should
17 coordinate with the industry and the workforce to
18 commence and complete the fatigue pilot projects
19 mandated in 2008.

20 (b) PILOT PROJECTS.—Section 21109(e) of title 49,
21 United States Code, is amended—

22 (1) by striking “Not later than 2 years after
23 the date of enactment of the Rail Safety Improve-
24 ment Act of 2008” and inserting “Not later than 1

1 year after the date of enactment of the TRAIN
2 Act”; and

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

4 “(3) COORDINATION.—The pilot projects re-
5 quired under paragraph (1) shall be developed and
6 evaluated in coordination with the labor organization
7 representing the class or craft of employees impacted
8 by the pilot projects.”.

9 (c) REIMBURSEMENT.—The Secretary of Transpor-
10 tation may reimburse railroads participating in the pilot
11 projects under 21109(e) of title 49, United States Code,
12 a share of the costs associated with the pilot projects, as
13 determined by the Secretary.

14 (d) REPORT.—

15 (1) IN GENERAL.—If the pilot projects required
16 under section 21109(e) of title 49, United States
17 Code, have not commenced on the date that is 1
18 year after the date of enactment of this Act, the
19 Secretary shall, not later than 1 year and 30 days
20 after the date of enactment of this Act, transmit to
21 the Committee on Transportation and Infrastructure
22 of the House of Representatives and the Committee
23 on Commerce, Science, and Transportation of the
24 Senate a report describing—

25 (A) the status of the pilot projects;

1 (B) actions the Federal Railroad Adminis-
2 tration has taken to commence the pilot
3 projects, including efforts to recruit participant
4 railroads;

5 (C) any challenges impacting the com-
6 mencement of the pilot projects; and

7 (D) any other details associated with the
8 development of the pilot projects that affect the
9 progress toward meeting the mandate of such
10 section.

11 **SEC. 9515. ASSAULT PREVENTION AND RESPONSE PLANS.**

12 (a) AMENDMENT.—Subchapter II of chapter 201 of
13 title 49, United States Code, as amended by this division,
14 is further amended by adding at the end the following:

15 **“§ 20170. Assault prevention and response plans**

16 “(a) IN GENERAL.—Not later than 180 days after
17 the date of enactment of the TRAIN Act, any entity that
18 provides regularly scheduled intercity or commuter rail
19 passenger transportation shall submit to the Secretary of
20 Transportation for review and approval an assault preven-
21 tion and response plan (in this section referred to as the
22 ‘Plan’) to address transportation assaults.

23 “(b) CONTENTS OF PLAN.—The Plan required under
24 subsection (a) shall include—

25 “(1) procedures that—

1 “(A) facilitate the reporting of a transpor-
2 tation assault, including the notification of on-
3 site personnel, rail law enforcement, and local
4 law enforcement;

5 “(B) personnel should follow up on the re-
6 porting of a transportation assault, including
7 actions to protect affected individuals from con-
8 tinued assault;

9 “(C) may be taken to remove the pas-
10 senger or personnel who has committed a trans-
11 portation assault from the train or related area
12 or facility as soon as practicable when appro-
13 priate;

14 “(D) include protections and safe reporting
15 practices for passengers who may have been as-
16 saulted by personnel; and

17 “(E) may limit or prohibit, to the extent
18 practicable, future travel with the entity de-
19 scribed in subsection (a) by any passenger or
20 personnel who commits a transportation assault
21 against personnel or passengers;

22 “(2) a policy that ensures an employee who is
23 a victim or witness of a transportation assault may
24 participate in the prosecution of a criminal offense

1 of such assault without any adverse effect on the vic-
2 tim’s or witnesses’ employment status; and

3 “(3) a process and timeline for conducting an
4 annual review and update of the Plan.

5 “(c) NOTICE TO PASSENGERS.—An entity described
6 under subsection (a) shall display onboard trains and in
7 boarding areas, as appropriate, a notice stating the enti-
8 ty’s abilities to restrict future travel under subsection
9 (b)(1)(E).

10 “(d) PERSONNEL TRAINING.—An entity described
11 under subsection (a) shall provide initial and annual train-
12 ing for all personnel on the contents of the Plan, including
13 training regarding—

14 “(1) the procedures described in subsection (b);

15 “(2) methods for responding to hostile situa-
16 tions, including de-escalation training; and

17 “(3) rights and responsibilities of personnel
18 with respect to a transportation assault on them-
19 selves, other personnel, or passengers.

20 “(e) PERSONNEL PARTICIPATION.—The Plan re-
21 quired under subsection (a) shall be developed and imple-
22 mented with the direct participation of personnel, and, as
23 applicable, labor organizations representing personnel.

24 “(f) REPORTING.—

25 “(1) INCIDENT NOTIFICATION.—

1 “(A) IN GENERAL.—Not later than 10
2 days after a transportation assault incident, the
3 applicable entity described in subsection (a)
4 shall notify personnel employed at the location
5 in which the incident occurred. In the case of
6 an incident on a vehicle, such entity shall notify
7 personnel regularly scheduled to carry out em-
8 ployment activities on the service route on
9 which the incident occurred.

10 “(B) CONTENT OF INCIDENT REPORT.—
11 The notification required under paragraph (1)
12 shall—

13 “(i) include a summary of the inci-
14 dent; and

15 “(ii) be written in a manner that pro-
16 tects the confidentiality of individuals in-
17 volved in the incident.

18 “(2) ANNUAL REPORT.—For each calendar
19 year, each entity with respect to which a transpor-
20 tation assault incident has been reported during
21 such year shall submit to the Secretary report that
22 describes—

23 “(A) the number of assault incidents re-
24 ported to the entity, including—

1 “(i) the number of incidents com-
2 mitted against passengers; and

3 “(ii) the number of incidents com-
4 mitted against personnel; and

5 “(B) the number of assault incidents re-
6 ported to rail or local law enforcement by per-
7 sonnel of the entity.

8 “(3) PUBLICATION.—The Secretary shall make
9 available to the public on the primary website of the
10 Federal Railroad Administration the data collected
11 under paragraph (2).

12 “(4) DATA PROTECTION.—Data made available
13 under this subsection shall be made available in a
14 manner that protects the confidentiality of individ-
15 uals involved in transportation assault incidents.

16 “(g) DEFINITION OF TRANSPORTATION ASSAULT.—
17 In this section, the term ‘transportation assault’ means
18 the occurrence, or reasonably suspected occurrence, of an
19 act that—

20 “(1) constitutes assault;

21 “(2) is committed by a passenger or member of
22 personnel of an entity that provides regularly sched-
23 uled intercity or commuter rail passenger transpor-
24 tation against another passenger or member of per-
25 sonnel of such entity; and

1 “(3) takes place—

2 “(A) within a vehicle of such entity; or

3 “(B) in an area in which passengers are
4 entering or exiting a vehicle described in sub-
5 paragraph (A); or

6 “(C) a station or facility where such entity
7 operates, regardless of ownership of the station
8 or facility.”.

9 (b) CONFORMING AMENDMENT.—The analysis for
10 subchapter II of chapter 201 of title 49, United States
11 Code, as amended by this division, is further amended by
12 adding at the end the following:

“20170. Assault prevention and response plans.”.

13 **SEC. 9516. CRITICAL INCIDENT STRESS PLANS.**

14 The Secretary of Transportation shall issue such reg-
15 ulations as are necessary to amend part 272 of title 49,
16 Code of Federal Regulations, to ensure that—

17 (1) the coverage of a critical incident stress
18 plan under section 272.7 of such part includes em-
19 ployees of commuter railroads and intercity pas-
20 senger railroads, as such terms are defined in sec-
21 tion 272.9 of such part, who directly interact with
22 passengers; and

23 (2) assault and the witnessing of an assault
24 against an employee or train passenger is included

1 in the definition of critical incident under section
2 272.9 of such part.

3 **SEC. 9517. STUDY ON SAFETY CULTURE ASSESSMENTS.**

4 (a) IN GENERAL.—The Administrator of the Federal
5 Railroad Administration shall conduct a study on the fea-
6 sibility of expanding railroad safety culture assessments
7 and training to include assessments and training for work-
8 ers employed by tourist railroads, passenger railroads, and
9 commuter railroads.

10 (b) CONTENTS OF STUDY.—The study required
11 under subsection (a) shall include—

12 (1) an analysis on the need for the expansion;

13 (2) the resources required to carry out the addi-
14 tional assessments and training; and

15 (3) other potential safety challenges the initia-
16 tive could address.

17 (c) REPORT.—The Federal Railroad Administration
18 shall submit to the Committee on Transportation and In-
19 frastructure of the House of Representatives and the Com-
20 mittee on Commerce, Science, and Transportation of the
21 Senate a report on the results of the study conducted
22 under subsection (a).

1 **Subtitle B—Grade Crossing Safety**

2 **SEC. 9551. GRADE CROSSING SEPARATION GRANTS.**

3 (a) IN GENERAL.—Subchapter II of chapter 201 of
4 title 49, United States Code, as amended by this division,
5 is further amended by adding at the end the following:

6 **“§ 20171. Grade crossing separation grants**

7 “(a) GENERAL AUTHORITY.—The Secretary of
8 Transportation shall make grants under this section to eli-
9 gible entities to assist in financing the cost of highway-
10 rail grade separation projects.

11 “(b) APPLICATION REQUIREMENTS.—To be eligible
12 for a grant under this section, an eligible entity shall sub-
13 mit to the Secretary an application in such form, in such
14 manner, and containing such information as the Secretary
15 may require, including—

16 “(1) an agreement between the entity that owns
17 or controls the right-of-way and the applicant ad-
18 dressing access to right-of-way throughout the
19 project; and

20 “(2) a cost-sharing agreement with the funding
21 amounts that the entity that owns or controls the
22 right-of-way shall contribute to the project, which
23 shall be not less than 10 percent of the total project
24 cost.

1 “(c) ELIGIBLE PROJECTS.—The following projects
2 are eligible to receive a grant under this section:

3 “(1) Installation, repair, or improvement of
4 grade crossing separations.

5 “(2) Grade crossing elimination incidental to el-
6 igible grade crossing separation projects.

7 “(3) Project planning, development, and envi-
8 ronmental work related to a project described in
9 paragraph (1) or (2).

10 “(d) PROJECT SELECTION CRITERIA.—

11 “(1) LARGE PROJECTS.—Of amounts made
12 available to carry out this section, not more than 50
13 percent shall be available for projects with total
14 costs of \$100,000,000 or greater.

15 “(2) CONSIDERATIONS.—In awarding grants
16 under this section, the Secretary—

17 “(A) shall give priority to projects that
18 maximize the safety benefits of Federal fund-
19 ing; and

20 “(B) may evaluate applications on the
21 safety profile of the existing crossing, 10-year
22 history of accidents at such crossing, inclusion
23 of the proposed project on a grade crossing
24 safety action plan, average automobile traffic,
25 freight and passenger train traffic, average

1 daily number of crossing closures, the chal-
2 lenges of grade crossings located near inter-
3 national borders, and proximity of community
4 resources, including schools, hospitals, fire sta-
5 tions, police stations, and emergency medical
6 service facilities.

7 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

8 “(1) TOTAL PROJECT COSTS.—The Secretary
9 shall estimate the total costs of a project under this
10 section based on the best available information, in-
11 cluding any available engineering studies, studies of
12 economic feasibility, environmental analysis, and in-
13 formation on the expected use of equipment or facili-
14 ties.

15 “(2) FEDERAL SHARE.—The Federal share for
16 a project carried out under this section shall not ex-
17 ceed 85 percent.

18 “(f) GRANT CONDITIONS.—An eligible entity may not
19 receive a grant for a project under this section unless such
20 project is in compliance with section 22905, except that
21 22905(b) shall only apply to a person that conducts rail
22 operations.

23 “(g) TWO-YEAR LETTERS OF INTENT.—

24 “(1) IN GENERAL.—The Secretary shall, to the
25 maximum extent practicable, issue a letter of intent

1 to a recipient of a grant under subsection (d)(1)
2 that—

3 “(A) announces an intention to obligate for
4 no more than 2 years, for a major capital
5 project under subsection (d)(1), an amount that
6 is not more than the amount stipulated as the
7 financial participation of the Secretary for the
8 project; and

9 “(B) states that the contingent commit-
10 ment—

11 “(i) is not an obligation of the Fed-
12 eral Government; and

13 “(ii) is subject to the availability of
14 appropriations for grants under this sec-
15 tion and subject to Federal laws in force or
16 enacted after the date of the contingent
17 commitment.

18 “(2) CONGRESSIONAL NOTIFICATION.—

19 “(A) IN GENERAL.—Not later than 3 days
20 before issuing a letter of intent under para-
21 graph (1), the Secretary shall submit written
22 notification to—

23 “(i) the Committee on Transportation
24 and Infrastructure of the House of Rep-
25 resentatives;

1 “(ii) the Committee on Appropriations
2 of the House of Representatives;

3 “(iii) the Committee on Appropria-
4 tions of the Senate; and

5 “(iv) the Committee on Commerce,
6 Science, and Transportation of the Senate.

7 “(B) CONTENTS.—The notification sub-
8 mitted under subparagraph (A) shall include—

9 “(i) a copy of the letter of intent;

10 “(ii) the criteria used under sub-
11 section (b) for selecting the project for a
12 grant; and

13 “(iii) a description of how the project
14 meets such criteria.

15 “(h) APPROPRIATIONS REQUIRED.—An obligation or
16 administrative commitment may be made under subsection
17 (g) only after amounts are appropriated for such purpose.

18 “(i) DEFINITIONS.—In this section:

19 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
20 tity’ means—

21 “(A) a State;

22 “(B) a public agency or publicly chartered
23 authority;

24 “(C) a metropolitan planning organization;

25 “(D) a political subdivision of a State; and

1 “(E) a Tribal government.

2 “(2) METROPOLITAN PLANNING ORGANIZA-
3 TION.—The term ‘metropolitan planning organiza-
4 tion’ has the meaning given such term in section
5 134(b) of title 23.

6 “(3) STATE.—The term ‘State’ means a State
7 of the United States or the District of Columbia.”.

8 (b) CLERICAL AMENDMENT.—The analysis for sub-
9 chapter II of chapter 201 of title 49, United States Code,
10 as amended by this division, is further amended by adding
11 at the end the following:

“20171. Grade crossing separation grants.”.

12 **SEC. 9552. RAIL SAFETY PUBLIC AWARENESS GRANTS.**

13 (a) IN GENERAL.—Subchapter II of chapter 201 of
14 title 49, United States Code, as amended by this division,
15 is further amended by adding at the end the following:

16 **“§ 20172. Rail safety public awareness grants**

17 “(a) GRANT.—The Administrator of the Federal
18 Railroad Administration shall make grants to eligible enti-
19 ties to carry out public information and education pro-
20 grams to help prevent and reduce rail-related pedestrian,
21 motor vehicle, and other accidents, incidents, injuries, and
22 fatalities, and to improve awareness along railroad rights-
23 of-way and at railway-highway grade crossings.

24 “(b) APPLICATION.—To be eligible to receive a grant
25 under this section, an eligible entity shall submit to the

1 Administrator an application in such form, in such man-
2 ner, and containing such information as the Secretary may
3 require.

4 “(c) CONTENTS.—Programs eligible for a grant
5 under this section—

6 “(1) shall include, as appropriate—

7 “(A) development, placement, and dissemi-
8 nation of public service announcements in ap-
9 propriate media;

10 “(B) school presentations, driver safety
11 education, materials, and public awareness cam-
12 paigns; and

13 “(C) disseminating information to the pub-
14 lic on how to identify and report to the appro-
15 priate authorities unsafe or malfunctioning
16 highway-rail grade crossings; and

17 “(2) may include targeted and sustained out-
18 reach in communities at greatest risk to develop
19 measures to reduce such risk.

20 “(d) COORDINATION.—Eligible entities shall coordi-
21 nate program activities with local communities, law en-
22 forcement and emergency responders, and rail carriers, as
23 appropriate, and ensure consistency with State highway-
24 rail grade crossing action plans required under section
25 11401(b) of the FAST Act (49 U.S.C. 22501 note) and

1 the report titled ‘National Strategy to Prevent Tres-
2 passing on Railroad Property’ issued by the Federal Rail-
3 road Administration in October 2018.

4 “(e) PRIORITIZATION.—In awarding grants under
5 this section, the Administrator shall give priority to appli-
6 cations for programs that—

7 “(1) are nationally recognized;

8 “(2) are targeted at schools in close proximity
9 to railroad rights-of-way;

10 “(3) partner with nearby railroad carriers; or

11 “(4) focus on communities with a recorded his-
12 tory of repeated pedestrian and motor vehicle acci-
13 dents, incidents, injuries, and fatalities at highway-
14 rail grade crossings and along railroad rights-of-way.

15 “(f) DEFINITIONS.—In this section:

16 “(1) ELIGIBLE ENTITY.—the term ‘eligible enti-
17 ty’ means—

18 “(A) a nonprofit organization;

19 “(B) a State;

20 “(C) a political subdivision of a State; and

21 “(D) a public law enforcement agency or
22 emergency response organization.

23 “(2) STATE.—The term ‘State’ means a State
24 of the United States, the District of Columbia, and
25 Puerto Rico.”.

1 (b) CLERICAL AMENDMENT.—The analysis for sub-
2 chapter II of chapter 201 of title 49, United States Code,
3 as amended by this division, is further amended by adding
4 at the end the following:

“20172. Rail safety public awareness grants.”.

5 **SEC. 9553. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**
6 **BLOCKING PUBLIC GRADE CROSSINGS.**

7 (a) IN GENERAL.—Subchapter II of chapter 201 of
8 title 49, United States Code, as amended by this division,
9 is further amended by adding at the end the following:

10 **“§ 20173. Time limit for blocking a rail crossing**

11 “(a) TIME LIMIT.—A train, locomotive, railroad car,
12 or other rail equipment is prohibited from blocking a
13 crossing for more than 10 minutes, unless the train, loco-
14 motive, or other equipment is directly delayed by—

15 “(1) a casualty or serious injury;

16 “(2) an accident;

17 “(3) a track obstruction;

18 “(4) an act of God; or

19 “(5) a derailment or a major equipment failure
20 that prevents the train from advancing.

21 “(b) CIVIL PENALTY.—The Secretary of Transpor-
22 tation may issue civil penalties for violations of subsection
23 (a) in accordance with section 21301.

24 “(c) DELEGATION.—The Secretary may delegate en-
25 forcement actions under subsection (b) to States either

1 through a State inspector certified by the Federal Rail-
2 road Administration, or other law enforcement officials as
3 designated by the States and approved by the Administra-
4 tion. The Secretary shall issue guidance or regulations not
5 later than 1 year after the date of enactment on the cri-
6 teria and process for States to gain approval under this
7 section.

8 “(d) APPLICATION TO AMTRAK AND COMMUTER
9 RAILROADS.—This section shall not apply to Amtrak or
10 commuter authorities, including Amtrak and commuter
11 authorities’ operations run or dispatched by a Class I rail-
12 road.

13 “(e) DEFINITIONS.—In this section:

14 “(1) CROSSING.—The term ‘crossing’ means a
15 location within a State in which a public highway,
16 road, or street, including associated sidewalks and
17 pathways, crosses 1 or more railroad tracks either at
18 grade or grade-separated.

19 “(2) BLOCKED CROSSING.—The term ‘blocked
20 crossing’ means a circumstance in which a train, lo-
21 comotive, railroad car, or other rail equipment is
22 stopped in a manner that obstructs public travel at
23 a crossing.”.

24 (b) CLERICAL AMENDMENT.—The analysis for sub-
25 chapter II of chapter 201 of title 49, United States Code,

1 is further amended by adding at the end the following new
2 item:

“20173. Time limit for blocking a rail crossing.”.

3 **SEC. 9554. NATIONAL STRATEGY TO ADDRESS BLOCKED**
4 **CROSSINGS.**

5 (a) IN GENERAL.—Not later than 18 months after
6 the date of enactment of this Act, the Secretary of Trans-
7 portation shall submit to the Committee on Transpor-
8 tation and Infrastructure of the House of Representatives
9 and the Committee on Commerce, Science, and Transpor-
10 tation of the Senate, and make publicly available on the
11 website of the Department of Transportation, a report
12 containing a national strategy to address blocked cross-
13 ings.

14 (b) PUBLIC LAW 116–94.—The strategy required
15 under subsection (a) shall incorporate the recommenda-
16 tions and briefing described in the report accompanying
17 the Department of Transportation Appropriations Act,
18 2020 (Public Law 116–94) with respect to the amounts
19 provided under the heading “Federal Railroad Adminis-
20 tration—Safety and Operations”.

21 (c) REPORT CONTENTS.—The strategy required
22 under subsection (a) shall include an analysis of the fol-
23 lowing topics, including any specific legislative or regu-
24 latory recommendations:

1 (1) How best to engage the public, representa-
2 tives of labor organizations representing railroad em-
3 ployees, law enforcement officers, highway traffic of-
4 ficials, or other employees of a public agency acting
5 in an official capacity to identify and address
6 blocked crossings.

7 (2) How technology and positive train control
8 system data can be used to identify and address in-
9 stances of blocked crossings.

10 (3) How to identify and address instances of
11 blocked crossings at crossings with passive or no
12 warning devices.

13 (4) How best to use the data collected under a
14 webpage established by the Secretary for the public
15 and law enforcement to report instances of blocked
16 crossings, including whether such data should be
17 verified by each rail carrier or incorporated into the
18 national crossing inventory established under section
19 20160 of title 49, United States Code.

20 (d) UPDATING STRATEGY.—The Secretary shall
21 evaluate the strategy developed under this section not less
22 than every 5 years, and update it as needed.

23 (e) DEFINITIONS.—In this section:

24 (1) BLOCKED CROSSING.—The term “blocked
25 crossing” means a circumstance in which a train, lo-

1 comotive, railroad car, or other rail equipment is
2 stopped in a manner that obstructs public travel at
3 a crossing.

4 (2) POSITIVE TRAIN CONTROL SYSTEM.—The
5 term “positive train control system” has the mean-
6 ing given the term in section 20157(i) of title 49,
7 United States Code.

8 **SEC. 9555. RAILROAD POINT OF CONTACT FOR BLOCKED**
9 **CROSSING MATTERS.**

10 Section 20152 of title 49, United States Code, is
11 amended—

12 (1) in subsection (a)—

13 (A) in paragraph (1)—

14 (i) in subparagraph (C) by striking
15 “or” at the end;

16 (ii) by redesignating subparagraph
17 (D) as subparagraph (E); and

18 (iii) by inserting the following after
19 subparagraph (C):

20 “(D) blocked crossings; or”;

21 (B) in paragraph (4)—

22 (i) by striking “paragraph (1)(C) or
23 (D)” and inserting “subparagraph (C),
24 (D), or (E) of paragraph (1)”;

25 (ii) by striking “and” at the end;

1 (C) in paragraph (5) by striking the period
2 at the end and inserting “; and” ; and

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

4 “(6) promptly inform the Secretary if the num-
5 ber required to be established under subsection (a)
6 has changed and report the new number to the Sec-
7 retary.”; and

8 (2) by adding at the end the following:

9 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
10 Secretary shall make any telephone number established
11 under subsection (a) publicly available on the website of
12 the Department of Transportation.”.

13 **SEC. 9556. NATIONAL HIGHWAY-RAIL CROSSING INVEN-**
14 **TORY REVIEW.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Secretary of Transpor-
17 tation shall expend such sums as are necessary to conduct
18 a comprehensive review of the national highway-rail cross-
19 ing inventory of the Department of Transportation estab-
20 lished under section 20160 of title 49, United States Code.

21 (b) CONTENTS.—In conducting the review required
22 under subsection (a), the Secretary shall—

23 (1) verify the accuracy of the data contained in
24 the inventory described in subsection (a) using map-
25 ping technologies and other methods; and

1 (2) correct erroneous data in such inventory.

2 (c) REPORT.—Not later than 30 days after the com-
3 pletion of the review required under subsection (a), the
4 Secretary shall submit to the Committee on Transpor-
5 tation and Infrastructure of the House of Representatives
6 and the Committee on Commerce, Science, and Transpor-
7 tation of the Senate a report detailing corrections made
8 to the inventory described in subsection (a) and the Sec-
9 retary’s plans to ensure continued accuracy of such inven-
10 tory.

11 **SEC. 9557. COUNTING RAILROAD SUICIDES.**

12 (a) IN GENERAL.—Not less than 180 days after the
13 enactment of this Act, the Secretary of Transportation
14 shall revise any regulations, guidance, or other relevant
15 agency documents to count suicides on a railroad crossing
16 or railroad right-of-way as trespassing deaths.

17 (b) AUTHORITY OF THE SECRETARY.—In carrying
18 out subsection (a), the Secretary may require Federal,
19 State, and local agencies, railroads, or other entities to
20 submit such data as necessary.

21 (c) APPLICABILITY OF RULEMAKING REQUIRE-
22 MENTS.—The requirements of section 553 of title 5,
23 United States Code, shall not apply to the modification
24 required by subsection (a).

1 **SEC. 9558. REPORT ON SUPPLEMENTARY SAFETY MEAS-**
2 **URES REQUIRED FOR QUIET ZONES.**

3 Not later than 180 days after the date of enactment
4 of this Act, the Administrator of the Federal Railroad Ad-
5 ministration shall—

6 (1) submit to Congress a report on the addi-
7 tional Supplementary Safety Measures and Alter-
8 native Safety Measures researched by the Railroad
9 Research and Development program of the Federal
10 Railroad Administration that can be used to qualify
11 for a Quiet Zone or Partial Quiet Zone; and

12 (2) include in the report submitted under para-
13 graph (1)—

14 (A) a summary of the Supplementary Safe-
15 ty Measures and Alternative Safety Measures
16 that communities have requested approval from
17 the Federal Railroad Administrator to imple-
18 ment; and

19 (B) an explanation for why such requests
20 were not granted.

1 **DIVISION E—AVIATION**
2 **TITLE I—AIRPORT AND AIRWAY**
3 **INFRASTRUCTURE**

4 **SEC. 10101. AIRPORT PLANNING AND DEVELOPMENT AND**
5 **NOISE COMPATIBILITY PLANNING AND PRO-**
6 **GRAMS.**

7 (a) **AUTHORIZATION.**—Section 48103(a) of title 49,
8 United States Code, is amended by striking paragraphs
9 (4), (5), and (6) and inserting the following:

10 “(4) \$4,000,000,000 for fiscal year 2021;

11 “(5) \$4,000,000,000 for fiscal year 2022;

12 “(6) \$4,000,000,000 for fiscal year 2023;

13 “(7) \$4,000,000,000 for fiscal year 2024; and

14 “(8) \$4,000,000,000 for fiscal year 2025.”.

15 (b) **OBLIGATION AUTHORITY.**—Section 47104(c) of
16 title 49, United States Code, is amended in the matter
17 preceding paragraph (1) by striking “2023,” and inserting
18 “2025,”.

19 (c) **MAINTAINING PRECRISIS AIRPORT IMPROVE-**
20 **MENT PROGRAM LEVELS.**—Section 47114(c)(1) of title
21 49, United States Code, is amended by adding at the end
22 the following:

23 “(J) **SPECIAL RULE FOR FISCAL YEARS**
24 2021 THROUGH 2025.—Notwithstanding sub-
25 paragraph (A), the Secretary shall apportion to

1 a sponsor of an airport under such subpara-
2 graph for each of fiscal years 2021 through
3 2025 an amount based on the number of pas-
4 senger boardings at the airport during calendar
5 year 2019, if the number of passenger
6 boardings at the airport during calendar year
7 2019 is greater than the number of passenger
8 boardings that would be otherwise calculated
9 under subparagraph (A).”.

10 **SEC. 10102. SUPPLEMENTAL FUNDING FOR AIRPORTS.**

11 (a) IN GENERAL.—In addition to the amounts made
12 available under section 48103(a) of title 49, United States
13 Code, there are authorized to be appropriated from the
14 general fund of the Treasury for the Secretary of Trans-
15 portation to make grants for eligible uses under subsection
16 (e)—

- 17 (1) \$3,000,000,000 for fiscal year 2021;
18 (2) \$3,250,000,000 for fiscal year 2022;
19 (3) \$3,500,000,000 for fiscal year 2023;
20 (4) \$3,750,000,000 for fiscal year 2024; and
21 (5) \$4,000,000,000 for fiscal year 2025.

22 (b) DISTRIBUTION OF FUNDS.—Amounts made avail-
23 able under subsection (a) shall be distributed as follows:

- 24 (1) After setting aside amounts under sub-
25 section (c), remaining funds shall be distributed to

1 all sponsors of commercial service airports, as such
2 term is defined in section 47102 of title 49, United
3 States Code, based on each such airport's passenger
4 enplanements compared to total passenger
5 enplanements for all commercial service airports, for
6 calendar year 2019 or the most recent calendar
7 year, whichever year has the greater total
8 enplanements. If calendar year 2019 enplanements
9 are used, a proportional adjustment (using
10 enplanements for the most recent calendar year)
11 shall be made for any airport that becomes a com-
12 mercial service airport after calendar year 2019.

13 (2) An airport sponsor that was allocated more
14 than 4 times such sponsor's annual operating ex-
15 penses under the CARES Act (Public Law 116–136)
16 may not receive supplemental funding under sub-
17 section (a) for fiscal years 2021 or 2022.

18 (c) SET ASIDES.—For each fiscal year, of the total
19 funds appropriated pursuant to subsection (a), the Sec-
20 retary shall set aside—

21 (1) 3.5 percent of such funds to make grants
22 to the sponsors of cargo airports, as described in
23 section 47114(c)(2)(A) of title 49, United States
24 Code;

1 (2) 4 percent of such funds to make grants to
2 general aviation, reliever, and nonprimary commer-
3 cial service airports, as such terms are defined in
4 section 47102 of title 49, United States Code, based
5 on capacity needs or the needs of the aviation sys-
6 tem; and

7 (3) 5 percent of such funds to make grants to
8 any airport sponsor for—

9 (A) airport emission reduction projects de-
10 scribed in subparagraph (K), (L), or (O) of sec-
11 tion 47102(3) of title 49, United States Code,
12 or section 47136(a) of title 49, United States
13 Code;

14 (B) airport resiliency projects described in
15 section 47102(3)(S) of title 49, United States
16 Code, as added by this Act;

17 (C) airport noise compatibility and mitiga-
18 tion planning, programs, and projects, including
19 planning, programs, and projects described in
20 sections 47504 or 47505 of title 49, United
21 States Code; and

22 (D) other airport projects that reduce the
23 adverse effects of airport operations on the en-
24 vironment and surrounding communities, as de-
25 termined appropriate by the Administrator.

1 (d) APPORTIONMENT FOR ENVIRONMENTAL
2 PROJECTS.—Of the funds set aside under subsection
3 (c)(3), not less than 50 percent of such funds shall be ap-
4 plied to projects described in subparagraph (A) of such
5 subsection.

6 (e) ELIGIBLE USES.—The following rules shall apply
7 to grants provided under subsection (a):

8 (1) Grants provided in fiscal year 2021 may be
9 used for eligible projects under chapter 471 of title
10 49, United States Code, terminal development
11 projects, operations, ensuring public health, clean-
12 ing, sanitization, janitorial services, refurbishing or
13 replacing systems and technologies to combat the
14 spread of pathogens, staffing, workforce retention,
15 paid leave, procurement of protective health equip-
16 ment and training for employees and contractors on
17 use of such equipment, debt service payments, and
18 rent and fee waivers to airport concessionaires and
19 other lessees.

20 (2) Grants provided in fiscal years 2022
21 through 2025 may be used for—

22 (A) eligible projects under chapter 471 of
23 title 49, United States Code;

1 (B) any eligible airport-related projects de-
2 fined under section 40117(a)(3) of title 49,
3 United States Code;

4 (C) any development project of an airport,
5 local airport system, or other local facilities—

6 (i) owned or operated by the airport
7 owner or operator; and

8 (ii) directly and substantially related
9 to the air transportation of passengers or
10 property; and

11 (D) debt service or other financing costs
12 related to such projects.

13 (3) Funds provided under this section may not
14 be used for any purposes not directly related to the
15 airport for which such grant is provided.

16 (f) FEDERAL SHARE.—Notwithstanding section
17 47109 of title 49, United States Code, the Federal share
18 of the costs of a project for carried out using a grant pro-
19 vided under this section shall be 100 percent.

20 (g) REQUIREMENTS AND ASSURANCES.—Except for
21 project eligibility under this section, the requirements and
22 grant assurances applicable to sponsors receiving grants
23 under chapter 471 of title 49, United States Code, shall
24 apply to any sponsor awarded a grant for an eligible
25 project under subsection (e)(2)(A), eligible airport-related

1 project under subsection (e)(2)(B), a development project
2 under subsection (e)(2)(C), or eligible project or terminal
3 development project listed under subsection (e)(1).

4 (h) AVAILABILITY.—Funds made available under
5 subsection (a) shall remain available for 3 fiscal years.

6 (i) ADMINISTRATION.—Of the amounts made avail-
7 able to carry out this section, the Secretary may reserve
8 up to \$8,000,000 for each of fiscal years 2021 through
9 2025 for the administrative costs of carrying out this sec-
10 tion.

11 (j) RELIEF TO AIRPORT CONCESSIONS.—An airport
12 sponsor shall use at least 2 percent of any funds received
13 under subsection (a)(1) to provide financial relief to air-
14 port concessionaires experiencing economic hardship. With
15 respect to funds under subsection (a)(1), airport sponsors
16 must also show good faith efforts to provide relief to small
17 business concerns owned and controlled by socially and
18 economically disadvantaged businesses, as such terms are
19 defined under section 47113 of title 49, United States
20 Code.

21 **SEC. 10103. AIRPORT RESILIENCY PROJECTS.**

22 Section 47102 of title 49, United States Code, is
23 amended—

24 (1) in paragraph (3) by adding at the end the
25 following:

1 “(S) improvement of any critical airport
2 infrastructure at a general aviation airport that
3 is designated as a Federal staging area by the
4 Federal Emergency Management Agency or a
5 nonhub, small hub, medium hub, or large hub
6 airport to increase resilience for the purpose of
7 resuming flight operations under visual flight
8 rules following a natural disaster.”;

9 (2) by redesignating paragraphs (14), (15),
10 (16), (17), (18), (19), (20), (21), (22), (23), (24),
11 (25), (26), (27), and (28) as paragraphs (16), (17),
12 (18), (19), (20), (21), (22), (23), (24), (25), (26),
13 (27), (28), (29), and (30), respectively;

14 (3) by redesignating paragraphs (8), (9), (10),
15 (11), (12), and (13) as paragraphs (9), (10), (11),
16 (12), (13), and (14), respectively;

17 (4) by inserting after paragraph (14), as so re-
18 designated, the following:

19 “(15) ‘natural disaster’ means earthquake,
20 flooding, high water, hurricane, storm surge, tidal
21 wave, tornado, tsunami or wind driven water.”; and

22 (5) by inserting after paragraph (7) the fol-
23 lowing:

1 “(8) ‘critical airport infrastructure’ means run-
2 ways, taxiways, and aprons necessary to sustain
3 commercial service flight operations.”.

4 **SEC. 10104. FAA AIR TRAFFIC CONTROL FACILITIES.**

5 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated from the general fund of
7 the Treasury to the Administrator of the Federal Aviation
8 Administration \$1,000,000,000 to be used exclusively to
9 bring air traffic control facilities of the Administration
10 into acceptable condition, including sustaining, rehabili-
11 tating, replacing, or modernizing such facilities and associ-
12 ated costs.

13 (b) CONSULTATION.—Before taking any action under
14 this section, the Administrator shall consult with the ex-
15 clusive bargaining representatives of air traffic controllers
16 and airway transportation system specialists certified
17 under section 7111 of title 5, United States Code.

18 **SEC. 10105. AIRPORT INNOVATIVE FINANCING TECH-**
19 **NIQUES.**

20 (a) IN GENERAL.—Section 47135 of title 49, United
21 States Code, is amended to read as follows:

22 **“§ 47135. Innovative financing techniques**

23 “(a) IN GENERAL.—The Secretary of Transportation
24 may approve an application by an airport sponsor to use
25 grants received under this subchapter for innovative fi-

1 financing techniques related to an airport development
2 project. Such projects shall be located at airports that are
3 not large hub airports. The Secretary may not approve
4 more than 30 applications under this section in a fiscal
5 year.

6 “(b) PURPOSES.—The purpose of grants made under
7 this section shall be—

8 “(1) to provide information on using innovative
9 financing techniques for airport development
10 projects;

11 “(2) to lower the total cost of an airport devel-
12 opment project; or

13 “(3) to safely expedite the delivery or comple-
14 tion of an airport development project.

15 “(c) LIMITATIONS.—

16 “(1) NO GUARANTEES.—In no case shall the
17 implementation of an innovative financing technique
18 under this section be used in a manner giving rise
19 to a direct or indirect guarantee of any airport debt
20 instrument by the United States Government.

21 “(2) TYPES OF TECHNIQUES.—In this section,
22 innovative financing techniques are limited to—

23 “(A) payment of interest;

1 “(B) commercial bond insurance and other
2 credit enhancement associated with airport
3 bonds for eligible airport development;

4 “(C) flexible non-Federal matching re-
5 quirements;

6 “(D) use of funds apportioned under sec-
7 tion 47114 for the payment of principal and in-
8 terest of terminal development for costs in-
9 curred before the date of the enactment of this
10 section; and

11 “(E) such other techniques that the Sec-
12 retary approves as consistent with the purposes
13 of this section.”.

14 (b) IMMEDIATE APPLICABILITY.—Section 1001 of
15 this division shall not apply to this section and the amend-
16 ments made by this section.

17 **SEC. 10106. SMALL AIRPORT LETTERS OF INTENT.**

18 (a) IN GENERAL.—Section 47110(e) of title 49,
19 United States Code, is amended—

20 (1) in paragraph (1) by striking “at a primary
21 or reliever airport”;

22 (2) in paragraph (2) by—

23 (A) redesignating subparagraphs (A)
24 through (C) as subparagraphs (B) through (D),
25 respectively; and

1 (B) inserting after the matter preceding
2 subparagraph (B) (as redesignated by this sec-
3 tion) the following:

4 “(A) at an airport that is—

5 “(i) a medium or large hub airport;

6 “(ii) a small or nonhub airport; or

7 “(iii) an airport that is not a primary
8 airport and is not listed as having an un-
9 classified status under the most recent
10 plan described under section 47103;”;

11 (3) in paragraph (2)(D) (as redesignated by
12 this section) by striking “47115(d)” and all that fol-
13 lows through the end of the subparagraph and in-
14 serting “47115(d).”;

15 (4) by striking paragraph (5) and inserting the
16 following:

17 “(5) REQUIREMENTS.—

18 “(A) IN GENERAL.—The Secretary may
19 not require an eligible agency to impose a pas-
20 senger facility charge under section 40117 in
21 order to obtain a letter of intent under this sec-
22 tion.

23 “(B) REQUIREMENTS.—For sponsors of
24 airports described in clauses (ii) and (iii) of

1 paragraph (2)(A), prior to issuing a letter of in-
2 tent under this paragraph, the Secretary—

3 “(i) may not schedule reimbursements
4 to more than 20 sponsors for any fiscal
5 year;

6 “(ii) may permit allowable project
7 costs under paragraph (1) to include costs
8 associated with making payments for debt
9 service on indebtedness incurred to carry
10 out the project;

11 “(iii) may not obligate more than the
12 total amount reasonably expected to be ap-
13 portioned to the airport under section
14 47114 over the following 10 fiscal years;

15 “(iv) shall consider the sponsor’s
16 grant performance history;

17 “(v) shall require the sponsor to pro-
18 vide a certificate affirming the sponsor has
19 the legal ability and capacity to incur debt;
20 and

21 “(vi) may consider other factors, as
22 considered appropriate by the Secretary.”;
23 and

1 (5) in the heading of paragraph (7) by striking
2 “PARTNERSHIP PROGRAM AIRPORTS” and inserting
3 “PARTNERSHIP PROGRAM AIRPORTS”.

4 (b) IMMEDIATE APPLICABILITY.—Section 1001 of
5 this division shall not apply to this section and the amend-
6 ments made by this section.

7 **SEC. 10107. MINORITY AND DISADVANTAGED BUSINESS**
8 **SIZE STANDARDS.**

9 Section 47113(a)(1) of title 49, United States Code,
10 is amended to read as follows:

11 “(1) ‘small business concern’ has the meaning
12 given the term in section 3 of the Small Business
13 Act (15 U.S.C. 632);”.

14 **SEC. 10108. CHANGES IN AIRPORT SPONSORSHIP OR OPER-**
15 **ATIONS.**

16 Section 44706 of title 49, United States Code, is
17 amended—

18 (1) by redesignating subsection (f) as sub-
19 section (h); and

20 (2) by inserting after subsection (e) the fol-
21 lowing:

22 “(f) CHANGE OF AIRPORT SPONSORSHIP OR OPER-
23 ATIONS.—

24 “(1) UNDISPUTED CHANGE OF AIRPORT SPON-
25 SORSHIP OR OPERATIONS.—Except as provided for

1 in paragraph (2), for a proposed transfer of the
2 sponsorship or operations of an airport to a new
3 sponsor or operator, the Administrator shall issue an
4 airport operating certificate to a new sponsor or op-
5 erator if—

6 “(A) the holder of the airport operating
7 certificate for such airport consents to the
8 transfer of sponsorship or operations; and

9 “(B) the new sponsor or operator satisfies
10 all requirements for obtaining a certificate
11 under this section.

12 “(2) DISPUTED CHANGE OF AIRPORT SPONSOR-
13 SHIP OR OPERATIONS.—For a proposed transfer of
14 the sponsorship or operations of an airport to a new
15 sponsor or operator for which the holder of the air-
16 port operating certificate disputes such transfer, the
17 Administrator shall issue an airport operating cer-
18 tificate to the new sponsor if the new sponsor or op-
19 erator satisfies all requirements for obtaining a cer-
20 tificate under this section and the dispute is resolved
21 by—

22 “(A) the issuance of a final, non-appeal-
23 able judicial decision requiring a change of
24 sponsorship or operations; or

1 “(B) the issuance of a consent letter be-
2 tween the holder of an airport operating certifi-
3 cate and a new sponsor or operator.

4 “(g) REIMBURSEMENT OF AIRPORT INVESTMENT.—
5 After a change in sponsorship or operations under sub-
6 section (f), the new airport sponsor or operator shall reim-
7 burse the previous holder of an airport operating certifi-
8 cate for investments made by such holder that have not
9 been fully recouped as of the change in airport sponsorship
10 or operations and such reimbursement shall be consistent
11 with all policies and procedures of the Federal Aviation
12 Administration.”.

13 **TITLE II—ENVIRONMENT**

14 **SEC. 10201. ALTERNATIVE FUEL AND LOW-EMISSION AVIA-** 15 **TION TECHNOLOGY PROGRAM.**

16 (a) IN GENERAL.—The Secretary of Transportation,
17 in consultation with the Administrator of the Environ-
18 mental Protection Agency, shall establish and carry out
19 a competitive grant and cost-sharing agreement program
20 for eligible entities to carry out projects located in the
21 United States that—

22 (1) develop, demonstrate, or apply low-emission
23 aviation technologies; and

24 (2) produce, transport, blend, or store sustain-
25 able aviation fuels that would reduce greenhouse gas

1 emissions attributable to the operation of aircraft
2 that have fuel uplift in the United States.

3 (b) SELECTION.—In carrying out subsection (a), the
4 Secretary shall consider—

5 (1) the anticipated public benefits of the
6 project;

7 (2) the potential to increase the domestic pro-
8 duction and deployment of sustainable aviation fuels
9 or the use of low emission aviation technologies
10 among the United States commercial aviation and
11 aerospace industry;

12 (3) the potential greenhouse gas emissions from
13 the project, including emissions resulting from the
14 development of the project;

15 (4) the potential for creating new jobs in the
16 United States;

17 (5) the potential the project has to reduce or
18 displace, on a lifecycle basis, United States green-
19 house gas emissions associated with air travel;

20 (6) the proposed utilization of non-Federal con-
21 tributions; and

22 (7) for projects related to the production of sus-
23 tainable aviation fuel, the potential net greenhouse
24 gas emissions impact of such fuel on a lifecycle
25 basis, which shall include potential direct and indi-

1 rect greenhouse gas emissions (including resulting
2 from changes in land use).

3 (c) ADDITIONAL CONSIDERATIONS.—In evaluating
4 projects under subsection (a), the Secretary shall con-
5 sider—

6 (1) the benefits of ensuring a variety of feed-
7 stocks for sustainable aviation fuels;

8 (2) the use of direct air capture;

9 (3) aeronautical construction and design im-
10 provements that result in more efficient aircraft, in-
11 cluding high-performance lightweight materials;

12 (4) more efficient aircraft engines, including hy-
13 brid engines and electric engines suitable for fully or
14 partially powering aircraft operations; and

15 (5) air traffic management and navigation tech-
16 nologies that permit more efficient flight patterns.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
18 authorized to be appropriated \$200,000,000 for each of
19 fiscal years 2021 through 2025 to carry out this section.

20 (e) FUNDING DISTRIBUTION.—Of the amount made
21 available under subsection (d), 50 percent of such amount
22 shall be awarded for projects described in subsection
23 (a)(1) and 50 percent shall be awarded for projects de-
24 scribed in subsection (a)(2).

1 (f) REPORT.—Not later than October 1, 2026, the
2 Secretary shall submit to the Committee on Commerce,
3 Science, and Transportation and the Committee on Envi-
4 ronment and Public Works of the Senate and the Com-
5 mittee on Transportation and Infrastructure and the
6 Committee on Energy and Commerce of the House of
7 Representatives a report describing the results of the
8 grant program under this section. The report shall include
9 the following:

10 (1) A description of the entities and projects
11 that received grants or other cost-sharing agree-
12 ments under this section.

13 (2) A detailed explanation for why each entity
14 received the type of funding disbursement such enti-
15 ty did.

16 (3) A description of whether the program is
17 leading to an increase in the production and deploy-
18 ment of sustainable aviation fuels and use of low-
19 emission aviation technologies by United States avia-
20 tion and aerospace industry stakeholders.

21 (4) A description of the economic impacts re-
22 sulting from the funding to and operation of the
23 project.

24 (g) DEFINITIONS.—In this section:

1 (1) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means—

3 (A) a State or local government other than
4 an airport sponsor;

5 (B) an air carrier;

6 (C) an airport sponsor;

7 (D) an accredited institution of higher edu-
8 cation;

9 (E) a person or entity engaged in the pro-
10 duction, transportation, blending or storage of
11 sustainable aviation fuels or feedstocks that
12 could be used to produce sustainable aviation
13 fuels;

14 (F) a person or entity engaged in the de-
15 velopment, demonstration, or application of low-
16 emission aviation technologies; or

17 (G) nonprofit entities or nonprofit con-
18 sortia with experience in sustainable aviation
19 fuels, low-emission technology, or other clean
20 transportation research programs.

21 (2) LOW-EMISSION AVIATION TECHNOLOGY.—
22 The term “low-emission aviation technology” means
23 technologies that significantly—

24 (A) improve aircraft fuel efficiency;

1 (B) increase utilization of sustainable avia-
2 tion fuel; or

3 (C) reduce greenhouse gas emissions pro-
4 duced during operation of civil aircraft.

5 (3) SUSTAINABLE AVIATION FUEL.—The term
6 “sustainable aviation fuel” means liquid fuel con-
7 sisting of synthesized hydrocarbons that—

8 (A) meets the requirements of ASTM
9 International Standard D7566;

10 (B) is derived from biomass (as such term
11 is defined in section 45K(e)(3) of the Internal
12 Revenue Code of 1986), waste streams, renew-
13 able energy sources or gaseous carbon oxides;

14 (C) conforms to the standards, rec-
15 ommended practices, requirements and criteria,
16 supporting documents, implementation ele-
17 ments, and any other technical guidance for
18 sustainable aviation fuels that are adopted by
19 the International Civil Aviation Organization
20 with the agreement of the United States;

21 (D) achieves at least a 50 percent reduc-
22 tion in lifecycle greenhouse gas emissions under
23 the standards and related materials specified in
24 subparagraph (C) compared to conventional jet
25 fuel;

1 (E) is not derived from feedstocks that are
2 developed through practices that threaten mass
3 deforestation, harm biodiversity, or otherwise
4 promote environmentally unsustainable proc-
5 esses; and

6 (F) is produced in the United States.

7 **SEC. 10202. EXPANSION OF VOLUNTARY AIRPORT LOW**
8 **EMISSION PROGRAM.**

9 (a) PASSENGER FACILITY CHARGE ELIGIBILITY.—
10 Section 40117(a)(3)(G) of title 49, United States Code,
11 is amended by striking “if the airport is located in an air
12 quality nonattainment area (as defined in section 171(2)
13 of the Clean Air Act (42 U.S.C. 7501(2)) or a mainte-
14 nance area referred to in section 175A of such Act (42
15 U.S.C. 7505a)”.

16 (b) AIRPORT IMPROVEMENT PROGRAM ELIGI-
17 BILITY.—

18 (1) EXPANSION.—

19 (A) AIRPORT FACILITIES.—Section
20 47102(3)(K) of title 49, United States Code, is
21 amended by striking “if the airport is located in
22 an air quality nonattainment or maintenance
23 area (as defined in sections 171(2) and 175A of
24 the Clean Air Act (42 U.S.C. 7501(2);
25 7505a))”.

1 (B) ACQUISITION OF VEHICLES.—Section
2 47102(3)(L) of title 49, United States Code, is
3 amended by striking “if the airport is located in
4 an air quality nonattainment or maintenance
5 area (as defined in sections 171(2) and 175A of
6 the Clean Air Act (42 U.S.C. 7501(2);
7 7505a)),”.

8 (2) PRIORITY OF VALE PROJECTS.—Chapter
9 471 of title 49, United States Code, is amended by
10 adding at the end the following:

11 **“§ 47145. Priority of vale projects**

12 “In considering applications for projects described in
13 section subparagraphs (K) and (L) of section 47102(3),
14 the Secretary shall prioritize Federal funding for airports
15 in areas located in an air quality nonattainment area (as
16 such term is defined in section 171(2) of the Clean Air
17 Act (42 U.S.C. 7501(2)) or maintenance area (as such
18 term is defined in sections 175A of the Clean Air Act (42
19 U.S.C. 7505a)).”.

20 (3) CONFORMING AMENDMENT.—The analysis
21 for chapter 471 of title 49, United States Code, is
22 amended by adding at the end the following:

“47145. Priority of vale projects.”.

1 **SEC. 10203. STUDY AND DEVELOPMENT OF SUSTAINABLE**
2 **AVIATION FUELS.**

3 There is authorized to be appropriated from the gen-
4 eral fund of the Treasury to the Administrator of the Fed-
5 eral Aviation Administration \$30,000,000 for each of fis-
6 cal years 2021 through 2025 for the study and develop-
7 ment of sustainable aviation fuels.

8 **SEC. 10204. CENTER OF EXCELLENCE FOR ALTERNATIVE**
9 **JET FUELS AND ENVIRONMENT.**

10 There is authorized to be appropriated from the gen-
11 eral fund of the Treasury to the Administrator of the Fed-
12 eral Aviation Administration \$5,000,000 for each of fiscal
13 years 2021 through 2025 to be used exclusively for work
14 performed by the Center of Excellence for Alternative Jet
15 Fuels and Environment, including programs to assess and
16 reduce the environmental impacts of aviation and to im-
17 prove the health and quality of life of individuals living
18 in and around airport communities.

19 **SEC. 10205. NATIONAL EVALUATION OF AVIATION AND**
20 **AEROSPACE SOLUTIONS TO CLIMATE**
21 **CHANGE.**

22 (a) IN GENERAL.—Not later than 90 days after the
23 date of enactment of this Act, the Secretary of Transpor-
24 tation shall seek to enter into an agreement with the Na-
25 tional Academies of Sciences, Engineering, and Medicine

1 to conduct a study on climate change mitigation efforts
2 with respect to the civil aviation and aerospace industries.

3 (b) STUDY CONTENTS.—In conducting the study
4 under subsection (a), the National Academies shall—

5 (1) identify climate change mitigation efforts,
6 including efforts relating to emerging technologies,
7 in the civil aviation and aerospace industries;

8 (2) develop and apply an appropriate indicator
9 for assessing the effectiveness of such efforts;

10 (3) identify gaps in such efforts;

11 (4) identify barriers preventing expansion of
12 such efforts; and

13 (5) develop recommendations with respect to
14 such efforts.

15 (c) REPORTS.—

16 (1) FINDINGS OF STUDY.—Not later than 1
17 year after the date on which the Secretary enters
18 into an agreement for a study pursuant to sub-
19 section (a), the Secretary shall submit to the appro-
20 priate congressional committees the findings of the
21 study.

22 (2) ASSESSMENT.—Not later than 180 days
23 after the date on which the Secretary submits the
24 findings pursuant to paragraph (1), the Secretary,
25 acting through the Administrator of the Federal

1 Aviation Administration, shall submit to the appro-
2 priate congressional committees a report that con-
3 tains an assessment of the findings.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated from the general fund of
6 the Treasury to the Secretary to carry out this section
7 \$1,500,000.

8 (e) DEFINITIONS.—In this section:

9 (1) APPROPRIATE CONGRESSIONAL COMMIT-
10 TEES.—The term “appropriate congressional com-
11 mittees” means the Committee on Transportation
12 and Infrastructure of the House of Representatives,
13 the Committee on Commerce, Science, and Trans-
14 portation of the Senate, and other congressional
15 committees determined appropriate by the Secretary.

16 (2) CLIMATE CHANGE MITIGATION EFFORTS.—
17 The term “climate change mitigation efforts” means
18 efforts, including the use of technologies, materials,
19 processes, or practices, that contribute to the reduc-
20 tion of greenhouse gas emissions.

21 **SEC. 10206. JOINT TASK FORCE ON AIR TRAVEL.**

22 (a) IN GENERAL.—Not later than 30 days after the
23 date of enactment of this Act, the Secretary of Transpor-
24 tation, the Secretary of Homeland Security, and the Sec-
25 retary of Health and Human Services shall establish a

1 Joint Task Force on Air Travel During and After the
2 COVID–19 Public Health Emergency (in this section re-
3 ferred to as the “Joint Task Force”).

4 (b) DUTIES.—

5 (1) IN GENERAL.—The Joint Task Force shall
6 develop recommended requirements, plans, and
7 guidelines to address the health, safety, security, and
8 logistical issues relating to the continuation of air
9 travel during the COVID–19 Public Health Emer-
10 gency, and with respect to the resumption of full op-
11 erations at airports and increased passenger air
12 travel after the COVID–19 Public Health Emer-
13 gency ends. The Joint Task Force shall develop, at
14 a minimum, recommended requirements, plans, and
15 guidelines, as appropriate, with respect to each of
16 the applicable periods described in paragraph (2)
17 for—

18 (A) reforming airport, air carrier, security,
19 and other passenger air travel-related oper-
20 ations, including passenger queuing, passenger
21 security screening, boarding, deplaning, and
22 baggage handling procedures, as a result of—

23 (i) current and anticipated changes to
24 passenger air travel during the COVID–19

1 Public Health Emergency and after that
2 emergency ends; and

3 (ii) anticipated changes to passenger
4 air travel as a result of the projected sea-
5 sonal recurrence of the coronavirus;

6 (B) mitigating the public health and eco-
7 nomic impacts of the COVID–19 Public Health
8 Emergency and the projected seasonal recur-
9 rence of the coronavirus on airports and pas-
10 senger air travel, including through the use of
11 personal protective equipment for passengers
12 and employees, the implementation of strategies
13 to promote overall passenger and employee safe-
14 ty, and the accomodation of social distancing,
15 as necessary;

16 (C) addressing the privacy and civil liberty
17 concerns created by passenger health
18 screenings, contact-tracing, or any other proc-
19 ess for monitoring the health of individuals en-
20 gaged in health travel; and

21 (D) operating procedures to manage future
22 public health crises affecting air travel.

23 (2) APPLICABLE PERIODS.—For purposes of
24 paragraph (1), the applicable periods are the fol-
25 lowing:

1 (A) The period beginning with the date of
2 the first meeting of the Joint Task Force and
3 ending with the date on which the COVID–19
4 Public Health Emergency ends.

5 (B) The 1-year period beginning on the
6 day after the period described in subparagraph
7 (A) ends.

8 (c) REQUIREMENTS.—

9 (1) IN GENERAL.—In developing the rec-
10 ommended requirements, plans, and guidelines
11 under subsection (b), and prior to including them in
12 the final report required under subsection (f)(2), the
13 Joint Task Force shall—

14 (A) consider the consensus recommenda-
15 tions of the Advisory Committee established
16 under subsection (e);

17 (B) conduct cost-benefit evaluations;

18 (C) consider funding constraints; and

19 (D) use risk-based decision-making.

20 (2) INTERNATIONAL CONSULTATION.—The
21 Joint Task Force shall consult, as practicable, with
22 relevant international entities and operators, includ-
23 ing the International Civil Aviation Organization, to-
24 wards the goal of maximizing the harmonization of
25 recommended requirements, plans, and guidelines

1 for air travel during and after the COVID–19 Public
2 Health Emergency.

3 (d) MEMBERSHIP.—

4 (1) CHAIR.—The Secretary of Transportation
5 (or the Secretary’s designee) shall serve as the Chair
6 of the Joint Task Force.

7 (2) VICE CHAIR.—The Secretary of Health and
8 Human Services (or the Secretary’s designee) shall
9 serve as Vice Chair of the Joint Task Force.

10 (3) OTHER MEMBERS.—In addition to the
11 Chair and Vice Chair, the members of the Joint
12 Task Force shall include representatives of the fol-
13 lowing:

14 (A) The Department of Transportation.

15 (B) The Department of Homeland Secu-
16 rity.

17 (C) The Department of Health and
18 Human Services.

19 (D) The Federal Aviation Administration.

20 (E) The Transportation Security Adminis-
21 tration.

22 (F) United States Customs and Border
23 Protection.

24 (G) The Centers for Disease Control and
25 Prevention.

1 (H) The Occupational Safety and Health
2 Administration.

3 (I) The National Institute for Occupational
4 Safety and Health.

5 (J) The Pipeline and Hazardous Materials
6 Safety Administration.

7 (K) The Department of State.

8 (L) The Environmental Protection Agency.

9 (e) ADVISORY COMMITTEE.—

10 (1) ESTABLISHMENT.—Not later than 15 days
11 after the date on which the Joint Task Force is es-
12 tablished under subsection (a), the Secretary of
13 Transportation, in consultation with the Secretary of
14 Homeland Security and the Secretary of Health and
15 Human Services, shall establish a Joint Federal Ad-
16 visory Committee to advise the Joint Task Force (in
17 this section referred to as the “Advisory Com-
18 mittee”).

19 (2) MEMBERSHIP.—The members of the Advi-
20 sory Committee shall include representatives of the
21 following:

22 (A) Airport operators designated by the
23 Secretary of Transportation in consultation
24 with the Secretary of Homeland Security.

1 (B) Air carriers designated by the Sec-
2 retary of Transportation in consultation with
3 the Secretary of Homeland Security.

4 (C) Aircraft and aviation manufacturers
5 designated by the Secretary of Transportation.

6 (D) Labor organizations representing avia-
7 tion industry workers, including pilots, flight at-
8 tendants, maintenance, mechanics, air traffic
9 controllers, and safety inspectors, designated by
10 the Secretary of Transportation.

11 (E) Public health experts designated by
12 the Secretary of Health and Human Services.

13 (F) Consumers and air passenger rights
14 organizations designated by the Secretary of
15 Transportation in consultation with Secretary
16 of Homeland Security.

17 (G) Privacy and civil liberty organizations
18 designated by the Secretary of Homeland Secu-
19 rity.

20 (H) Manufacturers and integrators of air
21 passenger screening and identity verification
22 technologies designated by the Secretary of
23 Homeland Security.

24 (I) Trade associations representing air car-
25 riers, including, major air carriers, low cost car-

1 riers, regional air carriers, cargo air carriers,
2 and foreign air carriers, designated by the Sec-
3 retary of Transportation in consultation with the
4 Secretary of Homeland Security.

5 (J) Trade associations representing airport
6 operators designated by the Secretary of Trans-
7 portation in consultation with the Secretary of
8 Homeland Security.

9 (3) VACANCIES.—Any vacancy in the member-
10 ship of the Advisory Committee shall not affect its
11 responsibilities, but shall be filled in the same man-
12 ner as the original appointment and in accordance
13 with the Federal Advisory Committee Act (5 U.S.C.
14 App.).

15 (4) DUTIES.—

16 (A) IN GENERAL.—The Advisory Com-
17 mittee shall develop and submit policy rec-
18 ommendations to the Joint Task Force regard-
19 ing the recommended requirements, plans, and
20 guidelines to be developed by the Joint Task
21 Force under subsection (b).

22 (B) PUBLICATION.—Not later than 14
23 days after the date on which the Advisory Com-
24 mittee submits policy recommendations to the
25 Joint Task Force in accordance with subpara-

1 graph (A), the Secretary of Transportation
2 shall publish the policy recommendations on a
3 publicly accessible website.

4 (5) PROHIBITION ON COMPENSATION.—The
5 members of the Advisory Committee shall not re-
6 ceive any compensation from the Federal Govern-
7 ment by reason of their service on the Advisory
8 Committee.

9 (f) BRIEFINGS AND REPORTS.—

10 (1) PRELIMINARY BRIEFINGS.—As soon as
11 practicable, but not later than 6 months after the
12 establishment of the Joint Task Force, the Joint
13 Task Force shall begin providing preliminary brief-
14 ings for Congress on the status of the development
15 of the recommended requirements, plans, and guide-
16 lines under subsection (b). The preliminary briefings
17 shall include interim versions, if any, of the Joint
18 Task Force’s recommendations.

19 (2) FINAL REPORT.—

20 (A) DEADLINE.—As soon as practicable,
21 but not later than 18 months after the date of
22 enactment of this Act, the Joint Task Force
23 shall submit to Congress a final report.

24 (B) CONTENT.—The final report under
25 subparagraph (A) shall include the following:

1 (i) All of the recommended require-
2 ments, plans, and guidelines developed by
3 the Joint Task Force.

4 (ii) A description of any actions taken
5 by the Federal Government as a result of
6 such recommendations.

7 (g) TERMINATION.—The Joint Task Force and Advi-
8 sory Committee shall terminate 30 days after the date on
9 which the Joint Task Force submits the final report re-
10 quired under subsection (f)(2).

11 (h) DEFINITION.—In this section, the term
12 “COVID–19 Public Health Emergency” means the public
13 health emergency first declared on January 31, 2020, by
14 the Secretary of Health and Human Services under sec-
15 tion 319 of the Public Health Service Act (42 U.S.C.
16 247d) with respect to COVID–19 and includes any re-
17 newal of such declaration pursuant to such section 319.

18 **DIVISION F—INVESTMENT IN**
19 **WATER RESOURCES AND**
20 **WATER-RELATED INFRA-**
21 **STRUCTURE**

22 **SEC. 20001. SHORT TITLE.**

23 This division may be cited as the “Water Infrastruc-
24 ture Investment, Job Creation, and Economic Stability
25 Act”.

1 **TITLE I—CRITICAL WATER**
2 **RESOURCES INVESTMENTS**

3 **SEC. 21001. USE OF HARBOR MAINTENANCE TRUST FUND**
4 **TO SUPPORT NAVIGATION.**

5 Section 210 of the Water Resources Development Act
6 of 1986 (33 U.S.C. 2238) is amended—

7 (1) in the section heading, by striking “**AU-**
8 **THORIZATION OF APPROPRIATIONS**” and insert-
9 ing “**FUNDING FOR NAVIGATION**”; and

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

11 “(g) **ADJUSTMENTS TO DISCRETIONARY SPENDING**
12 **LIMITS.**—Amounts made available from the Harbor Main-
13 tenance Trust Fund under this section or section 9505
14 of the Internal Revenue Code of 1986 shall be made avail-
15 able in accordance with section 14003 of division B of the
16 Coronavirus Aid, Relief, and Economic Security Act (Pub-
17 lic Law 116–136).”.

18 **SEC. 21002. ANNUAL REPORT TO CONGRESS.**

19 Section 330 of the Water Resources Development Act
20 of 1992 (26 U.S.C. 9505 note; 106 Stat. 4851) is amend-
21 ed—

22 (1) in subsection (a)—

23 (A) by striking “and annually thereafter,”

24 and inserting “and annually thereafter concur-

1 rent with the submission of the President’s an-
2 nual budget request to Congress,”; and

3 (B) by striking “Public Works and Trans-
4 portation” and inserting “Transportation and
5 Infrastructure”; and

6 (2) in subsection (b)(1) by adding at the end
7 the following:

8 “(D) A description of the expected expend-
9 itures from the trust fund to meet the needs of
10 navigation for the fiscal year of the budget re-
11 quest.”.

12 **SEC. 21003. HARBOR MAINTENANCE TRUST FUND DISCRE-**
13 **TIONARY SPENDING LIMIT ADJUSTMENT.**

14 (a) IN GENERAL.—Section 14003 of division B of the
15 CARES Act (Public Law 116–136) is amended to read
16 as follows:

17 “SEC. 14003. Section 251(b)(2) of the Balanced
18 Budget and Emergency Deficit Control Act of 1985 (2
19 U.S.C. 901(b)(2)) is amended by adding at the end the
20 following:

21 “(H) HARBOR MAINTENANCE ACTIVI-
22 TIES.—If, for any fiscal year, appropriations for
23 the Construction, Mississippi River and Tribu-
24 taries, and Operation and Maintenance ac-
25 counts of the Corps of Engineers are enacted

1 that are derived from the Harbor Maintenance
2 Trust Fund established under section 9505(a)
3 of the Internal Revenue Code of 1986 and that
4 the Congress designates in statute as being for
5 harbor operations and maintenance activities,
6 then the adjustment for that fiscal year shall be
7 the total of such appropriations that are derived
8 from such Fund and designated as being for
9 harbor operations and maintenance activi-
10 ties.’”.

11 (b) EFFECTIVE DATE.—The amendment made by
12 subsection (a) shall take effect as if included in the enact-
13 ment of the CARES Act (Public Law 116–136).

14 **SEC. 21004. APPROPRIATIONS FOR CONSTRUCTION, IN-**
15 **LAND WATERWAYS, OPERATION AND MAINTEN-**
16 **NANCE.**

17 The following sums are hereby appropriated, out of
18 any money in the Treasury not otherwise appropriated,
19 for the fiscal year ending September 30, 2020, and for
20 other purposes, namely:

21 (1) For an additional amount for “Corps of En-
22 gineers—Civil—Department of the Army—Con-
23 struction”, \$10,000,000,000, to remain available
24 until expended: *Provided*, That not more than
25 \$3,000,000,000 shall be available for costs of con-

1 construction, replacement, rehabilitation, and expansion
2 of inland waterways projects, with one-half of such
3 costs paid from the Inland Waterways Trust Fund
4 and one-half from the general fund of the Treasury;
5 *Provided further*, That not less than \$500,000,000
6 shall be available for water-related environmental in-
7 frastructure assistance.

8 (2) For an additional amount for “Corps of En-
9 gineers—Civil—Department of the Army—Oper-
10 ation and Maintenance”, \$5,000,000,000, to remain
11 available until expended.

12 **TITLE II—CRITICAL CLEAN**
13 **WATER INVESTMENTS**
14 **Subtitle A—Water Quality**
15 **Protection and Job Creation Act**

16 **SEC. 22101. SHORT TITLE.**

17 This subtitle may be cited as the “Water Quality Pro-
18 tection and Job Creation Act of 2020”.

19 **SEC. 22102. WASTEWATER INFRASTRUCTURE WORKFORCE**
20 **INVESTMENT.**

21 Section 104(g) of the Federal Water Pollution Con-
22 trol Act (33 U.S.C. 1254(g)) is amended—

23 (1) in paragraph (1), by striking “manpower”
24 each place it appears and inserting “workforce”; and

1 (2) by amending paragraph (4) to read as fol-
2 lows:

3 “(4) REPORT TO CONGRESS ON PUBLICLY
4 OWNED TREATMENT WORKS WORKFORCE DEVELOP-
5 MENT.—Not later than 2 years after the date of en-
6 actment of the Water Quality Protection and Job
7 Creation Act of 2020, the Administrator shall sub-
8 mit to the Committee on Transportation and Infra-
9 structure of the House of Representatives and the
10 Committee on Environment and Public Works of the
11 Senate a report containing—

12 “(A) an assessment of the current and fu-
13 ture workforce needs for publicly owned treat-
14 ment works, including an estimate of the num-
15 ber of future positions needed for such treat-
16 ment works and the technical skills and edu-
17 cation needed for such positions;

18 “(B) a summary of actions taken by the
19 Administrator, including Federal investments
20 under this chapter, that promote workforce de-
21 velopment to address such needs; and

22 “(C) any recommendations of the Adminis-
23 trator to address such needs.”.

1 **SEC. 22103. STATE MANAGEMENT ASSISTANCE.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
3 106(a) of the Federal Water Pollution Control Act (33
4 U.S.C. 1256(a)) is amended—

5 (1) by striking “and” at the end of paragraph
6 (1); and

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

9 “(3) such sums as may be necessary for each
10 of fiscal years 1991 through 2020;

11 “(4) \$300,000,000 for fiscal year 2021;

12 “(5) \$300,000,000 for fiscal year 2022;

13 “(6) \$300,000,000 for fiscal year 2023;

14 “(7) \$300,000,000 for fiscal year 2024; and

15 “(8) \$300,000,000 for fiscal year 2025;”.

16 (b) TECHNICAL AMENDMENT.—Section 106(e) of the
17 Federal Water Pollution Control Act (33 U.S.C. 1256(e))
18 is amended by striking “Beginning in fiscal year 1974
19 the” and inserting “The”.

20 **SEC. 22104. WATERSHED, WET WEATHER, AND RESILIENCY**
21 **PROJECTS.**

22 (a) INCREASED RESILIENCE OF TREATMENT
23 WORKS.—Section 122(a)(6) of the Federal Water Pollu-
24 tion Control Act (33 U.S.C. 1274(a)(6)) is amended to
25 read as follows:

1 “(6) INCREASED RESILIENCE OF TREATMENT
2 WORKS.—Efforts—

3 “(A) to assess future risks and
4 vulnerabilities of publicly owned treatment
5 works to manmade or natural disasters, includ-
6 ing extreme weather events and sea level rise;
7 and

8 “(B) to carry out the planning, designing,
9 or constructing of projects, on a systemwide or
10 areawide basis, to increase the resilience of pub-
11 licly owned treatment works through—

12 “(i) the conservation of water or the
13 enhancement of water use efficiency;

14 “(ii) the enhancement of wastewater
15 (including stormwater) management by in-
16 creasing watershed preservation and pro-
17 tection, including through—

18 “(I) the use of green infrastruc-
19 ture; or

20 “(II) the reclamation and reuse
21 of wastewater (including stormwater),
22 such as through aquifer recharge
23 zones;

24 “(iii) the modification or relocation of
25 an existing publicly owned treatment works

1 at risk of being significantly impaired or
2 damaged by a manmade or natural dis-
3 aster; or

4 “(iv) the enhancement of energy effi-
5 ciency, or the use or generation of recov-
6 ered or renewable energy, in the manage-
7 ment, treatment, or conveyance of waste-
8 water (including stormwater).”.

9 (b) REQUIREMENTS; AUTHORIZATION OF APPRO-
10 PRIATIONS.—Section 122 of the Federal Water Pollution
11 Control Act (33 U.S.C. 1274) is amended by striking sub-
12 section (c) and inserting the following:

13 “(c) REQUIREMENTS.—The requirements of section
14 608 shall apply to any construction, alteration, mainte-
15 nance, or repair of treatment works receiving a grant
16 under this section.

17 “(d) ASSISTANCE.—The Administrator shall use not
18 less than 15 percent of the amounts appropriated pursu-
19 ant to this section in a fiscal year to provide assistance
20 to municipalities with a population of less than 10,000,
21 to the extent there are sufficient eligible applications.

22 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
23 is authorized to be appropriated to carry out this section
24 \$1,000,000,000, to remain available until expended.”.

25 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

1 (1) WATERSHED PILOT PROJECTS.—Section
2 122 of the Federal Water Pollution Control Act (33
3 U.S.C. 1274) is amended—

4 (A) in the section heading, by striking
5 “**WATERSHED PILOT PROJECTS**” and insert-
6 ing “**WATERSHED, WET WEATHER, AND RE-**
7 **SILIENCY PROJECTS**”; and

8 (B) by striking “pilot” each place it ap-
9 pears.

10 (2) WATER POLLUTION CONTROL REVOLVING
11 LOAN FUNDS.—Section 603(c)(7) of the Federal
12 Water Pollution Control Act (33 U.S.C. 1383(c)(7))
13 is amended by striking “watershed”.

14 **SEC. 22105. PILOT PROGRAM FOR ALTERNATIVE WATER**
15 **SOURCE PROJECTS.**

16 (a) SELECTION OF PROJECTS.—Section 220(d) of
17 the Federal Water Pollution Control Act (33 U.S.C.
18 1300(d)) is amended—

19 (1) by amending paragraph (1) to read as fol-
20 lows:

21 “(1) LIMITATION ON ELIGIBILITY.—A project
22 that has received construction funds under the Rec-
23 lamation Projects Authorization and Adjustment Act
24 of 1992 shall not be eligible for grant assistance
25 under this section.”; and

1 (2) by striking paragraph (2) and redesignating
2 paragraph (3) as paragraph (2).

3 (b) COMMITTEE RESOLUTION PROCEDURE; ASSIST-
4 ANCE.—Section 220 of the Federal Water Pollution Con-
5 trol Act (33 U.S.C. 1300) is amended by striking sub-
6 section (e) and inserting the following:

7 “(e) ASSISTANCE.—The Administrator shall use not
8 less than 15 percent of the amounts appropriated pursu-
9 ant to this section in a fiscal year to provide assistance
10 to eligible entities for projects designed to serve fewer than
11 10,000 individuals, to the extent there are sufficient eligi-
12 ble applications.”.

13 (c) COST SHARING.—Section 220(g) of the Federal
14 Water Pollution Control Act (33 U.S.C. 1300(g)) is
15 amended—

16 (1) by striking “The Federal share” and insert-
17 ing the following:

18 “(1) IN GENERAL.—Except as provided in para-
19 graph (2), the Federal share”; and

20 (2) by adding at the end the following:

21 “(2) RECLAMATION AND REUSE PROJECTS.—
22 For an alternative water source project that has re-
23 ceived funds under the Reclamation Projects Author-
24 ization and Adjustment Act of 1992 (other than
25 funds referred to in subsection (d)(1)), the total

1 Federal share of the costs of the project shall not
2 exceed 25 percent or \$20,000,000, whichever is
3 less.”.

4 (d) REQUIREMENTS.—Section 220 of the Federal
5 Water Pollution Control Act (33 U.S.C. 1300) is amended
6 by redesignating subsections (i) and (j) as subsections (j)
7 and (k), respectively, and inserting after subsection (h) the
8 following:

9 “(i) REQUIREMENTS.—The requirements of section
10 608 shall apply to any construction of an alternative water
11 source project carried out using assistance made available
12 under this section.”.

13 (e) DEFINITIONS.—Section 220(j)(1) of the Federal
14 Water Pollution Control Act (as redesignated by sub-
15 section (d) of this section) is amended by striking “or
16 wastewater or by treating wastewater” and inserting “,
17 wastewater, or stormwater or by treating wastewater or
18 stormwater”.

19 (f) AUTHORIZATION OF APPROPRIATIONS.—Section
20 220(k) of the Federal Water Pollution Control Act (as re-
21 designated by subsection (d) of this section) is amended
22 by striking “\$75,000,000 for fiscal years 2002 through
23 2004” and inserting “\$600,000,000”.

1 **SEC. 22106. SEWER OVERFLOW AND STORMWATER REUSE**
2 **MUNICIPAL GRANTS.**

3 Section 221 of the Federal Water Pollution Control
4 Act (33 U.S.C. 1301) is amended—

5 (1) in subsection (c), by striking “subsection
6 (b),” each place it appears and inserting “this sec-
7 tion,”;

8 (2) in subsection (d)—

9 (A) by striking “The Federal share” and
10 inserting the following:

11 “(1) FEDERAL SHARE.—

12 “(A) IN GENERAL.—Except as provided in
13 subparagraph (B), the Federal share”; and

14 (B) by striking “The non-Federal share”
15 and inserting the following:

16 “(B) FINANCIALLY DISTRESSED COMMU-
17 NITIES.—The Federal share of the cost of ac-
18 tivities carried out using amounts from a grant
19 made to a financially distressed community
20 under subsection (a) shall be not less than 75
21 percent of the cost.

22 “(2) NON-FEDERAL SHARE.—The non-Federal
23 share”;

24 (3) in subsection (e), by striking “section 513”
25 and inserting “section 513, or the requirements of
26 section 608,”; and

1 (4) in subsection (f)—

2 (A) in paragraph (1), by inserting “, and
3 \$400,000,000 for each of fiscal years 2021
4 through 2025” before the period at the end;
5 and

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

7 “(3) ASSISTANCE.—In carrying out subsection
8 (a), the Administrator shall ensure that, of the
9 amounts granted to municipalities in a State, not
10 less than 20 percent is granted to municipalities
11 with a population of less than 20,000, to the extent
12 there are sufficient eligible applications.”.

13 **SEC. 22107. REPORTS TO CONGRESS.**

14 Section 516(b)(1) of the Federal Water Pollution
15 Control Act (33 U.S.C. 1375(b)(1)) is amended—

16 (1) by striking “, of the cost of construction”
17 and inserting “, of (i) the cost of construction”; and

18 (2) by striking “each of the States;” and insert-
19 ing “each of the States, and (ii) the costs to imple-
20 ment measures necessary to address the resilience
21 and sustainability of publicly owned treatment works
22 to manmade or natural disasters;”.

23 **SEC. 22108. INDIAN TRIBES.**

24 Section 518(c) of the Federal Water Pollution Con-
25 trol Act (33 U.S.C. 1377(c)) is amended—

1 (1) by striking paragraphs (1) and (2) and in-
2 serting the following:

3 “(1) IN GENERAL.—For each fiscal year, the
4 Administrator shall reserve, of the funds made avail-
5 able to carry out title VI (before allotments to the
6 States under section 604(a)), the greater of—

7 “(A) 2 percent of such funds; or

8 “(B) \$30,000,000.

9 “(2) USE OF FUNDS.—

10 “(A) GRANTS.—Funds reserved under this
11 subsection shall be available only for grants to
12 entities described in paragraph (3) for—

13 “(i) projects and activities eligible for
14 assistance under section 603(c); and

15 “(ii) training, technical assistance,
16 and educational programs relating to the
17 operation and management of treatment
18 works eligible for assistance pursuant to
19 section 603(c).

20 “(B) LIMITATION.—Not more than
21 \$2,000,000 of the reserved funds may be used
22 for grants under subparagraph (A)(ii).”; and
23 (2) in paragraph (3)—

1 (A) in the header, by striking “USE OF
2 FUNDS” and inserting “ELIGIBLE ENTITIES”;
3 and

4 (B) by striking “for projects and activities
5 eligible for assistance under section 603(c) to
6 serve” and inserting “to”.

7 **SEC. 22109. CAPITALIZATION GRANTS.**

8 Section 602(b) of the Federal Water Pollution Con-
9 trol Act (33 U.S.C. 1382(b)) is amended—

10 (1) in paragraph (13)(B)—

11 (A) in the matter preceding clause (i), by
12 striking “and energy conservation” and insert-
13 ing “and efficient energy use (including through
14 the implementation of technologies to recapture
15 and reuse energy produced in the treatment of
16 wastewater)”;

17 (B) in clause (iii), by striking “; and” and
18 inserting a semicolon;

19 (2) in paragraph (14), by striking the period at
20 the end and inserting “; and” ; and

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

22 “(15) to the extent there are sufficient projects
23 or activities eligible for assistance from the fund,
24 with respect to funds for capitalization grants re-
25 ceived by the State under this title and section

1 205(m), the State will use not less than 15 percent
2 of such funds for projects to address green infra-
3 structure, water or energy efficiency improvements,
4 or other environmentally innovative activities.”.

5 **SEC. 22110. WATER POLLUTION CONTROL REVOLVING**
6 **LOAN FUNDS.**

7 Section 603(i) of the Federal Water Pollution Control
8 Act (33 U.S.C. 1383(i)) is amended—

9 (1) in paragraph (1)—

10 (A) in the matter preceding subparagraph
11 (A), by striking “, including forgiveness of prin-
12 cipal and negative interest loans” and inserting
13 “(including in the form of forgiveness of prin-
14 cipal, negative interest loans, or grants)”; and

15 (B) in subparagraph (A)—

16 (i) in the matter preceding clause (i),
17 by striking “in assistance”; and

18 (ii) in clause (ii)(III), by striking “to
19 such ratepayers” and inserting “to help
20 such ratepayers maintain access to waste-
21 water and stormwater treatment services”;

22 and

23 (2) by amending paragraph (3) to read as fol-
24 lows:

25 “(3) **SUBSIDIZATION AMOUNTS.—**

1 “(A) IN GENERAL.—A State may use for
2 providing additional subsidization in a fiscal
3 year under this subsection an amount that does
4 not exceed the greater of—

5 “(i) 30 percent of the total amount
6 received by the State in capitalization
7 grants under this title for the fiscal year;
8 or

9 “(ii) the annual average over the pre-
10 vious 10 fiscal years of the amounts depos-
11 ited by the State in the State water pollu-
12 tion control revolving fund from State
13 moneys that exceed the amounts required
14 to be so deposited under section 602(b)(2).

15 “(B) MINIMUM.—For each of fiscal years
16 2021 through 2025, to the extent there are suf-
17 ficient applications for additional subsidization
18 under this subsection that meet the criteria
19 under paragraph (1)(A), a State shall use for
20 providing additional subsidization in a fiscal
21 year under this subsection an amount that is
22 not less than 10 percent of the total amount re-
23 ceived by the State in capitalization grants
24 under this title for the fiscal year.”.

1 **SEC. 22111. ALLOTMENT OF FUNDS.**

2 (a) FORMULA.—Section 604(a) of the Federal Water
3 Pollution Control Act (33 U.S.C. 1384(a)) is amended by
4 striking “each of fiscal years 1989 and 1990” and insert-
5 ing “each fiscal year”.

6 (b) WASTEWATER INFRASTRUCTURE WORKFORCE
7 DEVELOPMENT.—Section 604 of the Federal Water Pollu-
8 tion Control Act (33 U.S.C. 1384) is amended by adding
9 at the end the following:

10 “(d) WASTEWATER INFRASTRUCTURE WORKFORCE
11 DEVELOPMENT.—A State may reserve each fiscal year up
12 to 1 percent of the sums allotted to the State under this
13 section for the fiscal year to carry out workforce develop-
14 ment, training, and retraining activities described in sec-
15 tion 104(g).”.

16 **SEC. 22112. RESERVATION OF FUNDS FOR TERRITORIES OF**
17 **THE UNITED STATES.**

18 Title VI of the Federal Water Pollution Control Act
19 (33 U.S.C. 1381 et seq.) is amended by striking section
20 607 and inserting the following:

21 **“SEC. 607. RESERVATION OF FUNDS FOR TERRITORIES OF**
22 **THE UNITED STATES.**

23 “(a) IN GENERAL.—

24 “(1) RESERVATION.—For each fiscal year, the
25 Administrator shall reserve 1.5 percent of available

1 funds, as calculated in accordance with paragraph
2 (2).

3 “(2) CALCULATION OF AVAILABLE FUNDS.—

4 The amount of available funds shall be calculated by
5 subtracting the amount of any funds reserved under
6 section 518(c) from the amount of funds made avail-
7 able to carry out this title (before allotments to the
8 States under section 604(a)).

9 “(b) USE OF FUNDS.—Funds reserved under this
10 section shall be available only for grants to American
11 Samoa, the Commonwealth of the Northern Mariana Is-
12 lands, Guam, and the Virgin Islands for projects and ac-
13 tivities eligible for assistance under section 603(c).

14 “(c) LIMITATION.—American Samoa, the Common-
15 wealth of the Northern Mariana Islands, Guam, and the
16 Virgin Islands may not receive funds allotted under sec-
17 tion 604(a).”.

18 **SEC. 22113. AUTHORIZATION OF APPROPRIATIONS.**

19 Title VI of the Federal Water Pollution Control Act
20 (33 U.S.C. 1381 et seq.) is amended by adding at the end
21 the following:

22 **“SEC. 609. AUTHORIZATION OF APPROPRIATIONS.**

23 “There are authorized to be appropriated to carry out
24 this title the following sums:

25 “(1) \$8,000,000,000 for fiscal year 2021.

1 “(2) \$8,000,000,000 for fiscal year 2022.

2 “(3) \$8,000,000,000 for fiscal year 2023.

3 “(4) \$8,000,000,000 for fiscal year 2024.

4 “(5) \$8,000,000,000 for fiscal year 2025.”.

5 **SEC. 22114. TECHNICAL ASSISTANCE BY MUNICIPAL OM-**
6 **BUDSMAN.**

7 Section 4(b)(1) of the Water Infrastructure Improve-
8 ment Act (42 U.S.C. 4370j(b)(1)) is amended to read as
9 follows:

10 “(1) technical and planning assistance to sup-
11 port municipalities, including municipalities that are
12 rural, small, and tribal communities, in achieving
13 and maintaining compliance with enforceable dead-
14 lines, goals, and requirements of the Federal Water
15 Pollution Control Act; and”.

16 **SEC. 22115. REPORT ON FINANCIAL CAPABILITY OF MU-**
17 **NICIPALITIES.**

18 (a) REVIEW.—The Administrator of the Environ-
19 mental Protection Agency shall conduct a review of exist-
20 ing implementation guidance of the Agency for evaluating
21 the financial resources a municipality has available to im-
22 plement the requirements of the Federal Water Pollution
23 Control Act to determine whether, and if so, how, such
24 guidance needs to be revised.

1 (b) CONSIDERATIONS.—In conducting the review
2 under subsection (a), the Administrator shall consider—

3 (1) the report by the National Academy of Pub-
4 lic Administration prepared for the Environmental
5 Protection Agency entitled “Developing a New
6 Framework for Community Affordability of Clean
7 Water Services”, dated October 2017;

8 (2) the report developed by the National Envi-
9 ronmental Justice Advisory Council entitled “EPA’s
10 Role in Addressing the Urgent Water Infrastructure
11 Needs of Environmental Justice Communities”,
12 dated August 2018, and made available on the
13 website of the Administrator in March 2019;

14 (3) the report prepared for the American Water
15 Works Association, the National Association of
16 Clean Water Agencies, and the Water Environment
17 Federation entitled “Developing a New Framework
18 for Household Affordability and Financial Capability
19 Assessment in the Water Sector”, dated April 17,
20 2019;

21 (4) the recommendations of the Environmental
22 Financial Advisory Board related to municipal finan-
23 cial capability assessments, prepared at the request
24 of the Administrator; and

1 (5) any other information the Administrator
2 considers appropriate.

3 (c) **ENGAGEMENT AND TRANSPARENCY.**—In con-
4 ducting the review under subsection (a), the Administrator
5 shall—

6 (1) after providing public notice, consult with,
7 and solicit advice and recommendations from, State
8 and local governmental officials and other stake-
9 holders, including nongovernmental organizations;
10 and

11 (2) ensure transparency in the consultation
12 process.

13 (d) **REPORT.**—Not later than 18 months after the
14 date of enactment of this Act, the Administrator shall sub-
15 mit to the Committee on Transportation and Infrastruc-
16 ture of the House of Representatives and the Committee
17 on Environment and Public Works of the Senate, and
18 make publicly available, a report on the results of the re-
19 view conducted under subsection (a), including any rec-
20 ommendations for revisions to the guidance.

21 **SEC. 22116. EMERGING CONTAMINANTS.**

22 (a) **IN GENERAL.**—The Administrator of the Envi-
23 ronmental Protection Agency shall award grants to owners
24 and operators of publicly owned treatment works to be
25 used for the implementation of a pretreatment standard

1 or effluent limitation developed by the Administrator for
2 the introduction or discharge of a perfluoroalkyl or
3 polyfluoroalkyl substance or other pollutant identified by
4 the Administrator as a potential contaminant of emerging
5 concern.

6 (b) DEFINITIONS.—In this section:

7 (1) DISCHARGE.—The term “discharge” has
8 the meaning given that term in section 502 of the
9 Federal Water Pollution Control Act (33 U.S.C.
10 1362).

11 (2) EFFLUENT LIMITATION.—The term “efflu-
12 ent limitation” means an effluent limitation under
13 section 301(b) of the Federal Water Pollution Con-
14 trol Act (33 U.S.C. 1311).

15 (3) INTRODUCTION.—The term “introduction”
16 means the introduction of pollutants into treatment
17 works, as described in section 307(b) of the Federal
18 Water Pollution Control Act (33 U.S.C. 1317).

19 (4) PRETREATMENT STANDARD.—The term
20 “pretreatment standard” means a pretreatment
21 standard under section 307(b) of the Federal Water
22 Pollution Control Act (33 U.S.C. 1317).

23 (5) TREATMENT WORKS.—The term “treatment
24 works” has the meaning given that term in section

1 212 of the Federal Water Pollution Control Act (33
2 U.S.C. 1292).

3 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to carry out this section the
5 following sums:

6 (1) \$200,000,000 for fiscal year 2021.

7 (2) \$200,000,000 for fiscal year 2022.

8 (3) \$200,000,000 for fiscal year 2023.

9 (4) \$200,000,000 for fiscal year 2024.

10 (5) \$200,000,000 for fiscal year 2025.

11 **Subtitle B—Local Water Protection**

12 **SEC. 22201. NONPOINT SOURCE MANAGEMENT PROGRAMS.**

13 Section 319(j) of the Federal Water Pollution Control
14 Act (33 U.S.C. 1329(j)) is amended by striking “sub-
15 sections (h) and (i) not to exceed” and all that follows
16 through “fiscal year 1991” and inserting “subsections (h)
17 and (i) \$200,000,000 for each of fiscal years 2021
18 through 2025”.

19 **Subtitle C—Critical Regional** 20 **Infrastructure Investments**

21 **SEC. 22301. REAUTHORIZATION OF CHESAPEAKE BAY PRO-** 22 **GRAM.**

23 Section 117(j) of the Federal Water Pollution Control
24 Act (33 U.S.C. 1267(j)) is amended by striking
25 “\$40,000,000 for each of fiscal years 2001 through 2005”

1 and inserting “\$90,000,000 for fiscal year 2021,
2 \$90,500,000 for fiscal year 2022, \$91,000,000 for fiscal
3 year 2023, \$91,500,000 for fiscal year 2024, and
4 \$92,000,000 for fiscal year 2025”.

5 **SEC. 22302. SAN FRANCISCO BAY RESTORATION GRANT**
6 **PROGRAM.**

7 Title I of the Federal Water Pollution Control Act
8 (33 U.S.C. 1251 et seq.) is amended by adding at the end
9 the following:

10 **“SEC. 124. SAN FRANCISCO BAY RESTORATION GRANT PRO-**
11 **GRAM.**

12 “(a) DEFINITIONS.—In this section:

13 “(1) ESTUARY PARTNERSHIP.—The term ‘Es-
14 tuary Partnership’ means the San Francisco Estu-
15 ary Partnership, designated as the management con-
16 ference for the San Francisco Bay under section
17 320.

18 “(2) SAN FRANCISCO BAY PLAN.—The term
19 ‘San Francisco Bay Plan’ means—

20 “(A) until the date of the completion of the
21 plan developed by the Director under subsection
22 (d), the comprehensive conservation and man-
23 agement plan approved under section 320 for
24 the San Francisco Bay estuary; and

1 “(B) on and after the date of the comple-
2 tion of the plan developed by the Director under
3 subsection (d), the plan developed by the Direc-
4 tor under subsection (d).

5 “(b) PROGRAM OFFICE.—

6 “(1) ESTABLISHMENT.—The Administrator
7 shall establish in the Environmental Protection
8 Agency a San Francisco Bay Program Office. The
9 Office shall be located at the headquarters of Region
10 9 of the Environmental Protection Agency.

11 “(2) APPOINTMENT OF DIRECTOR.—The Ad-
12 ministrators shall appoint a Director of the Office,
13 who shall have management experience and technical
14 expertise relating to the San Francisco Bay and be
15 highly qualified to direct the development and imple-
16 mentation of projects, activities, and studies nec-
17 essary to implement the San Francisco Bay Plan.

18 “(3) DELEGATION OF AUTHORITY; STAFFING.—
19 The Administrator shall delegate to the Director
20 such authority and provide such staff as may be nec-
21 essary to carry out this section.

22 “(c) ANNUAL PRIORITY LIST.—

23 “(1) IN GENERAL.—After providing public no-
24 tice, the Director shall annually compile a priority
25 list, consistent with the San Francisco Bay Plan,

1 identifying and prioritizing the projects, activities,
2 and studies to be carried out with amounts made
3 available under subsection (e).

4 “(2) INCLUSIONS.—The annual priority list
5 compiled under paragraph (1) shall include the fol-
6 lowing:

7 “(A) Projects, activities, and studies, in-
8 cluding restoration projects and habitat im-
9 provement for fish, waterfowl, and wildlife, that
10 advance the goals and objectives of the San
11 Francisco Bay Plan, for—

12 “(i) water quality improvement, in-
13 cluding the reduction of marine litter;

14 “(ii) wetland, riverine, and estuary
15 restoration and protection;

16 “(iii) nearshore and endangered spe-
17 cies recovery; and

18 “(iv) adaptation to climate change.

19 “(B) Information on the projects, activi-
20 ties, and studies specified under subparagraph
21 (A), including—

22 “(i) the identity of each entity receiv-
23 ing assistance pursuant to subsection (e);
24 and

1 “(ii) a description of the communities
2 to be served.

3 “(C) The criteria and methods established
4 by the Director for identification of projects, ac-
5 tivities, and studies to be included on the an-
6 nual priority list.

7 “(3) CONSULTATION.—In compiling the annual
8 priority list under paragraph (1), the Director shall
9 consult with, and consider the recommendations of—

10 “(A) the Estuary Partnership;

11 “(B) the State of California and affected
12 local governments in the San Francisco Bay es-
13 tuary watershed;

14 “(C) the San Francisco Bay Restoration
15 Authority; and

16 “(D) any other relevant stakeholder in-
17 volved with the protection and restoration of
18 the San Francisco Bay estuary that the Direc-
19 tor determines to be appropriate.

20 “(d) SAN FRANCISCO BAY PLAN.—

21 “(1) IN GENERAL.—Not later than 5 years
22 after the date of enactment of this section, the Di-
23 rector, in conjunction with the Estuary Partnership,
24 shall review and revise the comprehensive conserva-
25 tion and management plan approved under section

1 320 for the San Francisco Bay estuary to develop
2 a plan to guide the projects, activities, and studies
3 of the Office to address the restoration and protec-
4 tion of the San Francisco Bay.

5 “(2) REVISION OF SAN FRANCISCO BAY
6 PLAN.—Not less often than once every 5 years after
7 the date of the completion of the plan described in
8 paragraph (1), the Director shall review, and revise
9 as appropriate, the San Francisco Bay Plan.

10 “(3) OUTREACH.—In carrying out this sub-
11 section, the Director shall consult with the Estuary
12 Partnership and Indian tribes and solicit input from
13 other non-Federal stakeholders.

14 “(e) GRANT PROGRAM.—

15 “(1) IN GENERAL.—The Director may provide
16 funding through cooperative agreements, grants, or
17 other means to State and local agencies, special dis-
18 tricts, and public or nonprofit agencies, institutions,
19 and organizations, including the Estuary Partner-
20 ship, for projects, activities, and studies identified on
21 the annual priority list compiled under subsection
22 (c).

23 “(2) MAXIMUM AMOUNT OF GRANTS; NON-FED-
24 ERAL SHARE.—

1 “(A) MAXIMUM AMOUNT OF GRANTS.—
2 Amounts provided to any entity under this sec-
3 tion for a fiscal year shall not exceed an
4 amount equal to 75 percent of the total cost of
5 any projects, activities, and studies that are to
6 be carried out using those amounts.

7 “(B) NON-FEDERAL SHARE.—Not less
8 than 25 percent of the cost of any project, ac-
9 tivity, or study carried out using amounts pro-
10 vided under this section shall be provided from
11 non-Federal sources.

12 “(f) FUNDING.—

13 “(1) AUTHORIZATION OF APPROPRIATIONS.—
14 There is authorized to be appropriated to carry out
15 this section \$50,000,000 for each of fiscal years
16 2021 through 2025.

17 “(2) ADMINISTRATIVE EXPENSES.—Of the
18 amount made available to carry out this section for
19 a fiscal year, the Director may not use more than
20 5 percent to pay administrative expenses incurred in
21 carrying out this section.

22 “(3) PROHIBITION.—No amounts made avail-
23 able under this section may be used for the adminis-
24 tration of a management conference under section
25 320.

1 “(g) ANNUAL BUDGET PLAN.—In each of fiscal
2 years 2021 through 2025, the President, as part of the
3 annual budget submission of the President to Congress
4 under section 1105(a) of title 31, United States Code,
5 shall submit information regarding each Federal depart-
6 ment and agency involved in San Francisco Bay protection
7 and restoration, including—

8 “(1) a report that displays for each Federal
9 agency—

10 “(A) the amounts obligated in the pre-
11 ceding fiscal year for protection and restoration
12 projects, activities, and studies relating to the
13 San Francisco Bay; and

14 “(B) the proposed budget for protection
15 and restoration projects, activities, and studies
16 relating to the San Francisco Bay; and

17 “(2) a description and assessment of the Fed-
18 eral role in the implementation of the San Francisco
19 Bay Plan and the specific role of each Federal de-
20 partment and agency involved in San Francisco Bay
21 protection and restoration, including specific
22 projects, activities, and studies conducted or planned
23 to achieve the identified goals and objectives of the
24 San Francisco Bay Plan.”.

1 **SEC. 22303. PUGET SOUND COORDINATED RECOVERY.**

2 Title I of the Federal Water Pollution Control Act
3 (33 U.S.C. 1251 et seq.) is further amended by adding
4 at the end the following:

5 **“SEC. 125. PUGET SOUND.**

6 “(a) DEFINITIONS.—In this section, the following
7 definitions apply:

8 “(1) COASTAL NONPOINT POLLUTION CONTROL
9 PROGRAM.—The term ‘Coastal Nonpoint Pollution
10 Control Program’ means the State of Washington’s
11 Coastal Nonpoint Pollution Control Program ap-
12 proved by the Secretary of Commerce as required
13 under section 6217 of the Coastal Zone Act Reau-
14 thorization Amendments of 1990.

15 “(2) DIRECTOR.—The term ‘Director’ means
16 the Director of the Program Office.

17 “(3) FEDERAL ACTION PLAN.—The term ‘Fed-
18 eral Action Plan’ means the plan developed under
19 subsection (d)(2)(B).

20 “(4) INTERNATIONAL JOINT COMMISSION.—The
21 term ‘International Joint Commission’ means the
22 International Joint Commission established by the
23 United States and Canada under the International
24 Boundary Waters Treaty of 1909 (36 Stat. 2448).

25 “(5) PACIFIC SALMON COMMISSION.—The term
26 ‘Pacific Salmon Commission’ means the Pacific

1 Salmon Commission established by the United
2 States and Canada under the Treaty between the
3 Government of the United States of America and
4 the Government of Canada Concerning Pacific Salm-
5 on, signed at Ottawa, January 28, 1985 (commonly
6 known as the ‘Pacific Salmon Treaty’).

7 “(6) PROGRAM OFFICE.—The term ‘Program
8 Office’ means the Puget Sound Recovery National
9 Program Office established by subsection (c).

10 “(7) PUGET SOUND ACTION AGENDA; ACTION
11 AGENDA.—The term ‘Puget Sound Action Agenda’
12 or ‘Action Agenda’ means the most recent plan de-
13 veloped by the Puget Sound National Estuary Pro-
14 gram Management Conference, in consultation with
15 the Puget Sound Tribal Management Conference,
16 and approved by the Administrator as the com-
17 prehensive conservation and management plan for
18 Puget Sound under section 320.

19 “(8) PUGET SOUND FEDERAL LEADERSHIP
20 TASK FORCE.—The term ‘Puget Sound Federal
21 Leadership Task Force’ means the Puget Sound
22 Federal Leadership Task Force established under
23 subsection (d).

24 “(9) PUGET SOUND FEDERAL TASK FORCE.—
25 The term ‘Puget Sound Federal Task Force’ means

1 the Puget Sound Federal Task Force established in
2 2016 under a memorandum of understanding among
3 nine Federal agencies.

4 “(10) PUGET SOUND NATIONAL ESTUARY PRO-
5 GRAM MANAGEMENT CONFERENCE; MANAGEMENT
6 CONFERENCE.—The term ‘Puget Sound National
7 Estuary Program Management Conference’ or ‘Man-
8 agement Conference’ means the management con-
9 ference for Puget Sound convened pursuant to sec-
10 tion 320.

11 “(11) PUGET SOUND PARTNERSHIP.—The term
12 ‘Puget Sound Partnership’ means the State agency
13 that is established under the laws of the State of
14 Washington (section 90.71.210 of the Revised Code
15 of Washington), or its successor agency, that has
16 been designated by the Administrator as the lead en-
17 tity to support the Puget Sound National Estuary
18 Program Management Conference.

19 “(12) PUGET SOUND REGION.—

20 “(A) IN GENERAL.—The term ‘Puget
21 Sound region’ means the land and waters in the
22 northwest corner of the State of Washington
23 from the Canadian border to the north to the
24 Pacific Ocean on the west, including Hood
25 Canal and the Strait of Juan de Fuca.

1 “(B) INCLUSION.—The term ‘Puget Sound
2 region’ includes all of the water that falls on
3 the Olympic and Cascade Mountains and flows
4 to meet Puget Sound’s marine waters.

5 “(13) PUGET SOUND TRIBAL MANAGEMENT
6 CONFERENCE.—The term ‘Puget Sound Tribal Man-
7 agement Conference’ means the 20 treaty Indian
8 tribes of western Washington and the Northwest In-
9 dian Fisheries Commission.

10 “(14) SALISH SEA.—The term ‘Salish Sea’
11 means the network of coastal waterways on the west
12 coast of North America that includes the Puget
13 Sound, the Strait of Georgia, and the Strait of Juan
14 de Fuca.

15 “(15) SALMON RECOVERY PLANS.—The term
16 ‘Salmon Recovery Plans’ means the recovery plans
17 for salmon and steelhead species approved by the
18 Secretary of the Interior under section 4(f) of the
19 Endangered Species Act of 1973.

20 “(16) STATE ADVISORY COMMITTEE.—The
21 term ‘State Advisory Committee’ means the advisory
22 committee established by subsection (e).

23 “(17) TREATY RIGHTS AT RISK INITIATIVE.—
24 The term ‘Treaty Rights at Risk Initiative’ means
25 the report from the treaty Indian tribes of western

1 Washington entitled ‘Treaty Rights at Risk: Ongo-
2 ing Habitat Loss, the Decline of the Salmon Re-
3 source, and Recommendations for Change’ and
4 dated July 14, 2011, or its successor report, which
5 outlines issues and offers solutions for the protection
6 of Tribal treaty rights, recovery of salmon habitat,
7 and management of sustainable treaty and nontreaty
8 salmon fisheries, including through tribal salmon
9 hatchery programs.

10 “(b) CONSISTENCY.—All Federal agencies rep-
11 resented on the Puget Sound Federal Leadership Task
12 Force shall act consistently with the protection of Tribal,
13 treaty-reserved rights and, to the greatest extent prac-
14 ticable given such agencies’ existing obligations under
15 Federal law, act consistently with the objectives and prior-
16 ities of the Action Agenda, Salmon Recovery Plans, the
17 Treaty Rights at Risk Initiative, and the Coastal Nonpoint
18 Pollution Control Program, when—

19 “(1) conducting Federal agency activities within
20 or outside Puget Sound that affect any land or
21 water use or natural resources of Puget Sound and
22 its tributary waters, including activities performed
23 by a contractor for the benefit of a Federal agency;

1 “(2) interpreting and enforcing regulations that
2 impact the restoration and protection of Puget
3 Sound;

4 “(3) issuing Federal licenses or permits that
5 impact the restoration and protection of Puget
6 Sound; and

7 “(4) granting Federal assistance to State, local,
8 and Tribal governments for activities related to the
9 restoration and protection of Puget Sound.

10 “(c) PUGET SOUND RECOVERY NATIONAL PROGRAM
11 OFFICE.—

12 “(1) ESTABLISHMENT.—There is established in
13 the Environmental Protection Agency a Puget
14 Sound Recovery National Program Office to be lo-
15 cated in the State of Washington.

16 “(2) DIRECTOR.—

17 “(A) IN GENERAL.—The Director of the
18 Program Office shall be a career reserved posi-
19 tion, as such term is defined in section
20 3132(a)(8) of title 5, United States Code.

21 “(B) QUALIFICATIONS.—The Director of
22 the Program Office shall have leadership and
23 project management experience and shall be
24 highly qualified to—

1 “(i) direct the integration of multiple
2 project planning efforts and programs
3 from different agencies and jurisdictions;
4 and

5 “(ii) align numerous, and often con-
6 flicting, needs toward implementing a
7 shared Action Agenda with visible and
8 measurable outcomes.

9 “(3) DELEGATION OF AUTHORITY; STAFFING.—
10 Using amounts made available pursuant to sub-
11 section (i), the Administrator shall delegate to the
12 Director such authority and provide such staff as
13 may be necessary to carry out this section.

14 “(4) DUTIES.—The Director shall—

15 “(A) coordinate and manage the timely
16 execution of the requirements of this section,
17 including the formation and meetings of the
18 Puget Sound Federal Leadership Task Force;

19 “(B) coordinate activities related to the
20 restoration and protection of Puget Sound
21 across the Environmental Protection Agency;

22 “(C) coordinate and align the activities of
23 the Administrator with the Action Agenda,
24 Salmon Recovery Plans, the Treaty Rights at

1 Risk Initiative, and the Coastal Nonpoint Pollu-
2 tion Control Program;

3 “(D) promote the efficient use of Environ-
4 mental Protection Agency resources in pursuit
5 of Puget Sound restoration and protection;

6 “(E) serve on the Puget Sound Federal
7 Leadership Task Force and collaborate with,
8 help coordinate, and implement activities with
9 other Federal agencies that have responsibilities
10 involving Puget Sound restoration and protec-
11 tion;

12 “(F) provide or procure such other advice,
13 technical assistance, research, assessments,
14 monitoring, or other support as is determined
15 by the Director to be necessary or prudent to
16 most efficiently and effectively fulfill the objec-
17 tives and priorities of the Action Agenda, Salm-
18 on Recovery Plans, the Treaty Rights at Risk
19 Initiative, and the Coastal Nonpoint Pollution
20 Control Program consistent with the best avail-
21 able science and to ensure the health of the
22 Puget Sound ecosystem;

23 “(G) track the progress of the Environ-
24 mental Protection Agency towards meeting the
25 Agency’s specified objectives and priorities with-

1 in the Action Agenda and the Federal Action
2 Plan;

3 “(H) implement the recommendations of
4 the Comptroller General, set forth in the report
5 entitled ‘Puget Sound Restoration: Additional
6 Actions Could Improve Assessments of
7 Progress’ and dated July 19, 2018;

8 “(I) serve as liaison and coordinate activi-
9 ties for the restoration and protection of the
10 Salish Sea, with Canadian authorities, the Pa-
11 cific Salmon Commission, and the International
12 Joint Commission; and

13 “(J) carry out such additional duties as
14 the Administrator determines necessary and ap-
15 propriate.

16 “(d) PUGET SOUND FEDERAL LEADERSHIP TASK
17 FORCE.—

18 “(1) ESTABLISHMENT.—There is established a
19 Puget Sound Federal Leadership Task Force.

20 “(2) DUTIES.—

21 “(A) GENERAL DUTIES.—The Puget
22 Sound Federal Leadership Task Force shall—

23 “(i) uphold Federal trust responsibil-
24 ities to restore and protect resources cru-
25 cial to Tribal treaty rights, including by

1 carrying out government-to-government
2 consultation with Indian tribes when re-
3 quested by such tribes;

4 “(ii) provide a venue for dialogue and
5 coordination across all Federal agencies on
6 the Puget Sound Federal Leadership Task
7 Force to align Federal resources for the
8 purposes of carrying out the requirements
9 of this section and all other Federal laws
10 that contribute to the restoration and pro-
11 tection of Puget Sound, including by—

12 “(I) enabling and encouraging
13 the Federal agencies represented on
14 the Puget Sound Federal Leadership
15 Task Force to act consistently with
16 the objectives and priorities of the Ac-
17 tion Agenda, Salmon Recovery Plans,
18 the Treaty Rights at Risk Initiative,
19 and the Coastal Nonpoint Pollution
20 Control Program;

21 “(II) facilitating the coordination
22 of Federal activities that impact the
23 restoration and protection of Puget
24 Sound;

1 “(III) facilitating the delivery of
2 feedback given by Federal agencies to
3 the Puget Sound Partnership during
4 the development of the Action Agen-
5 da;

6 “(IV) facilitating the resolution
7 of interagency conflicts associated
8 with the restoration and protection of
9 Puget Sound among the agencies rep-
10 resented on the Puget Sound Federal
11 Leadership Task Force;

12 “(V) providing a forum for ex-
13 changing information among agencies
14 regarding activities being conducted,
15 including obstacles or efficiencies
16 found, during Puget Sound restora-
17 tion and protection activities; and

18 “(VI) promoting the efficient use
19 of government resources in pursuit of
20 Puget Sound restoration and protec-
21 tion through coordination and collabo-
22 ration, including by ensuring that the
23 Federal efforts relating to the science
24 necessary for restoration and protec-
25 tion of Puget Sound are consistent,

1 and not duplicative, across the Fed-
2 eral Government;

3 “(iii) catalyze public leaders at all lev-
4 els to work together toward shared goals
5 by demonstrating interagency best prac-
6 tices coming from the members of the
7 Puget Sound Federal Leadership Task
8 Force;

9 “(iv) provide advice and support on
10 scientific and technical issues and act as a
11 forum for the exchange of scientific infor-
12 mation about Puget Sound;

13 “(v) identify and inventory Federal
14 environmental research and monitoring
15 programs related to Puget Sound, and pro-
16 vide such inventory to the Puget Sound
17 National Estuary Program Management
18 Conference;

19 “(vi) ensure that Puget Sound res-
20 toration and protection activities are as
21 consistent as practicable with ongoing res-
22 toration and protection and related efforts
23 in the Salish Sea that are being conducted
24 by Canadian authorities, the Pacific Salm-

1 on Commission, and the International
2 Joint Commission;

3 “(vii) establish any necessary working
4 groups or advisory committees necessary to
5 assist the Puget Sound Federal Leadership
6 Task Force in its duties, including public
7 policy and scientific issues;

8 “(viii) raise national awareness of the
9 significance of Puget Sound;

10 “(ix) work with the Office of Manage-
11 ment and Budget to give input on the
12 crosscut budget under subsection (h); and

13 “(x) submit a biennial report under
14 subsection (g) on the progress made to-
15 ward carrying out the Federal Action Plan.

16 “(B) PUGET SOUND FEDERAL ACTION
17 PLAN.—

18 “(i) IN GENERAL.—Not later than 5
19 years after the date of enactment of this
20 section, the Puget Sound Federal Leader-
21 ship Task Force shall develop and approve
22 a Federal Action Plan that leverages Fed-
23 eral programs across agencies and serves
24 to coordinate diverse programs on a spe-

1 cific suite of priorities on Puget Sound re-
2 covery.

3 “(ii) REVISION OF PUGET SOUND
4 FEDERAL ACTION PLAN.—Not less often
5 than once every 5 years after the date of
6 completion of the Federal Action Plan de-
7 scribed in clause (i), the Puget Sound Fed-
8 eral Leadership Task Force shall review,
9 and revise as appropriate, the Federal Ac-
10 tion Plan.

11 “(C) FEEDBACK BY FEDERAL AGEN-
12 CIES.—In facilitating feedback under subpara-
13 graph (A)(ii)(III), the Puget Sound Federal
14 Leadership Task Force shall request Federal
15 agencies to consider, at a minimum, possible
16 Federal actions designed to—

17 “(i) further the goals, targets, and ac-
18 tions of the Action Agenda, Salmon Recov-
19 ery Plans, the Treaty Rights at Risk Ini-
20 tiative, and the Coastal Nonpoint Pollution
21 Control Program;

22 “(ii) implement and enforce this Act,
23 the Endangered Species Act of 1973, and
24 all other Federal laws that contribute to
25 the restoration and protection of Puget

1 Sound, including those that protect Tribal
2 treaty rights;

3 “(iii) prevent the introduction and
4 spread of invasive species;

5 “(iv) prevent the destruction of ma-
6 rine and wildlife habitats;

7 “(v) protect, restore, and conserve for-
8 ests, wetlands, riparian zones, and near-
9 shore waters that provide marine and wild-
10 life habitat;

11 “(vi) promote resilience to climate
12 change and ocean acidification effects;

13 “(vii) conserve and recover endan-
14 gered species under the Endangered Spe-
15 cies Act of 1973;

16 “(viii) restore fisheries so that they
17 are sustainable and productive;

18 “(ix) preserve biodiversity;

19 “(x) restore and protect ecosystem
20 services that provide clean water, filter
21 toxic chemicals, and increase ecosystem re-
22 silience; and

23 “(xi) improve water quality and re-
24 store wildlife habitat, including by pre-
25 venting and managing stormwater runoff,

1 incorporating erosion control techniques
2 and trash capture devices, using sustain-
3 able stormwater practices, and mitigating
4 and minimizing nonpoint source pollution,
5 including marine litter.

6 “(3) PARTICIPATION OF STATE ADVISORY COM-
7 MITTEE AND PUGET SOUND TRIBAL MANAGEMENT
8 CONFERENCE.—

9 “(A) IN GENERAL.—The Puget Sound
10 Federal Leadership Task Force shall carry out
11 its duties with input from, and in collaboration
12 with, the State Advisory Committee and Puget
13 Sound Tribal Management Conference.

14 “(B) SPECIFIC ADVICE AND RECOMMENDA-
15 TIONS.—The Puget Sound Federal Leadership
16 Task Force shall seek the advice and rec-
17 ommendations of the State Advisory Committee
18 and Puget Sound Tribal Management Con-
19 ference on the actions, progress, and issues per-
20 taining to restoration and protection of Puget
21 Sound.

22 “(4) MEMBERSHIP.—

23 “(A) QUALIFICATIONS.—Members ap-
24 pointed under this paragraph shall have experi-
25 ence and expertise in matters of restoration and

1 protection of large watersheds and bodies of
2 water or related experience that will benefit the
3 restoration and protection effort of Puget
4 Sound.

5 “(B) COMPOSITION.—The Puget Sound
6 Federal Leadership Task Force shall be com-
7 posed of the following members:

8 “(i) SECRETARY OF AGRICULTURE.—
9 The following individuals appointed by the
10 Secretary of Agriculture:

11 “(I) A representative of the Na-
12 tional Forest Service.

13 “(II) A representative of the
14 Natural Resources Conservation Serv-
15 ice.

16 “(ii) SECRETARY OF COMMERCE.—A
17 representative of the National Oceanic and
18 Atmospheric Administration appointed by
19 the Secretary of Commerce.

20 “(iii) SECRETARY OF DEFENSE.—The
21 following individuals appointed by the Sec-
22 retary of Defense:

23 “(I) A representative of the
24 Corps of Engineers.

1 “(II) A representative of the
2 Joint Base Lewis-McChord.

3 “(III) A representative of the
4 Navy Region Northwest.

5 “(iv) DIRECTOR.—The Director of the
6 Program Office.

7 “(v) SECRETARY OF HOMELAND SE-
8 CURITY.—The following individuals ap-
9 pointed by the Secretary of Homeland Se-
10 curity:

11 “(I) A representative of the
12 Coast Guard.

13 “(II) A representative of the
14 Federal Emergency Management
15 Agency.

16 “(vi) SECRETARY OF THE INTE-
17 RIOR.—The following individuals appointed
18 by the Secretary of the Interior:

19 “(I) A representative of the Bu-
20 reau of Indian Affairs.

21 “(II) A representative of the
22 United States Fish and Wildlife Serv-
23 ice.

24 “(III) A representative of the
25 United States Geological Survey.

1 “(IV) A representative of the Na-
2 tional Park Service.

3 “(vii) SECRETARY OF TRANSPOR-
4 TATION.—The following individuals ap-
5 pointed by the Secretary of Transpor-
6 tation:

7 “(I) A representative of the Fed-
8 eral Highway Administration.

9 “(II) A representative of the
10 Federal Transit Administration.

11 “(viii) ADDITIONAL MEMBERS.—Rep-
12 resentatives of such other agencies, pro-
13 grams, and initiatives as the Puget Sound
14 Federal Leadership Task Force determines
15 necessary.

16 “(5) LEADERSHIP.—The Co-Chairs shall ensure
17 the Puget Sound Federal Leadership Task Force
18 completes its duties through robust discussion of all
19 relevant issues. The Co-Chairs shall share leadership
20 responsibilities equally.

21 “(6) CO-CHAIRS.—The following members of
22 the Puget Sound Federal Leadership Task Force
23 appointed under paragraph (5) shall serve as Co-
24 Chairs of the Puget Sound Federal Leadership Task
25 Force:

1 “(A) The representative of the National
2 Oceanic and Atmospheric Administration.

3 “(B) The representative of the Puget
4 Sound Recovery National Program Office.

5 “(C) The representative of the Corps of
6 Engineers.

7 “(7) MEETINGS.—

8 “(A) INITIAL MEETING.—The Puget
9 Sound Federal Leadership Task Force shall
10 meet not later than 180 days after the date of
11 enactment of this section—

12 “(i) to determine if all Federal agen-
13 cies are properly represented;

14 “(ii) to establish the bylaws of the
15 Puget Sound Federal Leadership Task
16 Force;

17 “(iii) to establish necessary working
18 groups or committees; and

19 “(iv) to determine subsequent meeting
20 times, dates, and logistics.

21 “(B) SUBSEQUENT MEETINGS.—After the
22 initial meeting, the Puget Sound Federal Lead-
23 ership Task Force shall meet, at a minimum,
24 twice per year to carry out the duties of the
25 Puget Sound Federal Leadership Task Force.

1 “(C) WORKING GROUP MEETINGS.—Meet-
2 ings of any established working groups or com-
3 mittees of the Puget Sound Federal Leadership
4 Task Force shall not be considered a biannual
5 meeting for purposes of subparagraph (B).

6 “(D) JOINT MEETINGS.—The Puget Sound
7 Federal Leadership Task Force shall offer to
8 meet jointly with the Puget Sound National Es-
9 tuary Program Management Conference and
10 the Puget Sound Tribal Management Con-
11 ference, at a minimum, once per year. A joint
12 meeting under this subparagraph may be con-
13 sidered a biannual meeting of the Puget Sound
14 Federal Leadership Task Force for purposes of
15 subparagraph (B), if agreed upon.

16 “(E) QUORUM.—A majority number of the
17 members of the Puget Sound Federal Leader-
18 ship Task Force shall constitute a quorum.

19 “(F) VOTING.—For the Puget Sound Fed-
20 eral Leadership Task Force to pass a measure,
21 a two-thirds percentage of the quorum must
22 vote in the affirmative.

23 “(8) PUGET SOUND FEDERAL LEADERSHIP
24 TASK FORCE PROCEDURES AND ADVICE.—

1 “(A) ADVISORS.—The Puget Sound Fed-
2 eral Leadership Task Force, and any working
3 group of the Puget Sound Federal Leadership
4 Task Force, may seek advice and input from
5 any interested, knowledgeable, or affected party
6 as the Puget Sound Federal Leadership Task
7 Force or working group, respectively, deter-
8 mines necessary to perform its duties.

9 “(B) COMPENSATION.—A member of the
10 Puget Sound Federal Leadership Task Force
11 shall receive no additional compensation for
12 service as a member on the Puget Sound Fed-
13 eral Leadership Task Force.

14 “(C) TRAVEL EXPENSES.—Travel expenses
15 incurred by a member of the Puget Sound Fed-
16 eral Leadership Task Force in the performance
17 of service on the Puget Sound Federal Leader-
18 ship Task Force may be paid by the agency or
19 department that the member represents.

20 “(9) PUGET SOUND FEDERAL TASK FORCE.—

21 “(A) IN GENERAL.—On the date of enact-
22 ment of this section, the 2016 memorandum of
23 understanding establishing the Puget Sound
24 Federal Task Force shall cease to be effective.

1 “(B) USE OF PREVIOUS WORK.—The
2 Puget Sound Federal Leadership Task Force
3 shall, to the extent practicable, use the work
4 product produced, relied upon, and analyzed by
5 the Puget Sound Federal Task Force in order
6 to avoid duplicating the efforts of the Puget
7 Sound Federal Task Force.

8 “(e) STATE ADVISORY COMMITTEE.—

9 “(1) ESTABLISHMENT.—There is established a
10 State Advisory Committee.

11 “(2) MEMBERSHIP.—The committee shall con-
12 sist of up to seven members designated by the gov-
13 erning body of the Puget Sound Partnership, in con-
14 sultation with the Governor of Washington, who will
15 represent Washington State agencies that have sig-
16 nificant roles and responsibilities related to Puget
17 Sound recovery.

18 “(f) FEDERAL ADVISORY COMMITTEE ACT.—The
19 Puget Sound Federal Leadership Task Force, State Advi-
20 sory Committee, and any working group of the Puget
21 Sound Federal Leadership Task Force, shall not be con-
22 sidered an advisory committee under the Federal Advisory
23 Committee Act (5 U.S.C. App.).

1 “(g) PUGET SOUND FEDERAL LEADERSHIP TASK
2 FORCE BIENNIAL REPORT ON PUGET SOUND RECOVERY
3 ACTIVITIES.—

4 “(1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this section, and biennially
6 thereafter, the Puget Sound Federal Leadership
7 Task Force, in collaboration with the Puget Sound
8 Tribal Management Conference and the State Advi-
9 sory Committee, shall submit to the President, Con-
10 gress, the Governor of Washington, and the gov-
11 erning body of the Puget Sound Partnership a re-
12 port that summarizes the progress, challenges, and
13 milestones of the Puget Sound Federal Leadership
14 Task Force on the restoration and protection of
15 Puget Sound.

16 “(2) CONTENTS.—The report under paragraph
17 (1) shall include a description of the following:

18 “(A) The roles and progress of each State,
19 local government entity, and Federal agency
20 that has jurisdiction in the Puget Sound region
21 toward meeting the identified objectives and
22 priorities of the Action Agenda, Salmon Recov-
23 ery Plans, the Treaty Rights at Risk Initiative,
24 and the Coastal Nonpoint Pollution Control
25 Program.

1 “(B) If available, the roles and progress of
2 Tribal governments that have jurisdiction in the
3 Puget Sound region toward meeting the identi-
4 fied objectives and priorities of the Action
5 Agenda, Salmon Recovery Plans, the Treaty
6 Rights at Risk Initiative, and the Coastal
7 Nonpoint Pollution Control Program.

8 “(C) A summary of specific recommenda-
9 tions concerning implementation of the Action
10 Agenda and Federal Action Plan, including
11 challenges, barriers, and anticipated milestones,
12 targets, and timelines.

13 “(D) A summary of progress made by
14 Federal agencies toward the priorities identified
15 in the Federal Action Plan.

16 “(h) CROSSCUT BUDGET REPORT.—

17 “(1) FINANCIAL REPORT.—Not later than 1
18 year after the date of enactment of this section, and
19 every 5 years thereafter, the Director of the Office
20 of Management and Budget, in consultation with the
21 Puget Sound Federal Leadership Task Force, shall,
22 in conjunction with the annual budget submission of
23 the President to Congress for the year under section
24 1105(a) of title 31, United States Code, submit to
25 Congress and make available to the public, including

1 on the internet, a financial report that is certified by
2 the head of each agency represented by the Puget
3 Sound Federal Leadership Task Force.

4 “(2) CONTENTS.—The report shall contain an
5 interagency crosscut budget relating to Puget Sound
6 restoration and protection activities that displays—

7 “(A) the proposed funding for any Federal
8 restoration and protection activity to be carried
9 out in the succeeding fiscal year, including any
10 planned interagency or intra-agency transfer,
11 for each of the Federal agencies that carry out
12 restoration and protection activities;

13 “(B) the estimated expenditures for Fed-
14 eral restoration and protection activities from
15 the preceding 2 fiscal years, the current fiscal
16 year, and the succeeding fiscal year; and

17 “(C) the estimated expenditures for Fed-
18 eral environmental research and monitoring
19 programs from the preceding 2 fiscal years, the
20 current fiscal year, and the succeeding fiscal
21 year.

22 “(3) INCLUDED RECOVERY ACTIVITIES.—With
23 respect to activities described in the report, the re-
24 port shall only describe activities that have funding
25 amounts more than \$100,000.

1 “(4) SUBMISSION TO CONGRESS.—The Director
2 of the Office of Management and Budget shall sub-
3 mit the report to—

4 “(A) the Committee on Appropriations, the
5 Committee on Natural Resources, the Com-
6 mittee on Energy and Commerce, and the Com-
7 mittee on Transportation and Infrastructure of
8 the House of Representatives; and

9 “(B) the Committee on Appropriations, the
10 Committee on Environment and Public Works,
11 and the Committee on Commerce, Science, and
12 Transportation of the Senate.

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—In addi-
14 tion to any other funds authorized to be appropriated for
15 activities related to Puget Sound, there is authorized to
16 be appropriated to carry out this section \$50,000,000 for
17 each of fiscal years 2021 through 2025.

18 “(j) PRESERVATION OF TREATY OBLIGATIONS AND
19 EXISTING FEDERAL STATUS.—

20 “(1) TRIBAL TREATY RIGHTS.—Nothing in this
21 section affects, or is intended to affect, any right re-
22 served by treaty between the United States and one
23 or more Indian tribes.

1 “(2) OTHER FEDERAL LAW.—Nothing in this
2 section affects the requirements and procedures of
3 other Federal law.

4 “(k) CONSISTENCY.—Actions authorized or imple-
5 mented under this section shall be consistent with—

6 “(1) the Endangered Species Act of 1973 and
7 the Salmon Recovery Plans of the State of Wash-
8 ington;

9 “(2) the Coastal Zone Management Act of 1972
10 and the Coastal Nonpoint Pollution Control Pro-
11 gram;

12 “(3) the water quality standards of the State of
13 Washington approved by the Administrator under
14 section 303; and

15 “(4) other applicable Federal requirements.”.

16 **SEC. 22304. GREAT LAKES RESTORATION INITIATIVE REAU-**
17 **THORIZATION.**

18 Section 118(c)(7)(J)(i) of the Federal Water Pollu-
19 tion Control Act (33 U.S.C. 1268(c)(7)(J)(i)) is amend-
20 ed—

21 (1) by striking “is authorized” and inserting
22 “are authorized”;

23 (2) by striking the period at the end and insert-
24 ing a semicolon;

1 (3) by striking “this paragraph \$300,000,000”
2 and inserting the following: “this paragraph—
3 “(I) \$300,000,000”; and
4 (4) by adding at the end the following:
5 “(II) \$375,000,000 for fiscal
6 year 2022;
7 “(III) \$400,000,000 for fiscal
8 year 2023;
9 “(IV) \$425,000,000 for fiscal
10 year 2024;
11 “(V) \$450,000,000 for fiscal year
12 2025; and
13 “(VI) \$475,000,000 for fiscal
14 year 2026.”.

15 **SEC. 22305. NATIONAL ESTUARY PROGRAM REAUTHORIZA-**
16 **TION.**

17 (a) MANAGEMENT CONFERENCE.—Section
18 320(a)(2)(B) of the Federal Water Pollution Control Act
19 (33 U.S.C. 1330(a)(2)(B)) is amended by striking “and
20 Peconic Bay, New York” and inserting “Peconic Bay,
21 New York; Casco Bay, Maine; Tampa Bay, Florida;
22 Coastal Bend, Texas; San Juan Bay, Puerto Rico;
23 Tillamook Bay, Oregon; Piscataqua Region, New Hamp-
24 shire; Barnegat Bay, New Jersey; Maryland Coastal Bays,
25 Maryland; Charlotte Harbor, Florida; Mobile Bay, Ala-

1 bama; Morro Bay, California; and Lower Columbia River,
2 Oregon and Washington”.

3 (b) PURPOSES OF CONFERENCE.—Section 320(b)(4)
4 of the Federal Water Pollution Control Act (33 U.S.C.
5 1330(b)(4)) is amended—

6 (1) by striking “management plan that rec-
7 ommends” and inserting “management plan that—

8 “(A) recommends”; and

9 (2) by adding at the end the following:

10 “(B) addresses the effects of recurring ex-
11 treme weather events on the estuary, including
12 the identification and assessment of
13 vulnerabilities in the estuary and the develop-
14 ment and implementation of adaptation strate-
15 gies; and

16 “(C) increases public education and aware-
17 ness of the ecological health and water quality
18 conditions of the estuary;”.

19 (c) MEMBERS OF CONFERENCE.—Section 320(c)(5)
20 of the Federal Water Pollution Control Act (33 U.S.C.
21 1330(c)(5)) is amended by inserting “nonprofit organiza-
22 tions,” after “educational institutions,”.

23 (d) GRANTS.—Section 320(g)(4)(C) of the Federal
24 Water Pollution Control Act (33 U.S.C. 1330(g)(4)(C))
25 is amended—

1 (1) in the matter preceding clause (i)—

2 (A) by inserting “, emerging,” after “ur-
3 gent”; and

4 (B) by striking “coastal areas” and insert-
5 ing “the estuaries selected by the Administrator
6 under subsection (a)(2), or that relate to the
7 coastal resiliency of such estuaries”;

8 (2) by redesignating clauses (vi) and (vii) as
9 clauses (viii) and (ix), respectively, and inserting
10 after clause (v) the following:

11 “(vi) stormwater runoff;

12 “(vii) accelerated land loss;”; and

13 (3) in clause (viii), as so redesignated, by in-
14 serting “, extreme weather,” after “sea level rise”.

15 (e) AUTHORIZATION OF APPROPRIATIONS.—Section
16 320(i)(1) of the Federal Water Pollution Control Act (33
17 U.S.C. 1330(i)(1)) is amended by inserting “, and
18 \$50,000,000 for each of fiscal years 2022 through 2026,”
19 after “2021”.

20 **SEC. 22306. LAKE PONTCHARTRAIN BASIN RESTORATION**
21 **PROGRAM REAUTHORIZATION.**

22 (a) REVIEW OF COMPREHENSIVE MANAGEMENT
23 PLAN.—Section 121 of the Federal Water Pollution Con-
24 trol Act (33 U.S.C. 1273) is amended—

25 (1) in subsection (c)—

1 (A) in paragraph (5), by striking “; and”
2 and inserting a semicolon;

3 (B) in paragraph (6), by striking the pe-
4 riod and inserting “; and”; and

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

6 “(7) ensure that the comprehensive conserva-
7 tion and management plan approved for the Basin
8 under section 320 is reviewed and revised in accord-
9 ance with section 320 not less often than once every
10 5 years, beginning on the date of enactment of this
11 paragraph.”; and

12 (2) in subsection (d), by striking “recommended
13 by a management conference convened for the Basin
14 under section 320” and inserting “identified in the
15 comprehensive conservation and management plan
16 approved for the Basin under section 320”.

17 (b) DEFINITIONS.—Section 121(e)(1) of the Federal
18 Water Pollution Control Act (33 U.S.C. 1273(e)(1)) is
19 amended by striking “, a 5,000 square mile”.

20 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
21 121(f) of the Federal Water Pollution Control Act (33
22 U.S.C. 1273(f)) is amended—

23 (1) in paragraph (1), by striking “2001
24 through 2012 and the amount appropriated for fis-

1 cal year 2009 for each of fiscal years 2013 through
2 2017” and inserting “2021 through 2025”; and

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

4 “(3) ADMINISTRATIVE EXPENSES.—The Ad-
5 ministrator may use for administrative expenses not
6 more than 5 percent of the amounts appropriated to
7 carry out this section.”.

8 **SEC. 22307. LONG ISLAND SOUND PROGRAM REAUTHORIZA-**
9 **TION.**

10 Section 119(h) of the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1269(h)) is amended by striking
12 “2023” and inserting “2025”.

13 **SEC. 22308. COLUMBIA RIVER BASIN RESTORATION PRO-**
14 **GRAM REAUTHORIZATION.**

15 Section 123(d)(6) of the Federal Water Pollution
16 Control Act (33 U.S.C. 1275(d)(6)) is amended by strik-
17 ing “2021” and inserting “2025”.

18 **TITLE III—RESILIENCE**
19 **REVOLVING LOAN FUND**

20 **SEC. 23001. SHORT TITLE.**

21 This title may be cited as the “Resilience Revolving
22 Loan Fund Act of 2020”.

1 **SEC. 23002. GRANTS TO ENTITIES FOR ESTABLISHMENT OF**
2 **HAZARD MITIGATION REVOLVING LOAN**
3 **FUNDS.**

4 Title II of the Robert T. Stafford Disaster Relief and
5 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is
6 amended by adding at the end the following:

7 **“SEC. 205 GRANTS TO ENTITIES FOR ESTABLISHMENT OF**
8 **HAZARD MITIGATION REVOLVING LOAN**
9 **FUNDS.**

10 “(a) GENERAL AUTHORITY.—

11 “(1) IN GENERAL.—The Administrator may
12 enter into agreements with eligible entities to make
13 capitalization grants to such entities for the estab-
14 lishment of hazard mitigation revolving loan funds
15 (referred to in this section as ‘entity loan funds’) for
16 providing funding assistance to local governments to
17 carry out eligible projects under this section to re-
18 duce disaster risks for homeowners, businesses, non-
19 profit organizations, and communities in order to de-
20 crease—

21 “(A) the loss of life and property;

22 “(B) the cost of insurance claims; and

23 “(C) Federal disaster payments.

24 “(2) AGREEMENTS.—Any agreement entered
25 into under this section shall require the participating
26 entity to—

1 “(A) comply with the requirements of this
2 section; and

3 “(B) use accounting, audit, and fiscal pro-
4 cedures conforming to generally accepted ac-
5 counting standards.

6 “(b) APPLICATION.—

7 “(1) IN GENERAL.—To be eligible to receive a
8 capitalization grant under this section, an eligible
9 entity shall submit to the Administrator an applica-
10 tion that includes the following:

11 “(A) Project proposals comprised of local
12 government hazard mitigation projects, on the
13 condition that the entity provides public notice
14 not less than 6 weeks prior to the submission
15 of an application.

16 “(B) An assessment of recurring major
17 disaster vulnerabilities impacting the entity that
18 demonstrates an escalating risk to life and
19 property.

20 “(C) A description of how the hazard miti-
21 gation plan of the entity has or has not taken
22 the vulnerabilities described in paragraph (2)
23 into account.

24 “(D) A description about how the projects
25 described in paragraph (1) could conform with

1 the hazard mitigation plans of the entity and
2 local governments.

3 “(E) A proposal of the systematic and re-
4 gional approach to achieve resilience in a vul-
5 nerable area, including impacts to river basins,
6 river corridors, watersheds, estuaries, bays,
7 coastal regions, micro-basins, micro-watersheds,
8 ecosystems, and areas at risk of earthquakes,
9 tsunamis, droughts, and wildfires, including the
10 wildland-urban interface.

11 “(2) TECHNICAL ASSISTANCE.—The Adminis-
12 trator shall provide technical assistance to eligible
13 entities for applications under this section.

14 “(c) ENTITY LOAN FUND.—

15 “(1) ESTABLISHMENT OF FUND.—An entity
16 that receives a capitalization grant under this sec-
17 tion shall establish an entity loan fund that complies
18 with the requirements of this subsection.

19 “(2) FUND MANAGEMENT.—Except as provided
20 in paragraph (3), an entity loan fund shall be ad-
21 ministered by the agency responsible for emergency
22 management for such entity and shall include only—

23 “(A) funds provided by a capitalization
24 grant under this section;

1 “(B) repayments of loans under this sec-
2 tion to the entity loan fund; and

3 “(C) interest earned on amounts in the en-
4 tity loan fund.

5 “(3) ADMINISTRATION.—A participating entity
6 may combine the financial administration of the en-
7 tity loan fund of such entity with the financial ad-
8 ministration of any other revolving fund established
9 by such entity if the Administrator determines
10 that—

11 “(A) the capitalization grant, entity share,
12 repayments of loans, and interest earned on
13 amounts in the entity loan fund are accounted
14 for separately from other amounts in the revolv-
15 ing fund; and

16 “(B) the authority to establish assistance
17 priorities and carry out oversight activities re-
18 mains in the control of the agency responsible
19 for emergency management for the entity.

20 “(4) ENTITY SHARE OF FUNDS.—On or before
21 the date on which a participating entity receives a
22 capitalization grant under this section, the entity
23 shall deposit into the entity loan fund of such entity,
24 an amount equal to not less than 10 percent of the
25 amount of the capitalization grant.

1 “(d) APPORTIONMENT.—

2 “(1) IN GENERAL.—Except as otherwise pro-
3 vided by this subsection, the Administrator shall ap-
4 portion funds made available to carry out this sec-
5 tion to entities that have entered into an agreement
6 under subsection (a)(2) in amounts as determined
7 by the Administrator.

8 “(2) RESERVATION OF FUNDS.—The Adminis-
9 trator shall reserve not more than 2.5 percent of the
10 amount made available to carry out this section
11 for—

12 “(A) administrative costs incurred in car-
13 rying out this section; and

14 “(B) providing technical assistance to par-
15 ticipating entities under subsection (b)(2).

16 “(3) PRIORITY.—In the apportionment of cap-
17 italization grants under this subsection, the Admin-
18 istrator shall give priority to entity applications
19 under subsection (b) that—

20 “(A) propose projects increasing resilience
21 and reducing risk of harm to natural and built
22 infrastructure;

23 “(B) involve a partnership between two or
24 more eligible entities to carry out a project or
25 similar projects;

1 “(C) take into account regional impacts of
2 hazards on river basins, river corridors, micro-
3 watersheds, macro-watersheds, estuaries, bays,
4 coastal regions, and areas vulnerable to earth-
5 quake, drought, tsunamis and wildfire, includ-
6 ing the wildland-urban interface; or

7 “(D) propose projects for the resilience of
8 major economic sectors or critical national in-
9 frastructure, including ports, global commodity
10 supply chain assets (located within an entity or
11 within the jurisdiction of local governments and
12 tribal governments), capacity, power and water
13 production and distribution centers, and bridges
14 and waterways essential to interstate commerce.

15 “(e) USE OF FUNDS.—

16 “(1) TYPES OF ASSISTANCE.—Amounts depos-
17 ited in an entity loan fund, including loan repay-
18 ments and interest earned on such amounts, may be
19 used—

20 “(A) to make loans, on the condition
21 that—

22 “(i) such loans are made at an inter-
23 est rate of not more than 1.5 percent;

24 “(ii) annual principal and interest
25 payments will commence not later than 1

1 year after completion of any project and all
2 loans will be fully amortized—

3 “(I) not later than 20 years after
4 the date on which the project is com-
5 pleted; or

6 “(II) for projects in a low-income
7 geographic area, not later than 30
8 years after the date on which the
9 projects is completed and not longer
10 than the expected design life of the
11 project;

12 “(iii) the local government receiving a
13 loan establishes a dedicated source of rev-
14 enue for repayment of the loan;

15 “(iv) the local government receiving a
16 loan has a hazard mitigation plan that has
17 been approved by the participating entity;
18 and

19 “(v) the entity loan fund will be cred-
20 ited with all payments of principal and in-
21 terest on all loans;

22 “(B) for mitigation planning, not to exceed
23 10 percent of the capitalization grants made to
24 the participating entity in a fiscal year;

1 “(C) for the reasonable costs of admin-
2 istering the fund and conducting activities
3 under this section, except that such amounts
4 shall not exceed \$100,000 per year, 2 percent
5 of the capitalization grants made to the partici-
6 pating entity in a fiscal year, or 1 percent of
7 the value of the entity loan fund, whichever
8 amount is greatest, plus the amount of any fees
9 collected by the entity for such purpose regard-
10 less of the source; and

11 “(D) to earn interest on the entity loan
12 fund.

13 “(2) PROHIBITION ON DETERMINATION THAT
14 LOAN IS A DUPLICATION.—In carrying out this sec-
15 tion, Administrator may not determine that a loan
16 is a duplication of assistance or a duplication of pro-
17 grams.

18 “(3) PROJECTS AND ACTIVITIES ELIGIBLE FOR
19 ASSISTANCE.—Except as provided in this subsection,
20 a participating entity may use funds in the entity
21 loan fund to provide financial assistance for projects
22 or activities that mitigate the impacts of hazards, in-
23 cluding—

24 “(A) drought and prolonged episodes of in-
25 tense heat;

1 “(B) severe storms, including tornados,
2 wind storms, cyclones, and severe winter
3 storms;

4 “(C) wildfires;

5 “(D) earthquakes;

6 “(E) flooding, including the construction,
7 repair, or replacement of a non-Federal levee or
8 other flood control structure, provided the Ad-
9 ministrators, in consultation with the Corps of
10 Engineers (if appropriate), requires an eligible
11 entity to determine that such levee or structure
12 is designed, constructed, and maintained in ac-
13 cordance with sound engineering practices and
14 standards equivalent to the purpose for which
15 such levee or structure is intended;

16 “(F) storm surges;

17 “(G) chemical spills that present an immi-
18 nent threat to life and property;

19 “(H) seepage resulting from chemical spills
20 and flooding; and

21 “(I) any catastrophic event that the entity
22 determines appropriate.

23 “(4) ZONING AND LAND USE PLANNING
24 CHANGES.—A participating entity may use not more
25 than 10 percent of the entity loan fund in a fiscal

1 year to provide financial assistance for zoning and
2 land use planning changes focused on—

3 “(A) the development and improvement of
4 zoning and land use codes that incentivize and
5 encourage low-impact development, resilient
6 wildland-urban interface land management and
7 development, natural infrastructure, green
8 stormwater management, conservation areas
9 adjacent to floodplains, implementation of wa-
10 tershed or greenway master plans, and re-
11 connection of floodplains;

12 “(B) the study and creation of land use in-
13 centives that reward developers for greater reli-
14 ance on low impact development stormwater
15 best management practices, exchange density
16 increases for increased open space and improve-
17 ment of neighborhood catch basins to mitigate
18 urban flooding, reward developers for including
19 and augmenting natural infrastructure adjacent
20 to and around building projects without reliance
21 on increased sprawl, and reward developers for
22 addressing wildfire ignition; and

23 “(C) the study and creation of an erosion
24 response plan that accommodates river, lake,
25 forest, plains, and ocean shoreline retreating or

1 bluff stabilization due to increased flooding and
2 disaster impacts.

3 “(5) ADMINISTRATIVE AND TECHNICAL
4 COSTS.—For each fiscal year, a participating entity
5 may use the amount described in paragraph (1)(C)
6 to—

7 “(A) pay the reasonable costs of admin-
8 istering the programs under this section, includ-
9 ing the cost of establishing an entity loan fund;

10 “(B) provide technical assistance to recipi-
11 ents of financial assistance from the entity loan
12 fund, on the condition that such technical as-
13 sistance does not exceed 5 percent of the cap-
14 italization grant made to such entity.

15 “(6) LIMITATION FOR SINGLE PROJECTS.—A
16 participating entity may not provide an amount
17 equal to or more than \$5,000,000 to a single hazard
18 mitigation project.

19 “(7) REQUIREMENTS.—For fiscal year 2020
20 and each fiscal year thereafter, the requirements of
21 subchapter IV of chapter 31 of title 40, United
22 States Code, shall apply to the construction of
23 projects carried out in whole or in part with assist-
24 ance made available by an entity loan fund author-
25 ized by this section.

1 “(f) INTENDED USE PLANS.—

2 “(1) IN GENERAL.—After providing for public
3 comment and review, and consultation with appro-
4 priate agencies in an entity, Federal agencies, and
5 interest groups, each participating entity shall annu-
6 ally prepare and submit to the Administrator a plan
7 identifying the intended uses of the entity loan fund.

8 “(2) CONTENTS OF PLAN.—An entity intended
9 use plan prepared under paragraph (1) shall in-
10 clude—

11 “(A) the integration of entity planning ef-
12 forts, including entity hazard mitigation plans
13 and other programs and initiatives relating to
14 mitigation of major disasters carried out by
15 such entity;

16 “(B) an explanation of the mitigation and
17 resiliency benefits the entity intends to achieve
18 by—

19 “(i) reducing future damage and loss
20 associated with hazards;

21 “(ii) reducing the number of severe
22 repetitive loss structures and repetitive loss
23 structures in the entity;

24 “(iii) decreasing the number of insur-
25 ance claims in the entity from injuries re-

1 sulting from major disasters or other haz-
2 ards; and

3 “(iv) increasing the rating under the
4 community rating system under section
5 1315(b) of the Housing and Urban Devel-
6 opment Act of 1968 (42 U.S.C. 4022(b))
7 for communities in the entity;

8 “(C) information on the availability of, and
9 application process for, financial assistance
10 from the entity loan fund of such entity;

11 “(D) the criteria and methods established
12 for the distribution of funds;

13 “(E) the amount of financial assistance
14 that the entity anticipates apportioning;

15 “(F) the expected terms of the assistance
16 provided from the entity loan fund; and

17 “(G) a description of the financial status
18 of the entity loan fund, including short-term
19 and long-term goals for the fund.

20 “(g) AUDITS, REPORTS, PUBLICATIONS, AND OVER-
21 SIGHT.—

22 “(1) BIENNIAL ENTITY AUDIT AND REPORT.—
23 Beginning not later than the last day of the second
24 fiscal year after the receipt of payments under this

1 section, and biennially thereafter, any participating
2 entity shall—

3 “(A) conduct an audit of such fund estab-
4 lished under subsection (b); and

5 “(B) provide to the Administrator a report
6 including—

7 “(i) the result of any such audit; and

8 “(ii) a review of the effectiveness of
9 the entity loan fund of the entity with re-
10 spect to meeting the goals and intended
11 benefits described in the intended use plan
12 submitted by the entity under subsection
13 (e).

14 “(2) PUBLICATION.—A participating entity
15 shall publish and periodically update information
16 about all projects receiving funding from the entity
17 loan fund of such entity, including—

18 “(A) the location of the project;

19 “(B) the type and amount of assistance
20 provided from the entity loan fund;

21 “(C) the expected funding schedule; and

22 “(D) the anticipated date of completion of
23 the project.

24 “(3) OVERSIGHT.—

1 “(A) IN GENERAL.—The Administrator
2 shall, at least every 4 years, conduct reviews
3 and audits as may be determined necessary or
4 appropriate by the Administrator to carry out
5 the objectives of this section and determine the
6 effectiveness of the fund in reducing hazard
7 risk.

8 “(B) GAO REQUIREMENTS.—The entity
9 shall conduct audits under paragraph (1) in ac-
10 cordance with the auditing procedures of the
11 Government Accountability Office, including
12 chapter 75 of title 31.

13 “(C) RECOMMENDATIONS BY ADMINIS-
14 TRATOR.—The Administrator may at any time
15 make recommendations for or require specific
16 changes to an entity’s loan fund in order to im-
17 prove the effectiveness of the fund.

18 “(h) REGULATIONS OR GUIDANCE.—The Adminis-
19 trator shall issue such regulations or guidance as are nec-
20 essary to—

21 “(1) ensure that each participating entity uses
22 funds as efficiently as possible; and

23 “(2) reduce waste, fraud, and abuse to the
24 maximum extent possible.

1 “(i) WAIVER AUTHORITY.—Until such time as the
2 Administrator issues regulations to implement this sec-
3 tion, the Administrator may—

4 “(1) waive notice and comment rulemaking, if
5 the Administrator determines the waiver is necessary
6 to expeditiously implement this section; and

7 “(2) provide capitalization grants under this
8 section as a pilot program.

9 “(j) DEFINITIONS.—In this section, the following
10 definitions apply:

11 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
12 tity’ means a State or an Indian tribal government
13 (as such terms are defined in section 102 of this Act
14 (42 U.S.C. 5122)).

15 “(2) HAZARD MITIGATION PLAN.—The term
16 ‘hazard mitigation plan’ means a mitigation plan
17 submitted under section 322 and approved by the
18 Administrator.

19 “(3) LOW-INCOME GEOGRAPHIC AREA.—The
20 term ‘low-income geographic area’ means an area
21 described in paragraph (1) or (2) of section 301(a)
22 of the Public Works and Economic Development Act
23 of 1965 (42 U.S.C. 3161(a)).

1 “(4) PARTICIPATING ENTITY.—The term ‘par-
2 ticipating entity’ means an eligible entity that has
3 entered into an agreement under this section.

4 “(5) REPETITIVE LOSS STRUCTURE.—The term
5 ‘repetitive loss structure’ has the meaning given the
6 term in section 1370 of the National Flood Insur-
7 ance Act (42 U.S.C. 4121).

8 “(6) SEVERE REPETITIVE LOSS STRUCTURE.—
9 The term ‘severe repetitive loss structure’ has the
10 meaning given the term in section 1366(h) of the
11 National Flood Insurance Act (42 U.S.C. 4104c(h).

12 “(7) WILDLAND-URBAN INTERFACE.—The term
13 ‘wildland-urban interface’ has the meaning given the
14 term in section 101 of the Healthy Forests Restora-
15 tion Act of 2003 (16 U.S.C. 6511).

16 “(k) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated to carry out this section
18 \$100,000,000 for each of fiscal years 2021 and 2022.”.

19 **TITLE IV—SPORTS FISHING**

20 **SEC. 24001. SHORT TITLE.**

21 This title may be cited as the “Sport Fish Restora-
22 tion, Recreational Boating Safety, and Wildlife Restora-
23 tion Act of 2020”.

1 **SEC. 24002. DIVISION OF ANNUAL APPROPRIATIONS.**

2 (a) IN GENERAL.—Section 4 of the Dingell-Johnson
3 Sport Fish Restoration Act (16 U.S.C. 777c) is amend-
4 ed—

5 (1) in subsection (a), by striking “2021” and
6 inserting “2025”;

7 (2) in subsection (b)—

8 (A) in paragraph (1)—

9 (i) in subparagraph (A), by striking
10 “2021” and inserting “2025”; and

11 (ii) by amending subparagraph (B) to
12 read as follows—

13 “(B) AVAILABLE AMOUNTS.—The available
14 amount referred to in subparagraph (A) is—

15 “(i) for fiscal year 2021, \$12,625,419;

16 and

17 “(ii) for fiscal year 2022 and each fis-
18 cal year thereafter, the sum of—

19 “(I) the available amount for the
20 preceding fiscal year; and

21 “(II) the amount determined by
22 multiplying—

23 “(aa) the available amount
24 for the preceding fiscal year; and

25 “(bb) the change, relative to
26 the preceding fiscal year, in the

1 Consumer Price Index for All
2 Urban Consumers published by
3 the Department of Labor.”; and

4 (B) in paragraph (2)—

5 (i) in subparagraph (A), by striking
6 “2016 through 2021” and inserting “2022
7 through 2025”; and

8 (ii) by amending subparagraph (B) to
9 read as follows—

10 “(B) AVAILABLE AMOUNTS.—The available
11 amount referred to in subparagraph (A) is—

12 “(i) for fiscal year 2021, \$8,988,700;
13 and

14 “(ii) for fiscal year 2022 and each fis-
15 cal year thereafter, the sum of—

16 “(I) the available amount for the
17 preceding fiscal year; and

18 “(II) the amount determined by
19 multiplying—

20 “(aa) the available amount
21 for the preceding fiscal year; and

22 “(bb) the change, relative to
23 the preceding fiscal year, in the
24 Consumer Price Index for All

1 Urban Consumers published by
2 the Department of Labor.”; and

3 (3) in subsection (e)(2), by striking “\$900,000”
4 and inserting “\$1,300,000”.

5 (b) ADMINISTRATION.—Section 9(a) of the Dingell-
6 Johnson Sport Fish Restoration Act (16 U.S.C. 777h(a))
7 is amended—

8 (1) in paragraph (1), by striking “on a full-time
9 basis”;

10 (2) by striking paragraph (2) and redesignating
11 paragraphs (3) through (12) as paragraphs (2)
12 through (11), respectively;

13 (3) by striking “paragraphs (1) and (2)” and
14 inserting “paragraph (1)” each place it appears;

15 (4) in paragraph (4)(B), as so redesignated, by
16 striking “full-time equivalent”; and

17 (5) in paragraph (8)(A), as so redesignated, by
18 striking “on a full-time basis”.

19 (c) OTHER ACTIVITIES.—Section 14(e) of the Din-
20 gell-Johnson Sport Fish Restoration Act (16 U.S.C.
21 777m(e)) is amended by adding at the end the following:

22 “(3) A portion, as determined by the Sport
23 Fishing and Boating Partnership Council, of funds
24 disbursed for the purposes described in paragraph

1 (2) but remaining unobligated prior to fiscal year
2 2020 shall be used to study—

3 “(A) the impact of derelict recreational
4 vessels on recreational boating safety and rec-
5 reational fishing; and

6 “(B) identify options and methods for re-
7 cycling for recreational vessels.”.

8 **SEC. 24003. RECREATIONAL BOATING ACCESS.**

9 (a) IN GENERAL.—The Comptroller General of the
10 United States shall conduct a study on recreational boat-
11 ing access. In carrying out such study, the Comptroller
12 General shall consult with the Sport Fishing and Boating
13 Partnership Council and the National Boating Safety Ad-
14 visory Council on the design, scope, and priorities of such
15 study.

16 (b) CONTENTS.—To the extent practicable, the study
17 required under subsection (a) shall contain a description
18 of—

19 (1) the use of nonmotorized vessels in each
20 State and how the increased use of nonmotorized
21 vessels is impacting motorized and nonmotorized
22 vessel access to waterway entry points;

23 (2) recreational fishing and boating user con-
24 flicts concerning motorized and nonmotorized vessels
25 at waterway access points; and

1 (3) the use of funds provided under the Dingell-
2 Johnson Sport Fish Restoration Act (16 U.S.C. 777
3 et seq.) for—

4 (A) the sport fish restoration program to
5 improve nonmotorized vessel access at waterway
6 entry points and the reasons for providing such
7 access; and

8 (B) the Recreational Boating Safety Pro-
9 gram funds for nonmotorized boating safety
10 programs.

11 (c) REPORT.—Not later than 1 year after the date
12 of enactment of this Act, the Comptroller General shall
13 submit to the Sport Fishing and Boating Partnership
14 Council, the Committees on Natural Resources and Trans-
15 portation and Infrastructure of the House of Representa-
16 tives, and the Committees on Commerce, Science, and
17 Transportation and Environment and Public Works of the
18 Senate a report containing the study required under this
19 section.

20 (d) STATE DEFINED.—In this section, the term
21 “State” means any State, the District of Columbia, the
22 Commonwealths of Puerto Rico and the Northern Mariana
23 Islands, and the territories of Guam, the U.S. Virgin Is-
24 lands, and American Samoa.

1 **SEC. 24004. WILDLIFE RESTORATION FUND ADMINISTRATION.**
2 **TION.**

3 (a) ALLOCATION AND APPORTIONMENT OF AVAIL-
4 ABLE AMOUNTS.—Section 4 of the Pittman-Robertson
5 Wildlife Restoration Act (16 U.S.C. 669c), is amended—

6 (1) in subsection (a)(1)(B)—

7 (A) in clause (i) by striking “for each of
8 fiscal years 2001 and 2002, \$9,000,000;” and
9 inserting the following: “for fiscal year 2021,
10 the sum of—

11 “(I) the amount made available
12 under this paragraph for the previous
13 fiscal year adjusted to reflect the
14 change in the Consumer Price Index
15 for All Urban Consumers relative to
16 such previous fiscal year; and

17 “(II) \$979,500; and”;

18 (B) by striking clause (ii) and redesignig-
19 nating clause (iii) as clause (ii); and

20 (C) in clause (ii), as so redesignated, by
21 striking “fiscal year 2004”; and

22 (2) in subsection (a)(2) by striking “the end of
23 the fiscal year” and inserting “the end of the subse-
24 quent fiscal year”.

1 (b) AUTHORIZED EXPENSES FOR ADMINISTRA-
2 TION.—Section 9(a) of the Pittman-Robertson Wildlife
3 Restoration Act (16 U.S.C. 669h(a)) is amended—

4 (1) in paragraph (1) by striking “who directly
5 administer this Act on a full-time basis” and insert-
6 ing “for the work hours such employees spend di-
7 rectly administering this Act, as such hours are cer-
8 tified by the supervisor of the employee”;

9 (2) by striking “paragraphs (1) and (2)” and
10 inserting “paragraph (1)” each place it appears;

11 (3) by striking paragraph (2) and redesignating
12 paragraphs (3) through (12) as paragraphs (2)
13 through (11), respectively; and

14 (4) in paragraph (10), as so redesignated—

15 (A) by inserting “or part-time” after “on
16 a full-time”; and

17 (B) by striking “expenses are incurred”
18 and inserting “expenses are incurred, provided
19 that the percentage of relocation expenses paid
20 such amounts do not exceed the percentage of
21 work hours the member of personnel spends ad-
22 ministering this chapter”.

1 **SEC. 24005. SPORT FISH RESTORATION AND BOATING**
2 **TRUST FUND.**

3 Section 13107(c)(2) of title 46, United States Code,
4 is amended by striking “No funds available” and inserting
5 “On or after October 1, 2023 no funds available,”.

6 **TITLE V—CLIMATE SMART**
7 **PORTS**

8 **SEC. 25001. SHORT TITLE.**

9 This title may be cited as the “Climate Smart Ports
10 Act”.

11 **SEC. 25002. CLIMATE SMART PORTS GRANT PROGRAM.**

12 (a) ESTABLISHMENT OF PROGRAM.—Section 50302
13 of title 46, United States Code, is amended—

14 (1) by redesignating subsection (d) as sub-
15 section (e); and

16 (2) by inserting after subsection (c) the fol-
17 lowing:

18 “(d) CLIMATE SMART PORTS GRANT PROGRAM.—

19 “(1) ESTABLISHMENT.—Not later than 6
20 months after the date of enactment of the Climate
21 Smart Ports Act, the Secretary shall establish a pro-
22 gram to award grants to eligible entities to pur-
23 chase, and as applicable install, zero emissions port
24 equipment and technology.

25 “(2) PROCEDURAL SAFEGUARDS.—The Sec-
26 retary shall issue guidelines to establish appropriate

1 accounting, reporting, and review procedures to en-
2 sure that—

3 “(A) grant funds are used for the purposes
4 for which those funds were made available;

5 “(B) each grantee properly accounts for all
6 expenditures of grant funds; and

7 “(C) grant funds not used for such pur-
8 poses and amounts not obligated or expended
9 are returned.

10 “(3) GRANT CONDITIONS.—

11 “(A) IN GENERAL.—The Secretary shall
12 require as a condition of making a grant under
13 this subsection that a grantee—

14 “(i) maintain such records as the Sec-
15 retary considers necessary;

16 “(ii) make the records described in
17 clause (i) available for review and audit by
18 the Secretary; and

19 “(iii) periodically report to the Sec-
20 retary such information as the Secretary
21 considers necessary to assess progress.

22 “(B) REQUIREMENT.—The Secretary shall
23 require recipients of assistance under this sub-
24 section (d) to comply with section 113(a) of
25 title 23 with respect to all construction, alter-

1 ation, installation, or repair work, in the same
2 manner that recipients of assistance under
3 chapter 1 of such title are required to comply
4 with such section for construction work per-
5 formed on highway projects on Federal-aid
6 highways. With regard to the construction, al-
7 teration, or repair of vessels, the same require-
8 ments of such section shall apply regardless of
9 whether the location of contract performance is
10 known when bids for such work are solicited.

11 “(4) PROHIBITED USE.—

12 “(A) IN GENERAL.—An eligible entity may
13 not use a grant awarded under this subsection
14 to purchase or install fully automated cargo
15 handling equipment or terminal infrastructure
16 that is designed for fully automated cargo han-
17 dling equipment.

18 “(B) HUMAN-OPERATED ZERO EMISSIONS
19 PORT EQUIPMENT AND TECHNOLOGY.—Nothing
20 in subparagraph (A) prohibits an eligible entity
21 from using a grant awarded under this sub-
22 section to purchase human-operated zero emis-
23 sions port equipment and technology or infra-
24 structure that supports such human-operated
25 zero emissions port equipment and technology.

1 “(5) COST SHARE.—

2 “(A) IN GENERAL.—Except as provided in
3 subparagraph (B), an eligible entity may not
4 use a grant awarded under this subsection to
5 cover more than 70 percent of the cost of pur-
6 chasing, and as applicable installing, zero emis-
7 sions port equipment and technology.

8 “(B) CERTAIN GRANTS.—With respect to a
9 grant in an amount equal to or greater than
10 \$3,000,000, an eligible entity may use such
11 grant to cover not more than 85 percent of the
12 cost of purchasing and installing zero emissions
13 port equipment and technology if such eligible
14 entity certifies to the Secretary that—

15 “(i) such grant will be used, at least
16 in part, to employ laborers or mechanics to
17 install zero emissions port equipment and
18 technology; and

19 “(ii) such eligible entity is a party to
20 a project labor agreement or requires that
21 each subgrantee of such eligible entity, and
22 any subgrantee thereof at any tier, that
23 performs such installation participate in a
24 project labor agreement.

1 “(6) PROJECT LABOR.—An eligible entity that
2 uses a grant awarded under this subsection to install
3 zero emissions port equipment and technology shall
4 ensure, to the greatest extent practicable, that any
5 subgrantee of such eligible entity, and any sub-
6 grantee thereof at any tier, that carries out such in-
7 stallation employs laborers or mechanics for such in-
8 stallation that—

9 “(A) are domiciled not further than 50
10 miles from such installation;

11 “(B) are members of the Armed Forces
12 serving on active duty, separated from active
13 duty, or retired from active duty;

14 “(C) have been incarcerated or served time
15 in a juvenile detention facility; or

16 “(D) have a disability.

17 “(7) APPLICATION.—

18 “(A) IN GENERAL.—To be eligible to be
19 awarded a grant under this subsection, an eligi-
20 ble entity shall submit to the Secretary an ap-
21 plication at such time, in such manner, and
22 containing such information as the Secretary
23 may require.

1 “(B) PRIORITY.—The Secretary shall
2 prioritize awarding grants under this subsection
3 to eligible entities based on the following:

4 “(i) The degree to which the proposed
5 use of the grant will—

6 “(I) reduce greenhouse gas emis-
7 sions;

8 “(II) reduce emissions of any cri-
9 teria pollutant and precursor thereof;

10 “(III) reduce hazardous air pol-
11 lutant emissions; and

12 “(IV) reduce public health dis-
13 parities in communities that receive a
14 disproportionate quantity of air pollu-
15 tion from a port.

16 “(ii) The amount of matching, non-
17 Federal funds expected to be used by an
18 applicant to purchase, and as applicable in-
19 stall, zero emissions port equipment and
20 technology.

21 “(iii) Whether the applicant will use
22 such grant to purchase, and as applicable
23 install, zero emissions port equipment and
24 technology that is produced in the United
25 States.

1 “(iv) As applicable, whether the appli-
2 cant will recruit and retain skilled workers
3 through a Department of Labor approved
4 or State-approved joint labor management
5 apprenticeship program.

6 “(8) OUTREACH.—

7 “(A) IN GENERAL.—Not later than 90
8 days after funds are made available to carry out
9 this subsection, the Secretary shall develop and
10 carry out an educational outreach program to
11 promote and explain the grant program estab-
12 lished under paragraph (1) to prospective grant
13 recipients.

14 “(B) PROGRAM COMPONENTS.—In car-
15 rying out the outreach program developed
16 under subparagraph (A), the Secretary shall—

17 “(i) inform prospective grant recipi-
18 ents how to apply for a grant awarded
19 under this subsection;

20 “(ii) describe to prospective grant re-
21 cipients the benefits of available zero emis-
22 sions port equipment and technology;

23 “(iii) explain to prospective grant re-
24 cipients the benefits of participating in the

1 grant program established under this sub-
2 section; and

3 “(iv) facilitate the sharing of best
4 practices and lessons learned between
5 grant recipients and prospective grant re-
6 cipients with respect to how to apply for
7 and use grants awarded under this sub-
8 section.

9 “(9) REPORTS.—

10 “(A) REPORT TO SECRETARY.—Not later
11 than 90 days after the date on which an eligible
12 entity uses a grant awarded under this sub-
13 section, such eligible entity shall submit to the
14 Secretary a report containing such information
15 as the Secretary shall require.

16 “(B) BIENNIAL REPORT TO CONGRESS.—
17 Not later than January 31, 2021, and bienni-
18 ally thereafter, the Secretary shall submit to
19 Congress and make available on the website of
20 the Maritime Administration a report that in-
21 cludes, with respect to each grant awarded
22 under this subsection during the preceding cal-
23 endar years—

24 “(i) the name and location of the eli-
25 gible entity that was awarded such grant;

1 “(ii) the amount of such grant that
2 the eligible entity was awarded;

3 “(iii) the name and location of the
4 port where the zero emissions port equip-
5 ment and technology that was purchased,
6 and as applicable installed, with such grant
7 is used;

8 “(iv) an estimate of the impact of
9 such zero emissions port equipment and
10 technology on reducing—

11 “(I) greenhouse gas emissions;

12 “(II) emissions of criteria pollut-
13 ants and precursors thereof;

14 “(III) hazardous air pollutant
15 emissions; and

16 “(IV) public health disparities in
17 surrounding local communities; and

18 “(v) any other information the Sec-
19 retary determines necessary to understand
20 the impact of grants awarded under this
21 subsection.

22 “(10) AUTHORIZATION OF APPROPRIATIONS.—

23 “(A) IN GENERAL.—There is authorized to
24 be appropriated to carry out this subsection

1 \$500,000,000 for each of fiscal years 2021
2 through 2030.

3 “(B) NONATTAINMENT AREAS.—To the
4 extent practicable, at least 25 percent of
5 amounts made available to carry out this sub-
6 section in each fiscal year shall be used to
7 award grants to eligible entities to provide zero
8 emissions port equipment and technology to
9 ports that are in nonattainment areas.

10 “(C) ADMINISTRATION.—

11 “(i) ADMINISTRATIVE AND OVERSIGHT
12 COSTS.—The Secretary may retain not
13 more than 2 percent of the amounts appro-
14 priated for each fiscal year under this sub-
15 section for the administrative and over-
16 sight costs incurred by the Secretary to
17 carry out this subsection.

18 “(ii) AVAILABILITY.—

19 “(I) IN GENERAL.—Amounts ap-
20 propriated for carrying out this sub-
21 section shall remain available until ex-
22 pended.

23 “(II) UNEXPENDED FUNDS.—
24 Amounts awarded as a grant under
25 this subsection that are not expended

1 by the grantee during the 5-year pe-
2 riod following the date of the award
3 shall remain available to the Secretary
4 for use for grants under this sub-
5 section in a subsequent fiscal year.

6 “(11) DEFINITIONS.—In this subsection:

7 “(A) ACTIVE DUTY.—The term ‘active
8 duty’ has the meaning given such term in sec-
9 tion 101 of title 10, United States Code.

10 “(B) ALTERNATIVE EMISSIONS CONTROL
11 TECHNOLOGY.—The term ‘alternative emissions
12 control technology’ means a technology, tech-
13 nique, or measure that—

14 “(i) captures the emissions of nitrogen
15 oxide, particulate matter, reactive organic
16 compounds, and greenhouse gases from the
17 auxiliary engine and auxiliary boiler of an
18 ocean-going vessel at berth;

19 “(ii) is verified or approved by a State
20 or Federal air quality regulatory agency;

21 “(iii) the use of which achieves at
22 least the equivalent reduction of emissions
23 as the use of shore power for an ocean-
24 going vessel at berth;

1 “(iv) the use of which results in re-
2 ducing emissions of the auxiliary engine of
3 an ocean-going vessel at berth to a rate of
4 less than—

5 “(I) 2.8 g/kW-hr for nitrogen
6 oxide;

7 “(II) 0.03 g/kW-hr for particu-
8 late matter 2.5; and

9 “(III) 0.1 g/kW-hr for reactive
10 organic compounds; and

11 “(v) reduces the emissions of the aux-
12 iliary engine and boiler of an ocean-going
13 vessel at berth by at least 80 percent of
14 the default emissions rate, which is 13.8 g.

15 “(C) CRITERIA POLLUTANT.—The term
16 ‘criteria pollutant’ means each of the following:

17 “(i) Ground-level ozone.

18 “(ii) Particulate matter.

19 “(iii) Carbon monoxide.

20 “(iv) Lead.

21 “(v) Sulfur dioxide.

22 “(vi) Nitrogen dioxide.

23 “(D) DISTRIBUTED ENERGY RESOURCE.—

1 “(i) IN GENERAL.—The term ‘distrib-
2 uted energy resource’ means an energy re-
3 source that—

4 “(I) is located on or near a cus-
5 tomer site;

6 “(II) is operated on the customer
7 side of the electric meter; and

8 “(III) is interconnected with the
9 electric grid.

10 “(ii) INCLUSIONS.—The term ‘distrib-
11 uted energy resource’ includes—

12 “(I) clean electric generation;

13 “(II) customer electric efficiency
14 measures;

15 “(III) electric demand flexibility;
16 and

17 “(IV) energy storage.

18 “(E) ELIGIBLE ENTITY.—The term ‘eligi-
19 ble entity’ means—

20 “(i) a port authority;

21 “(ii) a State, regional, local, or Tribal
22 agency that has jurisdiction over a port au-
23 thority or a port;

24 “(iii) an air pollution control district
25 or air quality management district; or

1 “(iv) a private or nonprofit entity, ap-
2 plying for a grant awarded under this sub-
3 section in collaboration with another entity
4 described in clauses (i) through (iii), that
5 owns or uses cargo or transportation
6 equipment at a port.

7 “(F) ENERGY STORAGE SYSTEM.—The
8 term ‘energy storage system’ means a system,
9 equipment, facility, or technology that—

10 “(i) is capable of absorbing energy,
11 storing energy for a period of time, and
12 dispatching the stored energy; and

13 “(ii) uses a mechanical, electrical,
14 chemical, electrochemical, or thermal pro-
15 cess to store energy that—

16 “(I) was generated at an earlier
17 time for use at a later time; or

18 “(II) was generated from a me-
19 chanical process, and would otherwise
20 be wasted, for delivery at a later time.

21 “(G) FULLY AUTOMATED CARGO HAN-
22 DLING EQUIPMENT.—The term ‘fully automated
23 cargo handling equipment’ means cargo han-
24 dling equipment that—

1 “(i) is remotely operated or remotely
2 monitored; and

3 “(ii) with respect to the use of such
4 equipment, does not require the exercise of
5 human intervention or control.

6 “(H) NONATTAINMENT AREA.—The term
7 ‘nonattainment area’ has the meaning given
8 such term in section 171 of the Clean Air Act
9 (42 U.S.C. 7501).

10 “(I) PORT.—The term ‘port’ includes a
11 maritime port and an inland port.

12 “(J) PORT AUTHORITY.—The term ‘port
13 authority’ means a governmental or quasi-gov-
14 ernmental authority formed by a legislative
15 body to operate a port.

16 “(K) PROJECT LABOR AGREEMENT.—The
17 term ‘project labor agreement’ means a pre-hire
18 collective bargaining agreement with one or
19 more labor organization that establishes the
20 terms and conditions of employment for a spe-
21 cific construction project and is described in
22 section 8(f) of the National Labor Relations
23 Act (29 U.S.C. 158(f)).

24 “(L) APPRENTICESHIP PROGRAM.—The
25 term ‘apprenticeship program’ means an ap-

1 prenticeship program registered under the Act
2 of August 16, 1937 (commonly known as the
3 ‘National Apprenticeship Act’; 50 Stat. 664,
4 chapter 663; 29 U.S.C. 50 et seq.), including
5 any requirement, standard, or rule promulgated
6 under such Act, as such requirement, standard,
7 or rule was in effect on December 30, 2019.

8 “(M) SHORE POWER.—The term ‘shore
9 power’ means the provision of shoreside elec-
10 trical power to a ship at berth that has shut
11 down main and auxiliary engines.

12 “(N) STATE APPRENTICESHIP AGENCY.—
13 The term ‘State Apprenticeship Agency’ has the
14 meaning given such term in section 29.2 of title
15 29, Code of Federal Regulations (as in effect on
16 January 1, 2020).

17 “(O) ZERO EMISSIONS PORT EQUIPMENT
18 AND TECHNOLOGY.—

19 “(i) IN GENERAL.—The term ‘zero
20 emissions port equipment and technology’
21 means equipment and technology, includ-
22 ing the equipment and technology de-
23 scribed in clause (ii), that—

24 “(I) is used at a port; and

1 “(II)(aa) produces zero exhaust
2 emissions of—

3 “(AA) any criteria pollutant
4 and precursor thereof; and

5 “(BB) any greenhouse gas,
6 other than water vapor; or

7 “(bb) captures 100 percent of the
8 exhaust emissions produced by an
9 ocean-going vessel at berth.

10 “(ii) EQUIPMENT AND TECHNOLOGY
11 DESCRIBED.—The equipment and tech-
12 nology described in this clause is the fol-
13 lowing:

14 “(I) Any equipment that handles
15 cargo.

16 “(II) A drayage truck that trans-
17 ports cargo.

18 “(III) A train that transports
19 cargo.

20 “(IV) Port harbor craft.

21 “(V) A distributed energy re-
22 source.

23 “(VI) An energy storage system.

24 “(VII) Electrical charging infra-
25 structure.

1 “(VIII) Shore power or an alter-
2 native emissions control technology.

3 “(IX) An electric transport re-
4 frigeration unit.”.

5 (b) TECHNICAL ASSISTANCE.—Paragraph (3) of sub-
6 section (e) of section 50302 of title 46, United States
7 Code, as redesignated by subsection (a)(1) of this section,
8 is amended—

9 (1) by inserting “or (d)” after “subsection (c)”;
10 and

11 (2) by striking “such”.

12 **SEC. 25003. ENERGY POLICY ACT OF 2005 AUTHORIZATION**
13 **OF APPROPRIATIONS FOR PORT AUTHORI-**
14 **TIES.**

15 Section 797 of the Energy Policy Act of 2005 (42
16 U.S.C. 16137) is amended by adding at the end the fol-
17 lowing:

18 “(c) PORT AUTHORITIES.—There is authorized to be
19 appropriated \$50,000,000 for each of fiscal years 2021
20 through 2025 to award grants, rebates, or loans, under
21 section 792, to eligible entities to carry out projects that
22 reduce emissions at ports.”.

TITLE VI—OTHER MATTERS**SEC. 26001. WASTEWATER DRUG TESTING PILOT PROGRAM.**

(a) ESTABLISHMENT.—The Administrator of the Environmental Protection Agency shall establish a pilot program to provide funding to States to incorporate wastewater testing for drugs at municipal wastewater treatment plants in order to monitor drug consumption and detect new drug use more quickly and in a more specific geographic region than methods currently in use.

(b) SELECTION.—In carrying out the pilot program established under subsection (a), the Administrator shall, subject to appropriations, select five States to each receive \$1,000,000 in each of fiscal years 2022 through 2024 to provide funding to municipal wastewater treatment plants to incorporate testing for drugs into their routine wastewater testing protocol.

(c) REQUIREMENTS.—A State receiving funds pursuant to the pilot program shall—

(1) provide funding to municipal wastewater treatment plants to collect and test water samples;

(2) facilitate a partnership between local health departments and municipal wastewater treatment plants; and

(3) provide not less than 10 percent of the funds to applicable local health departments to de-

1 velop public health interventions to respond to drug
2 use in the community, as indicated by testing re-
3 sults.

4 (d) ANALYSES.—A State receiving funds pursuant to
5 the pilot program may use a portion of the funding to
6 have test results analyzed, including to develop estimates
7 of how many doses of a drug have been consumed and
8 to track results over time. The State shall report such
9 analyses to the local and State health departments and
10 to the Centers for Disease Control and Prevention.

11 (e) REPORTS.—

12 (1) STATE REPORTS.—Not later than 90 days
13 after the end of the pilot program, each State that
14 received funds shall submit a report to the Commit-
15 tees on Energy and Commerce and Transportation
16 and Infrastructure of the House of Representatives,
17 the Committees on Health, Education, Labor, and
18 Pensions and Environment and Public Works of the
19 Senate, and the Centers for Disease Control and
20 Prevention that includes each year’s final budget, an
21 explanation of how the program was established,
22 what information the wastewater testing provided
23 and whether findings were in line with other drug
24 surveillance strategies, the usefulness of testing as
25 an evaluation strategy for policy change and public

1 health interventions, challenges encountered, and
2 recommendations for responsible data use and main-
3 taining privacy.

4 (2) CDC REPORT.—Not later than 180 days
5 after the end of the pilot program, the Centers for
6 Disease Control and Prevention shall submit a re-
7 port to Congress analyzing the reports submitted
8 under paragraph (1) and detailing best practices for
9 implementing wastewater testing and using the re-
10 sults to inform public health interventions.

11 (f) RESTRICTIONS.—

12 (1) COLLECTION.—A State receiving funds pur-
13 suant to the pilot program may not use such funds
14 to collect water samples from any location other
15 than a municipal wastewater treatment plant.

16 (2) DISCLOSURE.—Analyses of samples col-
17 lected pursuant to this section may not be disclosed
18 to any entity other than the applicable State and
19 local health departments and the Centers for Dis-
20 ease Control and Prevention.

21 (3) REPORTS.—Any information relating to
22 sample analyses included in a report submitted
23 under subsection (e) shall not be made public.

1 **TITLE VII—NEW RIVER**
2 **RESTORATION**

3 **SEC. 27001. SHORT TITLE.**

4 This title may be cited as the “California New River
5 Restoration Act of 2020”.

6 **SEC. 27002. DEFINITIONS.**

7 In this title:

8 (1) **ADMINISTRATOR.**—The term “Adminis-
9 trator” means the Administrator of the Environ-
10 mental Protection Agency.

11 (2) **MEXICAN.**—The term “Mexican” refers to
12 the Federal, State, and local governments of the
13 United Mexican States.

14 (3) **NEW RIVER.**—The term “New River”
15 means that portion of the New River, California,
16 that flows north within the United States from the
17 border of Mexico through Calexico, California,
18 passes through the Imperial Valley, and drains into
19 the Salton Sea.

20 (4) **PROGRAM.**—The term “program” means
21 the California New River restoration program estab-
22 lished under section 27003.

23 (5) **RESTORATION AND PROTECTION.**—The
24 term “restoration and protection” means the con-
25 servation, stewardship, and enhancement of habitat

1 for fish and wildlife to preserve and improve eco-
2 systems and ecological processes on which they de-
3 pend.

4 **SEC. 27003. CALIFORNIA NEW RIVER RESTORATION PRO-**
5 **GRAM ESTABLISHMENT.**

6 (a) ESTABLISHMENT.—Not later than 180 days after
7 the date of enactment of this Act, the Administrator shall
8 establish a program to be known as the “California New
9 River restoration program”.

10 (b) DUTIES.—In carrying out the program, the Ad-
11 ministrator shall—

12 (1) implement projects, plans, and initiatives
13 for the restoration and protection of the New River
14 that are supported by the California-Mexico Border
15 Relations Council, in consultation with applicable
16 management entities, including representatives of
17 the Calexico New River Committee, the California-
18 Mexico Border Relations Council, the New River Im-
19 provement Project Technical Advisory Committee,
20 the Federal Government, State and local govern-
21 ments, and regional and nonprofit organizations;

22 (2) undertake activities that—

23 (A) support the implementation of a
24 shared set of science-based restoration and pro-

1 tection activities identified in accordance with
2 paragraph (1);

3 (B) target cost-effective projects with
4 measurable results; and

5 (C) maximize conservation outcomes with
6 no net gain of Federal full-time equivalent em-
7 ployees; and

8 (3) provide grants and technical assistance in
9 accordance with section 27004.

10 (c) COORDINATION.—In establishing the program,
11 the Administrator shall consult, as appropriate, with—

12 (1) the heads of Federal agencies, including—

13 (A) the Secretary of the Interior;

14 (B) the Secretary of Agriculture;

15 (C) the Secretary of Homeland Security;

16 (D) the Administrator of General Services;

17 (E) the Commissioner of U.S. Customs
18 and Border Protection;

19 (F) the Commissioner of the International
20 Boundary Water Commission; and

21 (G) the head of any other applicable agen-
22 cy;

23 (2) the Governor of California;

24 (3) the California Environmental Protection
25 Agency;

1 (4) the California State Water Resources Con-
2 trol Board;

3 (5) the California Department of Water Re-
4 sources;

5 (6) the Colorado River Basin Regional Water
6 Quality Control Board;

7 (7) the Imperial Irrigation District; and

8 (8) other public agencies and organizations with
9 authority for the planning and implementation of
10 conservation strategies relating to the New River.

11 (d) PURPOSES.—The purposes of the program in-
12 clude—

13 (1) coordinating restoration and protection ac-
14 tivities, among Mexican, Federal, State, local, and
15 regional entities and conservation partners, relating
16 to the New River; and

17 (2) carrying out coordinated restoration and
18 protection activities, and providing for technical as-
19 sistance relating to the New River—

20 (A) to sustain and enhance fish and wild-
21 life habitat restoration and protection activities;

22 (B) to improve and maintain water quality
23 to support fish and wildlife, as well as the habi-
24 tats of fish and wildlife;

1 (C) to sustain and enhance water manage-
2 ment for volume and flood damage mitigation
3 improvements to benefit fish and wildlife habi-
4 tat;

5 (D) to improve opportunities for public ac-
6 cess to, and recreation in and along, the New
7 River consistent with the ecological needs of
8 fish and wildlife habitat;

9 (E) to maximize the resilience of natural
10 systems and habitats under changing watershed
11 conditions;

12 (F) to engage the public through outreach,
13 education, and citizen involvement, to increase
14 capacity and support for coordinated restora-
15 tion and protection activities relating to the
16 New River;

17 (G) to increase scientific capacity to sup-
18 port the planning, monitoring, and research ac-
19 tivities necessary to carry out coordinated res-
20 toration and protection activities; and

21 (H) to provide technical assistance to carry
22 out restoration and protection activities relating
23 to the New River.

1 **SEC. 27004. GRANTS AND ASSISTANCE.**

2 (a) IN GENERAL.—In carrying out the program, the
3 Administrator shall provide grants and technical assist-
4 ance to State and local governments, nonprofit organiza-
5 tions, and institutions of higher education, to carry out
6 the purposes of the program.

7 (b) CRITERIA.—The Administrator, in consultation
8 with the organizations described in section 27003(c), shall
9 develop criteria for providing grants and technical assist-
10 ance under this section to ensure that such activities ac-
11 complish one or more of the purposes identified in section
12 27003(d)(2).

13 (c) COST SHARING.—

14 (1) FEDERAL SHARE.—The Federal share of
15 the cost of a project for which a grant is provided
16 under this section shall not exceed 55 percent of the
17 total cost of the activity, as determined by the Ad-
18 ministrator.

19 (2) NON-FEDERAL SHARE.—The non-Federal
20 share of the cost of a project for which a grant is
21 provided under this section may be provided in the
22 form of an in-kind contribution of services or mate-
23 rials that the Administrator determines are integral
24 to the activity carried out using assistance author-
25 ized by this title.

1 (d) REQUIREMENTS.—Sections 513 and 608 of the
2 Federal Water Pollution Control Act (33 U.S.C. 1372;
3 1388) shall apply to the construction of any project or
4 activity carried out, in whole or in part, under this title
5 in the same manner those sections apply to a treatment
6 works for which a grant is made available under the Fed-
7 eral Water Pollution Control Act.

8 (e) ADMINISTRATION.—The Administrator may enter
9 into an agreement to manage the implementation of this
10 section with the North American Development Bank or
11 a similar organization that offers grant management serv-
12 ices.

13 **SEC. 27005. ANNUAL REPORTS.**

14 Not later than 180 days after the date of enactment
15 of this Act, and annually thereafter, the Administrator
16 shall submit to Congress a report on the implementation
17 of this title, including a description of each project that
18 has received funding under this title and the status of all
19 such projects that are in progress on the date of submis-
20 sion of the report.

21 **TITLE VIII—OTHER MATTERS**

22 **SEC. 28001. COVID-19 WASTEWATER SURVEILLANCE RE-**
23 **SEARCH PROGRAM.**

24 (a) FINDINGS.—Congress finds the following:

1 (1) Wastewater surveillance of COVID–19 is a
2 rapidly evolving area of research that holds great
3 promise as an early, cost-effective, unbiased commu-
4 nity-level indicator of the presence of COVID–19.

5 (2) Use of wastewater surveillance to assess in-
6 creasing trends in the occurrence of COVID–19, es-
7 pecially in early detection, has been successfully
8 demonstrated, however, additional research may help
9 shed light on other areas where this tool can be
10 helpful in providing useful information to public
11 health and elected officials responding to the
12 COVID–19 pandemic.

13 (b) GRANTS.—The Administrator of the Environ-
14 mental Protection Agency shall establish a program to
15 award research grants to eligible entities to investigate the
16 use of wastewater surveillance of the genetic signal of
17 SARS CoV–2 as an indicator of the distribution of
18 COVID–19 in communities.

19 (c) ELIGIBLE ENTITIES.—Entities eligible to receive
20 a grant under this section include wastewater utilities (in-
21 cluding those that receive funding through a State water
22 pollution control revolving fund established pursuant to
23 title VI of the Federal Water Pollution Control Act), insti-
24 tutions of higher education, and public-private consortia
25 focused on water research and technology.

1 (d) REQUIREMENTS.—In carrying out subsection (b),
2 the Administrator, in consultation with wastewater offi-
3 cials and public health officials, shall—

4 (1) develop recommendations for—

5 (A) sample plan design, sample collection,
6 and sample preservation; and

7 (B) consistent data collection practices and
8 documentation that would allow data com-
9 parability;

10 (2) support greater coordination in research to
11 help better understand and address knowledge gaps;

12 (3) support effective communication with the
13 public, public health officials, elected officials, waste-
14 water professionals, and the media, on the results of
15 any wastewater surveillance for tracking trends re-
16 lating to COVID–19; and

17 (4) carry out such other activities as the Ad-
18 ministrator determines appropriate.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There
20 are authorized to be appropriated for fiscal years 2021
21 and 2022 such sums as may be necessary to carry out
22 this section.

1 **TITLE IX—OTHER MATTERS**

2 **SEC. 29001. SMART WATER INFRASTRUCTURE INVESTMENT**

3 **GRANTS.**

4 Title II of the Federal Water Pollution Control Act
5 (33 U.S.C. 1281 et seq.) is amended by adding at the end
6 the following:

7 **“SEC. 222. SMART WASTEWATER INFRASTRUCTURE TECH-**
8 **NOLOGY.**

9 “(a) **POLICY.**—It is the policy of the United States
10 to support the modernization of the Nation’s publicly
11 owned treatment works to maintain reliable and affordable
12 water quality infrastructure that addresses demand im-
13 pacts, including resiliency to improve public health and
14 natural resources.

15 “(b) **GRANTS.**—

16 “(1) **GRANTS TO TREATMENT WORKS.**—The
17 Administrator shall make direct grants to owners
18 and operators of publicly owned treatment works for
19 planning, design, construction, and operations train-
20 ing of—

21 “(A) intelligent wastewater collection sys-
22 tems and stormwater management operations,
23 including technologies that rely on—

24 “(i) real-time monitoring, embedded
25 intelligence, and predictive maintenance ca-

1 pabilities that improve the energy effi-
2 ciency, reliability, and resiliency of waste-
3 water pumping systems;

4 “(ii) real-time sensors that provide
5 continuous monitoring of wastewater col-
6 lection system water quality to support the
7 optimization of stormwater and wastewater
8 collection systems, with a priority for water
9 quality impacts; and

10 “(iii) the use of artificial intelligence
11 and other intelligent optimization tools
12 that reduce operational costs, including
13 operational costs relating to energy con-
14 sumption and chemical treatment; and

15 “(B) innovative and alternative combined
16 sewer and stormwater control projects, includ-
17 ing groundwater banking, that rely upon real-
18 time data acquisition to support predictive aqui-
19 fer recharge through water reuse and
20 stormwater management capabilities.

21 “(2) RURAL COMMUNITIES SET-ASIDE.—Of
22 amounts appropriated pursuant to subsection (h),
23 the Administrator use not more than 20 percent to
24 make grants to communities with populations not
25 greater than 10,000.

1 “(c) COST-SHARE.—The non-Federal share of the
2 costs of an activity carried out using a grant under sub-
3 section (b) shall be 25 percent.

4 “(d) EXCEPTION.—The Administrator may waive the
5 cost-share requirement of subsection (c) if the Adminis-
6 trator determines such cost-share would be financially un-
7 reasonable due to a community’s ability to comply with
8 such cost-share requirement.

9 “(e) PROGRAM IMPLEMENTATION.—

10 “(1) GUIDANCE.—Not later than 30 days after
11 the date of enactment of this section, the Adminis-
12 trator shall issue guidance to owners and operators
13 of publicly owned treatment works on how to apply
14 for assistance.

15 “(2) DECISION ON APPLICATIONS.—The Ad-
16 ministrator shall make a determination of whether
17 to make a grant to an applicant within 30 days of
18 receipt of an application. In the case that the Ad-
19 ministrator determines an application is deficient,
20 the applicant shall be advised of any such defi-
21 ciencies and provided the opportunity to resubmit
22 the application.

23 “(3) DISBURSEMENT.—A grant shall be made
24 not later than 60 days after the date on which the
25 Administrator approves an application.

1 “(f) COMPLIANCE WITH BUY AMERICA.—The re-
2 quirements of section 608 shall apply to funds granted
3 under this section.

4 “(g) REPORT TO CONGRESS.—Not later than 180
5 days after the date of enactment of this subsection, and
6 annually thereafter, the Administrator shall submit to
7 Congress a report describing projects funded under this
8 section, results in improving the resiliency of publicly
9 owned treatment works, and recommendations to improve
10 the achievement of the program’s policy. For purposes of
11 the first report to Congress, the Administrator shall report
12 on the program’s implementation, including a description
13 of projects approved and those disapproved. In providing
14 such information, the Administrator shall detail the rea-
15 sons that a project was not awarded assistance.

16 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
17 is authorized to be appropriated \$500,000,000 to carry
18 out this section, to remain available until expended.”.

19 **DIVISION G—ENERGY AND**
20 **COMMERCE**
21 **TITLE I—BROADBAND**
22 **INFRASTRUCTURE**

23 **SEC. 31001. DEFINITIONS.**

24 In this title:

1 (1) AGING INDIVIDUAL.—The term “aging indi-
2 vidual” has the meaning given the term “older indi-
3 vidual” in section 102 of the Older Americans Act
4 of 1965 (42 U.S.C. 3002).

5 (2) APPROPRIATE COMMITTEES OF CON-
6 GRESS.—The term “appropriate committees of Con-
7 gress” means—

8 (A) the Committee on Appropriations of
9 the Senate;

10 (B) the Committee on Commerce, Science,
11 and Transportation of the Senate;

12 (C) the Committee on Appropriations of
13 the House of Representatives; and

14 (D) the Committee on Energy and Com-
15 merce of the House of Representatives.

16 (3) ASSISTANT SECRETARY.—The term “Assist-
17 ant Secretary” means the Assistant Secretary of
18 Commerce for Communications and Information.

19 (4) COMMISSION.—The term “Commission”
20 means the Federal Communications Commission.

21 (5) COVERED HOUSEHOLD.—The term “covered
22 household” means a household the income of which
23 does not exceed 150 percent of the poverty thresh-
24 old, as determined by using criteria of poverty estab-

1 lished by the Bureau of the Census, for a household
2 of the size involved.

3 (6) COVERED POPULATIONS.—The term “cov-
4 ered populations” means—

5 (A) individuals who are members of cov-
6 ered households;

7 (B) aging individuals;

8 (C) incarcerated individuals, other than in-
9 dividuals who are incarcerated in a Federal cor-
10 rectional facility (including a private facility op-
11 erated under contract with the Federal Govern-
12 ment);

13 (D) veterans;

14 (E) individuals with disabilities;

15 (F) individuals with a language barrier, in-
16 cluding individuals who—

17 (i) are English learners; or

18 (ii) have low levels of literacy;

19 (G) individuals who are members of a ra-
20 cial or ethnic minority group; and

21 (H) individuals who primarily reside in a
22 rural area.

23 (7) DIGITAL LITERACY.—The term “digital lit-
24 eracy” means the skills associated with using tech-

1 nology to enable users to find, evaluate, organize,
2 create, and communicate information.

3 (8) DISABILITY.—The term “disability” has the
4 meaning given the term in section 3 of the Ameri-
5 cans with Disabilities Act of 1990 (42 U.S.C.
6 12102).

7 (9) FEDERAL AGENCY.—The term “Federal
8 agency” has the meaning given the term “agency”
9 in section 551 of title 5, United States Code.

10 (10) INDIAN TRIBE.—The term “Indian Tribe”
11 has the meaning given the term “Indian tribe” in
12 section 4(e) of the Indian Self-Determination and
13 Education Assistance Act (25 U.S.C. 5304(e)).

14 (11) INSTITUTION OF HIGHER EDUCATION.—
15 The term “institution of higher education”—

16 (A) has the meaning given the term in sec-
17 tion 101 of the Higher Education Act of 1965
18 (20 U.S.C. 1001); and

19 (B) includes a postsecondary vocational in-
20 stitution.

21 (12) POSTSECONDARY VOCATIONAL INSTITU-
22 TION.—The term “postsecondary vocational institu-
23 tion” has the meaning given the term in section
24 102(c) of the Higher Education Act of 1965 (20
25 U.S.C. 1002(c)).

1 (13) RURAL AREA.—The term “rural area” has
2 the meaning given the term in section 13 of the
3 Rural Electrification Act of 1936 (7 U.S.C. 913).

4 (14) STATE.—The term “State” has the mean-
5 ing given the term in section 3 of the Communica-
6 tions Act of 1934 (47 U.S.C. 153).

7 (15) VETERAN.—The term “veteran” has the
8 meaning given the term in section 101 of title 38,
9 United States Code.

10 **SEC. 31002. SENSE OF CONGRESS.**

11 (a) IN GENERAL.—It is the sense of Congress that—

12 (1) a broadband service connection and digital
13 literacy are increasingly critical to how individuals—

14 (A) participate in the society, economy,
15 and civic institutions of the United States; and

16 (B) access health care and essential serv-
17 ices, obtain education, and build careers;

18 (2) digital exclusion—

19 (A) carries a high societal and economic
20 cost;

21 (B) materially harms the opportunity of an
22 individual with respect to the economic success,
23 educational achievement, positive health out-
24 comes, social inclusion, and civic engagement of
25 that individual;

1 (C) materially harms the opportunity of
2 areas where it is especially widespread with re-
3 spect to economic success, educational achieve-
4 ment, positive health outcomes, social cohesion,
5 and civic institutions; and

6 (D) exacerbates existing wealth and income
7 gaps, especially those experienced by covered
8 populations and between regions;

9 (3) achieving accessible and affordable access to
10 broadband service, as well as digital literacy, for all
11 people of the United States requires additional and
12 sustained research efforts and investment;

13 (4) the Federal Government, as well as State,
14 Tribal, and local governments, have made social,
15 legal, and economic obligations that necessarily ex-
16 tend to how the citizens and residents of those gov-
17 ernments access and use the internet; and

18 (5) achieving accessible and affordable access to
19 broadband service is a matter of social and economic
20 justice and is worth pursuing.

21 (b) BROADBAND SERVICE DEFINED.—In this sec-
22 tion, the term “broadband service” has the meaning given
23 the term “broadband internet access service” in section
24 8.1(b) of title 47, Code of Federal Regulations, or any
25 successor regulation.

1 **SEC. 31003. SEVERABILITY.**

2 If any provision of this title, an amendment made by
3 this title, or the application of such provision or amend-
4 ment to any person or circumstance is held to be invalid,
5 the remainder of this title and the amendments made by
6 this title, and the application of such provision or amend-
7 ment to any other person or circumstance, shall not be
8 affected thereby.

9 **Subtitle A—Digital Equity**

10 **SEC. 31100. DEFINITIONS.**

11 In this subtitle:

12 (1) **ADOPTION OF BROADBAND SERVICE.**—The
13 term “adoption of broadband service” means the
14 process by which an individual obtains daily access
15 to broadband service—

16 (A) with a download speed of at least 25
17 megabits per second, an upload speed of at
18 least 3 megabits per second, and a latency that
19 is sufficiently low to allow real-time, interactive
20 applications;

21 (B) with the digital skills that are nec-
22 essary for the individual to participate online;
23 and

24 (C) on a—

25 (i) personal device; and

26 (ii) secure and convenient network.

1 (2) ANCHOR INSTITUTION.—The term “anchor
2 institution” means a public or private school, a li-
3 brary, a medical or healthcare provider, a museum,
4 a public safety entity, a public housing agency, a
5 community college, an institution of higher edu-
6 cation, a religious organization, or any other com-
7 munity support organization or agency.

8 (3) ASSISTANT SECRETARY.—Except in section
9 31101, the term “Assistant Secretary” means the
10 Assistant Secretary, acting through the Office.

11 (4) BROADBAND SERVICE.—The term
12 “broadband service” has the meaning given the term
13 “broadband internet access service” in section 8.1(b)
14 of title 47, Code of Federal Regulations, or any suc-
15 cessor regulation.

16 (5) COVERED PROGRAMS.—The term “covered
17 programs” means the State Digital Equity Capacity
18 Grant Program established under section 31121 and
19 the Digital Equity Competitive Grant Program es-
20 tablished under section 31122.

21 (6) DIGITAL EQUITY.—The term “digital eq-
22 uity” means the condition in which individuals and
23 communities have the information technology capac-
24 ity that is needed for full participation in the society
25 and economy of the United States.

1 (7) DIGITAL INCLUSION ACTIVITIES.—The term
2 “digital inclusion activities”—

3 (A) means the activities that are necessary
4 to ensure that all individuals in the United
5 States have access to, and the use of, affordable
6 information and communication technologies,
7 such as—

8 (i) reliable broadband service;

9 (ii) internet-enabled devices that meet
10 the needs of the user; and

11 (iii) applications and online content
12 designed to enable and encourage self-suf-
13 ficiency, participation, and collaboration;
14 and

15 (B) includes—

16 (i) the provision of digital literacy
17 training;

18 (ii) the provision of quality technical
19 support; and

20 (iii) promoting basic awareness of
21 measures to ensure online privacy and cy-
22 bersecurity.

23 (8) ELIGIBLE STATE.—The term “eligible
24 State” means—

1 (A) with respect to planning grants made
2 available under section 31121(e)(3), a State
3 with respect to which the Assistant Secretary
4 has approved an application submitted to the
5 Assistant Secretary under section
6 31121(e)(3)(C); and

7 (B) with respect to capacity grants award-
8 ed under section 31121(d), a State with respect
9 to which the Assistant Secretary has approved
10 an application submitted to the Assistant Sec-
11 retary under section 31121(d)(2), including ap-
12 proval of the State Digital Equity Plan devel-
13 oped by the State under section 31121(c).

14 (9) FEDERAL BROADBAND SERVICE SUPPORT
15 PROGRAM.—The term “Federal broadband service
16 support program” does not include any Universal
17 Service Fund program and means any of the fol-
18 lowing programs (or any other similar Federal pro-
19 gram) to the extent the program offers broadband
20 service or programs for promoting access to
21 broadband service and adoption of broadband service
22 for various demographic communities through var-
23 ious media for residential, commercial, or community
24 providers or anchor institutions:

1 (A) The Telecommunications and Tech-
2 nology Program of the Appalachian Regional
3 Commission.

4 (B) The Telecommunications Infrastruc-
5 ture Loans and Loan Guarantees, the Rural
6 Broadband Access Loans and Loan Guarantees,
7 the Substantially Underserved Trust Areas Pro-
8 visions, the Community Connect Grant Pro-
9 gram, and the Distance Learning and Tele-
10 medicine Grant Program of the Rural Utilities
11 Service of the Department of Agriculture.

12 (C) The Public Works and Economic Ad-
13 justment Assistance Programs and the Plan-
14 ning and Local Technical Assistance Programs
15 of the Economic Development Administration of
16 the Department of Commerce.

17 (D) The Community Development Block
18 Grants and Section 108 Loan Guarantees, the
19 Funds for Public Housing Authorities: Capital
20 Fund and Operating Fund, the Multifamily
21 Housing, the Indian Community Development
22 Block Grant Program, the Indian Housing
23 Block Grant Program, the Title VI Loan Guar-
24 antee Program, Choice Neighborhoods, the
25 HOME Investment Partnerships Program, the

1 Housing Trust Fund, and the Housing Oppor-
2 tunities for Persons with AIDS of the Depart-
3 ment of Housing and Urban Development.

4 (E) The American Job Centers of the Em-
5 ployment and Training Administration of the
6 Department of Labor.

7 (F) The Library Services and Technology
8 Grant Programs of the Institute of Museum
9 and Library Services.

10 (G) The State Digital Equity Capacity
11 Grant Program established under section
12 31121.

13 (H) The Digital Equity Competitive Grant
14 Program established under section 31122.

15 (I) The program established under section
16 723 of the Communications Act of 1934 (relat-
17 ing to expansion of access to broadband service
18 for unserved areas, areas with low-tier service,
19 areas with mid-tier service, and unserved an-
20 chor institutions), as added by section 31301.

21 (J) The broadband infrastructure finance
22 and innovation program established under chap-
23 ter 2 of subtitle C.

1 (10) GENDER IDENTITY.—The term “gender
2 identity” has the meaning given the term in section
3 249(c) of title 18, United States Code.

4 (11) LOCAL EDUCATIONAL AGENCY.—The term
5 “local educational agency” has the meaning given
6 the term in section 8101(30) of the Elementary and
7 Secondary Education Act of 1965 (20 U.S.C.
8 7801(30)).

9 (12) MEDICAID ENROLLEE.—The term “Med-
10 icaid enrollee” means, with respect to a State, an in-
11 dividual enrolled in the State plan under title XIX
12 of the Social Security Act (42 U.S.C. 1396 et seq.)
13 or a waiver of that plan.

14 (13) NATIONAL LIFELINE ELIGIBILITY
15 VERIFIER.—The term “National Lifeline Eligibility
16 Verifier” has the meaning given such term in section
17 54.400 of title 47, Code of Federal Regulations (or
18 any successor regulation).

19 (14) NATIVE HAWAIIAN ORGANIZATION.—The
20 term “Native Hawaiian organization” means any or-
21 ganization—

22 (A) that serves the interests of Native Ha-
23 waiians;

24 (B) in which Native Hawaiians serve in
25 substantive and policymaking positions;

1 (C) that has as a primary and stated pur-
2 pose the provision of services to Native Hawai-
3 ians; and

4 (D) that is recognized for having expertise
5 in Native Hawaiian affairs, digital connectivity,
6 or access to broadband service.

7 (15) OFFICE.—The term “Office” means the
8 Office of Internet Connectivity and Growth estab-
9 lished pursuant to section 31101.

10 (16) PUBLIC HOUSING AGENCY.—The term
11 “public housing agency” has the meaning given the
12 term in section 3(b) of the United States Housing
13 Act of 1937 (42 U.S.C. 1437a(b)).

14 (17) SNAP PARTICIPANT.—The term “SNAP
15 participant” means an individual who is a member
16 of a household that participates in the supplemental
17 nutrition assistance program under the Food and
18 Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

19 (18) SOCIALLY AND ECONOMICALLY DISADVAN-
20 TAGED SMALL BUSINESS CONCERN.—The term “so-
21 cially and economically disadvantaged small business
22 concern” has the meaning given the term in section
23 8(a)(4) of the Small Business Act (15 U.S.C.
24 637(a)(4)).

1 (19) TRIBALLY DESIGNATED ENTITY.—The
2 term “tribally designated entity” means an entity
3 designated by an Indian Tribe to carry out activities
4 under this subtitle.

5 (20) UNIVERSAL SERVICE FUND PROGRAM.—
6 The term “Universal Service Fund program” means
7 any program authorized under section 254 of the
8 Communications Act of 1934 (47 U.S.C. 254), to
9 the extent such program provides support for
10 broadband service deployment.

11 (21) UNIVERSAL SERVICE MECHANISM.—The
12 term “universal service mechanism” means any
13 funding stream provided by a Universal Service
14 Fund program to support broadband service deploy-
15 ment.

16 (22) WORKFORCE DEVELOPMENT PROGRAM.—
17 The term “workforce development program” has the
18 meaning given the term in section 3 of the Work-
19 force Innovation and Opportunity Act (29 U.S.C.
20 3102).

1 **CHAPTER 1—OFFICE OF INTERNET**
2 **CONNECTIVITY AND GROWTH**

3 **SEC. 31101. ESTABLISHMENT OF THE OFFICE OF INTERNET**
4 **CONNECTIVITY AND GROWTH.**

5 Not later than 180 days after the date of the enact-
6 ment of this Act, the Assistant Secretary shall establish
7 the Office of Internet Connectivity and Growth within the
8 National Telecommunications and Information Adminis-
9 tration.

10 **SEC. 31102. DUTIES.**

11 (a) **OUTREACH.**—The Office shall—

12 (1) connect with communities that need access
13 to broadband service and improved digital inclusion
14 activities through various forms of outreach and
15 communication techniques;

16 (2) hold regional workshops across the country
17 to share best practices and effective strategies for
18 promoting access to broadband service and adoption
19 of broadband service;

20 (3) develop targeted broadband service training
21 and presentations for various demographic commu-
22 nities through various media; and

23 (4) develop and distribute publications (includ-
24 ing toolkits, primers, manuals, and white papers)
25 providing guidance, strategies, and insights to com-

1 communities as the communities develop strategies to
2 expand access to broadband service and adoption of
3 broadband service.

4 (b) TRACKING OF FEDERAL DOLLARS.—

5 (1) BROADBAND SERVICE INFRASTRUCTURE.—

6 The Office shall track the construction and use of
7 and access to any broadband service infrastructure
8 built using any Federal support in a central data-
9 base.

10 (2) ACCOUNTING MECHANISM.—The Office

11 shall develop a streamlined accounting mechanism
12 by which any Federal agency offering a Federal
13 broadband service support program, and the Com-
14 mission with respect to the Universal Service Fund
15 programs, shall provide the information described in
16 paragraph (1) in a standardized and efficient fash-
17 ion.

18 (3) REPORT.—Not later than 1 year after the

19 date of the enactment of this Act, and every year
20 thereafter, the Office shall make public on the
21 website of the Office and submit to the Committee
22 on Energy and Commerce of the House of Rep-
23 resentatives and the Committee on Commerce,
24 Science, and Transportation of the Senate a report
25 on the following:

1 (A) A description of the work of the Office
2 for the previous year and the number of resi-
3 dents of the United States that received
4 broadband service as result of Federal
5 broadband service support programs and the
6 Universal Service Fund programs.

7 (B) A description of how many residents of
8 the United States were provided broadband
9 service by which universal service mechanism or
10 which Federal broadband service support pro-
11 gram.

12 (C) An estimate of the economic impact of
13 such broadband service deployment efforts on
14 the local economy, including any effect on small
15 businesses or jobs.

16 (D) A description of any non-economic
17 benefits of such broadband service deployment
18 efforts, including any effect on civic engage-
19 ment.

20 (E) The extent to which residents of the
21 United States that received broadband service
22 as a result of Federal broadband service sup-
23 port programs and the Universal Service Fund
24 programs received such service at the download
25 and upload speeds required by such programs.

1 (c) STUDY AND REPORT ON AFFORDABILITY OF
2 ADOPTION OF BROADBAND SERVICE.—

3 (1) STUDY.—The Office, in consultation with
4 the Commission, the Department of Agriculture, the
5 Department of the Treasury, and such other Federal
6 agencies as the Office considers appropriate, shall,
7 not later than 1 year after the date of the enactment
8 of this Act, and biennially thereafter, conduct a
9 study that examines the following:

10 (A) The number of households for which
11 cost is a barrier to the adoption of broadband
12 service, the financial circumstances of such
13 households, and whether such households are
14 eligible for the broadband benefit under section
15 31141.

16 (B) The extent to which the cost of adop-
17 tion of broadband service is a financial burden
18 to households that have adopted broadband
19 service, the financial circumstances of such fi-
20 nancially burdened households, and whether
21 such households are receiving the broadband
22 benefit under section 31141.

23 (C) The appropriate standard to determine
24 whether adoption of broadband service is af-

1 fordable for households, given the financial cir-
2 cumstances of such households.

3 (D) The feasibility of providing additional
4 Federal subsidies, including expanding the eligi-
5 bility for or increasing the amount of the
6 broadband benefit under section 31141, to
7 households to cover the difference between the
8 cost of adoption of broadband service (deter-
9 mined before applying such additional Federal
10 subsidies) and the price at which adoption of
11 broadband service would be affordable.

12 (E) How a program to provide additional
13 Federal subsidies as described in subparagraph
14 (D) should be administered to most effectively
15 facilitate adoption of broadband service at the
16 lowest overall expense to the Federal Govern-
17 ment, including measures that would ensure
18 that the availability of the subsidies does not
19 result in providers raising the price of
20 broadband service for households receiving sub-
21 sidies.

22 (F) How participation in the Lifeline pro-
23 gram of the Commission has changed in the 5
24 years prior to the date of the enactment of this
25 Act, including—

1 (i) geographic information at the cen-
2 sus-block level depicting the scale of
3 change in participation in each area; and

4 (ii) information on changes in partici-
5 pation by specific types of Lifeline-sup-
6 ported services, including fixed voice te-
7 lephony service, mobile voice telephony
8 service, fixed broadband service, and mo-
9 bile broadband service and, in the case of
10 any Lifeline-supported services provided as
11 part of a bundle of services to which a
12 Lifeline discount is applied, which Lifeline-
13 supported services are part of such bundle
14 and whether or not each Lifeline-supported
15 service in such bundle meets Lifeline min-
16 imum service standards.

17 (G) How competition impacts the price of
18 broadband service, including the impact of mo-
19 nopolistic business practices by broadband serv-
20 ice providers.

21 (2) REPORT.—Not later than 1 year after the
22 date of the enactment of this Act, and biennially
23 thereafter, the Office shall submit to Congress a re-
24 port on the results of the study conducted under
25 paragraph (1).

1 (3) COST DEFINED.—In this subsection, the
2 term “cost” means, with respect to adoption of
3 broadband service, the cost of adoption of broadband
4 service to a household after applying any subsidies
5 that reduce such cost.

6 **SEC. 31103. STREAMLINED APPLICATIONS FOR SUPPORT.**

7 (a) FEDERAL AGENCY CONSULTATION.—The Office
8 shall consult with any Federal agency offering a Federal
9 broadband service support program to streamline and
10 standardize the application process for financial assistance
11 for such program.

12 (b) FEDERAL AGENCY STREAMLINING.—Any Fed-
13 eral agency offering a Federal broadband service support
14 program shall amend the applications of such agency for
15 broadband service support, to the extent practicable and
16 as necessary, to streamline and standardize applications
17 for Federal broadband service support programs across
18 the Government.

19 (c) SINGLE APPLICATION.—To the greatest extent
20 practicable, the Office shall seek to create one application
21 that may be submitted to apply for all, or substantially
22 all, Federal broadband service support programs.

23 (d) WEBSITE REQUIRED.—Not later than 180 days
24 after the date of the enactment of this Act, the Office shall
25 create a central website through which potential applicants

1 can learn about and apply for support through any Fed-
2 eral broadband service support program.

3 **SEC. 31104. COORDINATION OF SUPPORT.**

4 The Office, any Federal agency that offers a Federal
5 broadband service support program, and the Commission
6 with respect to the Universal Service Fund programs shall
7 coordinate to ensure that support is being distributed in
8 an efficient, technology-neutral, and financially sustain-
9 able manner, with the goals of achieving universal access
10 to affordable broadband service and promoting the most
11 job and economic growth for all residents of the United
12 States.

13 **SEC. 31105. RULE OF CONSTRUCTION.**

14 Nothing in this chapter is intended to alter or amend
15 any provision of section 254 of the Communications Act
16 of 1934 (47 U.S.C. 254).

17 **SEC. 31106. FUNDING.**

18 (a) APPROPRIATION.—There are appropriated to the
19 Assistant Secretary, out of any money in the Treasury not
20 otherwise appropriated, \$26,000,000 to carry out this
21 chapter for fiscal year 2021, to remain available until ex-
22 pended.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to the Assistant Sec-
25 retary \$26,000,000 to carry out this chapter for fiscal

1 year 2022 and each fiscal year thereafter, to remain avail-
2 able until expended.

3 **SEC. 31107. STUDY AND RECOMMENDATIONS TO CONNECT**
4 **SOCIALLY DISADVANTAGED INDIVIDUALS.**

5 (a) IN GENERAL.—Not later than 12 months after
6 the date of the enactment of this act, the Office of Internet
7 Connectivity and Growth, in consultation with the Com-
8 mission and the Rural Utility Service of the Department
9 of Agriculture, shall, after public notice and an oppor-
10 tunity for comment, conduct a study to assess the extent
11 to which Federal funds for broadband internet access serv-
12 ices, including the Universal Service Fund programs and
13 other Federal broadband service support programs, have
14 expanded access to and adoption of broadband internet ac-
15 cess service by socially disadvantaged individuals as com-
16 pared to individuals who are not socially disadvantaged in-
17 dividuals.

18 (b) REPORT AND PUBLICATION.—

19 (1) SUBMISSION.—Not later than 18 months
20 after the date of the enactment of this Act, the Of-
21 fice of Internet Connectivity and Growth shall sub-
22 mit a report on the results of the study under sub-
23 section (a) to—

24 (A) the Committee on Energy & Commerce
25 in the House of Representatives;

1 (B) the Committee on Commerce, Science
2 and Transportation of the Senate; and

3 (C) each agency administering a program
4 evaluated by such report.

5 (2) PUBLIC PUBLICATION.—Contemporaneously
6 with submitting the report required by paragraph
7 (1), the Office of Internet Connectivity and Growth
8 shall publish such report on the public facing
9 website of—

10 (A) the National Telecommunications and
11 Information Administration;

12 (B) the Commission; and

13 (C) the Rural Utility Service of the De-
14 partment of Agriculture.

15 (3) RECOMMENDATIONS.—The report required
16 by paragraph (1) shall include recommendations
17 with regard who to how Federal funds for the Uni-
18 versal Service Fund programs and Federal
19 broadband service support programs may be dis-
20 persed in an a manner that better expands access to
21 and adoption of broadband internet access service by
22 socially disadvantaged individuals as compared to in-
23 dividuals who are not socially disadvantaged individ-
24 uals.

1 (c) SOCIALLY DISADVANTAGED INDIVIDUAL.—In this
2 section, the term “socially disadvantaged individual” has
3 the meaning given that term in section 8 of the Small
4 Business Act (15 U.S.C. 637).

5 **CHAPTER 2—DIGITAL EQUITY PROGRAMS**

6 **SEC. 31121. STATE DIGITAL EQUITY CAPACITY GRANT PRO-**
7 **GRAM.**

8 (a) ESTABLISHMENT; PURPOSE.—

9 (1) IN GENERAL.—The Assistant Secretary
10 shall establish in the Office the State Digital Equity
11 Capacity Grant Program (referred to in this section
12 as the “Program”)—

13 (A) the purpose of which is to promote the
14 achievement of digital equity, support digital in-
15 clusion activities, and build capacity for efforts
16 by States relating to the adoption of broadband
17 service by residents of those States;

18 (B) through which the Assistant Secretary
19 shall make grants to States in accordance with
20 the requirements of this section; and

21 (C) which shall ensure that States have the
22 capacity to promote the achievement of digital
23 equity and support digital inclusion activities.

24 (2) CONSULTATION WITH OTHER FEDERAL
25 AGENCIES; NO CONFLICT.—In establishing the Pro-

1 gram under paragraph (1), the Assistant Secretary
2 shall—

3 (A) consult with—

4 (i) the Secretary of Agriculture;

5 (ii) the Secretary of Housing and
6 Urban Development;

7 (iii) the Secretary of Education;

8 (iv) the Secretary of Labor;

9 (v) the Secretary of Health and
10 Human Services;

11 (vi) the Secretary of Veterans Affairs;

12 (vii) the Secretary of the Interior;

13 (viii) the Assistant Secretary for In-
14 dian Affairs of the Department of the Inte-
15 rior;

16 (ix) the Commission;

17 (x) the Federal Trade Commission;

18 (xi) the Director of the Institute of
19 Museum and Library Services;

20 (xii) the Administrator of the Small
21 Business Administration;

22 (xiii) the Federal Cochairman of the
23 Appalachian Regional Commission; and

1 (xiv) the head of any other Federal
2 agency that the Assistant Secretary deter-
3 mines to be appropriate; and

4 (B) ensure that the Program complements
5 and enhances, and does not conflict with, other
6 Federal broadband service support programs
7 and Universal Service Fund programs.

8 (3) TRIBAL AND NATIVE HAWAIIAN CONSULTA-
9 TION AND ENGAGEMENT.—In establishing the Pro-
10 gram under paragraph (1), the Assistant Secretary
11 shall conduct robust, interactive, pre-decisional,
12 transparent consultation with Indian Tribes and Na-
13 tive Hawaiian organizations.

14 (b) ADMINISTERING ENTITY.—

15 (1) SELECTION; FUNCTION.—The governor (or
16 equivalent official) of a State that wishes to be
17 awarded a grant under this section shall, from
18 among entities that are eligible under paragraph (2),
19 select an administering entity for that State, which
20 shall—

21 (A) serve as the recipient of, and admin-
22 istering agent for, any grant awarded to the
23 State under this section;

1 (B) develop, implement, and oversee the
2 State Digital Equity Plan for the State de-
3 scribed in subsection (c);

4 (C) make subgrants to any of the entities
5 described in clauses (i) through (xi) of sub-
6 section (c)(1)(D) that is located in the State in
7 support of—

8 (i) the State Digital Equity Plan for
9 the State; and

10 (ii) digital inclusion activities in the
11 State generally; and

12 (D) serve as—

13 (i) an advocate for digital equity poli-
14 cies and digital inclusion activities; and

15 (ii) a repository of best practice mate-
16 rials regarding the policies and activities
17 described in clause (i).

18 (2) ELIGIBLE ENTITIES.—Any of the following
19 entities may serve as the administering entity for a
20 State for the purposes of this section if the entity
21 has demonstrated a capacity to administer the Pro-
22 gram on a statewide level:

23 (A) The State.

24 (B) A political subdivision, agency, or in-
25 strumentality of the State.

1 (C) An Indian Tribe located in the State,
2 a tribally designated entity located in the State,
3 or a Native Hawaiian organization located in
4 the State.

5 (c) STATE DIGITAL EQUITY PLAN.—

6 (1) DEVELOPMENT; CONTENTS.—A State that
7 wishes to be awarded a grant under subsection (d)
8 shall develop a State Digital Equity Plan for the
9 State, which shall include—

10 (A) an identification of the barriers to dig-
11 ital equity faced by covered populations in the
12 State;

13 (B) measurable objectives for documenting
14 and promoting, among each group described in
15 subparagraphs (A) through (H) of section
16 31001(6) located in that State—

17 (i) the availability of, and affordability
18 of access to, broadband service and tech-
19 nology needed for the use of broadband
20 service;

21 (ii) public awareness of such avail-
22 ability and affordability and of subsidies
23 available to increase such affordability (in-
24 cluding subsidies available through the

1 Lifeline program of the Commission), in-
2 cluding objectives to—

3 (I) inform Medicaid enrollees and
4 SNAP participants, and organizations
5 that serve Medicaid enrollees and
6 SNAP participants, of potential eligi-
7 bility for the Lifeline program; and

8 (II) provide Medicaid enrollees
9 and SNAP participants with informa-
10 tion about the Lifeline program, in-
11 cluding—

12 (aa) how to apply for the
13 Lifeline program; and

14 (bb) a description of the
15 prohibition on more than one
16 subscriber in each household re-
17 ceiving a service provided under
18 the Lifeline program;

19 (iii) the online accessibility and
20 inclusivity of public resources and services;

21 (iv) digital literacy;

22 (v) awareness of, and the use of,
23 measures to secure the online privacy of,
24 and cybersecurity with respect to, an indi-
25 vidual; and

1 (vi) the availability and affordability
2 of consumer devices and technical support
3 for those devices;

4 (C) an assessment of how the objectives
5 described in subparagraph (B) will impact and
6 interact with the State's—

7 (i) economic and workforce develop-
8 ment goals, plans, and outcomes;

9 (ii) educational outcomes;

10 (iii) health outcomes;

11 (iv) civic and social engagement; and

12 (v) delivery of other essential services;

13 (D) in order to achieve the objectives de-
14 scribed in subparagraph (B), a description of
15 how the State plans to collaborate with key
16 stakeholders in the State, which may include—

17 (i) anchor institutions;

18 (ii) county and municipal govern-
19 ments;

20 (iii) local educational agencies;

21 (iv) where applicable, Indian Tribes,
22 tribally designated entities, or Native Ha-
23 waiian organizations;

24 (v) nonprofit organizations;

25 (vi) organizations that represent—

- 1 (I) individuals with disabilities,
2 including organizations that represent
3 children with disabilities;
- 4 (II) aging individuals;
- 5 (III) individuals with a language
6 barrier, including individuals who—
- 7 (aa) are English learners; or
8 (bb) have low levels of lit-
9 eracy;
- 10 (IV) veterans;
- 11 (V) individuals residing in rural
12 areas; and
- 13 (VI) incarcerated individuals in
14 that State, other than individuals who
15 are incarcerated in a Federal correc-
16 tional facility (including a private fa-
17 cility operated under contract with the
18 Federal Government);
- 19 (vii) civil rights organizations;
- 20 (viii) entities that carry out workforce
21 development programs;
- 22 (ix) agencies of the State that are re-
23 sponsible for administering or supervising
24 adult education and literacy activities in
25 the State;

1 (x) public housing agencies whose ju-
2 risdictions are located in the State; and

3 (xi) a consortium of any of the enti-
4 ties described in clauses (i) through (x);
5 and

6 (E) a list of organizations with which the
7 administering entity for the State collaborated
8 in developing and implementing the Plan.

9 (2) PUBLIC AVAILABILITY.—

10 (A) IN GENERAL.—The administering enti-
11 ty for a State shall make the State Digital Eq-
12 uity Plan of the State available for public com-
13 ment for a period of not less than 30 days be-
14 fore the date on which the State submits an ap-
15 plication to the Assistant Secretary under sub-
16 section (d)(2).

17 (B) CONSIDERATION OF COMMENTS RE-
18 CEIVED.—The administering entity for a State
19 shall, with respect to an application submitted
20 to the Assistant Secretary under subsection
21 (d)(2)—

22 (i) before submitting the application—

23 (I) consider all comments re-
24 ceived during the comment period de-
25 scribed in subparagraph (A) with re-

1 spect to the application (referred to in
2 this subparagraph as the “comment
3 period”); and

4 (II) make any changes to the
5 plan that the administering entity de-
6 termines to be appropriate; and

7 (ii) when submitting the application—

8 (I) describe any changes pursued
9 by the administering entity in re-
10 sponse to comments received during
11 the comment period; and

12 (II) include a written response to
13 each comment received during the
14 comment period.

15 (3) PLANNING GRANTS.—

16 (A) IN GENERAL.—Beginning in the first
17 fiscal year that begins after the date of the en-
18 actment of this Act, the Assistant Secretary
19 shall, in accordance with the requirements of
20 this paragraph, award planning grants to
21 States for the purpose of developing the State
22 Digital Equity Plans of those States under this
23 subsection.

1 (B) ELIGIBILITY.—In order to be awarded
2 a planning grant under this paragraph, a
3 State—

4 (i) shall submit to the Assistant Sec-
5 retary an application under subparagraph
6 (C); and

7 (ii) may not have been awarded, at
8 any time, a planning grant under this
9 paragraph.

10 (C) APPLICATION.—A State that wishes to
11 be awarded a planning grant under this para-
12 graph shall, not later than 60 days after the
13 date on which the notice of funding availability
14 with respect to the grant is released, submit to
15 the Assistant Secretary an application, in a for-
16 mat to be determined by the Assistant Sec-
17 retary, that contains the following materials:

18 (i) A description of the entity selected
19 to serve as the administering entity for the
20 State, as described in subsection (b).

21 (ii) A certification from the State
22 that, not later than 1 year after the date
23 on which the Assistant Secretary awards
24 the planning grant to the State, the ad-
25 ministering entity for that State will sub-

1 mit to the Assistant Secretary a State Dig-
2 ital Equity Plan developed under this sub-
3 section, which will comply with the require-
4 ments of this subsection, including the re-
5 quirements of paragraph (2).

6 (iii) The assurances required under
7 subsection (e).

8 (D) AWARDS.—

9 (i) AMOUNT OF GRANT.—The amount
10 of a planning grant awarded to an eligible
11 State under this paragraph shall be deter-
12 mined according to the formula under sub-
13 section (d)(3)(A)(i).

14 (ii) DURATION.—

15 (I) IN GENERAL.—Except as pro-
16 vided in subclause (II), with respect to
17 a planning grant awarded to an eligi-
18 ble State under this paragraph, the
19 State shall expend the grant funds
20 during the 1-year period beginning on
21 the date on which the State is award-
22 ed the grant funds.

23 (II) EXCEPTION.—The Assistant
24 Secretary may grant an extension of
25 not longer than 180 days with respect

1 to the requirement under subclause
2 (I).

3 (iii) CHALLENGE MECHANISM.—The
4 Assistant Secretary shall ensure that any
5 eligible State to which a planning grant is
6 awarded under this paragraph may appeal
7 or otherwise challenge in a timely fashion
8 the amount of the grant awarded to the
9 State, as determined under clause (i).

10 (E) USE OF FUNDS.—An eligible State to
11 which a planning grant is awarded under this
12 paragraph shall, through the administering en-
13 tity for that State, use the grant funds only for
14 the following purposes:

15 (i) To develop the State Digital Eq-
16 uity Plan of the State under this sub-
17 section.

18 (ii)(I) Subject to subclause (II), to
19 make subgrants to any of the entities de-
20 scribed in clauses (i) through (xi) of para-
21 graph (1)(D) to assist in the development
22 of the State Digital Equity Plan of the
23 State under this subsection.

24 (II) If the administering entity for a
25 State makes a subgrant described in sub-

1 clause (I), the administering entity shall,
2 with respect to the subgrant, provide to the
3 State the assurances required under sub-
4 section (e).

5 (d) STATE CAPACITY GRANTS.—

6 (1) IN GENERAL.—Beginning not later than 2
7 years after the date on which the Assistant Sec-
8 retary begins awarding planning grants under sub-
9 section (c)(3), the Assistant Secretary shall each
10 year award grants to eligible States to support—

11 (A) the implementation of the State Dig-
12 ital Equity Plans of those States; and

13 (B) digital inclusion activities in those
14 States.

15 (2) APPLICATION.—A State that wishes to be
16 awarded a grant under this subsection shall, not
17 later than 60 days after the date on which the notice
18 of funding availability with respect to the grant is
19 released, submit to the Assistant Secretary an appli-
20 cation, in a format to be determined by the Assist-
21 ant Secretary, that contains the following materials:

22 (A) A description of the entity selected to
23 serve as the administering entity for the State,
24 as described in subsection (b).

1 (B) The State Digital Equity Plan of that
2 State, as described in subsection (e).

3 (C) A certification that the State, acting
4 through the administering entity for the State,
5 shall—

6 (i) implement the State Digital Equity
7 Plan of the State; and

8 (ii) make grants in a manner that is
9 consistent with the aims of the Plan de-
10 scribed in clause (i).

11 (D) The assurances required under sub-
12 section (e).

13 (E) In the case of a State to which the As-
14 sistant Secretary has previously awarded a
15 grant under this subsection, any amendments
16 to the State Digital Equity Plan of that State,
17 as compared with the State Digital Equity Plan
18 of the State previously submitted.

19 (3) AWARDS.—

20 (A) AMOUNT OF GRANT.—

21 (i) FORMULA.—Subject to clauses (ii),
22 (iii), and (iv), the Assistant Secretary shall
23 calculate the amount of a grant awarded to
24 an eligible State under this subsection in
25 accordance with the following criteria,

1 using the best available data for all States
2 for the fiscal year in which the grant is
3 awarded:

4 (I) 50 percent of the total grant
5 amount shall be based on the popu-
6 lation of the eligible State in propor-
7 tion to the total population of all eligi-
8 ble States.

9 (II) 25 percent of the total grant
10 amount shall be based on the number
11 of individuals in the eligible State who
12 are members of covered populations in
13 proportion to the total number of indi-
14 viduals in all eligible States who are
15 members of covered populations.

16 (III) 25 percent of the total
17 grant amount shall be based on the
18 lack of availability of broadband serv-
19 ice and lack of adoption of broadband
20 service in the eligible State in propor-
21 tion to the lack of availability of
22 broadband service and lack of adop-
23 tion of broadband service in all eligi-
24 ble States, which shall be determined
25 according to data collected—

1 (aa) from the annual inquiry
2 of the Commission conducted
3 under section 706(b) of the Tele-
4 communications Act of 1996 (47
5 U.S.C. 1302(b));

6 (bb) from the American
7 Community Survey or, if nec-
8 essary, other data collected by
9 the Bureau of the Census;

10 (cc) from the Internet and
11 Computer Use Supplement to the
12 Current Population Survey of the
13 Bureau of the Census;

14 (dd) by the Commission pur-
15 suant to the rules issued under
16 section 802 of the Communica-
17 tions Act of 1934 (47 U.S.C.
18 642); and

19 (ee) from any other source
20 that the Assistant Secretary,
21 after appropriate notice and op-
22 portunity for public comment, de-
23 termines to be appropriate.

24 (ii) MINIMUM AWARD.—The amount
25 of a grant awarded to an eligible State

1 under this subsection in a fiscal year shall
2 be not less than 0.5 percent of the total
3 amount made available to award grants to
4 eligible 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 el-
8 igible States under this subsection in a fis-
9 cal year, there are amounts remaining to
10 carry out this section, the Assistant Sec-
11 retary 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
20 Rico (referred to in this clause as “Puerto
21 Rico”) is an eligible State and specific data
22 for Puerto Rico is unavailable for a factor
23 described in subclause (I), (II), or (III) 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 mak-
3 ing any calculation under that clause for
4 that 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 As-
12 sistant Secretary shall ensure that any eligible
13 State to which a grant is awarded under this
14 subsection may appeal or otherwise challenge in
15 a timely fashion the amount of the grant
16 awarded to the State, as determined under sub-
17 paragraph (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
21 grant 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
5 grant for the purpose described in sub-
6 clause (I).

7 (ii) To implement the State Digital
8 Equity Plan of the State.

9 (iii)(I) Subject to subclause (II), to
10 award a grant to any entity that is de-
11 scribed in section 31122(b) and is located
12 in the eligible State in order to—

13 (aa) assist in the implementation
14 of the State Digital Equity Plan of
15 the State;

16 (bb) pursue digital inclusion ac-
17 tivities in the State consistent with
18 the State Digital Equity Plan of the
19 State; and

20 (cc) report to the State regarding
21 the digital inclusion activities of the
22 entity.

23 (II) Before an administering entity
24 for an eligible State may award a grant
25 under subclause (I), the administering en-

1 tity shall require the entity to which the
2 grant is 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
10 with any evaluation—

11 (AA) of any program that
12 relates 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
20 by 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
2 the administrative costs incurred in car-
3 rying out the activities described in clauses
4 (i) 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 the 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
12 that grant assurances that—

13 (1) if any of the entities described in clauses (i)
14 through (xi) of subsection (c)(1)(D) or section
15 31122(b) is awarded grant funds under this section
16 (referred to in this subsection as a “covered recipi-
17 ent”), provide that—

18 (A) the covered recipient shall use the
19 grant funds in accordance with any applicable
20 statute, regulation, or application procedure;

21 (B) the administering entity for that State
22 shall adopt and use proper methods of admin-
23 istering any grant that the covered recipient is
24 awarded, including by—

1 (i) enforcing any obligation imposed
2 under law on any agency, institution, orga-
3 nization, or other entity that is responsible
4 for carrying out the program to which the
5 grant relates;

6 (ii) correcting any deficiency in the
7 operation of a program to which the grant
8 relates, as identified through an audit or
9 another monitoring or evaluation proce-
10 dure; and

11 (iii) adopting written procedures for
12 the receipt and resolution of complaints al-
13 leging a violation of law with respect to a
14 program to which the grant relates; and

15 (C) the administering entity for that State
16 shall cooperate in carrying out any evaluation—

17 (i) of any program that relates to a
18 grant awarded to the covered recipient;
19 and

20 (ii) that is carried out by or for the
21 Assistant Secretary or another Federal of-
22 ficial;

23 (2) the administering entity for that State
24 shall—

1 (A) use fiscal control and fund accounting
2 procedures that ensure the proper disbursement
3 of, and accounting for, any Federal funds that
4 the State is awarded under this section;

5 (B) submit to the Assistant Secretary any
6 reports that may be necessary to enable the As-
7 sistant Secretary to perform the duties of the
8 Assistant Secretary under this section;

9 (C) maintain any records and provide any
10 information to the Assistant Secretary, includ-
11 ing those records, that the Assistant Secretary
12 determines is necessary to enable the Assistant
13 Secretary to perform the duties of the Assistant
14 Secretary under this section; and

15 (D) with respect to any significant pro-
16 posed change or amendment to the State Dig-
17 ital Equity Plan for the State, make the change
18 or amendment available for public comment in
19 accordance with subsection (c)(2); and

20 (3) the State, before submitting to the Assist-
21 ant Secretary the State Digital Equity Plan of the
22 State, has complied with the requirements of sub-
23 section (c)(2).

24 (f) TERMINATION OF GRANT.—

1 (1) IN GENERAL.—In addition to other author-
2 ity under applicable law, the Assistant Secretary
3 shall terminate a grant awarded to an eligible State
4 under this section if, after notice to the State and
5 opportunity for a hearing, the Assistant Secretary
6 determines, and presents to the State a rationale
7 and supporting information that clearly dem-
8 onstrates, that—

9 (A) the grant funds are not contributing to
10 the development or implementation of the State
11 Digital Equity Plan of the State, as applicable;

12 (B) the State is not upholding assurances
13 made by the State to the Assistant Secretary
14 under subsection (e); or

15 (C) the grant is no longer necessary to
16 achieve the original purpose for which the As-
17 sistant Secretary awarded the grant.

18 (2) REDISTRIBUTION.—If the Assistant Sec-
19 retary, in a fiscal year, terminates a grant under
20 paragraph (1) or under other authority under appli-
21 cable law, the Assistant Secretary shall redistribute
22 the unspent grant amounts—

23 (A) to eligible States to which the Assist-
24 ant Secretary has awarded grants under sub-
25 section (d) for that fiscal year; and

1 (B) in accordance with the formula de-
2 scribed in subsection (d)(3)(A)(i).

3 (g) REPORTING AND INFORMATION REQUIREMENTS;
4 INTERNET DISCLOSURE.—The Assistant Secretary—

5 (1) shall—

6 (A) require any entity to which a grant, in-
7 cluding a subgrant, is awarded under this sec-
8 tion to publicly report, for each year during the
9 period described in subsection (c)(3)(D)(ii) or
10 (d)(3)(B), as applicable, with respect to the
11 grant, and in a format specified by the Assist-
12 ant Secretary, on—

13 (i) the use of that grant by the entity;

14 (ii) the progress of the entity towards
15 fulfilling the objectives for which the grant
16 was awarded; and

17 (iii) the implementation of the State
18 Digital Equity Plan of the State;

19 (B) establish appropriate mechanisms to
20 ensure that any entity to which a grant, includ-
21 ing a subgrant, is awarded under this section—

22 (i) uses the grant amounts in an ap-
23 propriate manner; and

24 (ii) complies with all terms with re-
25 spect to the use of the grant amounts; and

1 (C) create and maintain a fully searchable
2 database, which shall be accessible on the inter-
3 net at no cost to the public, that contains, at
4 a minimum—

5 (i) the application of each State that
6 has applied for a grant under this section;

7 (ii) the status of each application de-
8 scribed in clause (i);

9 (iii) each report submitted by an enti-
10 ty under subparagraph (A);

11 (iv) a record of public comments re-
12 ceived during the comment period de-
13 scribed in subsection (c)(2)(A) regarding
14 the State Digital Equity Plan of a State,
15 as well as any written responses to or ac-
16 tions taken as a result of those comments;
17 and

18 (v) any other information that the As-
19 sistant Secretary considers appropriate to
20 ensure that the public has sufficient infor-
21 mation to understand and monitor grants
22 awarded under this section; and

23 (2) may establish additional reporting and in-
24 formation requirements for any recipient of a grant
25 under this section.

1 (h) SUPPLEMENT NOT SUPPLANT.—A grant or
2 subgrant awarded under this section shall supplement, not
3 supplant, other Federal or State funds that have been
4 made available to carry out activities described in this sec-
5 tion.

6 (i) SET ASIDES.—From amounts made available in
7 a fiscal year to carry out the Program, the Assistant Sec-
8 retary shall reserve—

9 (1) not more than 5 percent for the implemen-
10 tation and administration of the Program, which
11 shall include—

12 (A) providing technical support and assist-
13 ance, including ensuring consistency in data re-
14 porting;

15 (B) providing assistance to—

16 (i) States, or administering entities
17 for States, to prepare the applications of
18 those States; and

19 (ii) administering entities with respect
20 to grants awarded under this section;

21 (C) developing the report required under
22 section 31123(a); and

23 (D) providing assistance specific to Indian
24 Tribes, tribally designated entities, and Native
25 Hawaiian organizations, including—

1 (i) conducting annual outreach to In-
2 dian Tribes and Native Hawaiian organiza-
3 tions on the availability of technical assist-
4 ance for applying for or otherwise partici-
5 pating in the Program;

6 (ii) providing technical assistance at
7 the request of any Indian Tribe, tribally
8 designated entity, or Native Hawaiian or-
9 ganization that is applying for or partici-
10 pating in the Program in order to facilitate
11 the fulfillment of any applicable require-
12 ments in subsections (c) and (d); and

13 (iii) providing additional technical as-
14 sistance at the request of any Indian
15 Tribe, tribally designated entity, or Native
16 Hawaiian organization that is applying for
17 or participating in the Program to improve
18 the development or implementation of a
19 Digital Equity plan, such as—

20 (I) assessing all Federal pro-
21 grams that are available to assist the
22 Indian Tribe, tribally designated enti-
23 ty, or Native Hawaiian organization
24 in meeting the goals of a Digital Eq-
25 uity plan;

1 (II) identifying all applicable
2 Federal, State, and Tribal statutory
3 provisions, regulations, policies, and
4 procedures that the Assistant Sec-
5 retary determines are necessary to ad-
6 here to for the deployment of
7 broadband service;

8 (III) identifying obstacles to the
9 deployment of broadband service
10 under a Digital Equity plan, as well
11 as potential solutions; or

12 (IV) identifying activities that
13 may be necessary to the success of a
14 Digital Equity plan, including digital
15 literacy training, technical support,
16 privacy and cybersecurity expertise,
17 and other end-user technology needs;
18 and

19 (2) not less than 5 percent to award grants di-
20 rectly to Indian Tribes, tribally designated entities,
21 and Native Hawaiian organizations to allow those
22 Tribes, entities, and organizations to carry out the
23 activities described in this section.

24 (j) RULES.—The Assistant Secretary may prescribe
25 such rules as may be necessary to carry out this section.

1 (k) APPROPRIATION.—There are appropriated to the
2 Assistant Secretary, out of any money in the Treasury not
3 otherwise appropriated—

4 (1) for the award of grants under subsection
5 (c)(3), \$60,000,000 for fiscal year 2021, to remain
6 available until expended; and

7 (2) for the award of grants under subsection
8 (d)—

9 (A) \$125,000,000 for fiscal year 2021, to
10 remain available until expended;

11 (B) \$125,000,000 for fiscal year 2022, to
12 remain available until expended;

13 (C) \$125,000,000 for fiscal year 2023, to
14 remain available until expended;

15 (D) \$125,000,000 for fiscal year 2024, to
16 remain available until expended; and

17 (E) \$125,000,000 for fiscal year 2025, to
18 remain available until expended.

19 **SEC. 31122. 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 31121(d), and not
25 before that date, the Assistant Secretary shall estab-

1 lish in the Office the Digital Equity Competitive
2 Grant Program (referred to in this section as the
3 “Program”), the purpose of which is to award
4 grants to support efforts to achieve digital equity,
5 promote digital inclusion activities, and spur greater
6 adoption of broadband service among covered popu-
7 lations.

8 (2) CONSULTATION; NO CONFLICT.—In estab-
9 lishing the Program under paragraph (1), the As-
10 sistant 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 31001(6) located in that State;
15 and

16 (ii) the allocation of grant funds with-
17 in that State for projects in or affecting
18 the State; and

19 (B) shall—

20 (i) consult with—

21 (I) the Secretary of Agriculture;

22 (II) the Secretary of Housing
23 and 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
4 Affairs;

5 (VII) the Secretary of the Inte-
6 rior;

7 (VIII) the Assistant Secretary for
8 Indian Affairs of the Department of
9 the Interior;

10 (IX) the Commission;

11 (X) the Federal Trade Commis-
12 sion;

13 (XI) the Director of the Institute
14 of Museum and Library Services;

15 (XII) the Administrator of the
16 Small Business Administration;

17 (XIII) the Federal Cochairman
18 of the Appalachian Regional Commis-
19 sion; and

20 (XIV) the head of any other Fed-
21 eral agency that the Assistant Sec-
22 retary determines to be appropriate;
23 and

24 (ii) ensure that the Program com-
25 plements and enhances, and does not con-

1 flict with, other Federal broadband service
2 support programs and Universal Service
3 Fund programs.

4 (b) ELIGIBILITY.—The Assistant Secretary may
5 award a grant under the Program to any of the following
6 entities if the entity is not serving, and has not served,
7 as the administering entity for a State under section
8 31121(b):

9 (1) A political subdivision, agency, or instru-
10 mentality of a State, including an agency of a State
11 that is responsible for administering or supervising
12 adult education and literacy activities in the State.

13 (2) An Indian Tribe, a tribally designated enti-
14 ty, or a Native Hawaiian organization.

15 (3) An entity that is—

16 (A) a not-for-profit entity; and

17 (B) not a school.

18 (4) An anchor institution.

19 (5) A local educational agency.

20 (6) An entity that carries out a workforce devel-
21 opment program.

22 (7) A consortium of any of the entities de-
23 scribed in paragraphs (1) through (6).

24 (8) A consortium of—

1 (A) an entity described in any of para-
2 graphs (1) through (6); and

3 (B) an entity that—

4 (i) the Assistant Secretary, by rule,
5 determines to be in the public interest; and

6 (ii) is not a school.

7 (c) APPLICATION.—An entity that wishes to be
8 awarded a grant under the Program shall submit to the
9 Assistant Secretary an application—

10 (1) at such time, in such form, and containing
11 such information as the Assistant Secretary may re-
12 quire; and

13 (2) that—

14 (A) provides a detailed explanation of how
15 the entity will use any grant amounts awarded
16 under the Program to carry out the purposes of
17 the Program in an efficient and expeditious
18 manner;

19 (B) identifies the period in which the ap-
20 plicant will expend the grant funds awarded
21 under the Program;

22 (C) includes—

23 (i) a justification for the amount of
24 the grant that the applicant is requesting;
25 and

1 (ii) for each fiscal year in which the
2 applicant will expend the grant funds, a
3 budget for the activities that the grant
4 funds will support;

5 (D) demonstrates to the satisfaction of the
6 Assistant Secretary that the entity—

7 (i) is capable of carrying out the
8 project or function to which the application
9 relates and the activities described in sub-
10 section (h)—

11 (I) in a competent manner; and

12 (II) in compliance with all appli-
13 cable Federal, State, and local laws;
14 and

15 (ii) if the applicant is an entity de-
16 scribed in subsection (b)(1), will appro-
17 priate or otherwise unconditionally obligate
18 from non-Federal sources funds that are
19 necessary to meet the requirements of sub-
20 section (e);

21 (E) discloses to the Assistant Secretary the
22 source and amount of other Federal, State, or
23 outside funding sources from which the entity
24 receives, or has applied for, funding for activi-

1 ties or projects to which the application relates;
2 and

3 (F) provides—

4 (i) the assurances that are required
5 under subsection (f); and

6 (ii) an assurance that the entity shall
7 follow such additional procedures as the
8 Assistant Secretary may require to ensure
9 that grant funds are used and accounted
10 for in an appropriate manner.

11 (d) AWARD OF GRANTS.—

12 (1) FACTORS CONSIDERED IN AWARD OF
13 GRANTS.—In deciding whether to award a grant
14 under the Program, the Assistant Secretary shall, to
15 the extent practicable, consider—

16 (A) whether—

17 (i) an application will, if approved—

18 (I) increase access to broadband
19 service and the adoption of broadband
20 service among covered populations to
21 be served by the applicant; and

22 (II) not result in unjust enrich-
23 ment; and

1 (ii) the applicant is, or plans to sub-
2 contract with, a socially and economically
3 disadvantaged small business concern;

4 (B) the comparative geographic diversity of
5 the application in relation to other eligible ap-
6 plications; and

7 (C) the extent to which an application may
8 duplicate or conflict with another program.

9 (2) USE OF FUNDS.—

10 (A) IN GENERAL.—In addition to the ac-
11 tivities required under subparagraph (B), an
12 entity to which the Assistant Secretary awards
13 a grant under the Program shall use the grant
14 amounts to support not less than one of the fol-
15 lowing activities:

16 (i) To develop and implement digital
17 inclusion activities that benefit covered
18 populations.

19 (ii) To facilitate the adoption of
20 broadband service by covered populations,
21 including by raising awareness of subsidies
22 available to increase affordability of such
23 service (including subsidies available
24 through the Lifeline program of the Com-
25 mission), in order to provide educational

1 and employment opportunities to those
2 populations.

3 (iii) To implement, consistent with the
4 purposes of this chapter—

5 (I) training programs for covered
6 populations that cover basic, ad-
7 vanced, and applied skills; or

8 (II) other workforce development
9 programs.

10 (iv) To make available equipment, in-
11 strumentation, networking capability, hard-
12 ware and software, or digital network tech-
13 nology for broadband service to covered
14 populations at low or no cost.

15 (v) To construct, upgrade, expend, or
16 operate new or existing public access com-
17 puting centers for covered populations
18 through anchor institutions.

19 (vi) To undertake any other project or
20 activity that the Assistant Secretary finds
21 to be consistent with the purposes for
22 which the Program is established.

23 (B) EVALUATION.—

24 (i) IN GENERAL.—An entity to which
25 the Assistant Secretary awards a grant

1 under the Program shall use not more
2 than 10 percent of the grant amounts to
3 measure and evaluate the activities sup-
4 ported with the grant amounts.

5 (ii) SUBMISSION TO ASSISTANT SEC-
6 RETARY.—An entity to which the Assistant
7 Secretary awards a grant under the Pro-
8 gram shall submit to the Assistant Sec-
9 retary each measurement and evaluation
10 performed under clause (i)—

11 (I) in a manner specified by the
12 Assistant Secretary;

13 (II) not later than 15 months
14 after the date on which the entity is
15 awarded the grant amounts; and

16 (III) annually after the submis-
17 sion described in subclause (II) for
18 any year in which the entity expends
19 grant amounts.

20 (C) ADMINISTRATIVE COSTS.—An entity to
21 which the Assistant Secretary awards a grant
22 under the Program may use not more than 10
23 percent of the amount of the grant for adminis-
24 trative costs in carrying out any of the activities
25 described in subparagraph (A).

1 (D) TIME LIMITATIONS.—With respect to
2 a grant awarded to an entity under the Pro-
3 gram, the entity—

4 (i) except as provided in clause (ii),
5 shall expend the grant amounts during the
6 4-year period beginning on the date on
7 which the entity is awarded the grant
8 amounts; and

9 (ii) during the 1-year period beginning
10 on the date that is 4 years after the date
11 on which the entity is awarded the grant
12 amounts, may continue to measure and
13 evaluate the activities supported with the
14 grant amounts, as required under subpara-
15 graph (B).

16 (E) CONTRACTING REQUIREMENTS.—All
17 laborers and mechanics employed by contractors
18 or subcontractors in the performance of con-
19 struction, alteration, or repair work carried out,
20 in whole or in part, with a grant under the Pro-
21 gram shall be paid wages at rates not less than
22 those prevailing on projects of a similar char-
23 acter in the locality as determined by the Sec-
24 retary of Labor in accordance with subchapter
25 IV of chapter 31 of title 40, United States

1 Code. With respect to the labor standards in
2 this subparagraph, the Secretary of Labor shall
3 have the authority and functions set forth in
4 Reorganization Plan Numbered 14 of 1950 (64
5 Stat. 1267; 5 U.S.C. App.) and section 3145 of
6 title 40, United States Code.

7 (F) NEUTRALITY REQUIREMENT.—An em-
8 ployer to which the Assistant Secretary awards
9 a grant under the Program shall remain neutral
10 with respect to the exercise of employees and
11 labor organizations of the right to organize and
12 bargain under the National Labor Relations Act
13 (29 U.S.C. 151 et seq.).

14 (G) REFERRAL OF ALLEGED VIOLATIONS
15 OF APPLICABLE FEDERAL LABOR AND EMPLOY-
16 MENT LAWS.—The Assistant Secretary shall
17 refer any alleged violation of an applicable labor
18 and employment law to the appropriate Federal
19 agency for investigation and enforcement, any
20 alleged violation of subparagraph (E) or (F) to
21 the National Labor Relations Board for inves-
22 tigation and enforcement, utilizing all appro-
23 priate remedies up to and including debarment
24 from the Program.

25 (e) FEDERAL SHARE.—

1 (1) IN GENERAL.—Except as provided in para-
2 graph (2), the Federal share of any project for
3 which the Assistant Secretary awards a grant under
4 the Program may not exceed 90 percent.

5 (2) EXCEPTION.—The Assistant Secretary may
6 grant a waiver with respect to the limitation on the
7 Federal share of a project described in paragraph
8 (1) if—

9 (A) the applicant with respect to the
10 project petitions the Assistant Secretary for the
11 waiver; and

12 (B) the Assistant Secretary determines
13 that the petition described in subparagraph (A)
14 demonstrates financial need.

15 (f) ASSURANCES.—When applying for a grant under
16 this section, an entity shall include in the application for
17 that grant assurances that the entity will—

18 (1) use any grant funds that the entity is
19 awarded in accordance with any applicable statute,
20 regulation, or application procedure;

21 (2) adopt and use proper methods of admin-
22 istering any grant that the entity is awarded, includ-
23 ing by—

24 (A) enforcing any obligation imposed under
25 law on any agency, institution, organization, or

1 other entity that is responsible for carrying out
2 a program to which the grant relates;

3 (B) correcting any deficiency in the oper-
4 ation of a program to which the grant relates,
5 as identified through an audit or another moni-
6 toring or evaluation procedure; and

7 (C) adopting written procedures for the re-
8 ceipt and resolution of complaints alleging a
9 violation of law with respect to a program to
10 which the grant relates;

11 (3) cooperate with respect to any evaluation—

12 (A) of any program that relates to a grant
13 awarded to the entity; and

14 (B) that is carried out by or for the Assist-
15 ant Secretary or another Federal official;

16 (4) use fiscal control and fund accounting pro-
17 cedures that ensure the proper disbursement of, and
18 accounting for, any Federal funds that the entity is
19 awarded under the Program;

20 (5) submit to the Assistant Secretary any re-
21 ports that may be necessary to enable the Assistant
22 Secretary to perform the duties of the Assistant Sec-
23 retary under the Program; and

24 (6) maintain any records and provide any infor-
25 mation to the Assistant Secretary, including those

1 records, that the Assistant Secretary determines is
2 necessary to enable the Assistant Secretary to per-
3 form the duties of the Assistant Secretary under the
4 Program.

5 (g) TERMINATION OF GRANT.—In addition to other
6 authority under applicable law, the Assistant Secretary
7 shall—

8 (1) terminate a grant awarded to an entity
9 under this section if, after notice to the entity and
10 opportunity for a hearing, the Assistant Secretary
11 determines, and presents to the entity a rationale
12 and supporting information that clearly dem-
13 onstrates, that—

14 (A) the grant funds are not being used in
15 a manner that is consistent with the application
16 with respect to the grant submitted by the enti-
17 ty under subsection (c);

18 (B) the entity is not upholding assurances
19 made by the entity to the Assistant Secretary
20 under subsection (f); or

21 (C) the grant is no longer necessary to
22 achieve the original purpose for which the As-
23 sistant Secretary awarded the grant; and

24 (2) with respect to any grant funds that the As-
25 sistant Secretary terminates under paragraph (1) or

1 under other authority under applicable law, competi-
2 tively award the grant funds to another applicant (if
3 such an applicant exists), consistent with the re-
4 quirements of this section.

5 (h) REPORTING AND INFORMATION REQUIREMENTS;
6 INTERNET DISCLOSURE.—The Assistant Secretary—

7 (1) shall—

8 (A) require any entity to which the Assist-
9 ant Secretary awards a grant under the Pro-
10 gram to, for each year during the period de-
11 scribed in clause (i) of subsection (d)(2)(D)
12 with respect to the grant and during the period
13 described in clause (ii) of such subsection with
14 respect to the grant if the entity continues to
15 measure and evaluate the activities supported
16 with the grant amounts during such period,
17 submit to the Assistant Secretary a report, in
18 a format specified by the Assistant Secretary,
19 regarding—

20 (i) the use by the entity of the grant
21 amounts; and

22 (ii) the progress of the entity towards
23 fulfilling the objectives for which the grant
24 was awarded;

1 (B) establish mechanisms to ensure appro-
2 priate use of, and compliance with respect to all
3 terms regarding, grant funds awarded under
4 the Program;

5 (C) create and maintain a fully searchable
6 database, which shall be accessible on the inter-
7 net at no cost to the public, that contains, at
8 a minimum—

9 (i) a list of each entity that has ap-
10 plied for a grant under the Program;

11 (ii) a description of each application
12 described in clause (i), including the pro-
13 posed purpose of each grant described in
14 that clause;

15 (iii) the status of each application de-
16 scribed in clause (i), including whether the
17 Assistant Secretary has awarded a grant
18 with respect to the application and, if so,
19 the amount of the grant;

20 (iv) each report submitted by an enti-
21 ty under subparagraph (A); and

22 (v) any other information that the As-
23 sistant Secretary considers appropriate to
24 ensure that the public has sufficient infor-

1 mation to understand and monitor grants
2 awarded under the Program; and

3 (D) ensure that any entity with respect to
4 which an award is terminated under subsection
5 (g) may, in a timely manner, appeal or other-
6 wise challenge that termination; and

7 (2) may establish additional reporting and in-
8 formation requirements for any recipient of a grant
9 under the Program.

10 (i) SUPPLEMENT NOT SUPPLANT.—A grant awarded
11 to an entity under the Program shall supplement, not sup-
12 plant, other Federal or State funds that have been made
13 available to the entity to carry out activities described in
14 this section.

15 (j) SET ASIDES.—From amounts made available in
16 a fiscal year to carry out the Program, the Assistant Sec-
17 retary shall reserve—

18 (1) not more than 5 percent for the implemen-
19 tation and administration of the Program, which
20 shall include—

21 (A) providing technical support and assist-
22 ance, including ensuring consistency in data re-
23 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 31123(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; and

10 (2) not less than 5 percent to award grants di-
11 rectly to Indian Tribes, tribally designated entities,
12 and Native Hawaiian organizations to allow those
13 Tribes, entities, and organizations to carry out the
14 activities described in this section.

15 (k) RULES.—The Assistant Secretary may prescribe
16 such rules as may be necessary to carry out this section.

17 (l) APPROPRIATION.—There are appropriated to the
18 Assistant Secretary, out of any money in the Treasury not
19 otherwise appropriated, \$625,000,000 to carry out this
20 section for fiscal year 2021, to remain available until ex-
21 pended.

22 **SEC. 31123. POLICY RESEARCH, DATA COLLECTION, ANAL-**
23 **YSIS AND MODELING, EVALUATION, AND DIS-**
24 **SEMINATION.**

25 (a) REPORTING REQUIREMENTS.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date on which the Assistant Secretary begins
3 awarding grants under section 31121(d), and annu-
4 ally thereafter, the Assistant Secretary shall—

5 (A) submit to the appropriate committees
6 of Congress a report that documents, for the
7 year covered by the report—

8 (i) the findings of each evaluation
9 conducted under subparagraph (B);

10 (ii) a list of each grant awarded under
11 each covered program, which shall in-
12 clude—

13 (I) the amount of each such
14 grant;

15 (II) the recipient of each such
16 grant; and

17 (III) the purpose for which each
18 such grant was awarded;

19 (iii) any termination or modification
20 of a grant awarded under the covered pro-
21 grams, which shall include a description of
22 the subsequent usage of any funds to
23 which such an action applies; and

24 (iv) each challenge made by an appli-
25 cant for, or a recipient of, a grant under

1 the covered programs and the outcome of
2 each such challenge; and

3 (B) conduct evaluations of the activities
4 carried out under the covered programs, which
5 shall include an evaluation of—

6 (i) whether eligible States to which
7 grants are awarded under the program es-
8 tablished under section 31121 are—

9 (I) abiding by the assurances
10 made by those States under sub-
11 section (e) of that section;

12 (II) meeting, or have met, the
13 stated goals of the State Digital Eq-
14 uity Plans developed by the States
15 under subsection (c) of that section;

16 (III) satisfying the requirements
17 imposed by the Assistant Secretary on
18 those States under subsection (g) of
19 that section; and

20 (IV) in compliance with any
21 other rules, requirements, or regula-
22 tions promulgated by the Assistant
23 Secretary in implementing that pro-
24 gram; and

1 (ii) whether entities to which grants
2 are awarded under the program established
3 under section 31122 are—

4 (I) abiding by the assurances
5 made by those entities under sub-
6 section (f) of that section;

7 (II) meeting, or have met, the
8 stated goals of those entities with re-
9 spect to the use of the grant amounts;

10 (III) satisfying the requirements
11 imposed by the Assistant Secretary on
12 those entities under subsection (h) of
13 that section; and

14 (IV) in compliance with any
15 other rules, requirements, or regula-
16 tions promulgated by the Assistant
17 Secretary in implementing that pro-
18 gram.

19 (2) PUBLIC AVAILABILITY.—The Assistant Sec-
20 retary shall make each report submitted under para-
21 graph (1)(A) publicly available in an online format
22 that—

23 (A) facilitates access and ease of use;

24 (B) is searchable; and

25 (C) is accessible—

- 1 (i) to individuals with disabilities; and
2 (ii) in languages other than English.

3 (b) **AUTHORITY TO CONTRACT AND ENTER INTO**
4 **OTHER ARRANGEMENTS.**—The Assistant Secretary may
5 award grants and enter into contracts, cooperative agree-
6 ments, and other arrangements with Federal agencies,
7 public and private organizations, and other entities with
8 expertise that the Assistant Secretary determines appro-
9 priate in order to—

10 (1) evaluate the impact and efficacy of activities
11 supported by grants awarded under the covered pro-
12 grams; and

13 (2) develop, catalog, disseminate, and promote
14 the exchange of best practices, both with respect to
15 and independent of the covered programs, in order
16 to achieve digital equity.

17 (c) **CONSULTATION AND PUBLIC ENGAGEMENT.**—In
18 carrying out subsection (a), and to further the objectives
19 described in paragraphs (1) and (2) of subsection (b), the
20 Assistant Secretary shall conduct ongoing collaboration
21 and consult with—

22 (1) the Secretary of Agriculture;

23 (2) the Secretary of Housing and Urban Devel-
24 opment;

25 (3) the Secretary of Education;

- 1 (4) the Secretary of Labor;
- 2 (5) the Secretary of Health and Human Serv-
- 3 ices;
- 4 (6) the Secretary of Veterans Affairs;
- 5 (7) the Secretary of the Interior;
- 6 (8) the Assistant Secretary for Indian Affairs of
- 7 the Department of the Interior;
- 8 (9) the Commission;
- 9 (10) the Federal Trade Commission;
- 10 (11) the Director of the Institute of Museum
- 11 and Library Services;
- 12 (12) the Administrator of the Small Business
- 13 Administration;
- 14 (13) the Federal Cochairman of the Appa-
- 15 lachian Regional Commission;
- 16 (14) State agencies and governors of States (or
- 17 equivalent officials);
- 18 (15) entities serving as administering entities
- 19 for States under section 31121(b);
- 20 (16) national, State, Tribal, and local organiza-
- 21 tions that conduct digital inclusion activities, pro-
- 22 mote digital equity, or provide digital literacy serv-
- 23 ices;
- 24 (17) researchers, academics, and philanthropic
- 25 organizations; and

1 (18) other agencies, organizations (including
2 international organizations), entities (including enti-
3 ties with expertise in the fields of data collection,
4 analysis and modeling, and evaluation), and commu-
5 nity stakeholders, as determined appropriate by the
6 Assistant Secretary.

7 (d) TECHNICAL SUPPORT AND ASSISTANCE.—The
8 Assistant Secretary shall provide technical support and as-
9 sistance to potential applicants for the covered programs
10 and entities awarded grants under the covered programs,
11 to ensure consistency in data reporting and to meet the
12 objectives of this section.

13 **SEC. 31124. GENERAL PROVISIONS.**

14 (a) NONDISCRIMINATION.—

15 (1) IN GENERAL.—No individual in the United
16 States may, on the basis of actual or perceived race,
17 color, religion, national origin, sex, gender identity,
18 sexual orientation, age, or disability, be excluded
19 from participation in, be denied the benefits of, or
20 be subjected to discrimination under any program or
21 activity that is funded in whole or in part with funds
22 made available under this chapter.

23 (2) ENFORCEMENT.—The Assistant Secretary
24 shall effectuate paragraph (1) with respect to any
25 program or activity described in that paragraph by

1 issuing regulations and taking actions consistent
2 with section 602 of the Civil Rights Act of 1964 (42
3 U.S.C. 2000d-1).

4 (3) JUDICIAL REVIEW.—Judicial review of an
5 action taken by the Assistant Secretary under para-
6 graph (2) shall be available to the extent provided in
7 section 603 of the Civil Rights Act of 1964 (42
8 U.S.C. 2000d-2).

9 (b) TECHNOLOGICAL NEUTRALITY.—The Assistant
10 Secretary shall, to the extent practicable, carry out this
11 chapter in a technologically neutral manner.

12 (c) AUDIT AND OVERSIGHT.—There are appropriated
13 to the Office of Inspector General of the Department of
14 Commerce, out of any money in the Treasury not other-
15 wise appropriated, for audits and oversight of funds made
16 available to carry out this chapter, \$5,000,000 for fiscal
17 year 2021, to remain available until expended.

18 **CHAPTER 3—BROADBAND SERVICE FOR**

19 **LOW-INCOME CONSUMERS**

20 **SEC. 31141. ADDITIONAL BROADBAND BENEFIT.**

21 (a) PROMULGATION OF REGULATIONS REQUIRED.—
22 Not later than 180 days after the date of the enactment
23 of this Act, the Commission shall promulgate regulations
24 implementing this section.

1 (b) REQUIREMENTS.—The regulations promulgated
2 pursuant to subsection (a) shall establish the following:

3 (1) BROADBAND BENEFIT.—A provider shall
4 provide an eligible household with an internet service
5 offering, upon request by a member of such house-
6 hold. Such provider shall discount the price charged
7 to such household for such internet service offering
8 in an amount equal to the broadband benefit for
9 such household.

10 (2) VERIFICATION OF ELIGIBILITY.—To verify
11 whether a household is an eligible household, a pro-
12 vider shall either—

13 (A) use the National Lifeline Eligibility
14 Verifier; or

15 (B) rely upon an alternative verification
16 process of the provider, if the Commission finds
17 such process to be sufficient to avoid waste,
18 fraud, and abuse.

19 (3) USE OF NATIONAL LIFELINE ELIGIBILITY
20 VERIFIER.—The Commission shall—

21 (A) expedite the ability of all providers to
22 access the National Lifeline Eligibility Verifier
23 for purposes of determining whether a house-
24 hold is an eligible household; and

1 (B) ensure that the National Lifeline Eligi-
2 bility Verifier approves an eligible household to
3 receive the broadband benefit not later than ten
4 days after the date of the submission of infor-
5 mation necessary to determine if such house-
6 hold is an eligible household.

7 (4) REIMBURSEMENT.—From the Broadband
8 Connectivity Fund established in subsection (g), the
9 Commission shall reimburse a provider in an amount
10 equal to the broadband benefit with respect to an el-
11 igible household that receives such benefit from such
12 provider.

13 (5) REIMBURSEMENT FOR CONNECTED DE-
14 VICE.—A provider that, in addition to providing the
15 broadband benefit to an eligible household, supplies
16 such household with a connected device may be re-
17 imbursed up to \$100 from the Broadband
18 Connectivity Fund established in subsection (g) for
19 such connected device, if the charge to such eligible
20 household is more than \$10 but less than \$50 for
21 such connected device, except that a provider may
22 receive reimbursement for no more than one con-
23 nected device per eligible household.

1 (6) CERTIFICATION REQUIRED.—To receive a
2 reimbursement under paragraph (4) or (5), a pro-
3 vider shall certify to the Commission the following:

4 (A) That the amount for which the pro-
5 vider is seeking reimbursement from the
6 Broadband Connectivity Fund for an internet
7 service offering to an eligible household is not
8 more than the normal rate.

9 (B) That each eligible household for which
10 the provider is seeking reimbursement for pro-
11 viding an internet service offering discounted by
12 the broadband benefit—

13 (i) has not been and will not be
14 charged—

15 (I) for such offering, if the nor-
16 mal rate for such offering is less than
17 or equal to the amount of the
18 broadband benefit for such household;
19 or

20 (II) more for such offering than
21 the difference between the normal rate
22 for such offering and the amount of
23 the broadband benefit for such house-
24 hold;

1 (ii) will not be required to pay an
2 early termination fee if such eligible house-
3 hold elects to enter into a contract to re-
4 ceive such internet service offering if such
5 household later terminates such contract;
6 and

7 (iii) was not subject to a mandatory
8 waiting period for such internet service of-
9 fering based on having previously received
10 broadband service from such provider.

11 (C) That each eligible household for which
12 the provider is seeking reimbursement for sup-
13 plying such household with a connected device
14 has not been and will not be charged \$10 or
15 less or \$50 or more for such device.

16 (D) A description of the process used by
17 the provider to verify that a household is an eli-
18 gible household, if the provider elects an alter-
19 native verification process under paragraph
20 (2)(B), and that such verification process was
21 designed to avoid waste, fraud, and abuse.

22 (7) AUDIT REQUIREMENTS.—The Commission
23 shall adopt audit requirements to ensure that pro-
24 viders are in compliance with the requirements of
25 this section and to prevent waste, fraud, and abuse

1 in the broadband benefit program established under
2 this section.

3 (c) ELIGIBLE PROVIDERS.—Notwithstanding sub-
4 section (e) of this section, the Commission shall provide
5 a reimbursement to a provider under this section without
6 requiring such provider to be designated as an eligible tele-
7 communications carrier under section 214(e) of the Com-
8 munications Act of 1934 (47 U.S.C. 214(e)).

9 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall affect the collection, distribution, or administra-
11 tion of the Lifeline Assistance Program governed by the
12 rules set forth in subpart E of part 54 of title 47, Code
13 of Federal Regulations (or any successor regulation).

14 (e) PART 54 REGULATIONS.—Nothing in this section
15 shall be construed to prevent the Commission from pro-
16 viding that the regulations in part 54 of title 47, Code
17 of Federal Regulations (or any successor regulation), shall
18 apply in whole or in part to support provided under the
19 regulations required by subsection (a), shall not apply in
20 whole or in part to such support, or shall be modified in
21 whole or in part for purposes of application to such sup-
22 port.

23 (f) ENFORCEMENT.—A violation of this section or a
24 regulation promulgated under this section, including the
25 knowing or reckless denial of an internet service offering

1 discounted by the broadband benefit to an eligible house-
2 hold that requests such an offering, shall be treated as
3 a violation of the Communications Act of 1934 (47 U.S.C.
4 151 et seq.) or a regulation promulgated under such Act.
5 The Commission shall enforce this section and the regula-
6 tions promulgated under this section in the same manner,
7 by the same means, and with the same jurisdiction, pow-
8 ers, and duties as though all applicable terms and provi-
9 sions of the Communications Act of 1934 were incor-
10 porated into and made a part of this section.

11 (g) BROADBAND CONNECTIVITY FUND.—

12 (1) ESTABLISHMENT.—There is established in
13 the Treasury of the United States a fund to be
14 known as the Broadband Connectivity Fund.

15 (2) APPROPRIATION.—There are appropriated
16 to the Broadband Connectivity Fund, out of any
17 money in the Treasury not otherwise appropriated,
18 \$9,000,000,000 for fiscal year 2021, to remain
19 available until expended.

20 (3) USE OF FUNDS.—Amounts in the
21 Broadband Connectivity Fund shall be available to
22 the Commission for reimbursements to providers
23 under the regulations required by subsection (a).

24 (4) RELATIONSHIP TO UNIVERSAL SERVICE
25 CONTRIBUTIONS.—Reimbursements provided under

1 the regulations required by subsection (a) shall be
2 provided from amounts made available under this
3 subsection and not from contributions under section
4 254(d) of the Communications Act of 1934 (47
5 U.S.C. 254(d)), except the Commission may use
6 such contributions if needed to offset expenses asso-
7 ciated with the reliance on the National Lifeline Eli-
8 gibility Verifier to determine eligibility of households
9 to receive the broadband benefit.

10 (5) LACK OF AVAILABILITY OF FUNDS.—The
11 regulations required by subsection (a) shall provide
12 that a provider is not required to provide an eligible
13 household with an internet service offering under
14 subsection (b)(1) for any month for which there are
15 insufficient amounts in the Broadband Connectivity
16 Fund to reimburse the provider under subsection
17 (b)(4) for providing the broadband benefit to such
18 eligible household.

19 (h) DEFINITIONS.—In this section:

20 (1) BROADBAND BENEFIT.—The term
21 “broadband benefit” means a monthly discount for
22 an eligible household applied to the normal rate for
23 an internet service offering, in an amount equal to
24 such rate, but not more than \$50, or, if an internet

1 service offering is provided to an eligible household
2 on Tribal land, not more than \$75.

3 (2) CONNECTED DEVICE.—The term “con-
4 nected device” means a laptop or desktop computer
5 or a tablet.

6 (3) ELIGIBLE HOUSEHOLD.—The term “eligible
7 household” means, regardless of whether the house-
8 hold or any member of the household receives sup-
9 port under subpart E of part 54 of title 47, Code
10 of Federal Regulations (or any successor regulation),
11 and regardless of whether any member of the house-
12 hold has any past or present arrearages with a pro-
13 vider, a household in which—

14 (A) at least one member of the household
15 meets the qualifications in subsection (a) or (b)
16 of section 54.409 of title 47, Code of Federal
17 Regulations (or any successor regulation);

18 (B) at least one member of the household
19 has applied for and been approved to receive
20 benefits under the free and reduced price lunch
21 program under the Richard B. Russell National
22 School Lunch Act (42 U.S.C. 1751 et seq.) or
23 the school breakfast program under section 4 of
24 the Child Nutrition Act of 1966 (42 U.S.C.
25 1773);

1 (C) at least one member of the household
2 has experienced a substantial loss of income for
3 at least the two consecutive months immediately
4 preceding the month for which eligibility for the
5 broadband benefit is being determined, docu-
6 mented by layoff or furlough notice, application
7 for unemployment insurance benefits, or similar
8 documentation; or

9 (D) at least one member of the household
10 has received a Federal Pell Grant under section
11 401 of the Higher Education Act of 1965 (20
12 U.S.C. 1070a) in the most recent academic
13 year.

14 (4) INTERNET SERVICE OFFERING.—The term
15 “internet service offering” means, with respect to a
16 provider, broadband service provided by such pro-
17 vider to a household, offered in the same manner,
18 and on the same terms, as described in any of such
19 provider’s advertisements for broadband service to
20 such household, on May 1, 2020 (or such later date
21 as the Commission may by rule determine, if the
22 Commission considers it necessary).

23 (5) NORMAL RATE.—The term “normal rate”
24 means, with respect to an internet service offering
25 by a provider, the advertised monthly retail rate, on

1 May 1, 2020 (or such later date as the Commission
2 may by rule determine, if the Commission considers
3 it necessary), including any applicable promotions
4 and excluding any taxes or other governmental fees.

5 (6) PROVIDER.—The term “provider” means a
6 provider of broadband service.

7 **SEC. 31142. GRANTS TO STATES TO STRENGTHEN NA-**
8 **TIONAL LIFELINE ELIGIBILITY VERIFIER.**

9 (a) IN GENERAL.—From amounts appropriated
10 under subsection (d), the Commission shall, not later than
11 30 days after the date of the enactment of this Act, make
12 a grant to each State, in an amount in proportion to the
13 population of such State, for the purpose of connecting
14 the database used by such State for purposes of the sup-
15 plemental nutrition assistance program under the Food
16 and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.) to the
17 National Lifeline Eligibility Verifier, so that the receipt
18 by a household of benefits under such program is reflected
19 in the National Lifeline Eligibility Verifier.

20 (b) DISBURSEMENT OF GRANT FUNDS.—Funds
21 under each grant made under subsection (a) shall be dis-
22 bursed to the State receiving such grant not later than
23 60 days after the date of the enactment of this Act.

24 (c) CERTIFICATION TO CONGRESS.—Not later than
25 90 days after the date of the enactment of this Act, the

1 Commission shall certify to the Committee on Energy and
2 Commerce of the House of Representatives and the Com-
3 mittee on Commerce, Science, and Transportation of the
4 Senate that the grants required by subsection (a) have
5 been made and that funds have been disbursed as required
6 by subsection (b).

7 (d) APPROPRIATION.—There are appropriated to the
8 Commission, out of any money in the Treasury not other-
9 wise appropriated, \$200,000,000 to carry out this section
10 for fiscal year 2021, to remain available until expended.

11 **SEC. 31143. FEDERAL COORDINATION BETWEEN LIFELINE**
12 **AND SNAP VERIFICATION.**

13 (a) IN GENERAL.—Notwithstanding section
14 11(x)(2)(C)(i) of the Food and Nutrition Act of 2008 (7
15 U.S.C. 2020(x)(2)(C)(i)), not later than 180 days after
16 the date of the enactment of this Act, the Commission
17 shall, in coordination with the Secretary of Agriculture,
18 establish an automated connection, to the maximum ex-
19 tent practicable, between the National Lifeline Eligibility
20 Verifier and the National Accuracy Clearinghouse estab-
21 lished under section 11(x) of the Food and Nutrition Act
22 of 2008 (7 U.S.C. 2020(x)) for the supplemental nutrition
23 assistance program.

24 (b) DEFINITION.—In this section, the term “auto-
25 mated connection” means a connection between two or

1 more information systems where the manual input of in-
2 formation in one system leads to the automatic input of
3 the same information any other connected system.

4 **CHAPTER 4—E-RATE SUPPORT FOR WI-FI**
5 **HOTSPOTS, OTHER EQUIPMENT, AND**
6 **CONNECTED DEVICES**

7 **SEC. 31161. E-RATE SUPPORT FOR WI-FI HOTSPOTS, OTHER**
8 **EQUIPMENT, AND CONNECTED DEVICES.**

9 (a) REGULATIONS REQUIRED.—Not later than 180
10 days after the date of the enactment of this Act, the Com-
11 mission shall promulgate regulations providing for the
12 provision, from amounts made available from the
13 Connectivity Fund established under subsection (h)(1), of
14 support under section 254(h)(1)(B) of the Communica-
15 tions Act of 1934 (47 U.S.C. 254(h)(1)(B)) to an elemen-
16 tary school, secondary school, or library (including a Trib-
17 al elementary school, Tribal secondary school, or Tribal
18 library) eligible for support under such section, for the
19 purchase of equipment described in subsection (c), ad-
20 vanced telecommunications and information services, or
21 equipment described in such subsection and advanced tele-
22 communications and information services, for use by—

23 (1) in the case of a school, students and staff
24 of such school at locations that include locations
25 other than such school; and

1 (2) in the case of a library, patrons of such li-
2 brary at locations that include locations other than
3 such library.

4 (b) TRIBAL ISSUES.—

5 (1) SET ASIDE FOR TRIBAL LANDS.—The Com-
6 mission shall reserve not less than 5 percent of the
7 amounts available to the Commission under sub-
8 section (h)(3) to provide support under the regula-
9 tions required by subsection (a) to schools and li-
10 braries that serve persons who are located on Tribal
11 lands.

12 (2) ELIGIBILITY OF TRIBAL LIBRARIES.—For
13 purposes of determining the eligibility of a Tribal li-
14 brary for support under the regulations required by
15 subsection (a), the portion of paragraph (4) of sec-
16 tion 254(h) of the Communications Act of 1934 (47
17 U.S.C. 254(h)) relating to eligibility for assistance
18 from a State library administrative agency under the
19 Library Services and Technology Act shall not apply.

20 (c) EQUIPMENT DESCRIBED.—The equipment de-
21 scribed in this subsection is the following:

22 (1) Wi-Fi hotspots.

23 (2) Modems.

24 (3) Routers.

25 (4) Devices that combine a modem and router.

1 (5) Connected devices.

2 (d) **PRIORITIZATION OF SUPPORT.**—The Commission
3 shall provide in the regulations required by subsection (a)
4 for a mechanism to require a school or library to prioritize
5 the provision of equipment described in subsection (c), ad-
6 vanced telecommunications and information services, or
7 equipment described in such subsection and advanced tele-
8 communications and information services, for which sup-
9 port is received under such regulations, to students and
10 staff or patrons (as the case may be) that the school or
11 library believes do not have access to equipment described
12 in subsection (c), do not have access to advanced tele-
13 communications and information services, or have access
14 to neither equipment described in subsection (c) nor ad-
15 vanced telecommunications and information services, at
16 the residences of such students and staff or patrons.

17 (e) **PERMISSIBLE USES OF EQUIPMENT.**—The Com-
18 mission shall provide in the regulations required by sub-
19 section (a) that, in the case of a school or library that
20 purchases equipment described in subsection (c) using
21 support received under such regulations, such school or
22 library—

23 (1) may use such equipment for such purposes
24 as such school or library considers appropriate, sub-

1 ject to any restrictions provided in such regulations
2 (or any successor regulation); and

3 (2) may not sell or otherwise transfer such
4 equipment in exchange for any thing (including a
5 service) of value, except that such school or library
6 may exchange such equipment for upgraded equip-
7 ment of the same type.

8 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
9 tion shall be construed to affect any authority the Com-
10 mission may have under section 254(h)(1)(B) of the Com-
11 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to
12 allow support under such section to be used for the pur-
13 poses described in subsection (a) other than as required
14 by such subsection.

15 (g) PART 54 REGULATIONS.—Nothing in this section
16 shall be construed to prevent the Commission from pro-
17 viding that the regulations in part 54 of title 47, Code
18 of Federal Regulations (or any successor regulation), shall
19 apply in whole or in part to support provided under the
20 regulations required by subsection (a), shall not apply in
21 whole or in part to such support, or shall be modified in
22 whole or in part for purposes of application to such sup-
23 port.

24 (h) CONNECTIVITY FUND.—

1 (1) ESTABLISHMENT.—There is established in
2 the Treasury of the United States a fund to be
3 known as the Connectivity Fund.

4 (2) APPROPRIATION.—There are appropriated
5 to the Connectivity Fund, out of any money in the
6 Treasury not otherwise appropriated,
7 \$5,000,000,000 for fiscal year 2021, to remain
8 available until expended.

9 (3) USE OF FUNDS.—Amounts in the
10 Connectivity Fund shall be available to the Commis-
11 sion to provide support under the regulations re-
12 quired by subsection (a).

13 (4) RELATIONSHIP TO UNIVERSAL SERVICE
14 CONTRIBUTIONS.—Support provided under the regu-
15 lations required by subsection (a) shall be provided
16 from amounts made available under paragraph (3)
17 and not from contributions under section 254(d) of
18 the Communications Act of 1934 (47 U.S.C.
19 254(d)).

20 (i) DEFINITIONS.—In this section:

21 (1) ADVANCED TELECOMMUNICATIONS AND IN-
22 FORMATION SERVICES.—The term “advanced tele-
23 communications and information services” means
24 advanced telecommunications and information serv-

1 ices, as such term is used in section 254(h) of the
2 Communications Act of 1934 (47 U.S.C. 254(h)).

3 (2) CONNECTED DEVICE.—The term “con-
4 nected device” means a laptop computer, tablet com-
5 puter, or similar device that is capable of connecting
6 to advanced telecommunications and information
7 services.

8 (3) LIBRARY.—The term “library” includes a
9 library consortium.

10 (4) TRIBAL LAND.—The term “Tribal land”
11 means—

12 (A) any land located within the boundaries
13 of—

14 (i) an Indian reservation, pueblo, or
15 rancheria; or

16 (ii) a former reservation within Okla-
17 homa;

18 (B) any land not located within the bound-
19 aries of an Indian reservation, pueblo, or
20 rancheria, the title to which is held—

21 (i) in trust by the United States for
22 the benefit of an Indian Tribe or an indi-
23 vidual Indian;

24 (ii) by an Indian Tribe or an indi-
25 vidual Indian, subject to restriction against

1 alienation under laws of the United States;

2 or

3 (iii) by a dependent Indian commu-
4 nity;

5 (C) any land located within a region estab-
6 lished pursuant to section 7(a) of the Alaska
7 Native Claims Settlement Act (43 U.S.C.
8 1606(a));

9 (D) Hawaiian Home Lands, as defined in
10 section 801 of the Native American Housing
11 Assistance and Self-Determination Act of 1996
12 (25 U.S.C. 4221); or

13 (E) those areas or communities designated
14 by the Assistant Secretary of Indian Affairs of
15 the Department of the Interior that are near,
16 adjacent, or contiguous to reservations where fi-
17 nancial assistance and social service programs
18 are provided to Indians because of their status
19 as Indians.

20 (5) WI-FI.—The term “Wi-Fi” means a wire-
21 less networking protocol based on Institute of Elec-
22 trical and Electronics Engineers standard 802.11
23 (or any successor standard).

24 (6) WI-FI HOTSPOT.—The term “Wi-Fi
25 hotspot” means a device that is capable of—

1 (A) receiving mobile advanced tele-
2 communications and information services; and

3 (B) sharing such services with another de-
4 vice through the use of Wi-Fi.

5 **Subtitle B—Broadband**
6 **Transparency**

7 **SEC. 31201. DEFINITIONS.**

8 In this subtitle:

9 (1) BROADBAND INTERNET ACCESS SERVICE.—

10 The term “broadband internet access service” has
11 the meaning given the term in section 8.1(b) of title
12 47, Code of Federal Regulations, or any successor
13 regulation.

14 (2) FIXED WIRELESS BROADBAND.—The term
15 “fixed wireless broadband” means broadband inter-
16 net access service that serves end users primarily at
17 fixed endpoints through stationary equipment con-
18 nected by the use of radio, such as by the use of un-
19 licensed spectrum.

20 (3) MOBILE BROADBAND.—The term “mobile
21 broadband”—

22 (A) means broadband internet access serv-
23 ice that serves end users primarily using mobile
24 stations;

1 (B) includes services that use smartphones
2 or mobile network-enabled tablets as the pri-
3 mary endpoints for connection to the internet;
4 and

5 (C) includes mobile satellite broadband
6 internet access services.

7 (4) PROVIDER.—The term “provider” means a
8 provider of fixed or mobile broadband internet access
9 service.

10 (5) SATELLITE BROADBAND.—The term “sat-
11 ellite broadband” means broadband internet access
12 service that serves end users primarily at fixed
13 endpoints through stationary equipment connected
14 by the use of orbital satellites.

15 (6) TERRESTRIAL FIXED BROADBAND.—The
16 term “terrestrial fixed broadband” means broadband
17 internet access service that serves end users pri-
18 marily at fixed endpoints through stationary equip-
19 ment connected by wired technology such as cable,
20 DSL, and fiber.

21 **SEC. 31202. BROADBAND TRANSPARENCY.**

22 (a) RULES.—

23 (1) IN GENERAL.—Not later than 1 year after
24 the date of the enactment of this Act, the Commis-
25 sion shall issue final rules that include a require-

1 ment for the annual collection by the Commission of
2 data relating to the price and subscription rates of
3 terrestrial fixed broadband, fixed wireless
4 broadband, satellite broadband, and mobile
5 broadband.

6 (2) UPDATES.—Not later than 90 days after
7 the date on which rules are issued under paragraph
8 (1), and when determined to be necessary by the
9 Commission thereafter, the Commission shall revise
10 such rules to verify the accuracy of data submitted
11 pursuant to such rules.

12 (3) REDUNDANCY AVOIDANCE.—Nothing in this
13 section shall be construed to require the Commis-
14 sion, in order to meet a requirement of this section,
15 to duplicate an activity that the Commission is un-
16 dertaking as of the date of the enactment of this
17 Act, if the Commission refers to such activity in the
18 rules issued under paragraph (1), such activity
19 meets the requirements of this section, and the Com-
20 mission discloses such activity to the public.

21 (b) CONTENT OF RULES.—The rules issued by the
22 Commission under subsection (a)(1) shall require the
23 Commission to collect from each provider of terrestrial
24 fixed broadband, fixed wireless broadband, mobile
25 broadband, or satellite broadband, data that includes—

1 (1) either the weighted average of the monthly
2 prices charged to subscribed households within each
3 census block for each distinct broadband internet ac-
4 cess service plan or tier of standalone broadband
5 internet access service, including mandatory equip-
6 ment charges, usage-based fees, and fees for early
7 termination of required contracts, or the monthly
8 price charged to each subscribed household, includ-
9 ing such charges and fees;

10 (2) either the mean monthly price within the
11 duration of subscription contracts offered within
12 each census block for each distinct broadband inter-
13 net access service plan or tier of standalone
14 broadband internet access service, including manda-
15 tory equipment charges, usage-based fees, and fees
16 for early termination of required contracts, or the
17 mean monthly price within the duration of subscrip-
18 tion contracts offered to each household, including
19 such charges and fees;

20 (3) either the subscription rate within each cen-
21 sus block for each distinct broadband internet access
22 service plan or tier of standalone broadband internet
23 access service, or information regarding the sub-
24 scription status of each household to which a sub-
25 scription is offered;

1 (4) data necessary to demonstrate the actual
2 price paid by subscribers of broadband internet ac-
3 cess service at each tier for such service in a manner
4 that—

5 (A) takes into account any discounts (or
6 similar price concessions); and

7 (B) identifies any additional taxes and fees
8 (including for the use of equipment related to
9 the use of a subscription for such service), any
10 monthly data usage limitation at the stated
11 price, and the extent to which the price of the
12 service reflects inclusion within a product bun-
13 dle; and

14 (5) data necessary to assess the resiliency of
15 the broadband internet access service network in the
16 event of a natural disaster or emergency.

17 (c) **TECHNICAL ASSISTANCE.**—The Commission shall
18 provide technical assistance to small providers (as defined
19 by the Commission) of broadband internet access service,
20 to ensure such providers can fulfill the requirements of
21 this section.

22 **SEC. 31203. DISTRIBUTION OF DATA.**

23 (a) **AVAILABILITY OF DATA.**—Subject to subsection
24 (b), the Commission shall make all data relating to
25 broadband internet access service collected under rules re-

1 quired by this subtitle available in a commonly used elec-
2 tronic format to—

3 (1) other Federal agencies, including the Na-
4 tional Telecommunications and Information Admin-
5 istration, to assist that agency in conducting the
6 study required by section 31102(e);

7 (2) a broadband office, public utility commis-
8 sion, broadband mapping program, or other
9 broadband program of a State, in the case of data
10 pertaining to the needs of that State;

11 (3) a unit of local government, in the case of
12 data pertaining to the needs of that locality; and

13 (4) an individual or organization conducting re-
14 search for noncommercial purposes or public interest
15 purposes.

16 (b) PROTECTION OF DATA.—

17 (1) IN GENERAL.—The Commission may not
18 share any data described in subsection (a) with an
19 entity or individual described in that subsection un-
20 less the Commission has determined that the receiv-
21 ing entity or individual has the capability and intent
22 to protect any personally identifiable information
23 contained in the data.

24 (2) DETERMINATION OF PERSONALLY IDENTIFI-
25 FIABLE INFORMATION.—The Commission—

1 (A) shall define the term “personally iden-
2 tifiable information”, for purposes of paragraph
3 (1), through notice and comment rulemaking;
4 and

5 (B) may not share any data under sub-
6 section (a) before completing the rulemaking
7 under subparagraph (A).

8 (c) **BALANCING ACCESS AND PROTECTION.**—If the
9 Commission is unable to determine under subsection
10 (b)(1) that an entity or individual requesting access to
11 data under subsection (a) has the capability to protect per-
12 sonally identifiable information contained in the data, the
13 Commission shall make as much of the data available as
14 possible in a format that does not compromise personally
15 identifiable information, through methods such as
16 anonymization.

17 **SEC. 31204. COORDINATION WITH CERTAIN OTHER FED-**
18 **ERAL AGENCIES.**

19 Section 804(b)(2) of the Communications Act of
20 1934 (47 U.S.C. 644(b)(2)), as added by the Broadband
21 DATA Act (Public Law 116–130), is amended—

22 (1) in subparagraph (A)(ii), by striking the
23 semicolon at the end and inserting “; and”;

24 (2) by amending subparagraph (B) to read as
25 follows:

1 “(B) coordinate with the Postmaster Gen-
2 eral, the heads of other Federal agencies that
3 operate delivery fleet vehicles, and the Director
4 of the Bureau of the Census for assistance with
5 data collection whenever coordination could fea-
6 sibly yield more specific geographic data.”; and
7 (3) by striking subparagraph (C).

8 **SEC. 31205. BROADBAND CONSUMER LABELS.**

9 (a) RULES.—Not later than 1 year after the date of
10 the enactment of this Act, the Commission shall issue final
11 rules to promote and incentivize widespread adoption of
12 the broadband consumer labels referred to in the Public
13 Notice of the Commission released on April 4, 2016 (DA
14 16–357).

15 (b) HEARINGS.—The Commission shall conduct a se-
16 ries of public hearings in the rulemaking proceeding re-
17 quired by subsection (a) to assess how consumers cur-
18 rently evaluate internet service plans and whether existing
19 disclosures are available, effective, and sufficient.

20 **SEC. 31206. APPROPRIATION FOR BROADBAND DATA ACT.**

21 There are appropriated to the Commission, out of any
22 money in the Treasury not otherwise appropriated,
23 \$24,000,000 to carry out title VIII of the Communications
24 Act of 1934 (47 U.S.C. 641 et seq.), as added by the

1 Broadband DATA Act (Public Law 116–130), for fiscal
2 year 2021, to remain available until expended.

3 **SEC. 31207. GAO REPORT.**

4 Not later than 1 year after the date of the enactment
5 of this Act, the Comptroller General of the United States
6 shall submit to the Committee on Energy and Commerce
7 of the House of Representatives, the Committee on Agri-
8 culture of the House of Representatives, the Committee
9 on Transportation and Infrastructure of the House of the
10 Representatives, the Committee on Commerce, Science,
11 and Transportation of the Senate, the Committee on Envi-
12 ronment and Public Works of the Senate, and the Com-
13 mittee on Agriculture, Nutrition, and Forestry of the Sen-
14 ate, a report that evaluates the process used by the Com-
15 mission for establishing, reviewing, and updating the
16 upload and download broadband internet access speed
17 thresholds, including—

18 (1) how the Commission reviews and updates
19 broadband internet access speed thresholds;

20 (2) whether the Commission considers future
21 broadband internet access speed needs when estab-
22 lishing broadband internet access speed thresholds,
23 including whether the Commission considers the
24 need, or the anticipated need, for higher upload or
25 download broadband internet access speeds in the

1 five-year period and the ten-year period after the
2 date on which a broadband speed threshold is to be
3 established; and

4 (3) how the Commission considers the impacts
5 of changing uses of the internet in establishing, re-
6 viewing, or updating broadband internet access
7 speed thresholds, including—

8 (A) the proliferation of internet-based busi-
9 ness;

10 (B) working remotely and running a busi-
11 ness from home;

12 (C) video teleconferencing;

13 (D) distance learning;

14 (E) in-house web hosting; and

15 (F) cloud data storage.

16 **Subtitle C—Broadband Access**

17 **CHAPTER 1—EXPANSION OF BROADBAND** 18 **ACCESS**

19 **SEC. 31301. EXPANSION OF BROADBAND ACCESS IN** 20 **UNSERVED AREAS AND AREAS WITH LOW-** 21 **TIER OR MID-TIER SERVICE.**

22 Title VII of the Communications Act of 1934 (47
23 U.S.C. 601 et seq.) is amended by adding at the end the
24 following new section:

1 **“SEC. 723. EXPANSION OF BROADBAND ACCESS IN**
2 **UNSERVED AREAS AND AREAS WITH LOW-**
3 **TIER OR MID-TIER SERVICE.**

4 “(a) PROGRAM ESTABLISHED.—Not later than 180
5 days after the date of the enactment of this section, the
6 Commission, in consultation with the Assistant Secretary,
7 shall establish a program to expand access to broadband
8 service for unserved areas, areas with low-tier service,
9 areas with mid-tier service, and unserved anchor institu-
10 tions in accordance with the requirements of this section
11 that—

12 “(1) is separate from any universal service pro-
13 gram established pursuant to section 254; and

14 “(2) does not require funding recipients to be
15 designated as eligible telecommunications carriers
16 under section 214(e).

17 “(b) USE OF PROGRAM FUNDS.—

18 “(1) EXPANDING ACCESS TO BROADBAND SERV-
19 ICE THROUGH NATIONAL SYSTEM OF COMPETITIVE
20 BIDDING.—Not later than 18 months after the date
21 of the enactment of this section, the Commission
22 shall award 75 percent of the amounts appropriated
23 under subsection (g) through national systems of
24 competitive bidding to funding recipients only to ex-
25 pand access to broadband service in unserved areas
26 and areas with low-tier service.

1 “(2) EXPANDING ACCESS TO BROADBAND SERV-
2 ICE THROUGH STATES.—

3 “(A) DISTRIBUTION OF FUNDS TO
4 STATES.—Not later than 255 days after the
5 date of the enactment of this section, the Com-
6 mission shall distribute 25 percent of the
7 amounts appropriated under subsection (g)
8 among the States, in direct proportion to the
9 population of each State.

10 “(B) PUBLIC NOTICE.—Not later than 195
11 days after the date of the enactment of this sec-
12 tion, the Commission shall issue a public notice
13 informing each State and the public of the
14 amounts to be distributed under this para-
15 graph. The notice shall include—

16 “(i) the manner in which a State shall
17 inform the Commission of that State’s ac-
18 ceptance or acceptance in part of the
19 amounts to be distributed under this para-
20 graph;

21 “(ii) the date (which is 30 days after
22 the date on which the public notice is
23 issued) by which such acceptance or ac-
24 ceptance in part is due; and

1 “(iii) the requirements as set forth
2 under this section and as may be further
3 prescribed by the Commission.

4 “(C) ACCEPTANCE BY STATES.—Not later
5 than 30 days after the date on which a public
6 notice is issued under subparagraph (B), each
7 State accepting amounts to be distributed
8 under this paragraph shall inform the Commis-
9 sion of the acceptance or acceptance in part by
10 the State of the amounts to be distributed
11 under this paragraph in the manner described
12 by the Commission in the public notice.

13 “(D) REQUIREMENTS FOR STATE RECEIPT
14 OF AMOUNTS DISTRIBUTED.—Each State ac-
15 cepting amounts distributed under this para-
16 graph—

17 “(i) shall only award such amounts
18 through statewide systems of competitive
19 bidding, in the manner prescribed by the
20 State but subject to the requirements as
21 set forth under this section and as may be
22 further prescribed by the Commission;

23 “(ii) shall make such awards only—

24 “(I) to funding recipients to ex-
25 pand access to broadband service in

1 unserved areas and areas with low-tier
2 service;

3 “(II) to funding recipients to ex-
4 pand access to broadband service to
5 unserved anchor institutions; or

6 “(III) to funding recipients to ex-
7 pand access to broadband service in
8 areas with mid-tier service, but only if
9 a State does not have, or no longer
10 has, any unserved areas or areas with
11 low-tier service;

12 “(iii) shall conduct separate systems
13 of competitive bidding for awards made to
14 unserved anchor institutions under clause
15 (ii)(II), if a State awards any amounts dis-
16 tributed under this paragraph to unserved
17 anchor institutions;

18 “(iv) shall return any unused portion
19 of amounts distributed under this para-
20 graph to the Commission within 10 years
21 after the date of the enactment of this sec-
22 tion and shall submit a certification to the
23 Commission before receiving such amounts
24 that the State will return such amounts;
25 and

1 “(v) may not use more than 5 percent
2 of the amounts distributed under this
3 paragraph to administer a system or sys-
4 tems of competitive bidding authorized by
5 this paragraph.

6 “(3) COORDINATION OF FEDERAL AND STATE
7 FUNDING.—The Commission, in consultation with
8 the Office of Internet Connectivity and Growth, shall
9 establish processes through the rulemaking under
10 subsection (e) to—

11 “(A) enable States to conduct statewide
12 systems of competitive bidding as part of, or in
13 coordination with, national systems of competi-
14 tive bidding;

15 “(B) assist States in conducting statewide
16 systems of competitive bidding;

17 “(C) ensure that program funds awarded
18 by the Commission and program funds awarded
19 by the States are not used in the same areas;
20 and

21 “(D) ensure that program funds and funds
22 awarded through other Federal programs to ex-
23 pand broadband service with a download speed
24 of at least 100 megabits per second, an upload
25 speed of at least 100 megabits per second, and

1 a latency that is sufficiently low to allow real-
2 time, interactive applications, are not used in
3 the same areas.

4 “(c) PROGRAM REQUIREMENTS.—

5 “(1) TECHNOLOGY NEUTRALITY REQUIRED.—
6 The entity administering a system of competitive
7 bidding (either a State or the Commission) in mak-
8 ing awards may not favor a project using any par-
9 ticular technology.

10 “(2) GIGABIT PERFORMANCE FUNDING.—The
11 Commission shall reserve 20 percent of the amounts
12 to be awarded by the Commission under subsection
13 (b)(1), and each State shall reserve 20 percent of
14 the amounts distributed to such State under sub-
15 section (b)(2), for bidders committing (with respect
16 to any particular project by such a bidder) to offer,
17 not later than the date that is 5 years after the date
18 on which funding is provided under this section for
19 such project, broadband service with a download
20 speed of at least 1 gigabit per second and an upload
21 speed of at least 1 gigabit per second or, in the case
22 of a project to provide broadband service to an
23 unserved anchor institution, broadband service with
24 a download speed of at least 10 gigabits per second

1 per 1,000 users and an upload speed of at least 10
2 gigabits per second per 1,000 users.

3 “(3) SYSTEM OF COMPETITIVE BIDDING PROC-
4 ESS.—The entity administering a system of competi-
5 tive bidding (either a State or the Commission) shall
6 structure the system of competitive bidding process
7 to—

8 “(A) first hold a system of competitive bid-
9 ding only for bidders committing (with respect
10 to any particular project by such a bidder) to
11 offer, not later than the date that is 5 years
12 after the date on which funding is provided
13 under this section for such project, broadband
14 service with a download speed of at least 1 gig-
15 abit per second and an upload speed of at least
16 1 gigabit per second or, in the case of a project
17 to provide broadband service to an unserved an-
18 chor institution, broadband service with a
19 download speed of at least 10 gigabits per sec-
20 ond per 1,000 users and an upload speed of at
21 least 10 gigabits per second per 1,000 users;
22 and

23 “(B) after holding the system of competi-
24 tive bidding required by subparagraph (A), hold
25 one or more systems of competitive bidding, in

1 areas not receiving awards under subparagraph
2 (A), to award funds for projects in areas that
3 are estimated to remain unserved areas, areas
4 with low-tier service, or (to the extent permitted
5 under this section) areas with mid-tier service,
6 or (to the extent permitted under this section)
7 for projects to offer broadband service to an-
8 chor institutions that are estimated to remain
9 unserved anchor institutions, after the comple-
10 tion of the projects for which funding is award-
11 ed under the system of competitive bidding re-
12 quired by subparagraph (A) or any previous
13 system of competitive bidding under this sub-
14 paragraph.

15 “(4) FUNDS PRIORITY PREFERENCE.—There
16 shall be a preference in a system of competitive bid-
17 ding for projects that would expand access to
18 broadband service in areas where at least 90 percent
19 of the population has no access to broadband service
20 or does not have access to broadband service offered
21 with a download speed of at least 25 megabits per
22 second, with an upload speed of at least 3 megabits
23 per second, and with latency that is sufficiently low
24 to allow real-time, interactive applications. Such
25 projects shall be given priority in such system of

1 competitive bidding over all other projects, regard-
2 less of how many preferences under paragraph (5)
3 for which such other projects qualify.

4 “(5) FUNDS PREFERENCE.—There shall be a
5 preference in a system of competitive bidding, as de-
6 termined by the entity administering the system of
7 competitive bidding (either a State or the Commis-
8 sion), for any of the following projects:

9 “(A) Projects with at least 20 percent
10 matching funds from non-Federal sources.

11 “(B) Projects that would expand access to
12 broadband service on Tribal lands, as defined
13 by the Commission.

14 “(C) Projects that would provide
15 broadband service with higher speeds than
16 those specified in subsection (d)(2), except in
17 the case of funds awarded under subparagraph
18 (A) of paragraph (3).

19 “(D) Projects that would expand access to
20 broadband service in advance of the time speci-
21 fied in subsection (e)(5), except in the case of
22 funds awarded under subparagraph (A) of
23 paragraph (3).

1 “(E) Projects that would expand access to
2 broadband service to persistent poverty counties
3 or high-poverty areas at subsidized rates.

4 “(F) Projects that, at least until the date
5 that is 10 years after the date of the enactment
6 of this section, would provide broadband service
7 with comparable speeds to those provided in
8 areas that, on the day before such date of en-
9 actment, were not unserved areas, areas with
10 low-tier service, or areas with mid-tier service,
11 with minimal future investment.

12 “(G) Projects that would provide
13 broadband service consistent with consumer
14 preferences based on data and analysis con-
15 ducted by the Commission.

16 “(H) Projects that would provide for the
17 deployment of open-access broadband service
18 networks.

19 “(6) UNSERVED AREAS AND AREAS WITH LOW-
20 TIER OR MID-TIER SERVICE.—In determining wheth-
21 er an area is an unserved area, an area with low-
22 tier service, or an area with mid-tier service or
23 whether an anchor institution is an unserved anchor
24 institution for any system of competitive bidding au-
25 thorized under this section, the Commission shall

1 implement the following requirements through the
2 rulemaking described in subsection (e):

3 “(A) DATA FOR INITIAL DETERMINA-
4 TION.—To make an initial determination as to
5 whether an area is an unserved area, an area
6 with low-tier service, or an area with mid-tier
7 service or whether an anchor institution is an
8 unserved anchor institution, the Commission
9 shall—

10 “(i) use the most accurate and granu-
11 lar data on the map created by the Com-
12 mission under section 802(c)(1)(B);

13 “(ii) refine the data described in
14 clause (i) by using—

15 “(I) other data on access to
16 broadband service obtained or pur-
17 chased by the Commission;

18 “(II) other publicly available data
19 or information on access to broadband
20 service; and

21 “(III) other publicly available
22 data or information on State
23 broadband service deployment pro-
24 grams; and

1 “(iii) not determine an area is not an
2 unserved area, an area with low-tier serv-
3 ice, or an area with mid-tier service on the
4 basis that one location within such area
5 does not meet the definition of an unserved
6 area, an area with low-tier service, or an
7 area with mid-tier service.

8 “(B) INITIAL DETERMINATION.—The
9 Commission shall make an initial determination
10 of the areas that are unserved areas, areas with
11 low-tier service, and areas with mid-tier service
12 and which anchor institutions are unserved an-
13 chor institutions not later than 270 days after
14 the date of the enactment of this section.

15 “(C) CHALLENGE OF DETERMINATION.—

16 “(i) IN GENERAL.—The Commission
17 shall provide for a process for challenging
18 any initial determination regarding wheth-
19 er an area is an unserved area, an area
20 with low-tier service, or an area with mid-
21 tier service or whether an anchor institu-
22 tion is an unserved anchor institution that,
23 at a minimum, provides not less than 45
24 days for a person to voluntarily submit in-
25 formation concerning—

1 “(I) the broadband service of-
2 ferred in the area, or a commitment to
3 offer broadband service in the area
4 that is subject to legal sanction if not
5 performed; or

6 “(II) the broadband service of-
7 ferred to the anchor institution.

8 “(ii) STREAMLINED PROCESS.—The
9 Commission shall ensure that such process
10 is sufficiently streamlined such that a rea-
11 sonably prudent person may easily partici-
12 pate to challenge such initial determination
13 with little burden on such person.

14 “(D) FINAL DETERMINATION.—The Com-
15 mission shall make a final determination of the
16 areas that are unserved areas, areas with low-
17 tier service, or areas with mid-tier service and
18 which anchor institutions are unserved anchor
19 institutions within 1 year after the date of the
20 enactment of this section.

21 “(7) NOTICE, TRANSPARENCY, ACCOUNT-
22 ABILITY, AND OVERSIGHT REQUIRED.—The program
23 shall contain sufficient notice, transparency, ac-
24 countability, and oversight measures to provide the
25 public with notice of the assistance provided under

1 this section, and to deter waste, fraud, and abuse of
2 program funds.

3 “(8) COMPETENCE.—The program shall contain
4 sufficient processes and requirements, as established
5 by an entity administering a system of competitive
6 bidding (either a State or the Commission), to en-
7 sure that, prior to bidding in such system of com-
8 petitive bidding, a provider of broadband service
9 seeking to participate in such system of competitive
10 bidding—

11 “(A) is capable of carrying out the project
12 in a competent manner in compliance with all
13 applicable Federal, State, and local laws;

14 “(B) has the financial capacity to meet the
15 buildout obligations of the project and require-
16 ments as set forth under this section and as
17 may be further prescribed by the Commission;
18 and

19 “(C) has the technical and operational ca-
20 pability to provide broadband services in the
21 manner contemplated by the provider’s bid in
22 the system of competitive bidding, including a
23 detailed consideration of the provider’s prior
24 performance in delivering services as con-
25 templated in the bid and the capabilities of the

1 provider's proposed network to deliver the con-
2 templated services in the area in question.

3 “(9) CONTRACTING REQUIREMENTS.—All labor-
4 ers and mechanics employed by contractors or sub-
5 contractors in the performance of construction, al-
6 teration, or repair work carried out, in whole or in
7 part, with assistance made available under this sec-
8 tion shall be paid wages at rates not less than those
9 prevailing on projects of a similar character in the
10 locality as determined by the Secretary of Labor in
11 accordance with subchapter IV of chapter 31 of title
12 40, United States Code. With respect to the labor
13 standards in this paragraph, the Secretary of Labor
14 shall have the authority and functions set forth in
15 Reorganization Plan Numbered 14 of 1950 (64 Stat.
16 1267; 5 U.S.C. App.) and section 3145 of title 40,
17 United States Code.

18 “(10) RULE OF CONSTRUCTION REGARDING EN-
19 VIRONMENTAL LAWS.—Nothing in this section shall
20 be construed to affect—

21 “(A) the Clean Air Act (42 U.S.C. 7401 et
22 seq.);

23 “(B) the Federal Water Pollution Control
24 Act (33 U.S.C. 1251 et seq.; commonly referred
25 to as the ‘Clean Water Act’);

1 “(C) the National Environmental Policy
2 Act of 1969 (42 U.S.C. 4321 et seq.);

3 “(D) the Endangered Species Act of 1973
4 (16 U.S.C. 1531 et seq.);

5 “(E) the Solid Waste Disposal Act (42
6 U.S.C. 6901 et seq.; commonly referred to as
7 the ‘Resource Conservation and Recovery Act’);
8 or

9 “(F) any State or local law that is similar
10 to a law listed in subparagraphs (A) through
11 (E).

12 “(11) REFERRAL OF ALLEGED VIOLATIONS OF
13 APPLICABLE FEDERAL LABOR AND EMPLOYMENT
14 LAWS.—The Commission shall refer any alleged vio-
15 lation of an applicable labor and employment law to
16 the appropriate Federal agency for investigation and
17 enforcement, and any alleged violation of paragraph
18 (9) or (12) to the National Labor Relations Board
19 for investigation and enforcement, utilizing all ap-
20 propriate remedies up to and including debarment
21 from the program.

22 “(12) LABOR ORGANIZATION.—

23 “(A) IN GENERAL.—Notwithstanding the
24 National Labor Relations Act (29 U.S.C. 151
25 et seq.), subparagraphs (B) through (F) shall

1 apply with respect to any funding recipient who
2 is an employer and any labor organization who
3 represents employees of a funding recipient.

4 “(B) NEUTRALITY REQUIREMENT.—An
5 employer shall remain neutral with respect to
6 the exercise of employees and labor organiza-
7 tions of the right to organize and bargain under
8 the National Labor Relations Act (29 U.S.C.
9 151 et seq.).

10 “(C) COMMENCEMENT OF COLLECTIVE
11 BARGAINING.—Not later than 10 days after re-
12 ceiving a written request for collective bar-
13 gaining from a labor organization that has been
14 newly recognized or certified as a representative
15 under section 9(a) of the National Labor Rela-
16 tions Act (29 U.S.C. 159(a)), or within such
17 further period as the parties agree upon, the
18 parties shall meet and commence to bargain
19 collectively and shall make every reasonable ef-
20 fort to conclude and sign a collective bargaining
21 agreement.

22 “(D) MEDIATION AND CONCILIATION FOR
23 FAILURE TO REACH A COLLECTIVE BARGAINING
24 AGREEMENT.—

1 “(i) IN GENERAL.—If the parties have
2 failed to reach an agreement before the
3 date that is 90 days after the date on
4 which bargaining is commenced under sub-
5 paragraph (C), or any later date agreed
6 upon by both parties, either party may no-
7 tify the Federal Mediation and Conciliation
8 Service of the existence of a dispute and
9 request mediation.

10 “(ii) FEDERAL MEDIATION AND CON-
11 CILIATION SERVICE.—Whenever a request
12 is received under clause (i), the Director of
13 the Federal Mediation and Conciliation
14 Service shall promptly communicate with
15 the parties and use best efforts, by medi-
16 ation and conciliation, to bring them to
17 agreement.

18 “(E) TRIPARTITE ARBITRATION PANEL.—

19 “(i) IN GENERAL.—If the Federal Me-
20 diation and Conciliation Service is not able
21 to bring the parties to agreement by medi-
22 ation or conciliation before the date that is
23 30 days after the date on which such medi-
24 ation or conciliation is commenced, or any
25 later date agreed upon by both parties, the

1 Service shall refer the dispute to a tri-
2 partite arbitration panel established in ac-
3 cordance with such regulations as may be
4 prescribed by the Service, with one mem-
5 ber selected by the labor organization, one
6 member selected by the employer, and one
7 neutral member mutually agreed to by the
8 parties.

9 “(ii) DISPUTE SETTLEMENT.—A ma-
10 jority of the tripartite arbitration panel
11 shall render a decision settling the dispute
12 and such decision shall be binding upon
13 the parties for a period of two years, un-
14 less amended during such period by writ-
15 ten consent of the parties. Such decision
16 shall be based on—

17 “(I) the employer’s financial sta-
18 tus and prospects;

19 “(II) the size and type of the em-
20 ployer’s operations and business;

21 “(III) the employees’ cost of liv-
22 ing;

23 “(IV) the employees’ ability to
24 sustain themselves, their families, and
25 their dependents on the wages and

1 benefits they earn from the employer;
2 and

3 “(V) the wages and benefits that
4 other employers in the same business
5 provide their employees.

6 “(F) PROHIBITION ON SUBCONTRACTING
7 FOR CERTAIN PURPOSES.—A funding recipient
8 may not engage in subcontracting for the pur-
9 pose of circumventing the terms of a collective
10 bargaining agreement with respect to wages,
11 benefits, or working conditions.

12 “(G) PARTIES DEFINED.—In this para-
13 graph, the term ‘parties’ means a labor organi-
14 zation that is newly recognized or certified as a
15 representative under section 9(a) of the Na-
16 tional Labor Relations Act (29 U.S.C. 159(a))
17 and the employer of the employees represented
18 by such organization.

19 “(d) PROJECT REQUIREMENTS.—Any project funded
20 through the program shall meet the following require-
21 ments:

22 “(1) The project shall adhere to quality-of-serv-
23 ice standards as established by the Commission.

24 “(2) Except as provided in paragraphs (2) and
25 (3) of subsection (c), the project shall offer

1 broadband service with a download speed of at least
2 100 megabits per second, an upload speed of at least
3 100 megabits per second, and a latency that is suffi-
4 ciently low to allow real-time, interactive applica-
5 tions.

6 “(3) The project shall offer broadband service
7 at prices that are comparable to, or lower than, the
8 prices charged for comparable levels of service in
9 areas that were not unserved areas, areas with low-
10 tier service, or areas with mid-tier service on the day
11 before the date of the enactment of this section.

12 “(4) For any project that involves laying fiber-
13 optic cables along a roadway, the project shall in-
14 clude interspersed conduit access points at regular
15 and short intervals.

16 “(5) The project shall incorporate prudent cy-
17 bersecurity and supply chain risk management prac-
18 tices, as specified by the Commission through the
19 rulemaking described in subsection (e), in consulta-
20 tion with the Director of the National Institute of
21 Standards and Technology and the Assistant Sec-
22 retary.

23 “(6) The project shall incorporate best prac-
24 tices, as defined by the Commission, for ensuring re-

1 liability and resiliency of the network during disas-
2 ters.

3 “(7) Any funding recipient must agree to have
4 the project meet the requirements established under
5 section 224, as if the project were classified as a
6 ‘utility’ under such section. The preceding sentence
7 shall not apply to those entities or persons excluded
8 from the definition of the term ‘utility’ by the second
9 sentence of subsection (a)(1) of such section.

10 “(8) The project shall offer an affordable option
11 for a broadband service plan under which broadband
12 service is provided—

13 “(A) with a download speed of at least 50
14 megabits per second;

15 “(B) with an upload speed of at least 50
16 megabits per second; and

17 “(C) with latency that is sufficiently low to
18 allow multiple, simultaneous, real-time, inter-
19 active applications.

20 “(e) RULEMAKING AND DISTRIBUTION AND AWARD
21 OF FUNDS.—Not later than 180 days after the date of
22 the enactment of this section, the Commission, in con-
23 sultation with the Assistant Secretary, shall promulgate
24 rules—

1 “(1) that implement the requirements of this
2 section, as appropriate;

3 “(2) that establish the design of and rules for
4 the national systems of competitive bidding;

5 “(3) that establish notice requirements for all
6 systems of competitive bidding authorized under this
7 section that, at a minimum, provide the public with
8 notice of—

9 “(A) the initial determination of which
10 areas are unserved areas, areas with low-tier
11 service, or areas with mid-tier service;

12 “(B) the final determination of which
13 areas are unserved areas, areas with low-tier
14 service, or areas with mid-tier service after the
15 process for challenging the initial determination
16 has concluded;

17 “(C) which entities have applied to bid for
18 funding; and

19 “(D) the results of any system of competi-
20 tive bidding, including identifying the funding
21 recipients, which areas each project will serve,
22 the nature of the service that will be provided
23 by the project in each of those areas, and how
24 much funding the funding recipients will receive
25 in each of those areas;

1 “(4) that establish broadband service buildout
2 milestones and periodic certification by funding re-
3 cipients to ensure compliance with the broadband
4 service buildout milestones for all systems of com-
5 petitive bidding authorized under this section;

6 “(5) that, except as provided in paragraphs (2)
7 and (3) of subsection (c), establish a maximum
8 buildout timeframe of four years beginning on the
9 date on which funding is provided under this section
10 for a project;

11 “(6) that establish periodic reporting require-
12 ments for funding recipients and that identify, at a
13 minimum, the nature of the service provided in each
14 area for any system of competitive bidding author-
15 ized under this section;

16 “(7) that establish standard penalties for the
17 noncompliance of funding recipients or projects with
18 the requirements as set forth under this section and
19 as may be further prescribed by the Commission for
20 any system of competitive bidding authorized under
21 this section;

22 “(8) that establish procedures for recovery of
23 funds, in whole or in part, from funding recipients
24 in the event of the default or noncompliance of the
25 funding recipient or project with the requirements

1 established under this section for any system of com-
2 petitive bidding authorized under this section; and

3 “(9) that establish mechanisms to reduce waste,
4 fraud, and abuse within the program for any system
5 of competitive bidding authorized under this section.

6 “(f) REPORTS REQUIRED.—

7 “(1) INSPECTOR GENERAL AND COMPTROLLER
8 GENERAL REPORT.—Not later than June 30 and
9 December 31 of each year following the awarding of
10 the first funds under the program, the Inspector
11 General of the Commission and the Comptroller
12 General of the United States shall submit to the
13 Committees on Energy and Commerce of the House
14 of Representatives and Commerce, Science, and
15 Transportation of the Senate a report for the pre-
16 vious 6 months that reviews the program. Such re-
17 port shall include any recommendations to address
18 waste, fraud, and abuse.

19 “(2) STATE REPORTS.—Any State that receives
20 funds under the program shall submit an annual re-
21 port to the Commission on how such funds were
22 spent, along with a certification of compliance with
23 the requirements as set forth under this section and
24 as may be further prescribed by the Commission, in-
25 cluding a description of each service provided and

1 the number of individuals to whom the service was
2 provided.

3 “(g) APPROPRIATION.—There are appropriated to
4 the Commission, out of any money in the Treasury not
5 otherwise appropriated, \$80,000,000,000 to carry out the
6 program for fiscal year 2021, to remain available until ex-
7 pended.

8 “(h) DEFINITIONS.—In this section:

9 “(1) AFFORDABLE OPTION.—The term ‘afford-
10 able option’ means, with respect to a broadband
11 service plan, that broadband service is provided
12 under such plan at a rate that is determined by the
13 Commission, in coordination with the Office of
14 Internet Connectivity and Growth, to be affordable
15 for a household with an income of 136 percent of
16 the poverty threshold, as determined by using cri-
17 teria of poverty established by the Bureau of the
18 Census, for a four-person household that includes
19 two dependents under the age of 18.

20 “(2) ANCHOR INSTITUTION.—The term ‘anchor
21 institution’ means a public or private school, a li-
22 brary, a medical or healthcare provider, a museum,
23 a public safety entity, a public housing agency (as
24 defined in section 3(b) of the United States Housing
25 Act of 1937 (42 U.S.C. 1437a(b))), a community

1 college, an institution of higher education, a reli-
2 gious organization, or any other community support
3 organization or agency.

4 “(3) AREA.—The term ‘area’ means the geo-
5 graphic unit of measurement with the greatest level
6 of granularity reasonably feasible for the Commis-
7 sion to use in making eligibility determinations
8 under this section and in meeting the requirements
9 and deadlines of this section.

10 “(4) AREA WITH LOW-TIER SERVICE.—The
11 term ‘area with low-tier service’ means an area
12 where at least 90 percent of the population has ac-
13 cess to broadband service offered—

14 “(A) with a download speed of at least 25
15 megabits per second but less than 100 megabits
16 per second;

17 “(B) with an upload speed of at least 25
18 megabits per second but less than 100 megabits
19 per second; and

20 “(C) with latency that is sufficiently low to
21 allow multiple, simultaneous, real-time, inter-
22 active applications.

23 “(5) AREA WITH MID-TIER SERVICE.—The term
24 ‘area with mid-tier service’ means an area where at

1 least 90 percent of the population has access to
2 broadband service offered—

3 “(A) with a download speed of at least 100
4 megabits per second but less than 1 gigabit per
5 second;

6 “(B) with an upload speed of at least 100
7 megabits per second but less than 1 gigabit per
8 second; and

9 “(C) with latency that is sufficiently low to
10 allow multiple, simultaneous, real-time, inter-
11 active applications.

12 “(6) ASSISTANT SECRETARY.—The term ‘As-
13 sistant Secretary’ means the Assistant Secretary of
14 Commerce for Communications and Information.

15 “(7) BROADBAND SERVICE.—The term
16 ‘broadband service’—

17 “(A) means broadband internet access
18 service that is a mass-market retail service, or
19 a service provided to an anchor institution, by
20 wire or radio that provides the capability to
21 transmit data to and receive data from all or
22 substantially all internet endpoints, including
23 any capabilities that are incidental to and en-
24 able the operation of the communications serv-
25 ice;

1 “(B) includes any service that is a func-
2 tional equivalent of the service described in sub-
3 paragraph (A); and

4 “(C) does not include dial-up internet ac-
5 cess service.

6 “(8) COLLECTIVE BARGAINING.—The term ‘col-
7 lective bargaining’ means performance of the mutual
8 obligation described in section 8(d) of the National
9 Labor Relations Act (29 U.S.C. 158(d)).

10 “(9) COLLECTIVE BARGAINING AGREEMENT.—
11 The term ‘collective bargaining agreement’ means an
12 agreement reach through collective bargaining.

13 “(10) FUNDING RECIPIENT.—The term ‘fund-
14 ing recipient’ means an entity that receives funding
15 for a project under this section, including a private
16 entity, public-private partnership, cooperative, or
17 municipal broadband service provider.

18 “(11) HIGH-POVERTY AREA.—The term ‘high-
19 poverty area’ means a census tract with a poverty
20 rate of at least 20 percent, as measured by the most
21 recent 5-year data series available from the Amer-
22 ican Community Survey of the Bureau of the Census
23 as of the year before the date of the enactment of
24 this section. In the case of a territory or possession
25 of the United States in which no such data is col-

1 lected from the American Community Survey of the
2 Bureau of the Census as of the year before the date
3 of the enactment of this section, such term includes
4 a census tract with a poverty rate of at least 20 per-
5 cent, as measured by the 2010 Island Areas Decen-
6 nial Census of the Bureau of the Census.

7 “(12) INSTITUTION OF HIGHER EDUCATION.—

8 The term ‘institution of higher education’—

9 “(A) has the meaning given the term in
10 section 101 of the Higher Education Act of
11 1965 (20 U.S.C. 1001); and

12 “(B) includes a postsecondary vocational
13 institution.

14 “(13) LABOR ORGANIZATION.—The term ‘labor
15 organization’ has the meaning given the term in sec-
16 tion 2 of the National Labor Relations Act (29
17 U.S.C. 152).

18 “(14) PERSISTENT POVERTY COUNTY.—The
19 term ‘persistent poverty county’ means any county
20 with a poverty rate of at least 20 percent, as deter-
21 mined in each of the 1990 and 2000 decennial cen-
22 suses and in the Small Area Income and Poverty Es-
23 timates of the Bureau of the Census for the most re-
24 cent year for which the Estimates are available. In
25 the case of a territory or possession of the United

1 States, such term includes any county equivalent
2 area in Puerto Rico with a poverty rate of at least
3 20 percent, as determined in each of the 1990 and
4 2000 decennial censuses and in the most recent 5-
5 year data series available from the American Com-
6 munity Survey of the Bureau of the Census as of
7 the year before the date of the enactment of this
8 section, or any other territory or possession of the
9 United States with a poverty rate of at least 20 per-
10 cent, as determined in each of the 1990, 2000, and
11 2010 Island Areas Decennial Censuses of the Bu-
12 reau of the Census.

13 “(15) POSTSECONDARY VOCATIONAL INSTITU-
14 TION.—The term ‘postsecondary vocational institu-
15 tion’ has the meaning given the term in section
16 102(c) of the Higher Education Act of 1965 (20
17 U.S.C. 1002(c)).

18 “(16) PROGRAM.—Unless otherwise indicated,
19 the term ‘program’ means the program established
20 under subsection (a).

21 “(17) PROJECT.—The term ‘project’ means an
22 undertaking by a funding recipient under this sec-
23 tion to construct and deploy infrastructure for the
24 provision of broadband service.

1 “(18) UNSERVED ANCHOR INSTITUTION.—The
2 term ‘unserved anchor institution’ means an anchor
3 institution that has no access to broadband service
4 or does not have access to broadband service of-
5 fered—

6 “(A) with a download speed of at least 1
7 gigabit per second per 1,000 users;

8 “(B) with an upload speed of at least 1
9 gigabit per second per 1,000 users; and

10 “(C) with latency that is sufficiently low to
11 allow multiple, simultaneous, real-time, inter-
12 active applications.

13 “(19) UNSERVED AREA.—The term ‘unserved
14 area’ means an area where at least 90 percent of the
15 population has no access to broadband service or
16 does not have access to broadband service offered—

17 “(A) with a download speed of at least 25
18 megabits per second;

19 “(B) with an upload speed of at least 25
20 megabits per second; and

21 “(C) with latency that is sufficiently low to
22 allow real-time, interactive applications.”.

1 **SEC. 31302. UNIVERSAL SERVICE IN INDIAN COUNTRY AND**
2 **AREAS WITH HIGH POPULATIONS OF INDIAN**
3 **PEOPLE.**

4 Section 254(b)(3) of the Communications Act of
5 1934 (47 U.S.C. 254(b)(3)) is amended by inserting “and
6 in Indian country (as defined in section 1151 of title 18,
7 United States Code) and areas with high populations of
8 Indian (as defined in section 19 of the Act of June 18,
9 1934 (Chapter 576; 48 Stat. 988; 25 U.S.C. 5129)) peo-
10 ple” after “high cost areas”.

11 **CHAPTER 2—BROADBAND INFRASTRUC-**
12 **TURE FINANCE AND INNOVATION**

13 **SEC. 31321. DEFINITIONS.**

14 In this chapter:

15 (1) BIFIA PROGRAM.—The term “BIFIA pro-
16 gram” means the broadband infrastructure finance
17 and innovation program established under this chap-
18 ter.

19 (2) BROADBAND SERVICE.—The term
20 “broadband service”—

21 (A) means broadband internet access serv-
22 ice that is a mass-market retail service, or a
23 service provided to an entity described in para-
24 graph (11)(B)(ii), by wire or radio that pro-
25 vides the capability to transmit data to and re-
26 ceive data from all or substantially all internet

1 endpoints, including any capabilities that are
2 incidental to and enable the operation of the
3 communications service;

4 (B) includes any service that is a func-
5 tional equivalent of the service described in sub-
6 paragraph (A); and

7 (C) does not include dial-up internet access
8 service.

9 (3) ELIGIBLE PROJECT COSTS.—The term “eli-
10 gible project costs” means amounts substantially all
11 of which are paid by, or for the account of, an obli-
12 gor in connection with a project, including the cost
13 of—

14 (A) development phase activities, including
15 planning, feasibility analysis, revenue fore-
16 casting, environmental review, historic preserva-
17 tion review, permitting, preliminary engineering
18 and design work, and other preconstruction ac-
19 tivities;

20 (B) construction and deployment phase ac-
21 tivities, including—

22 (i) construction, reconstruction, reha-
23 bilitation, replacement, and acquisition of
24 real property (including land relating to
25 the project and improvements to land),

1 equipment, instrumentation, networking
2 capability, hardware and software, and dig-
3 ital network technology;

4 (ii) environmental mitigation; and

5 (iii) construction contingencies; and

6 (C) capitalized interest necessary to meet
7 market requirements, reasonably required re-
8 serve funds, capital issuance expenses, and
9 other carrying costs during construction and
10 deployment.

11 (4) FEDERAL CREDIT INSTRUMENT.—The term
12 “Federal credit instrument” means a secured loan,
13 loan guarantee, or line of credit authorized to be
14 made available under the BIFIA program with re-
15 spect to a project.

16 (5) INVESTMENT-GRADE RATING.—The term
17 “investment-grade rating” means a rating of BBB
18 minus, Baa3, bbb minus, BBB (low), or higher as-
19 signed by a rating agency to project obligations.

20 (6) LENDER.—The term “lender” means any
21 non-Federal qualified institutional buyer (as defined
22 in section 230.144A(a) of title 17, Code of Federal
23 Regulations (or any successor regulation), known as
24 Rule 144A(a) of the Securities and Exchange Com-

1 mission and issued under the Securities Act of 1933
2 (15 U.S.C. 77a et seq.)), including—

3 (A) a qualified retirement plan (as defined
4 in section 4974(c) of the Internal Revenue Code
5 of 1986) that is a qualified institutional buyer;
6 and

7 (B) a governmental plan (as defined in
8 section 414(d) of the Internal Revenue Code of
9 1986) that is a qualified institutional buyer.

10 (7) LETTER OF INTEREST.—The term “letter
11 of interest” means a letter submitted by a potential
12 applicant prior to an application for credit assistance
13 in a format prescribed by the Assistant Secretary on
14 the website of the BIFLA program that—

15 (A) describes the project and the location,
16 purpose, and cost of the project;

17 (B) outlines the proposed financial plan,
18 including the requested credit assistance and
19 the proposed obligor;

20 (C) provides a status of environmental re-
21 view; and

22 (D) provides information regarding satis-
23 faction of other eligibility requirements of the
24 BIFLA program.

1 (8) LINE OF CREDIT.—The term “line of cred-
2 it” means an agreement entered into by the Assist-
3 ant Secretary with an obligor under section 31324
4 to provide a direct loan at a future date upon the
5 occurrence of certain events.

6 (9) LOAN GUARANTEE.—The term “loan guar-
7 antee” means any guarantee or other pledge by the
8 Assistant Secretary to pay all or part of the prin-
9 cipal of and interest on a loan or other debt obliga-
10 tion issued by an obligor and funded by a lender.

11 (10) OBLIGOR.—The term “obligor” means a
12 party that—

13 (A) is primarily liable for payment of the
14 principal of or interest on a Federal credit in-
15 strument; and

16 (B) may be a corporation, company, part-
17 nership, joint venture, trust, or governmental
18 entity, agency, or instrumentality.

19 (11) PROJECT.—The term “project” means a
20 project—

21 (A) to construct and deploy infrastructure
22 for the provision of broadband service; and

23 (B) that the Assistant Secretary deter-
24 mines will—

1 (i) provide access or improved access
2 to broadband service to consumers residing
3 in areas of the United States that have no
4 access to broadband service or do not have
5 access to broadband service offered—

6 (I) with a download speed of at
7 least 100 megabits per second;

8 (II) with an upload speed of at
9 least 20 megabits per second; and

10 (III) with latency that is suffi-
11 ciently low to allow real-time, inter-
12 active applications; or

13 (ii) provide access or improved access
14 to broadband service to—

15 (I) schools, libraries, medical and
16 healthcare providers, community col-
17 leges and other institutions of higher
18 education, museums, religious organi-
19 zations, and other community support
20 organizations and entities to facilitate
21 greater use of broadband service by or
22 through such organizations;

23 (II) organizations and agencies
24 that provide outreach, access, equip-
25 ment, and support services to facili-

1 tate greater use of broadband service
2 by low-income, unemployed, aged, and
3 otherwise vulnerable populations;

4 (III) job-creating strategic facili-
5 ties located within a State-designated
6 economic zone, Economic Develop-
7 ment District designated by the De-
8 partment of Commerce, Empower-
9 ment Zone designated by the Depart-
10 ment of Housing and Urban Develop-
11 ment, or Enterprise Community des-
12 ignated by the Department of Agri-
13 culture; or

14 (IV) public safety agencies.

15 (12) PROJECT OBLIGATION.—The term
16 “project obligation” means any note, bond, debenture,
17 or other debt obligation issued by an obligor in
18 connection with the financing of a project, other
19 than a Federal credit instrument.

20 (13) PUBLIC AUTHORITY.—The term “public
21 authority” means a Federal, State, county, town, or
22 township, Indian Tribe, municipal or other local gov-
23 ernment or instrumentality with authority to fi-
24 nance, build, operate, or maintain infrastructure for
25 the provision of broadband service.

1 (14) RATING AGENCY.—The term “rating agen-
2 cy” means a credit rating agency registered with the
3 Securities and Exchange Commission as a nationally
4 recognized statistical rating organization (as defined
5 in section 3(a) of the Securities Exchange Act of
6 1934 (15 U.S.C. 78c(a))).

7 (15) SECURED LOAN.—The term “secured
8 loan” means a direct loan or other debt obligation
9 issued by an obligor and funded by the Assistant
10 Secretary in connection with the financing of a
11 project under section 31323.

12 (16) SMALL PROJECT.—The term “small
13 project” means a project having eligible project costs
14 that are reasonably anticipated not to equal or ex-
15 ceed \$20,000,000.

16 (17) SUBSIDY AMOUNT.—The term “subsidy
17 amount” means the amount of budget authority suf-
18 ficient to cover the estimated long-term cost to the
19 Federal Government of a Federal credit instru-
20 ment—

21 (A) calculated on a net present value basis;

22 and

23 (B) excluding administrative costs and any
24 incidental effects on governmental receipts or

1 outlays in accordance with the Federal Credit
2 Reform Act of 1990 (2 U.S.C. 661 et seq.).

3 (18) SUBSTANTIAL COMPLETION.—The term
4 “substantial completion” means, with respect to a
5 project receiving credit assistance under the BIFIA
6 program—

7 (A) the commencement of the provision of
8 broadband service using the infrastructure
9 being financed; or

10 (B) a comparable event, as determined by
11 the Assistant Secretary and specified in the
12 credit agreement.

13 **SEC. 31322. DETERMINATION OF ELIGIBILITY AND**
14 **PROJECT SELECTION.**

15 (a) ELIGIBILITY.—

16 (1) IN GENERAL.—A project shall be eligible to
17 receive credit assistance under the BIFIA program
18 if—

19 (A) the entity proposing to carry out the
20 project submits a letter of interest prior to sub-
21 mission of a formal application for the project;
22 and

23 (B) the project meets the criteria described
24 in this subsection.

25 (2) CREDITWORTHINESS.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), to be eligible for assistance
3 under the BIFIA program, a project shall sat-
4 isfy applicable creditworthiness standards,
5 which, at a minimum, shall include—

6 (i) adequate coverage requirements to
7 ensure repayment;

8 (ii) an investment-grade rating from
9 at least two rating agencies on debt senior
10 to the Federal credit instrument; and

11 (iii) a rating from at least two rating
12 agencies on the Federal credit instrument.

13 (B) SMALL PROJECTS.—In order for a
14 small project to be eligible for assistance under
15 the BIFIA program, such project shall satisfy
16 alternative creditworthiness standards that shall
17 be established by the Assistant Secretary under
18 section 31325 for purposes of this paragraph.

19 (3) APPLICATION.—A State, local government,
20 agency or instrumentality of a State or local govern-
21 ment, public authority, public-private partnership, or
22 any other legal entity undertaking the project and
23 authorized by the Assistant Secretary shall submit a
24 project application that is acceptable to the Assist-
25 ant Secretary.

1 (4) ELIGIBLE PROJECT COST PARAMETERS FOR
2 INFRASTRUCTURE PROJECTS.—Eligible project costs
3 shall be reasonably anticipated to equal or exceed
4 \$2,000,000 in the case of a project or program of
5 projects—

6 (A) in which the applicant is a local gov-
7 ernment, instrumentality of local government,
8 or public authority (other than a public author-
9 ity that is a Federal or State government or in-
10 strumentality);

11 (B) located on a facility owned by a local
12 government; or

13 (C) for which the Assistant Secretary de-
14 termines that a local government is substan-
15 tially involved in the development of the project.

16 (5) DEDICATED REVENUE SOURCES.—The ap-
17 plicable Federal credit instrument shall be repayable,
18 in whole or in part, from—

19 (A) amounts charged to—

20 (i) subscribers of broadband service
21 for such service; or

22 (ii) subscribers of any related service
23 provided over the same infrastructure for
24 such related service;

25 (B) user fees;

1 (C) payments owing to the obligor under a
2 public-private partnership; or

3 (D) other dedicated revenue sources that
4 also secure or fund the project obligations.

5 (6) APPLICATIONS WHERE OBLIGOR WILL BE
6 IDENTIFIED LATER.—A State, local government,
7 agency or instrumentality of a State or local govern-
8 ment, or public authority may submit to the Assist-
9 ant Secretary an application under paragraph (3),
10 under which a private party to a public-private part-
11 nership will be—

12 (A) the obligor; and

13 (B) identified later through completion of
14 a procurement and selection of the private
15 party.

16 (7) BENEFICIAL EFFECTS.—The Assistant Sec-
17 retary shall determine that financial assistance for
18 the project under the BIFIA program will—

19 (A) foster, if appropriate, partnerships
20 that attract public and private investment for
21 the project;

22 (B) enable the project to proceed at an
23 earlier date than the project would otherwise be
24 able to proceed or reduce the lifecycle costs (in-
25 cluding debt service costs) of the project; and

1 (C) reduce the contribution of Federal
2 grant assistance for the project.

3 (8) PROJECT READINESS.—To be eligible for
4 assistance under the BIFIA program, the applicant
5 shall demonstrate a reasonable expectation that the
6 contracting process for the construction and deploy-
7 ment of infrastructure for the provision of
8 broadband service through the project can commence
9 by no later than 90 days after the date on which a
10 Federal credit instrument is obligated for the project
11 under the BIFIA program.

12 (9) PUBLIC SPONSORSHIP OF PRIVATE ENTI-
13 TIES.—

14 (A) IN GENERAL.—If an eligible project is
15 carried out by an entity that is not a State or
16 local government or an agency or instrumen-
17 tality of a State or local government or a Tribal
18 Government or consortium of Tribal Govern-
19 ments, the project shall be publicly sponsored.

20 (B) PUBLIC SPONSORSHIP.—For purposes
21 of this chapter, a project shall be considered to
22 be publicly sponsored if the obligor can dem-
23 onstrate, to the satisfaction of the Assistant
24 Secretary, that the project applicant has con-
25 sulted with the State, local, or Tribal Govern-

1 ment in the area in which the project is located,
2 or that is otherwise affected by the project, and
3 that such Government supports the proposal.

4 (b) SELECTION AMONG ELIGIBLE PROJECTS.—

5 (1) ESTABLISHMENT OF APPLICATION PROC-
6 ESS.—The Assistant Secretary shall establish a roll-
7 ing application process under which projects that are
8 eligible to receive credit assistance under subsection
9 (a) shall receive credit assistance on terms accept-
10 able to the Assistant Secretary, if adequate funds
11 are available to cover the subsidy costs associated
12 with the Federal credit instrument.

13 (2) PRELIMINARY RATING OPINION LETTER.—
14 The Assistant Secretary shall require each project
15 applicant to provide—

16 (A) a preliminary rating opinion letter
17 from at least one rating agency—

18 (i) indicating that the senior obliga-
19 tions of the project, which may be the Fed-
20 eral credit instrument, have the potential
21 to achieve an investment-grade rating; and

22 (ii) including a preliminary rating
23 opinion on the Federal credit instrument;
24 or

1 (B) in the case of a small project, alter-
2 native documentation that the Assistant Sec-
3 retary shall require in the standards established
4 under section 31325 for purposes of this para-
5 graph.

6 (3) TECHNOLOGY NEUTRALITY REQUIRED.—In
7 selecting projects to receive credit assistance under
8 the BIFIA program, the Assistant Secretary may
9 not favor a project using any particular technology.

10 (4) PREFERENCE FOR OPEN-ACCESS NET-
11 WORKS.—In selecting projects to receive credit as-
12 sistance under the BIFIA program, the Assistant
13 Secretary shall give preference to projects providing
14 for the deployment of open-access broadband service
15 networks.

16 (c) FEDERAL REQUIREMENTS.—

17 (1) IN GENERAL.—The following provisions of
18 law shall apply to funds made available under the
19 BIFIA program and projects assisted with those
20 funds:

21 (A) Title VI of the Civil Rights Act of
22 1964 (42 U.S.C. 2000d et seq.).

23 (B) The National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.).

1 (C) 54 U.S.C. 300101 et seq. (commonly
2 referred to as the “National Historic Preserva-
3 tion Act”).

4 (D) The Uniform Relocation Assistance
5 and Real Property Acquisition Policies Act of
6 1970 (42 U.S.C. 4601 et seq.).

7 (2) NEPA.—No funding shall be obligated for
8 a project that has not received an environmental cat-
9 egorical exclusion, a finding of no significant impact,
10 or a record of decision under the National Environ-
11 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

12 (3) TITLE VI OF THE CIVIL RIGHTS ACT OF
13 1964.—For purposes of title VI of the Civil Rights
14 Act of 1964 (42 U.S.C. 2000d et seq.), any project
15 that receives credit assistance under the BIFIA pro-
16 gram shall be considered a program or activity with-
17 in the meaning of section 606 of such title (42
18 U.S.C. 2000d–4a).

19 (4) CONTRACTING REQUIREMENTS.—All labor-
20 ers and mechanics employed by contractors or sub-
21 contractors in the performance of construction, al-
22 teration, or repair work carried out, in whole or in
23 part, with assistance made available through a Fed-
24 eral credit instrument shall be paid wages at rates
25 not less than those prevailing on projects of a simi-

1 lar character in the locality as determined by the
2 Secretary of Labor in accordance with subchapter
3 IV of chapter 31 of title 40, United States Code.
4 With respect to the labor standards in this para-
5 graph, the Secretary of Labor shall have the author-
6 ity and functions set forth in Reorganization Plan
7 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C.
8 App.) and section 3145 of title 40, United States
9 Code.

10 (5) NEUTRALITY REQUIREMENT.—An employer
11 receiving assistance made available through a Fed-
12 eral credit instrument under this chapter shall re-
13 main neutral with respect to the exercise of employ-
14 ees and labor organizations of the right to organize
15 and bargain under the National Labor Relations Act
16 (29 U.S.C. 151 et seq.).

17 (6) REFERRAL OF ALLEGED VIOLATIONS OF AP-
18 PPLICABLE FEDERAL LABOR AND EMPLOYMENT
19 LAWS.—The Assistant Secretary shall refer any al-
20 leged violation of an applicable labor and employ-
21 ment law to the appropriate Federal agency for in-
22 vestigation and enforcement, and any alleged viola-
23 tion of paragraph (4) or (5) to the National Labor
24 Relations Board for investigation and enforcement,

1 utilizing all appropriate remedies up to and includ-
2 ing debarment from the BIFLA program.

3 (d) APPLICATION PROCESSING PROCEDURES.—

4 (1) NOTICE OF COMPLETE APPLICATION.—Not
5 later than 30 days after the date of receipt of an ap-
6 plication under this section, the Assistant Secretary
7 shall provide to the applicant a written notice to in-
8 form the applicant whether—

9 (A) the application is complete; or

10 (B) additional information or materials are
11 needed to complete the application.

12 (2) APPROVAL OR DENIAL OF APPLICATION.—

13 Not later than 60 days after the date of issuance of
14 the written notice under paragraph (1), the Assist-
15 ant Secretary shall provide to the applicant a writ-
16 ten notice informing the applicant whether the As-
17 sistant Secretary has approved or disapproved the
18 application.

19 (3) APPROVAL BEFORE NEPA REVIEW.—Subject
20 to subsection (c)(2), an application for a project may
21 be approved before the project receives an environ-
22 mental categorical exclusion, a finding of no signifi-
23 cant impact, or a record of decision under the Na-
24 tional Environmental Policy Act of 1969 (42 U.S.C.
25 4321 et seq.).

1 (e) DEVELOPMENT PHASE ACTIVITIES.—Any credit
2 instrument secured under the BIFLA program may be
3 used to finance up to 100 percent of the cost of develop-
4 ment phase activities as described in section 31321(3)(A).

5 **SEC. 31323. SECURED LOANS.**

6 (a) IN GENERAL.—

7 (1) AGREEMENTS.—Subject to paragraphs (2)
8 and (3), the Assistant Secretary may enter into
9 agreements with one or more obligors to make se-
10 cured loans, the proceeds of which shall be used—

11 (A) to finance eligible project costs of any
12 project selected under section 31322;

13 (B) to refinance interim construction fi-
14 nancing of eligible project costs of any project
15 selected under section 31322; or

16 (C) to refinance long-term project obliga-
17 tions or Federal credit instruments, if the refi-
18 nancing provides additional funding capacity for
19 the completion, enhancement, or expansion of
20 any project that—

21 (i) is selected under section 31322; or

22 (ii) otherwise meets the requirements
23 of section 31322.

24 (2) LIMITATION ON REFINANCING OF INTERIM
25 CONSTRUCTION FINANCING.—A loan under para-

1 graph (1) shall not refinance interim construction fi-
2 nancing under paragraph (1)(B)—

3 (A) if the maturity of such interim con-
4 struction financing is later than 1 year after
5 the substantial completion of the project; and

6 (B) later than 1 year after the date of sub-
7 stantial completion of the project.

8 (3) RISK ASSESSMENT.—Before entering into
9 an agreement under this subsection, the Assistant
10 Secretary, in consultation with the Director of the
11 Office of Management and Budget, shall determine
12 an appropriate capital reserve subsidy amount for
13 each secured loan, taking into account each rating
14 letter provided by a rating agency under section
15 31322(b)(2)(A)(ii) or, in the case of a small project,
16 the alternative documentation provided under section
17 31322(b)(2)(B).

18 (b) TERMS AND LIMITATIONS.—

19 (1) IN GENERAL.—A secured loan under this
20 section with respect to a project shall be on such
21 terms and conditions and contain such covenants,
22 representations, warranties, and requirements (in-
23 cluding requirements for audits) as the Assistant
24 Secretary determines to be appropriate.

1 (2) MAXIMUM AMOUNT.—The amount of a se-
2 cured loan under this section shall not exceed the
3 lesser of 49 percent of the reasonably anticipated eli-
4 gible project costs or, if the secured loan is not for
5 a small project and does not receive an investment-
6 grade rating, the amount of the senior project obli-
7 gations.

8 (3) PAYMENT.—A secured loan under this sec-
9 tion—

10 (A) shall—

11 (i) be payable, in whole or in part,
12 from—

13 (I) amounts charged to—

14 (aa) subscribers of
15 broadband service for such serv-
16 ice; or

17 (bb) subscribers of any re-
18 lated service provided over the
19 same infrastructure for such re-
20 lated service;

21 (II) user fees;

22 (III) payments owing to the obli-
23 gor under a public-private partner-
24 ship; or

1 (IV) other dedicated revenue
2 sources that also secure the senior
3 project obligations; and

4 (ii) include a coverage requirement or
5 similar security feature supporting the
6 project obligations; and

7 (B) may have a lien on revenues described
8 in subparagraph (A), subject to any lien secur-
9 ing project obligations.

10 (4) INTEREST RATE.—The interest rate on a
11 secured loan under this section shall be not less than
12 the yield on United States Treasury securities of a
13 similar maturity to the maturity of the secured loan
14 on the date of execution of the loan agreement.

15 (5) MATURITY DATE.—The final maturity date
16 of the secured loan shall be the lesser of—

17 (A) 35 years after the date of substantial
18 completion of the project; and

19 (B) if the useful life of the infrastructure
20 for the provision of broadband service being fi-
21 nanced is of a lesser period, the useful life of
22 the infrastructure.

23 (6) NONSUBORDINATION.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), the secured loan shall not be

1 subordinated to the claims of any holder of
2 project obligations in the event of bankruptcy,
3 insolvency, or liquidation of the obligor.

4 (B) PREEXISTING INDENTURE.—

5 (i) IN GENERAL.—The Assistant Sec-
6 retary shall waive the requirement under
7 subparagraph (A) for a public agency bor-
8 rower that is financing ongoing capital
9 programs and has outstanding senior
10 bonds under a preexisting indenture, if—

11 (I) the secured loan—

12 (aa) is rated in the A cat-
13 egory or higher; or

14 (bb) in the case of a small
15 project, meets an alternative
16 standard that the Assistant Sec-
17 retary shall establish under sec-
18 tion 31325 for purposes of this
19 subclause;

20 (II) the secured loan is secured
21 and payable from pledged revenues
22 not affected by project performance,
23 such as a tax-backed revenue pledge
24 or a system-backed pledge of project
25 revenues; and

1 (III) the BIFLA program share
2 of eligible project costs is 33 percent
3 or less.

4 (ii) LIMITATION.—If the Assistant
5 Secretary waives the nonsubordination re-
6 quirement under this subparagraph—

7 (I) the maximum credit subsidy
8 to be paid by the Federal Government
9 shall be not more than 10 percent of
10 the principal amount of the secured
11 loan; and

12 (II) the obligor shall be respon-
13 sible for paying the remainder of the
14 subsidy cost, if any.

15 (7) FEES.—The Assistant Secretary may estab-
16 lish fees at a level sufficient to cover all or a portion
17 of the costs to the Federal Government of making
18 a secured loan under this section.

19 (8) NON-FEDERAL SHARE.—The proceeds of a
20 secured loan under the BIFLA program, if the loan
21 is repayable from non-Federal funds—

22 (A) may be used for any non-Federal share
23 of project costs required under this chapter;
24 and

1 (B) shall not count toward the total Fed-
2 eral assistance provided for a project for pur-
3 poses of paragraph (9).

4 (9) MAXIMUM FEDERAL INVOLVEMENT.—The
5 total Federal assistance provided for a project re-
6 ceiving a loan under the BIFLA program shall not
7 exceed 80 percent of the total project cost.

8 (c) REPAYMENT.—

9 (1) SCHEDULE.—The Assistant Secretary shall
10 establish a repayment schedule for each secured loan
11 under this section based on—

12 (A) the projected cash flow from project
13 revenues and other repayment sources; and

14 (B) the useful life of the infrastructure for
15 the provision of broadband service being fi-
16 nanced.

17 (2) COMMENCEMENT.—Scheduled loan repay-
18 ments of principal or interest on a secured loan
19 under this section shall commence not later than 5
20 years after the date of substantial completion of the
21 project.

22 (3) DEFERRED PAYMENTS.—

23 (A) IN GENERAL.—If, at any time after
24 the date of substantial completion of the
25 project, the project is unable to generate suffi-

1 cient revenues to pay the scheduled loan repay-
2 ments of principal and interest on the secured
3 loan, the Assistant Secretary may, subject to
4 subparagraph (C), allow the obligor to add un-
5 paid principal and interest to the outstanding
6 balance of the secured loan.

7 (B) INTEREST.—Any payment deferred
8 under subparagraph (A) shall—

9 (i) continue to accrue interest in ac-
10 cordance with subsection (b)(4) until fully
11 repaid; and

12 (ii) be scheduled to be amortized over
13 the remaining term of the loan.

14 (C) CRITERIA.—

15 (i) IN GENERAL.—Any payment defer-
16 ral under subparagraph (A) shall be con-
17 tingent on the project meeting criteria es-
18 tablished by the Assistant Secretary.

19 (ii) REPAYMENT STANDARDS.—The
20 criteria established pursuant to clause (i)
21 shall include standards for reasonable as-
22 surance of repayment.

23 (4) PREPAYMENT.—

24 (A) USE OF EXCESS REVENUES.—Any ex-
25 cess revenues that remain after satisfying

1 scheduled debt service requirements on the
2 project obligations and secured loan and all de-
3 posit requirements under the terms of any trust
4 agreement, bond resolution, or similar agree-
5 ment securing project obligations may be ap-
6 plied annually to prepay the secured loan with-
7 out penalty.

8 (B) USE OF PROCEEDS OF REFI-
9 NANCING.—The secured loan may be prepaid at
10 any time without penalty from the proceeds of
11 refinancing from non-Federal funding sources.

12 (d) SALE OF SECURED LOANS.—

13 (1) IN GENERAL.—Subject to paragraph (2), as
14 soon as practicable after substantial completion of a
15 project and after notifying the obligor, the Assistant
16 Secretary may sell to another entity or reoffer into
17 the capital markets a secured loan for the project if
18 the Assistant Secretary determines that the sale or
19 reoffering can be made on favorable terms.

20 (2) CONSENT OF OBLIGOR.—In making a sale
21 or reoffering under paragraph (1), the Assistant
22 Secretary may not change the original terms and
23 conditions of the secured loan without the written
24 consent of the obligor.

25 (e) LOAN GUARANTEES.—

1 (1) IN GENERAL.—The Assistant Secretary
2 may provide a loan guarantee to a lender in lieu of
3 making a secured loan under this section if the As-
4 sistant Secretary determines that the budgetary cost
5 of the loan guarantee is substantially the same as
6 that of a secured loan.

7 (2) TERMS.—The terms of a loan guarantee
8 under paragraph (1) shall be consistent with the
9 terms required under this section for a secured loan,
10 except that the rate on the guaranteed loan and any
11 prepayment features shall be negotiated between the
12 obligor and the lender, with the consent of the As-
13 sistant Secretary.

14 (f) STREAMLINED APPLICATION PROCESS.—

15 (1) IN GENERAL.—The Assistant Secretary
16 shall develop one or more expedited application proc-
17 esses, available at the request of entities seeking se-
18 cured loans under the BIFIA program, that use a
19 set or sets of conventional terms established pursu-
20 ant to this section.

21 (2) TERMS.—In establishing the streamlined
22 application process required by this subsection, the
23 Assistant Secretary may allow for an expedited ap-
24 plication period and include terms such as those that
25 require—

1 (A) that the project be a small project;

2 (B) the secured loan to be secured and
3 payable from pledged revenues not affected by
4 project performance, such as a tax-backed revenue
5 pledge, tax increment financing, or a system-backed
6 pledge of project revenues; and

7 (C) repayment of the loan to commence
8 not later than 5 years after disbursement.

9 **SEC. 31324. LINES OF CREDIT.**

10 (a) IN GENERAL.—

11 (1) AGREEMENTS.—Subject to paragraphs (2)
12 through (4), the Assistant Secretary may enter into
13 agreements to make available to one or more obligors
14 lines of credit in the form of direct loans to be
15 made by the Assistant Secretary at future dates on
16 the occurrence of certain events for any project selected
17 under section 31322.

18 (2) USE OF PROCEEDS.—The proceeds of a line
19 of credit made available under this section shall be
20 available to pay debt service on project obligations
21 issued to finance eligible project costs, extraordinary
22 repair and replacement costs, operation and maintenance
23 expenses, and costs associated with unexpected Federal or State
24 environmental restrictions.

25 (3) RISK ASSESSMENT.—

1 (A) IN GENERAL.—Except as provided in
2 subparagraph (B), before entering into an
3 agreement under this subsection, the Assistant
4 Secretary, in consultation with the Director of
5 the Office of Management and Budget and each
6 rating agency providing a preliminary rating
7 opinion letter under section 31322(b)(2)(A),
8 shall determine an appropriate capital reserve
9 subsidy amount for each line of credit, taking
10 into account the rating opinion letter.

11 (B) SMALL PROJECTS.—Before entering
12 into an agreement under this subsection to
13 make available a line of credit for a small
14 project, the Assistant Secretary, in consultation
15 with the Director of the Office of Management
16 and Budget, shall determine an appropriate
17 capital reserve subsidy amount for each such
18 line of credit, taking into account the alter-
19 native documentation provided under section
20 31322(b)(2)(B) instead of preliminary rating
21 opinion letters provided under section
22 31322(b)(2)(A).

23 (4) INVESTMENT-GRADE RATING REQUIRE-
24 MENT.—The funding of a line of credit under this
25 section shall be contingent on—

1 (A) the senior obligations of the project re-
2 ceiving an investment-grade rating from 2 rat-
3 ing agencies; or

4 (B) in the case of a small project, the
5 project meeting an alternative standard that the
6 Assistant Secretary shall establish under section
7 31325 for purposes of this paragraph.

8 (b) TERMS AND LIMITATIONS.—

9 (1) IN GENERAL.—A line of credit under this
10 section with respect to a project shall be on such
11 terms and conditions and contain such covenants,
12 representations, warranties, and requirements (in-
13 cluding requirements for audits) as the Assistant
14 Secretary determines to be appropriate.

15 (2) MAXIMUM AMOUNTS.—The total amount of
16 a line of credit under this section shall not exceed
17 33 percent of the reasonably anticipated eligible
18 project costs.

19 (3) DRAWS.—Any draw on a line of credit
20 under this section shall—

21 (A) represent a direct loan; and

22 (B) be made only if net revenues from the
23 project (including capitalized interest, but not
24 including reasonably required financing re-

1 serves) are insufficient to pay the costs speci-
2 fied in subsection (a)(2).

3 (4) INTEREST RATE.—The interest rate on a
4 direct loan resulting from a draw on the line of cred-
5 it shall be not less than the yield on 30-year United
6 States Treasury securities, as of the date of execu-
7 tion of the line of credit agreement.

8 (5) SECURITY.—A line of credit issued under
9 this section—

10 (A) shall—

11 (i) be payable, in whole or in part,
12 from—

13 (I) amounts charged to—

14 (aa) subscribers of
15 broadband service for such serv-
16 ice; or

17 (bb) subscribers of any re-
18 lated service provided over the
19 same infrastructure for such re-
20 lated service;

21 (II) user fees;

22 (III) payments owing to the obli-
23 gor under a public-private partner-
24 ship; or

1 (IV) other dedicated revenue
2 sources that also secure the senior
3 project obligations; and

4 (ii) include a coverage requirement or
5 similar security feature supporting the
6 project obligations; and

7 (B) may have a lien on revenues described
8 in subparagraph (A), subject to any lien secur-
9 ing project obligations.

10 (6) PERIOD OF AVAILABILITY.—The full
11 amount of a line of credit under this section, to the
12 extent not drawn upon, shall be available during the
13 10-year period beginning on the date of substantial
14 completion of the project.

15 (7) RIGHTS OF THIRD-PARTY CREDITORS.—

16 (A) AGAINST FEDERAL GOVERNMENT.—A
17 third-party creditor of the obligor shall not have
18 any right against the Federal Government with
19 respect to any draw on a line of credit under
20 this section.

21 (B) ASSIGNMENT.—An obligor may assign
22 a line of credit under this section to—

23 (i) one or more lenders; or

24 (ii) a trustee on the behalf of such a
25 lender.

1 (8) NONSUBORDINATION.—

2 (A) IN GENERAL.—Except as provided in
3 subparagraph (B), a direct loan under this sec-
4 tion shall not be subordinated to the claims of
5 any holder of project obligations in the event of
6 bankruptcy, insolvency, or liquidation of the ob-
7 ligor.

8 (B) PRE-EXISTING INDENTURE.—

9 (i) IN GENERAL.—The Assistant Sec-
10 retary shall waive the requirement of sub-
11 paragraph (A) for a public agency bor-
12 rower that is financing ongoing capital
13 programs and has outstanding senior
14 bonds under a preexisting indenture, if—

15 (I) the line of credit—

16 (aa) is rated in the A cat-
17 egory or higher; or

18 (bb) in the case of a small
19 project, meets an alternative
20 standard that the Assistant Sec-
21 retary shall establish under sec-
22 tion 31325 for purposes of this
23 subclause;

24 (II) the BIFIA program loan re-
25 sulting from a draw on the line of

1 credit is payable from pledged reve-
2 nues not affected by project perform-
3 ance, such as a tax-backed revenue
4 pledge or a system-backed pledge of
5 project revenues; and

6 (III) the BIFLA program share
7 of eligible project costs is 33 percent
8 or less.

9 (ii) LIMITATION.—If the Assistant
10 Secretary waives the nonsubordination re-
11 quirement under this subparagraph—

12 (I) the maximum credit subsidy
13 to be paid by the Federal Government
14 shall be not more than 10 percent of
15 the principal amount of the secured
16 loan; and

17 (II) the obligor shall be respon-
18 sible for paying the remainder of the
19 subsidy cost.

20 (9) FEES.—The Assistant Secretary may estab-
21 lish fees at a level sufficient to cover all or a portion
22 of the costs to the Federal Government of providing
23 a line of credit under this section.

24 (10) RELATIONSHIP TO OTHER CREDIT INSTRU-
25 MENTS.—A project that receives a line of credit

1 under this section also shall not receive a secured
2 loan or loan guarantee under section 31323 in an
3 amount that, combined with the amount of the line
4 of credit, exceeds 49 percent of eligible project costs.

5 (c) REPAYMENT.—

6 (1) TERMS AND CONDITIONS.—The Assistant
7 Secretary shall establish repayment terms and condi-
8 tions for each direct loan under this section based
9 on—

10 (A) the projected cash flow from project
11 revenues and other repayment sources; and

12 (B) the useful life of the infrastructure for
13 the provision of broadband service being fi-
14 nanced.

15 (2) TIMING.—All repayments of principal or in-
16 terest on a direct loan under this section shall be
17 scheduled—

18 (A) to commence not later than 5 years
19 after the end of the period of availability speci-
20 fied in subsection (b)(6); and

21 (B) to conclude, with full repayment of
22 principal and interest, by the date that is 25
23 years after the end of the period of availability
24 specified in subsection (b)(6).

1 **SEC. 31325. ALTERNATIVE PRUDENTIAL LENDING STAND-**
2 **ARDS FOR SMALL PROJECTS.**

3 Not later than 180 days after the date of the enact-
4 ment of this Act, the Assistant Secretary shall establish
5 alternative, streamlined prudential lending standards for
6 small projects receiving credit assistance under the BIFIA
7 program to ensure that such projects pose no additional
8 risk to the Federal Government, as compared with
9 projects that are not small projects.

10 **SEC. 31326. PROGRAM ADMINISTRATION.**

11 (a) **REQUIREMENT.**—The Assistant Secretary shall
12 establish a uniform system to service the Federal credit
13 instruments made available under the BIFIA program.

14 (b) **FEEES.**—The Assistant Secretary may collect and
15 spend fees, contingent on authority being provided in ap-
16 propriations Acts, at a level that is sufficient to cover—

17 (1) the costs of services of expert firms retained
18 pursuant to subsection (d); and

19 (2) all or a portion of the costs to the Federal
20 Government of servicing the Federal credit instru-
21 ments.

22 (c) **SERVICER.**—

23 (1) **IN GENERAL.**—The Assistant Secretary
24 may appoint a financial entity to assist the Assistant
25 Secretary in servicing the Federal credit instru-
26 ments.

1 (2) DUTIES.—A servicer appointed under para-
2 graph (1) shall act as the agent for the Assistant
3 Secretary.

4 (3) FEE.—A servicer appointed under para-
5 graph (1) shall receive a servicing fee, subject to ap-
6 proval by the Assistant Secretary.

7 (d) ASSISTANCE FROM EXPERT FIRMS.—The Assist-
8 ant Secretary may retain the services of expert firms, in-
9 cluding counsel, in the field of municipal and project fi-
10 nance to assist in the underwriting and servicing of Fed-
11 eral credit instruments.

12 (e) EXPEDITED PROCESSING.—The Assistant Sec-
13 retary shall implement procedures and measures to econo-
14 mize the time and cost involved in obtaining approval and
15 the issuance of credit assistance under the BIFIA pro-
16 gram.

17 (f) ASSISTANCE TO SMALL PROJECTS.—Of the
18 amount appropriated under section 31329(a), and after
19 the set-aside for administrative expenses under section
20 31329(b), not less than 20 percent shall be made available
21 for the Assistant Secretary to use in lieu of fees collected
22 under subsection (b) for small projects.

23 **SEC. 31327. STATE AND LOCAL PERMITS.**

24 The provision of credit assistance under the BIFLA
25 program with respect to a project shall not—

1 (1) relieve any recipient of the assistance of any
2 obligation to obtain any required State or local per-
3 mit or approval with respect to the project;

4 (2) limit the right of any unit of State or local
5 government to approve or regulate any rate of re-
6 turn on private equity invested in the project; or

7 (3) otherwise supersede any State or local law
8 (including any regulation) applicable to the construc-
9 tion or operation of the project.

10 **SEC. 31328. REGULATIONS.**

11 The Assistant Secretary may promulgate such regula-
12 tions as the Assistant Secretary determines to be appro-
13 priate to carry out the BIFIA program.

14 **SEC. 31329. FUNDING.**

15 (a) APPROPRIATION.—There are appropriated to the
16 Assistant Secretary, out of any money in the Treasury not
17 otherwise appropriated, \$5,000,000,000 to carry out this
18 chapter for fiscal year 2021, to remain available until ex-
19 pended.

20 (b) ADMINISTRATIVE EXPENSES.—Of the amount
21 appropriated under subsection (a), the Assistant Secretary
22 may use not more than 5 percent for the administration
23 of the BIFIA program.

1 **SEC. 31330. REPORTS TO CONGRESS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act, and every 2 years there-
4 after, the Assistant Secretary shall submit to Congress a
5 report summarizing the financial performance of the
6 projects that are receiving, or have received, assistance
7 under the BIFIA program, including a recommendation
8 as to whether the objectives of the BIFIA program are
9 best served by—

10 (1) continuing the program under the authority
11 of the Assistant Secretary; or

12 (2) establishing a Federal corporation or feder-
13 ally sponsored enterprise to administer the program.

14 (b) APPLICATION PROCESS REPORT.—

15 (1) IN GENERAL.—Not later than 1 year after
16 the date of the enactment of this Act, and annually
17 thereafter, the Assistant Secretary shall submit to
18 the Committee on Energy and Commerce of the
19 House of Representatives and the Committee on
20 Commerce, Science, and Transportation of the Sen-
21 ate a report that includes a list of all of the letters
22 of interest and applications received for assistance
23 under the BIFIA program during the preceding fis-
24 cal year.

25 (2) INCLUSIONS.—

1 (A) IN GENERAL.—Each report under
2 paragraph (1) shall include, at a minimum, a
3 description of, with respect to each letter of in-
4 terest and application included in the report—

5 (i) the date on which the letter of in-
6 terest or application was received;

7 (ii) the date on which a notification
8 was provided to the applicant regarding
9 whether the application was complete or
10 incomplete;

11 (iii) the date on which a revised and
12 completed application was submitted (if
13 applicable);

14 (iv) the date on which a notification
15 was provided to the applicant regarding
16 whether the project was approved or dis-
17 approved; and

18 (v) if the project was not approved,
19 the reason for the disapproval.

20 (B) CORRESPONDENCE.—Each report
21 under paragraph (1) shall include copies of any
22 correspondence provided to the applicant in ac-
23 cordance with section 31322(d).

1 **CHAPTER 3—WI-FI ON SCHOOL BUSES**

2 **SEC. 31341. E-RATE SUPPORT FOR SCHOOL BUS WI-FI.**

3 (a) RULEMAKING.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of the enactment of this Act, the
6 Commission shall commence a rulemaking to make
7 the provision of Wi-Fi access on school buses eligible
8 for support under the E-rate program of the Com-
9 mission set forth under subpart F of part 54 of title
10 47, Code of Federal Regulations.

11 (2) ELIGIBLE RECIPIENTS.—Notwithstanding
12 section 254(h)(1)(B) of the Communications Act of
13 1934 (47 U.S.C. 254(h)(1)(B)), the Commission
14 shall provide in the rulemaking under paragraph (1)
15 for State educational agencies, educational service
16 agencies, and local educational agencies to be eligible
17 to receive the support described in such paragraph.

18 (b) DEFINITIONS.—In this section:

19 (1) SCHOOL BUS.—The term “school bus”
20 means a passenger motor vehicle that is—

21 (A) designed to carry a driver and not less
22 than five passengers; and

23 (B) used significantly to transport—

24 (i) children enrolled in an early child-
25 hood education program to or from such

1 program or an event related to such pro-
2 gram; or

3 (ii) students enrolled in an elementary
4 school or secondary school to or from such
5 school or an event related to such school.

6 (2) TERMS DEFINED IN ELEMENTARY AND SEC-
7 ONDARY EDUCATION ACT OF 1965.—The terms
8 “early childhood education program”, “educational
9 service agency”, “elementary school”, “local edu-
10 cational agency”, “secondary school”, and “State
11 educational agency” have the meanings given such
12 terms in section 8101 of the Elementary and Sec-
13 ondary Education Act of 1965 (20 U.S.C. 7801).

14 **Subtitle D—Community Broadband**

15 **SEC. 31401. STATE, LOCAL, PUBLIC-PRIVATE PARTNERSHIP,** 16 **AND CO-OP BROADBAND SERVICES.**

17 Section 706 of the Telecommunications Act of 1996
18 (47 U.S.C. 1302) is amended—

19 (1) by redesignating subsection (d) as sub-
20 section (e) and inserting after subsection (e) the fol-
21 lowing:

22 “(d) STATE, LOCAL, PUBLIC-PRIVATE PARTNER-
23 SHIP, AND CO-OP ADVANCED TELECOMMUNICATIONS CA-
24 PABILITY AND SERVICES.—

1 “(1) IN GENERAL.—No State statute, regula-
2 tion, or other State legal requirement may prohibit
3 or have the effect of prohibiting any public provider,
4 public-private partnership provider, or cooperatively
5 organized provider from providing, to any person or
6 any public or private entity, advanced telecommuni-
7 cations capability or any service that utilizes the ad-
8 vanced telecommunications capability provided by
9 such provider.

10 “(2) ANTIDISCRIMINATION SAFEGUARDS.—

11 “(A) PUBLIC PROVIDERS.—To the extent
12 any public provider regulates competing private
13 providers of advanced telecommunications capa-
14 bility or services that utilize advanced tele-
15 communications capability, such public provider
16 shall apply its ordinances and rules without dis-
17 crimination in favor of itself or any provider
18 that it owns of services that utilize advanced
19 telecommunications capability.

20 “(B) PUBLIC-PRIVATE PARTNERSHIP PRO-
21 VIDERS.—To the extent any State or local enti-
22 ty that is part of a public-private partnership
23 provider regulates competing private providers
24 of advanced telecommunications capability or
25 services that utilize advanced telecommuni-

1 cations capability, such State or local entity
2 shall apply its ordinances and rules without dis-
3 crimination in favor of such public-private part-
4 nership provider or any provider that such
5 State or local entity or public-private partner-
6 ship provider owns of services that utilize ad-
7 vanced telecommunications capability.

8 “(3) SAVINGS CLAUSE.—Nothing in this sub-
9 section shall exempt a public provider, public-private
10 partnership provider, or cooperatively organized pro-
11 vider from any Federal or State telecommunications
12 law or regulation that applies to all providers of ad-
13 vanced telecommunications capability or services
14 that utilize such advanced telecommunications capa-
15 bility.”; and

16 (2) in subsection (e), as redesignated—

17 (A) in the matter preceding paragraph (1),
18 by striking “this subsection” and inserting
19 “this section”;

20 (B) by redesignating paragraph (2) as
21 paragraph (3);

22 (C) by inserting after paragraph (1) the
23 following:

24 “(2) COOPERATIVELY ORGANIZED PROVIDER.—

25 The term ‘cooperatively organized provider’ means

1 an entity that is treated as a cooperative under Fed-
2 eral tax law and that provides advanced tele-
3 communications capability, or any service that uti-
4 lizes such advanced telecommunications capability,
5 to any person or public or private entity.”; and

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

7 “(4) PUBLIC PROVIDER.—The term ‘public pro-
8 vider’ means a State or local entity that provides ad-
9 vanced telecommunications capability, or any service
10 that utilizes such advanced telecommunications ca-
11 pability, to any person or public or private entity.

12 “(5) PUBLIC-PRIVATE PARTNERSHIP PRO-
13 VIDER.—The term ‘public-private partnership pro-
14 vider’ means a public-private partnership, between a
15 State or local entity and a private entity, that pro-
16 vides advanced telecommunications capability, or any
17 service that utilizes such advanced telecommuni-
18 cations capability, to any person or public or private
19 entity.

20 “(6) STATE OR LOCAL ENTITY.—The term
21 ‘State or local entity’ means a State or political sub-
22 division thereof, any agency, authority, or instru-
23 mentality of a State or political subdivision thereof,
24 or an Indian tribe (as defined in section 4(e) of the

1 Indian Self-Determination and Education Assistance
2 Act (25 U.S.C. 5304(e)).”.

3 **Subtitle E—Repeal of Rule and**
4 **Prohibition on Use of NPRM**

5 **SEC. 31501. REPEAL OF RULE AND PROHIBITION ON USE OF**
6 **NPRM.**

7 (a) REPEAL OF RULE.—The Fourth Report and
8 Order, Order on Reconsideration, Memorandum Opinion
9 and Order, Notice of Proposed Rulemaking, and Notice
10 of Inquiry in the matter of bridging the digital divide for
11 low-income consumers, lifeline and link up reform and
12 modernization, telecommunications carriers eligible for
13 universal service support that was adopted by the Commis-
14 sion on November 16, 2017 (FCC 17–155) shall have no
15 force or effect.

16 (b) RULEMAKING IN RELIANCE ON UNIVERSAL
17 SERVICE CONTRIBUTION METHODOLOGY NPRM PROHIB-
18 ITED.—Beginning on the date of the enactment of this
19 Act, the Commission may not rely on the Notice of Pro-
20 posed Rulemaking in the matter of universal service con-
21 tribution methodology that was adopted by the Commis-
22 sion on May 15, 2019 (FCC 19–46), to satisfy the require-
23 ments of section 553 of title 5, United States Code, for
24 adopting, amending, revoking, or otherwise modifying any

1 rule (as defined in section 551 of such title) of the Com-
2 mission.

3 (c) REPEAL OF DECLARATORY RULING AND PROHI-
4 BITION ON USE OF NPRM.—The Notice of Proposed
5 Rulemaking and Declaratory Ruling in the matter of im-
6 proving competitive broadband access to multiple tenant
7 environments and petition for preemption of Article 52 of
8 the San Francisco Police Code filed by the Multifamily
9 Broadband Council that was adopted by the Commission
10 on July 10, 2019 (FCC 19–65), shall have no force or
11 effect and the Commission may not rely on such Notice
12 of Proposed Rulemaking to satisfy the requirements of
13 section 553 of title 5, United States Code, for adopting,
14 amending, revoking, or otherwise modifying any rule (as
15 defined in section 551 of such title) of the Commission.

16 **Subtitle F—Next Generation 9–1–1**

17 **SEC. 31601. SENSE OF CONGRESS.**

18 It is the sense of Congress that—

19 (1) the 9–1–1 professionals in the United
20 States perform important and lifesaving work every
21 day, and need the tools and communications tech-
22 nologies to perform the work effectively in a world
23 with digital communications technologies;

24 (2) the transition from the legacy communica-
25 tions technologies used in the 9–1–1 systems of the

1 United States to Next Generation 9–1–1 is a na-
2 tional priority and a national imperative;

3 (3) the United States should complete the tran-
4 sition described in paragraph (2) as soon as prac-
5 ticable;

6 (4) the United States should develop a nation-
7 wide framework that facilitates cooperation among
8 Federal, State, and local officials on deployment of
9 Next Generation 9–1–1 in order to meet that goal;

10 (5) the term “Public Safety Answering Point”
11 becomes outdated in a broadband environment and
12 9–1–1 centers are increasingly and appropriately
13 being referred to as emergency communications cen-
14 ters; and

15 (6) 9–1–1 authorities and emergency commu-
16 nications centers should have sufficient resources to
17 implement Next Generation 9–1–1, including re-
18 sources to support associated geographic information
19 systems (commonly known as “GIS”), and cyberse-
20 curity measures.

21 **SEC. 31602. STATEMENT OF POLICY.**

22 It is the policy of the United States that—

23 (1) Next Generation 9–1–1 should be techno-
24 logically and competitively neutral;

1 (2) Next Generation 9–1–1 should be interoper-
2 able;

3 (3) the governance and control of the 9–1–1
4 systems of the United States, including Next Gen-
5 eration 9–1–1, should remain at the State, regional,
6 and local level; and

7 (4) individuals in the United States should re-
8 ceive information on how to best utilize Next Gen-
9 eration 9–1–1 and on its capabilities and usefulness.

10 **SEC. 31603. COORDINATION OF NEXT GENERATION 9-1-1 IM-**
11 **PLEMENTATION.**

12 Part C of title I of the National Telecommunications
13 and Information Administration Organization Act (47
14 U.S.C. 901 et seq.) is amended by adding at the end the
15 following:

16 **“SEC. 159. COORDINATION OF NEXT GENERATION 9-1-1 IM-**
17 **PLEMENTATION.**

18 “(a) ADDITIONAL FUNCTIONS OF 9–1–1 IMPLEMEN-
19 TATION COORDINATION OFFICE.—

20 “(1) AUTHORITY.—The Office shall implement
21 the provisions of this section.

22 “(2) MANAGEMENT PLAN.—

23 “(A) DEVELOPMENT.—The Assistant Sec-
24 retary and the Administrator shall develop and
25 may modify a management plan for the grant

1 program established under this section, includ-
2 ing by developing—

3 “(i) plans related to the organiza-
4 tional structure of such program; and

5 “(ii) funding profiles for each fiscal
6 year of the duration of such program.

7 “(B) SUBMISSION TO CONGRESS.—Not
8 later than 90 days after the date of the enact-
9 ment of this section or 90 days after the date
10 on which the plan is modified, as applicable, the
11 Assistant Secretary and the Administrator shall
12 submit the management plan developed under
13 subparagraph (A) to—

14 “(i) the Committees on Commerce,
15 Science, and Transportation and Appro-
16 priations of the Senate; and

17 “(ii) the Committees on Energy and
18 Commerce and Appropriations of the
19 House of Representatives.

20 “(3) PURPOSE OF OFFICE.—The Office shall—

21 “(A) take actions, in concert with coordi-
22 nators designated in accordance with subsection
23 (b)(3)(A)(ii), to improve coordination and com-
24 munication with respect to the implementation
25 of Next Generation 9–1–1;

1 “(B) develop, collect, and disseminate in-
2 formation concerning practices, procedures, and
3 technology used in the implementation of Next
4 Generation 9–1–1;

5 “(C) advise and assist eligible entities in
6 the preparation of implementation plans re-
7 quired under subsection (b)(3)(A)(iii);

8 “(D) receive, review, and recommend the
9 approval or disapproval of applications for
10 grants under subsection (b); and

11 “(E) oversee the use of funds provided by
12 such grants in fulfilling such implementation
13 plans.

14 “(4) REPORTS.—The Assistant Secretary and
15 the Administrator shall provide an annual report to
16 Congress by the first day of October of each year on
17 the activities of the Office to improve coordination
18 and communication with respect to the implementa-
19 tion of Next Generation 9–1–1.

20 “(b) NEXT GENERATION 9–1–1 IMPLEMENTATION
21 GRANTS.—

22 “(1) MATCHING GRANTS.—The Assistant Sec-
23 retary and the Administrator, acting through the Of-
24 fice, shall provide grants to eligible entities for—

1 “(A) the implementation of Next Genera-
2 tion 9–1–1;

3 “(B) establishing and maintaining Next
4 Generation 9–1–1;

5 “(C) training directly related to Next Gen-
6 eration 9–1–1;

7 “(D) public outreach and education on how
8 best to use Next Generation 9–1–1 and on its
9 capabilities and usefulness; and

10 “(E) administrative costs associated with
11 planning and implementation of Next Genera-
12 tion 9–1–1, including costs related to planning
13 for and preparing an application and related
14 materials as required by this section, if—

15 “(i) such costs are fully documented
16 in materials submitted to the Office; and

17 “(ii) such costs are reasonable and
18 necessary and do not exceed 5 percent of
19 the total grant award.

20 “(2) MATCHING REQUIREMENT.—The Federal
21 share of the cost of a project eligible for a grant
22 under this section shall not exceed 80 percent.

23 “(3) COORDINATION REQUIRED.—In providing
24 grants under paragraph (1), the Assistant Secretary

1 and the Administrator shall require an eligible entity
2 to certify in its application that—

3 “(A) in the case of an eligible entity that
4 is a State, the entity—

5 “(i) has coordinated the application
6 with the emergency communications cen-
7 ters located within the jurisdiction of such
8 entity;

9 “(ii) has designated a single officer or
10 governmental body to serve as the State
11 point of contact to coordinate the imple-
12 mentation of Next Generation 9–1–1 for
13 that State, except that such designation
14 need not vest such coordinator with direct
15 legal authority to implement Next Genera-
16 tion 9–1–1 or to manage emergency com-
17 munications operations; and

18 “(iii) has developed and submitted a
19 State plan for the coordination and imple-
20 mentation of Next Generation 9–1–1
21 that—

22 “(I) ensures interoperability by
23 requiring the use of commonly accept-
24 ed standards;

1 “(II) enables emergency commu-
2 nications centers to process, analyze,
3 and store multimedia, data, and other
4 information;

5 “(III) incorporates the use of ef-
6 fective cybersecurity resources;

7 “(IV) uses open and competitive
8 request for proposal processes, or the
9 applicable State equivalent, for de-
10 ployment of Next Generation 9–1–1;

11 “(V) includes input from relevant
12 emergency communications centers,
13 regional authorities, local authorities,
14 and Tribal authorities; and

15 “(VI) includes a governance body
16 or bodies, either by creation of new or
17 use of existing body or bodies, for the
18 development and deployment of Next
19 Generation 9–1–1 that—

20 “(aa) includes relevant
21 stakeholders; and

22 “(bb) consults and coordi-
23 nates with the State point of con-
24 tact required by clause (ii); or

1 “(B) in the case of an eligible entity that
2 is not a State, the entity has complied with
3 clauses (i) and (iii) of subparagraph (A), and
4 the State in which the entity is located has
5 complied with clause (ii) of such subparagraph.

6 “(4) CRITERIA.—

7 “(A) IN GENERAL.—Not later than 9
8 months after the date of enactment of this sec-
9 tion, the Assistant Secretary and the Adminis-
10 trator shall issue regulations, after providing
11 the public with notice and an opportunity to
12 comment, prescribing the criteria for selection
13 for grants under this section.

14 “(B) REQUIREMENTS.—The criteria
15 shall—

16 “(i) include performance requirements
17 and a schedule for completion of any
18 project to be financed by a grant under
19 this section; and

20 “(ii) specifically permit regional or
21 multi-State applications for funds.

22 “(C) UPDATES.—The Assistant Secretary
23 and the Administrator shall update such regula-
24 tions as necessary.

1 “(5) GRANT CERTIFICATIONS.—Each applicant
2 for a grant under this section shall certify to the As-
3 sistant Secretary and the Administrator at the time
4 of application, and each applicant that receives such
5 a grant shall certify to the Assistant Secretary and
6 the Administrator annually thereafter during any pe-
7 riod of time the funds from the grant are available
8 to the applicant, that—

9 “(A) no portion of any designated 9–1–1
10 charges imposed by a State or other taxing ju-
11 risdiction within which the applicant is located
12 are being obligated or expended for any purpose
13 other than the purposes for which such charges
14 are designated or presented during the period
15 beginning 180 days immediately preceding the
16 date on which the application was filed and con-
17 tinuing through the period of time during which
18 the funds from the grant are available to the
19 applicant;

20 “(B) any funds received by the applicant
21 will be used to support deployment of Next
22 Generation 9–1–1 that ensures interoperability
23 by requiring the use of commonly accepted
24 standards;

1 “(C) the State in which the applicant re-
2 sides has established, or has committed to es-
3 tablish no later than 3 years following the date
4 on which the funds are distributed to the appli-
5 cant, a sustainable funding mechanism for Next
6 Generation 9–1–1 to be deployed pursuant to
7 the grant;

8 “(D) the applicant will promote interoper-
9 ability between Next Generation 9–1–1 emer-
10 gency communications centers and emergency
11 response providers including users of the na-
12 tionwide public safety broadband network im-
13 plemented by the First Responder Network Au-
14 thority;

15 “(E) the applicant has or will take steps to
16 coordinate with adjoining States to establish
17 and maintain Next Generation 9–1–1; and

18 “(F) the applicant has developed a plan for
19 public outreach and education on how to best
20 use Next Generation 9–1–1 and on its capabili-
21 ties and usefulness.

22 “(6) CONDITION OF GRANT.—Each applicant
23 for a grant under this section shall agree, as a con-
24 dition of receipt of the grant, that if the State or
25 other taxing jurisdiction within which the applicant

1 is located, during any period of time during which
2 the funds from the grant are available to the appli-
3 cant, fails to comply with the certifications required
4 under paragraph (5), all of the funds from such
5 grant shall be returned to the Office.

6 “(7) PENALTY FOR PROVIDING FALSE INFOR-
7 MATION.—Any applicant that provides a certification
8 under paragraph (5) knowing that the information
9 provided in the certification was false shall—

10 “(A) not be eligible to receive the grant
11 under this subsection;

12 “(B) return any grant awarded under this
13 subsection during the time that the certification
14 was not valid; and

15 “(C) not be eligible to receive any subse-
16 quent grants under this subsection.

17 “(8) PROHIBITION.—No grant funds under this
18 subsection may be used—

19 “(A) for any component of the Nationwide
20 Public Safety Broadband Network; or

21 “(B) to make any payments to a person
22 who has been, for reasons of national security,
23 prohibited by any entity of the Federal Govern-
24 ment from bidding on a contract, participating
25 in an auction, or receiving a grant.

1 “(9) CONTRACTING REQUIREMENTS.—All labor-
2 ers and mechanics employed by contractors or sub-
3 contractors in the performance of construction, al-
4 teration, or repair work carried out, in whole or in
5 part, with a grant under this section shall be paid
6 wages at rates not less than those prevailing on
7 projects of a similar character in the locality as de-
8 termined by the Secretary of Labor in accordance
9 with subchapter IV of chapter 31 of title 40, United
10 States Code. With respect to the labor standards in
11 this paragraph, the Secretary of Labor shall have
12 the authority and functions set forth in Reorganiza-
13 tion Plan Numbered 14 of 1950 (64 Stat. 1267; 5
14 U.S.C. App.) and section 3145 of title 40, United
15 States Code.

16 “(c) FUNDING AND TERMINATION.—

17 “(1) IN GENERAL.—In addition to any funds
18 authorized for grants under section 158, there is au-
19 thorized to be appropriated \$12,000,000,000 for fis-
20 cal years 2021 through 2025.

21 “(2) ADMINISTRATIVE COSTS.—The Office may
22 use up to 5 percent of the funds authorized under
23 this subsection for reasonable and necessary admin-
24 istrative costs associated with the grant program.

25 “(d) DEFINITIONS.—In this section:

1 “(1) 9–1–1 REQUEST FOR EMERGENCY ASSIST-
2 ANCE.—The term ‘9–1–1 request for emergency as-
3 sistance’ means a communication, such as voice,
4 text, picture, multimedia, or any other type of data
5 that is sent to an emergency communications center
6 for the purpose of requesting emergency assistance.

7 “(2) COMMONLY ACCEPTED STANDARDS.—The
8 term ‘commonly accepted standards’ means—

9 “(A) the technical standards followed by
10 the communications industry for network, de-
11 vice, and Internet Protocol connectivity, includ-
12 ing but not limited to, standards developed by
13 the Third Generation Partnership Project
14 (3GPP), the Institute of Electrical and Elec-
15 tronics Engineers (IEEE), the Alliance for
16 Telecommunications Industry Solutions (ATIS),
17 the Internet Engineering Taskforce (IETF),
18 and the International Telecommunications
19 Union (ITU); and

20 “(B) standards that are accredited by a
21 recognized authority such as the American Na-
22 tional Standards Institute (ANSI).

23 “(3) DESIGNATED 9–1–1 CHARGES.—The term
24 ‘designated 9–1–1 charges’ means any taxes, fees, or
25 other charges imposed by a State or other taxing ju-

1 jurisdiction that are designated or presented as dedi-
2 cated to deliver or improve 9–1–1 services, E9–1–1
3 services, or Next Generation 9–1–1.

4 “(4) ELIGIBLE ENTITY.—The term ‘eligible en-
5 tity’—

6 “(A) means a State, local government, or
7 a tribal organization (as defined in section 4(l)
8 of the Indian Self-Determination and Education
9 Assistance Act (25 U.S.C. 450b(l)));

10 “(B) includes public authorities, boards,
11 commissions, and similar bodies created by one
12 or more eligible entities described in subpara-
13 graph (A) to coordinate or provide Next Gen-
14 eration 9–1–1; and

15 “(C) does not include any entity that has
16 failed to submit—

17 “(i) the certifications required under
18 subsection (b)(5); and

19 “(ii) the most recently required cer-
20 tification under subsection (c) within 30
21 days after the date on which such certifi-
22 cation is due.

23 “(5) EMERGENCY COMMUNICATIONS CENTER.—

24 The term ‘emergency communications center’ means
25 a facility that is designated to receive a 9–1–1 re-

1 quest for emergency assistance and perform one or
2 more of the following functions:

3 “(A) Process and analyze 9–1–1 requests
4 for emergency assistance and other gathered in-
5 formation.

6 “(B) Dispatch appropriate emergency re-
7 sponse providers.

8 “(C) Transfer or exchange 9–1–1 requests
9 for emergency assistance and other gathered in-
10 formation with other emergency communica-
11 tions centers and emergency response providers.

12 “(D) Analyze any communications received
13 from emergency response providers.

14 “(E) Support incident command functions.

15 “(6) EMERGENCY RESPONSE PROVIDER.—The
16 term ‘emergency response provider’ has the meaning
17 given that term under section 2 of the Homeland Se-
18 curity Act (47 U.S.C. 101(6)), emergency response
19 providers includes Federal, State, and local govern-
20 mental and nongovernmental emergency public safe-
21 ty, fire, law enforcement, emergency response, emer-
22 gency medical (including hospital emergency facili-
23 ties), and related personnel, agencies, and authori-
24 ties).

1 “(7) INTEROPERABLE.—The term ‘interoper-
2 able’ or ‘interoperability’ means the capability of
3 emergency communications centers to receive 9–1–1
4 requests for emergency assistance and related data
5 such as location information and callback numbers
6 from the public, then process and share the 9–1–1
7 requests for emergency assistance and related data
8 with other emergency communications centers and
9 emergency response providers, regardless of jurisdic-
10 tion, equipment, device, software, service provider, or
11 other relevant factors, and without the need for pro-
12 prietary interfaces.

13 “(8) NATIONWIDE.—The term ‘nationwide’
14 means all states of the United States, the District
15 of Columbia, Puerto Rico, American Samoa, Guam,
16 the United States Virgin Islands, the Northern Mar-
17 iana Islands, any other territory or possession of the
18 United States, and each federally recognized Indian
19 Tribe.

20 “(9) NATIONWIDE PUBLIC SAFETY BROADBAND
21 NETWORK.—The term ‘nationwide public safety
22 broadband network’ has the meaning given the term
23 in section 6001 of the Middle Class Tax Relief and
24 Job Creation Act of 2012 (47 U.S.C. 1401).

1 “(10) NEXT GENERATION 9–1–1.—The term
2 Next Generation 9–1–1 means an interoperable, se-
3 cure, Internet Protocol-based system that—

4 “(A) employs commonly accepted stand-
5 ards;

6 “(B) enables the appropriate emergency
7 communications centers to receive, process, and
8 analyze all types of 9–1–1 requests for emer-
9 gency assistance;

10 “(C) acquires and integrates additional in-
11 formation useful to handling 9–1–1 requests for
12 emergency assistance; and

13 “(D) supports sharing information related
14 to 9–1–1 requests for emergency assistance
15 among emergency communications centers and
16 emergency response providers.

17 “(11) OFFICE.—The term ‘Office’ means the
18 Next Generation 9–1–1 Implementation Coordina-
19 tion Office established under section 158 of this
20 title.

21 “(12) STATE.—The term ‘State’ means any
22 State of the United States, the District of Columbia,
23 Puerto Rico, American Samoa, Guam, the United
24 States Virgin Islands, the Northern Mariana Is-

1 lands, and any other territory or possession of the
2 United States.

3 “(13) SUSTAINABLE FUNDING MECHANISM.—
4 The term ‘sustainable funding mechanism’ means a
5 funding mechanism that provides adequate revenues
6 to cover ongoing expenses, including operations,
7 maintenance, and upgrades.”.

8 **SEC. 31604. SAVINGS PROVISION.**

9 Nothing in this subtitle or any amendment made by
10 this subtitle shall affect any application pending or grant
11 awarded under section 158 of the National Telecommuni-
12 cations and Information Administration Organization Act
13 (47 U.S.C. 942) prior to date of the enactment of this
14 Act.

15 **Subtitle G—Extension of 2.5 GHz**
16 **Rural Tribal Priority Window**

17 **SEC. 31701. EXTENSION OF 2.5 GHZ RURAL TRIBAL PRI-**
18 **ORITY WINDOW.**

19 The Commission shall extend the Rural Tribal Pri-
20 ority Window established for the 2.5 gigahertz band in the
21 Public Notice released by the Commission on December
22 2, 2019 (DA 19–1226), by not less than 180 days.

1 **TITLE II—MOTOR VEHICLE**
2 **SAFETY**

3 **SEC. 32001. SAFETY WARNING FOR OCCUPANTS OF HOT**
4 **CARS.**

5 (a) OCCUPANT SAFETY.—

6 (1) IN GENERAL.—Chapter 301 of title 49,
7 United States Code, is amended by inserting after
8 section 30128 the following:

9 **“§ 30129. Occupant safety**

10 “(a) DEFINITIONS.—In this section:

11 “(1) PASSENGER MOTOR VEHICLE.—The term
12 ‘passenger motor vehicle’ has the meaning given that
13 term in section 32101.

14 “(2) SECRETARY.—The term ‘Secretary’ means
15 the Secretary of Transportation.

16 “(b) RULEMAKING.—Not later than 2 years after the
17 date of the enactment of this section, the Secretary shall
18 issue a final rule prescribing a motor vehicle safety stand-
19 ard that requires all new passenger motor vehicles with
20 a gross vehicle weight of 10,000 pounds or less to be
21 equipped with a system to detect the presence of an occu-
22 pant in the passenger compartment of the vehicle when
23 the vehicle engine or motor is deactivated and engage a
24 warning.

1 “(c) LIMITATION ON CAPABILITY OF BEING DIS-
2 ABLED.—The motor vehicle safety standard prescribed
3 under subsection (b) shall require that the system installed
4 in a new passenger motor vehicle cannot be disabled, over-
5 ridden, reset, or recalibrated in such a way that the system
6 will no longer detect the presence of an occupant in the
7 passenger compartment of the vehicle when the vehicle en-
8 gine or motor is deactivated and engage a warning.

9 “(d) MEANS.—

10 “(1) IN GENERAL.—The warning required
11 under the motor vehicle safety standard prescribed
12 under subsection (b)—

13 “(A) shall include a distinct auditory and
14 visual warning to notify individuals inside and
15 outside of the vehicle of the presence of an oc-
16 cupant, which shall be combined with an inte-
17 rior haptic warning; and

18 “(B) shall be activated when the vehicle
19 engine or motor is deactivated and the presence
20 of an occupant is detected.

21 “(2) CONSIDERATION.—In developing such
22 warning, the Secretary shall also consider including
23 a secondary additional alert to notify operators that
24 are not in close proximity to the vehicle.

1 “(e) COMPLIANCE.—The rule issued under subsection
2 (b) shall require full compliance with the motor vehicle
3 safety standard prescribed in the rule not later than 2
4 years after the date on which the final rule is issued.”.

5 (2) CLERICAL AMENDMENT.—The table of sec-
6 tions for chapter 301 of title 49, United States
7 Code, is amended by inserting after the item relating
8 to section 30128 the following:

“30129. Occupant safety.”.

9 (b) STUDY.—

10 (1) INDEPENDENT STUDY.—

11 (A) CONTRACT.—Not later than 90 days
12 after issuing the final rule under section
13 30129(b) of title 49, United States Code, as
14 added by subsection (a)(1), the Secretary shall
15 enter into a contract with an independent third
16 party to perform the services under this sub-
17 paragraph.

18 (B) STUDY.—

19 (i) IN GENERAL.—Under the contract
20 between the Secretary and an independent
21 third party under this subparagraph, the
22 independent third party shall carry out a
23 study on retrofitting existing passenger
24 motor vehicles with technology that meets
25 the safety need addressed by the motor ve-

1 hicle safety standard prescribed under such
2 section 30129(b) of title 49, United States
3 Code, as added by subsection (a)(1).

4 (ii) ELEMENTS.—In carrying out the
5 study required under clause (i), the inde-
6 pendent third party shall—

7 (I) survey and evaluate a variety
8 of methods used by current and
9 emerging technology or products to
10 solve the problem of occupants being
11 left unattended in vehicles and occu-
12 pants independently accessing unoccu-
13 pied vehicles;

14 (II) make recommendations for
15 manufacturers of such technology or
16 products to undergo a functional safe-
17 ty performance assessment to ensure
18 that the products perform as designed
19 by the manufacturer under a variety
20 of real-world conditions; and

21 (III) provide recommendations
22 for consumers on how to select such
23 technology or products in order to ret-
24 rofit existing vehicles.

1 (iii) AVAILABILITY THROUGH NHTSA
2 WEBSITE.—The Secretary shall make the
3 recommendations provided under clause
4 (ii)(III) available to the public through the
5 website of the National Highway Traffic
6 Safety Administration.

7 (2) PUBLICATION; PUBLIC COMMENT.—Not
8 later than 2 years after the date on which the Sec-
9 retary issues the final rule under section 30129(b)
10 of title 49, United States Code, as added by sub-
11 section (a)(1), the Secretary shall—

12 (A) publish the study required under para-
13 graph (1)(B) in the Federal Register; and

14 (B) provide a period for public comment of
15 not longer than 90 days after the study is pub-
16 lished under subparagraph (A).

17 (3) SUBMISSION TO CONGRESS.—Not later than
18 90 days after the conclusion of the public comment
19 period under paragraph (2)(B), the Secretary shall
20 publish in the Federal Register and 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 the
24 study required by paragraph (1)(B). The submission
25 shall include all public comments in response to the

1 study received by the Secretary upon publication in
2 the Federal Register.

3 (4) DEFINITIONS.—In this paragraph—

4 (A) the term “child restraint system” has
5 the meaning given that term in section 571.213
6 of title 49, Code of Federal Regulations (or any
7 successor regulation);

8 (B) the term “independent third party”
9 means a person who does not have any financial
10 or contractual ties with any person producing
11 or supplying equipment for occupant detection
12 or reminder warning systems, child restraint
13 systems, or passenger motor vehicles;

14 (C) the term “passenger motor vehicle”
15 has the meaning given that term in section
16 32101 of title 49, United States Code; and

17 (D) the term “Secretary” means the Sec-
18 retary of Transportation.

19 **SEC. 32002. PROTECTING AMERICANS FROM THE RISKS OF**
20 **KEYLESS IGNITION TECHNOLOGY.**

21 (a) DEFINITIONS.—In this section—

22 (1) the term “electric vehicle”—

23 (A) means a vehicle that does not include
24 an engine and is powered solely by an external
25 source of electricity, solar power, or both; and

1 (B) does not include an electric hybrid ve-
2 hicle that uses a chemical fuel such as gasoline
3 or diesel fuel;

4 (2) the term “key” has the meaning given the
5 term in section 571.114 of title 49, Code of Federal
6 Regulations (or successor regulations);

7 (3) the term “manufacturer” has the meaning
8 given the term in section 30102(a) of title 49,
9 United States Code;

10 (4) The term “motor vehicle”

11 (A) has the meaning given the term in sec-
12 tion 30102(a) of title 49, United States Code;
13 and

14 (B) does not include—

15 (i) a motorcycle or trailer (as those
16 terms are defined in section 571.3 of title
17 49, Code of Federal Regulations) (or suc-
18 cessor regulations);

19 (ii) any motor vehicle that is rated at
20 more than 10,000 pounds gross vehicular
21 weight; or

22 (iii) an electric vehicle.

23 (5) The term “Secretary” means the Secretary
24 of Transportation.

1 (b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VE-
2 HICLES.—

3 (1) FINAL RULE.—

4 (A) IN GENERAL.—Not later than 2 years
5 after the date of enactment of this section, the
6 Secretary shall issue a final rule amending sec-
7 tion 571.114 of title 49, Code of Federal Regu-
8 lations (relating to Federal Motor Vehicle Safe-
9 ty Standard Number 114), to require manufac-
10 turers to install technology in each motor vehi-
11 cle equipped with a keyless ignition device and
12 an internal combustion engine to automatically
13 shut off the motor vehicle after the motor vehi-
14 cle has idled for the period designated under
15 subparagraph (B).

16 (B) PERIOD DESCRIBED.—

17 (i) IN GENERAL.—The period referred
18 to in subparagraph (A) is the period des-
19 ignated by the Administrator of the Na-
20 tional Highway Traffic Safety Administra-
21 tion as necessary to prevent carbon mon-
22 oxide poisoning.

23 (ii) DIFFERENT PERIODS.—The Ad-
24 ministrator of the National Highway Traf-
25 fic Safety Administration may designate

1 different periods under clause (i) for dif-
2 ferent types of motor vehicles, depending
3 on the rate at which the motor vehicle
4 emits carbon monoxide, if—

5 (I) the Administrator determines
6 a different period is necessary for a
7 type of motor vehicle for purposes of
8 section 30111 of title 49, United
9 States Code; and

10 (II) requiring a different period
11 for a type of motor vehicle is con-
12 sistent with the prevention of carbon
13 monoxide poisoning.

14 (2) DEADLINE.—The rule under paragraph (1)
15 shall become effective not later than 2 years after
16 the date on which the Secretary issues the rule.

17 (c) PREVENTING MOTOR VEHICLES FROM ROLLING
18 AWAY.—

19 (1) REQUIREMENT.—Not later than 2 years
20 after the date of enactment of this section, the Sec-
21 retary shall issue a final rule amending part 571 of
22 title 49, Code of Federal Regulations, requiring
23 manufacturers to install technology in motor vehicles
24 equipped with keyless ignition devices and automatic

1 transmissions to prevent movement of the motor ve-
2 hicle if—

3 (A) the transmission of the motor vehicle
4 is not in the park setting;

5 (B) the motor vehicle does not exceed the
6 speed determined by the Secretary under para-
7 graph (2);

8 (C) the door for the operator of the motor
9 vehicle is open;

10 (D) the seat belt of the operator of the
11 motor vehicle is unbuckled; and

12 (E) the service brake of the motor vehicle
13 is not engaged.

14 (2) DETERMINATION.—The Secretary shall de-
15 termine the maximum speed at which a motor vehi-
16 cle may be safely locked in place under the condi-
17 tions described in subparagraphs (A), (C), (D), and
18 (E) of paragraph (1) to prevent vehicle rollaways.

19 (3) DEADLINE.—The rule under paragraph (1)
20 shall become effective not later than 2 years after
21 the date on which the Secretary issues such rule.

22 **SEC. 32003. 21ST CENTURY SMART CARS.**

23 (a) CRASH AVOIDANCE RULEMAKING.—

1 (1) IN GENERAL.—Subchapter II of chapter
2 301 of title 49, United States Code, is amended by
3 adding at the end the following:

4 **“§ 30130. Crash avoidance rulemaking**

5 “(a) IN GENERAL.—Not later than 2 years after the
6 date of enactment of this section, the Secretary shall issue
7 final rules prescribing Federal motor vehicle safety stand-
8 ards that—

9 “(1) establish minimum performance require-
10 ments for the crash avoidance technologies described
11 in subsection (b); and

12 “(2) require all new passenger motor vehicles
13 manufactured for sale in the United States, intro-
14 duced or delivered for introduction in interstate com-
15 merce, or imported into the United States to be
16 equipped with the crash avoidance technologies de-
17 scribed in subsection (b).

18 “(b) CRASH AVOIDANCE TECHNOLOGIES.—The Sec-
19 retary shall issue Federal motor vehicle safety standards
20 for each of the following crash avoidance technologies—

21 “(1) forward collision warning and automatic
22 emergency braking, including crash imminent brak-
23 ing and dynamic brake support, that detects poten-
24 tial collisions with a vehicle, object, pedestrian, bicy-
25 clist, and other vulnerable road user while the vehi-

1 cle is traveling forward, provides a warning to the
2 driver, and automatically applies the brakes to avoid
3 or mitigate the severity of an impact;

4 “(2) rear automatic emergency braking that de-
5 tects a potential collision with a vehicle, object, pe-
6 destrian, bicyclist, and other vulnerable road user
7 while a vehicle is moving in reverse and automati-
8 cally applies the brakes to avoid or mitigate the se-
9 verity of an impact;

10 “(3) rear cross traffic warning that detects ve-
11 hicles, objects, pedestrians, bicyclists, and other vul-
12 nerable road users approaching from the side and
13 rear of a vehicle as it moves in reverse and alerts
14 the driver;

15 “(4) lane departure warning that monitors a ve-
16 hicle’s position in its lane and alerts the driver as
17 the vehicle approaches or crosses lane markers; and

18 “(5) blind spot warning that detects a vehicle,
19 object, pedestrian, bicyclist, and other vulnerable
20 road user to the side or rear of a vehicle and alerts
21 the driver to their presence, including when a driver
22 attempts to change the course of travel toward an-
23 other vehicle or road user in the blind zone of the
24 vehicle.

1 “(c) CONSIDERATIONS.—In prescribing the Federal
2 motor vehicle safety standards required in subsection (a),
3 the Secretary shall ensure that the crash avoidance tech-
4 nologies perform effectively at speeds for which a pas-
5 senger motor vehicle is reasonably expected to operate, in-
6 cluding on city streets and highways.

7 “(d) COMPLIANCE DATE.—The compliance date of
8 the standards prescribed under subsection (a) shall not ex-
9 ceed more than 2 model years from the date final rules
10 are issued.

11 “(e) HEADLAMPS.—

12 “(1) Not later than 2 years after the date of
13 enactment of this section, the Secretary shall issue
14 a final rule that revises Federal motor vehicle safety
15 standard 108 to—

16 “(A) improve illumination of the roadway;

17 “(B) prevent glare;

18 “(C) establish minimum performance
19 standards for—

20 “(i) semi-automatic headlamp beam
21 switching; and

22 “(ii) curve adaptive headlamps.

23 “(2) The compliance date of the revised stand-
24 ard prescribed under paragraph (1) shall not exceed
25 more than 2 model years from the effective date.

1 “(3) Not later than 1 year after the date of en-
 2 actment of this section, the Secretary shall finalize
 3 the Rulemaking (83 Fed. Reg. 51766) to permit the
 4 certification of adaptive driving beam headlighting
 5 systems.

6 “(f) DEFINITIONS.—In this section:

7 “(1) CRASH AVOIDANCE.—The term ‘crash
 8 avoidance’ has the meaning given that term in sec-
 9 tion 32301.

10 “(2) PASSENGER MOTOR VEHICLE.—The term
 11 ‘passenger motor vehicle’ has the meaning given to
 12 that term in section 32101.”.

13 (2) CONFORMING AMENDMENT.—The table of
 14 sections for subchapter II of chapter 301 of title 49,
 15 United States Code, is further amended by adding
 16 after the item relating to section 30129 (as added
 17 by section 32002(a)(2)) the following:

“30130. Crash avoidance rulemaking.”.

18 (b) RESEARCH OF ADVANCED CRASH SYSTEMS.—

19 (1) IN GENERAL.—Subchapter II of chapter
 20 301 of title 49, United States Code, as amended by
 21 section(a)(1), is further amended by adding at the
 22 end the following:

23 **“§ 30131. Advanced crash systems research and con-**
 24 **sumer education**

25 “(a) ADVANCED CRASH SYSTEMS RESEARCH.—

1 “(1) Not later than 2 years after the date of
2 enactment of this section, the Secretary shall com-
3 plete research into the following:

4 “(A) Driver monitoring systems that will
5 minimize driver disengagement, prevent auto-
6 mation complacency, and account for foresee-
7 able misuse of the automation.

8 “(B) Lane keeping assistance that assists
9 with steering to keep a vehicle within its driving
10 lane.

11 “(C) Automatic crash data notification sys-
12 tems that—

13 “(i) notify emergency responders that
14 a crash has occurred and provide the geo-
15 graphical location of the vehicle and crash
16 data in a manner that allows for assess-
17 ment of potential injuries and emergency
18 response; and

19 “(ii) transfer to the Secretary
20 anonymized automatic crash data for the
21 purposes of safety research and statistical
22 analysis.

23 “(2) REQUIREMENTS.—In conducting the re-
24 search required under subsection (a), the Secretary
25 shall—

1 “(A) develop one or more tests to evaluate
2 the performance of the system;

3 “(B) determine metrics that would be most
4 effective at evaluating the performance of the
5 system; and

6 “(C) determine fail, pass, or advanced pass
7 criteria to assure the systems are performing
8 their intended function.

9 “(3) REPORT.—The Secretary shall submit a
10 report detailing findings from the research required
11 under subsection (a) to the House Energy and Com-
12 merce Committee and the Senate Commerce,
13 Science, and Transportation Committee not later
14 than 3 years after the date of enactment of this Act.

15 “(4) RULEMAKING.—Not later than 4 years
16 after the date of enactment of this section, the Sec-
17 retary shall issue final rules to establish Federal
18 motor vehicle safety standards for the advanced
19 crash systems described in this subsection and to re-
20 quire all new passenger motor vehicles manufactured
21 for sale in the United States produced after the ef-
22 fective date of such standards to be equipped with
23 advanced crash systems described in this subsection.

24 “(b) RULEMAKING ON POINT OF SALE INFORMA-
25 TION.—Not later than 18 months after the date of enact-

1 ment of this section, the Secretary shall issue a final rule
2 to require clear and concise information about the capa-
3 bilities and limitations of an advanced driver assistance
4 system to be provided to a consumer at the point of sale
5 and in the vehicle owner’s manual, including a publicly
6 accessible electronic owner’s manual.”.

7 (2) CONFORMING AMENDMENT.—The table of
8 section for subchapter II of chapter 301 of title 49,
9 United States Code, is further amended by adding
10 after the item relating to section 30129, as added by
11 section 2(b), the following:

“30131. Advanced crash systems research and consumer education.”.

12 **SEC. 32004. UPDATING THE 5-STAR SAFETY RATING SYS-**
13 **TEM.**

14 (a) AMENDMENT.—Section 32302 of title 49, United
15 States Code, is amended by adding at the end the fol-
16 lowing:

17 “(e) ROADMAP.—

18 “(1) IN GENERAL.—Not later than 1 year after
19 the date of enactment of this subsection and every
20 2 years thereafter, the Secretary shall publish a
21 clear and concise report on a publicly accessible
22 website detailing efforts over the next five-year pe-
23 riod to improve the passenger motor vehicle informa-
24 tion developed under subsection (a).

1 “(2) ELEMENTS.—The report required under
2 paragraph (1) shall include—

3 “(A) descriptions of actions that will be
4 taken to update the passenger motor vehicle in-
5 formation developed under subsection (a), in-
6 cluding the development of test procedures, test
7 devices, test fixtures, and safety performance
8 metrics;

9 “(B) key milestones, including the antici-
10 pated start of an action, completion of an ac-
11 tion, and effective date of an update; and

12 “(C) descriptions of how an update will im-
13 prove the passenger motor vehicle information
14 developed under subsection (a).

15 “(3) REQUIREMENTS.—In developing, imple-
16 menting, and updating the report required under
17 paragraph (1), the Secretary shall—

18 “(A) identify and prioritize features and
19 systems that meet a known safety need and for
20 which objective rating tests and evaluation cri-
21 teria exists;

22 “(B) when reasonable and in the interest
23 of improving the safety of passenger motor ve-
24 hicles, harmonize the passenger motor vehicle
25 information developed under subsection (a) with

1 other safety information programs, including
2 those administered internationally or by private
3 organizations, that provide comparisons of safe-
4 ty characteristics of passenger motor vehicles;

5 “(C) establish objective criteria, including
6 effectiveness in reducing traffic accidents and
7 deaths and injuries resulting from traffic acci-
8 dents, for the selection of safety technologies to
9 be rated;

10 “(D) conduct a review not less frequently
11 than once every 2 years to evaluate effective-
12 ness of the passenger motor vehicle information
13 produced under subsection (a) at improving the
14 safety of passenger motor vehicles; and

15 “(E) adhere to all deadlines established
16 under subsection (f).

17 “(4) PUBLIC COMMENT.—The Secretary shall
18 provide for a period of public comment and review
19 in developing the plan required under paragraph (1).

20 “(f) IMMEDIATE UPDATES TO THE 5-STAR SAFETY
21 RATING SYSTEM.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of enactment of this section, the Secretary
24 shall finalize the proceeding entitled New Car As-
25 sessment Program (80 Fed. Reg. 78521) to update

1 the passenger motor vehicle information required
2 under subsection (a).

3 “(2) CRASHWORTHINESS.—In carrying out
4 paragraph (1), the Secretary shall—

5 “(A) update the test procedures and de-
6 vices, including anthropomorphic test devices,
7 used in crashworthiness tests;

8 “(B) establish new or refine injury criteria,
9 including head, neck, chest, abdomen, pelvis,
10 upper leg and lower leg injury criteria, based on
11 real-world injuries and the greatest potential to
12 increase safety;

13 “(C) establish rear seat crashworthiness
14 tests for adult (men and women) occupants in
15 all designated seating positions;

16 “(D) establish crashworthiness tests for el-
17 derly occupants in all designated seating posi-
18 tions;

19 “(E) establish crashworthiness tests for
20 children in all rear designated seating positions
21 and ratings;

22 “(F) establish crashworthiness tests for
23 seating system performance for occupants in all
24 designated seating positions; and

1 “(G) ensure that crashworthiness tests ac-
2 count for occupancy of all designated seating
3 positions, as applicable.

4 “(3) CRASH AVOIDANCE.—In carrying out para-
5 graph (1), the Secretary shall update and create, as
6 applicable, crash avoidance tests, which shall include
7 forward automatic emergency braking, lane depart-
8 ure warning, blind spot warning, rear cross traffic
9 warning, and rear automatic emergency braking.

10 “(4) VULNERABLE ROAD USER SAFETY.—In
11 carrying out paragraph (1), the Secretary shall—

12 “(A) establish crash avoidance tests to
13 evaluate crash avoidance systems, including
14 automatic emergency braking and rear auto-
15 matic emergency braking, for crashes between a
16 passenger motor vehicle and a pedestrian, bicy-
17 clist, or other vulnerable road user; and

18 “(B) establish crashworthiness tests to
19 prevent and mitigate injury and death caused
20 by a collision between a passenger motor vehicle
21 and a pedestrian, bicyclist, or other vulnerable
22 road user, including the potential risks of inju-
23 ries to the head, pelvis, upper, and lower leg.

24 “(5) ENHANCING MOTOR VEHICLE INFORMA-
25 TION.—

1 “(A) In carrying out paragraph (1), the
2 Secretary shall—

3 “(i) create a combined overall five-star
4 vehicle rating; and

5 “(ii) create separate five-star ratings
6 for—

7 “(I) crashworthiness for adults
8 (women and men);

9 “(II) crashworthiness for elderly
10 occupants;

11 “(III) crashworthiness for chil-
12 dren;

13 “(IV) crash avoidance; and

14 “(V) pedestrian and bicyclist
15 crashworthiness and crash avoidance.

16 “(B) In developing the ratings under sub-
17 paragraph (A), the Secretary shall require that
18 a vehicle can only achieve the highest rating if
19 the systems are standard for the model.

20 “(C) The Secretary shall—

21 “(i) require manufacturers to promi-
22 nently display the five-star ratings de-
23 scribed in subparagraph (A) on Monroney
24 labels (as required by section 3 of the

1 Automobile Information Disclosure Act (15
2 U.S.C. 1232)); and

3 “(ii) publish the five-star safety rat-
4 ings for a passenger motor vehicle on a
5 publicly available and easily accessible (in-
6 cluding on mobile devices) website not later
7 than 30 days after the Secretary has pro-
8 vided a safety rating for a passenger motor
9 vehicle to the manufacturer.

10 “(D) The ratings created under this sub-
11 section shall—

12 “(i) provide consumers with easy-to-
13 understand information about vehicle safe-
14 ty;

15 “(ii) provide meaningful comparative
16 information about the safety of vehicles;
17 and

18 “(iii) provide incentives for the design
19 of safer vehicles.

20 “(6) POST-CRASH SAFETY.—

21 “(A) Not later than 2 years after the date
22 of enactment of this section, the Secretary shall
23 complete research into the development of tests
24 for the following systems—

1 “(i) automatic collision notification;
2 and

3 “(ii) advanced automatic collision no-
4 tification.

5 “(B) After completion of the research re-
6 quired under subparagraph (A), the Secretary
7 shall include each of the systems in the pas-
8 senger motor vehicle information developed
9 under subsection (a) not later than 3 years
10 after the date of enactment of this section un-
11 less the Secretary determines that doing so will
12 not improve such information.

13 “(C) If the Secretary determines that in-
14 cluding one or more of the systems in subpara-
15 graph (A) will not improve the passenger motor
16 vehicle safety information developed under sub-
17 section (a), the Secretary shall submit a report
18 describing the reasons for not including any
19 such system or systems to the Committee on
20 Energy and Commerce of the House of Rep-
21 resentatives and the Committee on Commerce,
22 Science, and Transportation of the Senate not
23 later than 3 years after the date of enactment
24 of this section. If one or more of the systems
25 is included in another safety information pro-

1 gram, including those administered by inter-
2 national or private organizations, the Secretary
3 shall detail why the tests, or substantively simi-
4 lar tests, from such other safety information
5 program were not adopted.

6 “(7) ADVANCED CRASH AVOIDANCE SYSTEMS.—

7 “(A) Not later than 2 years after the date
8 of enactment of this section, the Secretary shall
9 complete research into the development of tests
10 for the following systems—

11 “(i) lane keeping assistance;

12 “(ii) traffic jam assistance;

13 “(iii) driver distraction prevention, in-
14 cluding systems to maintain driver engage-
15 ment and methods for mitigating distrac-
16 tion from in-vehicle electronic devices;

17 “(iv) driver monitoring; and

18 “(v) intelligent speed assistance.

19 “(B) After completion of the research re-
20 quired under subparagraph (A), the Secretary
21 shall include each of the safety systems in the
22 crash avoidance rating not later than 3 years
23 after the date of enactment of this section un-
24 less the Secretary determines that doing so will

1 not improve the passenger motor vehicle safety
2 information developed under subsection (a).

3 “(C) If the Secretary determines that in-
4 cluding one or more of the safety systems in the
5 crash avoidance rating required will not im-
6 prove the passenger motor vehicle safety infor-
7 mation developed under subsection (a), the Sec-
8 retary shall, not later than 3 years after the
9 date of enactment of this section, submit a re-
10 port to the Committee on Energy and Com-
11 merce of the House of Representatives and the
12 Committee on Commerce, Science, and Trans-
13 portation of the Senate, describing the reasons
14 for not including each of the safety systems in
15 the crash avoidance rating. If one or more of
16 the safety systems is included in another safety
17 information program, including those adminis-
18 tered by international or private organizations,
19 the Secretary shall detail why the tests, or sub-
20 stantively similar tests, from such other safety
21 information program were not adopted.

22 “(8) ADVANCED DRUNK DRIVING PREVENTION
23 TECHNOLOGY.—

24 “(A) Not later than 3 years after the date
25 of enactment of this section, the Secretary shall

1 complete research into the development of tests
2 for advanced drunk driving prevention tech-
3 nology.

4 “(B) After completion of the research re-
5 quired under subparagraph (A), the Secretary
6 shall include advanced drunk driving prevention
7 technology in the crash avoidance rating not
8 later than 5 years after the date of enactment
9 of this section unless the Secretary determines
10 that doing so will not improve the passenger
11 motor vehicle safety information developed
12 under subsection (a).

13 “(C) If the Secretary determines that in-
14 cluding advanced drunk driving prevention tech-
15 nology in the crash avoidance rating will not
16 improve the passenger motor vehicle safety in-
17 formation developed under subsection (a), the
18 Secretary shall, not later than 4 years after the
19 date of enactment of this section submit a re-
20 port to the Committee on Energy and Com-
21 merce of the House of Representatives and the
22 Committee on Commerce, Science, and Trans-
23 portation of the Senate describing the reasons
24 for not including such technology in the crash
25 avoidance rating. If advanced drunk driving

1 prevention technology is included in another
2 safety information program, including those ad-
3 ministered by international or private organiza-
4 tions, the Secretary shall detail why the tests,
5 or substantively similar tests, from such other
6 safety information program were not adopted.

7 “(9) CONTINUOUS UPDATES.—

8 “(A) Not later than 2 years after com-
9 pleting the updates required under this sub-
10 section and every 2 years thereafter, the Sec-
11 retary shall—

12 “(i) update the passenger motor vehi-
13 cle information program developed under
14 subsection (a) to expand consumer access
15 to vehicles with improved safety in accord-
16 ance with the roadmap required under sub-
17 section (e); and

18 “(ii) update a test or rating estab-
19 lished pursuant to this section unless the
20 Secretary makes a determination that up-
21 dating the test or rating will not improve
22 the safety of passenger motor vehicles.

23 “(B) If the Secretary makes a determina-
24 tion that a test or rating established pursuant
25 to this section no longer improves the safety of

1 passenger motor vehicles, the Secretary shall re-
2 place or eliminate that test or rating, only if the
3 Secretary determines that a replacement test
4 will not improve the safety of passenger motor
5 vehicles. Should the Secretary make such a de-
6 termination, the Secretary shall, within 30 days
7 of making such a determination, complete and
8 submit a report to the Committee on Energy
9 and Commerce of the House of Representatives
10 and the Committee on Commerce, Science, and
11 Transportation of the Senate, providing an ex-
12 planation for such a determination.

13 “(10) REPORTING REQUIREMENT.—Should the
14 Secretary fail to meet a deadline set forth in this
15 subsection, the Secretary shall complete and submit
16 a report to the Committee on Energy and Commerce
17 of the House of Representatives and the Committee
18 on Commerce, Science, and Transportation of the
19 Senate within 30 days of such deadline, providing an
20 explanation for why the deadline was not met and a
21 detailed plan and projected timeline for completing
22 the requirement.”.

23 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to the Secretary of Trans-
25 portation \$75,000,000 for each of fiscal years 2021

1 through 2026 to carry out this section and the amend-
2 ments made by this section.

3 **SEC. 32005. ADVANCED DRUNK DRIVING PREVENTION**
4 **TECHNOLOGY.**

5 (a) REQUIREMENTS.—

6 (1) MOTOR VEHICLE SAFETY STANDARD.—Not
7 later than 18 months after the date of enactment of
8 this section, the Secretary of Transportation shall
9 issue an advanced notice of proposed rulemaking to
10 initiate a rulemaking to prescribe a motor vehicle
11 safety standard under section 30111 of title 49,
12 United States Code, that requires passenger motor
13 vehicles manufactured after the effective date of
14 such standard to be equipped with advanced drunk
15 driving prevention technology.

16 (2) NOTICE AND COMMENT.—Not later than 3
17 years after the date of enactment of this section, the
18 Secretary of Transportation shall issue a notice of
19 proposed rulemaking in order to continue the rule-
20 making proceeding required by paragraph (1).

21 (3) FINAL RULE.—

22 (A) Not later than 5 years after the date
23 of enactment of this section, the Secretary shall
24 prescribe a final rule containing the motor vehi-
25 cle safety standard required under this sub-

1 section. The final rule shall specify an effective
2 date that provides at least 2 years, and no more
3 than 3 year, to allow for manufacturing compli-
4 ance.

5 (B) If the Secretary determines that a new
6 motor vehicle safety standard required under
7 this subsection cannot meet the requirements
8 and considerations set forth in subsections (a)
9 and (b) of section 30111 of title 49, United
10 States Code, the Secretary shall submit a re-
11 port to the Committee on Energy and Com-
12 merce of the House of Representatives and the
13 Committee on Commerce, Science and Trans-
14 portation of the Senate describing the reasons
15 for not prescribing such a standard.

16 (b) DEVELOPMENT.—The Secretary shall work di-
17 rectly with manufacturers of passenger motor vehicles,
18 suppliers, safety advocates, and other interested parties,
19 including universities with expertise in automotive engi-
20 neering, to—

21 (1) accelerate the development of the advanced
22 drunk driving prevention technology required to pre-
23 scribe a motor vehicle safety standard described in
24 subsection (a); and

1 (2) ensure the integration of such technology
2 into passenger motor vehicles available for sale at
3 the earliest practicable date.

4 (c) DEFINITIONS.—In this section—

5 (1) the term “advanced drunk driving preven-
6 tion technology” means a passive system which—

7 (A) monitors a driver’s performance to
8 identify impairment of a driver;

9 (B) a system which passively detects a
10 blood alcohol level equal to and exceeding .08
11 blood alcohol content; or

12 (C) a similar system which detects impair-
13 ment and prevents or limits vehicle operation;

14 (2) the term “motor vehicle safety standard”
15 has the meaning given such term in section 30102
16 of title 49, United States Code; and

17 (3) the term “passenger motor vehicle” has the
18 meaning given such term in section 32101 of title
19 49, United States Code.

20 **SEC. 32006. LIMOUSINE COMPLIANCE WITH FEDERAL SAFE-**
21 **TY STANDARDS.**

22 (a) LIMOUSINE STANDARDS.—

23 (1) SAFETY BELT AND SEATING SYSTEM
24 STANDARDS FOR LIMOUSINES.—Not later than 2

1 years after the date of enactment of this section, the
2 Secretary shall prescribe a final rule—

3 (A) that amends Federal Motor Vehicle
4 Safety Standard Numbers 208, 209, and 210 to
5 require to be installed in limousines at each
6 designated seating position, including on side-
7 facing seats—

8 (i) an occupant restraint system con-
9 sisting of integrated lap shoulder belts; or

10 (ii) an occupant restraint system con-
11 sisting of a lap belt if the occupant protec-
12 tion system described in clause (i) does not
13 meet the need for motor vehicle safety; and

14 (B) that amends Federal Motor Vehicle
15 Safety Standard Number 207 to require lim-
16 ousines to meet standards for seats (including
17 side-facing seats), attachment assemblies, and
18 installation to minimize the possibility of their
19 failure by forces acting on them as a result of
20 vehicle impact.

21 (2) REPORT ON RETROFIT ASSESSMENT FOR
22 LIMOUSINES.—Not later than 2 years after the date
23 of enactment of this section, the Secretary shall sub-
24 mit to the Committee on Energy and Commerce of
25 the House of Representatives and the Committee on

1 Commerce, Science, and Transportation of the Sen-
2 ate a report that assesses the feasibility, benefits,
3 and costs with respect to the application of any re-
4 quirement established under paragraph (1) to a lim-
5 ousine introduced into interstate commerce before
6 the date on which the requirement applies to a lim-
7 ousine.

8 (b) SAFETY REGULATIONS OF LIMOUSINES.—Section
9 30102(a)(6) of title 49, United States Code, is amended—

10 (1) in subparagraph (A), by striking “or” at
11 the end;

12 (2) in subparagraph (B), by striking the period
13 and inserting “; or”; and

14 (3) by inserting at the end the following new
15 subparagraph:

16 “(C) modifying a passenger motor vehicle
17 that has already been purchased by the first
18 purchaser (as such term is defined in subsection
19 (b)) by increasing the wheelbase of the vehicle
20 so that the vehicle has increased seating capac-
21 ity.”.

22 (c) DEFINITIONS.—In this section the following defi-
23 nitions apply:

24 (1) CERTIFIED PASSENGER MOTOR VEHICLE.—

25 The term “certified passenger motor vehicle” means

1 a passenger motor vehicle that has been certified in
2 accordance with section 30115 of title 49, United
3 States Code, to meet all applicable Federal Motor
4 Vehicle Safety Standards.

5 (2) LIMOUSINE.—The term “limousine” means
6 a motor vehicle—

7 (A) that has a seating capacity of nine or
8 more persons (including the driver);

9 (B) with a gross vehicle weight greater
10 than 10,000 pounds but not greater than
11 26,000 pounds; and

12 (C) that the Secretary has decided by reg-
13 ulation has physical characteristics resembling a
14 passenger car or multipurpose passenger vehi-
15 cle.

16 (3) LIMOUSINE OPERATOR.—The term “lim-
17 ousine operator” means a person who owns or
18 leases, and uses, the limousine to transport pas-
19 sengers for compensation.

20 (4) LIMOUSINE REMODELER.—The term “lim-
21 ousine remodeler” means a person who alters or
22 modifies by addition, substitution, or removal of
23 components (other than readily attachable compo-
24 nents) an incomplete vehicle, a vehicle manufactured
25 in two or more stages, or a certified motor vehicle

1 before or after the first purchase of the vehicle to
2 manufacture a limousine.

3 (5) MOTOR VEHICLE.—The term “motor vehi-
4 cle” has the meaning given that term in section
5 30102(a) of title 49, United States Code.

6 (6) PASSENGER MOTOR VEHICLE.—The term
7 “passenger motor vehicle” has the meaning given
8 that term in section 32101 of title 49, United States
9 Code.

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

12 (d) LIMOUSINE COMPLIANCE WITH FEDERAL SAFE-
13 TY STANDARDS.—

14 (1) IN GENERAL.—Chapter 301 of subtitle VI
15 of title 49, United States Code, is amended by sec-
16 tion 32003, is further amended by inserting after
17 section 30131 the following new section:

18 **“§ 30132. Limousine compliance with Federal Safety**

19 **Standards**

20 “(a) REQUIREMENT.—Not later than 1 year after the
21 date of enactment of this section, a limousine remodeler
22 may not offer for sale, lease, or rent, introduce or deliver
23 for introduction into interstate commerce, or import into
24 the United States a new limousine unless the limousine
25 remodeler has provided a vehicle remodeler plan, in ac-

1 cordance with this section, to the Secretary that describes
2 how the remodeler is addressing the safety of the lim-
3 ousine. A vehicle remodeler plan shall include the fol-
4 lowing:

5 “(1) Verification and validation of compliance
6 with applicable Federal Motor Vehicle Safety Stand-
7 ards.

8 “(2) Design, quality control, manufacturing,
9 and training practices adopted by a manufacturer,
10 limousine remodeler, incomplete vehicle manufac-
11 turer, intermediate manufacturer, or final-stage
12 manufacturer.

13 “(3) Customer support guidelines, including in-
14 structions for limousine occupants to wear seatbelts
15 and limousine operators to notify occupants of the
16 date and results of the most recent inspection of the
17 limousine.

18 “(b) UPDATES.—Each manufacturer, limousine re-
19 modeler, incomplete vehicle manufacturer, intermediate
20 manufacturer, or final-stage manufacturer shall submit an
21 updated vehicle remodeler plan to the Secretary each year.

22 “(c) PUBLICLY AVAILABLE.—The Secretary shall
23 make any vehicle remodeler plan submitted pursuant to
24 subsection (a) or (b) publicly available not later than 60
25 days after the date on which the plan is received, except

1 the Secretary may not make publicly available any infor-
2 mation relating to a trade secret or other confidential
3 business information as defined in part 512 of title 49,
4 Code of Federal Regulations.

5 “(d) REVIEW.—The Secretary may inspect any vehi-
6 cle remodeler plan developed by a manufacturer, limousine
7 remodeler, incomplete vehicle manufacturer, intermediate
8 manufacturer, or final-stage manufacturer under this sec-
9 tion to enable the Secretary to decide whether the manu-
10 facturer, limousine remodeler, incomplete vehicle manufac-
11 turer, intermediate manufacturer, or final-stage manufac-
12 turer has complied, or is complying, with this chapter or
13 a regulation prescribed or order issued pursuant to this
14 chapter.

15 “(e) RULE OF CONSTRUCTION.—Nothing in this sec-
16 tion may be construed to affect discovery, subpoena, other
17 court order, or any other judicial process otherwise allowed
18 under applicable Federal or State law.

19 “(f) DEFINITIONS.—In this section the following defi-
20 nitions apply:

21 “(1) LIMOUSINE.—The term ‘limousine’ means
22 a motor vehicle—

23 “(A) that has a seating capacity of 9 or
24 more persons (including the driver);

1 “(B) with a gross vehicle weight greater
2 than 10,000 pounds but not greater than
3 26,000 pounds; and

4 “(C) that the Secretary has decided by
5 regulation has physical characteristics resem-
6 bling a passenger car or multipurpose pas-
7 senger vehicle.

8 “(2) LIMOUSINE REMODELER.—The term ‘lim-
9 ousine remodeler’ means a person who alters or
10 modifies by addition, substitution, or removal of
11 components (other than readily attachable compo-
12 nents) an incomplete vehicle, a vehicle manufactured
13 in two or more stages, or a certified motor vehicle
14 before or after the first purchase of the vehicle to
15 manufacture a limousine.

16 “(3) MOTOR VEHICLE.—The term ‘motor vehi-
17 cle’ has the meaning given that term in section
18 32101.”.

19 (2) ENFORCEMENT.—Section 30165(a)(1) of
20 title 49, United States Code, is amended by insert-
21 ing “30132,” after “30127,”.

22 (3) CONFORMING AMENDMENT.—The table of
23 section for subchapter II of chapter 301 of title 49,
24 United States Code, is further amended by adding

1 after the item relating to section 30131, as added by
2 section 2(b), the following:

“30132. Limousine compliance with federal safety standards.”.

3 (e) LIMOUSINE CRASHWORTHINESS.—

4 (1) RESEARCH.—Not later than 4 years after
5 the date of enactment of this section, the Secretary
6 shall complete research into the development of Fed-
7 eral Motor Vehicle Safety Standards for side impact
8 protection, roof crush resistance, and air bag sys-
9 tems for the protection of occupants for limousines
10 with perimeter seating positions, including perimeter
11 seating arrangements.

12 (2) RULEMAKING OR REPORT.—

13 (A) CRASHWORTHINESS STANDARDS.—Not
14 later than 2 years after the completion of the
15 research required pursuant to paragraph (1),
16 the Secretary shall prescribe final Federal
17 Motor Vehicle Safety Standards for side impact
18 protection, roof crush resistance, and air bag
19 systems for the protection of occupants for lim-
20 ousines with alternative seating positions if the
21 Secretary determines that such a standard or
22 standards meet the requirements and consider-
23 ations set forth in subsections (a) and (b) of
24 section 30111 of title 49, United States Code.

1 (B) REPORT.—If the Secretary determines
2 that a standard or standards described in sub-
3 paragraph (A) does not meet the requirements
4 and considerations set forth in subsections (a)
5 and (b) of section 30111 of title 49, United
6 States Code, the Secretary shall submit to the
7 Committee on Energy and Commerce of the
8 House of Representatives and the Committee
9 on Commerce, Science, and Transportation of
10 the Senate a report describing the reasons for
11 not prescribing the standard or standards and
12 publish the report in the Federal Register.

13 (f) LIMOUSINE EVACUATION.—

14 (1) RESEARCH.—Not later than 2 years after
15 the date of enactment of this section, the Secretary
16 shall complete research into safety features and
17 standards that aid evacuation in the event that one
18 exit in the passenger compartment of a limousine is
19 blocked.

20 (2) STANDARDS.—Not later than 3 years after
21 the date of enactment of this section, the Secretary
22 shall issue Federal Motor Vehicle Safety Standards
23 based on the results of the research under para-
24 graph (1).

25 (g) LIMOUSINE INSPECTION DISCLOSURE.—

1 (1) LIMOUSINE INSPECTION DISCLOSURE.—A
2 limousine operator may not introduce a limousine
3 into interstate commerce unless the limousine oper-
4 ator has prominently disclosed in a clear and con-
5 spicuous notice, including on the website of the oper-
6 ator if the operator has a website, that includes—

7 (A) the date of the most recent inspection
8 of the limousine required under State or Fed-
9 eral law;

10 (B) the results of the inspection; and

11 (C) any corrective action taken by the lim-
12 ousine operator to ensure the limousine passed
13 inspection.

14 (2) FEDERAL TRADE COMMISSION ENFORCE-
15 MENT.—The Commission shall enforce this sub-
16 section in the same manner, by the same means, and
17 with the same jurisdiction, powers, and duties as
18 though all applicable terms and provisions of the
19 Federal Trade Commission Act (15 U.S.C. 41 et
20 seq.) were incorporated into and made a part of this
21 section. Any person who violates this subsection
22 shall be subject to the penalties and entitled to the
23 privileges and immunities provided in the Federal
24 Trade Commission Act (15 U.S.C. 41 et seq.).

1 (3) SAVINGS PROVISION.—Nothing in this sub-
2 section shall be construed to limit the authority of
3 the Federal Trade Commission under any other pro-
4 vision of law.

5 (4) EFFECTIVE DATE.—This subsection shall
6 take effect 180 days after the date of enactment of
7 this section.

8 (h) EVENT DATA RECORDERS FOR LIMOUSINES.—

9 (1) IN GENERAL.—Not later than 2 years after
10 the date of enactment of this section, the Secretary,
11 acting through the Administrator of the National
12 Highway Traffic Safety Administration, shall issue a
13 final rule requiring the use of event data recorders
14 for limousines.

15 (2) PRIVACY PROTECTIONS.—Any standard pro-
16 mulgated under paragraph (1) pertaining to event
17 data recorder information shall comply with the col-
18 lection and sharing requirements under the FAST
19 Act (Public Law 114–94) and any other applicable
20 law.

21 **SEC. 32007. CHILD RESTRAINT SYSTEMS.**

22 (a) LABELING REQUIREMENT.—Not later than 180
23 days after the date of enactment of this section, the Ad-
24 ministrators of the National Highway Traffic Safety Ad-
25 ministration shall revise Federal motor vehicle safety

1 standard 213 prescribed under section 30111 of title 49,
2 United States Code, to require that booster seat child re-
3 straint systems (those used in motor vehicles, as defined
4 under such standard) contain a clear and conspicuous
5 label, on both the packaging of such system and attached
6 to such system the following labels:

7 (1) A label stating the following: “For use of
8 children who are over 40 lbs and four years old or
9 older”.

10 (2) A label stating the following: “Strongly rec-
11 ommended children use this seat only when they
12 reach either the height or weight limit for a child
13 harness car seat as indicated by the manufacturer”.

14 (3) On the harness package, a label stating the
15 following: “To prevent possible child injury or death
16 it is important to delay the transition from a 5-point
17 harness seat to a booster seat as long as possible,
18 until the child reaches the harness’ weight or height
19 limits as set by the manufacturer”.

20 (b) SEMI-ANNUAL REPORTING REQUIREMENT ON
21 SIDE IMPACT CRASHES.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of the enactment of this Act, and
24 every 180 days thereafter until the promulgation of
25 the final rule relating to the protection of children

1 seated in child restraint systems during side impact
2 crashes required under section 31501(a) of the Mov-
3 ing Ahead for Progress in the 21st Century Act (49
4 U.S.C. 30127 note), the Administrator of the Na-
5 tional Highway Traffic Safety Administration shall
6 submit to Congress and make publicly available on
7 the website of the Administration a report regarding
8 the current status of such rule.

9 (2) MATTERS TO BE INCLUDED.—Each report
10 required by paragraph (1) shall include, at a min-
11 imum, the following:

12 (A) The current expected timeline for the
13 promulgation of such rule.

14 (B) Any technical or administrative chal-
15 lenges delaying the promulgation of such rule.

16 (C) Any new financial resources or legisla-
17 tive authorities necessary to promulgate such
18 rule.

19 (D) The number of children injured or
20 killed in side impact crashes while restrained in
21 a 5-point harness or booster seat between the
22 date of the enactment of the Moving Ahead for
23 Progress in the 21st Century Act (Public Law
24 112–141) and the date of the report.

1 **SEC. 32008. MOTOR VEHICLE PEDESTRIAN AND CYCLIST**
2 **PROTECTION.**

3 (a) RULEMAKING.—Not later than 2 years after the
4 date of the enactment of this Act, the Secretary of Trans-
5 portation, through the Administrator of the National
6 Highway Traffic Safety Administration, shall issue a final
7 rule that—

8 (1) establishes standards for the hood and
9 bumper areas of motor vehicles, including passenger
10 cars, multipurpose passenger vehicles, trucks, and
11 buses with a gross vehicle weight rating of 4,536
12 kilograms (10,000 pounds) or less, in order to re-
13 duce the number of injuries and fatalities suffered
14 by vulnerable road users, including pedestrians and
15 cyclists, who are struck by such vehicles; and

16 (2) considers the protection of vulnerable pedes-
17 trian and cycling populations, including children and
18 older adults, and people with disabilities.

19 (b) COMPLIANCE.—The rule issued under subsection
20 (a) shall require full compliance with minimum perform-
21 ance standards established by the Secretary not later than
22 2 years after the date on which the final rule is issued.

1 **TITLE III—ENERGY AND ENVI-**
2 **RONMENT INFRASTRUCTURE**
3 **Subtitle A—Infrastructure**
4 **CHAPTER 1—DRINKING WATER**
5 **Subchapter A—PFAS Infrastructure Grant**
6 **Program**

7 **SEC. 33101. ESTABLISHMENT OF PFAS INFRASTRUCTURE**
8 **GRANT PROGRAM.**

9 Part E of the Safe Drinking Water Act (42 U.S.C.
10 300j et seq.) is amended by adding at the end the fol-
11 lowing new section:

12 **“SEC. 1459E. ASSISTANCE FOR COMMUNITY WATER SYS-**
13 **TEMS AFFECTED BY PFAS.**

14 “(a) ESTABLISHMENT.—Not later than 180 days
15 after the date of enactment of this section, the Adminis-
16 trator shall establish a program to award grants to af-
17 fected community water systems to pay for capital costs
18 associated with the implementation of eligible treatment
19 technologies.

20 “(b) APPLICATIONS.—

21 “(1) GUIDANCE.—Not later than 12 months
22 after the date of enactment of this section, the Ad-
23 ministrator shall publish guidance describing the
24 form and timing for community water systems to
25 apply for grants under this section.

1 “(2) REQUIRED INFORMATION.—The Adminis-
2 trator shall require a community water system ap-
3 plying for a grant under this section to submit—

4 “(A) information showing the presence of
5 PFAS in water of the community water system;
6 and

7 “(B) a certification that the treatment
8 technology in use by the community water sys-
9 tem at the time of application is not sufficient
10 to remove all detectable amounts of PFAS.

11 “(c) LIST OF ELIGIBLE TREATMENT TECH-
12 NOLOGIES.—Not later than 150 days after the date of en-
13 actment of this section, and every 2 years thereafter, the
14 Administrator shall publish a list of treatment tech-
15 nologies that the Administrator determines are effective
16 at removing all detectable amounts of PFAS from drink-
17 ing water.

18 “(d) PRIORITY FOR FUNDING.—In awarding grants
19 under this section, the Administrator shall prioritize af-
20 fected community water systems that—

21 “(1) serve a disadvantaged community;

22 “(2) will provide at least a 10 percent cost
23 share for the cost of implementing an eligible treat-
24 ment technology; or

1 “(3) demonstrate the capacity to maintain the
2 eligible treatment technology to be implemented
3 using the grant.

4 “(e) NO EFFECT ON CLEANUP RESPONSIBILITY.—
5 Receipt by a community water system of a grant under
6 this section shall have no effect on any responsibility of
7 the Department of Defense relating to the cleanup of the
8 applicable PFAS.

9 “(f) AUTHORIZATION OF APPROPRIATIONS.—There
10 is authorized to be appropriated to carry out this section
11 not more than \$500,000,000 for each of the fiscal years
12 2021 through 2025.

13 “(g) DEFINITIONS.—In this section:

14 “(1) AFFECTED COMMUNITY WATER SYSTEM.—
15 The term ‘affected community water system’ means
16 a community water system that is affected by the
17 presence of PFAS in the water in the community
18 water system.

19 “(2) DISADVANTAGED COMMUNITY.—The term
20 ‘disadvantaged community’ has the meaning given
21 that term in section 1452.

22 “(3) ELIGIBLE TREATMENT TECHNOLOGY.—
23 The term ‘eligible treatment technology’ means a
24 treatment technology included on the list published
25 under subsection (c).”.

1 **SEC. 33102. DEFINITION.**

2 Section 1401 of the Safe Drinking Water Act (42
3 U.S.C. 300f) is amended by adding at the end the fol-
4 lowing:

5 “(17) PFAS.—The term ‘PFAS’ means a
6 perfluoroalkyl or polyfluoroalkyl substance with at
7 least one fully fluorinated carbon atom.”.

8 **Subchapter B—Extensions**

9 **SEC. 33103. FUNDING.**

10 (a) STATE REVOLVING LOAN FUNDS.—Section
11 1452(m)(1) of the Safe Drinking Water Act (42 U.S.C.
12 300j–12(m)(1)) is amended—

13 (1) in subparagraph (B), by striking “and”;

14 (2) in subparagraph (C), by striking “2021.”
15 and inserting “2021;”; and

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

17 “(D) \$4,140,000,000 for fiscal year 2022;

18 “(E) \$4,800,000,000 for fiscal year 2023;

19 and

20 “(F) \$5,500,000,000 for each of fiscal
21 years 2024 and 2025.”.

22 (b) INDIAN RESERVATION DRINKING WATER PRO-
23 GRAM.—Section 2001(d) of America’s Water Infrastruc-
24 ture Act of 2018 (Public Law 115–270) is amended by
25 striking “2022” and inserting “2025”.

1 (c) VOLUNTARY SCHOOL AND CHILD CARE PROGRAM
2 LEAD TESTING GRANT PROGRAM.—Section 1464(d)(8) of
3 the Safe Drinking Water Act (42 U.S.C. 300j–24(d)(8))
4 is amended by striking “2021” and inserting “2025”.

5 (d) DRINKING WATER FOUNTAIN REPLACEMENT
6 FOR SCHOOLS.—Section 1465(d) of the Safe Drinking
7 Water Act (42 U.S.C. 300j–25(d)) is amended by striking
8 “2021” and inserting “2025”.

9 (e) TECHNICAL ASSISTANCE AND GRANTS.—Section
10 1433(g)(6) of the Safe Drinking Water Act (42 U.S.C.
11 300i–2(g)(6)) is amended by striking “2021” and insert-
12 ing “2025”.

13 (f) GRANTS FOR STATE PROGRAMS.—Section
14 1443(a)(7) of the Safe Drinking Water Act (42 U.S.C.
15 300j–2(a)(7)) is amended by striking “2021” and insert-
16 ing “2025”.

17 **SEC. 33104. AMERICAN IRON AND STEEL PRODUCTS.**

18 Section 1452(a)(4)(A) of the Safe Drinking Water
19 Act (42 U.S.C. 300j–12(a)(4)(A)) is amended by striking
20 “During fiscal years 2019 through 2023, funds” and in-
21 serting “Funds”.

22 **SEC. 33105. COMPREHENSIVE LEAD SERVICE LINE RE-**
23 **PLACEMENT.**

24 Section 1459B of the Safe Drinking Water Act (42
25 U.S.C. 300j–19b) is amended—

1 (1) in subsection (d)—

2 (A) by striking “\$60,000,000” and insert-
3 ing “\$4,500,000,000”; and

4 (B) by striking “2021” and inserting
5 “2025”; and

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

7 “(f) COMPREHENSIVE LEAD REDUCTION
8 PROJECTS.—

9 “(1) GRANTS.—The Administrator shall make
10 grants available to eligible entities for comprehensive
11 lead reduction projects that, notwithstanding any
12 other provision in this section, pay to fully replace
13 all lead service lines served by the eligible entity, ir-
14 respective of the ownership of the service line and
15 without requiring a contribution to the cost of re-
16 placement of any portion of the service line by any
17 individual homeowner.

18 “(2) PRIORITY.—In making grants under para-
19 graph (1), the Administrator shall give priority to el-
20 igible entities serving disadvantaged communities,
21 consistent with subsection (b)(3), and environmental
22 justice communities (with significant representation
23 of communities of color, low-income communities, or
24 Tribal and indigenous communities, that experience,

1 or are at risk of experiencing, higher or more ad-
 2 verse human health or environmental effects).

3 “(3) NO COST-SHARING.—The Federal share of
 4 the cost of a project carried out pursuant to this
 5 subsection shall be 100 percent.”.

6 **Subchapter C—Other Matters**

7 **SEC. 33106. DRINKING WATER FOUNTAIN REPLACEMENT IN**
 8 **PUBLIC PLAYGROUNDS AND PARKS.**

9 (a) IN GENERAL.—Part F of the Safe Drinking
 10 Water Act (42 U.S.C. 300j–21 et seq.) is amended by add-
 11 ing at the end the following:

12 **“SEC. 1466. DRINKING WATER FOUNTAIN REPLACEMENT IN**
 13 **PUBLIC PLAYGROUNDS AND PARKS.**

14 “(a) ESTABLISHMENT.—Not later than 1 year after
 15 the date of enactment of this section, the Administrator
 16 shall establish a grant program to provide assistance to
 17 States and municipalities for the replacement, in play-
 18 grounds or parks owned by States or municipalities, of
 19 drinking water fountains manufactured prior to 1988.

20 “(b) USE OF FUNDS.—Funds awarded under the
 21 grant program—

22 “(1) shall be used to pay the costs of replace-
 23 ment of drinking water fountains in playgrounds or
 24 parks owned by a State or municipality receiving
 25 such funds; and

1 “(2) may be used to pay the costs of monitoring
2 and reporting of lead levels in the drinking water of
3 playgrounds or parks owned by a State or municipi-
4 pality receiving such funds, as determined appro-
5 priate by the Administrator.

6 “(c) PRIORITY.—In awarding funds under the grant
7 program, the Administrator shall give priority to projects
8 and activities that benefit an underserved community or
9 a disadvantaged community.

10 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
11 is authorized to be appropriated to carry out this section
12 \$5,000,000 for each of fiscal years 2020 through 2025”.

13 (b) DEFINITIONS.—Section 1461 of the Safe Drink-
14 ing Water Act (42 U.S.C. 300j–21) is amended by adding
15 at the end the following:

16 “(8) DISADVANTAGED COMMUNITY.—The term
17 ‘disadvantaged community’ has the meaning given
18 such term in section 1452(d)(3).

19 “(9) PLAYGROUND OR PARK.—The term ‘play-
20 ground or park’ means an indoor or outdoor park,
21 building, site, or other facility, including any parking
22 lot appurtenant thereto, that is intended for recre-
23 ation purposes.

1 “(10) UNDERSERVED COMMUNITY.—The term
2 ‘underserved community’ has the meaning given
3 such term in section 1459A.”.

4 **Subchapter D—Other Matters**

5 **SEC. 33107. ASSISTANCE FOR AREAS AFFECTED BY NAT-**
6 **URAL DISASTERS.**

7 Section 2020 of America’s Water Infrastructure Act
8 of 2018 (Public Law 115–270) is amended—

9 (1) in subsection (b)(1), by striking “subsection
10 (e)(1)” and inserting “subsection (f)(1)”;

11 (2) by redesignating subsections (e) through (e)
12 as subsections (d) through (f), respectively;

13 (3) by inserting after subsection (b) the fol-
14 lowing:

15 “(c) ASSISTANCE FOR TERRITORIES.—The Adminis-
16 trator may use funds made available under subsection
17 (f)(1) to make grants to Guam, the Virgin Islands, Amer-
18 ican Samoa, and the Northern Mariana Islands for the
19 purposes of providing assistance to eligible systems to re-
20 store or increase compliance with national primary drink-
21 ing water regulations.”; and

22 (4) in subsection (f), as so redesignated—

23 (A) in the heading, by striking “STATE
24 REVOLVING FUND CAPITALIZATION”; and

25 (B) in paragraph (1)—

1 (i) in the matter preceding subpara-
2 graph (A), by inserting “and to make
3 grants under subsection (c) of this sec-
4 tion,” before “to be available”; and

5 (ii) in subparagraph (A), by inserting
6 “or subsection (c), as applicable” after
7 “subsection (b)(1)”.

8 **Subchapter E—Other Matters**

9 **SEC. 33108. ALLOTMENTS FOR TERRITORIES.**

10 Section 1452(j) of the Safe Drinking Water Act (42
11 U.S.C. 300j–12(j)) is amended by striking “0.33 percent”
12 and inserting “1.5 percent”.

13 **CHAPTER 2—GRID SECURITY AND** 14 **MODERNIZATION**

15 **SEC. 33111. 21ST CENTURY POWER GRID.**

16 (a) IN GENERAL.—The Secretary of Energy shall es-
17 tablish a program to provide financial assistance to eligible
18 partnerships to carry out projects related to the mod-
19 ernization of the electric grid, including—

20 (1) projects for the deployment of technologies
21 to improve monitoring of, advanced controls for, and
22 prediction of performance of, a distribution system;
23 and

24 (2) projects related to transmission system
25 planning and operation.

1 (b) ELIGIBLE PROJECTS.—Projects for which an eli-
2 gible partnership may receive financial assistance under
3 subsection (a)—

4 (1) shall be designed to improve the resiliency,
5 performance, or efficiency of the electric grid, while
6 ensuring the continued provision of safe, secure, reli-
7 able, and affordable power;

8 (2) may be designed to deploy a new product or
9 technology that could be used by customers of an
10 electric utility; and

11 (3) shall demonstrate—

12 (A) secure integration and management of
13 energy resources, including through distributed
14 energy generation, combined heat and power,
15 microgrids, energy storage, electric vehicles, en-
16 ergy efficiency, demand response, or control-
17 lable loads; or

18 (B) secure integration and interoperability
19 of communications and information technologies
20 related to the electric grid.

21 (c) CYBERSECURITY PLAN.—Each project carried
22 out with financial assistance provided under subsection (a)
23 shall include the development of a cybersecurity plan writ-
24 ten in accordance with guidelines developed by the Sec-
25 retary of Energy.

1 (d) PRIVACY EFFECTS ANALYSIS.—Each project car-
2 ried out with financial assistance provided under sub-
3 section (a) shall include a privacy effects analysis that
4 evaluates the project in accordance with the Voluntary
5 Code of Conduct of the Department of Energy, commonly
6 known as the “DataGuard Energy Data Privacy Pro-
7 gram”, or the most recent revisions to the privacy pro-
8 gram of the Department.

9 (e) DEFINITIONS.—In this section:

10 (1) ELIGIBLE PARTNERSHIP.—The term “eligi-
11 ble partnership” means a partnership consisting of
12 two or more entities, which—

13 (A) may include—

14 (i) any institution of higher education;

15 (ii) a National Laboratory;

16 (iii) a State or a local government or
17 other public body created by or pursuant
18 to State law;

19 (iv) an Indian Tribe;

20 (v) a Federal power marketing admin-
21 istration; or

22 (vi) an entity that develops and pro-
23 vides technology; and

24 (B) shall include at least one of any of—

25 (i) an electric utility;

1 (ii) a Regional Transmission Organi-
2 zation; or

3 (iii) an Independent System Operator.

4 (2) ELECTRIC UTILITY.—The term “electric
5 utility” has the meaning given that term in section
6 3(22) of the Federal Power Act (16 U.S.C.
7 796(22)), except that such term does not include an
8 entity described in subparagraph (B) of such sec-
9 tion.

10 (3) FEDERAL POWER MARKETING ADMINISTRA-
11 TION.—The term “Federal power marketing admin-
12 istration” means the Bonneville Power Administra-
13 tion, the Southeastern Power Administration, the
14 Southwestern Power Administration, or the Western
15 Area Power Administration.

16 (4) INDEPENDENT SYSTEM OPERATOR; RE-
17 GIONAL TRANSMISSION ORGANIZATION.—The terms
18 “Independent System Operator” and “Regional
19 Transmission Organization” have the meanings
20 given those terms in section 3 of the Federal Power
21 Act (16 U.S.C. 796).

22 (5) INSTITUTION OF HIGHER EDUCATION.—The
23 term “institution of higher education” has the
24 meaning given that term in section 101(a) of the
25 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to the Secretary of Energy
3 to carry out this section \$700,000,000 for each of fiscal
4 years 2021 through 2025, to remain available until ex-
5 pended.

6 **SEC. 33112. ENERGY EFFICIENT TRANSFORMER REBATE**
7 **PROGRAM.**

8 (a) DEFINITIONS.—In this section:

9 (1) QUALIFIED ENERGY EFFICIENT TRANS-
10 FORMER.—The term “qualified energy efficient
11 transformer” means a transformer that meets or ex-
12 ceeds the applicable energy conservation standards
13 described in the tables in subsection (b)(2) and
14 paragraphs (1) and (2) of subsection (c) of section
15 431.196 of title 10, Code of Federal Regulations (as
16 in effect on the date of enactment of this Act).

17 (2) QUALIFIED ENERGY INEFFICIENT TRANS-
18 FORMER.—The term “qualified energy inefficient
19 transformer” means a transformer with an equal
20 number of phases and capacity to a transformer de-
21 scribed in any of the tables in subsection (b)(2) and
22 paragraphs (1) and (2) of subsection (c) of section
23 431.196 of title 10, Code of Federal Regulations (as
24 in effect on the date of enactment of this Act)
25 that—

1 (A) does not meet or exceed the applicable
2 energy conservation standards described in
3 paragraph (1); and

4 (B)(i) was manufactured between January
5 1, 1985, and December 31, 2006, for a trans-
6 former with an equal number of phases and ca-
7 pacity as a transformer described in the table
8 in subsection (b)(2) of section 431.196 of title
9 10, Code of Federal Regulations (as in effect on
10 the date of enactment of this Act); or

11 (ii) was manufactured between January 1,
12 1990, and December 31, 2009, for a trans-
13 former with an equal number of phases and ca-
14 pacity as a transformer described in the table
15 in paragraph (1) or (2) of subsection (c) of that
16 section (as in effect on the date of enactment
17 of this Act).

18 (3) QUALIFIED ENTITY.—The term “qualified
19 entity” means an owner of industrial or manufac-
20 turing facilities, commercial buildings, or multifamily
21 residential buildings, a utility, or an energy service
22 company, that fulfills the requirements of subsection
23 (c).

24 (b) ESTABLISHMENT.—Not later than 90 days after
25 the date of enactment of this Act, the Secretary of Energy

1 shall establish a program to provide rebates to qualified
2 entities for expenditures made by the qualified entity for
3 the replacement of a qualified energy inefficient trans-
4 former with a qualified energy efficient transformer.

5 (c) REQUIREMENTS.—To be eligible to receive a re-
6 bate under this section, an entity shall submit to the Sec-
7 retary of Energy an application in such form, at such
8 time, and containing such information as the Secretary
9 may require, including demonstrated evidence—

10 (1) that the entity purchased a qualified energy
11 efficient transformer;

12 (2) of the core loss value of the qualified energy
13 efficient transformer;

14 (3) of the age of the qualified energy inefficient
15 transformer being replaced;

16 (4) of the core loss value of the qualified energy
17 inefficient transformer being replaced—

18 (A) as measured by a qualified professional
19 or verified by the equipment manufacturer, as
20 applicable; or

21 (B) for transformers described in sub-
22 section (a)(2)(B)(i), as selected from a table of
23 default values as determined by the Secretary
24 in consultation with applicable industry; and

1 (5) that the qualified energy inefficient trans-
2 former has been permanently decommissioned and
3 scrapped.

4 (d) AUTHORIZED AMOUNT OF REBATE.—The
5 amount of a rebate provided under this section shall be—

6 (1) for a 3-phase or single-phase transformer
7 with a capacity of not less than 10 and not greater
8 than 2,500 kilovolt-amperes, twice the amount equal
9 to the difference in watts between the core loss value
10 (as measured in accordance with paragraphs (2) and
11 (4) of subsection (c)) of—

12 (A) the qualified energy inefficient trans-
13 former; and

14 (B) the qualified energy efficient trans-
15 former; or

16 (2) for a transformer described in subsection
17 (a)(2)(B)(i), the amount determined using a table of
18 default rebate values by rated transformer output,
19 as measured in kilovolt-amperes, as determined by
20 the Secretary in consultation with applicable indus-
21 try.

22 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
23 authorized to be appropriated to carry out this section
24 \$10,000,000 for each of fiscal years 2021 through 2025,
25 to remain available until expended.

1 **SEC. 33113. INTERREGIONAL TRANSMISSION PLANNING RE-**
2 **PORT.**

3 Not later than 6 months after the date of enactment
4 of this Act, the Secretary of Energy shall submit to Con-
5 gress a report that—

6 (1) examines the effectiveness of interregional
7 transmission planning processes for identifying
8 transmission projects across regions that provide
9 economic, reliability, or operational benefits, taking
10 into consideration the public interest, the integrity of
11 markets, and the protection of consumers;

12 (2) evaluates the current architecture of re-
13 gional electricity grids (including international trans-
14 mission connections of such grids) that together
15 comprise the Nation's electricity grid, with respect
16 to—

17 (A) potential growth in renewable energy
18 generation, including energy generation from
19 offshore wind;

20 (B) potential growth in electricity demand;
21 and

22 (C) retirement of existing electricity gen-
23 eration assets;

24 (3) analyzes—

25 (A) the range of benefits that interregional
26 transmission provides;

1 (B) the impact of basing transmission
2 project approvals on a comprehensive assess-
3 ment of the multiple benefits provided;

4 (C) synchronization of processes described
5 in paragraph (1) among neighboring regions;

6 (D) how often interregional transmission
7 planning should be completed;

8 (E) whether voltage, size, or cost require-
9 ments should be a factor in the approval of
10 interregional transmission projects;

11 (F) cost allocation methodologies for inter-
12 regional transmission projects; and

13 (G) current barriers and challenges to con-
14 struction of interregional transmission projects;
15 and

16 (4) identifies potential changes, based on the
17 analysis under paragraph (3), to the processes de-
18 scribed in paragraph (1) to ensure the most effi-
19 cient, cost effective, and broadly beneficial trans-
20 mission projects are selected for construction.

21 **SEC. 33114. PROMOTING GRID STORAGE.**

22 (a) DEFINITIONS.—In this section:

23 (1) ENERGY STORAGE SYSTEM.—The term “en-
24 ergy storage system” means equipment or facilities
25 relating to the electric grid that are capable of ab-

1 sorbing and converting energy, as applicable, storing
2 the energy for a period of time, and dispatching the
3 energy, that—

4 (A) use mechanical, electrochemical, bio-
5 chemical, or thermal processes, to convert and
6 store energy that was generated at an earlier
7 time for use at a later time;

8 (B) use mechanical, electrochemical, bio-
9 chemical, or thermal processes to convert and
10 store energy generated from mechanical proc-
11 esses that would otherwise be wasted for deliv-
12 ery at a later time; or

13 (C) convert and store energy in an electric,
14 thermal, or gaseous state for direct use for
15 heating or cooling at a later time in a manner
16 that avoids the need to use electricity or other
17 fuel sources at that later time, as is offered by
18 grid-enabled water heaters.

19 (2) ELIGIBLE ENTITY.—The term “eligible enti-
20 ty” means—

21 (A) a State, territory, or possession of the
22 United States;

23 (B) a State energy office (as defined in
24 section 124(a) of the Energy Policy Act of 2005
25 (42 U.S.C. 15821(a)));

1 (C) a tribal organization (as defined in sec-
2 tion 3765 of title 38, United States Code);

3 (D) an institution of higher education (as
4 defined in section 101 of the Higher Education
5 Act of 1965 (20 U.S.C. 1001));

6 (E) an electric utility, including—

7 (i) a rural electric cooperative;

8 (ii) a political subdivision of a State,
9 such as a municipally owned electric util-
10 ity, or any agency, authority, corporation,
11 or instrumentality of one or more State po-
12 litical subdivisions; and

13 (iii) an investor-owned utility; and

14 (F) a private energy storage company that
15 is a small business concern (as defined in sec-
16 tion 3 of the Small Business Act (15 U.S.C.
17 632)).

18 (3) ISLAND MODE.—The term “island mode”
19 means a mode in which a distributed generator or
20 energy storage system continues to power a location
21 in the absence of electric power from the primary
22 source.

23 (4) MICROGRID.—The term “microgrid” means
24 an integrated energy system consisting of inter-
25 connected loads and distributed energy resources, in-

1 including generators and energy storage systems, with-
2 in clearly defined electrical boundaries that—

3 (A) acts as a single controllable entity with
4 respect to the electric grid; and

5 (B) can connect to, and disconnect from,
6 the electric grid to operate in both grid-con-
7 nected mode and island mode.

8 (5) SECRETARY.—The term “Secretary” means
9 the Secretary of Energy.

10 (b) ENERGY STORAGE RESEARCH PROGRAM.—

11 (1) IN GENERAL.—The Secretary shall establish
12 a cross-cutting national program within the Depart-
13 ment of Energy for the research of energy storage
14 systems, including components and materials of such
15 systems.

16 (2) ADDITIONAL REQUIREMENTS.—In estab-
17 lishing the program under paragraph (1), the Sec-
18 retary shall—

19 (A) identify and coordinate across all rel-
20 evant program offices throughout the Depart-
21 ment of Energy key areas of existing and future
22 research with respect to a portfolio of tech-
23 nologies and approaches;

24 (B) adopt long-term cost, performance,
25 and demonstration targets for different types of

1 energy storage systems and for use in a variety
2 of regions, including rural areas;

3 (C) incorporate considerations of sustain-
4 ability, sourcing, recycling, reuse, and disposal
5 of materials, including critical elements, in the
6 design of energy storage systems;

7 (D) identify energy storage duration needs;

8 (E) analyze the need for various types of
9 energy storage to improve electric grid resil-
10 ience and reliability; and

11 (F) support research and development of
12 advanced manufacturing technologies that have
13 the potential to improve United States competi-
14 tiveness in energy storage manufacturing.

15 (3) ESTABLISHMENT.—

16 (A) IN GENERAL.—Not later than 180
17 days after the date of enactment of this Act,
18 the Secretary shall establish within the Office of
19 Electricity of the Department of Energy a re-
20 search, development, and demonstration pro-
21 gram of grid-scale energy storage systems, in
22 accordance with this subsection.

23 (B) GOALS, PRIORITIES, COST TARGETS.—

24 The Secretary shall develop goals, priorities,
25 and cost targets for the program.

1 (4) STRATEGIC PLAN.—

2 (A) IN GENERAL.—Not later than 180
3 days after the date of enactment of this section,
4 the Secretary shall submit to the Committee on
5 Energy and Natural Resources of the Senate
6 and the Committee on Science, Space, and
7 Technology of the House of Representatives a
8 10-year strategic plan for the program.

9 (B) CONTENTS.—The strategic plan sub-
10 mitted under subparagraph (A) shall—

11 (i) identify Department of Energy
12 programs that—

13 (I) support the research and de-
14 velopment activities described in para-
15 graph (5) and the demonstration
16 projects under paragraph (3) under
17 subsection (e); and

18 (II)(aa) do not support the ac-
19 tivities or projects described in sub-
20 clause (I); but

21 (bb) are important to the devel-
22 opment of grid-scale energy storage
23 systems and the mission of the Office
24 of Electricity of the Department of

1 Energy, as determined by the Sec-
2 retary; and

3 (ii) include expected timelines for—

4 (I) the accomplishment of rel-
5 evant objectives under current pro-
6 grams of the Department of Energy
7 relating to grid-scale energy storage
8 systems; and

9 (II) the commencement of any
10 new initiatives within the Department
11 of Energy relating to grid-scale energy
12 storage systems to accomplish those
13 objectives.

14 (C) UPDATES TO PLAN.—Not less fre-
15 quently than once every 2 years, the Secretary
16 shall submit to the Committee on Energy and
17 Natural Resources of the Senate and the Com-
18 mittee on Science, Space, and Technology of
19 the House of Representatives an updated 10-
20 year strategic plan, which shall identify, and
21 provide a justification for, any major deviation
22 from a previous strategic plan submitted under
23 this paragraph.

24 (5) RESEARCH AND DEVELOPMENT.—In car-
25 rying out the program, the Secretary shall focus re-

1 search and development activities on developing cost
2 effective energy storage systems that—

3 (A)(i) to balance day-scale needs, are capa-
4 ble of highly flexible power output for not less
5 than 6 hours; and

6 (ii) have a lifetime of—

7 (I) not less than 8,000 cycles of dis-
8 charge at full output; and

9 (II) 20 years of operation;

10 (B)(i) can provide power to the electric
11 grid for durations of approximately 10 to 100
12 hours; and

13 (ii) have a lifetime of—

14 (I) not less than 1,500 cycles of dis-
15 charge at full output; and

16 (II) 20 years of operation; and

17 (C) can store energy over several months
18 and address seasonal scale variations in supply
19 and demand.

20 (6) COST TARGETS.—Cost targets developed by
21 the Secretary under paragraph (3)(B) shall—

22 (A) be for energy storage costs across all
23 types of energy storage technology; and

24 (B) include technology costs, installation
25 costs, balance of services costs, and soft costs.

1 (7) TESTING AND VALIDATION.—The Secretary
2 shall support the standardized testing and validation
3 of energy storage systems under the program
4 through collaboration with 1 or more National Lab-
5 oratories, including the development of methodolo-
6 gies to independently validate energy storage tech-
7 nologies by performance of energy storage systems
8 on the electric grid, including when appropriate,
9 testing of application-driven charge and discharge
10 protocols.

11 (8) TARGET UPDATES; SUBTARGETS.—Not less
12 frequently than once every 5 years during the 10-
13 year period beginning on the date of enactment of
14 this section, the Secretary shall—

15 (A) revise the cost targets developed under
16 paragraph (3)(B) to be more stringent, based
17 on—

18 (i) a technology-neutral approach that
19 considers all types of energy storage de-
20 ployment scenarios, including individual
21 technologies, technology combination use
22 profiles, and integrated control system ap-
23 plications;

24 (ii) input from a variety of stake-
25 holders;

1 (iii) the inclusion and use of existing
2 infrastructure; and

3 (iv) the ability to optimize the integra-
4 tion of intermittent renewable energy gen-
5 eration technology and distributed energy
6 resources; and

7 (B) establish cost subtargets for tech-
8 nologies and applications relating to the energy
9 storage systems described in paragraph (5),
10 taking into consideration—

11 (i) electricity market prices; and

12 (ii) the goal of being cost-competitive
13 in specific markets for electric grid prod-
14 ucts and services.

15 (c) TECHNICAL ASSISTANCE AND GRANT PRO-
16 GRAM.—

17 (1) ESTABLISHMENT.—

18 (A) IN GENERAL.—The Secretary shall es-
19 tablish a technical assistance and grant pro-
20 gram (referred to in this subsection as the
21 “program”)—

22 (i) to disseminate information and
23 provide technical assistance directly to eli-
24 gible entities so the eligible entities can
25 identify, evaluate, plan, design, and de-

1 velop processes to procure energy storage
2 systems; and

3 (ii) to make grants to eligible entities
4 so that the eligible entities may contract to
5 obtain technical assistance to identify,
6 evaluate, plan, design, and develop proc-
7 esses to procure energy storage systems.

8 (B) TECHNICAL ASSISTANCE.—

9 (i) IN GENERAL.—The technical as-
10 sistance described in subparagraph (A)
11 shall include assistance with one or more
12 of the following activities relating to energy
13 storage systems:

14 (I) Identification of opportunities
15 to use energy storage systems.

16 (II) Assessment of technical and
17 economic characteristics.

18 (III) Utility interconnection.

19 (IV) Permitting and siting issues.

20 (V) Business planning and finan-
21 cial analysis.

22 (VI) Engineering design.

23 (ii) EXCLUSION.—The technical as-
24 sistance described in subparagraph (A)
25 shall not include assistance relating to

1 modification of Federal, State, or local reg-
2 ulations or policies relating to energy stor-
3 age systems.

4 (C) INFORMATION DISSEMINATION.—The
5 information dissemination under subparagraph
6 (A)(i) shall include dissemination of—

7 (i) information relating to the topics
8 described in subparagraph (B), including
9 case studies of successful examples;

10 (ii) computer software for assessment,
11 design, and operation and maintenance of
12 energy storage systems; and

13 (iii) public databases that track the
14 operation of existing and planned energy
15 storage systems.

16 (2) APPLICATIONS.—

17 (A) IN GENERAL.—An eligible entity desir-
18 ing technical assistance or grants under the
19 program shall submit to the Secretary an appli-
20 cation at such time, in such manner, and con-
21 taining such information as the Secretary may
22 require.

23 (B) APPLICATION PROCESS.—The Sec-
24 retary shall seek applications for technical as-
25 sistance and grants under the program—

- 1 (i) on a competitive basis; and
2 (ii) on a periodic basis, but not less
3 frequently than once every 12 months.

4 (C) PRIORITIES.—In selecting eligible enti-
5 ties for technical assistance and grants under
6 the program, the Secretary shall give priority to
7 eligible entities with projects that have the
8 greatest potential for—

9 (i) strengthening the reliability of en-
10 ergy infrastructure and the resilience of
11 energy infrastructure to the effects of ex-
12 treme weather events, power grid failures,
13 and interruptions in supply of fossil fuels;

14 (ii) reducing the cost of energy stor-
15 age systems;

16 (iii) facilitating the use of renewable
17 energy resources;

18 (iv) minimizing environmental impact,
19 including regulated air pollutants and
20 greenhouse gas emissions;

21 (v) improving the feasibility of
22 microgrids or islanding, particularly in
23 rural areas, including rural areas with high
24 energy costs; and

25 (vi) maximizing local job creation.

1 (3) GRANTS.—On application by an eligible en-
2 tity, the Secretary may award grants to the eligible
3 entity to provide funds to cover not more than—

4 (A) 100 percent of the costs of carrying
5 out an initial assessment to identify net system
6 benefits of using energy storage systems;

7 (B) 75 percent of the cost of obtaining
8 guidance relating to methods to assess energy
9 storage in long-term resource planning and re-
10 source procurement;

11 (C) 60 percent of the cost of carrying out
12 studies to assess the cost-benefit ratio of energy
13 storage systems; and

14 (D) 50 percent of the cost of obtaining
15 guidance on complying with State and local reg-
16 ulatory technical standards, including siting
17 and permitting standards.

18 (4) RULES AND PROCEDURES.—

19 (A) RULES.—Not later than 180 days
20 after the date of enactment of this Act, the Sec-
21 retary shall, by rule, establish procedures for
22 carrying out the program.

23 (B) GRANTS.—Not later than 120 days
24 after the date on which the Secretary estab-
25 lishes procedures for the program under sub-

1 paragraph (A), the Secretary shall issue grants
2 under this subsection.

3 (5) REPORTS.—The Secretary shall submit to
4 Congress and make available to the public—

5 (A) not less frequently than once every 2
6 years, a report describing the performance of
7 the program under this subsection, including a
8 synthesis and analysis of any information the
9 Secretary requires grant recipients to provide to
10 the Secretary as a condition of receiving a
11 grant; and

12 (B) on termination of the program under
13 this subsection, an assessment of the success of,
14 and education provided by, the measures car-
15 ried out by eligible entities under the program.

16 (d) DEPARTMENT OF ENERGY WORKSHOPS.—The
17 Secretary shall hold one or more workshops during each
18 of calendar years 2021 and 2023 to facilitate the sharing,
19 across the Department of Energy, the States, local and
20 Tribal governments, industry, and the academic research
21 community, of research developments and new technical
22 knowledge gained in carrying out subsections (b) and (c).

23 (e) ENERGY STORAGE SYSTEM DEMONSTRATION
24 PROGRAM.—

25 (1) ENERGY STORAGE GRANT PROGRAM.—

1 (A) ESTABLISHMENT.—The Secretary
2 shall establish a competitive grant program for
3 pilot energy storage systems, as identified by
4 the Secretary, that use either—

5 (i) a single system; or

6 (ii) aggregations of multiple systems.

7 (B) SELECTION REQUIREMENTS.—In se-
8 lecting eligible entities to receive a grant under
9 this subsection, the Secretary shall, to the max-
10 imum extent practicable—

11 (i) ensure regional diversity among el-
12 igible entities that receive the grants, in-
13 cluding participation by rural States and
14 small States;

15 (ii) ensure that specific projects se-
16 lected for grants—

17 (I) expand on the existing tech-
18 nology demonstration programs of the
19 Department of Energy; and

20 (II) are designed to achieve one
21 or more of the objectives described in
22 subparagraph (C);

23 (iii) prioritize projects from eligible
24 entities that do not have an energy storage
25 system;

1 (iv) give consideration to proposals
2 from eligible entities for securing energy
3 storage through competitive procurement
4 or contracts for service;

5 (v) prioritize projects that coordinate
6 with the local incumbent electric utility for
7 in-front-of-the-meter projects that do not
8 formally involve an electric utility; and

9 (vi) prioritize projects that leverage
10 matching funds from non-Federal sources.

11 (C) OBJECTIVES.—Each demonstration
12 project selected for a grant under subparagraph
13 (A) shall include one or more of the following
14 objectives:

15 (i) To improve the security and resil-
16 iency of critical infrastructure and emer-
17 gency response systems.

18 (ii) To improve the reliability of the
19 electricity transmission and distribution
20 system, particularly in rural areas, includ-
21 ing rural areas with high energy costs.

22 (iii) To optimize electricity trans-
23 mission or distribution system operation
24 and power quality to defer or avoid costs
25 of replacing or upgrading electric grid in-

1 frastructure, including transformers and
2 substations.

3 (iv) To supply energy at peak periods
4 of demand on the electric grid or during
5 periods of significant variation of electric
6 grid supply.

7 (v) To reduce peak residential and
8 commercial loads, particularly to defer or
9 avoid investments in new electric grid ca-
10 pacity.

11 (vi) To advance power conversion sys-
12 tems to make the systems internet-con-
13 nected, more efficient, able to communicate
14 with other inverters, and able to control
15 voltage.

16 (vii) To provide ancillary services for
17 grid stability and management.

18 (viii) To integrate a renewable energy
19 resource production source into the grid at
20 the source or away from the source.

21 (ix) To increase the feasibility of
22 microgrids or islanding.

23 (x) To enable the use of stored energy
24 in forms other than electricity to support

1 the natural gas system and other industrial
2 processes.

3 (D) RESTRICTION ON USE OF FUNDS.—

4 Any eligible entity that receives a grant under
5 subparagraph (A) may only use the grant to
6 fund programs relating to the demonstration of
7 energy storage systems connected to the electric
8 grid, including energy storage systems sited be-
9 hind a customer revenue meter.

10 (E) FUNDING LIMITATIONS.—

11 (i) FEDERAL COST SHARE.—The Fed-
12 eral cost share of a project carried out
13 with a grant under subparagraph (A) shall
14 be not more than 50 percent of the total
15 costs incurred in connection with the devel-
16 opment, construction, acquisition of com-
17 ponents for, or engineering of a dem-
18 onstration project.

19 (ii) MAXIMUM GRANT.—The max-
20 imum amount of a grant awarded under
21 subparagraph (A) shall be \$5,000,000.

22 (F) NO PROJECT OWNERSHIP INTEREST.—

23 The United States shall hold no equity or other
24 ownership interest in an energy storage system

1 for which a grant is provided under subpara-
2 graph (A).

3 (G) COMPARABLE WAGE RATES.—Each la-
4 borer and mechanic employed by a contractor
5 or subcontractor in performance of construction
6 work financed, in whole or in part, by the grant
7 shall be paid wages at rates not less than the
8 rates prevailing on similar construction in the
9 locality as determined by the Secretary of
10 Labor in accordance with subchapter IV of
11 chapter 31 of title 40, United States Code.

12 (2) RULES AND PROCEDURES; AWARDING OF
13 GRANTS.—

14 (A) RULES AND PROCEDURES.—Not later
15 than 180 days after the date of enactment of
16 this Act, the Secretary shall, by rule, establish
17 procedures for carrying out the grant program
18 under paragraph (1).

19 (B) AWARDING OF GRANTS.—Not later
20 than 1 year after the date on which the Sec-
21 retary establishes procedures under subpara-
22 graph (A), the Secretary shall award the initial
23 grants provided under this subsection.

24 (3) REPORTS.—The Secretary shall submit to
25 Congress and make publicly available—

1 (A) not less frequently than once every 2
2 years for the duration of the grant program
3 under paragraph (1), a report describing the
4 performance of the grant program, including a
5 synthesis and analysis of any information the
6 Secretary requires grant recipients to provide to
7 the Secretary as a condition of receiving a
8 grant; and

9 (B) on termination of the grant program
10 under paragraph (1), an assessment of the suc-
11 cess of, and education provided by, the meas-
12 ures carried out by grant recipients under the
13 grant program.

14 (4) DEMONSTRATION PROJECTS.—

15 (A) IN GENERAL.—Not later than Sep-
16 tember 30, 2023, under the program, the Sec-
17 retary shall, to the maximum extent practicable,
18 enter into agreements to carry out not more
19 than 5 grid-scale energy storage system dem-
20 onstration projects.

21 (B) OBJECTIVES.—Each demonstration
22 project carried out under subparagraph (A)
23 shall be designed to further the development of
24 the energy storage systems described in sub-
25 section (b)(5).

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated—

3 (1) for each of fiscal years 2021 through 2025,
4 \$175,000,000 to carry out subsection (b);

5 (2) for the period of fiscal years 2021 through
6 2025, \$100,000,000 to carry out subsection (c), to
7 remain available until expended; and

8 (3) for the period of fiscal years 2021 through
9 2025, \$150,000,000 to carry out subsection (e), to
10 remain available until expended.

11 **SEC. 33115. EXPANDING ACCESS TO SUSTAINABLE ENERGY.**

12 (a) DEFINITIONS.—In this section:

13 (1) ELIGIBLE ENTITY.—The term “eligible enti-
14 ty” means—

15 (A) a rural electric cooperative; or

16 (B) a nonprofit organization working with
17 at least six or more rural electric cooperatives.

18 (2) ENERGY STORAGE.—The term “energy
19 storage” means the use of equipment or facilities re-
20 lating to the electric grid that are capable of absorb-
21 ing and converting energy, as applicable, storing the
22 energy for a period of time, and dispatching the en-
23 ergy, that—

24 (A) use mechanical, electrochemical, bio-
25 chemical, or thermal processes, to convert and

1 store energy that was generated at an earlier
2 time for use at a later time;

3 (B) use mechanical, electrochemical, bio-
4 chemical, or thermal processes to convert and
5 store energy generated from mechanical proc-
6 esses that would otherwise be wasted for deliv-
7 ery at a later time; or

8 (C) convert and store energy in an electric,
9 thermal, or gaseous state for direct use for
10 heating or cooling at a later time in a manner
11 that avoids the need to use electricity or other
12 fuel sources at that later time, as is offered by
13 grid-enabled water heaters.

14 (3) ISLAND.—The term “island mode” means a
15 mode in which a distributed generator or energy
16 storage device continues to power a location in the
17 absence of electric power from the primary source.

18 (4) MICROGRID.—The term “microgrid” means
19 an interconnected system of loads and distributed
20 energy resources, including generators and energy
21 storage devices, within clearly defined electrical
22 boundaries that—

23 (A) acts as a single controllable entity with
24 respect to the electric grid; and

1 (B) can connect to, and disconnect from,
2 the electric grid to operate in both grid-con-
3 nected mode and island mode.

4 (5) RENEWABLE ENERGY SOURCE.—The term
5 “renewable energy source” has the meaning given
6 the term in section 609(a) of the Public Utility Reg-
7 ulatory Policies Act of 1978 (7 U.S.C. 918c(a)).

8 (6) RURAL ELECTRIC COOPERATIVE.—The term
9 “rural electric cooperative” means an electric coop-
10 erative (as defined in section 3 of the Federal Power
11 Act (16 U.S.C. 796)) that sells electric energy to
12 persons in rural areas.

13 (7) SECRETARY.—The term “Secretary” means
14 the Secretary of Energy.

15 (b) ENERGY STORAGE AND MICROGRID ASSISTANCE
16 PROGRAM.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of enactment of this Act, the Sec-
19 retary shall establish a program under which the
20 Secretary shall—

21 (A) provide grants to eligible entities under
22 paragraph (3);

23 (B) provide technical assistance to eligible
24 entities under paragraph (4); and

1 (C) disseminate information to eligible en-
2 tities on—

3 (i) the activities described in para-
4 graphs (3)(A) and (4); and

5 (ii) potential and existing energy stor-
6 age and microgrid projects.

7 (2) COOPERATIVE AGREEMENT.—The Secretary
8 may enter into a cooperative agreement with an eli-
9 gible entity to carry out paragraph (1).

10 (3) GRANTS.—

11 (A) IN GENERAL.—The Secretary shall
12 award grants to eligible entities for identifying,
13 evaluating, designing, and demonstrating en-
14 ergy storage and microgrid projects that utilize
15 energy from renewable energy sources.

16 (B) APPLICATION.—To be eligible to re-
17 ceive a grant under subparagraph (A), an eligi-
18 ble entity shall submit to the Secretary an ap-
19 plication at such time, in such manner, and
20 containing such information as the Secretary
21 may require.

22 (C) USE OF GRANT.—An eligible entity
23 that receives a grant under subparagraph (A)—

24 (i) shall use the grant—

- 1 (I) to conduct feasibility studies
2 to assess the potential for implemen-
3 tation or improvement of energy stor-
4 age or microgrid projects;
- 5 (II) to analyze and implement
6 strategies to overcome barriers to en-
7 ergy storage or microgrid project im-
8 plementation, including financial, con-
9 tracting, siting, and permitting bar-
10 riers;
- 11 (III) to conduct detailed engi-
12 neering of energy storage or microgrid
13 projects;
- 14 (IV) to perform a cost-benefit
15 analysis with respect to an energy
16 storage or microgrid project;
- 17 (V) to plan for both the short-
18 and long-term inclusion of energy
19 storage or microgrid projects into the
20 future development plans of the eligi-
21 ble entity; or
- 22 (VI) to purchase and install nec-
23 essary equipment, materials, and sup-
24 plies for demonstration of emerging
25 technologies; and

1 (ii) may use the grant to obtain tech-
2 nical assistance from experts in carrying
3 out the activities described in clause (i).

4 (D) CONDITION.—As a condition of receiv-
5 ing a grant under subparagraph (A), an eligible
6 entity shall—

7 (i) implement a public awareness cam-
8 paign, in coordination with the Secretary,
9 about the project implemented under the
10 grant in the community in which the eligi-
11 ble entity is located;

12 (ii) submit to the Secretary, and make
13 available to the public, a report that de-
14 scribes—

15 (I) any energy cost savings and
16 environmental benefits achieved under
17 the project; and

18 (II) the results of the project, in-
19 cluding quantitative assessments to
20 the extent practicable, associated with
21 each activity described in subpara-
22 graph (C)(i); and

23 (iii) create and disseminate tools and
24 resources that will benefit other rural elec-
25 tric cooperatives, which may include cost

1 calculators, guidebooks, handbooks, tem-
2 plates, and training courses.

3 (E) COST-SHARE.—Activities under this
4 paragraph shall be subject to the cost-sharing
5 requirements of section 988 of the Energy Pol-
6 icy Act of 2005 (42 U.S.C. 16352).

7 (4) TECHNICAL ASSISTANCE.—

8 (A) IN GENERAL.—In carrying out the
9 program established under paragraph (1), the
10 Secretary shall provide eligible entities with
11 technical assistance relating to—

12 (i) identifying opportunities for energy
13 storage and microgrid projects;

14 (ii) understanding the technical and
15 economic characteristics of energy storage
16 or microgrid projects;

17 (iii) understanding financing alter-
18 natives;

19 (iv) permitting and siting issues;

20 (v) obtaining case studies of similar
21 and successful energy storage or microgrid
22 projects;

23 (vi) reviewing and obtaining computer
24 software for assessment, design, and oper-

1 ation and maintenance of energy storage
2 or microgrid systems; and

3 (vii) understanding and utilizing the
4 reliability and resiliency benefits of energy
5 storage and microgrid projects.

6 (B) EXTERNAL CONTRACTS.—In carrying
7 out subparagraph (A), the Secretary may enter
8 into contracts with third-party experts, includ-
9 ing engineering, finance, and insurance experts,
10 to provide technical assistance to eligible enti-
11 ties relating to the activities described in such
12 subparagraph, or other relevant activities, as
13 determined by the Secretary.

14 (c) AUTHORIZATION OF APPROPRIATIONS.—

15 (1) IN GENERAL.—There is authorized to be
16 appropriated to carry out this section \$5,000,000 for
17 each of fiscal years 2021 through 2025.

18 (2) ADMINISTRATIVE COSTS.—Not more than 5
19 percent of the amount appropriated under para-
20 graph (1) for each fiscal year shall be used for ad-
21 ministrative expenses.

22 **SEC. 33116. INTERREGIONAL TRANSMISSION PLANNING**
23 **RULEMAKING.**

24 (a) IN GENERAL.—Not later than 6 months after the
25 date of the enactment of this section, the Federal Energy

1 Regulatory Commission (hereinafter referred to as “the
2 Commission”) shall initiate a rulemaking to increase the
3 effectiveness of the interregional transmission planning
4 process.

5 (b) ASSESSMENT.—In conducting the rulemaking
6 under subsection (a), the Commission shall assess—

7 (1) the effectiveness of interregional trans-
8 mission planning processes for identifying trans-
9 mission planning solutions that provide economic, re-
10 liability, operation, and public policy benefits, taking
11 into consideration—

12 (A) the public interest;

13 (B) the integrity of markets; and

14 (C) the protection of consumers; and

15 (2) proposed changes to the processes described
16 in paragraph (1) to ensure that efficient, cost-effec-
17 tive, and broadly beneficial transmission solutions
18 are selected for construction, taking into consider-
19 ation—

20 (A) the public interest;

21 (B) the integrity of markets;

22 (C) the protection of consumers; and

23 (D) the range of benefits that interregional
24 transmission provides.

1 (c) EMPHASIS.—In conducting the rulemaking under
2 subsection (a), the Commission shall develop rules that
3 emphasize—

4 (1) the need for a solution to secure approval
5 based on a comprehensive assessment of the multiple
6 benefits the solution is expected to provide;

7 (2) that interregional benefit analyses made be-
8 tween multiple regions should not be subject to reas-
9 sessment by a single regional entity;

10 (3) the importance of synchronizing the plan-
11 ning processes between regions that neighbor one
12 another, including using one timeline with a single
13 set of needs, input assumptions, and benefit metrics;

14 (4) that evaluation of long-term scenarios
15 should align with the expected life of an inter-
16 regional transmission solution;

17 (5) that transmission planning authorities
18 should allow for the identification and joint evalua-
19 tion between regions of alternative proposals;

20 (6) that the interregional transmission planning
21 process should take place not less frequently than
22 once every 3 years;

23 (7) the elimination of arbitrary voltage, size, or
24 cost requirements for an interregional transmission
25 solution; and

1 (8) cost allocation methodologies that reflect
2 the multiple benefits provided by an interregional
3 transmission solution.

4 (d) TIMING.—Not later than 18 months after the
5 date of the enactment of this section, the Commission
6 shall complete the rulemaking initiated under subsection
7 (a).

8 (e) DEFINITIONS.—In this section:

9 (1) INTERREGIONAL BENEFIT ANALYSIS.—The
10 term “interregional benefit analysis” means the
11 identification and evaluation of the estimated bene-
12 fits of interregional transmission facilities in two or
13 more neighboring transmission planning regions to
14 meet the needs for transmission system reliability,
15 resilience, economic, and public policy requirements.

16 (2) INTERREGIONAL TRANSMISSION PLANNING
17 PROCESS.—The term “interregional transmission
18 planning process” means an evaluation of trans-
19 mission needs established by public utility trans-
20 mission providers in two or more neighboring trans-
21 mission planning regions that are jointly evaluated
22 by those regions.

23 (3) INTERREGIONAL TRANSMISSION SOLU-
24 TION.—The term “interregional transmission solu-
25 tion” means an interregional transmission facility

1 that is evaluated by two or more neighboring trans-
2 mission planning regions and determined by each of
3 those regions for the ability of the project to effi-
4 ciently or cost effectively meet regional transmission
5 needs or to provide substantial benefits that are not
6 addressed in either of the region’s regional planning
7 processes.

8 (4) TRANSMISSION PLANNING AUTHORITY.—
9 The term “transmission planning authority” means
10 the public utility transmission provider within a
11 transmission planning region that is required to cre-
12 ate a regional transmission plan that identifies
13 transmission facilities and nontransmission alter-
14 natives needed to meet regional needs.

15 (5) TRANSMISSION PLANNING REGIONS.—The
16 term “transmission planning regions” means the
17 transmission planning regions recognized by the
18 Commission as compliant with the final rule entitled
19 “Transmission Planning and Cost Allocation by
20 Transmission Owning and Operating Public Utili-
21 ties” located at part 35 of title 18, Code of Federal
22 Regulations (or any successor regulation).

1 **CHAPTER 3—CONTROLLING METHANE**
2 **LEAKS FROM PIPELINES**
3 **SEC. 33121. IMPROVING THE NATURAL GAS DISTRIBUTION**
4 **SYSTEM.**

5 (a) PROGRAM.—The Secretary of Energy shall estab-
6 lish a grant program to provide financial assistance to
7 States to offset the incremental rate increases paid by low-
8 income households resulting from the implementation of
9 State-approved infrastructure replacement, repair, and
10 maintenance programs designed to accelerate the nec-
11 essary replacement, repair, or maintenance of natural gas
12 distribution systems.

13 (b) DATE OF ELIGIBILITY.—Awards may be provided
14 under this section to offset rate increases described in sub-
15 section (a) occurring on or after the date of enactment
16 of this Act.

17 (c) PRIORITIZATION.—The Secretary shall collabo-
18 rate with States to prioritize the distribution of grants
19 made under this section. At a minimum, the Secretary
20 shall consider prioritizing the distribution of grants to
21 States which have—

22 (1) authorized or adopted enhanced infrastruc-
23 ture replacement programs or innovative rate recov-
24 ery mechanisms, such as infrastructure cost trackers
25 and riders, infrastructure base rate surcharges, de-

1 ferred regulatory asset programs, and earnings sta-
2 bility mechanisms; and

3 (2) a viable means for delivering financial as-
4 sistance to low-income households.

5 (d) AUDITING AND REPORTING REQUIREMENTS.—

6 The Secretary shall establish auditing and reporting re-
7 quirements for States with respect to the performance of
8 eligible projects funded pursuant to grants awarded under
9 this section.

10 (e) PREVAILING WAGES.—All laborers and mechanics

11 employed by contractors or subcontractors in the perform-
12 ance of construction, alteration, or repair work assisted,
13 in whole or in part, by a grant under this section shall
14 be paid wages at rates not less than those prevailing on
15 similar construction in the locality as determined by the
16 Secretary of Labor in accordance with subchapter IV of
17 chapter 31 of title 40. With respect to the labor standards
18 in this subsection, the Secretary of Labor shall have the
19 authority and functions set forth in Reorganization Plan
20 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and
21 section 3145 of title 40.

22 (f) DEFINITIONS.—In this section:

23 (1) INNOVATIVE RATE RECOVERY MECHA-
24 NISMS.—The term “innovative rate recovery mecha-
25 nisms” means rate structures that allow State public

1 utility commissions to modify tariffs and recover
2 costs of investments in utility replacement incurred
3 between rate cases.

4 (2) LOW-INCOME HOUSEHOLD.—The term
5 “low-income household” means a household that is
6 eligible to receive payments under section 2605(b)(2)
7 of the Low-Income Home Energy Assistance Act of
8 1981 (42 U.S.C. 8624(b)(2)).

9 (g) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Secretary
11 \$250,000,000 to carry out this section in each fiscal year
12 beginning in fiscal year 2021 and ending in fiscal year
13 2025.

14 **CHAPTER 4—RENEWABLE ENERGY**

15 **SEC. 33131. GRANT PROGRAM FOR SOLAR INSTALLATIONS**

16 **LOCATED IN, OR THAT SERVE, LOW-INCOME** 17 **AND UNDERSERVED AREAS.**

18 (a) DEFINITIONS.—In this section:

19 (1) BENEFICIARY.—The term “beneficiary”
20 means a low-income household or a low-income
21 household in an underserved area.

22 (2) COMMUNITY SOLAR FACILITY.—The term
23 “community solar facility” means a solar generating
24 facility that—

1 (A) through a voluntary program, has mul-
2 tiple subscribers that receive financial benefits
3 that are directly attributable to the facility;

4 (B) has a nameplate rating of 5 megawatts
5 AC or less; and

6 (C) is located in the utility distribution
7 service territory of subscribers.

8 (3) COMMUNITY SOLAR SUBSCRIPTION.—The
9 term “community solar subscription” means a share
10 in the capacity, or a proportional interest in the elec-
11 tricity generation, of a community solar facility.

12 (4) COVERED FACILITY.—The term “covered
13 facility” means—

14 (A) a community solar facility—

15 (i) that is located in an underserved
16 area; or

17 (ii) at least 50 percent of the capacity
18 of which is reserved for low-income house-
19 holds;

20 (B) a solar generating facility located at a
21 residence of a low-income household; or

22 (C) a solar generating facility located at a
23 multi-family affordable housing complex.

24 (5) COVERED STATE.—The term “covered
25 State” means a State with processes in place to en-

1 sure that covered facilities deliver financial benefits
2 to low-income households.

3 (6) ELIGIBLE ENTITY.—The term “eligible enti-
4 ty” means—

5 (A) a nonprofit organization that provides
6 services to low-income households or multi-fam-
7 ily affordable housing complexes;

8 (B) a developer, owner, or operator of a
9 community solar facility that reserves a portion
10 of the capacity of the facility for subscribers
11 who are members of low-income households or
12 for low-income households that otherwise finan-
13 cially benefit from the facility;

14 (C) a covered State, or political subdivision
15 thereof;

16 (D) an Indian Tribe or a tribally owned
17 electric utility;

18 (E) a Native Hawaiian community-based
19 organization;

20 (F) any other national or regional entity
21 that has experience developing or installing
22 solar generating facilities for low-income house-
23 holds that maximize financial benefits to those
24 households; and

1 (G) an electric cooperative or municipal
2 electric utility (as such terms are defined in sec-
3 tion 3 of the Federal Power Act).

4 (7) ELIGIBLE INSTALLATION PROJECT.—The
5 term “eligible installation project” means a project
6 to install a covered facility in a covered State.

7 (8) ELIGIBLE PLANNING PROJECT.—The term
8 “eligible planning project” means a project to carry
9 out pre-installation activities for the development of
10 a covered facility in a covered State.

11 (9) ELIGIBLE PROJECT.—The term “eligible
12 project” means—

13 (A) an eligible planning project; or

14 (B) an eligible installation project.

15 (10) FEASIBILITY STUDY.—The term “feasi-
16 bility study” means any activity to determine the
17 feasibility of a specific solar generating facility, in-
18 cluding a customer interest assessment and a siting
19 assessment, as determined by the Secretary.

20 (11) INDIAN TRIBE.—The term “Indian Tribe”
21 means any Indian Tribe, band, nation, or other or-
22 ganized group or community, including any Alaska
23 Native village, Regional Corporation, or Village Cor-
24 poration (as defined in, or established pursuant to,
25 the Alaska Native Claims Settlement Act (43 U.S.C.

1 1601 et seq.), that is recognized as eligible for the
2 special programs and services provided by the
3 United States to Indians because of their status as
4 Indians.

5 (12) INTERCONNECTION SERVICE.—The term
6 “interconnection service” has the meaning given
7 such term in section 111(d)(15) of the Public Utility
8 Regulatory Policies Act of 1978 (16 U.S.C.
9 2621(d)(15)).

10 (13) LOW-INCOME HOUSEHOLD.—The term
11 “low-income household” means that income in rela-
12 tion to family size which—

13 (A) is at or below 200 percent of the pov-
14 erty level determined in accordance with criteria
15 established by the Director of the Office of
16 Management and Budget, except that the Sec-
17 retary may establish a higher level if the Sec-
18 retary determines that such a higher level is
19 necessary to carry out the purposes of this sec-
20 tion;

21 (B) is the basis on which cash assistance
22 payments have been paid during the preceding
23 12-month period under titles IV and XVI of the
24 Social Security Act (42 U.S.C. 601 et seq.,

1 1381 et seq.) or applicable State or local law;
2 or

3 (C) if a State elects, is the basis for eligi-
4 bility for assistance under the Low-Income
5 Home Energy Assistance Act of 1981 (42
6 U.S.C. 8621 et seq.), provided that such basis
7 is at least 200 percent of the poverty level de-
8 termined in accordance with criteria established
9 by the Director of the Office of Management
10 and Budget.

11 (14) MULTI-FAMILY AFFORDABLE HOUSING
12 COMPLEX.—The term “multi-family affordable hous-
13 ing complex” means any federally subsidized afford-
14 able housing complex in which at least 50 percent of
15 the units are reserved for low-income households.

16 (15) NATIVE HAWAIIAN COMMUNITY-BASED OR-
17 GANIZATION.—The term “Native Hawaiian commu-
18 nity-based organization” means any organization
19 that is composed primarily of Native Hawaiians
20 from a specific community and that assists in the
21 social, cultural, and educational development of Na-
22 tive Hawaiians in that community.

23 (16) PROGRAM.—The term “program” means
24 the program established under subsection (b).

1 (17) SECRETARY.—The term “Secretary”
2 means the Secretary of Energy.

3 (18) SOLAR GENERATING FACILITY.—The term
4 “solar generating facility” means—

5 (A) a generator that creates electricity
6 from light photons; and

7 (B) the accompanying hardware enabling
8 that electricity to flow—

9 (i) onto the electric grid;

10 (ii) into a facility or structure; or

11 (iii) into an energy storage device.

12 (19) STATE.—The term “State” means each of
13 the 50 States, the District of Columbia, Guam, the
14 Commonwealth of Puerto Rico, the Northern Mar-
15 iana Islands, the Virgin Islands, and American
16 Samoa.

17 (20) SUBSCRIBER.—The term “subscriber”
18 means a person who—

19 (A) owns a community solar subscription,
20 or an equivalent unit or share of the capacity
21 or generation of a community solar facility; or

22 (B) financially benefits from a community
23 solar facility, even if the person does not own
24 a community solar subscription for the facility.

1 (21) UNDERSERVED AREA.—The term “under-
2 served area” means—

3 (A) a geographical area with low or no
4 photovoltaic solar deployment, as determined by
5 the Secretary;

6 (B) a geographical area that has low or no
7 access to electricity, as determined by the Sec-
8 retary;

9 (C) a geographical area with an average
10 annual residential retail electricity price that
11 exceeds the national average annual residential
12 retail electricity price (as reported by the En-
13 ergy Information Agency) by 50 percent or
14 more; or

15 (D) trust land, as defined in section 3765
16 of title 38, United States Code.

17 (b) ESTABLISHMENT.—The Secretary shall establish
18 a program to provide financial assistance to eligible enti-
19 ties—

20 (1) carry out planning projects that are nec-
21 essary to establish the feasibility, obtain required
22 permits, identify beneficiaries, or secure subscribers
23 to install a covered facility; or

24 (2) install a covered facility for beneficiaries in
25 accordance with this section.

1 (c) APPLICATIONS.—

2 (1) IN GENERAL.—To be eligible to receive as-
3 sistance under the program, an eligible entity shall
4 submit to the Secretary an application at such time,
5 in such manner, and containing such information as
6 the Secretary may require.

7 (2) INCLUSION FOR INSTALLATION ASSIST-
8 ANCE.—

9 (A) REQUIREMENTS.—For an eligible enti-
10 ty to receive assistance for a project to install
11 a covered facility, the Secretary shall require
12 the eligible entity to include—

13 (i) information in the application that
14 is sufficient to demonstrate that the eligi-
15 ble entity has obtained, or has the capacity
16 to obtain, necessary permits, subscribers,
17 access to an installation site, and any other
18 items or agreements necessary to comply
19 with an agreement under subsection (g)(1)
20 and to complete the installation of the ap-
21 plicable covered facility;

22 (ii) a description of the mechanism
23 through which financial benefits will be
24 distributed to beneficiaries or subscribers;
25 and

1 (iii) an estimate of the anticipated fi-
2 nancial benefit for beneficiaries or sub-
3 sscribers.

4 (B) CONSIDERATION OF PLANNING
5 PROJECTS.—The Secretary shall consider the
6 successful completion of an eligible planning
7 project pursuant to subsection (b)(1) by the eli-
8 gible entity to be sufficient to demonstrate the
9 ability of the eligible entity to meet the require-
10 ments of subparagraph (A)(i).

11 (d) SELECTION.—

12 (1) IN GENERAL.—In selecting eligible projects
13 to receive assistance under the program, the Sec-
14 retary shall—

15 (A) prioritize—

16 (i) eligible installation projects that
17 will result in the most financial benefit for
18 subscribers, as determined by the Sec-
19 retary;

20 (ii) eligible installation projects that
21 will result in development of covered facili-
22 ties in underserved areas; and

23 (iii) eligible projects that include ap-
24 prenticeship, job training, or community

1 participation as part of their application;
2 and

3 (B) ensure that such assistance is provided
4 in a manner that results in eligible projects
5 being carried out on a geographically diverse
6 basis within and among covered States.

7 (2) DETERMINATION OF FINANCIAL BEN-
8 EFIT.—In determining the amount of financial ben-
9 efit for low-income households of an eligible installa-
10 tion project, the Secretary shall ensure that all cal-
11 culations for estimated household energy savings are
12 based solely on electricity offsets from the applicable
13 covered facility and use formulas established by the
14 State or local government with jurisdiction over the
15 applicable covered facility for verifiable household
16 energy savings estimates that accrue to low-income
17 households.

18 (e) ASSISTANCE.—

19 (1) FORM.—The Secretary may provide assist-
20 ance under the program in the form of a grant
21 (which may be in the form of a rebate) or a low-in-
22 terest loan.

23 (2) MULTIPLE PROJECTS FOR SAME FACIL-
24 ITY.—

1 (A) IN GENERAL.—An eligible entity may
2 apply for assistance under the program for an
3 eligible planning project and an eligible installa-
4 tion project for the same covered facility.

5 (B) SEPARATE SELECTIONS.—Selection by
6 the Secretary for assistance under the program
7 of an eligible planning project does not require
8 the Secretary to select for assistance under the
9 program an eligible installation project for the
10 same covered facility.

11 (f) USE OF ASSISTANCE.—

12 (1) ELIGIBLE PLANNING PROJECTS.—An eligi-
13 ble entity receiving assistance for an eligible plan-
14 ning project under the program may use such assist-
15 ance to pay the costs of pre-installation activities as-
16 sociated with an applicable covered facility, includ-
17 ing—

18 (A) feasibility studies;

19 (B) permitting;

20 (C) site assessment;

21 (D) on-site job training, or other commu-
22 nity-based activities directly associated with the
23 eligible planning project; or

24 (E) such other costs determined by the
25 Secretary to be appropriate.

1 (2) ELIGIBLE INSTALLATION PROJECTS.—An
2 eligible entity receiving assistance for an eligible in-
3 stallation project under the program may use such
4 assistance to pay the costs of—

5 (A) installation of a covered facility, in-
6 cluding costs associated with materials, permit-
7 ting, labor, or site preparation;

8 (B) storage technology sited at a covered
9 facility;

10 (C) interconnection service expenses;

11 (D) on-site job training, or other commu-
12 nity-based activities directly associated with the
13 eligible installation project;

14 (E) offsetting the cost of a subscription for
15 a covered facility described in subparagraph (A)
16 of subsection (a)(4) for subscribers that are
17 members of a low income household; or

18 (F) such other costs determined by the
19 Secretary to be appropriate.

20 (g) ADMINISTRATION.—

21 (1) AGREEMENTS.—

22 (A) IN GENERAL.—As a condition of re-
23 ceiving assistance under the program, an eligi-
24 ble entity shall enter into an agreement with
25 the Secretary.

1 (B) REQUIREMENTS.—An agreement en-
2 tered into under this paragraph—

3 (i) shall require the eligible entity to
4 maintain such records and adopt such ad-
5 ministrative practices as the Secretary may
6 require to ensure compliance with the re-
7 quirements of this section and the agree-
8 ment;

9 (ii) with respect to an eligible installa-
10 tion project shall require that any solar
11 generating facility installed using assist-
12 ance provided pursuant to the agreement
13 comply with local building and safety codes
14 and standards; and

15 (iii) shall contain such other terms as
16 the Secretary may require to ensure com-
17 pliance with the requirements of this sec-
18 tion.

19 (C) TERM.—An agreement under this
20 paragraph shall be for a term that begins on
21 the date on which the agreement is entered into
22 and ends on the date that is 2 years after the
23 date on which the eligible entity receives assist-
24 ance pursuant to the agreement, which term
25 may be extended once for a period of not more

1 than 1 year if the eligible entity demonstrates
2 to the satisfaction of the Secretary that such an
3 extension is necessary to complete the activities
4 required by the agreement.

5 (2) USE OF FUNDS.—Of the funds made avail-
6 able to provide assistance to eligible installation
7 projects under this section over the period of fiscal
8 years 2021 through 2025, the Secretary shall use—

9 (A) not less than 50 percent to provide as-
10 sistance for eligible installation projects with re-
11 spect to which low-income households make up
12 at least 50 percent of the subscribers to the
13 project; and

14 (B) not more than 50 percent to provide
15 assistance for eligible installation projects with
16 respect to which low-income households make
17 up at least 25 percent of the subscribers to the
18 project.

19 (3) REGULATIONS.—Not later than 120 days
20 after the date of enactment of this Act, the Sec-
21 retary shall publish in the Federal Register regula-
22 tions to carry out this section, which shall take ef-
23 fect on the date of publication.

24 (h) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There is authorized to be
2 appropriated to the Secretary to carry out this sec-
3 tion \$200,000,000 for each of fiscal years 2021
4 through 2025, to remain available until expended.

5 (2) AMOUNTS FOR PLANNING PROJECTS.—Of
6 the amounts appropriated pursuant to this section
7 over the period of fiscal years 2021 through 2025,
8 the Secretary shall use not more than 15 percent of
9 funds to provide assistance to eligible planning
10 projects.

11 (i) RELATIONSHIP TO OTHER ASSISTANCE.—The
12 Secretary shall, to the extent practicable, encourage eligi-
13 ble entities that receive assistance under this section to
14 leverage such funds by seeking additional funding through
15 federally or locally subsidized weatherization and energy
16 efficiency programs.

17 **CHAPTER 5—SMART COMMUNITIES**

18 **SEC. 33141. 3C ENERGY PROGRAM.**

19 (a) ESTABLISHMENT.—The Secretary of Energy
20 shall establish a program to be known as the Cities, Coun-
21 ties, and Communities Energy Program (or the 3C Energy
22 Program) to provide technical assistance and competitively
23 awarded grants to local governments, public housing au-
24 thorities, nonprofit organizations, and other entities the
25 Secretary determines to be eligible, to incorporate clean

1 energy into community development and revitalization ef-
2 forts.

3 (b) BEST PRACTICE MODELS.—The Secretary of En-
4 ergy shall—

5 (1) provide a recipient of technical assistance or
6 a grant under the program established under sub-
7 section (a) with best practice models that are used
8 in jurisdictions of similar size and situation; and

9 (2) assist such recipient in developing and im-
10 plementing strategies to achieve its clean energy
11 technology goals.

12 (c) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$50,000,000 for each of fiscal years 2021 through 2025.

15 **SEC. 33142. FEDERAL TECHNOLOGY ASSISTANCE.**

16 (a) SMART CITY OR COMMUNITY ASSISTANCE PILOT
17 PROGRAM.—

18 (1) IN GENERAL.—The Secretary of Energy
19 shall develop and implement a pilot program under
20 which the Secretary shall contract with the national
21 laboratories to provide technical assistance to cities
22 and communities, to improve the access of such cit-
23 ies and communities to expertise, competencies, and
24 infrastructure of the national laboratories for the

1 purpose of promoting smart city or community tech-
2 nologies.

3 (2) PARTNERSHIPS.—In carrying out the pro-
4 gram under this subsection, the Secretary of Energy
5 shall prioritize assistance for cities and communities
6 that have partnered with small business concerns.

7 (b) TECHNOLOGIST IN RESIDENCE PILOT PRO-
8 GRAM.—

9 (1) IN GENERAL.—The Secretary of Energy
10 shall expand the Technologist in Residence pilot pro-
11 gram of the Department of Energy to include part-
12 nerships between national laboratories and local gov-
13 ernments with respect to research and development
14 relating to smart cities and communities.

15 (2) REQUIREMENTS.—For purposes of the part-
16 nerships entered into under paragraph (1), tech-
17 nologists in residence shall work with an assigned
18 unit of local government to develop an assessment of
19 smart city or community technologies available and
20 appropriate to meet the objectives of the city or
21 community, in consultation with private sector enti-
22 ties implementing smart city or community tech-
23 nologies.

1 (c) GUIDANCE.—The Secretary of Energy, in con-
2 sultation with the Secretary of Commerce, shall issue
3 guidance with respect to—

4 (1) the scope of the programs established and
5 implemented under subsections (a) and (b); and

6 (2) requests for proposals from local govern-
7 ments interested in participating in such programs.

8 (d) CONSIDERATIONS.—In establishing and imple-
9 menting the programs under subsections (a) and (b), the
10 Secretary of Energy shall seek to address the needs of
11 small- and medium-sized cities.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated to carry out this section
14 \$20,000,000 for each of fiscal years 2021 through 2025.

15 **SEC. 33143. TECHNOLOGY DEMONSTRATION GRANT PRO-**
16 **GRAM.**

17 (a) IN GENERAL.—The Secretary of Commerce shall
18 establish a smart city or community regional demonstra-
19 tion grant program under which the Secretary shall con-
20 duct demonstration projects focused on advanced smart
21 city or community technologies and systems in a variety
22 of communities, including small- and medium-sized cities.

23 (b) GOALS.—The goals of the program established
24 under subsection (a) are—

25 (1) to demonstrate—

1 (A) potential benefits of concentrated in-
2 vestments in smart city or community tech-
3 nologies relating to public safety that are re-
4 peatable and scalable; and

5 (B) the efficiency, reliability, and resilience
6 of civic infrastructure and services;

7 (2) to facilitate the adoption of advanced smart
8 city or community technologies and systems; and

9 (3) to demonstrate protocols and standards that
10 allow for the measurement and validation of the cost
11 savings and performance improvements associated
12 with the installation and use of smart city or com-
13 munity technologies and practices.

14 (c) DEMONSTRATION PROJECTS.—

15 (1) ELIGIBILITY.—Subject to paragraph (2), a
16 unit of local government shall be eligible to receive
17 a grant for a demonstration project under this sec-
18 tion.

19 (2) COOPERATION.—To qualify for a dem-
20 onstration project under this section, a unit of local
21 government shall agree to follow applicable best
22 practices identified by the Secretary of Commerce
23 and the Secretary of Energy, in consultation with in-
24 dustry entities, to evaluate the effectiveness of the

1 implemented smart city or community technologies
2 to ensure that—

3 (A) technologies and interoperability can
4 be assessed;

5 (B) best practices can be shared; and

6 (C) data can be shared in a public, inter-
7 operable, and transparent format.

8 (3) FEDERAL SHARE OF COST OF TECHNOLOGY
9 INVESTMENTS.—The Secretary of Commerce—

10 (A) subject to subparagraph (B), shall pro-
11 vide to a unit of local government selected
12 under this section for the conduct of a dem-
13 onstration project a grant in an amount equal
14 to not more than 50 percent of the total cost
15 of technology investments to incorporate and
16 assess smart city or community technologies in
17 the applicable jurisdiction; but

18 (B) may waive the cost-share requirement
19 of subparagraph (A) as the Secretary deter-
20 mines to be appropriate.

21 (d) REQUIREMENT.—In conducting demonstration
22 projects under this section, the Secretary shall—

23 (1) develop competitive, technology-neutral re-
24 quirements;

1 (2) seek to leverage ongoing or existing civic in-
2 frastructure investments; and

3 (3) take into consideration the non-Federal cost
4 share as a competitive criterion in applicant selec-
5 tion in order to leverage non-Federal investment.

6 (e) PUBLIC AVAILABILITY OF DATA AND RE-
7 PORTS.—The Secretary of Commerce shall ensure that re-
8 ports, public data sets, schematics, diagrams, and other
9 works created using a grant provided under this section
10 are—

11 (1) available on a royalty-free, non-exclusive
12 basis; and

13 (2) open to the public to reproduce, publish, or
14 otherwise use, without cost.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to carry out subsection
17 (c) \$100,000,000 for each of fiscal years 2021 through
18 2025.

19 **SEC. 33144. SMART CITY OR COMMUNITY.**

20 (a) IN GENERAL.—In this chapter, the term “smart
21 city or community” means a community in which innova-
22 tive, advanced, and trustworthy information and commu-
23 nication technologies and related mechanisms are ap-
24 plied—

25 (1) to improve the quality of life for residents;

1 (2) to increase the efficiency and cost effective-
2 ness of civic operations and services;

3 (3) to promote economic growth; and

4 (4) to create a community that is safer and
5 more secure, sustainable, resilient, livable, and work-
6 able.

7 (b) INCLUSIONS.—The term “smart city or commu-
8 nity” includes a local jurisdiction that—

9 (1) gathers and incorporates data from sys-
10 tems, devices, and sensors embedded in civic systems
11 and infrastructure to improve the effectiveness and
12 efficiency of civic operations and services;

13 (2) aggregates and analyzes gathered data;

14 (3) communicates the analysis and data in a va-
15 riety of formats;

16 (4) makes corresponding improvements to civic
17 systems and services based on gathered data; and

18 (5) integrates measures—

19 (A) to ensure the resilience of civic systems
20 against cybersecurity threats and physical and
21 social vulnerabilities and breaches;

22 (B) to protect the private data of resi-
23 dents; and

1 (C) to measure the impact of smart city or
2 community technologies on the effectiveness and
3 efficiency of civic operations and services.

4 **SEC. 33145. CLEAN CITIES COALITION PROGRAM.**

5 (a) IN GENERAL.—The Secretary shall carry out a
6 program to be known as the Clean Cities Coalition Pro-
7 gram.

8 (b) PROGRAM ELEMENTS.—In carrying out the pro-
9 gram under subsection (a), the Secretary shall—

10 (1) establish criteria for designating local and
11 regional Clean Cities Coalitions;

12 (2) designate local and regional Clean Cities
13 Coalitions that the Secretary determines meet the
14 criteria established under paragraph (1);

15 (3) make awards to each designated Clean Cit-
16 ies Coalition for administrative and program ex-
17 penses of the coalition;

18 (4) make competitive awards to designated
19 Clean Cities Coalitions for projects and activities de-
20 scribed in subsection (c);

21 (5) provide technical assistance and training to
22 designated Clean Cities Coalitions;

23 (6) provide opportunities for communication
24 and sharing of best practices among designated
25 Clean Cities Coalitions; and

1 (7) maintain, and make available to the public,
2 a centralized database of information included in the
3 reports submitted under subsection (d).

4 (c) PROJECTS AND ACTIVITIES.—Projects and activi-
5 ties eligible for awards under subsection (b)(4) are
6 projects and activities that reduce petroleum consumption,
7 improve air quality, promote energy and economic secu-
8 rity, and encourage deployment of a diverse, domestic sup-
9 ply of alternative fuels in the transportation sector by—

10 (1) encouraging the purchase and use of alter-
11 native fuel vehicles and alternative fuels, including
12 by fleet managers;

13 (2) expediting the establishment of local, re-
14 gional, and national infrastructure to fuel alternative
15 fuel vehicles;

16 (3) advancing the use of other petroleum fuel
17 reduction technologies and strategies;

18 (4) conducting outreach and education activities
19 to advance the use of alternative fuels and alter-
20 native fuel vehicles;

21 (5) providing training and technical assistance
22 and tools to users that adopt petroleum fuel reduc-
23 tion technologies; or

24 (6) collaborating with and training officials and
25 first responders with responsibility for permitting

1 and enforcing fire, building, and other safety codes
2 related to the deployment and use of alternative
3 fuels or alternative fuel vehicles.

4 (d) ANNUAL REPORT.—Each designated Clean Cities
5 Coalition shall submit an annual report to the Secretary
6 on the activities and accomplishments of the coalition.

7 (e) DEFINITIONS.—In this section:

8 (1) ALTERNATIVE FUEL.—The term “alter-
9 native fuel” has the meaning given such term in sec-
10 tion 32901 of title 49, United States Code.

11 (2) ALTERNATIVE FUEL VEHICLE.—The term
12 “alternative fuel vehicle” means any vehicle that is
13 capable of operating, partially or exclusively, on an
14 alternative fuel.

15 (3) SECRETARY.—The term “Secretary” means
16 the Secretary of Energy.

17 (f) FUNDING.—

18 (1) AUTHORIZATION OF APPROPRIATIONS.—
19 There are authorized to be appropriated to carry out
20 this section—

21 (A) \$50,000,000 for fiscal year 2021;

22 (B) \$60,000,000 for fiscal year 2022;

23 (C) \$75,000,000 for fiscal year 2023;

24 (D) \$90,000,000 for fiscal year 2024; and

25 (E) \$100,000,000 for fiscal year 2025.

1 (2) ALLOCATIONS.—The Secretary shall allo-
2 cate funds made available to carry out this section
3 in each fiscal year as follows:

4 (A) Thirty percent of such funds shall be
5 distributed as awards under subsection (b)(3).

6 (B) Fifty percent of such funds shall be
7 distributed as competitive awards under sub-
8 section (b)(4).

9 (C) Twenty percent of such funds shall be
10 used to carry out the duties of the Secretary
11 under this section.

12 **CHAPTER 6—BROWNFIELDS**

13 **SEC. 33151. BROWNFIELDS FUNDING.**

14 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
15 104(k)(13) of the Comprehensive Environmental Re-
16 sponse, Compensation, and Liability Act of 1980 (42
17 U.S.C. 9604(k)(13)) is amended to read as follows:

18 “(13) AUTHORIZATION OF APPROPRIATIONS.—

19 There are authorized to be appropriated to carry out
20 this subsection—

21 “(A) \$350,000,000 for fiscal year 2021;

22 “(B) \$400,000,000 for fiscal year 2022;

23 “(C) \$450,000,000 for fiscal year 2023;

24 “(D) \$500,000,000 for fiscal year 2024;

25 and

1 “(E) \$550,000,000 for fiscal year 2025.”.

2 (b) STATE RESPONSE PROGRAMS.—Section
3 128(a)(3) of the Comprehensive Environmental Response,
4 Compensation, and Liability Act of 1980 (42 U.S.C.
5 9628(a)(3)) is amended to read as follows:

6 “(3) FUNDING.—There are authorized to be ap-
7 propriated to carry out this subsection—

8 “(A) \$70,000,000 for fiscal year 2021;

9 “(B) \$80,000,000 for fiscal year 2022;

10 “(C) \$90,000,000 for fiscal year 2023;

11 “(D) \$100,000,000 for fiscal year 2024;

12 and

13 “(E) \$110,000,000 for fiscal year 2025.”.

14 **CHAPTER 7—INDIAN ENERGY**

15 **SEC. 33161. INDIAN ENERGY.**

16 (a) DEFINITION OF INDIAN LAND.—Section 2601(2)
17 of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))
18 is amended—

19 (1) in subparagraph (B)(iii), by striking “and”;

20 (2) in subparagraph (C), by striking “land.”

21 and inserting “land; and”; and

22 (3) by adding at the end the following subpara-
23 graph:

24 “(D) any land in a census tract in which
25 the majority of the residents are Natives (as de-

1 fined in section 3(b) of the Alaska Native
2 Claims Settlement Act (43 U.S.C. 1602(b)).”.

3 (b) REDUCTION OF COST SHARE.—Section
4 2602(b)(5) of the Energy Policy Act of 1992 (25 U.S.C.
5 3502(b)(5)) is amended by adding at the end the following
6 subparagraph:

7 “(D) The Director may reduce any applicable
8 cost share required of an Indian tribe, intertribal or-
9 ganization, or tribal energy development organiza-
10 tion in order to receive a grant under this subsection
11 to not less than 10 percent if the Indian tribe, inter-
12 tribal organization, or tribal energy development or-
13 ganization meets criteria developed by the Director,
14 including financial need.

15 “(E) Section 988 of the Energy Policy Act of
16 2005 (42 U.S.C. 16352) shall not apply to grants
17 provided under this subsection.”.

18 (c) AUTHORIZATION.—Section 2602(b)(7) of the En-
19 ergy Policy Act of 1992 (25 U.S.C. 3502(b)(7)) is amend-
20 ed by striking “\$20,000,000 for each of fiscal years 2006
21 through 2016” and inserting “\$50,000,000 for each of fis-
22 cal years 2021 through 2025”.

1 **SEC. 33162. REPORT ON ELECTRICITY ACCESS AND RELI-**
2 **ABILITY.**

3 (a) ASSESSMENT.—The Secretary of Energy shall
4 conduct an assessment of the status of access to electricity
5 by households residing in Tribal communities or on Indian
6 land, and the reliability of electric service available to
7 households residing in Tribal communities or on Indian
8 land, as compared to the status of access to and reliability
9 of electricity within neighboring States or within the State
10 in which Indian land is located.

11 (b) CONSULTATION.—The Secretary of Energy shall
12 consult with Indian Tribes, Tribal organizations, the
13 North American Electricity Reliability Corporation, and
14 the Federal Energy Regulatory Commission in the devel-
15 opment and conduct of the assessment under subsection
16 (a). Indian Tribes and Tribal organizations shall have the
17 opportunity to review and make recommendations regard-
18 ing the development of the assessment and the findings
19 of the assessment, prior to the submission of the report
20 under subsection (c).

21 (c) REPORT.—Not later than 18 months after the
22 date of enactment of this Act, the Secretary of Energy
23 shall submit to the Committee on Energy and Commerce
24 of the House of Representatives and the Committee on
25 Energy and Natural Resources of the Senate a report on

1 the results of the assessment conducted under subsection
2 (a), which shall include—

3 (1) a description of generation, transmission,
4 and distribution assets available to provide electricity
5 to households residing in Tribal communities or on
6 Indian land;

7 (2) a survey of the retail and wholesale prices
8 of electricity available to households residing in
9 Tribal communities or on Indian land;

10 (3) a description of participation of Tribal
11 members in the electric utility workforce, including
12 the workforce for construction and maintenance of
13 renewable energy resources and distributed energy
14 resources;

15 (4) the percentage of households residing in
16 Tribal communities or on Indian land that do not
17 have access to electricity;

18 (5) the potential of distributed energy resources
19 to provide electricity to households residing in Tribal
20 communities or on Indian land;

21 (6) the potential for tribally-owned electric utili-
22 ties or electric utility assets to participate in or ben-
23 efit from regional electricity markets;

1 (7) a description of the barriers to providing ac-
2 cess to electric service to households residing in
3 Tribal communities or on Indian land; and

4 (8) recommendations to improve access to and
5 reliability of electric service for households residing
6 in Tribal communities or on Indian land.

7 (d) DEFINITIONS.—In this section:

8 (1) TRIBAL MEMBER.—The term “Tribal mem-
9 ber” means a person who is an enrolled member of
10 a federally recognized Tribe or village.

11 (2) TRIBAL COMMUNITY.—The term “Tribal
12 community” means a community in a United States
13 census tract in which the majority of residents are
14 persons who are enrolled members of a federally rec-
15 ognized Tribe or village.

16 **CHAPTER 8—HYDROPOWER AND DAM**
17 **SAFETY**

18 **SEC. 33171. HYDROELECTRIC PRODUCTION INCENTIVES**
19 **AND EFFICIENCY IMPROVEMENTS.**

20 (a) HYDROELECTRIC PRODUCTION INCENTIVES.—
21 Section 242 of the Energy Policy Act of 2005 (42 U.S.C.
22 15881) is amended—

23 (1) in subsection (b), by striking paragraph (1)
24 and inserting the following:

1 “(1) QUALIFIED HYDROELECTRIC FACILITY.—

2 The term ‘qualified hydroelectric facility’ means a
3 turbine or other generating device owned or solely
4 operated by a non-Federal entity—

5 “(A) that generates hydroelectric energy
6 for sale; and

7 “(B)(i) that is added to an existing dam or
8 conduit; or

9 “(ii)(I) that has a generating capacity of
10 not more than 10 megawatts;

11 “(II) for which the non-Federal entity has
12 received a construction authorization from the
13 Federal Energy Regulatory Commission, if ap-
14 plicable; and

15 “(III) that is constructed in a region in
16 which there is inadequate electric service, as de-
17 termined by the Secretary.”;

18 (2) in subsection (c), by striking “10” and in-
19 serting “22”;

20 (3) in subsection (e)(2), by striking “section
21 29(d)(2)(B)” and inserting “section 45K(d)(2)(B)”;

22 (4) in subsection (f), by striking “20” and in-
23 serting “32”; and

1 mission should be revised in light of the lessons
2 learned from such reports;

3 (3) a determination of whether additional safety
4 inspections of dams should be required after large
5 storms;

6 (4) a determination of whether the safety re-
7 quirements and testing protocols for dams ade-
8 quately account for the projected effects of climate
9 change and atmospheric rivers on dams; and

10 (5) a determination of whether additional ac-
11 tions should be taken to ensure the safety of dams
12 that operate without an emergency spillway.

13 **SEC. 33173. DAM SAFETY CONDITIONS.**

14 Section 10 of the Federal Power Act (16 U.S.C. 803)
15 is amended by adding at the end the following:

16 “(k) That the dam and other project works meet the
17 Commission’s dam safety requirements and that the li-
18 censee shall continue to manage, operate, and maintain
19 the dam and other project works in a manner that ensures
20 dam safety and public safety under the operating condi-
21 tions of the license.”.

22 **SEC. 33174. DAM SAFETY REQUIREMENTS.**

23 Section 15 of the Federal Power Act (16 U.S.C. 808)
24 is amended by adding at the end the following:

1 (4) high hazard dams.

2 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated to carry out this section
4 \$1,000,000 for fiscal year 2021.

5 (c) STATE DEFINED.—In this section, the term
6 “State” has the meaning given such term in section 3 of
7 the Federal Power Act (16 U.S.C. 796).

8 **SEC. 33177. REQUIRED DAM SAFETY COMMUNICATIONS BE-**
9 **TWEEN FERC AND STATES.**

10 (a) IN GENERAL.—The Commission, acting through
11 the Office of Energy Projects, shall notify a State within
12 which a project is located when—

13 (1) the Commission issues a finding, following
14 a dam safety inspection, that requires the licensee
15 for such project to take actions to repair the dam
16 and other project works that are the subject of such
17 finding;

18 (2) after a period of 5 years starting on the
19 date a finding under paragraph (1) is issued, the li-
20 censee has failed to take actions to repair the dam
21 and other project works, as required by such finding;
22 and

23 (3) the Commission initiates a non-compliance
24 proceeding or otherwise takes steps to revoke a li-
25 cense issued under section 4 of the Federal Power

1 Act (16 U.S.C. 797) due to the failure of a licensee
2 to take actions to repair a dam and other project
3 works.

4 (b) NOTICE UPON REVOCATION, SURRENDER, OR IM-
5 PLIED SURRENDER OF A LICENSE.—If the Commission
6 issues an order to revoke a license or approve the sur-
7 render or implied surrender of a license under the Federal
8 Power Act (16 U.S.C. 792 et seq.), the Commission shall
9 provide to the State within which the project that relates
10 to such license is located—

11 (1) all records pertaining to the structure and
12 operation of the applicable dam and other project
13 works, including, as applicable, any dam safety in-
14 spection reports by independent consultants, speci-
15 fications for required repairs or maintenance of such
16 dam and other project works that have not been
17 completed, and estimates of the costs for such re-
18 pairs or maintenance;

19 (2) all records documenting the history of main-
20 tenance or repair work for the applicable dam and
21 other project works;

22 (3) information on the age of the dam and
23 other project works and the hazard classification of
24 the dam and other project works;

1 (4) the most recent assessment of the condition
2 of the dam and other project works by the Commis-
3 sion;

4 (5) as applicable, the most recent hydrologic in-
5 formation used to determine the potential maximum
6 flood for the dam and other project works; and

7 (6) the results of the most recent risk assess-
8 ment completed on the dam and other project works.

9 (c) DEFINITION.—In this section:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Energy Regulatory Commission.

12 (2) LICENSEE.—The term “licensee” has the
13 meaning given such term in section 3 of the Federal
14 Power Act (16 U.S.C. 796).

15 (3) PROJECT.—The term “project” has the
16 meaning given such term in section 3 of the Federal
17 Power Act (16 U.S.C. 796).

18 **SEC. 33178. CONSIDERATION OF INVASIVE SPECIES.**

19 Section 18 of the Federal Power Act (16 U.S.C. 811)
20 is amended by inserting “In prescribing a fishway, the
21 Secretary of Commerce or the Secretary of the Interior,
22 as appropriate, shall consider the threat of invasive spe-
23 cies.” before “The license applicant and any party to the
24 proceeding shall be entitled to a determination on the
25 record,”.

1 borrower under this subsection has been made
2 that is sufficient to cover the cost of the guar-
3 antee.”;

4 (2) in subsection (h)(1), by striking “charge
5 and collect fees” and inserting “charge, and collect
6 at the financial close of the obligation, fees”; and

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

8 “(1) APPLICATION STATUS.—

9 “(1) REQUEST.—If the Secretary does not
10 make a final decision on an application for a guar-
11 antee under this section by the date that is 270 days
12 after receipt of the application by the Secretary, on
13 that date and every 90 days thereafter until the
14 final decision is made, the applicant may request
15 that the Secretary provide to the applicant a de-
16 scription of the status of the application.

17 “(2) RESPONSE.—Not later than 10 days after
18 receiving a request from an applicant under para-
19 graph (1), the Secretary shall provide to the appli-
20 cant a response that includes—

21 “(A) a summary of any factors that are
22 delaying a final decision on the application; and

23 “(B) an estimate of when review of the ap-
24 plication will be completed.”.

1 (b) PROJECT ELIGIBILITY EXPANSION.—Section
2 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513)
3 is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (1), by inserting “, uti-
6 lize” after “reduce”; and

7 (B) in paragraph (2), by striking “.” and
8 inserting the following: “which may include—

9 “(A) a system of technologies that combine
10 existing technologies in an innovative manner;

11 “(B) projects containing elements of com-
12 mercial technologies in combination with new or
13 significantly improved technologies; or

14 “(C) projects that incorporate new and in-
15 novative platform technologies developed outside
16 the energy sector that enable modernization of
17 existing energy infrastructure and systems.”;

18 (2) in subsection (b)—

19 (A) in paragraph (5)—

20 (i) by adding “, utilization,” after
21 “capture”; and

22 (ii) by inserting “and technologies
23 that capture greenhouse gases already air-
24 borne” after “sequester carbon”; and

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

1 “(11) Energy storage technologies, including
2 battery storage technologies, for residential, indus-
3 trial, and transportation applications.

4 “(12) Technologies and systems for reducing
5 high global warming potential pollutants, including
6 methane leakage from natural gas transmission and
7 distribution infrastructure.

8 “(13) Manufacturing and deployment of nuclear
9 supply components for advanced nuclear reactors.

10 “(14) System-level energy management solu-
11 tions.

12 “(15) Application of platform technologies, in-
13 cluding data analytics, artificial intelligence, and
14 other software to improve the energy efficiency and
15 effectiveness of energy infrastructure, including elec-
16 tric grid operations.

17 “(16) Energy-water use efficiency in water re-
18 sources infrastructure and water-using technologies.

19 “(17) Innovative technologies for improving the
20 resilience or reliability of existing energy infrastruc-
21 ture.”; and

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

23 “(f) REGIONAL VARIATION.—The Secretary shall ac-
24 count for regional variation in commercial technology de-
25 ployment such that no project shall be ineligible for assist-

1 ance under this title because a similar project exists in
2 a different region than the proposed project.”.

3 (c) STATE LOAN ELIGIBILITY.—

4 (1) DEFINITIONS.—Section 1701 of the Energy
5 Policy Act of 2005 (42 U.S.C. 16511) is amended
6 by adding at the end the following:

7 “(6) STATE.—The term ‘State’ has the mean-
8 ing given the term in section 202 of the Energy
9 Conservation and Production Act (42 U.S.C. 6802).

10 “(7) STATE ENERGY FINANCING INSTITU-
11 TION.—

12 “(A) IN GENERAL.—The term ‘State en-
13 ergy financing institution’ means a quasi-inde-
14 pendent entity or an entity within a State agen-
15 cy or financing authority established by a
16 State—

17 “(i) to provide financing support or
18 credit enhancements, including loan guar-
19 antees and loan loss reserves, for eligible
20 projects; and

21 “(ii) to create liquid markets for eligi-
22 ble projects, including warehousing and
23 securitization, or take other steps to reduce
24 financial barriers to the deployment of ex-
25 isting and new eligible projects.

1 “(B) INCLUSION.—The term ‘State energy
2 financing institution’ includes an entity or orga-
3 nization established to achieve the purposes de-
4 scribed in clauses (i) and (ii) of subparagraph
5 (A) by an Indian tribal entity or an Alaska Na-
6 tive Corporation.”.

7 (2) ELIGIBILITY.—Section 1702 of the Energy
8 Policy Act of 2005 (42 U.S.C. 16512) is amended—

9 (A) in subsection (a), by inserting “, in-
10 cluding projects receiving financial support or
11 credit enhancements from a State energy fi-
12 nancing institution,” after “for projects”;

13 (B) in subsection (d)(1), by inserting “, in-
14 cluding a guarantee for a project receiving fi-
15 nancial support or credit enhancements from a
16 State energy financing institution,” after “No
17 guarantee”; and

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

19 “(m) STATE ENERGY FINANCING INSTITUTIONS.—

20 “(1) ELIGIBILITY.—To be eligible for a guar-
21 antee under this title, a project receiving financial
22 support or credit enhancements from a State energy
23 financing institution—

24 “(A) shall meet the requirements of section
25 1703(a)(1); and

1 “(B) shall not be required to meet the re-
2 quirements of section 1703(a)(2).

3 “(2) PARTNERSHIPS AUTHORIZED.—In car-
4 rying out a project receiving a guarantee under this
5 title, State energy financing institutions may enter
6 into partnerships with private entities, Tribal enti-
7 ties, and Alaska Native corporations.”.

8 **CHAPTER 10—CLIMATE ACTION**

9 **PLANNING FOR PORTS**

10 **SEC. 33191. GRANTS TO REDUCE GREENHOUSE GAS EMIS-** 11 **SIONS AT PORTS.**

12 (a) GRANTS.—The Administrator of the Environ-
13 mental Protection Agency may award grants to eligible en-
14 tities—

15 (1) to implement plans to reduce greenhouse
16 gas emissions at one or more ports or port facilities
17 within the jurisdictions of the respective eligible enti-
18 ties; and

19 (2) to develop climate action plans described in
20 subsection (b)(2).

21 (b) APPLICATION.—

22 (1) IN GENERAL.—To seek a grant under this
23 section, an eligible entity shall submit an application
24 to the Administrator of the Environmental Protec-
25 tion Agency at such time, in such manner, and con-

1 taining such information and assurances as the Ad-
2 ministrator may require.

3 (2) CLIMATE ACTION PLAN.—At a minimum,
4 each such application shall contain—

5 (A) a detailed and strategic plan, to be
6 known as a climate action plan, that outlines
7 how the eligible entity will develop and imple-
8 ment climate change mitigation or adaptation
9 measures through the grant; or

10 (B) a request pursuant to subsection
11 (a)(2) for funding for the development of a cli-
12 mate action plan.

13 (3) REQUIRED COMPONENTS.—A climate action
14 plan under paragraph (2) shall demonstrate that the
15 measures proposed to be implemented through the
16 grant—

17 (A) will reduce greenhouse gas emissions
18 at the port or port facilities involved pursuant
19 to greenhouse gas emission reduction goals set
20 forth in the climate action plan;

21 (B) will reduce other air pollutants at the
22 port or port facilities involved pursuant to cri-
23 teria pollutant emission reduction goals set
24 forth in the climate action plan;

1 (C) will implement emissions accounting
2 and inventory practices to determine baseline
3 emissions and measure progress; and

4 (D) will ensure labor protections for work-
5 ers employed directly at the port or port facili-
6 ties involved, including by—

7 (i) demonstrating that implementation
8 of the measures proposed to be imple-
9 mented through the grant will not result in
10 a net loss of jobs at the port or port facili-
11 ties involved;

12 (ii) ensuring that laborers and me-
13 chanics employed by contractors and sub-
14 contractors on construction projects to im-
15 plement the plan will be paid wages not
16 less than those prevailing on similar con-
17 struction in the locality, as determined by
18 the Secretary of Labor under sections
19 3141 through 3144, 3146, and 3147 of
20 title 40, United States Code; and

21 (iii) requiring any projects initiated to
22 carry out the plan with total capital costs
23 of \$1,000,000 or greater to utilize a
24 project labor agreement and not impact
25 any preexisting project labor agreement.

1 (4) OTHER COMPONENTS.—In addition to the
2 components required by paragraph (3), a climate ac-
3 tion plan under paragraph (2) shall demonstrate
4 that the measures proposed to be implemented
5 through the grant will do at least two of the fol-
6 lowing:

7 (A) Improve energy efficiency at a port or
8 port facility, including by using—

9 (i) energy-efficient vehicles, such as
10 hybrid, low-emission, or zero-emission vehi-
11 cles;

12 (ii) energy efficient cargo-handling,
13 harbor vessels, or storage facilities such as
14 energy-efficient refrigeration equipment;

15 (iii) energy-efficient lighting;

16 (iv) shore power; or

17 (v) other energy efficiency improve-
18 ments.

19 (B) Deploy technology or processes that
20 reduce idling of vehicles at a port or port facil-
21 ity.

22 (C) Reduce the direct emissions of green-
23 house gases and other air pollutants with a goal
24 of achieving zero emissions, including by replac-
25 ing and retrofitting equipment (including vehi-

1 cles onsite, cargo-handling equipment, or harbor
2 vessels) at a port or port facility.

3 (5) PROHIBITED USE.—An eligible entity may
4 not use a grant provided under this section—

5 (A) to purchase fully automated cargo han-
6 dling equipment;

7 (B) to build, or plan to build, terminal in-
8 frastructure that is designed for fully auto-
9 mated cargo handling equipment;

10 (C) to purchase, test, or develop highly
11 automated trucks, chassis, or any related equip-
12 ment that can be used to transport container-
13 ized freight; or

14 (D) to utilize any independent contractor,
15 independent owner-operator, or other entity
16 that does not use employees to perform any
17 work on the port or port facilities.

18 (6) COORDINATION WITH STAKEHOLDERS.—In
19 developing a climate action plan under paragraph
20 (2), an eligible entity shall—

21 (A) identify and collaborate with stake-
22 holders who may be affected by the plan, in-
23 cluding local environmental justice communities
24 and other near-port communities;

1 (B) address the potential cumulative ef-
2 fects of the plan on stakeholders when those ef-
3 fects may have a community-level impact; and

4 (C) ensure effective advance communica-
5 tion with stakeholders to avoid and minimize
6 conflicts.

7 (c) PRIORITY.—In awarding grants under this sec-
8 tion, the Administrator of the Environmental Protection
9 Agency shall give priority to applicants proposing—

10 (1) to strive for zero emissions as a key strat-
11 egy within the grantee’s climate action plan under
12 paragraph (2);

13 (2) to take a regional approach to reducing
14 greenhouse gas emissions at ports;

15 (3) to collaborate with near-port communities to
16 identify and implement mutual solutions to reduce
17 air pollutants at ports or port facilities affecting
18 such communities, with emphasis given to implemen-
19 tation of such solutions in near-port communities
20 that are environmental justice communities;

21 (4) to implement activities with off-site benefits,
22 such as by reducing air pollutants from vehicles,
23 equipment, and vessels at sites other than the port
24 or port facilities involved; and

1 (5) to reduce localized health risk pursuant to
2 health risk reduction goals that are set within the
3 grantee’s climate action plan under paragraph (2).

4 (d) MODEL METHODOLOGIES.—The Administrator
5 of the Environmental Protection Agency shall—

6 (1) develop model methodologies which grantees
7 under this section may choose to use for emissions
8 accounting and inventory practices referred to in
9 subsection (b)(3)(C); and

10 (2) ensure that such methodologies are designed
11 to measure progress in reducing air pollution at
12 near-port communities.

13 (e) DEFINITIONS.—In this section:

14 (1) The term “Administrator” means the Ad-
15 ministrator of the Environmental Protection Agency.

16 (2) The term “cargo-handling equipment” in-
17 cludes—

18 (A) ship-to-shore container cranes and
19 other cranes;

20 (B) container-handling equipment; and

21 (C) equipment for moving or handling
22 cargo, including trucks, reachstackers,
23 toploaders, and forklifts.

24 (3) The term “eligible entity” means—

25 (A) a port authority;

1 (B) a State, regional, local, or Tribal agen-
2 cy that has jurisdiction over a port authority or
3 a port;

4 (C) an air pollution control district; or

5 (D) a private entity (including any non-
6 profit organization) that—

7 (i) applies for a grant under this sec-
8 tion in collaboration with an entity de-
9 scribed in subparagraph (A), (B), or (C) ;
10 and

11 (ii) owns, operates, or uses a port fa-
12 cility, cargo equipment, transportation
13 equipment, related technology, or a ware-
14 house facility at a port or port facility.

15 (4) The term “environmental justice commu-
16 nity” means a community with significant represen-
17 tation of communities of color, low-income commu-
18 nities, or Tribal and indigenous communities, that
19 experiences, or is at risk of experiencing, higher or
20 more adverse human health or environmental effects.

21 (5) The term “harbor vessel” includes a ship,
22 boat, lighter, or maritime vessel designed for service
23 at and around harbors and ports.

24 (6) The term “inland port” means a logistics or
25 distribution hub that is located inland from navi-

1 gable waters, where cargo, such as break-bulk cargo
2 or cargo in shipping containers, is processed, stored,
3 and transferred between trucks, rail cars, or air-
4 craft.

5 (7) The term “port” includes an inland port.

6 (8) The term “stakeholder” means residents,
7 community groups, businesses, business owners,
8 labor unions, commission members, or groups from
9 which a near-port community draws its resources
10 that—

11 (A) have interest in the climate action plan
12 of a grantee under this section; or

13 (B) can affect or be affected by the objec-
14 tives and policies of such a climate action plan.

15 (f) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—To carry out this section,
17 there is authorized to be appropriated \$250,000,000
18 for each of fiscal years 2021 through 2025.

19 (2) DEVELOPMENT OF CLIMATE ACTION
20 PLANS.—In addition to the authorization of appro-
21 priations in paragraph (1), there is authorized to be
22 appropriated for grants pursuant to subsection
23 (a)(2) to develop climate action plans \$50,000,000
24 for fiscal year 2021, to remain available until ex-
25 pended.

1 **CHAPTER 11—CLEAN ENERGY AND**
2 **SUSTAINABILITY ACCELERATOR**

3 **SEC. 33192. CLEAN ENERGY AND SUSTAINABILITY ACCEL-**
4 **ERATOR.**

5 Title XVI of the Energy Policy Act of 2005 (Public
6 Law 109–58, as amended) is amended by adding at the
7 end the following new subtitle:

8 **“Subtitle C—Clean Energy and**
9 **Sustainability Accelerator**

10 **“SEC. 1621. DEFINITIONS.**

11 “In this subtitle:

12 “(1) ACCELERATOR.—The term ‘Accelerator’
13 means the Clean Energy and Sustainability Accel-
14 erator established under section 1622.

15 “(2) BOARD.—The term ‘Board’ means the
16 Board of Directors of the Accelerator.

17 “(3) CHIEF EXECUTIVE OFFICER.—The term
18 ‘chief executive officer’ means the chief executive of-
19 ficer of the Accelerator.

20 “(4) CLIMATE-IMPACTED COMMUNITIES.—The
21 term ‘climate-impacted communities’ includes—

22 “(A) communities of color, which include
23 any geographically distinct area the population
24 of color of which is higher than the average

1 population of color of the State in which the
2 community is located;

3 “(B) communities that are already or are
4 likely to be the first communities to feel the di-
5 rect negative effects of climate change;

6 “(C) distressed neighborhoods, dem-
7 onstrated by indicators of need, including pov-
8 erty, childhood obesity rates, academic failure,
9 and rates of juvenile delinquency, adjudication,
10 or incarceration;

11 “(D) low-income communities, defined as
12 any census block group in which 30 percent or
13 more of the population are individuals with low
14 income;

15 “(E) low-income households, defined as a
16 household with annual income equal to, or less
17 than, the greater of—

18 “(i) an amount equal to 80 percent of
19 the median income of the area in which the
20 household is located, as reported by the
21 Department of Housing and Urban Devel-
22 opment; and

23 “(ii) 200 percent of the Federal pov-
24 erty line; and

1 “(F) rural areas, which include any area
2 other than—

3 “(i) a city or town that has a popu-
4 lation of greater than 50,000 inhabitants;
5 and

6 “(ii) any urbanized area contiguous
7 and adjacent to a city or town described in
8 clause (i).

9 “(5) CLIMATE RESILIENT INFRASTRUCTURE.—

10 The term ‘climate resilient infrastructure’ means
11 any project that builds or enhances infrastructure so
12 that such infrastructure—

13 “(A) is planned, designed, and operated in
14 a way that anticipates, prepares for, and adapts
15 to changing climate conditions; and

16 “(B) can withstand, respond to, and re-
17 cover rapidly from disruptions caused by these
18 climate conditions.

19 “(6) ELECTRIFICATION.—The term ‘electrifica-
20 tion’ means the installation, construction, or use of
21 end-use electric technology that replaces existing fos-
22 sil-fuel-based technology.

23 “(7) ENERGY EFFICIENCY.—The term ‘energy
24 efficiency’ means any project, technology, function,
25 or measure that results in the reduction of energy

1 use required to achieve the same level of service or
2 output prior to the application of such project, tech-
3 nology, function, or measure, or substantially re-
4 duces greenhouse gas emissions relative to emissions
5 that would have occurred prior to the application of
6 such project, technology, function, or measure.

7 “(8) FUEL SWITCHING.—The term ‘fuel switch-
8 ing’ means any project that replaces a fossil-fuel-
9 based heating system with an electric-powered sys-
10 tem or one powered by biomass-generated heat.

11 “(9) GREEN BANK.—The term ‘green bank’
12 means a dedicated public or nonprofit specialized fi-
13 nance entity that—

14 “(A) is designed to drive private capital
15 into market gaps for low- and zero-emission
16 goods and services;

17 “(B) uses finance tools to mitigate climate
18 change;

19 “(C) does not take deposits;

20 “(D) is funded by government, public, pri-
21 vate, or charitable contributions; and

22 “(E) invests or finances projects—

23 “(i) alone; or

24 “(ii) in conjunction with other inves-
25 tors.

1 “(10) QUALIFIED PROJECTS.—The terms
2 ‘qualified projects’ means the following kinds of
3 technologies and activities that are eligible for fi-
4 nancing and investment from the Clean Energy and
5 Sustainability Accelerator, either directly or through
6 State and local green banks funded by the Clean
7 Energy and Sustainability Accelerator:

8 “(A) Renewable energy generation, includ-
9 ing the following:

10 “(i) Solar.

11 “(ii) Wind.

12 “(iii) Geothermal.

13 “(iv) Hydropower.

14 “(v) Ocean and hydrokinetic.

15 “(vi) Fuel cell.

16 “(B) Building energy efficiency, fuel
17 switching, and electrification.

18 “(C) Industrial decarbonization.

19 “(D) Grid technology such as trans-
20 mission, distribution, and storage to support
21 clean energy distribution, including smart-grid
22 applications.

23 “(E) Agriculture and forestry projects that
24 reduce net greenhouse gas emissions.

1 “(F) Clean transportation, including the
2 following:

3 “(i) Battery electric vehicles.

4 “(ii) Plug-in hybrid electric vehicles.

5 “(iii) Hydrogen vehicles.

6 “(iv) Other zero-emissions fueled vehi-
7 cles.

8 “(v) Related vehicle charging and
9 fueling infrastructure.

10 “(G) Climate resilient infrastructure.

11 “(H) Any other key areas identified by the
12 Board as consistent with the mandate of the
13 Accelerator as described in section 1623.

14 “(11) RENEWABLE ENERGY GENERATION.—

15 The term ‘renewable energy generation’ means elec-
16 tricity created by sources that are continually replen-
17 ished by nature, such as the sun, wind, and water.

18 **“SEC. 1622. ESTABLISHMENT.**

19 “(a) IN GENERAL.—Not later than 1 year after the
20 date of enactment of this subtitle, there shall be estab-
21 lished a nonprofit corporation to be known as the ‘Clean
22 Energy and Sustainability Accelerator’.

23 “(b) LIMITATION.—The Accelerator shall not be an
24 agency or instrumentality of the Federal Government.

1 “(c) FULL FAITH AND CREDIT.—The full faith and
2 credit of the United States shall not extend to the Accel-
3 erator.

4 “(d) NONPROFIT STATUS.—The Accelerator shall
5 maintain its status as an organization exempt from tax-
6 ation under the Internal Revenue Code of 1986 (26 U.S.C.
7 1 et seq.).

8 **“SEC. 1623. MANDATE.**

9 “The Accelerator shall make the United States a
10 world leader in combating the causes and effects of climate
11 change through the rapid deployment of mature tech-
12 nologies and scaling of new technologies by maximizing
13 the reduction of emissions in the United States for every
14 dollar deployed by the Accelerator, including by—

15 “(1) providing financing support for invest-
16 ments in the United States in low- and zero-emis-
17 sions technologies and processes in order to rapidly
18 accelerate market penetration;

19 “(2) catalyzing and mobilizing private capital
20 through Federal investment and supporting a more
21 robust marketplace for clean technologies, while
22 avoiding competition with private investment;

23 “(3) enabling climate-impacted communities to
24 benefit from and afford projects and investments
25 that reduce emissions;

1 “(4) providing support for workers and commu-
2 nities impacted by the transition to a low-carbon
3 economy;

4 “(5) supporting the creation of green banks
5 within the United States where green banks do not
6 exist; and

7 “(6) causing the rapid transition to a clean en-
8 ergy economy without raising energy costs to end
9 users and seeking to lower costs where possible.

10 **“SEC. 1624. FINANCE AND INVESTMENT DIVISION.**

11 “(a) IN GENERAL.—There shall be within the Accel-
12 erator a finance and investment division, which shall be
13 responsible for—

14 “(1) the Accelerator’s greenhouse gas emissions
15 mitigation efforts by directly financing qualifying
16 projects or doing so indirectly by providing capital to
17 State and local green banks;

18 “(2) originating, evaluating, underwriting, and
19 closing the Accelerator’s financing and investment
20 transactions in qualified projects;

21 “(3) partnering with private capital providers
22 and capital markets to attract coinvestment from
23 private banks, investors, and others in order to drive
24 new investment into underpenetrated markets, to in-
25 crease the efficiency of private capital markets with

1 respect to investing in greenhouse gas reduction
2 projects, and to increase total investment caused by
3 the Accelerator;

4 “(4) managing the Accelerator’s portfolio of as-
5 sets to ensure performance and monitor risk;

6 “(5) ensuring appropriate debt and risk mitiga-
7 tion products are offered; and

8 “(6) overseeing prudent, noncontrolling equity
9 investments.

10 “(b) PRODUCTS AND INVESTMENT TYPES.—The fi-
11 nance and investment division of the Accelerator may pro-
12 vide capital to qualified projects in the form of—

13 “(1) senior, mezzanine, and subordinated debt;

14 “(2) credit enhancements including loan loss re-
15 serves and loan guarantees;

16 “(3) aggregation and warehousing;

17 “(4) equity capital; and

18 “(5) any other financial product approved by
19 the Board.

20 “(c) STATE AND LOCAL GREEN BANK CAPITALIZA-
21 TION.—The finance and investment division of the Accel-
22 erator shall make capital available to State and local green
23 banks to enable such banks to finance qualifying projects
24 in their markets that are better served by a locally based

1 entity, rather than through direct investment by the Accel-
2 erator.

3 “(d) INVESTMENT COMMITTEE.—The debt, risk miti-
4 gation, and equity investments made by the Accelerator
5 shall be—

6 “(1) approved by the investment committee of
7 the Board; and

8 “(2) consistent with an investment policy that
9 has been established by the investment committee of
10 the Board in consultation with the risk management
11 committee of the Board.

12 **“SEC. 1625. START-UP DIVISION.**

13 “There shall be within the Accelerator a Start-up Di-
14 vision, which shall be responsible for providing technical
15 assistance and start-up funding to States and other polit-
16 ical subdivisions that do not have green banks to establish
17 green banks in those States and political subdivisions, in-
18 cluding by working with relevant stakeholders in those
19 States and political subdivisions.

20 **“SEC. 1626. ZERO-EMISSIONS FLEET AND RELATED INFRA-
21 STRUCTURE FINANCING PROGRAM.**

22 “Not later than 1 year after the date of establishment
23 of the Accelerator, the Accelerator shall explore the estab-
24 lishment of a program to provide low- and zero-interest
25 loans, up to 30 years in length, to any school, metropolitan

1 planning organization, or nonprofit organization seeking
2 financing for the acquisition of zero-emissions vehicle
3 fleets or associated infrastructure to support zero-emis-
4 sions vehicle fleets.

5 **“SEC. 1627. PROJECT PRIORITIZATION AND REQUIRE-**
6 **MENTS.**

7 “(a) EMISSIONS REDUCTION MANDATE.—In invest-
8 ing in projects that mitigate greenhouse gas emissions, the
9 Accelerator shall maximize the reduction of emissions in
10 the United States for every dollar deployed by the Accel-
11 erator.

12 “(b) ENVIRONMENTAL JUSTICE PRIORITIZATION.—

13 “(1) IN GENERAL.—In order to address envi-
14 ronmental justice needs, the Accelerator shall, as ap-
15 plicable, prioritize the provision of program benefits
16 and investment activity that are expected to directly
17 or indirectly result in the deployment of projects to
18 serve, as a matter of official policy, climate-impacted
19 communities.

20 “(2) MINIMUM PERCENTAGE.—The Accelerator
21 shall ensure that over the 30-year period of its char-
22 ter 20 percent of its investment activity is directed
23 to serve climate-impacted communities.

24 “(c) CONSUMER PROTECTION.—

1 “(1) PRIORITIZATION.—Consistent with man-
2 date under section 1623 to maximize the reduction
3 of emissions in the United States for every dollar de-
4 ployed by the Accelerator, the Accelerator shall
5 prioritize qualified projects according to benefits
6 conferred on consumers and affected communities.

7 “(2) CONSUMER CREDIT PROTECTION.—The
8 Accelerator shall ensure that any residential energy
9 efficiency or distributed clean energy project in
10 which the Accelerator invests directly or indirectly
11 complies with the requirements of the Consumer
12 Credit Protection Act (15 U.S.C. 1601 et seq.), in-
13 cluding, in the case of a financial product that is a
14 residential mortgage loan, any requirements of title
15 I of that Act relating to residential mortgage loans
16 (including any regulations promulgated by the Bu-
17 reau of Consumer Financial Protection under sec-
18 tion 129C(b)(3)(C) of that Act (15 U.S.C.
19 1639c(b)(3)(C))).

20 “(d) LABOR.—

21 “(1) IN GENERAL.—The Accelerator shall en-
22 sure that laborers and mechanics employed by con-
23 tractors and subcontractors in construction work fi-
24 nanced directly by the Accelerator will be paid wages
25 not less than those prevailing on similar construction

1 in the locality, as determined by the Secretary of
2 Labor under sections 3141 through 3144, 3146, and
3 3147 of title 40, United States Code.

4 “(2) PROJECT LABOR AGREEMENT.—The Accel-
5 erator shall ensure that projects financed directly by
6 the Accelerator with total capital costs of
7 \$100,000,000 or greater utilize a project labor
8 agreement.

9 **“SEC. 1628. BOARD OF DIRECTORS.**

10 “(a) IN GENERAL.—The Accelerator shall operate
11 under the direction of a Board of Directors, which shall
12 be composed of seven members.

13 “(b) INITIAL COMPOSITION AND TERMS.—

14 “(1) SELECTION.—The initial members of the
15 Board shall be selected as follows:

16 “(A) APPOINTED MEMBERS.—Three mem-
17 bers shall be appointed by the President, with
18 the advice and consent of the Senate, of whom
19 no more than two shall belong to the same po-
20 litical party.

21 “(B) ELECTED MEMBERS.—Four members
22 shall be elected unanimously by the three mem-
23 bers appointed and confirmed pursuant to sub-
24 paragraph (A).

1 “(2) TERMS.—The terms of the initial members
2 of the Board shall be as follows:

3 “(A) The three members appointed and
4 confirmed under paragraph (1)(A) shall have
5 initial 5-year terms.

6 “(B) Of the four members elected under
7 paragraph (1)(B), two shall have initial 3-year
8 terms, and two shall have initial 4-year terms.

9 “(c) SUBSEQUENT COMPOSITION AND TERMS.—

10 “(1) SELECTION.—Except for the selection of
11 the initial members of the Board for their initial
12 terms under subsection (b), the members of the
13 Board shall be elected by the members of the Board.

14 “(2) DISQUALIFICATION.—A member of the
15 Board shall be disqualified from voting for any posi-
16 tion on the Board for which such member is a can-
17 didate.

18 “(3) TERMS.—All members elected pursuant to
19 paragraph (1) shall have a term of 5 years.

20 “(d) QUALIFICATIONS.—The members of the Board
21 shall collectively have expertise in—

22 “(1) the fields of clean energy, electric utilities,
23 industrial decarbonization, clean transportation, re-
24 siliency, and agriculture and forestry practices;

25 “(2) climate change science;

1 “(3) finance and investments; and

2 “(4) environmental justice and matters related
3 to the energy and environmental needs of climate-
4 impacted communities.

5 “(e) RESTRICTION ON MEMBERSHIP.—No officer or
6 employee of the Federal or any other level of government
7 may be appointed or elected as a member of the Board.

8 “(f) QUORUM.—Five members of the Board shall
9 constitute a quorum.

10 “(g) BYLAWS.—

11 “(1) IN GENERAL.—The Board shall adopt, and
12 may amend, such bylaws as are necessary for the
13 proper management and functioning of the Accel-
14 erator.

15 “(2) OFFICERS.—In the bylaws described in
16 paragraph (1), the Board shall—

17 “(A) designate the officers of the Accel-
18 erator; and

19 “(B) prescribe the duties of those officers.

20 “(h) VACANCIES.—Any vacancy on the Board shall
21 be filled through election by the Board.

22 “(i) INTERIM APPOINTMENTS.—A member elected to
23 fill a vacancy occurring before the expiration of the term
24 for which the predecessor of that member was appointed
25 or elected shall serve for the remainder of the term for

1 which the predecessor of that member was appointed or
2 elected.

3 “(j) REAPPOINTMENT.—A member of the Board may
4 be elected for not more than one additional term of service
5 as a member of the Board.

6 “(k) CONTINUATION OF SERVICE.—A member of the
7 Board whose term has expired may continue to serve on
8 the Board until the date on which a successor member
9 is elected.

10 “(l) CHIEF EXECUTIVE OFFICER.—The Board shall
11 appoint a chief executive officer who shall be responsible
12 for—

13 “(1) hiring employees of the Accelerator;

14 “(2) establishing the two divisions of the Accel-
15 erator described in sections 1624 and 1625; and

16 “(3) performing any other tasks necessary for
17 the day-to-day operations of the Accelerator.

18 “(m) ADVISORY COMMITTEE.—

19 “(1) ESTABLISHMENT.—The Accelerator shall
20 establish an advisory committee (in this subsection
21 referred to as the ‘advisory committee’), which shall
22 be composed of not more than 13 members ap-
23 pointed by the Board on the recommendation of the
24 president of the Accelerator.

1 “(2) MEMBERS.—Members of the advisory com-
2 mittee shall be broadly representative of interests
3 concerned with the environment, production, com-
4 merce, finance, agriculture, forestry, labor, services,
5 and State Government. Of such members—

6 “(A) not fewer than three shall be rep-
7 resentatives of the small business community;

8 “(B) not fewer than two shall be rep-
9 resentatives of the labor community, except that
10 no two members may be from the same labor
11 union;

12 “(C) not fewer than two shall be represent-
13 atives of the environmental nongovernmental
14 organization community, except that no two
15 members may be from the same environmental
16 organization;

17 “(D) not fewer than two shall be rep-
18 resentatives of the environmental justice non-
19 governmental organization community, except
20 that no two members may be from the same en-
21 vironmental organization;

22 “(E) not fewer than two shall be rep-
23 resentatives of the consumer protection and fair
24 lending community, except that no two mem-

1 bers may be from the same consumer protection
2 or fair lending organization; and

3 “(F) not fewer than two shall be represent-
4 atives of the financial services industry with
5 knowledge of and experience in financing trans-
6 actions for clean energy and other sustainable
7 infrastructure assets.

8 “(3) MEETINGS.—The advisory committee shall
9 meet not less frequently than once each quarter.

10 “(4) DUTIES.—The advisory committee shall—

11 “(A) advise the Accelerator on the pro-
12 grams undertaken by the Accelerator; and

13 “(B) submit to the Congress an annual re-
14 port with comments from the advisory com-
15 mittee on the extent to which the Accelerator is
16 meeting the mandate described in section 1623,
17 including any suggestions for improvement.

18 “(n) CHIEF RISK OFFICER.—

19 “(1) APPOINTMENT.—Subject to the approval
20 of the Board, the chief executive officer shall appoint
21 a chief risk officer from among individuals with ex-
22 perience at a senior level in financial risk manage-
23 ment, who—

24 “(A) shall report directly to the Board;
25 and

1 “(B) shall be removable only by a majority
2 vote of the Board.

3 “(2) DUTIES.—The chief risk officer, in coordi-
4 nation with the risk management and audit commit-
5 tees established under section 1631, shall develop,
6 implement, and manage a comprehensive process for
7 identifying, assessing, monitoring, and limiting risks
8 to the Accelerator, including the overall portfolio di-
9 versification of the Accelerator.

10 **“SEC. 1629. ADMINISTRATION.**

11 “(a) CAPITALIZATION.—

12 “(1) IN GENERAL.—To the extent and in the
13 amounts provided in advance in appropriations Acts,
14 the Secretary of Energy shall transfer to the Accel-
15 erator—

16 “(A) \$10,000,000,000 on the date on
17 which the Accelerator is established under sec-
18 tion 1622; and

19 “(B) \$2,000,000,000 on October 1 of each
20 of the 5 fiscal years following that date.

21 “(2) AUTHORIZATION OF APPROPRIATIONS.—
22 For purposes of the transfers under paragraph (1),
23 there are authorized to be appropriated—

1 “(A) \$10,000,000,000 for the fiscal year in
2 which the Accelerator is established under sec-
3 tion 1622; and

4 “(B) \$2,000,000,000 for each of the 5 suc-
5 ceeding fiscal years.

6 “(b) CHARTER.—The Accelerator shall establish a
7 charter, the term of which shall be 30 years.

8 “(c) OPERATIONAL FUNDS.—To sustain operations,
9 the Accelerator shall manage revenue from financing fees,
10 interest, repaid loans, and other types of funding.

11 “(d) REPORT.—The Accelerator shall submit on a
12 quarterly basis to the relevant committees of Congress a
13 report that describes the financial activities, emissions re-
14 ductions, and private capital mobilization metrics of the
15 Accelerator for the previous quarter.

16 “(e) RESTRICTION.—The Accelerator shall not accept
17 deposits.

18 “(f) COMMITTEES.—The Board shall establish com-
19 mittees and subcommittees, including—

20 “(1) an investment committee; and

21 “(2) in accordance with section 1630—

22 “(A) a risk management committee; and

23 “(B) an audit committee.

1 **“SEC. 1630. ESTABLISHMENT OF RISK MANAGEMENT COM-**
2 **MITTEE AND AUDIT COMMITTEE.**

3 “(a) IN GENERAL.—To assist the Board in fulfilling
4 the duties and responsibilities of the Board under this sub-
5 title, the Board shall establish a risk management com-
6 mittee and an audit committee.

7 “(b) DUTIES AND RESPONSIBILITIES OF RISK MAN-
8 AGEMENT COMMITTEE.—Subject to the direction of the
9 Board, the risk management committee established under
10 subsection (a) shall establish policies for and have over-
11 sight responsibility for—

12 “(1) formulating the risk management policies
13 of the operations of the Accelerator;

14 “(2) reviewing and providing guidance on oper-
15 ation of the global risk management framework of
16 the Accelerator;

17 “(3) developing policies for—

18 “(A) investment;

19 “(B) enterprise risk management;

20 “(C) monitoring; and

21 “(D) management of strategic,
22 reputational, regulatory, operational, develop-
23 mental, environmental, social, and financial
24 risks; and

25 “(4) developing the risk profile of the Accel-
26 erator, including—

1 “(A) a risk management and compliance
2 framework; and

3 “(B) a governance structure to support
4 that framework.

5 “(c) DUTIES AND RESPONSIBILITIES OF AUDIT COM-
6 MITTEE.—Subject to the direction of the Board, the audit
7 committee established under subsection (a) shall have
8 oversight responsibility for—

9 “(1) the integrity of—

10 “(A) the financial reporting of the Accel-
11 erator; and

12 “(B) the systems of internal controls re-
13 garding finance and accounting;

14 “(2) the integrity of the financial statements of
15 the Accelerator;

16 “(3) the performance of the internal audit func-
17 tion of the Accelerator; and

18 “(4) compliance with the legal and regulatory
19 requirements related to the finances of the Accel-
20 erator.

21 **“SEC. 1631. OVERSIGHT.**

22 “(a) EXTERNAL OVERSIGHT.—The inspector general
23 of the Department of Energy shall have oversight respon-
24 sibilities over the Accelerator.

25 “(b) REPORTS AND AUDIT.—

1 “(1) ANNUAL REPORT.—The Accelerator shall
2 publish an annual report which shall be transmitted
3 by the Accelerator to the President and the Con-
4 gress.

5 “(2) ANNUAL AUDIT OF ACCOUNTS.—The ac-
6 counts of the Accelerator shall be audited annually.
7 Such audits shall be conducted in accordance with
8 generally accepted auditing standards by inde-
9 pendent certified public accountants who are cer-
10 tified by a regulatory authority of the jurisdiction in
11 which the audit is undertaken.

12 “(3) ADDITIONAL AUDITS.—In addition to the
13 annual audits under paragraph (2), the financial
14 transactions of the Accelerator for any fiscal year
15 during which Federal funds are available to finance
16 any portion of its operations may be audited by the
17 Government Accountability Office in accordance with
18 such rules and regulations as may be prescribed by
19 the Comptroller General of the United States.

20 **“SEC. 1632. MAXIMUM CONTINGENT LIABILITY.**

21 “The maximum contingent liability of the Accelerator
22 that may be outstanding at any time shall be not more
23 than \$70,000,000,000 in the aggregate.”.

1 **CHAPTER 12—CARBON CAPTURE**
2 **UTILIZATION AND STORAGE**

3 **SEC. 33193. SUPPORTING CARBON CAPTURE UTILIZATION**
4 **AND STORAGE.**

5 (a) REPEAL OF CLEAN COAL POWER INITIATIVE.—

6 Subtitle A of title IV of the Energy Policy Act of 2005
7 (42 U.S.C. 15961 et seq.) is repealed.

8 (b) FOSSIL ENERGY OBJECTIVES.—Section 961(a) of
9 the Energy Policy Act of 2005 (42 U.S.C. 16291(a)) is
10 amended by adding at the end the following:

11 “(8) Improving the conversion, use, and storage
12 of carbon dioxide from fossil fuels.

13 “(9) Lowering greenhouse gas emissions across
14 the fossil fuel cycle to the maximum extent possible,
15 including emissions from all fossil fuel production,
16 generation, delivery, and utilization.

17 “(10) Preventing, predicting, monitoring, and
18 mitigating the unintended leaking of methane, car-
19 bon dioxide, and other fossil fuel-related emissions
20 into the atmosphere.

21 “(11) Reducing water use, improving water
22 reuse, and minimizing the surface and subsurface
23 environmental impact of the development of uncon-
24 ventional domestic oil and natural gas resources.

1 “(12) Developing carbon removal and utiliza-
2 tion technologies, products, and methods that result
3 in net reductions in greenhouse gas emissions, in-
4 cluding direct air capture and storage and carbon
5 use and reuse for commercial application.”.

6 (c) CARBON CAPTURE AND UTILIZATION TECH-
7 NOLOGY COMMERCIALIZATION PROGRAM.—

8 (1) ESTABLISHMENT.—The Secretary of En-
9 ergy shall establish a carbon capture and utilization
10 technology commercialization program to signifi-
11 cantly improve the efficiency, effectiveness, cost, and
12 environmental performance of fossil fuel-fired facili-
13 ties.

14 (2) INCLUSIONS.—The program shall include
15 funding for—

16 (A) front end engineering design studies
17 for commercial demonstration projects for at
18 least three types of advanced carbon capture
19 technology and at least one type of direct air
20 capture technology;

21 (B) commercial demonstration of advanced
22 carbon capture technology projects intended to
23 produce a standard design specification for up
24 to five demonstrations of a particular tech-
25 nology type;

1 (C) commercial demonstration of direct air
2 capture technology projects intended to produce
3 a standard design specification for up to 5 dem-
4 onstrations of a particular technology type; and

5 (D) commercialization projects of large-
6 scale carbon dioxide storage sites in saline geo-
7 logical formations that are designed to accept
8 at least 10,000,000 tons per year of carbon di-
9 oxide, including activities exploring, catego-
10 rizing, and developing storage sites and nec-
11 essary pipeline infrastructure.

12 (3) FUNDING.—

13 (A) AUTHORIZATION OF APPROPRIA-
14 TIONS.—There are authorized to be appro-
15 priated for activities—

16 (i) under paragraph (2)(A),
17 \$100,000,000 for each of fiscal years 2021
18 through 2025, and such sums as may be
19 necessary for fiscal years 2026 through
20 2030;

21 (ii) under paragraph (2)(B),
22 \$1,500,000,000 for each of fiscal years
23 2021 through 2025, and such sums as may
24 be necessary for fiscal years 2026 through
25 2030;

1 (iii) under paragraph (2)(C),
2 \$250,000,000 for each of fiscal years 2021
3 through 2025, and such sums as may be
4 necessary for fiscal years 2026 through
5 2030; and

6 (iv) under paragraph (2)(D),
7 \$500,000,000 for each of fiscal years 2021
8 through 2025, and such sums as may be
9 necessary for fiscal years 2026 through
10 2030.

11 (B) COST SHARING.—Federal grants under
12 this section shall be limited as follows:

13 (i) For activities under paragraph
14 (2)(A), the Secretary shall provide not
15 more than 80 percent of project funds.

16 (ii) For activities under any of sub-
17 paragraphs (B) through (D) of paragraph
18 (2), the Secretary shall provide not more
19 than 50 percent of project funds.

20 (d) DIRECT AIR CAPTURE TECHNOLOGY PRIZE PRO-
21 GRAM.—

22 (1) DEFINITIONS.—In this subsection:

23 (A) QUALIFIED CARBON DIOXIDE.—

1 (i) IN GENERAL.—The term “qualified
2 carbon dioxide” means any carbon dioxide
3 that—

4 (I) is captured directly from the
5 ambient air; and

6 (II) is measured at the source of
7 capture and verified at the point of
8 disposal, injection, or utilization.

9 (ii) INCLUSION.—The term “qualified
10 carbon dioxide” includes the initial deposit
11 of captured carbon dioxide used as a ter-
12 tiary injectant.

13 (iii) EXCLUSION.—The term “quali-
14 fied carbon dioxide” does not include car-
15 bon dioxide that is recaptured, recycled,
16 and reinjected as part of the enhanced oil
17 and natural gas recovery process.

18 (B) QUALIFIED DIRECT AIR CAPTURE FA-
19 CILITY.—

20 (i) IN GENERAL.—Subject to clause
21 (ii), the term “qualified direct air capture
22 facility” means any facility that—

23 (I) uses carbon capture equip-
24 ment to capture carbon dioxide di-
25 rectly from the ambient air; and

1 (II) captures more than 10,000
2 metric tons of qualified carbon dioxide
3 annually.

4 (ii) EXCLUSION.—The term “qualified
5 direct air capture facility” does not include
6 any facility that captures carbon dioxide—

7 (I) that is deliberately released
8 from naturally occurring subsurface
9 springs; or

10 (II) using natural photosynthesis.

11 (2) ESTABLISHMENT.—Not later than 1 year
12 after the date of enactment of this section, the Sec-
13 retary of Energy, in consultation with the Adminis-
14 trator of the Environmental Protection Agency, shall
15 establish a direct air capture prize program designed
16 to significantly reward development, demonstration,
17 and deployment of direct air capture technologies.

18 (3) DIRECT AIR CAPTURE PRIZE PROGRAM.—

19 (A) AWARDS.—Under the prize program,
20 the Secretary shall provide financial awards in
21 a competitive setting equally for each ton of
22 qualified carbon dioxide captured by a qualified
23 direct air capture facility until appropriated
24 funds are expended. The prize per metric ton
25 shall not exceed—

1 (i) \$180 for qualified carbon dioxide
2 captured and stored in saline storage for-
3 mations;

4 (ii) a lesser amount as determined by
5 the Secretary for qualified carbon dioxide
6 captured and stored in conjunction with
7 enhanced oil recovery operations; or

8 (iii) a lesser amount as determined by
9 the Secretary for qualified carbon dioxide
10 captured and utilized in any activity con-
11 sistent with section 45Q(f)(5) of the Inter-
12 nal Revenue Code of 1986 (26 U.S.C.
13 45Q(f)(5)).

14 (B) ADMINISTRATION.—

15 (i) REQUIREMENTS.—Not later than
16 1 year after the date of enactment of this
17 section, the Administrator, in consultation
18 with the Secretary, shall submit require-
19 ments for qualifying metric tons of carbon
20 dioxide. In carrying out this clause, the
21 Administrator shall develop specific re-
22 quirements for—

23 (I) the process of applying for
24 prizes; and

1 (II) the demonstration of per-
2 formance of approved projects.

3 (ii) DETERMINATION.—For purposes
4 of determining the amount of metric tons
5 of qualified carbon dioxide eligible for
6 prizes under clause (i), the amount shall be
7 equal to the net metric tons of carbon di-
8 oxide removal demonstrated by the recipi-
9 ent, subject to the requirements set forth
10 by the Administrator under such clause.

11 (C) SCHEDULE OF PAYMENT.—The Sec-
12 retary shall award prizes on an annual basis to
13 qualified direct air capture facilities for metric
14 tons of qualified carbon dioxide captured and
15 verified at the point of disposal, injection, or
16 utilization.

17 (4) AUTHORIZATION OF APPROPRIATIONS.—
18 There are authorized to be appropriated to carry out
19 this subsection \$200,000,000 for the period of fiscal
20 years 2021 through 2025, and \$400,000,000 for the
21 period of fiscal years 2026 through 2030, to remain
22 available until expended.

23 (e) INCREASED FUNDING FOR INJECTION WELL
24 PERMITTING.—

1 (1) AUTHORIZATION OF APPROPRIATIONS.—For
2 activities involved in the permitting by the Adminis-
3 trator of the Environmental Protection Agency of
4 Class VI wells for the injection of carbon dioxide for
5 the purpose of geologic sequestration in accordance
6 with the requirements of the Safe Drinking Water
7 Act (42 U.S.C. 300f et seq.) and regulations pro-
8 mulgated thereunder by the Administrator on De-
9 cember 10, 2010 (75 Fed. Reg. 77230), there are
10 authorized to be appropriated \$5,000,000 for each
11 of fiscal years 2021 through 2025, and such sums
12 as may be necessary for fiscal years 2026 through
13 2030.

14 (2) STATE PERMITTING PROGRAMS.—

15 (A) GRANTS.—The Administrator shall
16 provide grants to States that receive program
17 approval for permitting Class VI wells for the
18 injection of carbon dioxide pursuant to section
19 1422 of the Safe Drinking Water Act (42
20 U.S.C. 300h–1), for the purpose of defraying
21 State expenses related to the establishment and
22 operation of such State permitting programs.

23 (B) AUTHORIZATION OF APPROPRIA-
24 TIONS.—For State grants described in subpara-
25 graph (A), there are authorized to be appro-

1 priedated \$50,000,000 for the period of fiscal
2 years 2021 through 2025, and such sums as
3 may be necessary for fiscal years 2026 through
4 2030.

5 **Subtitle B—Energy Efficiency**

6 **CHAPTER 1—ENERGY EFFICIENCY**

7 **RETROFITS**

8 **Subchapter A—HOPE for HOMES**

9 **SEC. 33201. DEFINITIONS.**

10 In this subchapter:

11 (1) **CONTRACTOR CERTIFICATION.**—The term
12 “contractor certification” means an industry recog-
13 nized certification that may be obtained by a resi-
14 dential contractor to advance the expertise and edu-
15 cation of the contractor in energy efficiency retrofits
16 of residential buildings, including—

17 (A) a certification provided by—

18 (i) the Building Performance Insti-
19 tute;

20 (ii) the Air Conditioning Contractors
21 of America;

22 (iii) the National Comfort Institute;

23 (iv) the North American Technician
24 Excellence;

25 (v) RESNET;

1 (vi) the United States Green Building
2 Council; or

3 (vii) Home Innovation Research Labs;
4 and

5 (B) any other certification the Secretary
6 determines appropriate for purposes of the
7 Home Energy Savings Retrofit Rebate Pro-
8 gram.

9 (2) CONTRACTOR COMPANY.—The term “con-
10 tractor company” means a company—

11 (A) the business of which is to provide
12 services to residential building owners with re-
13 spect to HVAC systems, insulation, air sealing,
14 or other services that are approved by the Sec-
15 retary;

16 (B) that holds the licenses and insurance
17 required by the State in which the company
18 provides services; and

19 (C) that provides services for which a par-
20 tial system rebate, measured performance re-
21 bate, or modeled performance rebate may be
22 provided pursuant to the Home Energy Savings
23 Retrofit Rebate Program.

24 (3) ENERGY AUDIT.—The term “energy audit”
25 means an inspection, survey, and analysis of the en-

1 energy use of a building, including the building enve-
2 lope and HVAC system.

3 (4) HOME.—The term “home” means a resi-
4 dential dwelling unit in a building with no more than
5 4 dwelling units that—

6 (A) is located in the United States;

7 (B) was constructed before the date of en-
8 actment of this Act; and

9 (C) is occupied at least 6 months out of
10 the year.

11 (5) HOME ENERGY SAVINGS RETROFIT REBATE
12 PROGRAM.—The term “Home Energy Savings Ret-
13 rofit Rebate Program” means the Home Energy
14 Savings Retrofit Rebate Program established under
15 section 33203.

16 (6) HOMEOWNER.—The term “homeowner”
17 means the owner of an owner-occupied home or a
18 tenant-occupied home.

19 (7) HOME VALUATION CERTIFICATION.—The
20 term “home valuation certification” means the fol-
21 lowing home assessments:

22 (A) Home Energy Score.

23 (B) PEARL Certification.

24 (C) National Green Building Standard.

25 (D) LEED.

1 (E) Any other assessment the Secretary
2 determines to be appropriate.

3 (8) HOPE QUALIFICATION.—The term “HOPE
4 Qualification” means the qualification described in
5 section 33202B.

6 (9) HOPE TRAINING CREDIT.—The term
7 “HOPE training credit” means a HOPE training
8 task credit or a HOPE training supplemental credit.

9 (10) HOPE TRAINING TASK CREDIT.—The
10 term “HOPE training task credit” means a credit
11 described in section 33202A(a).

12 (11) HOPE TRAINING SUPPLEMENTAL CRED-
13 IT.—The term “HOPE training supplemental cred-
14 it” means a credit described in section 33202A(b).

15 (12) HVAC SYSTEM.—The term “HVAC sys-
16 tem” means a system—

17 (A) consisting of a heating component, a
18 ventilation component, and an air-conditioning
19 component; and

20 (B) which components may include central
21 air conditioning, a heat pump, a furnace, a boil-
22 er, a rooftop unit, and a window unit.

23 (13) MEASURED PERFORMANCE REBATE.—The
24 term “measured performance rebate” means a re-

1 bate provided in accordance with section 33203B
2 and described in subsection (e) of that section.

3 (14) MODELED PERFORMANCE REBATE.—The
4 term “modeled performance rebate” means a rebate
5 provided in accordance with section 33203B and de-
6 scribed in subsection (d) of that section.

7 (15) MODERATE INCOME.—The term “mod-
8 erate income” means, with respect to a household, a
9 household with an annual income that is less than
10 80 percent of the area median income, as deter-
11 mined annually by the Department of Housing and
12 Urban Development.

13 (16) PARTIAL SYSTEM REBATE.—The term
14 “partial system rebate” means a rebate provided in
15 accordance with section 33203A.

16 (17) SECRETARY.—The term “Secretary”
17 means the Secretary of Energy.

18 (18) STATE.—The term “State” includes—

19 (A) a State;

20 (B) the District of Columbia;

21 (C) the Commonwealth of Puerto Rico;

22 (D) Guam;

23 (E) American Samoa;

24 (F) the Commonwealth of the Northern
25 Mariana Islands;

1 (G) the United States Virgin Islands; and

2 (H) any other territory or possession of the
3 United States.

4 (19) STATE ENERGY OFFICE.—The term “State
5 energy office” means the office or agency of a State
6 responsible for developing the State energy conserva-
7 tion plan for the State under section 362 of the En-
8 ergy Policy and Conservation Act (42 U.S.C. 6322).

9 **PART 1—HOPE TRAINING**

10 **SEC. 33202. NOTICE FOR HOPE QUALIFICATION TRAINING**
11 **AND GRANTS.**

12 Not later than 30 days after the date of enactment
13 of this Act, the Secretary, acting through the Director of
14 the Building Technologies Office of the Department of
15 Energy, shall issue a notice that includes—

16 (1) criteria established under section 33202A
17 for approval by the Secretary of courses for which
18 credits may be issued for purposes of a HOPE Qual-
19 ification;

20 (2) a list of courses that meet such criteria and
21 are so approved; and

22 (3) information on how individuals and entities
23 may apply for grants under this part.

24 **SEC. 33202A. COURSE CRITERIA.**

25 (a) HOPE TRAINING TASK CREDIT.—

1 (1) CRITERIA.—The Secretary shall establish
2 criteria for approval of a course for which a credit,
3 to be known as a HOPE training task credit, may
4 be issued, including that such course—

5 (A) is equivalent to at least 30 hours in
6 total course time;

7 (B) is accredited by the Interstate Renew-
8 able Energy Council or is determined to be
9 equivalent by the Secretary;

10 (C) is, with respect to a particular job,
11 aligned with the relevant National Renewable
12 Energy Laboratory Job Task Analysis, or other
13 credentialing program foundation that helps
14 identify the necessary core knowledge areas,
15 critical work functions, or skills, as approved by
16 the Secretary;

17 (D) has established learning objectives;

18 and

19 (E) includes, as the Secretary determines
20 appropriate, an appropriate assessment of such
21 learning objectives that may include a final
22 exam, to be proctored on-site or through remote
23 proctoring, or an in-person field exam.

1 (2) INCLUDED COURSES.—The Secretary shall
2 approve one or more courses that meet the criteria
3 described in paragraph (1) for training related to—

4 (A) contractor certification;

5 (B) energy auditing or assessment;

6 (C) home energy systems (including HVAC
7 systems);

8 (D) insulation installation and air leakage
9 control;

10 (E) health and safety regarding the instal-
11 lation of energy efficiency measures or health
12 and safety impacts associated with energy effi-
13 ciency retrofits; and

14 (F) indoor air quality.

15 (b) HOPE TRAINING SUPPLEMENTAL CREDIT CRI-
16 TERIA.—The Secretary shall establish criteria for approval
17 of a course for which a credit, to be known as a HOPE
18 training supplemental credit, may be issued, including
19 that such course provides—

20 (1) training related to—

21 (A) small business success, including man-
22 agement, home energy efficiency software, or
23 general accounting principles;

24 (B) the issuance of a home valuation cer-
25 tification;

1 (C) the use of wifi-enabled technology in
2 an energy efficiency upgrade; or

3 (D) understanding and being able to par-
4 ticipate in the Home Energy Savings Retrofit
5 Rebate Program; and

6 (2) as the Secretary determines appropriate, an
7 appropriate assessment of such training that may in-
8 clude a final exam, to be proctored on-site or
9 through remote proctoring, or an in-person field
10 exam.

11 (c) EXISTING APPROVED COURSES.—The Secretary
12 may approve a course that meets the applicable criteria
13 established under this section that is approved by the ap-
14 plicable State energy office or relevant State agency with
15 oversight authority for residential energy efficiency pro-
16 grams.

17 (d) IN-PERSON AND ONLINE TRAINING.—An online
18 course approved pursuant to this section may be con-
19 ducted in-person, but may not be offered exclusively in-
20 person.

21 **SEC. 33202B. HOPE QUALIFICATION.**

22 (a) ISSUANCE OF CREDITS.—

23 (1) IN GENERAL.—The Secretary, or an entity
24 authorized by the Secretary pursuant to paragraph

25 (2), may issue—

1 (A) a HOPE training task credit to any
2 individual that completes a course that meets
3 applicable criteria under section 33202A; and

4 (B) a HOPE training supplemental credit
5 to any individual that completes a course that
6 meets the applicable criteria under section
7 33202A.

8 (2) OTHER ENTITIES.—The Secretary may au-
9 thorize a State energy office implementing an au-
10 thorized program under subsection (b)(2), an organi-
11 zation described in section 33202C(b), and any other
12 entity the Secretary determines appropriate, to issue
13 HOPE training credits in accordance with para-
14 graph (1).

15 (b) HOPE QUALIFICATION.—

16 (1) IN GENERAL.—The Secretary may certify
17 that an individual has achieved a qualification, to be
18 known as a HOPE Qualification, that indicates that
19 the individual has received at least three HOPE
20 training credits, of which at least two shall be
21 HOPE training task credits.

22 (2) STATE PROGRAMS.—The Secretary may au-
23 thorize a State energy office to implement a pro-
24 gram to provide HOPE Qualifications in accordance
25 with this part.

1 **SEC. 33202C. GRANTS.**

2 (a) IN GENERAL.—The Secretary shall, to the extent
3 amounts are made available in appropriations Acts for
4 such purposes, provide grants to support the training of
5 individuals toward the completion of a HOPE Qualifica-
6 tion.

7 (b) PROVIDER ORGANIZATIONS.—

8 (1) IN GENERAL.—The Secretary may provide a
9 grant of up to \$20,000 under this section to an or-
10 ganization to provide training online, including es-
11 tablishing, modifying, or maintaining the online sys-
12 tems, staff time, and software and online program
13 management, through a course that meets the appli-
14 cable criteria established under section 33202A.

15 (2) CRITERIA.—In order to receive a grant
16 under this subsection, an organization shall be—

17 (A) a nonprofit organization;

18 (B) an educational institution; or

19 (C) an organization that has experience
20 providing training to contractors that work with
21 the weatherization assistance program imple-
22 mented under part A of title IV of the Energy
23 Conservation and Production Act (42 U.S.C.
24 6861 et seq.) or equivalent experience, as deter-
25 mined by the Secretary.

1 (3) **ADDITIONAL CERTIFICATIONS.**—In addition
2 to any grant provided under paragraph (1), the Sec-
3 retary may provide an organization up to \$5,000 for
4 each additional course for which a HOPE training
5 credit may be issued that is offered by the organiza-
6 tion.

7 (c) **CONTRACTOR COMPANY.**—The Secretary may
8 provide a grant under this section of \$1,000 per employee
9 to a contractor company, up to a maximum of \$10,000,
10 to reimburse the contractor company for training costs for
11 employees, and any home technology support needed for
12 an employee to receive training pursuant to this section.
13 Grant funds provided under this subsection may be used
14 to support wages of employees during training.

15 (d) **TRAINEES.**—The Secretary may provide a grant
16 of up to \$1,000 under this section to an individual who
17 receives a HOPE Qualification.

18 (e) **STATE ENERGY OFFICE.**—The Secretary may
19 provide a grant under this section to a State energy office
20 of up to \$25,000 to implement an authorized program
21 under section 33202B(b).

22 **SEC. 33202D. AUTHORIZATION OF APPROPRIATIONS.**

23 There is authorized to be appropriated to carry out
24 this part \$500,000,000 for the period of fiscal years 2021
25 through 2025, to remain available until expended.

1 **PART 2—HOME ENERGY SAVINGS RETROFIT**

2 **REBATE PROGRAM**

3 **SEC. 33203. ESTABLISHMENT OF HOME ENERGY SAVINGS**

4 **RETROFIT REBATE PROGRAM.**

5 The Secretary shall establish a program, to be known
6 as the Home Energy Savings Retrofit Rebate Program,
7 to—

8 (1) provide rebates in accordance with section
9 33203A; and

10 (2) provide grants to States to carry out pro-
11 grams to provide rebates in accordance with section
12 33203B.

13 **SEC. 33203A. PARTIAL SYSTEM REBATES.**

14 (a) AMOUNT OF REBATE.—In carrying out the Home
15 Energy Savings Retrofit Rebate Program, and subject to
16 the availability of appropriations for such purpose, the
17 Secretary shall provide a homeowner a rebate, to be known
18 as a partial system rebate, of, except as provided in section
19 33203C, up to—

20 (1) \$800 for the purchase and installation of
21 insulation and air sealing within a home of the
22 homeowner; and

23 (2) \$1,500 for the purchase and installation of
24 insulation and air sealing within a home of the
25 homeowner and replacement of an HVAC system,
26 the heating component of an HVAC system, or the

1 cooling component of an HVAC system, of such
2 home.

3 (b) SPECIFICATIONS.—

4 (1) COST.—The amount of a partial system re-
5 bate provided under this section shall, except as pro-
6 vided in section 33203C, not exceed 30 percent of
7 cost of the purchase and installation of insulation
8 and air sealing under subsection (a)(1), or the pur-
9 chase and installation of insulation and air sealing
10 and replacement of an HVAC system, the heating
11 component of an HVAC system, or the cooling com-
12 ponent of an HVAC system, under subsection (a)(2).
13 Labor may be included in such cost but may not ex-
14 ceed—

15 (A) in the case of a rebate under sub-
16 section (a)(1), 50 percent of such cost; and

17 (B) in the case of a rebate under sub-
18 section (a)(2), 25 percent of such cost.

19 (2) REPLACEMENT OF AN HVAC SYSTEM, THE
20 HEATING COMPONENT OF AN HVAC SYSTEM, OR THE
21 COOLING COMPONENT OF AN HVAC SYSTEM.—In
22 order to qualify for a partial system rebate described
23 in subsection (a)(2)—

24 (A) any HVAC system, heating component
25 of an HVAC system, or cooling component of

1 an HVAC system installed shall be Energy Star
2 Most Efficient certified;

3 (B) installation of such an HVAC system,
4 the heating component of an HVAC system, or
5 the cooling component of an HVAC system,
6 shall be completed in accordance with standards
7 specified by the Secretary that are at least as
8 stringent as the applicable guidelines of the Air
9 Conditioning Contractors of America that are in
10 effect on the date of enactment of this Act;

11 (C) if ducts are present, replacement of an
12 HVAC system, the heating component of an
13 HVAC system, or the cooling component of an
14 HVAC system shall include duct sealing; and

15 (D) the installation of insulation and air
16 sealing shall occur within 6 months of the re-
17 placement of the HVAC system, the heating
18 component of an HVAC system, or the cooling
19 component of an HVAC system.

20 (e) ADDITIONAL INCENTIVES FOR CONTRACTORS.—
21 In carrying out the Home Energy Savings Retrofit Rebate
22 Program, the Secretary may provide a \$250 payment to
23 a contractor per home for which—

24 (1) a partial system rebate is provided under
25 this section for the installation of insulation and air

1 sealing, or installation of insulation and air sealing
2 and replacement of an HVAC system, the heating
3 component of an HVAC system, or the cooling com-
4 ponent of an HVAC system, by the contractor;

5 (2) the applicable homeowner has signed and
6 submitted to the Secretary a release form made
7 available pursuant to section 33203E(b) authorizing
8 the contractor access to information in the utility
9 bills of the homeowner; and

10 (3) the contractor inputs, into the Department
11 of Energy's Building Performance Database—

12 (A) the energy usage for the home for the
13 12 months preceding, and the 24 months fol-
14 lowing, the installation of insulation and air
15 sealing or installation of insulation and air seal-
16 ing and replacement of an HVAC system, the
17 heating component of an HVAC system, or the
18 cooling component of an HVAC system;

19 (B) a description of such installation or in-
20 stallation and replacement; and

21 (C) the total cost to the homeowner for
22 such installation or installation and replace-
23 ment.

24 (d) PROCESS.—

1 (1) FORMS; REBATE PROCESSING SYSTEM.—
2 Not later than 90 days after the date of enactment
3 of this Act, the Secretary, in consultation with the
4 Secretary of the Treasury, shall—

5 (A) develop and make available rebate
6 forms required to receive a partial system re-
7 bate under this section;

8 (B) establish a Federal rebate processing
9 system which shall serve as a database and in-
10 formation technology system that will allow
11 homeowners to submit required rebate forms;
12 and

13 (C) establish a website that provides infor-
14 mation on partial system rebates provided
15 under this section, including how to determine
16 whether particular measures qualify for a re-
17 bate under this section and how to receive such
18 a rebate.

19 (2) SUBMISSION OF FORMS.—In order to re-
20 ceive a partial system rebate under this section, a
21 homeowner shall submit the required rebate forms,
22 and any other information the Secretary determines
23 appropriate, to the Federal rebate processing system
24 established pursuant to paragraph (1).

25 (e) FUNDING.—

1 (1) LIMITATION.—For each fiscal year, the Sec-
2 retary may not use more than 50 percent of the
3 amounts made available to carry out this part to
4 carry out this section.

5 (2) ALLOCATION.—The Secretary shall allocate
6 amounts made available to carry out this section for
7 partial system rebates among the States using the
8 same formula as is used to allocate funds for States
9 under part D of title III of the Energy Policy and
10 Conservation Act (42 U.S.C. 6321 et seq.).

11 **SEC. 33203B. STATE ADMINISTERED REBATES.**

12 (a) FUNDING.—In carrying out the Home Energy
13 Savings Retrofit Rebate Program, and subject to the
14 availability of appropriations for such purpose, the Sec-
15 retary shall provide grants to States to carry out programs
16 to provide rebates in accordance with this section.

17 (b) STATE PARTICIPATION.—

18 (1) PLAN.—In order to receive a grant under
19 this section a State shall submit to the Secretary an
20 application that includes a plan to implement a
21 State program that meets the minimum criteria
22 under subsection (c).

23 (2) APPROVAL.—Not later than 60 days after
24 receipt of a completed application for a grant under
25 this section, the Secretary shall either approve the

1 application or provide to the applicant an expla-
2 nation for denying the application.

3 (c) MINIMUM CRITERIA FOR STATE PROGRAMS.—

4 Not later than 6 months after the date of enactment of
5 this Act, the Secretary shall establish and publish min-
6 imum criteria for a State program to meet to qualify for
7 funding under this section, including—

8 (1) that the State program be carried out by
9 the applicable State energy office or its designee;

10 (2) that a rebate be provided under a State pro-
11 gram only for a home energy efficiency retrofit
12 that—

13 (A) is completed by a contractor who
14 meets minimum training requirements and cer-
15 tification requirements set forth by the Sec-
16 retary;

17 (B) includes installation of one or more
18 home energy efficiency retrofit measures for a
19 home that together are modeled to achieve, or
20 are shown to achieve, a reduction in home en-
21 ergy use of 20 percent or more from the base-
22 line energy use of the home;

23 (C) does not include installation of any
24 measure that the Secretary determines does not
25 improve the thermal energy performance of the

1 home, such as a pool pump, pool heater, spa, or
2 EV charger; and

3 (D) includes, after installation of the appli-
4 cable home energy efficiency retrofit measures,
5 a test-out procedure conducted in accordance
6 with guidelines issued by the Secretary of such
7 measures to ensure—

8 (i) the safe operation of all systems
9 post retrofit; and

10 (ii) that all improvements are included
11 in, and have been installed according to—

12 (I) manufacturers installation
13 specifications; and

14 (II) all applicable State and local
15 codes or equivalent standards ap-
16 proved by the Secretary;

17 (3) that the State program utilize—

18 (A) for purposes of modeled performance
19 rebates, modeling software approved by the Sec-
20 retary for determining and documenting the
21 baseline energy use of a home and the reduc-
22 tions in home energy use resulting from the im-
23 plementation of a home energy efficiency ret-
24 rofit; and

1 (B) for purposes of measured performance
2 rebates, methods and procedures approved by
3 the Secretary for determining and documenting
4 the baseline energy use of a home and the re-
5 ductions in home energy use resulting from the
6 implementation of a home energy efficiency ret-
7 rofit, including methods and procedures for use
8 of advanced metering infrastructure, weather-
9 normalized data, and open source standards, to
10 measure such baseline energy use and such re-
11 ductions in home energy use;

12 (4) that the State program include implementa-
13 tion of a quality assurance program—

14 (A) to ensure that home energy efficiency
15 retrofits are achieving the stated level of energy
16 savings, that efficiency measures were installed
17 correctly, and that work is performed in accord-
18 ance with procedures developed by the Sec-
19 retary, including through quality-control inspec-
20 tions for a portion of home energy efficiency
21 retrofits completed by each applicable con-
22 tractor; and

23 (B) under which a quality-control inspec-
24 tion of a home energy efficiency retrofit is per-
25 formed by a quality assurance provider who—

1 (i) is independent of the contractor
2 for such retrofit; and

3 (ii) will confirm that such contractor
4 is a contractor who meets minimum train-
5 ing requirements and certification require-
6 ments set forth by the Secretary;

7 (5) that the State program include require-
8 ments for a homeowner, contractor, or rebate
9 aggregator to claim a rebate, including that the
10 homeowner, contractor, or rebate aggregator submit
11 any applicable forms approved by the Secretary to
12 the State, including a copy of the certificate pro-
13 vided by the applicable contractor certifying pro-
14 jected or measured reduction of home energy use;

15 (6) that the State program may include require-
16 ments for an entity to be eligible to serve as a rebate
17 aggregator to facilitate the delivery of rebates to
18 homeowners or contractors;

19 (7) that the State program include procedures
20 for a homeowner to transfer the right to claim a re-
21 bate to the contractor performing the applicable
22 home energy efficiency retrofit or to a rebate
23 aggregator that works with the contractor; and

24 (8) that the State program provide that a
25 homeowner, contractor, or rebate aggregator may

1 claim more than one rebate under the State pro-
2 gram, and may claim a rebate under the State pro-
3 gram after receiving a partial system rebate under
4 section 33203A, provided that no 2 rebates may be
5 provided with respect to a home using the same
6 baseline energy use of such home.

7 (d) MODELED PERFORMANCE REBATES.—

8 (1) IN GENERAL.—In carrying out a State pro-
9 gram under this section, a State may provide a
10 homeowner, contractor, or rebate aggregator a re-
11 bate, to be known as a modeled performance rebate,
12 for an energy audit of a home and a home energy
13 efficiency retrofit that is projected, using modeling
14 software approved by the Secretary, to reduce home
15 energy use by at least 20 percent.

16 (2) AMOUNT.—

17 (A) IN GENERAL.—Except as provided in
18 section 33203C, and subject to subparagraph
19 (B), the amount of a modeled performance re-
20 bate provided under a State program shall be
21 equal to 50 percent of the cost of the applicable
22 energy audit of a home and home energy effi-
23 ciency retrofit, including the cost of diagnostic
24 procedures, labor, reporting, and modeling.

1 (B) LIMITATION.—Except as provided in
2 section 33203C, with respect to an energy audit
3 and home energy efficiency retrofit that is pro-
4 jected to reduce home energy use by—

5 (i) at least 20 percent, but less than
6 40 percent, the maximum amount of a
7 modeled performance rebate shall be
8 \$2,000; and

9 (ii) at least 40 percent, the maximum
10 amount of a modeled performance rebate
11 shall be \$4,000.

12 (e) MEASURED PERFORMANCE REBATES.—

13 (1) IN GENERAL.—In carrying out a State pro-
14 gram under this section, a State may provide a
15 homeowner, contractor, or rebate aggregator a re-
16 bate, to be known as a measured performance re-
17 bate, for a home energy efficiency retrofit that re-
18 duces home energy use by at least 20 percent as
19 measured using methods and procedures approved
20 by the Secretary.

21 (2) AMOUNT.—

22 (A) IN GENERAL.—Except as provided in
23 section 33203C, and subject to subparagraph
24 (B), the amount of a measured performance re-
25 bate provided under a State program shall be

1 equal to 50 percent of the cost, including the
2 cost of diagnostic procedures, labor, reporting,
3 and energy measurement, of the applicable
4 home energy efficiency retrofit.

5 (B) LIMITATION.—Except as provided in
6 section 33203C, with respect to a home energy
7 efficiency retrofit that is measured as reducing
8 home energy use by—

9 (i) at least 20 percent, but less than
10 40 percent, the maximum amount of a
11 measured performance rebate shall be
12 \$2,000; and

13 (ii) at least 40 percent, the maximum
14 amount of a measured performance rebate
15 shall be \$4,000.

16 (f) COORDINATION OF REBATE AND EXISTING
17 STATE-SPONSORED OR UTILITY-SPONSORED PRO-
18 GRAMS.—A State that receives a grant under this section
19 is encouraged to work with State agencies, energy utilities,
20 nonprofits, and other entities—

21 (1) to assist in marketing the availability of the
22 rebates under the applicable State program;

23 (2) to coordinate with utility or State managed
24 financing programs;

1 (3) to assist in implementation of the applicable
2 State program, including installation of home energy
3 efficiency retrofits; and

4 (4) to coordinate with existing quality assur-
5 ance programs.

6 (g) ADMINISTRATION AND OVERSIGHT.—

7 (1) REVIEW OF APPROVED MODELING SOFT-
8 WARE.—The Secretary shall, on an annual basis, list
9 and review all modeling software approved for use in
10 determining and documenting the reductions in
11 home energy use for purposes of modeled perform-
12 ance rebates under subsection (d). In approving such
13 modeling software each year, the Secretary shall en-
14 sure that modeling software approved for a year will
15 result in modeling of energy efficiency gains for any
16 type of home energy efficiency retrofit that is at
17 least as substantial as the modeling of energy effi-
18 ciency gains for such type of home energy efficiency
19 retrofit using the modeling software approved for
20 the previous year.

21 (2) OVERSIGHT.—If the Secretary determines
22 that a State is not implementing a State program
23 that was approved pursuant to subsection (b) and
24 that meets the minimum criteria under subsection
25 (c), the Secretary may, after providing the State a

1 period of at least 90 days to meet such criteria,
2 withhold grant funds under this section from the
3 State.

4 **SEC. 33203C. SPECIAL PROVISIONS FOR MODERATE IN-**
5 **COME HOUSEHOLDS.**

6 (a) CERTIFICATIONS.—The Secretary shall establish
7 procedures for certifying that the household of a home-
8 owner is moderate income for purposes of this section.

9 (b) PERCENTAGES.—Subject to subsection (c), for
10 households of homeowners that are certified pursuant to
11 the procedures established under subsection (a) as mod-
12 erate income the—

13 (1) amount of a partial system rebate under
14 section 33203A shall not exceed 60 percent of the
15 applicable purchase and installation costs described
16 in section 33203A(b)(1); and

17 (2) amount of—

18 (A) a modeled performance rebate under
19 section 33203B provided shall be equal to 80
20 percent of the applicable costs described in sec-
21 tion 33203B(d)(2)(A); and

22 (B) a measured performance rebate under
23 section 33203B provided shall be equal to 80
24 percent of the applicable costs described in sec-
25 tion 33203B(e)(2)(A).

1 (c) MAXIMUM AMOUNTS.—For households of home-
2 owners that are certified pursuant to the procedures estab-
3 lished under subsection (a) as moderate income the max-
4 imum amount—

5 (1) of a partial system rebate—

6 (A) under section 33203A(a)(1) for the
7 purchase and installation of insulation and air
8 sealing within a home of the homeowner shall
9 be \$1600; and

10 (B) under section 33203A(a)(2) for the
11 purchase and installation of insulation and air
12 sealing within a home of the homeowner and re-
13 placement of an HVAC system, the heating
14 component of an HVAC system, or the cooling
15 component of an HVAC system, of such home,
16 shall be \$3,000;

17 (2) of a modeled performance rebate under sec-
18 tion 33203B for an energy audit and home energy
19 efficiency retrofit that is projected to reduce home
20 energy use as described in—

21 (A) section 33203B(d)(2)(B)(i) shall be
22 \$4,000; and

23 (B) section 33203B(d)(2)(B)(ii) shall be
24 \$8,000; and

1 (3) of a measured performance rebate under
2 section 33203B for a home energy efficiency retrofit
3 that reduces home energy use as described in—

4 (A) section 33203B(e)(2)(B)(i) shall be
5 \$4,000; and

6 (B) section 33203B(e)(2)(B)(ii) shall be
7 \$8,000.

8 (d) OUTREACH.—The Secretary shall establish proce-
9 dures to—

10 (1) provide information to households of home-
11 owners that are certified pursuant to the procedures
12 established under subsection (a) as moderate income
13 regarding other programs and resources relating to
14 assistance for energy efficiency upgrades of homes,
15 including the weatherization assistance program im-
16 plemented under part A of title IV of the Energy
17 Conservation and Production Act (42 U.S.C. 6861
18 et seq.); and

19 (2) refer such households, as applicable, to such
20 other programs and resources.

21 **SEC. 33203D. EVALUATION REPORTS TO CONGRESS.**

22 (a) IN GENERAL.—Not later than 3 years after the
23 date of enactment of this Act and annually thereafter until
24 the termination of the Home Energy Savings Retrofit Re-
25 bate Program, the Secretary shall submit to Congress a

1 report on the use of funds made available to carry out
2 this part.

3 (b) CONTENTS.—Each report submitted under sub-
4 section (a) shall include—

5 (1) how many home energy efficiency retrofits
6 have been completed during the previous year under
7 the Home Energy Savings Retrofit Rebate Program;

8 (2) an estimate of how many jobs have been
9 created through the Home Energy Savings Retrofit
10 Rebate Program, directly and indirectly;

11 (3) a description of what steps could be taken
12 to promote further deployment of energy efficiency
13 and renewable energy retrofits;

14 (4) a description of the quantity of verifiable
15 energy savings, homeowner energy bill savings, and
16 other benefits of the Home Energy Savings Retrofit
17 Rebate Program;

18 (5) a description of any waste, fraud, or abuse
19 with respect to funds made available to carry out
20 this part; and

21 (6) any other information the Secretary con-
22 siders appropriate.

23 **SEC. 33203E. ADMINISTRATION.**

24 (a) IN GENERAL.—The Secretary shall provide such
25 administrative and technical support to contractors, rebate

1 aggregators, States, and Indian Tribes as is necessary to
2 carry out this part.

3 (b) INFORMATION COLLECTION.—The Secretary
4 shall establish, and make available to a homeowner, or the
5 homeowner’s designated representative, seeking a rebate
6 under this part, release forms authorizing access by the
7 Secretary, or a designated third-party representative to in-
8 formation in the utility bills of the homeowner with appro-
9 priate privacy protections in place.

10 **SEC. 33203F. AUTHORIZATION OF APPROPRIATIONS.**

11 (a) IN GENERAL.—There are authorized to be appro-
12 priated to the Secretary to carry out this part
13 \$1,200,000,000 for each of fiscal years 2021 through
14 2025, to remain available until expended.

15 (b) TRIBAL ALLOCATION.—Of the amounts made
16 available pursuant to subsection (a) for a fiscal year, the
17 Secretary shall work with Indian Tribes and use 2 percent
18 of such amounts to carry out a program or programs that
19 as close as possible reflect the goals, requirements, and
20 provisions of this part, taking into account any factors
21 that the Secretary determines to be appropriate.

22 **PART 3—GENERAL PROVISIONS**

23 **SEC. 33204. APPOINTMENT OF PERSONNEL.**

24 Notwithstanding the provisions of title 5, United
25 States Code, regarding appointments in the competitive

1 service and General Schedule classifications and pay rates,
2 the Secretary may appoint such professional and adminis-
3 trative personnel as the Secretary considers necessary to
4 carry out this subchapter.

5 **SEC. 33204A. MAINTENANCE OF FUNDING.**

6 Each State receiving Federal funds pursuant to this
7 subchapter shall provide reasonable assurances to the Sec-
8 retary that it has established policies and procedures de-
9 signed to ensure that Federal funds provided under this
10 subchapter will be used to supplement, and not to sup-
11 plant, State and local funds.

12 **Subchapter B—Public Buildings**

13 **SEC. 33211. ENERGY EFFICIENT PUBLIC BUILDINGS.**

14 (a) GRANTS.—Section 125(a) of the Energy Policy
15 Act of 2005 (42 U.S.C. 15822(a)) is amended—

16 (1) in paragraph (1)—

17 (A) by inserting “Standard 90.1 of the
18 American Society of Heating, Refrigerating,
19 and Air-Conditioning Engineers,” after “the
20 International Energy Conservation Code,”; and

21 (B) by striking “; or” and inserting a
22 semicolon;

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

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

1 “(3) through benchmarking programs to enable
2 use of building performance data to evaluate the
3 performance of energy efficiency investments over
4 time.”.

5 (b) ASSURANCE OF IMPROVEMENT.—Section 125 of
6 the Energy Policy Act of 2005 (42 U.S.C. 15822) is
7 amended by redesignating subsections (b) and (c) as sub-
8 sections (c) and (d), respectively, and inserting after sub-
9 section (a) the following:

10 “(b) ASSURANCE OF IMPROVEMENT.—

11 “(1) VERIFICATION.—A State agency receiving
12 a grant for activities described in paragraph (1) or
13 (2) of subsection (a) shall ensure, as a condition of
14 eligibility for assistance pursuant to such grant, that
15 a unit of local government receiving such assistance
16 obtain third-party verification of energy efficiency
17 improvements in each public building with respect to
18 which such assistance is used.

19 “(2) GUIDANCE.—The Secretary may provide
20 guidance to State agencies to comply with paragraph
21 (1). In developing such guidance, the Secretary shall
22 consider available third-party verification tools for
23 high-performing buildings and available third-party
24 verification tools for energy efficiency retrofits.”.

1 (c) ADMINISTRATION.—Section 125(c) of the Energy
2 Policy Act of 2005, as so redesignated, is amended—

3 (1) in the matter preceding paragraph (1), by
4 striking “State energy offices receiving grants” and
5 inserting “A State agency receiving a grant”;

6 (2) in paragraph (2), by striking the period at
7 the end and inserting “; and”; and

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

9 “(3) ensure that all laborers and mechanics em-
10 ployed by contractors and subcontractors in the per-
11 formance of construction, alteration, or repair work
12 financed in whole or in part with assistance received
13 pursuant to this section shall be paid wages at rates
14 not less than those prevailing on projects of a simi-
15 lar character in the locality, as determined by the
16 Secretary of Labor in accordance with subchapter
17 IV of chapter 31 of title 40, United States Code
18 (and with respect to such labor standards, the Sec-
19 retary of Labor shall have the authority and func-
20 tions set forth in Reorganization Plan Numbered 14
21 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section
22 3145 of title 40, United States Code).”.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
24 125(d) of the Energy Policy Act of 2005, as so redesi-
25 gnated, is amended by striking “\$30,000,000 for each of

1 fiscal years 2006 through 2010” and inserting
2 “\$100,000,000 for each of fiscal years 2021 through
3 2025”.

4 **Subchapter C—Schools**

5 **SEC. 33221. ENERGY RETROFITTING ASSISTANCE FOR** 6 **SCHOOLS.**

7 Section 392 of the Energy Policy and Conservation
8 Act (42 U.S.C. 6371a) is amended by adding at the end
9 the following:

10 “(e) COORDINATION OF ENERGY RETROFITTING AS-
11 SISTANCE FOR SCHOOLS.—

12 “(1) DEFINITION OF SCHOOL.—Notwith-
13 standing section 391(6), for the purposes of this
14 subsection, the term ‘school’ means—

15 “(A) an elementary school or secondary
16 school (as defined in section 9101 of the Ele-
17 mentary and Secondary Education Act of 1965
18 (20 U.S.C. 7801));

19 “(B) an institution of higher education (as
20 defined in section 102(a) of the Higher Edu-
21 cation Act of 1965 (20 U.S.C. 1002(a)));

22 “(C) a school of the defense dependents’
23 education system under the Defense Depend-
24 ents’ Education Act of 1978 (20 U.S.C. 921 et

1 seq.) or established under section 2164 of title
2 10, United States Code;

3 “(D) a school operated by the Bureau of
4 Indian Affairs;

5 “(E) a tribally controlled school (as de-
6 fined in section 5212 of the Tribally Controlled
7 Schools Act of 1988 (25 U.S.C. 2511)); and

8 “(F) a Tribal College or University (as de-
9 fined in section 316(b) of the Higher Education
10 Act of 1965 (20 U.S.C. 1059c(b))).

11 “(2) ESTABLISHMENT OF CLEARINGHOUSE.—
12 The Secretary, acting through the Office of Energy
13 Efficiency and Renewable Energy, shall establish a
14 clearinghouse to disseminate information regarding
15 available Federal programs and financing mecha-
16 nisms that may be used to help initiate, develop, and
17 finance energy efficiency, distributed generation, and
18 energy retrofitting projects for schools.

19 “(3) REQUIREMENTS.—In carrying out para-
20 graph (2), the Secretary shall—

21 “(A) consult with appropriate Federal
22 agencies to develop a list of Federal programs
23 and financing mechanisms that are, or may be,
24 used for the purposes described in paragraph
25 (2); and

1 “(B) coordinate with appropriate Federal
2 agencies to develop a collaborative education
3 and outreach effort to streamline communica-
4 tions and promote available Federal programs
5 and financing mechanisms described in sub-
6 paragraph (A), which may include the develop-
7 ment and maintenance of a single online re-
8 source that includes contact information for rel-
9 evant technical assistance in the Office of En-
10 ergy Efficiency and Renewable Energy that
11 States, local education agencies, and schools
12 may use to effectively access and use such Fed-
13 eral programs and financing mechanisms.”.

14 **SEC. 33222. GRANTS FOR ENERGY EFFICIENCY IMPROVE-**
15 **MENTS AND RENEWABLE ENERGY IMPROVE-**
16 **MENTS AT PUBLIC SCHOOL FACILITIES.**

17 (a) DEFINITIONS.—In this section:

18 (1) ELIGIBLE ENTITY.—The term “eligible enti-
19 ty” means a consortium of—

20 (A) one local educational agency; and

21 (B) one or more—

22 (i) schools;

23 (ii) nonprofit organizations;

24 (iii) for-profit organizations; or

1 (iv) community partners that have the
2 knowledge and capacity to partner and as-
3 sist with energy improvements.

4 (2) ENERGY IMPROVEMENTS.—The term “en-
5 ergy improvements” means—

6 (A) any improvement, repair, or renova-
7 tion, to a school that will result in a direct re-
8 duction in school energy costs including but not
9 limited to improvements to building envelope,
10 air conditioning, ventilation, heating system, do-
11 mestic hot water heating, compressed air sys-
12 tems, distribution systems, lighting, power sys-
13 tems and controls;

14 (B) any improvement, repair, renovation,
15 or installation that leads to an improvement in
16 teacher and student health including but not
17 limited to indoor air quality, daylighting, ven-
18 tilation, electrical lighting, and acoustics; and

19 (C) the installation of renewable energy
20 technologies (such as wind power, photovoltaics,
21 solar thermal systems, geothermal energy, hy-
22 drogen-fueled systems, biomass-based systems,
23 biofuels, anaerobic digesters, and hydropower)
24 involved in the improvement, repair, or renova-
25 tion to a school.

1 (b) AUTHORITY.—From amounts made available for
2 grants under this section, the Secretary of Energy shall
3 provide competitive grants to eligible entities to make en-
4 ergy improvements authorized by this section.

5 (c) PRIORITY.—In making grants under this sub-
6 section, the Secretary shall give priority to eligible entities
7 that have renovation, repair, and improvement funding
8 needs and are—

9 (1) a high-need local educational agency, as de-
10 fined in section 2102 of the Elementary and Sec-
11 ondary Education Act of 1965 (20 14 U.S.C. 6602);
12 or

13 (2) a local educational agency designated with
14 a metrocentric locale code of 41, 42, or 43 as deter-
15 mined by the National Center for Education Statis-
16 tics (NCES), in conjunction with the Bureau of the
17 Census, using the NCES system for classifying local
18 educational agencies.

19 (d) COMPETITIVE CRITERIA.—The competitive cri-
20 teria used by the Secretary shall include the following:

21 (1) The fiscal capacity of the eligible entity to
22 meet the needs for improvements of school facilities
23 without assistance under this section, including the
24 ability of the eligible entity to raise funds through
25 the use of local bonding capacity and otherwise.

1 (2) The likelihood that the local educational
2 agency or eligible entity will maintain, in good condi-
3 tion, any facility whose improvement is assisted.

4 (3) The potential energy efficiency and safety
5 benefits from the proposed energy improvements.

6 (e) APPLICATIONS.—To be eligible to receive a grant
7 under this section, an applicant must submit to the Sec-
8 retary an application that includes each of the following:

9 (1) A needs assessment of the current condition
10 of the school and facilities that are to receive the en-
11 ergy improvements.

12 (2) A draft work plan of what the applicant
13 hopes to achieve at the school and a description of
14 the energy improvements to be carried out.

15 (3) A description of the applicant's capacity to
16 provide services and comprehensive support to make
17 the energy improvements.

18 (4) An assessment of the applicant's expected
19 needs for operation and maintenance training funds,
20 and a plan for use of those funds, if any.

21 (5) An assessment of the expected energy effi-
22 ciency and safety benefits of the energy improve-
23 ments.

24 (6) A cost estimate of the proposed energy im-
25 provements.

1 (7) An identification of other resources that are
2 available to carry out the activities for which funds
3 are requested under this section, including the avail-
4 ability of utility programs and public benefit funds.

5 (f) USE OF GRANT AMOUNTS.—

6 (1) IN GENERAL.—The recipient of a grant
7 under this section shall use the grant amounts only
8 to make the energy improvements contemplated in
9 the application, subject to the other provisions of
10 this subsection.

11 (2) OPERATION AND MAINTENANCE TRAIN-
12 ING.—The recipient may use up to 5 percent for op-
13 eration and maintenance training for energy effi-
14 ciency and renewable energy improvements (such as
15 maintenance staff and teacher training, education,
16 and preventative maintenance training).

17 (3) AUDIT.—The recipient may use funds for a
18 third-party investigation and analysis for energy im-
19 provements (such as energy audits and existing
20 building commissioning).

21 (4) CONTINUING EDUCATION.—The recipient
22 may use up to 1 percent of the grant amounts to de-
23 velop a continuing education curriculum relating to
24 energy improvements.

25 (g) CONTRACTING REQUIREMENTS.—

1 (1) DAVIS-BACON.—Any laborer or mechanic
2 employed by any contractor or subcontractor in the
3 performance of work on any energy improvements
4 funded by a grant under this section shall be paid
5 wages at rates not less than those prevailing on
6 similar construction in the locality as determined by
7 the Secretary of Labor under subchapter IV of chap-
8 ter 31 of title 40, United States Code (commonly re-
9 ferred to as the Davis-Bacon Act).

10 (2) COMPETITION.—Each applicant that re-
11 ceives funds shall ensure that, if the applicant car-
12 ries out repair or renovation through a contract, any
13 such contract process—

14 (A) ensures the maximum number of quali-
15 fied bidders, including small, minority, and
16 women-owned businesses, through full and open
17 competition; and

18 (B) gives priority to businesses located in,
19 or resources common to, the State or the geo-
20 graphical area in which the project is carried
21 out.

22 (h) REPORTING.—Each recipient of a grant under
23 this section shall submit to the Secretary, at such time
24 as the Secretary may require, a report describing the use
25 of such funds for energy improvements, the estimated cost

1 savings realized by those energy improvements, the results
2 of any audit, the use of any utility programs and public
3 benefit funds and the use of performance tracking for en-
4 ergy improvements (such as the Department of Energy:
5 Energy Star program or LEED for Existing Buildings).

6 (i) BEST PRACTICES.—The Secretary shall develop
7 and publish guidelines and best practices for activities car-
8 ried out under this section.

9 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to carry out this section
11 \$100,000,000 for each of fiscal years 2021 through 2025.

12 **CHAPTER 2—WEATHERIZATION**

13 **SEC. 33231. WEATHERIZATION ASSISTANCE PROGRAM.**

14 (a) REAUTHORIZATION OF WEATHERIZATION AS-
15 SISTANCE PROGRAM.—Section 422 of the Energy Con-
16 servation and Production Act (42 U.S.C. 6872) is amend-
17 ed by striking paragraphs (1) through (5) and inserting
18 the following:

19 “(1) \$350,000,000 for fiscal year 2021;

20 “(2) \$500,000,000 for fiscal year 2022;

21 “(3) \$650,000,000 for fiscal year 2023;

22 “(4) \$800,000,000 for fiscal year 2024; and

23 “(5) \$1,000,000,000 for fiscal year 2025.”.

24 (b) MODERNIZING THE DEFINITION OF WEATHER-
25 IZATION MATERIALS.—Section 412(9)(J) of the Energy

1 Conservation and Production Act (42 U.S.C. 6862(9)(J))
2 is amended—

3 (1) by inserting “, including renewable energy
4 technologies and other advanced technologies,” after
5 “devices or technologies”; and

6 (2) by striking “, after consulting with the Sec-
7 retary of Housing and Urban Development, the Sec-
8 retary of Agriculture, and the Director of the Com-
9 munity Services Administration”.

10 (c) CONSIDERATION OF HEALTH BENEFITS.—Sec-
11 tion 413(b) of the Energy Conservation and Production
12 Act (42 U.S.C. 6863(b)) is amended—

13 (1) in paragraph (1), by striking “Health, Edu-
14 cation, and Welfare” and inserting “Health and
15 Human Services”;

16 (2) in paragraph (2)(A), by striking “Health,
17 Education, and Welfare” and inserting “Health and
18 Human Services”;

19 (3) in paragraph (3)—

20 (A) by striking “and with the Director of
21 the Community Services Administration”;

22 (B) by inserting “and by” after “in car-
23 rying out this part,”; and

24 (C) by striking “, and the Director of the
25 Community Services Administration in carrying

1 out weatherization programs under section
2 222(a)(12) of the Economic Opportunity Act of
3 1964”;

4 (4) by redesignating paragraphs (4) through
5 (6) as paragraphs (5) through (7), respectively; and
6 (5) by inserting after paragraph (3), the fol-
7 lowing:

8 “(4) The Secretary may amend the regulations pre-
9 scribed under paragraph (1) to provide that the standards
10 described in paragraph (2)(A) take into consideration im-
11 provements in the health and safety of occupants of dwell-
12 ing units, and other non-energy benefits, from weatheriza-
13 tion.”.

14 (d) CONTRACTOR OPTIMIZATION.—

15 (1) IN GENERAL.—The Energy Conservation
16 and Production Act is amended by inserting after
17 section 414B (42 U.S.C. 6864b) the following:

18 **“SEC. 414C. CONTRACTOR OPTIMIZATION.**

19 “(a) IN GENERAL.—The Secretary may request that
20 entities receiving funding from the Federal Government
21 or from a State through a weatherization assistance pro-
22 gram under section 413 or section 414 perform periodic
23 reviews of the use of private contractors in the provision
24 of weatherization assistance, and encourage expanded use
25 of contractors as appropriate.

1 “(b) USE OF TRAINING FUNDS.—Entities described
2 in subsection (a) may use funding described in such sub-
3 section to train private, non-Federal entities that are con-
4 tracted to provide weatherization assistance under a
5 weatherization program, in accordance with rules deter-
6 mined by the Secretary.”.

7 (2) TABLE OF CONTENTS AMENDMENT.—The
8 table of contents for the Energy Conservation and
9 Production Act is amended by inserting after the
10 item relating to section 414B the following:

“Sec. 414C. Contractor optimization.”.

11 (e) FINANCIAL ASSISTANCE FOR WAP ENHANCE-
12 MENT AND INNOVATION.—

13 (1) IN GENERAL.—The Energy Conservation
14 and Production Act is amended by inserting after
15 section 414C (as added by subsection (d) of this sec-
16 tion) the following:

17 **“SEC. 414D. FINANCIAL ASSISTANCE FOR WAP ENHANCE-**
18 **MENT AND INNOVATION.**

19 “(a) PURPOSES.—The purposes of this section are—

20 “(1) to expand the number of dwelling units
21 that are occupied by low-income persons that receive
22 weatherization assistance by making such dwelling
23 units weatherization-ready;

1 “(2) to promote the deployment of renewable
2 energy in dwelling units that are occupied by low-in-
3 come persons;

4 “(3) to ensure healthy indoor environments by
5 enhancing or expanding health and safety measures
6 and resources available to dwellings that are occu-
7 pied by low-income persons;

8 “(4) to disseminate new methods and best prac-
9 tices among entities providing weatherization assist-
10 ance; and

11 “(5) to encourage entities providing weatheriza-
12 tion assistance to hire and retain employees who are
13 individuals—

14 “(A) from the community in which the as-
15 sistance is provided; and

16 “(B) from communities or groups that are
17 underrepresented in the home energy perform-
18 ance workforce, including religious and ethnic
19 minorities, women, veterans, individuals with
20 disabilities, and individuals who are
21 socioeconomically disadvantaged.

22 “(b) FINANCIAL ASSISTANCE.—The Secretary shall,
23 to the extent funds are made available, award financial
24 assistance, on an annual basis, through a competitive
25 process to entities receiving funding from the Federal Gov-

1 ernment or from a State, tribal organization, or unit of
2 general purpose local government through a weatheriza-
3 tion program under section 413 or section 414, or to non-
4 profit entities, to be used by such an entity—

5 “(1) with respect to dwelling units that are oc-
6 cupied by low-income persons, to—

7 “(A) implement measures to make such
8 dwelling units weatherization-ready by address-
9 ing structural, plumbing, roofing, and electrical
10 issues, environmental hazards, or other meas-
11 ures that the Secretary determines to be appro-
12 priate;

13 “(B) install energy efficiency technologies,
14 including home energy management systems,
15 smart devices, and other technologies the Sec-
16 retary determines to be appropriate;

17 “(C) install renewable energy systems (as
18 defined in section 415(c)(6)(A)); and

19 “(D) implement measures to ensure
20 healthy indoor environments by improving in-
21 door air quality, accessibility, and other healthy
22 homes measures as determined by the Sec-
23 retary;

24 “(2) to improve the capability of the entity—

1 “(A) to significantly increase the number
2 of energy retrofits performed by such entity;

3 “(B) to replicate best practices for work
4 performed pursuant to this section on a larger
5 scale;

6 “(C) to leverage additional funds to sus-
7 tain the provision of weatherization assistance
8 and other work performed pursuant to this sec-
9 tion after financial assistance awarded under
10 this section is expended; and

11 “(D) to hire and retain employees who are
12 individuals described subsection (a)(5);

13 “(3) for innovative outreach and education re-
14 garding the benefits and availability of weatheriza-
15 tion assistance and other assistance available pursu-
16 ant to this section;

17 “(4) for quality control of work performed pur-
18 suant to this section;

19 “(5) for data collection, measurement, and
20 verification with respect to such work;

21 “(6) for program monitoring, oversight, evalua-
22 tion, and reporting regarding such work;

23 “(7) for labor, training, and technical assist-
24 ance relating to such work;

1 “(8) for planning, management, and adminis-
2 tration (up to a maximum of 15 percent of the as-
3 sistance provided); and

4 “(9) for such other activities as the Secretary
5 determines to be appropriate.

6 “(c) AWARD FACTORS.—In awarding financial assist-
7 ance under this section, the Secretary shall consider—

8 “(1) the applicant’s record of constructing, ren-
9 ovating, repairing, or making energy efficient single-
10 family, multifamily, or manufactured homes that are
11 occupied by low-income persons, either directly or
12 through affiliates, chapters, or other partners (using
13 the most recent year for which data are available);

14 “(2) the number of dwelling units occupied by
15 low-income persons that the applicant has built, ren-
16 ovated, repaired, weatherized, or made more energy
17 efficient in the 5 years preceding the date of the ap-
18 plication;

19 “(3) the qualifications, experience, and past
20 performance of the applicant, including experience
21 successfully managing and administering Federal
22 funds;

23 “(4) the strength of an applicant’s proposal to
24 achieve one or more of the purposes under sub-
25 section (a);

1 “(5) the extent to which such applicant will uti-
2 lize partnerships and regional coordination to
3 achieve one or more of the purposes under sub-
4 section (a);

5 “(6) regional and climate zone diversity;

6 “(7) urban, suburban, and rural localities; and

7 “(8) such other factors as the Secretary deter-
8 mines to be appropriate.

9 “(d) APPLICATIONS.—

10 “(1) ADMINISTRATION.—To be eligible for an
11 award of financial assistance under this section, an
12 applicant shall submit to the Secretary an applica-
13 tion in such manner and containing such informa-
14 tion as the Secretary may require.

15 “(2) AWARDS.—Subject to the availability of
16 appropriations, not later than 270 days after the
17 date of enactment of this section, the Secretary shall
18 make a first award of financial assistance under this
19 section.

20 “(e) MAXIMUM AMOUNT AND TERM.—

21 “(1) IN GENERAL.—The total amount of finan-
22 cial assistance awarded to an entity under this sec-
23 tion shall not exceed \$2,000,000.

24 “(2) TECHNICAL AND TRAINING ASSISTANCE.—

25 The total amount of financial assistance awarded to

1 an entity under this section shall be reduced by the
2 cost of any technical and training assistance pro-
3 vided by the Secretary that relates to such financial
4 assistance.

5 “(3) TERM.—The term of an award of financial
6 assistance under this section shall not exceed 3
7 years.

8 “(4) RELATIONSHIP TO FORMULA GRANTS.—An
9 entity may use financial assistance awarded to such
10 entity under this section in conjunction with other
11 financial assistance provided to such entity under
12 this part.

13 “(f) REQUIREMENTS.—Not later than 90 days after
14 the date of enactment of this section, the Secretary shall
15 issue requirements to implement this section, including,
16 for entities receiving financial assistance under this sec-
17 tion—

18 “(1) standards for allowable expenditures;

19 “(2) a minimum saving-to-investment ratio; and

20 “(3) standards for—

21 “(A) training programs;

22 “(B) energy audits;

23 “(C) the provision of technical assistance;

24 “(D) monitoring activities carried out
25 using such financial assistance;

1 “(E) verification of energy and cost sav-
2 ings;

3 “(F) liability insurance requirements; and

4 “(G) recordkeeping and reporting require-
5 ments, which shall include reporting to the Of-
6 fice of Weatherization and Intergovernmental
7 Programs of the Department of Energy applica-
8 ble data on each dwelling unit retrofitted or
9 otherwise assisted pursuant to this section.

10 “(g) COMPLIANCE WITH STATE AND LOCAL LAW.—

11 Nothing in this section supersedes or otherwise affects any
12 State or local law, to the extent that the State or local
13 law contains a requirement that is more stringent than
14 the applicable requirement of this section.

15 “(h) REVIEW AND EVALUATION.—The Secretary
16 shall review and evaluate the performance of each entity
17 that receives an award of financial assistance under this
18 section (which may include an audit).

19 “(i) ANNUAL REPORT.—The Secretary shall submit
20 to Congress an annual report that provides a description
21 of—

22 “(1) actions taken under this section to achieve
23 the purposes of this section; and

24 “(2) accomplishments as a result of such ac-
25 tions, including energy and cost savings achieved.

1 “(j) FUNDING.—

2 “(1) AMOUNTS.—

3 “(A) IN GENERAL.—For each of fiscal
4 years 2021 through 2025, of the amount made
5 available under section 422 for such fiscal year
6 to carry out the weatherization program under
7 this part (not including any of such amount
8 made available for Department of Energy head-
9 quarters training or technical assistance), not
10 more than—

11 “(i) 2 percent of such amount (if such
12 amount is \$225,000,000 or more but less
13 than \$260,000,000) may be used to carry
14 out this section;

15 “(ii) 4 percent of such amount (if
16 such amount is \$260,000,000 or more but
17 less than \$300,000,000) may be used to
18 carry out this section; and

19 “(iii) 6 percent of such amount (if
20 such amount is \$300,000,000 or more)
21 may be used to carry out this section.

22 “(B) MINIMUM.—For each of fiscal years
23 2021 through 2025, if the amount made avail-
24 able under section 422 (not including any of
25 such amount made available for Department of

1 Energy headquarters training or technical as-
2 sistance) for such fiscal year is less than
3 \$225,000,000, no funds shall be made available
4 to carry out this section.

5 “(2) LIMITATION.—For any fiscal year, the
6 Secretary may not use more than \$25,000,000 of
7 the amount made available under section 422 to
8 carry out this section.

9 “(k) TERMINATION.—The Secretary may not award
10 financial assistance under this section after September 30,
11 2024.”

12 (2) TABLE OF CONTENTS.—The table of con-
13 tents for the Energy Conservation and Production
14 Act is amended by inserting after the item relating
15 to section 414C the following:

“Sec. 414D. Financial assistance for WAP enhancement and innovation.”

16 (f) HIRING.—

17 (1) IN GENERAL.—The Energy Conservation
18 and Production Act is amended by inserting after
19 section 414D (as added by subsection (e) of this sec-
20 tion) the following:

21 **“SEC. 414E. HIRING.**

22 “The Secretary may, as the Secretary determines ap-
23 propriate, encourage entities receiving funding from the
24 Federal Government or from a State through a weather-
25 ization program under section 413 or section 414, to

1 prioritize the hiring and retention of employees who are
2 individuals described in section 414D(a)(5).”.

3 (2) TABLE OF CONTENTS.—The table of con-
4 tents for the Energy Conservation and Production
5 Act is amended by inserting after the item relating
6 to section 414D the following:

“Sec. 414E. Hiring.”.

7 (g) INCREASE IN ADMINISTRATIVE FUNDS.—Section
8 415(a)(1) of the Energy Conservation and Production Act
9 (42 U.S.C. 6865(a)(1)) is amended by striking “10 per-
10 cent” and inserting “15 percent”.

11 (h) AMENDING RE-WEATHERIZATION DATE.—Para-
12 graph (2) of section 415(c) of the Energy Conservation
13 and Production Act (42 U.S.C. 6865(c)) is amended to
14 read as follows:

15 “(2) Dwelling units weatherized (including dwelling
16 units partially weatherized) under this part, or under
17 other Federal programs (in this paragraph referred to as
18 ‘previous weatherization’), may not receive further finan-
19 cial assistance for weatherization under this part until the
20 date that is 15 years after the date such previous weather-
21 ization was completed. This paragraph does not preclude
22 dwelling units that have received previous weatherization
23 from receiving assistance and services (including the provi-
24 sion of information and education to assist with energy
25 management and evaluation of the effectiveness of in-

1 stalled weatherization materials) other than weatheriza-
2 tion under this part or under other Federal programs, or
3 from receiving non-Federal assistance for weatheriza-
4 tion.”.

5 (i) ANNUAL REPORT.—Section 421 of the Energy
6 Conservation and Production Act (42 U.S.C. 6871) is
7 amended by inserting “the number of multifamily build-
8 ings in which individual dwelling units were weatherized
9 during the previous year, the number of individual dwell-
10 ing units in multifamily buildings weatherized during the
11 previous year,” after “the average size of the dwellings
12 being weatherized,”.

13 **SEC. 33232. REPORT ON WAIVERS.**

14 Not later than 180 days after the date of enactment
15 of this Act, the Secretary of Energy shall submit to Con-
16 gress a report on the status of any request made after
17 September 30, 2010, for a waiver of any requirement
18 under section 200.313 of title 2, Code of Federal Regula-
19 tions, as such requirement applies with respect to the
20 weatherization assistance program under part A of title
21 IV of the Energy Conservation and Production Act (42
22 U.S.C. 6861 et seq.), including a description of any such
23 waiver that has been granted and any such request for
24 a waiver that has been considered but not granted.

1 **CHAPTER 3—ENERGY EFFICIENT**
2 **CONSERVATION BLOCK GRANTS**

3 **SEC. 33241. ENERGY EFFICIENCY AND CONSERVATION**
4 **BLOCK GRANT PROGRAM.**

5 (a) **PURPOSE.**—Section 542(b)(1) of the Energy
6 Independence and Security Act of 2007 (42 U.S.C.
7 17152(b)(1)) is amended—

8 (1) in subparagraph (A), by striking “; and”
9 and inserting a semicolon;

10 (2) in subparagraph (B), by striking the semi-
11 colon and inserting “; and”; and

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

13 “(C) diversifies energy supplies, including
14 by facilitating and promoting the use of alter-
15 native fuels;”.

16 (b) **USE OF FUNDS.**—Section 544(9) of the Energy
17 Independence and Security Act of 2007 (42 U.S.C.
18 17154(9)) is amended to read as follows:

19 “(9) deployment of energy distribution tech-
20 nologies that significantly increase energy efficiency
21 or expand access to alternative fuels, including—

22 “(A) distributed resources;

23 “(B) district heating and cooling systems;

24 and

1 “(C) infrastructure for delivering alter-
2 native fuels;”.

3 (c) COMPETITIVE GRANTS.—Section 546(c)(2) of the
4 Energy Independence and Security Act of 2007 (42
5 U.S.C. 17156(c)(2)) is amended by inserting “, including
6 projects to expand the use of alternative fuels” before the
7 period at the end.

8 (d) FUNDING.—Section 548(a) of the Energy Inde-
9 pendence and Security Act of 2007 (42 U.S.C. 17158(a))
10 is amended to read as follows:

11 “(a) AUTHORIZATION OF APPROPRIATIONS.—

12 “(1) GRANTS.—There is authorized to be ap-
13 propriated to the Secretary to carry out the program
14 \$3,500,000,000 for each of fiscal years 2021
15 through 2025.

16 “(2) ADMINISTRATIVE COSTS.—The Secretary
17 may use for administrative expenses of the program
18 not more than 1 percent of the amounts made avail-
19 able under paragraph (1) in each of fiscal years
20 2021 through 2025.”.

21 (e) TECHNICAL AMENDMENTS.—Section 543 of the
22 Energy Independence and Security Act of 2007 (42
23 U.S.C. 17153) is amended—

24 (1) in subsection (c), by striking “subsection
25 (a)(2)” and inserting “subsection (a)(3)”; and

1 (2) in subsection (d), by striking “subsection
2 (a)(3)” and inserting “subsection (a)(4)”.

3 **CHAPTER 4—FEDERAL ENERGY AND**
4 **WATER MANAGEMENT PERFORMANCE**

5 **SEC. 33251. ENERGY AND WATER PERFORMANCE REQUIRE-**
6 **MENT FOR FEDERAL FACILITIES.**

7 (a) IN GENERAL.—Section 543 of the National En-
8 ergy Conservation Policy Act (42 U.S.C. 8253) is amend-
9 ed—

10 (1) in the section heading, by inserting “AND
11 WATER” after “ENERGY”;

12 (2) in subsection (a)—

13 (A) in the subsection heading, by striking
14 “ENERGY PERFORMANCE REQUIREMENT FOR
15 FEDERAL BUILDINGS” and inserting “ENERGY
16 AND WATER PERFORMANCE REQUIREMENT
17 FOR FEDERAL FACILITIES”;

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

20 “(1) IN GENERAL.—Subject to paragraph (2),
21 the head of each agency shall—

22 “(A) for each of fiscal years 2020 through
23 2030, reduce average facility energy intensity
24 (as measured in British thermal units per gross
25 square foot) at facilities of the agency by 2.5

1 percent each fiscal year relative to the average
2 facility energy intensity of the facilities of the
3 agency in fiscal year 2018;

4 “(B) for each of fiscal years 2020 through
5 2030, improve water use efficiency and manage-
6 ment, including stormwater management, at fa-
7 cilities of the agency by reducing agency water
8 consumption intensity—

9 “(i) by reducing the potable water
10 consumption by 54 percent by fiscal year
11 2030, relative to the potable water con-
12 sumption at facilities of the agency in fis-
13 cal year 2007, through reductions of 2 per-
14 cent each fiscal year (as measured in gal-
15 lons per gross square foot);

16 “(ii) by reducing the industrial, land-
17 scaping, and agricultural water consump-
18 tion of the agency, as compared to a base-
19 line of that consumption at facilities of the
20 agency in fiscal year 2010, through reduc-
21 tions of 2 percent each fiscal year (as
22 measured in gallons); and

23 “(iii) by installing appropriate infra-
24 structure features at facilities of the agen-

1 cy to improve stormwater and wastewater
2 management; and

3 “(C) to the maximum extent practicable, in
4 carrying out subparagraphs (A) and (B), take
5 measures that are life cycle cost-effective.”;

6 (C) in paragraph (2)—

7 (i) by striking “(2) An agency” and
8 inserting the following:

9 “(2) ENERGY AND WATER INTENSIVE FACILITY
10 EXCLUSION.—An agency”;

11 (ii) by striking “building” and insert-
12 ing “facility”;

13 (iii) by inserting “and water” after
14 “energy” each place it appears; and

15 (iv) by striking “buildings” and in-
16 serting “facilities”; and

17 (D) by striking paragraph (3) and insert-
18 ing the following:

19 “(3) RECOMMENDATIONS.—Not later than De-
20 cember 31, 2029, the Secretary shall—

21 “(A) review the results of the implementa-
22 tion of the energy and water performance re-
23 quirements established under paragraph (1);
24 and

1 “(B) submit to Congress recommendations
2 concerning energy and water performance re-
3 quirements for fiscal years 2031 through
4 2040.”;

5 (3) in subsection (b)—

6 (A) in the subsection heading, by inserting
7 “AND WATER” after “ENERGY”; and

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

10 “(1) IN GENERAL.—Each agency shall—

11 “(A) not later than October 1, 2020, to
12 the maximum extent practicable, begin install-
13 ing in facilities owned by the United States all
14 energy and water conservation measures deter-
15 mined by the Secretary to be life cycle cost-ef-
16 fective; and

17 “(B) complete the installation described in
18 subparagraph (A) as soon as practicable after
19 the date referred to in that subparagraph.”;

20 (4) in subsection (c)—

21 (A) in paragraph (1)—

22 (i) by striking “Federal building or
23 collection of Federal buildings” each place
24 it appears and inserting “Federal facility”;

25 (ii) in subparagraph (A)—

1 (I) in the matter preceding clause
2 (i), by striking “An agency” and in-
3 serting “The head of each agency”;
4 and

5 (II) by inserting “or water” after
6 “energy” each place it appears; and

7 (iii) in subparagraph (B)(i), by insert-
8 ing “or water” after “energy”;

9 (B) in paragraph (2)—

10 (i) by striking “buildings” and insert-
11 ing “facilities”; and

12 (ii) by striking “building” and insert-
13 ing “facility”; and

14 (C) in paragraph (3), by adding at the end
15 the following: “Not later than 1 year after the
16 date of enactment of the Moving Forward Act,
17 the Secretary shall issue guidelines to establish
18 criteria for exclusions to water performance re-
19 quirements under paragraph (1). The Secretary
20 shall update the criteria for exclusions under
21 this subsection as appropriate to reflect chang-
22 ing technology and other conditions.”;

23 (5) in subsection (d)(2)—

24 (A) by inserting “and water” after “en-
25 ergy”; and

1 (B) by striking “buildings” and inserting
2 “facilities”;

3 (6) in subsection (e)—

4 (A) in the subsection heading, by inserting
5 “AND WATER” after “ENERGY”;

6 (B) in paragraph (1)—

7 (i) by striking “By October 1” and in-
8 serting the following:

9 “(A) ENERGY.—By October 1”;

10 (ii) by striking “buildings” each place
11 it appears and inserting “facilities”; and

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

14 “(B) WATER.—By February 1, 2025, in
15 accordance with guidelines established by the
16 Secretary under paragraph (2), each agency
17 shall use water meters at facilities of the agency
18 where doing so will assist in reducing the cost
19 of water used at such facilities.”;

20 (C) in paragraph (2)—

21 (i) in subparagraph (A)—

22 (I) by striking “and” before
23 “Federal”;

1 (II) by inserting “and any other
2 person the Secretary deems nec-
3 essary,” before “shall”; and

4 (III) by striking “paragraph
5 (1).” and inserting “paragraph
6 (1)(A). Not later than 180 days after
7 the date of enactment of the Moving
8 Forward Act, the Secretary, in con-
9 sultation with such departments and
10 entities, shall establish guidelines for
11 agencies to carry out paragraph
12 (1)(B).”;

13 (ii) in subparagraph (B)—

14 (I) by amending clause (i)(II) to
15 read as follows:

16 “(II) the extent to which meter-
17 ing is expected to result in increased
18 potential for energy and water man-
19 agement, increased potential for en-
20 ergy and water savings, energy and
21 water efficiency improvements, and
22 cost savings due to utility contract ag-
23 gregation; and”;

24 (II) in clause (ii), by inserting
25 “and water” after “energy”;

1 (III) in clause (iii), by striking
2 “buildings” and inserting “facilities”;
3 and

4 (IV) in clause (iv), by striking
5 “energy use of a Federal building”
6 and inserting “energy and water use
7 of a Federal facility”; and

8 (D) in paragraph (4)—

9 (i) in subparagraph (A)—

10 (I) by striking “this paragraph”
11 and inserting “the Moving Forward
12 Act”; and

13 (II) by inserting “and water” be-
14 fore “use in”; and

15 (ii) in subparagraph (B)—

16 (I) by striking “buildings” each
17 place it appears and inserting “facili-
18 ties”; and

19 (II) in clause (ii), in the matter
20 preceding subclause (I), by inserting
21 “and water” after “energy”;

22 (7) in subsection (f)—

23 (A) in the subsection heading, by striking
24 “BUILDINGS” and inserting “FACILITIES”;

25 (B) in paragraph (1)—

- 1 (i) in the matter preceding subpara-
2 graph (A), by striking “In this subsection”
3 and inserting “In this section”;
- 4 (ii) in subparagraph (B)(i)(II), by in-
5 serting “and water” after “energy”; and
- 6 (iii) in subparagraph (C)(i), by insert-
7 ing “that consumes energy or water and
8 is” before “owned or operated”;
- 9 (C) in paragraph (2)—
- 10 (i) in subparagraph (A), by inserting
11 “and water” before “use”; and
- 12 (ii) in subparagraph (B)—
- 13 (I) by striking “energy” before
14 “efficiency”; and
- 15 (II) by inserting “or water” be-
16 fore “use”;
- 17 (D) in paragraph (7)(B)(ii)(II), by insert-
18 ing “and water” after “energy”;
- 19 (E) in paragraph (8)—
- 20 (i) by striking “building” each place it
21 appears and inserting “facility”;
- 22 (ii) in subparagraph (A), by adding at
23 the end the following: “The energy man-
24 ager shall enter water use data for each
25 metered facility that is (or is a part of) a

1 facility that meets the criteria established
2 by the Secretary under paragraph (2)(B)
3 into a facility water use benchmarking sys-
4 tem.”; and

5 (iii) in subparagraph (B), by striking
6 “this subsection” and inserting “the date
7 of enactment of the Moving Forward Act”;
8 and

9 (F) in paragraph (9)(A), in the matter
10 preceding clause (i), by inserting “and water”
11 after “energy”; and

12 (8) in subsection (g)(1)—

13 (A) by striking “building” and inserting
14 “facility”; and

15 (B) by striking “energy efficient” and in-
16 serting “energy and water efficient”.

17 (b) CONFORMING AMENDMENT.—The table of con-
18 tents for the National Energy Conservation Policy Act
19 (Public Law 95–619; 92 Stat. 3206) is amended by strik-
20 ing the item relating to section 543 and inserting the fol-
21 lowing:

“Sec. 543. Energy and water management requirements.”.

22 **SEC. 33252. FEDERAL ENERGY MANAGEMENT PROGRAM.**

23 Section 543 of the National Energy Conservation
24 Policy Act (42 U.S.C. 8253) is amended by adding at the
25 end the following:

1 “(h) FEDERAL ENERGY MANAGEMENT PROGRAM.—

2 “(1) IN GENERAL.—The Secretary shall carry
3 out a program, to be known as the ‘Federal Energy
4 Management Program’ (referred to in this sub-
5 section as the ‘Program’), to facilitate the implemen-
6 tation by the Federal Government of cost-effective
7 energy and water management and energy-related
8 investment practices—

9 “(A) to coordinate and strengthen Federal
10 energy and water resilience; and

11 “(B) to promote environmental steward-
12 ship.

13 “(2) FEDERAL DIRECTOR.—The Secretary shall
14 appoint an individual to serve as the director of the
15 Program (referred to in this subsection as the ‘Fed-
16 eral Director’), which shall be a career position in
17 the Senior Executive service, to administer the Pro-
18 gram.

19 “(3) PROGRAM ACTIVITIES.—

20 “(A) STRATEGIC PLANNING AND TECH-
21 NICAL ASSISTANCE.—In administering the Pro-
22 gram, the Federal Director shall—

23 “(i) provide technical assistance and
24 project implementation support and guid-
25 ance to agencies to identify, implement,

1 procure, and track energy and water con-
2 servation measures required under this Act
3 and under other provisions of law;

4 “(ii) in coordination with the Admin-
5 istrator of the General Services Adminis-
6 tration, establish appropriate procedures,
7 methods, and best practices for use by
8 agencies to select, monitor, and terminate
9 contracts entered into pursuant to a utility
10 incentive program under section 546(c)
11 with utilities;

12 “(iii) carry out the responsibilities of
13 the Secretary under section 801, as deter-
14 mined appropriate by the Secretary;

15 “(iv) establish and maintain internet-
16 based information resources and project
17 tracking systems and tools for energy and
18 water management;

19 “(v) coordinate comprehensive and
20 strategic approaches to energy and water
21 resilience planning for agencies; and

22 “(vi) establish a recognition program
23 for Federal achievement in energy and
24 water management, energy-related invest-
25 ment practices, environmental stewardship,

1 and other relevant areas, through events
2 such as individual recognition award cere-
3 monies and public announcements.

4 “(B) ENERGY AND WATER MANAGEMENT
5 AND REPORTING.—In administering the Pro-
6 gram, the Federal Director shall—

7 “(i) track and report on the progress
8 of agencies in meeting the requirements of
9 the agency under this section;

10 “(ii) make publicly available agency
11 performance data required under—

12 “(I) this section and sections
13 544, 546, 547, and 548; and

14 “(II) section 203 of the Energy
15 Policy Act of 2005 (42 U.S.C.
16 15852);

17 “(iii)(I) collect energy and water use
18 and consumption data from each agency;
19 and

20 “(II) based on that data, submit to
21 each agency a report that will facilitate the
22 energy and water management, energy-re-
23 lated investment practices, and environ-
24 mental stewardship of the agency in sup-

1 port of Federal goals under this Act and
2 under other provisions of law;

3 “(iv) carry out the responsibilities of
4 the Secretary under section 305 of the En-
5 ergy Conservation and Production Act (42
6 U.S.C. 6834);

7 “(v) in consultation with the Adminis-
8 trator of the General Services Administra-
9 tion, acting through the head of the Office
10 of High-Performance Green Buildings, es-
11 tablish and implement sustainable design
12 principles for Federal facilities; and

13 “(vi) designate products that meet the
14 highest energy conservation standards for
15 categories not covered under the Energy
16 Star program established under section
17 324A of the Energy Policy and Conserva-
18 tion Act (42 U.S.C. 6294a).

19 “(C) FEDERAL INTERAGENCY COORDINA-
20 TION.—In administering the Program, the Fed-
21 eral Director shall—

22 “(i) develop and implement accredited
23 training consistent with existing Federal
24 programs and activities—

1 “(I) relating to energy and water
2 use, management, and resilience in
3 Federal facilities, energy-related in-
4 vestment practices, and environmental
5 stewardship; and

6 “(II) that includes in-person
7 training, internet-based programs,
8 and national in-person training
9 events;

10 “(ii) carry out the functions of the
11 Secretary with respect to the Interagency
12 Energy Management Task Force under
13 section 547; and

14 “(iii) report on the implementation of
15 the priorities of the President, including
16 Executive orders, relating to energy and
17 water use in Federal facilities, in coordina-
18 tion with—

19 “(I) the Office of Management
20 and Budget;

21 “(II) the Council on Environ-
22 mental Quality; and

23 “(III) any other entity, as consid-
24 ered necessary by the Federal Direc-
25 tor.

1 “(D) FACILITY AND FLEET OPTIMIZA-
2 TION.—In administering the Program, the Fed-
3 eral Director shall develop guidance, supply as-
4 sistance to, and track the progress of agen-
5 cies—

6 “(i) in conducting portfolio-wide facil-
7 ity energy and water resilience planning
8 and project integration;

9 “(ii) in building new construction and
10 major renovations to meet the sustainable
11 design and energy and water performance
12 standards required under this section;

13 “(iii) in developing guidelines for—

14 “(I) facility commissioning; and

15 “(II) facility operations and
16 maintenance; and

17 “(iv) in coordination with the Admin-
18 istrator of the General Services Adminis-
19 tration, in meeting statutory and agency
20 goals for Federal fleet vehicles.

21 “(4) MANAGEMENT COUNCIL.—The Federal Di-
22 rector shall establish a management council to ad-
23 vise the Federal Director that shall—

24 “(A) convene not less frequently than once
25 every quarter; and

1 “(B) consist of representatives from—
2 “(i) the Council on Environmental
3 Quality;
4 “(ii) the Office of Management and
5 Budget; and
6 “(iii) the Office of Federal High-Per-
7 formance Green Buildings in the General
8 Services Administration.

9 “(5) AUTHORIZATION OF APPROPRIATIONS.—
10 There is authorized to be appropriated to the Sec-
11 retary to carry out this subsection \$36,000,000 for
12 each of fiscal years 2021 through 2025.”.

13 **CHAPTER 5—TARGETED RESIDENTIAL**
14 **TREE-PLANTING**

15 **SEC. 33261. DEFINITIONS.**

16 As used in this chapter:

17 (1) The term “nonprofit tree-planting organiza-
18 tion” means any organization described in section
19 501(c)(3) of the Internal Revenue Code of 1986 (26
20 U.S.C. 501(c)(3)), that is exempt from taxation
21 under section 501(a) of such Code (26 U.S.C.
22 501(a)), which exists, in whole or in part, to—

23 (A) expand urban and residential tree
24 cover;

25 (B) distribute young trees for planting;

1 (C) increase awareness of the environ-
2 mental and energy-related benefits of trees;

3 (D) educate the public about proper tree
4 planting, care, and maintenance strategies; or

5 (E) carry out any combination of the fore-
6 going activities.

7 (2) The term “retail power provider” means
8 any entity authorized under applicable State or Fed-
9 eral law to generate, distribute, or provide retail
10 electricity, natural gas, or fuel oil service.

11 (3) The term “Secretary” means the Secretary
12 of Energy.

13 (4) The term “State” means each of the several
14 States, the District of Columbia, and each common-
15 wealth, territory, or possession of the United States.

16 **SEC. 33262. GRANT PROGRAM.**

17 (a) **AUTHORITY.**—The Secretary shall establish a
18 grant program to provide financial assistance to retail
19 power providers to support the establishment of new, or
20 continued operation of existing, targeted residential tree-
21 planting programs.

22 (b) **COOPERATION.**—In carrying out the grant pro-
23 gram established pursuant to subsection (a), the Secretary
24 may cooperate with, and provide assistance for such co-

1 operation to, State foresters or equivalent State officials
2 or Indian Tribes.

3 (c) REQUIREMENTS FOR TREE-PLANTING PRO-
4 GRAMS.—In order to qualify for assistance under the
5 grant program established pursuant to subsection (a), a
6 retail power provider shall, in accordance with this chap-
7 ter, establish and operate, or continue operating, a tar-
8 geted residential tree-planting program that meets each
9 of the following requirements:

10 (1) The program shall provide free or dis-
11 counted shade-providing or wind-reducing trees to
12 residential consumers. If providing free and dis-
13 counted trees under the program, priority for free
14 trees shall be given to areas where the average an-
15 nual income is below the regional median.

16 (2) The program shall either provide trees to
17 plant to—

18 (A) provide maximum amounts of shade
19 during summer intervals when residences are
20 exposed to the most sun intensity; or

21 (B) provide maximum amounts of wind
22 protection during fall and winter intervals when
23 residences are exposed to the most wind inten-
24 sity.

1 (3) The program shall use the best available
2 science to create, as needed, and utilize tree-siting
3 guidelines which dictate where the optimum tree spe-
4 cies are best planted in locations that ensure ade-
5 quate root development and that achieve maximum
6 reductions in consumer energy demand while causing
7 the least disruption to public infrastructure, consid-
8 ering overhead and underground facilities. Such
9 guidelines shall—

10 (A) include the species and minimum size
11 of trees that are mostly likely to result in a suc-
12 cessful tree planting; and

13 (B) outline the minimum distance re-
14 quired—

15 (i) between the trees that are being
16 planted; and

17 (ii) between such trees and building
18 foundations, air conditioning units, drive-
19 ways and walkways, property fences, pre-
20 existing utility infrastructure, septic sys-
21 tems, swimming pools, and other infra-
22 structure as determined appropriate; and

23 (C) ensure that trees planted under the
24 tree-planting program near existing power lines

1 will not interfere with energized electricity dis-
2 tribution lines when mature.

3 (4) The program shall provide that no new
4 trees will be planted under or adjacent to high-volt-
5 age electric transmission lines without prior con-
6 sultation with the retail power provider with jurisdic-
7 tion over such transmission lines.

8 (5) The program shall provide tree recipients
9 with tree planting and tree care instruction and edu-
10 cation prior to or in conjunction with delivery of free
11 or discounted trees.

12 (6) The program shall provide for engagement
13 and collaboration with community members that will
14 be affected by the program.

15 (7) The program shall provide tree care assist-
16 ance for trees planted under the program for a pe-
17 riod of time, to be determined by the retail power
18 provider, in consultation with the nonprofit tree-
19 planting organization, local municipal government,
20 or conservation district with which the retail power
21 provider has entered into an agreement described in
22 subsection (e) and the applicable local technical advi-
23 sory committee established pursuant to subsection
24 (f), to ensure long-term survival of the trees.

1 (8) The program has been certified by the Sec-
2 retary that it is designed to achieve the requirements
3 set forth in paragraphs (1) through (7). In desig-
4 nating criteria for such certification, the Secretary
5 shall collaborate with the Forest Service's Urban
6 and Community Forestry Program, and may consult
7 with the Administrator of the Environmental Protec-
8 tion Agency, to ensure that such criteria are con-
9 sistent with such requirements.

10 (d) NEW PROGRAM FUNDING SHARE.—The Sec-
11 retary shall ensure that no less than 30 percent of the
12 funds made available under this chapter are distributed
13 to retail power providers that—

14 (1) have not previously established or operated
15 a targeted residential tree-planting program that
16 meets the requirements described in subsection (c);
17 or

18 (2) are operating a targeted residential tree-
19 planting program that meets the requirements de-
20 scribed in subsection (c) which was established no
21 more than three years prior to the date of enactment
22 of this Act.

23 (e) AGREEMENTS BETWEEN RETAIL POWER PRO-
24 VIDERS AND NONPROFIT TREE-PLANTING ORGANIZA-
25 TIONS.—

1 (1) GRANT AUTHORIZATION.—The Secretary
2 may provide assistance under the grant program es-
3 tablished pursuant to subsection (a) only to a retail
4 power provider that has entered into a binding legal
5 agreement with a nonprofit tree-planting organiza-
6 tion.

7 (2) CONDITIONS OF AGREEMENT.—An agree-
8 ment between a retail power provider and a non-
9 profit tree-planting organization described in para-
10 graph (1) shall set forth conditions under which
11 such nonprofit tree-planting organization shall carry
12 out a targeted residential tree-planting program that
13 is established or operated by the retail power pro-
14 vider. Such conditions—

15 (A) shall require the nonprofit tree-plant-
16 ing organization to participate in a local tech-
17 nical advisory committee in accordance with
18 subsection (f); and

19 (B) may require the nonprofit tree-plant-
20 ing organization to—

21 (i) coordinate volunteer recruitment to
22 assist with the physical act of planting
23 trees in residential locations under the
24 tree-planting program;

1 (ii) support a workforce development
2 program that trains a local workforce and
3 assists with job-placement;

4 (iii) undertake a public awareness
5 campaign to educate local residents about
6 the benefits, cost savings, and availability
7 of free trees;

8 (iv) establish education and informa-
9 tion campaigns to encourage recipients of
10 trees under the tree-planting program to
11 maintain their trees over the long term;

12 (v) serve as the point of contact for
13 existing and potential residential partici-
14 pants who have questions or concerns re-
15 garding the tree-planting program;

16 (vi) require recipients of trees under
17 the tree-planting program to sign agree-
18 ments committing to voluntary stewardship
19 and care of provided trees; and

20 (vii) monitor and report on the sur-
21 vival, growth, overall health, and estimated
22 energy savings of trees provided under the
23 tree-planting program up until the end of
24 their establishment period, which shall be
25 no less than 5 years.

1 (3) LACK OF NONPROFIT TREE-PLANTING OR-
2 GANIZATION.—If a nonprofit tree-planting organiza-
3 tion does not exist or operate within the area served
4 by a retail power provider applying for assistance
5 under this section, the requirements of this section
6 shall apply to binding legal agreements entered into
7 by such retail power provider and one of the fol-
8 lowing entities:

9 (A) A local municipal government with ju-
10 risdiction over the urban or suburban forest.

11 (B) A conservation district.

12 (f) TECHNICAL ADVISORY COMMITTEES.—

13 (1) CONDITION.—In order to qualify for assist-
14 ance under the grant program established pursuant
15 to subsection (a), a retail power provider shall agree
16 to consult with the nonprofit tree-planting organiza-
17 tion, local municipal government, or conservation
18 district with which the retail power provider has en-
19 tered into an agreement described in subsection (e)
20 and State foresters or equivalent State officials to
21 establish a local technical advisory committee de-
22 scribed in paragraph (2) not later than 30 days
23 after receiving such assistance.

24 (2) DESCRIPTION.—A local technical advisory
25 committee shall provide advice to, and consult with,

1 a retail power provider and nonprofit tree-planting
2 organization, local municipal government, or con-
3 servation district regarding the applicable targeted
4 residential tree-planting program. The advisory com-
5 mittee may—

6 (A) design and adopt an approved plant
7 list for the tree-planting program that empha-
8 sizes the use of hardy, noninvasive tree species
9 and, where geographically appropriate, the use
10 of native or low water-use shade trees, or both;

11 (B) design and adopt planting, installation,
12 and maintenance specifications and create a
13 process for inspection and quality control for
14 the tree-planting program;

15 (C) assist in developing long-term care and
16 maintenance instructions for recipients of trees
17 under the tree-planting program;

18 (D) assist the retail power provider and
19 nonprofit tree-planting organization, local mu-
20 nicipal government, or conservation district, as
21 appropriate, with public outreach and education
22 regarding the tree-planting program;

23 (E) assist in establishing a procedure for
24 monitoring and collection of data on tree
25 health, tree survival, and energy conservation

1 benefits generated by the tree-planting pro-
2 gram;

3 (F) provide guidelines and recommenda-
4 tions for establishing or supporting existing
5 workforce development programs as part of,
6 and for prioritizing local hiring under, a tree-
7 planting program; and

8 (G) assist the retail power provider in
9 maintaining and compiling information regard-
10 ing the tree-planting program for purposes of
11 the reports described in subsection (i)(1).

12 (3) COMPENSATION.—Individuals serving on a
13 local technical advisory committee shall not receive
14 compensation for their service.

15 (4) COMPOSITION.—Local technical advisory
16 committees shall be composed of representatives
17 from public, private, and nongovernmental organiza-
18 tions with expertise in demand-side energy efficiency
19 management, urban forestry, arboriculture, or land-
20 scape architecture, and shall be composed of the fol-
21 lowing:

22 (A) Up to four persons, but no less than
23 one person, representing the retail power pro-
24 vider receiving assistance under this section.

1 (B) Up to four persons, but no less than
2 one person, representing the nonprofit tree-
3 planting organization that has entered into an
4 agreement described in subsection (e) with the
5 retail power provider to carry out the applicable
6 targeted residential tree-planting program.

7 (C) Up to three persons representing local
8 nonprofit conservation or environmental organi-
9 zations. Preference shall be given to those orga-
10 nizations which are organized under section
11 501(c)(3) of the Internal Revenue Code of
12 1986, and which have demonstrated expertise
13 engaging the public in energy conservation, en-
14 ergy efficiency, or green building practices or a
15 combination thereof. No single organization
16 may be represented by more than one individual
17 under this subparagraph.

18 (D) Up to two persons representing a local
19 affordable housing agency, affordable housing
20 builder, or community development corporation.

21 (E) Up to three, but no less than one, per-
22 sons representing local city or county govern-
23 ment for each municipality where a targeted
24 residential tree-planting program will take place
25 and at least one of these representatives shall

1 be the city or county forester, city or county
2 arborist, conservation district forester or func-
3 tional equivalent.

4 (F) Up to one person representing the
5 local government agency responsible for man-
6 agement of roads, sewers, and infrastructure,
7 including public works departments, transpor-
8 tation agencies, or equivalents.

9 (G) Up to two persons representing the
10 nursery and landscaping industry.

11 (H) Up to two persons, but no less than
12 one person, representing State foresters, land-
13 scape architects, or equivalent State officials.

14 (I) Up to three persons representing the
15 research community or academia with expertise
16 in natural resources or energy management
17 issues.

18 (5) CHAIRPERSON.—

19 (A) IN GENERAL.—Each local technical
20 advisory committee shall elect a chairperson to
21 preside over committee meetings, act as a liai-
22 son to governmental and other outside entities,
23 and direct the general operation of the com-
24 mittee.

1 (B) ELIGIBILITY.—Only committee rep-
2 resentatives under paragraph (4)(A) or para-
3 graph (4)(B) shall be eligible to act as a local
4 technical advisory committee chairperson.

5 (6) CREDENTIALS.—At least one of the mem-
6 bers of each local technical advisory committee shall
7 be certified with one or more of the following creden-
8 tials:

9 (A) Certified Arborist, International Soci-
10 ety of Arboriculture.

11 (B) Certified Forester, Society of Amer-
12 ican Foresters.

13 (C) Certified Arborist Municipal Specialist,
14 International Society of Arboriculture.

15 (D) Certified Arborist Utility Specialist,
16 International Society of Arboriculture.

17 (E) Board Certified Master Arborist,
18 International Society of Arboriculture.

19 (F) Licensed landscape architect, Amer-
20 ican Society of Landscape Architects.

21 (g) COST SHARE PROGRAM.—

22 (1) FEDERAL SHARE.—The Federal share of
23 support for any targeted residential tree-planting
24 program funded under this section shall not exceed

1 50 percent of the cost of such program and shall be
2 provided on a matching basis.

3 (2) NON-FEDERAL SHARE.—The non-Federal
4 share of such costs may be paid or contributed by
5 any governmental or nongovernmental entity other
6 than from funds derived directly or indirectly from
7 an agency or instrumentality of the United States.

8 (h) COMPETITIVE GRANT PROCEDURES.—Not later
9 than 90 days after the date of enactment of this Act, after
10 notice and opportunity for comment, the Secretary shall
11 establish procedures for a public, competitive grants pro-
12 cess through which retail power providers may apply for
13 assistance under this section.

14 (i) REPORTS.—

15 (1) TO THE SECRETARY.—Not later than 1
16 year after receiving assistance under the grant pro-
17 gram established pursuant to subsection (a), and
18 each subsequent year for the duration of the grant,
19 each such recipient shall submit to the Secretary a
20 report describing the results of the activities funded
21 by such assistance, including as applicable—

22 (A) the number of trees planted under the
23 applicable targeted residential tree-planting pro-
24 gram;

1 (B) the benefits of the applicable targeted
2 residential tree-planting program to the local
3 community;

4 (C) any barriers to planting trees as part
5 of the applicable targeted residential tree-plant-
6 ing program; and

7 (D) any other information the Secretary
8 considers appropriate.

9 (2) TO CONGRESS.—Not later than 3 years
10 after providing assistance under the grant program
11 established pursuant to subsection (a), and each
12 year after, the Secretary shall submit to Congress a
13 report that includes—

14 (A) the number of applications for assist-
15 ance under the program received and funded,
16 annually;

17 (B) the number of trees planted under the
18 targeted residential tree-planting programs for
19 which assistance is provided under the program;

20 (C) the benefits of such tree-planting pro-
21 grams, including those related to climate
22 change, energy savings, and stormwater runoff;

23 (D) any barriers to planting trees in com-
24 munities;

1 (E) recommendations for improving the
2 grant program; and

3 (F) any other information the Secretary
4 considers appropriate.

5 **SEC. 33263. PUBLIC RECOGNITION INITIATIVE.**

6 (a) ARBOR CITY OF AMERICA.—The Secretary shall
7 annually—

8 (1) designate a city, municipality, community,
9 or other area as the Secretary determines appro-
10 priate, as the “Arbor City of America” to recognize
11 superior efforts in increasing tree canopy coverage
12 and assisting residents in reducing energy costs
13 through tree planting; and

14 (2) provide funding to such city, municipality,
15 community, or other area to carry out projects that
16 increase green infrastructure or green spaces within
17 such city, municipality, community, or other area.

18 (b) PROCEDURES.—Not later than 90 days after the
19 date of enactment of this Act, after notice and opportunity
20 for comment, the Secretary shall establish procedures for
21 carrying out this section.

22 **SEC. 33264. NONDUPLICITY.**

23 Nothing in this chapter shall be construed to super-
24 sede, duplicate, cancel, or negate the programs or authori-

1 ties provided under section 9 of the Cooperative Forestry
2 Assistance Act of 1978 (16 U.S.C. 2105).

3 **SEC. 33265. AUTHORIZATION OF APPROPRIATIONS.**

4 For each of fiscal years 2021 through 2025, there
5 are authorized to be appropriated \$5,000,000 to carry out
6 this chapter, of which \$250,000 shall be used to provide
7 funding to the applicable city, municipality, community,
8 or other area designated under section 33263 as the Arbor
9 City of America for such year for projects described in
10 such section.

11 **CHAPTER 6—INDUSTRIAL ENERGY**

12 **SAVINGS**

13 **SEC. 33271. REBATE PROGRAM FOR ENERGY EFFICIENT**

14 **ELECTROTECHNOLOGIES.**

15 (a) DEFINITIONS.—In this section:

16 (1) ENERGY EFFICIENT

17 ELECTROTECHNOLOGY.—The term “energy efficient
18 electrotechnology” means—

19 (A) any electric technology that, when used
20 instead of a fossil fuel-fired technology in an in-
21 dustrial process results in—

22 (i) energy efficiency, or production ef-
23 ficiency, gains; or

24 (ii) environmental benefits; or

1 (B) any electric technology that, when used
2 instead of a fossil fuel-fired technology in an in-
3 dustrial application results in—

4 (i) improvements in on-site logistics or
5 material handling; and

6 (ii) energy efficiency gains and envi-
7 ronmental benefits.

8 (2) QUALIFIED ENTITY.—The term “qualified
9 entity” means an industrial or manufacturing facil-
10 ity, commercial building, or a utility or energy serv-
11 ice company.

12 (3) SECRETARY.—The term “Secretary” means
13 the Secretary of Energy.

14 (b) ESTABLISHMENT.—Not later than 90 days after
15 the date of enactment of this Act, the Secretary shall es-
16 tablish a program to provide rebates in accordance with
17 this section.

18 (c) REBATES.—The Secretary may provide a rebate
19 under the program established under subsection (b) to the
20 owner or operator of a qualified entity for expenditures
21 made by the owner or operator of the qualified entity for
22 an energy efficient electrotechnology that is used to re-
23 place a fossil fuel-fired technology.

24 (d) REQUIREMENTS.—To be eligible to receive a re-
25 bate under this section, the owner or operator of a quali-

1 fied entity shall submit to the Secretary an application
2 demonstrating—

3 (1) that the owner or operator of the qualified
4 entity purchased an energy efficient
5 electrotechnology;

6 (2) the energy efficiency gains, production effi-
7 ciency gains, and environmental benefits, as applica-
8 ble, resulting from use of the energy efficient
9 electrotechnology—

10 (A) as measured by a qualified professional
11 or verified by the energy efficient
12 electrotechnology manufacturer, as applicable;
13 or

14 (B) as determined by the Secretary;

15 (3) that the fossil fuel-fired technology replaced
16 by the energy efficient electrotechnology has been
17 permanently decommissioned and scrapped; and

18 (4) that all laborers and mechanics who were
19 involved in the installation or maintenance, or con-
20 struction or renovation to support such installation
21 or maintenance, of the energy efficient
22 electrotechnology, or the decommissioning and scrap-
23 ping of the fossil fuel-fired technology replaced by
24 the energy efficient electrotechnology, and who were
25 employed by the owner or operator of the qualified

1 entity, or contractors or subcontractors at any tier
2 thereof, were paid wages at rates not less than those
3 prevailing on projects of a character similar in the
4 locality as determined by the Secretary of Labor in
5 accordance with subchapter IV of chapter 31 of title
6 40, United States Code (commonly referred to as
7 the “Davis-Bacon Act”).

8 (e) LIMITATION.—The Secretary may not provide a
9 rebate under the program established under subsection (b)
10 to an owner or operator of a qualified entity for expendi-
11 tures made by the owner or operator of the qualified entity
12 for an energy efficient electrotechnology that is used to
13 replace a fossil fuel-fired technology if the Secretary deter-
14 mines that such expenditures were necessary for the owner
15 or operator to comply with Federal or State law.

16 (f) AUTHORIZED AMOUNT OF REBATE.—The amount
17 of a rebate provided under this section shall be not less
18 than 30 percent, and not more than 50 percent, of the
19 overall cost of the energy efficient electrotechnology, in-
20 cluding installation costs.

21 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated to carry out this section
23 \$100,000,000 for each of fiscal years 2020 through 2024.

Subtitle C—Vehicles**CHAPTER 1—DERA****3 SEC. 33301. REAUTHORIZATION OF DIESEL EMISSIONS RE-
4 Duction PROGRAM.**

5 Section 797(a) of the Energy Policy Act of 2005 (42
6 U.S.C. 16137(a)) is amended by striking “\$100,000,000
7 for each of fiscal years 2012 through 2016” and inserting
8 “\$500,000,000 for each of fiscal years 2021 through
9 2025”.

10 CHAPTER 2—CLEAN COMMUTE FOR KIDS**11 SEC. 33311. REAUTHORIZATION OF CLEAN SCHOOL BUS
12 PROGRAM.**

13 (a) DEFINITIONS.—

14 (1) ALTERNATIVE FUEL.—Section 741(a)(2) of
15 the Energy Policy Act of 2005 (42 U.S.C. 16091(a))
16 is amended—

17 (A) in subparagraph (B), by striking “or”
18 after the semicolon;

19 (B) in subparagraph (C), by striking the
20 period at the end and inserting “; or”; and

21 (C) by adding at the end the following new
22 subparagraph:

23 “(D) electricity.”.

1 (2) CLEAN SCHOOL BUS.—Paragraph (3) of
2 section 741(a) of the Energy Policy Act of 2005 (42
3 U.S.C. 16091(a)) is amended to read as follows:

4 “(3) CLEAN SCHOOL BUS.—The term ‘clean
5 school bus’ means—

6 “(A) a school bus with a gross vehicle
7 weight of greater than 14,000 pounds that—

8 “(i) is powered by a heavy duty en-
9 gine; and

10 “(ii) is operated solely on an alter-
11 native fuel or ultra-low sulfur diesel fuel;

12 or

13 “(B) a vehicle designed to carry more than
14 10 passengers that—

15 “(i) complies with Federal motor vehi-
16 cle safety standards for school buses; and

17 “(ii) meets or exceeds Federal vehicle
18 emission standards for medium-duty pas-
19 senger vehicles for model year 2016.”.

20 (b) PROGRAM FOR RETROFIT OR REPLACEMENT OF
21 CERTAIN EXISTING SCHOOL BUSES WITH CLEAN
22 SCHOOL BUSES.—

23 (1) NATIONAL GRANT, REBATE, AND LOAN PRO-
24 GRAMS.—

1 (A) IN GENERAL.—Section 741(b)(1)(A) of
2 the Energy Policy Act of 2005 (42 U.S.C.
3 16091(b)(1)(A)) is amended by inserting after
4 “awarding grants” the following: “, rebates,
5 and low-cost revolving loans, as determined by
6 the Administrator, including through contracts
7 pursuant to subsection (d),”.

8 (B) CONFORMING CHANGES.—Section 741
9 of the Energy Policy Act of 2005 (42 U.S.C.
10 16091) is amended—

11 (i) in subsection (a)(4)(B), by striking
12 “grant funds” and inserting “award
13 funds”;

14 (ii) in subsection (b)(1)(B), by strik-
15 ing “awarding grants” each place it ap-
16 pears and inserting “making awards”;

17 (iii) in the heading of subsection
18 (b)(2), by striking “GRANT APPLICATIONS”
19 and inserting “AWARD APPLICATIONS”;

20 (iv) in subsection (b)(2)(A), by strik-
21 ing “grant applications” and inserting
22 “award applications”;

23 (v) in subsection (b)(3)(A), by strik-
24 ing “grant” and insert “award”;

25 (vi) and (b)(4)—

- 1 (I) in the paragraph heading, by
2 striking “GRANTS” and inserting
3 “AWARDS”; and
- 4 (II) by striking “award grants”
5 and inserting “make awards”;
- 6 (vii) in subsection (b)(7)—
- 7 (I) by striking “grant awards”
8 and inserting “awards”; and
- 9 (II) by striking “grant funding”
10 and inserting “funding”;
- 11 (viii) in subsection (b)(8)(A)(ii)—
- 12 (I) in subclauses (I) and (II), by
13 striking “grant applications” each
14 place it appears and inserting “award
15 applications”; and
- 16 (II) in subclause (III)—
- 17 (aa) by striking “grants
18 awarded” and inserting “awards
19 made”; and
- 20 (bb) by striking “grant re-
21 cipients” and inserting “award
22 recipients”; and
- 23 (ix) in subsection (c)(3)—
- 24 (I) in subparagraph (A)—

1 (aa) by striking “grant re-
2 cipients” and inserting “award
3 recipients”; and

4 (bb) by striking “grants”
5 and inserting “awards”; and

6 (II) in subparagraph (C), by
7 striking “grant program” and insert-
8 ing “award program”.

9 (2) PRIORITY OF AWARD APPLICATIONS.—Sec-
10 tion 741(b)(2) of the Energy Policy Act of 2005 (42
11 U.S.C. 16091(b)(2)) is amended—

12 (A) in subparagraph (A)—

13 (i) by striking “1977” and inserting
14 “2007”; and

15 (ii) by inserting before the period at
16 the end “with clean school buses with low
17 or zero emissions”; and

18 (B) by amending subparagraph (B) to read
19 as follows:

20 “(B) RETROFITTING.—In the case of
21 award applications to retrofit school buses, the
22 Administrator shall give highest priority to ap-
23 plicants that propose to retrofit school buses
24 manufactured in or after model year 2010 to
25 become clean school buses.”.

1 (3) USE OF SCHOOL BUS FLEET.—Section
2 741(b)(3)(B) of the Energy Policy Act of 2005 (42
3 U.S.C. 16091(b)(3)(B)) is amended by inserting
4 “charged,” after “operated,”.

5 (4) REPLACEMENT AWARDS.—Paragraph (5) of
6 section 741(b) of the Energy Policy Act of 2005 (42
7 U.S.C. 16091(b)) is amended to read as follows:

8 “(5) REPLACEMENT AWARDS.—In the case of
9 awards to replace school buses—

10 “(A) the Administrator may make awards
11 for up to 60 percent of the replacement costs;
12 and

13 “(B) such replacement costs may include
14 the costs of acquiring the clean school buses
15 and charging and fueling infrastructure.”.

16 (5) ULTRA LOW-SULFUR DIESEL FUEL.—Sec-
17 tion 741(b) of the Energy Policy Act of 2005 (42
18 U.S.C. 16091(b)) is amended—

19 (A) by striking paragraph (6); and

20 (B) by redesignating paragraph (7) as
21 paragraph (6).

22 (6) SCRAPPAGE.—Section 741(b) of the Energy
23 Policy Act of 2005 (42 U.S.C. 16091(b)) is further
24 amended by inserting after paragraph (6), as reded-
25 signated, the following new paragraph:

1 “(7) SCRAPPAGE.—In the case of an award
2 under this section for the replacement of a school
3 bus or a retrofit including installation of a new en-
4 gine, the Administrator shall require the recipient of
5 the award to verify that the replaced bus, or the en-
6 gine of a retrofitted bus that was removed, was re-
7 turned to the supplier for remanufacturing to a
8 more stringent set of engine emissions standards or
9 for scrappage.”.

10 (c) EDUCATION.—Paragraph (1) of section 741(c) of
11 the Energy Policy Act of 2005 (42 U.S.C. 16091(c)) is
12 amended to read as follows:

13 “(1) IN GENERAL.—Not later than 90 days
14 after the date of enactment of the Clean Commute
15 for Kids Act of 2020, the Administrator shall de-
16 velop an education outreach program to promote and
17 explain the award program under subsection (b), as
18 amended by such Act.”.

19 (d) CONTRACT PROGRAMS; ADMINISTRATIVE
20 COSTS.—Section 741 of the Energy Policy Act of 2005
21 (42 U.S.C. 16091) is amended—

22 (1) by redesignating subsection (d) as sub-
23 section (f); and

24 (2) by inserting after subsection (c) the fol-
25 lowing new subsections:

1 “(d) CONTRACT PROGRAMS.—

2 “(1) AUTHORITY.—In addition to the use of
3 contracting authority otherwise available to the Ad-
4 ministrator, the Administrator may enter into con-
5 tracts with eligible contractors described in para-
6 graph (2) for awarding rebates and low-cost revolv-
7 ing loans pursuant to subsection (b)(1).

8 “(2) ELIGIBLE CONTRACTORS.—A contractor is
9 an eligible contractor described in this paragraph if
10 the contractor is a for-profit, not-for-profit, or non-
11 profit entity that has the capacity—

12 “(A) to sell clean school buses or equip-
13 ment to, or to arrange financing for, individuals
14 or entities that own a school bus or fleet of
15 school buses; or

16 “(B) to upgrade school buses or their
17 equipment with verified or Environmental Pro-
18 tection Agency-certified engines or technologies,
19 or to arrange financing for such upgrades.

20 “(e) ADMINISTRATIVE COSTS.—The Administrator
21 may not use, for the administrative costs of carrying out
22 this section, more than one percent of the amounts made
23 available to carry out this section for any fiscal year.”.

24 (e) AUTHORIZATION OF APPROPRIATIONS.—Sub-
25 section (f), as redesignated, of section 741 of the Energy

1 Policy Act of 2005 (42 U.S.C. 16091) is amended to read
2 as follows:

3 “(f) AUTHORIZATION OF APPROPRIATIONS.—

4 “(1) IN GENERAL.—There is authorized to be
5 appropriated to the Administrator to carry out this
6 section, to remain available until expended,
7 \$130,000,000 for each of fiscal years 2021 through
8 2025, of which not less than \$45,000,000 each such
9 fiscal year shall be used for grants under this section
10 to eligible recipients proposing to replace or retrofit
11 school buses to serve an underserved or disadvan-
12 taged community.

13 “(2) DEFINITION.—In this subsection, the term
14 ‘underserved or disadvantaged community’ means a
15 community located in a zip code within a census
16 tract that is identified as—

17 “(A) a low-income community;

18 “(B) an urban community of color; or

19 “(C) any other urban community that the
20 Administrator determines is disproportionately
21 vulnerable to, or bears a disproportionate bur-
22 den of, any combination of economic, social,
23 and environmental stressors.”.

1 **SEC. 33312. STUDY ON IMPACT OF AIR POLLUTION FROM**
 2 **VEHICLES IDLING IN SCHOOL ZONES.**

3 Not later than 1 year after the date of enactment
 4 of this Act, the Secretary of Health and Human Services
 5 and the Administrator of the Environmental Protection
 6 Agency, acting jointly, shall—

7 (1) complete a study on the impacts on the
 8 health of children related to the emission of air pol-
 9 lutants from school buses and other vehicles idling
 10 in school zones; and

11 (2) submit a report to the Congress on the re-
 12 sults of such study.

13 **CHAPTER 3—REFRIGERATED VEHICLES**

14 **SEC. 33321. PILOT PROGRAM FOR THE ELECTRIFICATION**
 15 **OF CERTAIN REFRIGERATED VEHICLES.**

16 (a) ESTABLISHMENT OF PILOT PROGRAM.—The Ad-
 17 ministrator shall establish and carry out a pilot program
 18 to award funds, in the form of grants, rebates, and low-
 19 cost revolving loans, as determined appropriate by the Ad-
 20 ministrator, on a competitive basis, to eligible entities to
 21 carry out projects described in subsection (b).

22 (b) PROJECTS.—An eligible entity receiving an award
 23 of funds under subsection (a) may use such funds only
 24 for one or more of the following projects:

25 (1) TRANSPORT REFRIGERATION UNIT RE-
 26 PLACEMENT.—A project to retrofit a heavy-duty ve-

1 hicle by replacing or retrofitting the existing diesel-
2 powered transport refrigeration unit in such vehicle
3 with an electric transport refrigeration unit and re-
4 tiring the replaced unit for scrappage.

5 (2) SHORE POWER INFRASTRUCTURE.—A
6 project to purchase and install shore power infra-
7 structure or other equipment that enables transport
8 refrigeration units to connect to electric power and
9 operate without using diesel fuel.

10 (c) MAXIMUM AMOUNTS.—The amount of an award
11 of funds under subsection (a) shall not exceed—

12 (1) for the costs of a project described in sub-
13 section (b)(1), 75 percent of such costs; and

14 (2) for the costs of a project described in sub-
15 section (b)(2), 55 percent of such costs.

16 (d) APPLICATIONS.—To be eligible to receive an
17 award of funds under subsection (a), an eligible entity
18 shall submit to the Administrator—

19 (1) a description of the air quality in the area
20 served by the eligible entity, including a description
21 of how the air quality is affected by diesel emissions
22 from heavy-duty vehicles;

23 (2) a description of the project proposed by the
24 eligible entity, including—

1 (A) any technology to be used or funded by
2 the eligible entity; and

3 (B) a description of the heavy-duty vehicle
4 or vehicles of the eligible entity, that will be ret-
5 rofitted, if any, including—

6 (i) the number of such vehicles;

7 (ii) the uses of such vehicles;

8 (iii) the locations where such vehicles
9 dock for the purpose of loading or unload-
10 ing; and

11 (iv) the routes driven by such vehicles,
12 including the times at which such vehicles
13 are driven;

14 (3) an estimate of the cost of the proposed
15 project;

16 (4) a description of the age and expected life-
17 time control of the equipment used or funded by the
18 eligible entity; and

19 (5) provisions for the monitoring and
20 verification of the project including to verify
21 scrappage of replaced units.

22 (e) PRIORITY.—In awarding funds under subsection
23 (a), the Administrator shall give priority to proposed
24 projects that, as determined by the Administrator—

25 (1) maximize public health benefits;

1 (2) are the most cost-effective; and

2 (3) will serve the communities that are most
3 polluted by diesel motor emissions, including com-
4 munities that the Administrator identifies as being
5 in either nonattainment or maintenance of the na-
6 tional ambient air quality standards for a criteria
7 pollutant, particularly for—

8 (A) ozone; and

9 (B) particulate matter.

10 (f) DATA RELEASE.—Not later than 120 days after
11 the date on which an award of funds is made under this
12 section, the Administrator shall publish on the website of
13 the Environmental Protection Agency, on a downloadable
14 electronic database, information with respect to such
15 award of funds, including—

16 (1) the name and location of the recipient;

17 (2) the total amount of funds awarded;

18 (3) the intended use or uses of the awarded
19 funds;

20 (4) the date on which the award of funds was
21 approved;

22 (5) where applicable, an estimate of any air pol-
23 lution or greenhouse gas emissions avoided as a re-
24 sult of the project funded by the award; and

1 (6) any other data the Administrator deter-
2 mines to be necessary for an evaluation of the use
3 and effect of awarded funds provided under this sec-
4 tion.

5 (g) REPORTS TO CONGRESS.—

6 (1) ANNUAL REPORT TO CONGRESS.—Not later
7 than 1 year after the date of the establishment of
8 the pilot program under this section, and annually
9 thereafter until amounts made available to carry out
10 this section are expended, the Administrator shall
11 submit to Congress and make available to the public
12 a report that describes, with respect to the applica-
13 ble year—

14 (A) the number of applications for awards
15 of funds received under such program;

16 (B) all awards of funds made under such
17 program, including a summary of the data de-
18 scribed in subsection (f);

19 (C) the estimated reduction of annual
20 emissions of air pollutants regulated under sec-
21 tion 109 of the Clean Air Act (42 U.S.C.
22 7409), and the estimated reduction of green-
23 house gas emissions, associated with the awards
24 of funds made under such program;

1 (D) the number of awards of funds made
2 under such program for projects in communities
3 described in subsection (e)(3); and

4 (E) any other data the Administrator de-
5 termines to be necessary to describe the imple-
6 mentation, outcomes, or effectiveness of such
7 program.

8 (2) FINAL REPORT.—Not later than 1 year
9 after amounts made available to carry out this sec-
10 tion are expended, or 5 years after the pilot program
11 is established, whichever comes first, the Adminis-
12 trator shall submit to Congress and make available
13 to the public a report that describes—

14 (A) all of the information collected for the
15 annual reports under paragraph (1);

16 (B) any benefits to the environment or
17 human health that could result from the wide-
18 spread application of electric transport refrig-
19 eration units for short-haul transportation and
20 delivery of perishable goods or other goods re-
21 quiring climate-controlled conditions, including
22 in low-income communities and communities of
23 color;

24 (C) any challenges or benefits that recipi-
25 ents of awards of funds under such program re-

1 ported with respect to the integration or use of
2 electric transport refrigeration units and associ-
3 ated technologies;

4 (D) an assessment of the national market
5 potential for electric transport refrigeration
6 units;

7 (E) an assessment of challenges and op-
8 portunities for widespread deployment of elec-
9 tric transport refrigeration units, including in
10 urban areas; and

11 (F) recommendations for how future Fed-
12 eral, State, and local programs can best support
13 the adoption and widespread deployment of
14 electric transport refrigeration units.

15 (h) DEFINITIONS.—In this section:

16 (1) ADMINISTRATOR.—The term “Adminis-
17 trator” means the Administrator of the Environ-
18 mental Protection Agency.

19 (2) DIESEL-POWERED TRANSPORT REFRIGERA-
20 TION UNIT.—The term “diesel-powered transport re-
21 frigeration unit” means a transport refrigeration
22 unit that is powered by an independent diesel inter-
23 nal combustion engine.

24 (3) ELECTRIC TRANSPORT REFRIGERATION
25 UNIT.—The term “electric transport refrigeration

1 unit” means a transport refrigeration unit in which
2 the refrigeration or climate-control system is driven
3 by an electric motor when connected to shore power
4 infrastructure or other equipment that enables
5 transport refrigeration units to connect to electric
6 power, including all-electric transport refrigeration
7 units, hybrid electric transport refrigeration units,
8 and standby electric transport refrigeration units.

9 (4) ELIGIBLE ENTITY.—The term “eligible enti-
10 ty” means—

11 (A) a regional, State, local, or Tribal agen-
12 cy, or port authority, with jurisdiction over
13 transportation or air quality;

14 (B) a nonprofit organization or institution
15 that—

16 (i) represents or provides pollution re-
17 duction or educational services to persons
18 or organizations that own or operate
19 heavy-duty vehicles or fleets of heavy-duty
20 vehicles; or

21 (ii) has, as its principal purpose, the
22 promotion of air quality;

23 (C) an individual or entity that is the
24 owner of record of a heavy-duty vehicle or a
25 fleet of heavy-duty vehicles that operates for the

1 transportation and delivery of perishable goods
2 or other goods requiring climate-controlled con-
3 ditions;

4 (D) an individual or entity that is the
5 owner of record of a facility that operates as a
6 warehouse or storage facility for perishable
7 goods or other goods requiring climate-con-
8 trolled conditions; or

9 (E) a hospital or public health institution
10 that utilizes refrigeration for storage of perish-
11 able goods or other goods requiring climate-con-
12 trolled conditions.

13 (5) HEAVY-DUTY VEHICLE.—The term “heavy-
14 duty vehicle” means—

15 (A) a commercial truck or van—

16 (i) used for the primary purpose of
17 transporting perishable goods or other
18 goods requiring climate-controlled condi-
19 tions; and

20 (ii) with a gross vehicle weight rating
21 greater than 6,000 pounds; or

22 (B) an insulated cargo trailer used in
23 transporting perishable goods or other goods re-
24 quiring climate-controlled conditions when
25 mounted on a semitrailer.

1 (6) SHORE POWER INFRASTRUCTURE.—The
2 term “shore power infrastructure” means electrical
3 infrastructure that provides power to the electric
4 transport refrigeration unit of a heavy-duty vehicle
5 when such vehicle is stationary on a property where
6 such vehicle is parked or loaded, including a food
7 distribution center or other location where heavy-
8 duty vehicles congregate.

9 (7) TRANSPORT REFRIGERATION UNIT.—The
10 term “transport refrigeration unit” means a climate-
11 control system installed on a heavy-duty vehicle for
12 the purpose of maintaining the quality of perishable
13 goods or other goods requiring climate-controlled
14 conditions.

15 (i) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There is authorized to be
17 appropriated to carry out this section \$10,000,000,
18 to remain available until expended.

19 (2) ADMINISTRATIVE EXPENSES.—The Admin-
20 istrator may use not more than 1 percent of
21 amounts made available pursuant to paragraph (1)
22 for administrative expenses to carry out this section.

23 **CHAPTER 4—EV INFRASTRUCTURE**

24 **SEC. 33331. DEFINITIONS.**

25 In this chapter:

1 (1) ELECTRIC VEHICLE SUPPLY EQUIPMENT.—

2 The term “electric vehicle supply equipment” means
3 any conductors, including ungrounded, grounded,
4 and equipment grounding conductors, electric vehicle
5 connectors, attachment plugs, and all other fittings,
6 devices, power outlets, or apparatuses installed spe-
7 cifically for the purpose of delivering energy to an
8 electric vehicle.

9 (2) SECRETARY.—The term “Secretary” means
10 the Secretary of Energy.

11 (3) UNDERSERVED OR DISADVANTAGED COM-
12 MUNITY.—The term “underserved or disadvantaged
13 community” means—

14 (A) a community located in a ZIP code
15 that includes a census tract that is identified
16 as—

17 (i) a low-income community; or

18 (ii) a community of color; or

19 (B) any other community that the Sec-
20 retary determines is disproportionately vulner-
21 able to, or bears a disproportionate burden of,
22 any combination of economic, social, and envi-
23 ronmental stressors.

1 **SEC. 33332. ELECTRIC VEHICLE SUPPLY EQUIPMENT RE-**
2 **BATE PROGRAM.**

3 (a) REBATE PROGRAM.—Not later than January 1,
4 2021, the Secretary shall establish a rebate program to
5 provide rebates for covered expenses associated with pub-
6 licly accessible electric vehicle supply equipment (in this
7 section referred to as the “rebate program”).

8 (b) REBATE PROGRAM REQUIREMENTS.—

9 (1) ELIGIBLE ENTITIES.—A rebate under the
10 rebate program may be made to an individual, a
11 State, local, Tribal, or Territorial government, a pri-
12 vate entity, a not-for-profit entity, a nonprofit entity,
13 or a metropolitan planning organization.

14 (2) ELIGIBLE EQUIPMENT.—

15 (A) IN GENERAL.—Not later than 180
16 days after the date of the enactment of this
17 Act, the Secretary shall publish and maintain
18 on the Department of Energy internet website
19 a list of electric vehicle supply equipment that
20 is eligible for the rebate program.

21 (B) UPDATES.—The Secretary may, by
22 regulation, add to, or otherwise revise, the list
23 of electric vehicle supply equipment under sub-
24 paragraph (A) if the Secretary determines that
25 such addition or revision will likely lead to—

1 (i) greater usage of electric vehicle
2 supply equipment;

3 (ii) greater access to electric vehicle
4 supply equipment by users; or

5 (iii) an improved experience for users
6 of electric vehicle supply equipment.

7 (C) LOCATION REQUIREMENT.—To be eli-
8 gible for the rebate program, the electric vehicle
9 supply equipment described in subparagraph
10 (A) shall be installed—

11 (i) in the United States;

12 (ii) on property—

13 (I) owned by the eligible entity
14 under paragraph (1); or

15 (II) on which the eligible entity
16 under paragraph (1) has authority to
17 install electric vehicle supply equip-
18 ment; and

19 (iii) at a location that is—

20 (I) a multi-unit housing struc-
21 ture;

22 (II) a workplace;

23 (III) a commercial location; or

24 (IV) open to the public for a
25 minimum of 12 hours per day;

1 (3) APPLICATION.—

2 (A) IN GENERAL.—An eligible entity under
3 paragraph (1) may submit to the Secretary an
4 application for a rebate under the rebate pro-
5 gram. Such application shall include—

6 (i) the estimated cost of covered ex-
7 penses to be expended on the electric vehi-
8 cle supply equipment that is eligible under
9 paragraph (2);

10 (ii) the estimated installation cost of
11 the electric vehicle supply equipment that
12 is eligible under paragraph (2);

13 (iii) the global positioning system lo-
14 cation, including the integer number of de-
15 grees, minutes, and seconds, where such
16 electric vehicle supply equipment is to be
17 installed, and identification of whether
18 such location is—

19 (I) a multi-unit housing struc-
20 ture;

21 (II) a workplace;

22 (III) a commercial location; or

23 (IV) open to the public for a
24 minimum of 12 hours per day;

1 (iv) the technical specifications of
2 such electric vehicle supply equipment, in-
3 cluding the maximum power voltage and
4 amperage of such equipment; and

5 (v) any other information determined
6 by the Secretary to be necessary for a com-
7 plete application.

8 (B) REVIEW PROCESS.—The Secretary
9 shall review an application for a rebate under
10 the rebate program and approve an eligible en-
11 tity under paragraph (1) to receive such rebate
12 if the application meets the requirements of the
13 rebate program under this subsection.

14 (C) NOTIFICATION TO ELIGIBLE ENTITY.—
15 Not later than 1 year after the date on which
16 the eligible entity under paragraph (1) applies
17 for a rebate under the rebate program, the Sec-
18 retary shall notify the eligible entity whether
19 the eligible entity will be awarded a rebate
20 under the rebate program following the submis-
21 sion of additional materials required under
22 paragraph (5).

23 (4) REBATE AMOUNT.—

24 (A) IN GENERAL.—Except as provided in
25 subparagraph (B), the amount of a rebate made

1 under the rebate program for each charging
2 unit shall be the lesser of—

3 (i) 75 percent of the applicable cov-
4 ered expenses;

5 (ii) \$2,000 for covered expenses asso-
6 ciated with the purchase and installation of
7 non-networked level 2 charging equipment;

8 (iii) \$4,000 for covered expenses asso-
9 ciated with the purchase and installation of
10 networked level 2 charging equipment; or

11 (iv) \$100,000 for covered expenses as-
12 sociated with the purchase and installation
13 of networked direct current fast charging
14 equipment.

15 (B) REBATE AMOUNT FOR REPLACEMENT
16 EQUIPMENT.—A rebate made under the rebate
17 program for replacement of pre-existing electric
18 vehicle supply equipment at a single location
19 shall be the lesser of—

20 (i) 75 percent of the applicable cov-
21 ered expenses;

22 (ii) \$1,000 for covered expenses asso-
23 ciated with the purchase and installation of
24 non-networked level 2 charging equipment;

1 (iii) \$2,000 for covered expenses asso-
2 ciated with the purchase and installation of
3 networked level 2 charging equipment; or

4 (iv) \$25,000 for covered expenses as-
5 sociated with the purchase and installation
6 of networked direct current fast charging
7 equipment.

8 (5) DISBURSEMENT OF REBATE.—

9 (A) IN GENERAL.—The Secretary shall
10 disburse a rebate under the rebate program to
11 an eligible entity under paragraph (1), following
12 approval of an application under paragraph (3),
13 if such entity submits the materials required
14 under subparagraph (B).

15 (B) MATERIALS REQUIRED FOR DISBURSE-
16 MENT OF REBATE.—Not later than one year
17 after the date on which the eligible entity under
18 paragraph (1) receives notice under paragraph
19 (3)(C) that the eligible entity has been ap-
20 proved for a rebate, such eligible entity shall
21 submit to the Secretary the following—

22 (i) a record of payment for covered
23 expenses expended on the installation of
24 the electric vehicle supply equipment that
25 is eligible under paragraph (2);

1 (ii) a record of payment for the elec-
2 tric vehicle supply equipment that is eligi-
3 ble under paragraph (2);

4 (iii) the global positioning system lo-
5 cation of where such electric vehicle supply
6 equipment was installed and identification
7 of whether such location is—

8 (I) a multi-unit housing struc-
9 ture;

10 (II) a workplace;

11 (III) a commercial location; or

12 (IV) open to the public for a
13 minimum of 12 hours per day;

14 (iv) the technical specifications of the
15 electric vehicle supply equipment that is el-
16 igible under paragraph (2), including the
17 maximum power voltage and amperage of
18 such equipment; and

19 (v) any other information determined
20 by the Secretary to be necessary.

21 (C) AGREEMENT TO MAINTAIN.—To be eli-
22 gible for a rebate under the rebate program, an
23 eligible entity under paragraph (1) shall enter
24 into an agreement with the Secretary to main-
25 tain the electric vehicle supply equipment that

1 is eligible under paragraph (2) in a satisfactory
2 manner for not less than 5 years after the date
3 on which the eligible entity under paragraph (1)
4 receives the rebate under the rebate program.

5 (D) EXCEPTION.—The Secretary shall not
6 disburse a rebate under the rebate program if
7 materials submitted under subparagraph (B) do
8 not meet the same global positioning system lo-
9 cation and technical specifications for the elec-
10 tric vehicle supply equipment that is eligible
11 under paragraph (2) provided in an application
12 under paragraph (3).

13 (6) MULTI-PORT CHARGERS.—An eligible entity
14 under paragraph (1) shall be awarded a rebate
15 under the rebate program for covered expenses relat-
16 ing to the purchase and installation of a multi-port
17 charger based on the number of publicly accessible
18 charging ports, with each subsequent port after the
19 first port being eligible for 50 percent of the full re-
20 bate amount.

21 (7) HYDROGEN FUEL CELL REFUELING INFRA-
22 STRUCTURE.—Hydrogen fuel cell refueling equip-
23 ment shall be eligible for a rebate under the rebate
24 program. All requirements related to public accessi-
25 bility of installed locations shall apply. Of the

1 amounts appropriated to carry out the rebate pro-
2 gram, not more than 25 percent may be used for re-
3 bates for hydrogen fuel cell refueling equipment.

4 (8) REPORT.—Not later than 3 years after the
5 first date on which the Secretary awards a rebate
6 under the rebate program, the Secretary shall sub-
7 mit to the Committee on Energy and Commerce of
8 the House of Representatives and the Committee on
9 Energy and Natural Resources of the Senate a re-
10 port of the number of rebates awarded for electric
11 vehicle supply equipment and hydrogen fuel cell re-
12 fueling equipment in each of the location categories
13 described in paragraph (2)(C)(iii).

14 (c) DEFINITIONS.—In this section:

15 (1) COVERED EXPENSES.—The term “covered
16 expenses” means an expense that is associated with
17 the purchase and installation of electric vehicle sup-
18 ply equipment, including—

19 (A) the cost of electric vehicle supply
20 equipment;

21 (B) labor costs associated with the installa-
22 tion of such electric vehicle supply equipment,
23 only if wages for such labor are paid at rates
24 not less than those prevailing on similar labor
25 in the locality of installation, as determined by

1 the Secretary of Labor under subchapter IV of
2 chapter 31 of title 40, United States Code
3 (commonly referred to as the “Davis-Bacon
4 Act”);

5 (C) material costs associated with the in-
6 stallation of such electric vehicle supply equip-
7 ment, including expenses involving electrical
8 equipment and necessary upgrades or modifica-
9 tions to the electrical grid and associated infra-
10 structure required for the installation of such
11 electric vehicle supply equipment;

12 (D) permit costs associated with the instal-
13 lation of such electric vehicle supply equipment;
14 and

15 (E) the cost of an on-site energy storage
16 system.

17 (2) ELECTRIC VEHICLE.—The term “electric
18 vehicle” means a vehicle that derives all or part of
19 its power from electricity.

20 (3) MULTI-PORT CHARGER.—The term “multi-
21 port charger” means electric vehicle supply equip-
22 ment capable of charging more than one electric ve-
23 hicle.

24 (4) LEVEL 2 CHARGING EQUIPMENT.—The
25 term “level 2 charging equipment” means electric

1 vehicle supply equipment that provides an alter-
2 nating current power source at a minimum of 208
3 volts.

4 (5) NETWORKED DIRECT CURRENT FAST
5 CHARGING EQUIPMENT.—The term “networked di-
6 rect current fast charging equipment” means electric
7 vehicle supply equipment that provides a direct cur-
8 rent power source at a minimum of 50 kilowatts and
9 is enabled to connect to a network to facilitate data
10 collection and access.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this section
13 \$100,000,000 for each of fiscal years 2021 through 2025.

14 **SEC. 33333. EXPANDING ACCESS TO ELECTRIC VEHICLES IN**
15 **UNDERSERVED COMMUNITIES.**

16 (a) ASSESSMENT.—

17 (1) IN GENERAL.—

18 (A) ASSESSMENT.—The Secretary shall
19 conduct an assessment of the state of, chal-
20 lenges to, and opportunities for the deployment
21 of electric vehicle charging infrastructure in un-
22 derserved or disadvantaged communities located
23 in major urban areas and rural areas through-
24 out the United States.

1 (B) REPORT.—Not later than 1 year after
2 the date of the enactment of this Act, the Sec-
3 retary shall submit to the Committee on Energy
4 and Commerce of the House of Representatives
5 and the Committee on Energy and Natural Re-
6 sources of the Senate a report on the results of
7 the assessment conducted under subparagraph
8 (A), which shall—

9 (i) describe the state of deployment of
10 electric vehicle charging infrastructure in
11 underserved or disadvantaged communities
12 located in major urban areas and rural
13 areas by providing—

14 (I) the number of existing and
15 planned Level 2 charging stations and
16 DC FAST charging stations per cap-
17 ita in each State for charging individ-
18 ually owned light-duty and medium-
19 duty electric vehicles;

20 (II) the number of existing and
21 planned Level 2 charging stations and
22 DC FAST charging stations for
23 charging public and private fleet elec-
24 tric vehicles and medium- and heavy-

1 duty electric equipment and electric
2 vehicles;

3 (III) the number of Level 2
4 charging stations and DC FAST
5 charging stations installed in or avail-
6 able to occupants of publicly owned
7 and privately owned multi-unit dwell-
8 ings;

9 (IV) information pertaining to
10 policies, plans, and programs that cit-
11 ies, States, utilities, and private enti-
12 ties are using to encourage greater de-
13 ployment and usage of electric vehi-
14 cles and the associated electric vehicle
15 charging infrastructure, including pro-
16 grams to encourage deployment of
17 charging stations available to resi-
18 dents in publicly owned and privately
19 owned multi-unit dwellings;

20 (V) information pertaining to
21 ownership models for Level 2 charging
22 stations and DC FAST charging sta-
23 tions located in publicly owned and
24 privately owned residential multi-unit
25 dwellings, commercial buildings, pub-

1 lic and private parking areas, and
2 curb-side locations; and

3 (VI) information pertaining to
4 how charging stations are financed
5 and the rates charged for the use of
6 Level 2 charging stations and DC
7 FAST charging stations;

8 (ii) describe the methodology used to
9 obtain the information provided in the re-
10 port;

11 (iii) identify the barriers to expanding
12 deployment of electric vehicle charging in-
13 frastructure in underserved or disadvan-
14 tagged communities in major urban areas
15 and rural areas, including any challenges
16 relating to such deployment in multi-unit
17 dwellings;

18 (iv) compile and provide an analysis of
19 the best practices and policies used by
20 State and local governments and private
21 entities to increase deployment of electric
22 vehicle charging infrastructure in under-
23 served or disadvantaged communities in
24 major urban areas and rural areas, includ-
25 ing best practices with respect to—

1 (I) public outreach and engage-
2 ment; and

3 (II) increasing deployment of
4 electric vehicle charging infrastructure
5 in publicly owned and privately owned
6 multi-unit dwellings; and

7 (v) enumerate and identify the num-
8 ber of electric vehicle charging stations per
9 capita at locations within each major
10 urban area and rural area throughout the
11 United States with detail at the level of
12 ZIP Codes and census tracts.

13 (2) FIVE-YEAR UPDATE ASSESSMENT.—Not
14 later than 5 years after the date of the enactment
15 of this Act, the Secretary shall—

16 (A) update the assessment conducted
17 under paragraph (1)(A); and

18 (B) make public and submit to the Com-
19 mittee on Energy and Commerce of the House
20 of Representatives and the Committee on En-
21 ergy and Natural Resources of the Senate a re-
22 port, which shall—

23 (i) update the information required by
24 paragraph (1)(B); and

1 (ii) include a description of case stud-
2 ies and key lessons learned after the date
3 on which the report under paragraph
4 (1)(B) was submitted with respect to ex-
5 panding the deployment of electric vehicle
6 charging infrastructure in underserved or
7 disadvantaged communities in major urban
8 areas and rural areas.

9 (b) DEFINITIONS.—In this section:

10 (1) ELECTRIC VEHICLE CHARGING INFRA-
11 STRUCTURE.—The term “electric vehicle charging
12 infrastructure” means electric vehicle supply equip-
13 ment and other physical assets that provide for the
14 distribution of and access to electricity for the pur-
15 pose of charging an electric vehicle or a plug-in hy-
16 brid electric vehicle.

17 (2) MAJOR URBAN AREA.—The term “major
18 urban area” means a metropolitan statistical area
19 within the United States with an estimated popu-
20 lation that is greater than or equal to 1,500,000.

21 **SEC. 33334. ENSURING PROGRAM BENEFITS FOR UNDER-**
22 **SERVED AND DISADVANTAGED COMMU-**
23 **NITIES.**

24 In carrying out this chapter, and the amendments
25 made by this chapter, the Secretary shall provide, to the

1 extent practicable access to electric vehicle charging infra-
2 structure, address transportation needs, and provide im-
3 proved air quality in underserved or disadvantaged com-
4 munities.

5 **SEC. 33335. MODEL BUILDING CODE FOR ELECTRIC VEHI-**
6 **CLE SUPPLY EQUIPMENT.**

7 (a) REVIEW.—The Secretary shall review proposed or
8 final model building codes for—

9 (1) integrating electric vehicle supply equipment
10 into residential and commercial buildings that in-
11 clude space for individual vehicle or fleet vehicle
12 parking; and

13 (2) integrating onsite renewable power equip-
14 ment and electric storage equipment (including elec-
15 tric vehicle batteries to be used for electric storage)
16 into residential and commercial buildings.

17 (b) TECHNICAL ASSISTANCE.—The Secretary shall
18 provide technical assistance to stakeholders representing
19 the building construction industry, manufacturers of elec-
20 tric vehicles and electric vehicle supply equipment, State
21 and local governments, and any other persons with rel-
22 evant expertise or interests to facilitate understanding of
23 the model code and best practices for adoption by jurisdic-
24 tions.

1 **SEC. 33336. ELECTRIC VEHICLE SUPPLY EQUIPMENT CO-**
2 **ORDINATION.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Secretary, acting
5 through the Assistant Secretary of the Office of Electricity
6 Delivery and Energy Reliability (including the Smart Grid
7 Task Force), shall convene a group to assess progress in
8 the development of standards necessary to—

9 (1) support the expanded deployment of electric
10 vehicle supply equipment;

11 (2) develop an electric vehicle charging network
12 to provide reliable charging for electric vehicles na-
13 tionwide; and

14 (3) ensure the development of such network will
15 not compromise the stability and reliability of the
16 electric grid.

17 (b) REPORT TO CONGRESS.—Not later than 1 year
18 after the date of enactment of this Act, the Secretary shall
19 provide to the Committee on Energy and Commerce of the
20 House of Representatives and to the Committee on En-
21 ergy and Natural Resources of the Senate a report con-
22 taining the results of the assessment carried out under
23 subsection (a) and recommendations to overcome any bar-
24 riers to standards development or adoption identified by
25 the group convened under such subsection.

1 **SEC. 33337. STATE CONSIDERATION OF ELECTRIC VEHICLE**
2 **CHARGING.**

3 (a) CONSIDERATION AND DETERMINATION RESPECT-
4 ING CERTAIN RATEMAKING STANDARDS.—Section 111(d)
5 of the Public Utility Regulatory Policies Act of 1978 (16
6 U.S.C. 2621(d)) is amended by adding at the end the fol-
7 lowing:

8 “(20) ELECTRIC VEHICLE CHARGING PRO-
9 GRAMS.—

10 “(A) IN GENERAL.—Each State shall con-
11 sider measures to promote greater electrifica-
12 tion of the transportation sector, including—

13 “(i) authorizing measures to stimulate
14 investment in and deployment of electric
15 vehicle supply equipment and to foster the
16 market for electric vehicle charging;

17 “(ii) authorizing each electric utility
18 of the State to recover from ratepayers any
19 capital, operating expenditure, or other
20 costs of the electric utility relating to load
21 management, programs, or investments as-
22 sociated with the integration of electric ve-
23 hicle supply equipment into the grid; and

24 “(iii) allowing a person or agency that
25 owns and operates an electric vehicle
26 charging facility for the sole purpose of re-

1 charging an electric vehicle battery to be
2 excluded from regulation as an electric
3 utility pursuant to section 3(4) when mak-
4 ing electricity sales from the use of the
5 electric vehicle charging facility, if such
6 sales are the only sales of electricity made
7 by the person or agency.

8 “(B) DEFINITION.—For purposes of this
9 paragraph, the term ‘electric vehicle supply
10 equipment’ means conductors, including
11 ungrounded, grounded, and equipment ground-
12 ing conductors, electric vehicle connectors, at-
13 tachment plugs, and all other fittings, devices,
14 power outlets, or apparatuses installed specifi-
15 cally for the purpose of delivering energy to an
16 electric vehicle.”.

17 (b) OBLIGATIONS TO CONSIDER AND DETERMINE.—

18 (1) TIME LIMITATIONS.—Section 112(b) of the
19 Public Utility Regulatory Policies Act of 1978 (16
20 U.S.C. 2622(b)) is amended by adding at the end
21 the following:

22 “(7)(A) Not later than 1 year after the enact-
23 ment of this paragraph, each State regulatory au-
24 thority (with respect to each electric utility for which
25 it has ratemaking authority) and each nonregulated

1 utility shall commence the consideration referred to
2 in section 111, or set a hearing date for consider-
3 ation, with respect to the standards established by
4 paragraph (20) of section 111(d).

5 “(B) Not later than 2 years after the date of
6 the enactment of this paragraph, each State regu-
7 latory authority (with respect to each electric utility
8 for which it has ratemaking authority), and each
9 nonregulated electric utility, shall complete the con-
10 sideration, and shall make the determination, re-
11 ferred to in section 111 with respect to each stand-
12 ard established by paragraph (20) of section
13 111(d).”.

14 (2) FAILURE TO COMPLY.—Section 112(c) of
15 the Public Utility Regulatory Policies Act of 1978
16 (16 U.S.C. 2622(c)) is amended by striking “(19)”
17 and inserting “(20)”.

18 (3) PRIOR STATE ACTIONS.—Section 112 of the
19 Public Utility Regulatory Policies Act of 1978 (16
20 U.S.C. 2622) is amended by adding at the end the
21 following:

22 “(g) PRIOR STATE ACTIONS.—Subsections (b) and
23 (c) of this section shall not apply to the standard estab-
24 lished by paragraph (20) of section 111(d) in the case of

1 any electric utility in a State if, before the enactment of
2 this subsection—

3 “(1) the State has implemented for such utility
4 the standard concerned (or a comparable standard);

5 “(2) the State regulatory authority for such
6 State or relevant nonregulated electric utility has
7 conducted a proceeding to consider implementation
8 of the standard concerned (or a comparable stand-
9 ard) for such utility;

10 “(3) the State legislature has voted on the im-
11 plementation of such standard (or a comparable
12 standard) for such utility; or

13 “(4) the State has taken action to implement
14 incentives or other steps to strongly encourage the
15 deployment of electric vehicles.”.

16 **SEC. 33338. STATE ENERGY PLANS.**

17 (a) STATE ENERGY CONSERVATION PLANS.—Section
18 362(d) of the Energy Policy and Conservation Act (42
19 U.S.C. 6322(d)) is amended—

20 (1) in paragraph (16), by striking “; and” and
21 inserting a semicolon;

22 (2) by redesignating paragraph (17) as para-
23 graph (18); and

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

1 “(17) a State energy transportation plan devel-
2 oped in accordance with section 367; and”.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
4 365(f) of the Energy Policy and Conservation Act (42
5 U.S.C. 6325(f)) is amended to read as follows:

6 “(f) AUTHORIZATION OF APPROPRIATIONS.—

7 “(1) STATE ENERGY CONSERVATION PLANS.—
8 For the purpose of carrying out this part, there are
9 authorized to be appropriated \$100,000,000 for each
10 of fiscal years 2021 through 2025.

11 “(2) STATE ENERGY TRANSPORTATION
12 PLANS.—In addition to the amounts authorized
13 under paragraph (1), for the purpose of carrying out
14 section 367, there are authorized to be appropriated
15 \$25,000,000 for each of fiscal years 2021 through
16 2025.”.

17 (c) STATE ENERGY TRANSPORTATION PLANS.—Part
18 D of title III of the Energy Policy and Conservation Act
19 (42 U.S.C. 6321 et seq.) is amended by adding at the end
20 the following:

21 **“SEC. 367. STATE ENERGY TRANSPORTATION PLANS.**

22 “(a) IN GENERAL.—The Secretary may provide fi-
23 nancial assistance to a State to develop a State energy
24 transportation plan, for inclusion in a State energy con-
25 servation plan under section 362(d), to promote the elec-

1 trification of the transportation system, reduced consump-
2 tion of fossil fuels, and improved air quality.

3 “(b) DEVELOPMENT.—A State developing a State en-
4 ergy transportation plan under this section shall carry out
5 this activity through the State energy office that is respon-
6 sible for developing the State energy conservation plan
7 under section 362.

8 “(c) CONTENTS.—A State developing a State energy
9 transportation plan under this section shall include in such
10 plan a plan to—

11 “(1) deploy a network of electric vehicle supply
12 equipment to ensure access to electricity for electric
13 vehicles; and

14 “(2) promote modernization of the electric grid
15 to accommodate demand for power to operate elec-
16 tric vehicle supply equipment and to utilize energy
17 storage capacity provided by electric vehicles.

18 “(d) COORDINATION.—In developing a State energy
19 transportation plan under this section, a State shall co-
20 ordinate, as appropriate, with—

21 “(1) State regulatory authorities (as defined in
22 section 3 of the Public Utility Regulatory Policies
23 Act of 1978 (16 U.S.C. 2602));

24 “(2) electric utilities;

1 “(3) regional transmission organizations or
2 independent system operators;

3 “(4) private entities that provide electric vehicle
4 charging services;

5 “(5) State transportation agencies, metropoli-
6 tan planning organizations, and local governments;

7 “(6) electric vehicle manufacturers;

8 “(7) public and private entities that manage ve-
9 hicle fleets; and

10 “(8) public and private entities that manage
11 ports, airports, or other transportation hubs.

12 “(e) TECHNICAL ASSISTANCE.—Upon request of the
13 Governor of a State, the Secretary shall provide informa-
14 tion and technical assistance in the development, imple-
15 mentation, or revision of a State energy transportation
16 plan.

17 “(f) ELECTRIC VEHICLE SUPPLY EQUIPMENT DE-
18 FINED.—For purposes of this section, the term ‘electric
19 vehicle supply equipment’ means conductors, including
20 ungrounded, grounded, and equipment grounding conduc-
21 tors, electric vehicle connectors, attachment plugs, and all
22 other fittings, devices, power outlets, or apparatuses in-
23 stalled specifically for the purpose of delivering energy to
24 an electric vehicle.”.

1 **SEC. 33339. TRANSPORTATION ELECTRIFICATION.**

2 Section 131 of the Energy Independence and Security
3 Act of 2007 (42 U.S.C. 17011) is amended—

4 (1) in subsection (a)(6)—

5 (A) in subparagraph (A), by inserting “,
6 including ground support equipment at ports”
7 before the semicolon;

8 (B) in subparagraph (E), by inserting
9 “and vehicles” before the semicolon;

10 (C) in subparagraph (H), by striking
11 “and” at the end;

12 (D) in subparagraph (I)—

13 (i) by striking “battery chargers,”;
14 and

15 (ii) by striking the period at the end
16 and inserting a semicolon; and

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

18 “(J) installation of electric vehicle supply
19 equipment for recharging plug-in electric drive
20 vehicles, including such equipment that is acces-
21 sible in rural and urban areas and in under-
22 served or disadvantaged communities; and

23 “(K) multi-use charging hubs used for
24 multiple forms of transportation.”;

25 (2) in subsection (b)—

26 (A) in paragraph (3)(A)—

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

3 (ii) in clause (ii), by inserting “, com-
4 ponents for such vehicles, and charging
5 equipment for such vehicles” after “vehi-
6 cles”; and

7 (B) in paragraph (6), by striking
8 “\$90,000,000 for each of fiscal years 2008
9 through 2012” and inserting “\$2,000,000,000
10 for each of fiscal years 2021 through 2025”;

11 (3) in subsection (c)—

12 (A) in the header, by striking “NEAR-
13 TERM” and inserting “LARGE-SCALE”; and

14 (B) in paragraph (4), by striking
15 “\$95,000,000 for each of fiscal years 2008
16 through 2013” and inserting “\$2,500,000,000
17 for each of fiscal years 2021 through 2025”;
18 and

19 (4) by redesignating subsection (d) as sub-
20 section (e) and inserting after subsection (e) the fol-
21 lowing:

22 “(d) PRIORITY.—In providing grants under sub-
23 sections (b) and (c), the Secretary shall give priority con-
24 sideration to applications that contain a written assurance
25 that all laborers and mechanics employed by contractors

1 or subcontractors during construction, alteration, or re-
2 pair that is financed, in whole or in part, by a grant pro-
3 vided under this section shall be paid wages at rates not
4 less than those prevailing on similar construction in the
5 locality, as determined by the Secretary of Labor in ac-
6 cordance with sections 3141 through 3144, 3146, and
7 3147 of title 40, United States Code (and the Secretary
8 of Labor shall, with respect to the labor standards de-
9 scribed in this clause, have the authority and functions
10 set forth in Reorganization Plan Numbered 14 of 1950
11 (5 U.S.C. App.) and section 3145 of title 40, United
12 States Code).”.

13 **SEC. 33340. FEDERAL FLEETS.**

14 (a) **MINIMUM FEDERAL FLEET REQUIREMENT.**—
15 Section 303 of the Energy Policy Act of 1992 (42 U.S.C.
16 13212) is amended—

17 (1) in subsection (a), by adding at the end the
18 following:

19 “(3) The Secretary, in consultation with the
20 Administrator of General Services, shall ensure that
21 in acquiring medium- and heavy-duty vehicles for a
22 Federal fleet, a Federal entity shall acquire zero
23 emission vehicles to the maximum extent feasible.”;

24 (2) by striking subsection (b) and inserting the
25 following:

1 “(b) PERCENTAGE REQUIREMENTS.—

2 “(1) IN GENERAL.—

3 “(A) LIGHT-DUTY VEHICLES.—Beginning
4 in fiscal year 2025, 100 percent of the total
5 number of light-duty vehicles acquired by a
6 Federal entity for a Federal fleet shall be alter-
7 native fueled vehicles, of which—

8 “(i) at least 50 percent shall be zero
9 emission vehicles or plug-in hybrids in fis-
10 cal years 2025 through 2034;

11 “(ii) at least 75 percent shall be zero
12 emission vehicles or plug-in hybrids in fis-
13 cal years 2035 through 2049; and

14 “(iii) 100 percent shall be zero emis-
15 sion vehicles in fiscal year 2050 and there-
16 after.

17 “(B) MEDIUM- AND HEAVY-DUTY VEHI-
18 CLES.—The following percentages of the total
19 number of medium- and heavy-duty vehicles ac-
20 quired by a Federal entity for a Federal fleet
21 shall be alternative fueled vehicles:

22 “(i) At least 20 percent in fiscal years
23 2025 through 2029.

24 “(ii) At least 30 percent in fiscal
25 years 2030 through 2039.

1 “(iii) At least 40 percent in fiscal
2 years 2040 through 2049.

3 “(iv) At least 50 percent in fiscal year
4 2050 and thereafter.

5 “(2) EXCEPTION.—The Secretary, in consulta-
6 tion with the Administrator of General Services
7 where appropriate, may permit a Federal entity to
8 acquire for a Federal fleet a smaller percentage than
9 is required in paragraph (1) for a fiscal year, so long
10 as the aggregate percentage acquired for each class
11 of vehicle for all Federal fleets in the fiscal year is
12 at least equal to the required percentage.

13 “(3) DEFINITIONS.—In this subsection:

14 “(A) FEDERAL FLEET.—The term ‘Fed-
15 eral fleet’ means a fleet of vehicles that are cen-
16 trally fueled or capable of being centrally fueled
17 and are owned, operated, leased, or otherwise
18 controlled by or assigned to any Federal execu-
19 tive department, military department, Govern-
20 ment corporation, independent establishment,
21 or executive agency, the United States Postal
22 Service, the Congress, the courts of the United
23 States, or the Executive Office of the President.
24 Such term does not include—

1 “(i) motor vehicles held for lease or
2 rental to the general public;

3 “(ii) motor vehicles used for motor ve-
4 hicle manufacturer product evaluations or
5 tests;

6 “(iii) law enforcement vehicles;

7 “(iv) emergency vehicles; or

8 “(v) motor vehicles acquired and used
9 for military purposes that the Secretary of
10 Defense has certified to the Secretary must
11 be exempt for national security reasons.

12 “(B) FLEET.—The term ‘fleet’ means—

13 “(i) 20 or more light-duty vehicles, lo-
14 cated in a metropolitan statistical area or
15 consolidated metropolitan statistical area,
16 as established by the Bureau of the Cen-
17 sus, with a 1980 population of more than
18 250,000; or

19 “(ii) 10 or more medium- or heavy-
20 duty vehicles, located at a Federal facility
21 or located in a metropolitan statistical area
22 or consolidated metropolitan statistical
23 area, as established by the Bureau of the
24 Census, with a 1980 population of more
25 than 250,000.”; and

1 (3) in subsection (f)(2)(B)—

2 (A) by striking “, either”; and

3 (B) in clause (i), by striking “or” and in-
4 serting “and”.

5 (b) FEDERAL FLEET CONSERVATION REQUIRE-
6 MENTS.—Section 400FF(a) of the Energy Policy and
7 Conservation Act (42 U.S.C. 6374e) is amended—

8 (1) in paragraph (1)—

9 (A) by striking “18 months after the date
10 of enactment of this section” and inserting “12
11 months after the date of enactment of the Mov-
12 ing Forward Act”;

13 (B) by striking “2010” and inserting
14 “2022”; and

15 (C) by striking “and increase alternative
16 fuel consumption” and inserting “, increase al-
17 ternative fuel consumption, and reduce vehicle
18 greenhouse gas emissions”; and

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

21 “(2) GOALS.—The goals of the requirements
22 under paragraph (1) are that each Federal agency
23 shall—

1 “(A) reduce fleet-wide per-mile greenhouse
2 gas emissions from agency fleet vehicles, rel-
3 ative to a baseline of emissions in 2015, by—

4 “(i) not less than 30 percent by the
5 end of fiscal year 2025;

6 “(ii) not less than 50 percent by the
7 end of fiscal year 2030; and

8 “(iii) 100 percent by the end of fiscal
9 year 2050; and

10 “(B) increase the annual percentage of al-
11 ternative fuel consumption by agency fleet vehi-
12 cles as a proportion of total annual fuel con-
13 sumption by Federal fleet vehicles, to achieve—

14 “(i) 25 percent of total annual fuel
15 consumption that is alternative fuel by the
16 end of fiscal year 2025;

17 “(ii) 50 percent of total annual fuel
18 consumption that is alternative fuel by the
19 end of fiscal year 2035; and

20 “(iii) at least 85 percent of total an-
21 nual fuel consumption that is alternative
22 fuel by the end of fiscal year 2050.”.

1 **SEC. 33341. DOMESTIC MANUFACTURING CONVERSION**
2 **GRANT PROGRAM.**

3 (a) HYBRID VEHICLES, ADVANCED VEHICLES, AND
4 FUEL CELL BUSES.—Subtitle B of title VII of the Energy
5 Policy Act of 2005 (42 U.S.C. 16061 et seq.) is amend-
6 ed—

7 (1) in the subtitle header, by inserting “**Plug-**
8 **In Electric Vehicles,**” before “**Hybrid Vehi-**
9 **cles**”; and

10 (2) in part 1, in the part header, by striking
11 “**HYBRID**” and inserting “**PLUG-IN ELECTRIC**”.

12 (b) PLUG-IN ELECTRIC VEHICLES.—Section 711 of
13 the Energy Policy Act of 2005 (42 U.S.C. 16061) is
14 amended to read as follows:

15 **“SEC. 711. PLUG-IN ELECTRIC VEHICLES.**

16 “The Secretary shall accelerate efforts, related to do-
17 mestic manufacturing, that are directed toward the im-
18 provement of batteries, power electronics, and other tech-
19 nologies for use in plug-in electric vehicles.”

20 (c) EFFICIENT HYBRID AND ADVANCED DIESEL VE-
21 HICLES.—Section 712 of the Energy Policy Act of 2005
22 (42 U.S.C. 16062) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1), by inserting “, plug-
25 in electric,” after “efficient hybrid”; and

1 (B) by amending paragraph (3) to read as
2 follows:

3 “(3) PRIORITY.—Priority shall be given to—

4 “(A) the refurbishment or retooling of
5 manufacturing facilities that have recently
6 ceased operation or would otherwise cease oper-
7 ation in the near future; and

8 “(B) applications containing a written as-
9 surance that—

10 “(i) all laborers and mechanics em-
11 ployed by contractors or subcontractors
12 during construction, alteration, retooling,
13 or repair that is financed, in whole or in
14 part, by a grant under this subsection shall
15 be paid wages at rates not less than those
16 prevailing on similar construction in the lo-
17 cality, as determined by the Secretary of
18 Labor in accordance with sections 3141
19 through 3144, 3146, and 3147 of title 40,
20 United States Code;

21 “(ii) all laborers and mechanics em-
22 ployed by the owner or operator of a man-
23 ufacturing facility that is financed, in
24 whole or in part, by a grant under this
25 subsection shall be paid wages at rates not

1 less than those prevailing on similar con-
2 struction in the locality, as determined by
3 the Secretary of Labor in accordance with
4 sections 3141 through 3144, 3146, and
5 3147 of title 40, United States Code; and
6 “(iii) the Secretary of Labor shall,
7 with respect to the labor standards de-
8 scribed in this paragraph, have the author-
9 ity and functions set forth in Reorganiza-
10 tion Plan Numbered 14 of 1950 (5 U.S.C.
11 App.) and section 3145 of title 40, United
12 States Code.”; and

13 (2) by striking subsection (c) and inserting the
14 following:

15 “(c) COST SHARE AND GUARANTEE OF OPER-
16 ATION.—

17 “(1) CONDITION.—A recipient of a grant under
18 this section shall pay the Secretary the full amount
19 of the grant if the facility financed in whole or in
20 part under this subsection fails to manufacture
21 goods for a period of at least 10 years after the com-
22 pletion of construction.

23 “(2) COST SHARE.—Section 988(c) shall apply
24 to a grant made under this subsection.

1 “(d) AUTHORIZATION OF APPROPRIATIONS.—There
2 is authorized to be appropriated to the Secretary to carry
3 out this section \$2.5 billion for each of fiscal years 2021
4 through 2025.

5 “(e) PERIOD OF AVAILABILITY.—An award made
6 under this section after the date of enactment of this sub-
7 section shall only be available with respect to facilities and
8 equipment placed in service before December 30, 2035.”.

9 **SEC. 33342. ADVANCED TECHNOLOGY VEHICLES MANUFAC-**
10 **TURING INCENTIVE PROGRAM.**

11 Section 136 of the Energy Independence and Security
12 Act of 2007 (42 U.S.C. 17013) is amended—

13 (1) in subsection (a)—

14 (A) in paragraph (1)—

15 (i) by redesignating subparagraphs
16 (A) through (C) as clauses (i) through
17 (iii), respectively, and indenting appro-
18 priately;

19 (ii) by striking “(1) ADVANCED TECH-
20 NOLOGY VEHICLE.—” and all that follows
21 through “meets—” and inserting the fol-
22 lowing:

23 “(1) ADVANCED TECHNOLOGY VEHICLE.—The
24 term ‘advanced technology vehicle’ means—

25 “(A) an ultra efficient vehicle;

1 “(B) a light duty vehicle or medium duty
2 passenger vehicle that meets—”;

3 (iii) by amending subparagraph
4 (B)(iii) (as so redesignated) to read as fol-
5 lows:

6 “(iii)(I) for vehicles produced in model
7 years 2021 through 2025, the applicable
8 regulatory standards for emissions of
9 greenhouse gases for model year 2021
10 through 2025 vehicles promulgated by the
11 Administrator of the Environmental Pro-
12 tection Agency on October 15, 2012 (77
13 Fed. Reg. 62624); or

14 “(II) emits zero emissions of green-
15 house gases; or”;

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

18 “(C) a heavy-duty vehicle (excluding a me-
19 dium-duty passenger vehicle), as defined in sec-
20 tion 86.1803–01 of title 40, Code of Federal
21 Regulations (or successor regulations), that—

22 “(i) complies early with and dem-
23 onstrates achievement below the applicable
24 regulatory standards for emissions of
25 greenhouse gases for model year 2027 ve-

1 hicles promulgated by the Administrator
2 on October 25, 2016 (81 Fed. Reg.
3 73478); or

4 “(ii) emits zero emissions of green-
5 house gases.”;

6 (B) by striking paragraph (2) and redesignig-
7 nating paragraphs (3) through (5) as para-
8 graphs (2) through (4), respectively;

9 (C) by amending paragraph (3) (as so re-
10 designated) to read as follows:

11 “(4) QUALIFYING COMPONENTS.—The term
12 ‘qualifying components’ means materials, technology,
13 components, systems, or groups of subsystems in an
14 advanced technology vehicle, including ultra efficient
15 components, which include—

16 “(A) EV battery cells, fuel cells, batteries,
17 battery technologies, and thermal control sys-
18 tems;

19 “(B) automotive semiconductors and com-
20 puters;

21 “(C) electric motors, axles, and compo-
22 nents; and

23 “(D) advanced lightweight, high strength,
24 and high performance materials.”; and

1 (D) in paragraph (4) (as so redesignig-
2 nated)—

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

5 (ii) in subparagraph (C), by striking
6 the period at the end and inserting “; or”;
7 and

8 (iii) by adding at the end the fol-
9 lowing:

10 “(D) at least 75 miles per gallon equiva-
11 lent while operating as a hydrogen fuel cell elec-
12 tric vehicle.”;

13 (2) by amending subsection (b) to read as fol-
14 lows:

15 “(b) ADVANCED VEHICLES MANUFACTURING FACIL-
16 ITY.—

17 “(1) IN GENERAL.—The Secretary shall provide
18 facility funding awards under this section to ad-
19 vanced technology vehicle manufacturers and compo-
20 nent suppliers to pay not more than 50 percent of
21 the cost of—

22 “(A) reequipping, expanding, or estab-
23 lishing a manufacturing facility in the United
24 States to produce—

25 “(i) advanced technology vehicles; or

1 “(ii) qualifying components; and

2 “(B) engineering integration performed in
3 the United States of advanced technology vehi-
4 cles and qualifying components.

5 “(2) ULTRA EFFICIENT COMPONENTS COST
6 SHARE.—The facility funding awards authorized in
7 paragraph (1) may pay not more than 80 percent of
8 the cost if the proposed project is to reequip, ex-
9 pand, or establish a manufacturing facility in the
10 United States to produce ultra efficient compo-
11 nents.”;

12 (3) in subsection (c), by striking “2020” and
13 inserting “2030” each place it appears;

14 (4) in subsection (d)—

15 (A) by amending paragraph (2) to read as
16 follows:

17 “(2) APPLICATION.—An applicant for a loan
18 under this subsection shall submit to the Secretary
19 an application at such time, in such manner, and
20 containing such information as the Secretary may
21 require, including—

22 “(A) a written assurance that—

23 “(i) all laborers and mechanics em-
24 ployed by contractors or subcontractors
25 during construction, alteration, or repair,

1 or at any manufacturing operation, that is
2 financed, in whole or in part, by a loan
3 under this section shall be paid wages at
4 rates not less than those prevailing in a
5 similar firm or on similar construction in
6 the locality, as determined by the Sec-
7 retary of Labor in accordance with sections
8 3141–3144, 3146, and 3147 of title 40;

9 “(ii) the Secretary of Labor shall,
10 with respect to the labor standards de-
11 scribed in this paragraph, have the author-
12 ity and functions set forth in Reorganiza-
13 tion Plan Numbered 14 of 1950 (5 U.S.C.
14 App.) and section 3145 of title 40; and

15 “(iii) the applicant will remain neutral
16 in any union organizing effort;

17 “(B) a disclosure of whether there has
18 been any administrative merits determination,
19 arbitral award or decision, or civil judgment, as
20 defined in guidance issued by the Secretary of
21 Labor, rendered against the applicant in the
22 preceding 3 years for violations of applicable
23 labor, employment, civil rights, or health and
24 safety laws; and

1 “(C) specific information regarding the ac-
2 tions the applicant will take to demonstrate
3 compliance with, and where possible exceedance
4 of, requirements under applicable labor, employ-
5 ment, civil rights, and health and safety laws,
6 and actions the applicant will take to ensure
7 that its direct suppliers demonstrate compliance
8 with applicable labor, employment, civil rights,
9 and health and safety laws.”;

10 (B) by amending paragraph (3) to read as
11 follows:

12 “(3) SELECTION OF ELIGIBLE PROJECTS.—The
13 Secretary shall select eligible projects to receive
14 loans under this subsection in cases in which the
15 Secretary determines—

16 “(A) the award recipient—

17 “(i) has a reasonable prospect of re-
18 paying the principal and interest on the
19 loan;

20 “(ii) will provide sufficient informa-
21 tion to the Secretary for the Secretary to
22 ensure that the qualified investment is ex-
23 pended efficiently and effectively; and

1 “(iii) has met such other criteria as
2 may be established and published by the
3 Secretary; and

4 “(B) the amount of the loan (when com-
5 bined with amounts available to the borrower
6 from other sources) will be sufficient to carry
7 out the project.”; and

8 (C) in paragraph (4)—

9 (i) in subparagraph (B)(i), by striking
10 “; and” and inserting “; or”;

11 (ii) in subparagraph (C), by striking
12 “; and” and inserting a semicolon;

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

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

18 “(E) shall be subject to the condition that
19 the loan is not subordinate to other financing.”;

20 (5) in subsection (f)—

21 (A) by striking “point” and inserting
22 “points”; and

23 (B) by inserting “and may not be collected
24 prior to financial closing” after “loan”;

1 (6) by amending subsection (g) to read as fol-
2 lows:

3 “(g) PRIORITY.—The Secretary shall, in making
4 awards or loans to those manufacturers that have existing
5 facilities, give priority to those facilities, which can cur-
6 rently be sitting idle, that are or would be—

7 “(1) oldest or have been in existence for at least
8 20 years;

9 “(2) utilized primarily for the manufacture of
10 ultra efficient vehicles;

11 “(3) utilized primarily for the manufacture of
12 medium-duty passenger vehicles or heavy-duty vehi-
13 cles that emit zero greenhouse gas emissions; or

14 “(4) utilized primarily for the manufacture of
15 ultra efficient components.”;

16 (7) in subsection (h)—

17 (A) in the header, by striking “AUTO-
18 MOBILE” and inserting “ADVANCED TECH-
19 NOLOGY VEHICLE”; and

20 (B) in paragraph (1)(B), by striking
21 “automobiles, or components of automobiles”
22 and inserting “advanced technology vehicles, or
23 components of advanced technology vehicles”;
24 and

1 (8) in subsection (i), by striking “2008 through
2 2012” and inserting “2021 through 2025”.

3 **Subtitle D—Buy American and**
4 **Wage Rate Requirements**

5 **SEC. 33401. USE OF AMERICAN IRON, STEEL, AND MANU-**
6 **FACTURED GOODS.**

7 (a) None of the funds made available pursuant to this
8 title, or provisions of law added or amended by this title,
9 may be used for a project for the construction, alteration,
10 maintenance, or repair of a public building or public work
11 unless all of the iron, steel, and manufactured goods used
12 in the project are produced in the United States.

13 (b) Subsection (a) shall not apply in any case or cat-
14 egory of cases in which the head of the Federal depart-
15 ment or agency involved finds that—

16 (1) applying subsection (a) would be incon-
17 sistent with the public interest;

18 (2) iron, steel, and the relevant manufactured
19 goods are not produced in the United States in suffi-
20 cient and reasonably available quantities and of a
21 satisfactory quality; or

22 (3) inclusion of iron, steel, and manufactured
23 goods produced in the United States will increase
24 the cost of the overall project by more than 25 per-
25 cent.

1 (c) If the head of a Federal department or agency
2 determines that it is necessary to waive the application
3 of subsection (a) based on a finding under subsection (b),
4 the head of the department or agency shall publish in the
5 Federal Register a detailed written justification as to why
6 the provision is being waived.

7 (d) This section shall be applied in a manner con-
8 sistent with United States obligations under international
9 agreements.

10 **SEC. 33402. WAGE RATE REQUIREMENTS.**

11 Notwithstanding any other provision of law and in
12 a manner consistent with other provisions in this title, all
13 laborers and mechanics employed by contractors and sub-
14 contractors on projects funded directly by or assisted in
15 whole or in part by and through the Federal Government
16 pursuant to this title, or provisions of law added or amend-
17 ed by this title, shall be paid wages at rates not less than
18 those prevailing on projects of a character similar in the
19 locality as determined by the Secretary of Labor in accord-
20 ance with subchapter IV of chapter 31 of title 40, United
21 States Code. With respect to the labor standards specified
22 in this section, the Secretary of Labor shall have the au-
23 thority and functions set forth in Reorganization Plan
24 Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and
25 section 3145 of title 40, United States Code.

1 **Subtitle E—Ohio River Basin**

2 **SEC. 33501. INTERAGENCY PLAN.**

3 (a) IN GENERAL.—Not later than 180 days after the
4 date of enactment of this Act, the Secretary of the Army,
5 acting through the Chief of Engineers, in coordination
6 with the head of each agency described in subsection (d),
7 shall develop and issue an interagency plan for the agen-
8 cies described in subsection (d) to assist States, Indian
9 tribes, and communities in the Ohio River Basin in pre-
10 paring for, and responding to, the effects of climate
11 change, including by—

12 (1) informing such States, Indian tribes, and
13 communities of existing Federal resources available
14 to such States, Indian tribes, and communities,
15 based on the analysis described in subsection (b)(2);
16 and

17 (2) providing assistance through the Environ-
18 mental Protection Agency’s Smart Growth Program,
19 the Federal Emergency Management Agency’s Pre-
20 Disaster Mitigation Grant Program, the Department
21 of Housing and Urban Development’s Community
22 Development Block Grant program, the Economic
23 Development Administration of the Department of
24 Commerce, and the Department of Agriculture, to
25 such States, Indian tribes, and communities to help

1 them prepare for extreme weather, major floods, ris-
2 ing temperatures, and potential economic losses
3 from such threats.

4 (b) DEVELOPMENT.—In developing the interagency
5 plan under subsection (a), Secretary of the Army, acting
6 through the Chief of Engineers, in coordination with the
7 head of each agency described in subsection (d), shall—

8 (1) consult with States, Indian tribes, and com-
9 munities in the Ohio River Basin that may be af-
10 fected by climate change; and

11 (2) include in such interagency plan—

12 (A) identification of the particular needs of
13 such States, Indian tribes, and communities in
14 order for such States, Indian tribes, and com-
15 munities to adequately prepare for, and respond
16 to, the effects of climate change; and

17 (B) an analysis of—

18 (i) the availability of existing and po-
19 tential Federal resources, including pro-
20 grams, grants, loans, and other assistance,
21 that the agencies described in subsection
22 (d) may provide to assist States, Indian
23 tribes, and communities in the Ohio River
24 Basin in preparing for, and responding to,
25 the effects of climate change (including as-

1 assistance in building or modernizing infra-
2 structure), including—

3 (I) Corps of Engineers resources
4 related to—

5 (aa) modernizing and hard-
6 ening levees, floodwalls, and flood
7 control projects for more extreme
8 weather flooding events;

9 (bb) restoring wetlands so
10 that such wetlands may absorb
11 rain;

12 (cc) reconnecting floodplains
13 to rivers in order to allow for
14 natural flood storage;

15 (dd) developing a basin-wide
16 water management plan, in col-
17 laboration with the Department
18 of Agriculture, Tennessee Valley
19 Authority, and water manage-
20 ment agencies of the States in
21 the Ohio River Basin; and

22 (ee) updating and modern-
23 izing operations manuals for
24 dams and reservoirs operated by
25 the Corps of Engineers to ac-

1 count for future water risks, pre-
2 cipitation, flow patterns, and
3 usage;

4 (II) Environmental Protection
5 Agency resources and Department of
6 Agriculture resources related to mod-
7 ernizing drinking water and waste-
8 water treatment and stormwater man-
9 agement;

10 (III) Department of Transpor-
11 tation resources related to raising or
12 hardening critical transportation in-
13 frastructure that may be vulnerable to
14 flooding;

15 (IV) United States Geological
16 Survey resources and Environmental
17 Protection Agency resources related to
18 water quality and flow discharge mon-
19 itoring and modeling; and

20 (V) Federal Emergency Manage-
21 ment Agency resources related to up-
22 dating and modernizing flood hazard
23 maps to incorporate the latest science
24 and future risk projections; and

1 (ii) the limitations of existing Federal
2 resources that the agencies described in
3 subsection (d) may so provide, including—

4 (I) the limitations of such re-
5 sources in meeting the particular
6 needs of such States, Indian tribes,
7 and communities identified under sub-
8 paragraph (A); and

9 (II) recommendations—

10 (aa) for Congress regarding
11 any statutory changes regarding
12 existing Federal programs, or ad-
13 ditional Federal funding, that the
14 agencies determine are necessary
15 to assist such States, Indian
16 tribes, and communities in pre-
17 paring for, and responding to,
18 the effects of climate change; and

19 (bb) for additional Federal,
20 State, and local resources that
21 the agencies determine are nec-
22 essary to so assist such States,
23 Indian tribes, and communities.

24 (c) PUBLICATION AND IMPLEMENTATION.—

1 (1) PUBLICATION.—Upon issuance of the inter-
2 agency plan developed under subsection (a), the plan
3 shall be published on the public internet website
4 of—

5 (A) the Environmental Protection Agency;

6 (B) the Assistant Secretary of the Army
7 for Civil Works; and

8 (C) the Great Lakes and Ohio River Divi-
9 sion of the Corps of Engineers.

10 (2) DEADLINE.—Not later than 30 days after
11 the interagency plan developed under subsection (a)
12 is issued, each head of an agency described in sub-
13 section (d) shall implement such interagency plan.

14 (3) TECHNICAL ASSISTANCE.—In implementing
15 the interagency plan developed under subsection (a),
16 the heads of the agencies described in subsection (d)
17 shall provide technical assistance and expertise to
18 States, Indian tribes, and communities in the Ohio
19 River Basin.

20 (d) AGENCIES DESCRIBED.—The agencies described
21 in this subsection are as follows:

22 (1) The Corps of Engineers.

23 (2) The Environmental Protection Agency.

24 (3) The National Oceanic and Atmospheric Ad-
25 ministration.

- 1 (4) The Department of the Interior.
- 2 (5) The Department of Agriculture.
- 3 (6) The Department of Transportation.
- 4 (7) The Federal Emergency Management Agen-
5 cy.
- 6 (8) The United States Geological Survey.
- 7 (9) The Department of Housing and Urban De-
8 velopment.
- 9 (10) The Department of Commerce.

10 **SEC. 33502. REPORT ON IMPACTS OF CLIMATE CHANGE ON**
11 **ELECTRIC UTILITIES.**

12 Not later than 90 days after the date of enactment
13 of this Act, the Secretary of Energy shall publish, on the
14 public internet website of the Department of Energy, a
15 report that includes—

- 16 (1) an analysis of—
 - 17 (A) the potential vulnerabilities of electric
18 utilities that are located in, or serve electric
19 consumers in, the Ohio River Basin, to climate
20 change and extreme weather; and
 - 21 (B) the impacts of climate change and ex-
22 treme weather on such electric utilities; and
- 23 (2) recommendations and technical assistance,
24 as appropriate, to assist such electric utilities in pre-
25 paring for climate change and extreme weather.

1 **SEC. 33503. DEFINITION.**

2 In this subtitle, the term “Ohio River Basin” means
 3 the Ohio River Basin as identified in the Corps of Engi-
 4 neers’ study titled “Ohio River Basin-Formulating Cli-
 5 mate Change Mitigation/Adaptation Strategies through
 6 Regional Collaboration with the ORB Alliance” (May
 7 2017).

8 **Subtitle F—Open Back Better**

9 **SEC. 33601. SHORT TITLE.**

10 This subtitle may be cited as the “Open Back Better
 11 Act of 2020”.

12 **SEC. 33602. FACILITIES ENERGY RESILIENCY.**

13 (a) DEFINITIONS.—In this section:

14 (1) COVERED PROJECT.—The term “covered
 15 project” means a building project at an eligible facil-
 16 ity that—

17 (A) increases—

18 (i) resiliency, including—

19 (I) public health and safety;

20 (II) power outages;

21 (III) natural disasters;

22 (IV) indoor air quality; and

23 (V) any modifications neces-
 24 sitated by the COVID–19 pandemic;

25 (ii) energy efficiency;

26 (iii) renewable energy; and

1 (iv) grid integration; and

2 (B) may have combined heat and power
3 and energy storage as project components.

4 (2) EARLY CHILDHOOD EDUCATION PRO-
5 GRAM.—The term “early childhood education pro-
6 gram” has the meaning given the term in section
7 103 of the Higher Education Act of 1965 (20
8 U.S.C. 1003).

9 (3) ELEMENTARY SCHOOL.—The term “elemen-
10 tary school” has the meaning given the term in sec-
11 tion 8101 of the Elementary and Secondary Edu-
12 cation Act of 1965 (20 U.S.C. 7801).

13 (4) ELIGIBLE FACILITY.—The term “eligible fa-
14 cility” means a public facility, as determined by the
15 Secretary, including—

16 (A) a public school, including an elemen-
17 tary school and a secondary school;

18 (B) a facility used to operate an early
19 childhood education program;

20 (C) a local educational agency;

21 (D) a medical facility;

22 (E) a local or State government building;

23 (F) a community facility;

24 (G) a public safety facility;

25 (H) a day care center;

1 (I) an institution of higher education;

2 (J) a public library; and

3 (K) a wastewater treatment facility.

4 (5) ENVIRONMENTAL JUSTICE COMMUNITY.—

5 The term “environmental justice community” means
6 a community with significant representation of com-
7 munities of color, low income communities, or Tribal
8 and indigenous communities, that experiences, or is
9 at risk of experiencing, higher or more adverse
10 human health or environmental effects.

11 (6) INSTITUTION OF HIGHER EDUCATION.—The

12 term “institution of higher education” has the
13 meaning given the term in section 101 of the Higher
14 Education Act of 1965 (20 U.S.C. 1001).

15 (7) LOCAL EDUCATIONAL AGENCY.—The term

16 “local educational agency” has the meaning given
17 the term in section 8101 of the Elementary and Sec-
18 ondary Education Act of 1965 (20 U.S.C. 7801).

19 (8) LOW INCOME.—The term “low income”,
20 with respect to a household, means an annual house-
21 hold income equal to, or less than, the greater of—

22 (A) 80 percent of the median income of the
23 area in which the household is located, as re-
24 ported by the Department of Housing and
25 Urban Development; and

1 (B) 200 percent of the Federal poverty
2 line.

3 (9) LOW INCOME COMMUNITY.—The term “low
4 income community” means a census block group in
5 which not less than 30 percent of households are low
6 income.

7 (10) SECONDARY SCHOOL.—The term “sec-
8 ondary school” has the meaning given the term in
9 section 8101 of the Elementary and Secondary Edu-
10 cation Act of 1965 (20 U.S.C. 7801).

11 (11) SECRETARY.—The term “Secretary”
12 means the Secretary of Energy.

13 (12) STATE.—The term “State” has the mean-
14 ing given the term in section 3 of the Energy Policy
15 and Conservation Act (42 U.S.C. 6202).

16 (13) STATE ENERGY PROGRAM.—The term
17 “State Energy Program” means the State Energy
18 Program established under part D of title III of the
19 Energy Policy and Conservation Act (42 U.S.C.
20 6321 et seq.).

21 (14) TRIBAL ORGANIZATION.—

22 (A) IN GENERAL.—The term “tribal orga-
23 nization” has the meaning given the term in
24 section 3765 of title 38, United States Code.

1 (B) TECHNICAL AMENDMENT.—Section
2 3765(4) of title 38, United States Code, is
3 amended by striking “section 4(l) of the Indian
4 Self-Determination and Education Assistance
5 Act (25 U.S.C. 450b(l))” and inserting “section
6 4 of the Indian Self-Determination and Edu-
7 cation Assistance Act (25 U.S.C. 5304)”.

8 (b) STATE PROGRAMS.—

9 (1) ESTABLISHMENT.—Not later than 60 days
10 after the date of enactment of this Act, the Sec-
11 retary shall distribute grants to States under the
12 State Energy Program, in accordance with the allo-
13 cation formula established under that Program, to
14 implement covered projects.

15 (2) USE OF FUNDS.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (B), grant funds under paragraph (1)
18 may be used for technical assistance, project fa-
19 cilitation, and administration.

20 (B) TECHNICAL ASSISTANCE.—A State
21 may use not more than 10 percent of grant
22 funds received under paragraph (1) to provide
23 technical assistance for the development, facili-
24 tation, management, oversight, and measure-

1 ment of results of covered projects implemented
2 using those funds.

3 (C) ENVIRONMENTAL JUSTICE AND OTHER
4 COMMUNITIES.—To support communities ad-
5 versely impacted by the COVID–19 pandemic, a
6 State shall use not less than 40 percent of
7 grant funds received under paragraph (1) to
8 implement covered projects in environmental
9 justice communities or low income communities.

10 (D) PRIVATE FINANCING.—A State receiv-
11 ing a grant under paragraph (1) shall—

12 (i) to the extent practicable, leverage
13 private financing for cost-effective energy
14 efficiency, renewable energy, resiliency, and
15 other smart-building improvements, such
16 as by entering into an energy service per-
17 formance contract; but

18 (ii) maintain the use of grant funds to
19 carry out covered projects with more
20 project resiliency, public health, and cap-
21 ital-intensive efficiency and emission reduc-
22 tion components than are typically avail-
23 able through private energy service per-
24 formance contracts.

1 (E) GUIDANCE.—In carrying out a covered
2 project using grant funds received under para-
3 graph (1), a State shall, to the extent prac-
4 ticable, adhere to guidance developed by the
5 Secretary pursuant to the American Recovery
6 and Reinvestment Act of 2009 (Public Law
7 111–5; 123 Stat. 115) relating to distribution
8 of funds, if that guidance will speed the dis-
9 tribution of funds under this subsection.

10 (3) NO MATCHING REQUIREMENT.—Notwith-
11 standing any other provision of law, a State receiv-
12 ing a grant under paragraph (1) shall not be re-
13 quired to provide any amount of matching funding.

14 (4) REPORT.—Not later than 1 year after the
15 date on which grants are distributed under para-
16 graph (1), and each year thereafter until the funds
17 appropriated pursuant to paragraph (5) are no
18 longer available, the Secretary shall submit a report
19 on the use of those funds (including in the commu-
20 nities described in paragraph (2)(C)) to—

21 (A) the Subcommittee on Energy and
22 Water Development of the Committee on Ap-
23 propriations of the Senate;

24 (B) the Subcommittee on Energy and
25 Water Development and Related Agencies of

1 the Committee on Appropriations of the House
2 of Representatives;

3 (C) the Committee on Energy and Natural
4 Resources of the Senate; and

5 (D) the Committee on Energy and Com-
6 merce of the House of Representatives.

7 (5) FUNDING.—In addition to any amounts
8 made available to the Secretary to carry out the
9 State Energy Program, there is authorized to be ap-
10 propriated to the Secretary \$18,000,000,000 to
11 carry out this subsection, to remain available until
12 September 30, 2025.

13 (6) SUPPLEMENT, NOT SUPPLANT.—Funds
14 made available under paragraph (5) shall supple-
15 ment, not supplant, any other funds made available
16 to States for the State Energy Program or the
17 weatherization assistance program established under
18 part A of title IV of the Energy Conservation and
19 Production Act (42 U.S.C. 6861 et seq.).

20 (c) FEDERAL ENERGY MANAGEMENT PROGRAM.—

21 (1) IN GENERAL.—Beginning 60 days after the
22 date of enactment of this Act, the Secretary shall
23 use funds appropriated pursuant to paragraph (4) to
24 provide grants under the AFFECT program under
25 the Federal Energy Management Program of the

1 Department of Energy to implement covered
2 projects.

3 (2) PRIVATE FINANCING.—A recipient of a
4 grant under paragraph (1) shall—

5 (A) to the extent practicable, leverage pri-
6 vate financing for cost-effective energy effi-
7 ciency, renewable energy, resiliency, and other
8 smart-building improvements, such as by enter-
9 ing into an energy service performance contract;
10 but

11 (B) maintain the use of grant funds to
12 carry out covered projects with more project re-
13 siliency, public health, and capital-intensive effi-
14 ciency and emission reduction components than
15 are typically available through private energy
16 service performance contracts.

17 (3) REPORT.—Not later than 1 year after the
18 date on which grants are distributed under para-
19 graph (1), and each year thereafter until funds ap-
20 propriated pursuant to paragraph (4) are no longer
21 available, the Secretary shall submit a report on the
22 use of those funds to—

23 (A) the Subcommittee on Energy and
24 Water Development of the Committee on Ap-
25 propriations of the Senate;

1 (B) the Subcommittee on Energy and
2 Water Development and Related Agencies of
3 the Committee on Appropriations of the House
4 of Representatives;

5 (C) the Committee on Energy and Natural
6 Resources of the Senate; and

7 (D) the Committee on Energy and Com-
8 merce of the House of Representatives.

9 (4) FUNDING.—In addition to any amounts
10 made available to the Secretary to carry out the AF-
11 FECT program described in paragraph (1), there is
12 authorized to be appropriated to the Secretary
13 \$500,000,000 to carry out this subsection, to remain
14 available until September 30, 2025.

15 (d) TRIBAL ORGANIZATIONS.—

16 (1) IN GENERAL.—Not later than 60 days after
17 the date of enactment of this Act, the Secretary, act-
18 ing through the head of the Office of Indian Energy,
19 shall distribute funds made available under para-
20 graph (3) to tribal organizations to implement cov-
21 ered projects.

22 (2) REPORT.—Not later than 1 year after the
23 date on which funds are distributed under para-
24 graph (1), and each year thereafter until the funds
25 made available under paragraph (3) are no longer

1 available, the Secretary shall submit a report on the
2 use of those funds to—

3 (A) the Subcommittee on Energy and
4 Water Development of the Committee on Ap-
5 propriations of the Senate;

6 (B) the Subcommittee on Energy and
7 Water Development and Related Agencies of
8 the Committee on Appropriations of the House
9 of Representatives;

10 (C) the Committee on Energy and Natural
11 Resources of the Senate; and

12 (D) the Committee on Energy and Com-
13 merce of the House of Representatives.

14 (3) FUNDING.—There is authorized to be ap-
15 propriated to the Secretary \$1,500,000,000 to carry
16 out this subsection, to remain available until Sep-
17 tember 30, 2025.

18 (e) USE OF AMERICAN IRON, STEEL, AND MANUFAC-
19 TURED GOODS.—

20 (1) IN GENERAL.—Except as provided in para-
21 graph (2), none of the funds made available by or
22 pursuant to this section may be used for a covered
23 project unless all of the iron, steel, and manufac-
24 tured goods used in the project are produced in the
25 United States.

1 (2) EXCEPTIONS.—The requirement under
2 paragraph (1) shall be waived by the head of the rel-
3 evant Federal department or agency in any case or
4 category of cases in which the head of the relevant
5 Federal department or agency determines that—

6 (A) adhering to that requirement would be
7 inconsistent with the public interest;

8 (B) the iron, steel, and manufactured
9 goods needed for the project are not produced
10 in the United States—

11 (i) in sufficient and reasonably avail-
12 able quantities; and

13 (ii) in a satisfactory quality; or

14 (C) the inclusion of iron, steel, and rel-
15 evant manufactured goods produced in the
16 United States would increase the overall cost of
17 the project by more than 25 percent.

18 (3) WAIVER PUBLICATION.—If the head of a
19 Federal department or agency makes a determina-
20 tion under paragraph (2) to waive the requirement
21 under paragraph (1), the head of the Federal de-
22 partment or agency shall publish in the Federal
23 Register a detailed justification for the waiver.

24 (4) INTERNATIONAL AGREEMENTS.—This sub-
25 section shall be applied in a manner consistent with

1 the obligations of the United States under all appli-
2 cable international agreements.

3 (f) WAGE RATE REQUIREMENTS.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, all laborers and mechanics em-
6 ployed by contractors and subcontractors on projects
7 funded directly or assisted in whole or in part by the
8 Federal Government pursuant to this section shall
9 be paid wages at rates not less than those prevailing
10 on projects of a similar character in the locality, as
11 determined by the Secretary of Labor in accordance
12 with subchapter IV of chapter 31 of title 40, United
13 States Code (commonly known as the “Davis-Bacon
14 Act”).

15 (2) AUTHORITY.—With respect to the labor
16 standards specified in paragraph (1), the Secretary
17 of Labor shall have the authority and functions set
18 forth in Reorganization Plan Numbered 14 of 1950
19 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of
20 title 40, United States Code.

21 **SEC. 33603. PERSONNEL.**

22 (a) IN GENERAL.—To carry out section 33602, the
23 Secretary shall hire within the Department of Energy—

24 (1) not less than 300 full-time employees in the
25 Office of Energy Efficiency and Renewable Energy;

1 (2) not less than 100 full-time employees, to be
2 distributed among—

- 3 (A) the Office of General Counsel;
- 4 (B) the Office of Procurement Policy;
- 5 (C) the Golden Field Office;
- 6 (D) the National Energy Technology Lab-
7 oratory; and
- 8 (E) the Office of the Inspector General;
- 9 and

10 (3) not less than 20 full-time employees in the
11 Office of Indian Energy.

12 (b) **TIMELINE.**—Not later than 60 days after the
13 date of enactment of this Act, the Secretary shall—

- 14 (1) hire all personnel under subsection (a); or
- 15 (2) certify that the Secretary is unable to hire
16 all personnel by the date required under this sub-
17 section.

18 (c) **CONTRACT HIRES.**—

19 (1) **IN GENERAL.**—If the Secretary makes a
20 certification under subsection (b)(2), the Secretary
21 may hire on a contract basis not more than 50 per-
22 cent of the personnel required to be hired under sub-
23 section (a).

1 (2) DURATION.—An individual hired on a con-
2 tract basis under paragraph (1) shall have an em-
3 ployment term of not more than 1 year.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Secretary to carry
6 out this section \$84,000,000 for each of fiscal years 2021
7 through 2031.

8 (e) REPORT.—Not later than 60 days after the date
9 of enactment of this Act, and annually thereafter for 2
10 years, the Secretary shall submit a report on progress
11 made in carrying out subsection (a) to—

12 (1) the Subcommittee on Energy and Water
13 Development of the Committee on Appropriations of
14 the Senate;

15 (2) the Subcommittee on Energy and Water
16 Development and Related Agencies of the Committee
17 on Appropriations of the House of Representatives;

18 (3) the Committee on Energy and Natural Re-
19 sources of the Senate; and

20 (4) the Committee on Energy and Commerce of
21 the House of Representatives.

1 **Subtitle G—Other Matters**

2 **SEC. 33701. WATER REUSE INTERAGENCY WORKING**
3 **GROUP.**

4 (a) **IN GENERAL.**—Not later than 180 days after the
5 date of enactment of this Act, the Administrator of the
6 Environmental Protection Agency (referred to in this sec-
7 tion as the “Administrator”), shall establish a Water
8 Reuse Interagency Working Group (referred to in this sec-
9 tion as the “Working Group”).

10 (b) **PURPOSE.**—The purpose of the Working Group
11 is to develop and coordinate actions, tools, and resources
12 to advance water reuse across the United States, including
13 through the implementation of a National Water Reuse
14 Action Plan that creates opportunities for water reuse in
15 the mission areas of each of the Federal agencies included
16 in the Working Group under subsection (c) (referred to
17 in this section as the “Action Plan”).

18 (c) **CHAIRPERSON; MEMBERSHIP.**—The Working
19 Group shall be—

20 (1) chaired by the Administrator; and

21 (2) comprised of senior representatives from
22 such Federal agencies as the Administrator deter-
23 mines to be appropriate.

24 (d) **DUTIES OF THE WORKING GROUP.**—In carrying
25 out this section, the Working Group shall—

1 (1) with respect to water reuse, leverage the ex-
2 pertise of industry, the research community, non-
3 governmental organizations, and government;

4 (2) seek to foster water reuse as an important
5 component of integrated water resources manage-
6 ment;

7 (3) conduct an assessment of new opportunities
8 to advance water reuse and annually update the Ac-
9 tion Plan with new actions, as necessary, to pursue
10 those opportunities;

11 (4) seek to coordinate Federal programs and
12 policies to support the adoption of water reuse;

13 (5) consider how each Federal agency can ex-
14 plore and identify opportunities to support water
15 reuse through the programs and activities of that
16 Federal agency; and

17 (6) consult, on a regular basis, with representa-
18 tives of relevant industries, the research community,
19 and nongovernmental organizations.

20 (e) REPORT.—Not less frequently than once every 2
21 years, the Administrator shall submit to Congress a report
22 on the activities and findings of the Working Group.

23 (f) SUNSET.—

1 (1) IN GENERAL.—Subject to paragraph (2),
2 the Working Group shall terminate on the date that
3 is 6 years after the date of enactment of this Act.

4 (2) EXTENSION.—The Administrator may ex-
5 tend the date of termination of the Working Group
6 under paragraph (1).

7 **Subtitle H—Energy Workforce** 8 **Development**

9 **CHAPTER 1—OFFICE OF ECONOMIC** 10 **IMPACT, DIVERSITY, AND EMPLOYMENT**

11 **SEC. 33801. NAME OF OFFICE.**

12 (a) IN GENERAL.—Section 211 of the Department of
13 Energy Organization Act (42 U.S.C. 7141) is amended—

14 (1) in the section heading, by striking “MINOR-
15 ITY ECONOMIC IMPACT” and inserting “ECONOMIC
16 IMPACT, DIVERSITY, AND EMPLOYMENT”; and

17 (2) in subsection (a), by striking “Office of Mi-
18 nority Economic Impact” and inserting “Office of
19 Economic Impact, Diversity, and Employment”.

20 (b) CONFORMING AMENDMENT.—The table of con-
21 tents for the Department of Energy Organization Act is
22 amended by amending the item relating to section 211 to
23 read as follows:

“Sec. 211. Office of Economic Impact, Diversity, and Employment.”.

1 **SEC. 33802. ENERGY WORKFORCE DEVELOPMENT PRO-**
2 **GRAMS.**

3 Section 211 of the Department of Energy Organiza-
4 tion Act (42 U.S.C. 7141) is amended—

5 (1) by redesignating subsections (f) and (g) as
6 subsections (g) and (h), respectively; and

7 (2) by inserting after subsection (e) the fol-
8 lowing:

9 “(f) The Secretary, acting through the Director, shall
10 establish and carry out the programs described in sections
11 33811 and 33812 of the Moving Forward Act.”.

12 **SEC. 33803. AUTHORIZATION.**

13 Subsection (h) of section 211 of the Department of
14 Energy Organization Act (42 U.S.C. 7141), as redesign-
15 nated by section 33802 of this Act, is amended by striking
16 “not to exceed \$3,000,000 for fiscal year 1979, not to ex-
17 ceed \$5,000,000 for fiscal year 1980, and not to exceed
18 \$6,000,000 for fiscal year 1981. Of the amounts so appro-
19 priated each fiscal year, not less than 50 percent shall be
20 available for purposes of financial assistance under sub-
21 section (e).” and inserting “\$100,000,000 for each of fis-
22 cal years 2020 through 2024.”.

1 **CHAPTER 2—ENERGY WORKFORCE**
2 **DEVELOPMENT**

3 **SEC. 33811. ENERGY WORKFORCE DEVELOPMENT.**

4 (a) IN GENERAL.—Subject to the availability of ap-
5 propriations, the Secretary, acting through the Director
6 of the Office of Economic Impact, Diversity, and Employ-
7 ment, shall establish and carry out a comprehensive, na-
8 tionwide program to improve education and training for
9 jobs in energy-related industries, including manufacturing,
10 engineering, construction, and retrofitting jobs in such en-
11 ergy-related industries, in order to increase the number
12 of skilled workers trained to work in such energy-related
13 industries, including by—

14 (1) encouraging underrepresented groups, in-
15 cluding religious and ethnic minorities, women, vet-
16 erans, individuals with disabilities, unemployed en-
17 ergy workers, and socioeconomically disadvantaged
18 individuals to enter into the science, technology, en-
19 gineering, and mathematics (in this section referred
20 to as “STEM”) fields;

21 (2) encouraging the Nation’s educational insti-
22 tutions to equip students with the skills,
23 mentorships, training, and technical expertise nec-
24 essary to fill the employment opportunities vital to

1 managing and operating the Nation's energy-related
2 industries;

3 (3) providing students and other candidates for
4 employment with the necessary skills and certifi-
5 cations for skilled, semiskilled, and highly skilled
6 jobs in such energy-related industries;

7 (4) strengthening and more fully engaging De-
8 partment of Energy programs and laboratories in
9 carrying out the Department's Minorities in Energy
10 Initiative; and

11 (5) to the greatest extent possible, collaborating
12 with and supporting existing State workforce devel-
13 opment programs to maximize program efficiency.

14 (b) PRIORITY.—In carrying out the program estab-
15 lished under subsection (a), the Secretary shall prioritize
16 the education and training of underrepresented groups for
17 jobs in energy-related industries.

18 (c) DIRECT ASSISTANCE.—In carrying out the pro-
19 gram established under subsection (a), the Secretary shall
20 provide direct assistance (including financial assistance
21 awards, technical expertise, and internships) to edu-
22 cational institutions, local workforce development boards,
23 State workforce development boards, nonprofit organiza-
24 tions, labor organizations, and apprenticeship programs.
25 The Secretary shall distribute such direct assistance in a

1 manner proportional to the needs of, and demand for jobs
2 in, energy-related industries, consistent with information
3 obtained under subsections (e)(3) and (i).

4 (d) CLEARINGHOUSE.—In carrying out the program
5 established under subsection (a), the Secretary shall estab-
6 lish a clearinghouse to—

7 (1) maintain and update information and re-
8 sources on training programs for jobs in energy-re-
9 lated industries, including manufacturing, engineer-
10 ing, construction, and retrofitting jobs in such en-
11 ergy-related industries; and

12 (2) act as a resource for educational institu-
13 tions, local workforce development boards, State
14 workforce development boards, nonprofit organiza-
15 tions, labor organizations, and apprenticeship pro-
16 grams that would like to develop and implement
17 training programs for such jobs.

18 (e) COLLABORATION AND REPORT.—In carrying out
19 the program established under subsection (a), the Sec-
20 retary—

21 (1) shall collaborate with educational institu-
22 tions, local workforce development boards, State
23 workforce development boards, nonprofit organiza-
24 tions, labor organizations, apprenticeship programs,
25 and energy-related industries;

1 (2) shall encourage and foster collaboration,
2 mentorships, and partnerships among industry, local
3 workforce development boards, State workforce de-
4 velopment boards, nonprofit organizations, labor or-
5 ganizations, and apprenticeship programs that cur-
6 rently provide effective training programs for jobs in
7 energy-related industries and educational institutions
8 that seek to establish these types of programs in
9 order to share best practices and approaches that
10 best suit local, State, and national needs; and

11 (3) shall collaborate with the Bureau of Labor
12 Statistics, the Department of Commerce, the Bureau
13 of the Census, and energy-related industries to—

14 (A) develop a comprehensive and detailed
15 understanding of the workforce needs of such
16 energy-related industries, and job opportunities
17 in such energy-related industries, by State and
18 by region; and

19 (B) publish an annual report on job cre-
20 ation in the energy-related industries described
21 in subsection (i)(2).

22 (f) GUIDELINES FOR EDUCATIONAL INSTITU-
23 TIONS.—

24 (1) IN GENERAL.—In carrying out the program
25 established under subsection (a), the Secretary, in

1 collaboration with the Secretary of Education, the
2 Secretary of Commerce, the Secretary of Labor, and
3 the National Science Foundation, shall develop vol-
4 untary guidelines or best practices for educational
5 institutions to help provide graduates with the skills
6 necessary for jobs in energy-related industries, in-
7 cluding manufacturing, engineering, construction,
8 and retrofitting jobs in such energy-related indus-
9 tries.

10 (2) INPUT.—The Secretary shall solicit input
11 from energy-related industries in developing guide-
12 lines or best practices under paragraph (1).

13 (3) ENERGY EFFICIENCY AND CONSERVATION
14 INITIATIVES.—The guidelines or best practices devel-
15 oped under paragraph (1) shall include grade-spe-
16 cific guidelines for teaching energy efficiency tech-
17 nology, manufacturing efficiency technology, commu-
18 nity energy resiliency, and conservation initiatives to
19 educate students and families.

20 (4) STEM EDUCATION.—The guidelines or best
21 practices developed under paragraph (1) shall pro-
22 mote STEM education in educational institutions as
23 it relates to job opportunities in energy-related in-
24 dustries.

1 (g) OUTREACH TO MINORITY-SERVING INSTITU-
2 TIONS.—In carrying out the program established under
3 subsection (a), the Secretary shall—

4 (1) give special consideration to increasing out-
5 reach to minority-serving institutions;

6 (2) make resources available to minority-serving
7 institutions with the objective of increasing the num-
8 ber of skilled minorities and women trained for jobs
9 in energy-related industries, including manufac-
10 turing, engineering, construction, and retrofitting
11 jobs in such energy-related industries;

12 (3) encourage energy-related industries to im-
13 prove the opportunities for students of minority-
14 serving institutions to participate in industry intern-
15 ships and cooperative work-study programs; and

16 (4) partner with the Department of Energy lab-
17 oratories to increase underrepresented groups' par-
18 ticipation in internships, fellowships, traineeships,
19 and employment at all Department of Energy lab-
20 oratories.

21 (h) OUTREACH TO DISPLACED AND UNEMPLOYED
22 ENERGY WORKERS.—In carrying out the program estab-
23 lished under subsection (a), the Secretary shall—

24 (1) give special consideration to increasing out-
25 reach to employers and job trainers preparing dis-

1 placed and unemployed energy workers for emerging
2 jobs in energy-related industries, including manufac-
3 turing, engineering, construction, and retrofitting
4 jobs in such energy-related industries;

5 (2) make resources available to institutions
6 serving displaced and unemployed energy workers
7 with the objective of increasing the number of indi-
8 viduals trained for jobs in energy-related industries,
9 including manufacturing, engineering, construction,
10 and retrofitting jobs in such energy-related indus-
11 tries; and

12 (3) encourage energy-related industries to im-
13 prove opportunities for displaced and unemployed
14 energy workers to participate in industry internships
15 and cooperative work-study programs.

16 (i) GUIDELINES TO DEVELOP SKILLS FOR AN EN-
17 ERGY INDUSTRY WORKFORCE.—In carrying out the pro-
18 gram established under subsection (a), the Secretary shall,
19 in collaboration with energy-related industries—

20 (1) identify the areas with the greatest demand
21 for workers in each such industry; and

22 (2) develop guidelines for the skills necessary
23 for work in the following energy-related industries:

24 (A) Energy efficiency industry, including
25 work in energy efficiency, conservation, weath-

1 erization, retrofitting, or as inspectors or audi-
2 tors.

3 (B) Renewable energy industry, including
4 work in the development, engineering, manufac-
5 turing, and production of renewable energy
6 from renewable energy sources (such as solar,
7 hydropower, wind, or geothermal energy).

8 (C) Community energy resiliency industry,
9 including work in the installation of rooftop
10 solar, in battery storage, and in microgrid tech-
11 nologies.

12 (D) Fuel cell and hydrogen energy indus-
13 try.

14 (E) Manufacturing industry, including
15 work as operations technicians, in operations
16 and design in additive manufacturing, 3-D
17 printing, and advanced composites and ad-
18 vanced aluminum and other metal alloys, indus-
19 trial energy efficiency management systems, in-
20 cluding power electronics, and other innovative
21 technologies.

22 (F) Chemical manufacturing industry, in-
23 cluding work in construction (such as welders,
24 pipefitters, and tool and die makers) or as in-
25 strument and electrical technicians, machinists,

1 chemical process operators, engineers, quality
2 and safety professionals, and reliability engi-
3 neers.

4 (G) Utility industry, including work in the
5 generation, transmission, and distribution of
6 electricity and natural gas, such as utility tech-
7 nicians, operators, lineworkers, engineers, sci-
8 entists, and information technology specialists.

9 (H) Alternative fuels industry, including
10 work in biofuel development and production.

11 (I) Pipeline industry, including work in
12 pipeline construction and maintenance or work
13 as engineers or technical advisors.

14 (J) Nuclear industry, including work as
15 scientists, engineers, technicians, mathemati-
16 cians, or security personnel.

17 (K) Oil and gas industry, including work
18 as scientists, engineers, technicians, mathemati-
19 cians, petrochemical engineers, or geologists.

20 (L) Coal industry, including work as coal
21 miners, engineers, developers and manufactur-
22 ers of state-of-the-art coal facilities, technology
23 vendors, coal transportation workers and opera-
24 tors, or mining equipment vendors.

1 (j) ENROLLMENT IN TRAINING AND APPRENTICE-
2 SHIP PROGRAMS.—In carrying out the program estab-
3 lished under subsection (a), the Secretary shall work with
4 industry, local workforce development boards, State work-
5 force development boards, nonprofit organizations, labor
6 organizations, and apprenticeship programs to help iden-
7 tify students and other candidates, including from under-
8 represented communities such as minorities, women, and
9 veterans, to enroll into training and apprenticeship pro-
10 grams for jobs in energy-related industries.

11 (k) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to carry out this section
13 \$20,000,000 for each of fiscal years 2020 through 2024.

14 **SEC. 33812. ENERGY WORKFORCE GRANT PROGRAM.**

15 (a) PROGRAM.—

16 (1) ESTABLISHMENT.—Subject to the avail-
17 ability of appropriations, the Secretary, acting
18 through the Director of the Office of Economic Im-
19 pact, Diversity, and Employment, shall establish and
20 carry out a program to provide grants to eligible
21 businesses to pay the wages of new and existing em-
22 ployees during the time period that such employees
23 are receiving training to work in the renewable en-
24 ergy sector, energy efficiency sector, or grid mod-
25 ernization sector.

1 (2) GUIDELINES.—Not later than 60 days after
2 the date of enactment of this Act, the Secretary, in
3 consultation with stakeholders, contractors, and or-
4 ganizations that work to advance existing residential
5 energy efficiency, shall establish guidelines to iden-
6 tify training that is eligible for purposes of the pro-
7 gram established pursuant to paragraph (1).

8 (b) ELIGIBILITY.—To be eligible to receive a grant
9 under the program established under subsection (a) or a
10 business or labor management organization that is directly
11 involved with energy efficiency or renewable energy tech-
12 nology, or working on behalf of any such business, shall
13 provide services related to—

14 (1) renewable electric energy generation, includ-
15 ing solar, wind, geothermal, hydropower, and other
16 renewable electric energy generation technologies;

17 (2) energy efficiency, including energy-efficient
18 lighting, heating, ventilation, and air conditioning,
19 air source heat pumps, advanced building materials,
20 insulation and air sealing, and other high-efficiency
21 products and services, including auditing and inspec-
22 tion;

23 (3) grid modernization or energy storage, in-
24 cluding smart grid, microgrid and other distributed

1 energy solutions, demand response management, and
2 home energy management technology; or

3 (4) fuel cell and hybrid fuel cell generation.

4 (c) USE OF GRANTS.—An eligible business with—

5 (1) 20 or fewer employees may use a grant pro-
6 vided under the program established under sub-
7 section (a) to pay up to—

8 (A) 45 percent of an employee’s wages for
9 the duration of the training, if the training is
10 provided by the eligible business; and

11 (B) 90 percent of an employee’s wages for
12 the duration of the training, if the training is
13 provided by an entity other than the eligible
14 business;

15 (2) 21 to 99 employees may use a grant pro-
16 vided under the program established under sub-
17 section (a) to pay up to—

18 (A) 37.5 percent of an employee’s wages
19 for the duration of the training, if the training
20 is provided by the eligible business; and

21 (B) 75 percent of an employee’s wages for
22 the duration of the training, if the training is
23 provided by an entity other than the eligible
24 business; and

1 (3) 100 employees or more may use a grant
2 provided under the program established under sub-
3 section (a) to pay up to—

4 (A) 25 percent of an employee’s wages for
5 the duration of the training, if the training is
6 provided by the eligible business; and

7 (B) 50 percent of an employee’s wages for
8 the duration of the training, if the training is
9 provided by an entity other than the eligible
10 business.

11 (d) PRIORITY FOR TARGETED COMMUNITIES.—In
12 providing grants under the program established under
13 subsection (a), the Secretary shall give priority to eligible
14 businesses that—

15 (1) recruit employees—

16 (A) from the communities that the busi-
17 nesses serve; and

18 (B) that are minorities, women, persons
19 who are or were foster children, persons who
20 are transitioning from fossil energy sector jobs,
21 or veterans; and

22 (2) provide trainees with the opportunity to ob-
23 tain real-world experience.

1 (e) LIMIT.—An eligible business may not receive
2 more than \$100,000 under the program established under
3 subsection (a) per fiscal year.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to carry out this section
6 \$70,000,000 for each of fiscal years 2020 through 2024.

7 **SEC. 33813. DEFINITIONS.**

8 In this subtitle:

9 (1) APPRENTICESHIP.—The term “apprentice-
10 ship” means an apprenticeship registered under the
11 Act of August 16, 1937 (commonly known as the
12 “National Apprenticeship Act”; 50 Stat. 664, chap-
13 ter 663; 29 U.S.C. 50 et seq.).

14 (2) EDUCATIONAL INSTITUTION.—The term
15 “educational institution” means an elementary
16 school, secondary school, or institution of higher
17 education.

18 (3) ELEMENTARY SCHOOL AND SECONDARY
19 SCHOOL.—The terms “elementary school” and “sec-
20 ondary school” have the meanings given such terms
21 in section 8101 of the Elementary and Secondary
22 Education Act of 1965 (20 U.S.C. 7801).

23 (4) ENERGY-RELATED INDUSTRY.—The term
24 “energy-related industry” includes each of the en-
25 ergy efficiency, renewable energy, chemical manufac-

1 turing, utility, alternative fuels, pipeline, nuclear en-
2 ergy, oil, gas, and coal industries.

3 (5) INSTITUTION OF HIGHER EDUCATION.—The
4 term “institution of higher education” has the
5 meaning given such term in section 102 of the High-
6 er Education Act of 1965 (20 U.S.C. 1002).

7 (6) LABOR ORGANIZATION.—The term “labor
8 organization” has the meaning given such term in
9 section 2 of the National Labor Relations Act (29
10 U.S.C. 152).

11 (7) LOCAL WORKFORCE DEVELOPMENT
12 BOARD.—The term “local workforce development
13 board” means a local board, as defined in section 3
14 of the Workforce Innovation and Opportunity Act
15 (29 U.S.C. 3102).

16 (8) MINORITY-SERVING INSTITUTION.—The
17 term “minority-serving institution” means an insti-
18 tution of higher education that is of one of the fol-
19 lowing:

20 (A) Hispanic-serving institution (as de-
21 fined in section 502(a)(5) of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1101a(a)(5))).

23 (B) Tribal College or University (as de-
24 fined in section 316(b) of the Higher Education
25 Act of 1965 (20 U.S.C. 1059c(b))).

1 (C) Alaska Native-serving institution (as
2 defined in section 317(b) of the Higher Edu-
3 cation Act of 1965 (20 U.S.C. 1059d(b))).

4 (D) Native Hawaiian-serving institution
5 (as defined in section 317(b) of the Higher
6 Education Act of 1965 (20 U.S.C. 1059d(b))).

7 (E) Predominantly Black Institution (as
8 defined in section 318(b) of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1059e(b))).

10 (F) Native American-serving nontribal in-
11 stitution (as defined in section 319(b) of the
12 Higher Education Act of 1965 (20 U.S.C.
13 1059f(b))).

14 (G) Asian American and Native American
15 Pacific Islander-serving institution (as defined
16 in section 320(b) of the Higher Education Act
17 of 1965 (20 U.S.C. 1059g(b))).

18 (9) SECRETARY.—The term “Secretary” means
19 the Secretary of Energy.

20 (10) STATE WORKFORCE DEVELOPMENT
21 BOARD.—The term “State workforce development
22 board” means a State board, as defined in section
23 3 of the Workforce Innovation and Opportunity Act
24 (29 U.S.C. 3102).

1 **TITLE IV—HEALTH CARE**
2 **INFRASTRUCTURE**

3 **SEC. 34101. HOSPITAL INFRASTRUCTURE.**

4 (a) IN GENERAL.—Section 1610(a) of the Public
5 Health Service Act (42 U.S.C. 300r(a)) is amended—

6 (1) in paragraph (1)(A)—

7 (A) in clause (i), by striking “or” at the
8 end;

9 (B) in clause (ii), by striking the period at
10 the end and inserting “; or”; and

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

12 “(iii) increase capacity and update hospitals
13 and other medical facilities in order to better serve
14 communities in need.”; and

15 (2) by striking paragraph (3) and inserting the
16 following paragraphs:

17 “(3) PRIORITY.—In awarding grants under this sub-
18 section, the Secretary shall give priority to applicants
19 whose projects will include, by design, public health emer-
20 gency preparedness, natural disaster emergency prepared-
21 ness, flood mitigation, or cybersecurity against cyber
22 threats.

23 “(4) AMERICAN IRON AND STEEL PRODUCTS.—

24 “(A) IN GENERAL.—As a condition on receipt
25 of a grant under this subsection for a project, an en-

1 tity shall ensure that all of the iron and steel prod-
2 ucts used in the project are produced in the United
3 States.

4 “(B) APPLICATION.—Subparagraph (A) shall
5 be waived in any case or category of cases in which
6 the Secretary finds that—

7 “(i) applying subparagraph (A) would be
8 inconsistent with the public interest;

9 “(ii) iron and steel products are not pro-
10 duced in the United States in sufficient and
11 reasonably available quantities and of a satis-
12 factory quality; or

13 “(iii) inclusion of iron and steel products
14 produced in the United States will increase the
15 cost of the overall project by more than 25 per-
16 cent.

17 “(C) WAIVER.—If the Secretary receives a re-
18 quest for a waiver under this paragraph, the Sec-
19 retary shall make available to the public, on an in-
20 formal basis, a copy of the request and information
21 available to the Secretary concerning the request,
22 and shall allow for informal public input on the re-
23 quest for at least 15 days prior to making a finding
24 based on the request. The Secretary shall make the
25 request and accompanying information available by

1 electronic means, including on the official public
2 internet site of the Department of Health and
3 Human Services.

4 “(D) INTERNATIONAL AGREEMENTS.—This
5 paragraph shall be applied in a manner consistent
6 with United States obligations under international
7 agreements.

8 “(E) MANAGEMENT AND OVERSIGHT.—The
9 Secretary may retain up to 0.25 percent of the funds
10 appropriated for this subsection for management
11 and oversight of the requirements of this paragraph.

12 “(F) EFFECTIVE DATE.—This paragraph does
13 not apply with respect to a project if a State agency
14 approves the engineering plans and specifications for
15 the project, in that agency’s capacity to approve
16 such plans and specifications prior to a project re-
17 questing bids, prior to the date of enactment of this
18 paragraph.

19 “(5) ENERGY EFFICIENCY.—

20 “(A) IN GENERAL.—As a condition on receipt
21 of a grant under this subsection for a project, a
22 grant recipient shall ensure that the project in-
23 creases—

24 “(i) energy efficiency;

25 “(ii) energy resilience; or

1 “(iii) the use of renewable energy.

2 “(B) APPLICATION.—Subparagraph (A) shall
3 be waived in any case or category of cases in which
4 the Secretary finds that applying subparagraph
5 (A)—

6 “(i) would be inconsistent with the public
7 interest; or

8 “(ii) will increase the cost of the overall
9 project by more than 25 percent.

10 “(C) WAIVER.—If the Secretary receives a re-
11 quest for a waiver under this paragraph, the Sec-
12 retary shall make available to the public, on an in-
13 formal basis, a copy of the request and information
14 available to the Secretary concerning the request,
15 and shall allow for informal public input on the re-
16 quest for at least 15 days prior to making a finding
17 based on the request. The Secretary shall make the
18 request and accompanying information available by
19 electronic means, including on the official public
20 internet site of the Department of Health and
21 Human Services.

22 “(D) MANAGEMENT AND OVERSIGHT.—The
23 Secretary may retain up to 0.25 percent of the funds
24 appropriated for this subsection for management
25 and oversight of the requirements of this paragraph.

1 Act, \$10,000,000,000 for the period of fiscal years
2 2021 through 2025.

3 “(2) ENERGY EFFICIENCY.—

4 “(A) IN GENERAL.—As a condition on re-
5 ceipt of a grant for a capital project pursuant
6 to paragraph (1), a grant recipient shall ensure
7 that the capital project increases—

8 “(i) energy efficiency;

9 “(ii) energy resilience; or

10 “(iii) the use of renewable energy.

11 “(B) APPLICATION.—Subparagraph (A)
12 shall be waived in any case or category of cases
13 in which the Secretary finds that applying sub-
14 paragraph (A)—

15 “(i) would be inconsistent with the
16 public interest; or

17 “(ii) will increase the cost of the over-
18 all project by more than 25 percent.

19 “(C) WAIVER.—If the Secretary receives a
20 request for a waiver under this subsection, the
21 Secretary shall make available to the public, on
22 an informal basis, a copy of the request and in-
23 formation available to the Secretary concerning
24 the request, and shall allow for informal public
25 input on the request for at least 15 days prior

1 to making a finding based on the request. The
2 Secretary shall make the request and accom-
3 panying information available by electronic
4 means, including on the official public internet
5 site of the Department of Health and Human
6 Services.

7 “(D) MANAGEMENT AND OVERSIGHT.—
8 The Secretary may retain up to 0.25 percent of
9 the funds appropriated for this subsection for
10 management and oversight of the requirements
11 of this paragraph.

12 “(E) EFFECTIVE DATE.—This paragraph
13 does not apply with respect to a capital project
14 if a State agency approves the engineering
15 plans and specifications for the capital project,
16 in that agency’s capacity to approve such plans
17 and specifications prior to a project requesting
18 bids, prior to the date of enactment of this
19 paragraph.

20 “(3) APPLICABILITY OF DAVIS-BACON ACT.—

21 “(A) IN GENERAL.—The Secretary shall
22 require that each entity applying for a grant for
23 any capital project pursuant to paragraph (1),
24 funded in whole or in part with funds made
25 available under this subsection, shall include in

1 such application written assurance that all la-
2 borers and mechanics employed by contractors
3 or subcontractors in the performance of con-
4 struction, alternation or repair, as part of such
5 project, shall be paid wages at rates not less
6 than those prevailing on similar work in the lo-
7 cality as determined by the Secretary of Labor
8 in accordance with subchapter IV of chapter 31
9 of part A of subtitle II of title 40, United
10 States Code (commonly referred to (and re-
11 ferred to in this section) as the ‘Davis-Bacon
12 Act’).

13 “(B) AUTHORITY TO ENFORCE.—With re-
14 spect to the labor standards specified in the
15 Davis-Bacon Act, the Secretary of Labor shall
16 have the authority and functions set forth in
17 Reorganization Plan Numbered 14 of 1950 (15
18 Fed. Reg. 3176; 5 U.S.C. App.) and section 2
19 of the Act of June 13, 1934 (40 U.S.C.
20 276c).”.

21 **SEC. 34103. PILOT PROGRAM TO IMPROVE LABORATORY IN-**
22 **FRASTRUCTURE.**

23 (a) IN GENERAL.—The Secretary of Health and
24 Human Services shall award grants to States and political
25 subdivisions of States to support the improvement, renova-

1 tion, or modernization of infrastructure at clinical labora-
2 tories (as defined in section 353 of the Public Health Serv-
3 ice Act (42 U.S.C. 263a)) that will help to improve SARS-
4 CoV-2 and COVID-19 testing and response activities, in-
5 cluding the expansion and enhancement of testing capacity
6 and the reduction of wait times for results at such labora-
7 tories.

8 (b) ENERGY EFFICIENCY.—

9 (1) IN GENERAL.—As a condition on receipt of
10 a grant under this section for a project, a grant re-
11 cipient shall ensure that the project increases—

12 (A) energy efficiency;

13 (B) energy resilience; or

14 (C) the use of renewable energy.

15 (2) APPLICATION.—Paragraph (1) shall be
16 waived in any case or category of cases in which the
17 Secretary finds that applying paragraph (1)—

18 (A) would be inconsistent with the public
19 interest; or

20 (B) will increase the cost of the overall
21 project by more than 25 percent.

22 (3) WAIVER.—If the Secretary receives a re-
23 quest for a waiver under this subsection, the Sec-
24 retary shall make available to the public, on an in-
25 formal basis, a copy of the request and information

1 available to the Secretary concerning the request,
2 and shall allow for informal public input on the re-
3 quest for at least 15 days prior to making a finding
4 based on the request. The Secretary shall make the
5 request and accompanying information available by
6 electronic means, including on the official public
7 internet site of the Department of Health and
8 Human Services.

9 (4) MANAGEMENT AND OVERSIGHT.—The Sec-
10 retary may retain up to 0.25 percent of the funds
11 appropriated for this section for management and
12 oversight of the requirements of this subsection.

13 (5) EFFECTIVE DATE.—This subsection does
14 not apply with respect to a project if a State agency
15 approves the engineering plans and specifications for
16 the project, in that agency's capacity to approve
17 such plans and specifications prior to a project re-
18 questing bids, prior to the date of enactment of this
19 subsection.

20 (c) APPLICABILITY OF DAVIS-BACON ACT.—

21 (1) IN GENERAL.—The Secretary shall require
22 that each State or political subdivision of a State ap-
23 plying for a grant, with respect to a project for the
24 improvement, renovation, or modernization of infra-
25 structure at clinical laboratories under this section,

1 funded in whole or in part with funds made available
2 under this section, shall include in such application
3 written assurance that all laborers and mechanics
4 employed by contractors or subcontractors in the
5 performance of construction, alternation, or repair,
6 as part of such project, shall be paid wages at rates
7 not less than those prevailing on similar work in the
8 locality as determined by the Secretary of Labor in
9 accordance with subchapter IV of chapter 31 of part
10 A of subtitle II of title 40, United States Code (com-
11 monly referred to (and referred to in this section) as
12 the “Davis-Bacon Act”).

13 (2) AUTHORITY TO ENFORCE.—With respect to
14 the labor standards specified in the Davis-Bacon
15 Act, the Secretary of Labor shall have the authority
16 and functions set forth in Reorganization Plan
17 Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C.
18 App.) and section 2 of the Act of June 13, 1934 (40
19 U.S.C. 276c).

20 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
21 out this section, there is authorized to be appropriated
22 \$4,500,000,000 for the period of fiscal years 2021
23 through 2025.

1 **SEC. 34104. 21ST CENTURY INDIAN HEALTH PROGRAM HOS-**
2 **PITALS AND OUTPATIENT HEALTH CARE FA-**
3 **CILITIES.**

4 The Indian Health Care Improvement Act is amend-
5 ed by inserting after section 301 of such Act (25 U.S.C.
6 1631) the following:

7 **“SEC. 301A. ADDITIONAL FUNDING FOR PLANNING, DESIGN,**
8 **CONSTRUCTION, MODERNIZATION, AND REN-**
9 **OVATION OF HOSPITALS AND OUTPATIENT**
10 **HEALTH CARE FACILITIES.**

11 “(a) **ADDITIONAL FUNDING.**—For the purpose de-
12 scribed in subsection (b), in addition to any other funds
13 available for such purpose, there is authorized to be appro-
14 priated \$5,000,000,000 for the period of fiscal years 2021
15 through 2025.

16 “(b) **PURPOSE.**—The purpose described in this sub-
17 section is the planning, design, construction, moderniza-
18 tion, and renovation of hospitals and outpatient health
19 care facilities that are funded, in whole or part, by the
20 Service through, or provided for in, a contract or compact
21 with the Service under the Indian Self-Determination and
22 Education Assistance Act (25 U.S.C. 5301 et seq.), in-
23 cluding to address COVID–19 and other subsequent pub-
24 lic health crises.

25 “(c) **TRIBAL CONSULTATION.**—The Secretary shall
26 engage in consultation with Indian Tribes and Tribal or-

1 ganizations to receive guidance and recommendations
2 from Tribal officials before initiating any construction
3 projects under this section on federally-operated facilities
4 of the Service.

5 “(d) ENERGY EFFICIENCY.—

6 “(1) IN GENERAL.—As a condition on receipt of
7 funding under this section for a project, the recipi-
8 ent of such funding shall ensure that the project in-
9 creases—

10 “(A) energy efficiency;

11 “(B) energy resilience; or

12 “(C) the use of renewable energy.

13 “(2) APPLICATION.—Paragraph (1) shall be
14 waived in any case or category of cases in which the
15 Secretary finds that applying paragraph (1)—

16 “(A) would be inconsistent with the public
17 interest; or

18 “(B) will increase the cost of the overall
19 project by more than 25 percent.

20 “(3) WAIVER.—If the Secretary receives a re-
21 quest for a waiver under this subsection, the Sec-
22 retary shall make available to the public, on an in-
23 formal basis, a copy of the request and information
24 available to the Secretary concerning the request.

25 The Secretary shall make the request and accom-

1 panying information available by electronic means,
2 including on the official public internet site of the
3 Department of Health and Human Services.

4 “(4) MANAGEMENT AND OVERSIGHT.—The Sec-
5 retary may retain up to 0.25 percent of the funds
6 appropriated for this section for management and
7 oversight of the requirements of this subsection.

8 “(5) EFFECTIVE DATE.—This subsection does
9 not apply with respect to a project if a State agency
10 approves the engineering plans and specifications for
11 the project, in that agency’s capacity to approve
12 such plans and specifications prior to a project re-
13 questing bids, prior to the date of enactment of this
14 subsection.”.

15 **SEC. 34105. PILOT PROGRAM TO IMPROVE COMMUNITY-**
16 **BASED CARE INFRASTRUCTURE.**

17 (a) IN GENERAL.—The Secretary of Health and
18 Human Services may award grants to qualified teaching
19 health centers (as defined in section 340H of the Public
20 Health Service Act (42 U.S.C. 256h)) and behavioral
21 health care centers (as defined by the Secretary, to include
22 both substance abuse and mental health care facilities) to
23 support the improvement, renovation, or modernization of
24 infrastructure at such centers, including to address
25 COVID–19 and other subsequent public health crises.

1 (b) ENERGY EFFICIENCY.—

2 (1) IN GENERAL.—As a condition on receipt of
3 a grant under this section for a project, a grant re-
4 cipient shall ensure that the project increases—

5 (A) energy efficiency;

6 (B) energy resilience; or

7 (C) the use of renewable energy.

8 (2) APPLICATION.—Paragraph (1) shall be
9 waived in any case or category of cases in which the
10 Secretary finds that applying paragraph (1)—

11 (A) would be inconsistent with the public
12 interest; or

13 (B) will increase the cost of the overall
14 project by more than 25 percent.

15 (3) WAIVER.—If the Secretary receives a re-
16 quest for a waiver under this subsection, the Sec-
17 retary shall make available to the public, on an in-
18 formal basis, a copy of the request and information
19 available to the Secretary concerning the request,
20 and shall allow for informal public input on the re-
21 quest for at least 15 days prior to making a finding
22 based on the request. The Secretary shall make the
23 request and accompanying information available by
24 electronic means, including on the official public

1 internet site of the Department of Health and
2 Human Services.

3 (4) MANAGEMENT AND OVERSIGHT.—The Sec-
4 retary may retain up to 0.25 percent of the funds
5 appropriated for this section for management and
6 oversight of the requirements of this subsection.

7 (5) EFFECTIVE DATE.—This subsection does
8 not apply with respect to a project if a State agency
9 approves the engineering plans and specifications for
10 the project, in that agency's capacity to approve
11 such plans and specifications prior to a project re-
12 questing bids, prior to the date of enactment of this
13 subsection.

14 (c) APPLICABILITY OF DAVIS-BACON ACT.—

15 (1) IN GENERAL.—The Secretary shall require
16 that each qualified teaching health center or behav-
17 ioral health care center applying for a grant, with
18 respect to a project for the improvement, renovation,
19 or modernization of infrastructure at a qualified
20 teaching health center or behavior health care center
21 under this section, funded in whole or in part with
22 funds made available under this section, shall in-
23 clude in such application written assurance that all
24 laborers and mechanics employed by contractors or
25 subcontractors in the performance of construction,

1 alternation, or repair, as part of such project, shall
2 be paid wages at rates not less than those prevailing
3 on similar work in the locality as determined by the
4 Secretary of Labor in accordance with subchapter
5 IV of chapter 31 of part A of subtitle II of title 40,
6 United States Code (commonly referred to (and re-
7 ferred to in this section) as the “Davis-Bacon Act”).

8 (2) AUTHORITY TO ENFORCE.—With respect to
9 the labor standards specified in the Davis-Bacon
10 Act, the Secretary of Labor shall have the authority
11 and functions set forth in Reorganization Plan
12 Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C.
13 App.) and section 2 of the Act of June 13, 1934 (40
14 U.S.C. 276e).

15 (d) AUTHORIZATION OF APPROPRIATIONS.—To carry
16 out this section, there is authorized to be appropriated
17 \$500,000,000, to remain available until expended.

18 **SEC. 34106. ACCESS ROAD FOR DESERT SAGE YOUTH**
19 **WELLNESS CENTER.**

20 (a) ACQUISITION OF LAND.—

21 (1) AUTHORIZATION.—The Secretary of Health
22 and Human Services, acting through the Director of
23 the Indian Health Service, is authorized to acquire,
24 from willing sellers, the land in Hemet, California,
25 upon which is located a dirt road known as “Best

1 Road”, beginning at the driveway of the Desert Sage
2 Youth Wellness Center at Faure Road and extending
3 to the junction of Best Road and Sage Road.

4 (2) COMPENSATION.—The Secretary shall pay
5 fair market value for the land authorized to be ac-
6 quired under paragraph (1). Fair market value shall
7 be determined—

8 (A) using Uniform Appraisal Standards
9 for Federal Land Acquisitions; and

10 (B) by an appraiser acceptable to the Sec-
11 retary and the owners of the land to be ac-
12 quired.

13 (3) ADDITIONAL RIGHTS.—In addition to the
14 land referred to in paragraph (1), the Secretary is
15 authorized to acquire, from willing sellers, land or
16 interests in land as reasonably necessary to con-
17 struct and maintain the road as required by sub-
18 section (b).

19 (b) CONSTRUCTION AND MAINTENANCE OF ROAD.—

20 (1) CONSTRUCTION.—After the Secretary ac-
21 quires the land pursuant to subsection (a), the Sec-
22 retary shall construct on that land a paved road that
23 is generally located over Best Road to facilitate ac-
24 cess to the Desert Sage Youth Wellness Center in
25 Hemet, California.

- 1 (2) MAINTENANCE.—The Secretary—
2 (A) shall maintain and manage the road
3 constructed pursuant to paragraph (1); or
4 (B) enter into an agreement with Riverside
5 County, California, to own, maintain and man-
6 age the road constructed pursuant to paragraph
7 (1).

8 **DIVISION H—ADDITIONAL**
9 **PROGRAMS**
10 **TITLE I—ADDITIONAL**
11 **PROGRAMS**

12 **SEC. 40001. NATIONAL SCENIC BYWAYS PROGRAM.**

13 There are authorized to be appropriated out of the
14 general fund of the Treasury, for the national scenic by-
15 ways program under section 162 of title 23, United States
16 Code—

- 17 (1) \$55,000,000 for fiscal year 2021;
18 (2) \$60,000,000 for fiscal year 2022;
19 (3) \$65,000,000 for fiscal year 2023;
20 (4) \$70,000,000 for fiscal year 2024; and
21 (5) \$75,000,000 for fiscal year 2025.

22 **SEC. 40002. AUTHORIZATION OF APPROPRIATIONS FOR DE-**
23 **PARTMENT OF VETERANS AFFAIRS.**

24 (a) IN GENERAL.—There is authorized to be appro-
25 priated for the Department of Veterans Affairs

1 \$3,396,000,000 to carry out subsection (b). Amounts ap-
2 propriated pursuant to this section shall remain available
3 for obligation or expenditure without fiscal year limitation.

4 (b) USE OF AMOUNTS.—The amount authorized to
5 be appropriated under subsection (a) shall be used by the
6 Secretary of Veterans Affairs as follows:

7 (1) \$750,000,000 for minor construction.

8 (2) \$750,000,000 for non-recurring mainte-
9 nance.

10 (3) \$1,350,000,000 for major construction
11 projects that are partially funded for fiscal year
12 2021.

13 (4) \$546,000,000 for grants under subchapter
14 III of chapter 81 of title 38, United States Code.

15 (c) CONTRACTING GOALS.—The contracting goals
16 under section 15(g)(1) and (2) of the Small Business Act
17 (15 U.S.C. 644) shall apply to a contract entered into
18 using amounts authorized to be appropriated under this
19 section and used pursuant to subsection (b)(1) and (2).

20 **SEC. 40003. REQUIREMENTS FOR OWNERS AND OPERATORS**
21 **OF EQUIPMENT OR FACILITIES USED BY PAS-**
22 **SENGER OR FREIGHT TRANSPORTATION EM-**
23 **PLOYERS.**

24 (a) DEFINITIONS.—In this section:

1 (1) AT-RISK EMPLOYEE.—The term “at-risk
2 employee” means an employee (including a Federal
3 employee) or contractor of a passenger or freight
4 transportation employer—

5 (A) whose job responsibilities involve inter-
6 action with—

7 (i) passengers;

8 (ii) the public; or

9 (iii) coworkers who interact with the
10 public;

11 (B) who handles items which are handled
12 or will be handled by the public; or

13 (C) who works in locations where social
14 distancing and other preventative measures
15 with respect to the Coronavirus Disease 2019
16 (COVID–19) are not possible.

17 (2) PASSENGER OR FREIGHT TRANSPORTATION
18 EMPLOYER.—The term “passenger or freight trans-
19 portation employer” includes—

20 (A) the owner, charterer, managing oper-
21 ator, master, or other individual in charge of a
22 passenger vessel (as defined in section 2101 of
23 title 46, United States Code);

24 (B) an air carrier (as defined in section
25 40102 of title 49, United States Code);

1 (C) a commuter authority (as defined in
2 section 24102 of title 49, United State Code);

3 (D) an entity that provides intercity rail
4 passenger transportation (as defined in section
5 24102 of title 49, United States Code);

6 (E) a rail carrier (as defined in section
7 10102 of title 49, United States Code);

8 (F) a regional transportation authority (as
9 defined in section 24102 of title 49, United
10 States Code);

11 (G) a provider of public transportation (as
12 defined in section 5302 of title 49, United
13 States Code);

14 (H) a provider of motorcoach services (as
15 defined in section 32702 of the Motorcoach En-
16 hanced Safety Act of 2012 (49 U.S.C. 31136
17 note; Public Law 112–141));

18 (I) a motor carrier that owns or operates
19 more than 100 motor vehicles (as those terms
20 are defined in section 390.5 of title 49, Code of
21 Federal Regulations (or successor regulations));

22 (J) a sponsor, owner, or operator of a pub-
23 lic-use airport (as defined in section 47102 of
24 title 49, United States Code);

1 (K) a marine terminal operator (as defined
2 in section 40102 of title 46, United States
3 Code) and the relevant authority or operator of
4 a port or harbor;

5 (L) the Transportation Security Adminis-
6 tration, exclusively with respect to Transpor-
7 tation Security Officers; and

8 (M) a marine terminal operator (as defined
9 in section 40102 of title 46, United States
10 Code) and the relevant authority or operator of
11 a port or harbor, or any other employer of indi-
12 viduals covered under section 2(3) of the
13 Longshore and Harbor Workers' Compensation
14 Act (33 U.S.C. 902(3)).

15 (b) REQUIREMENTS.—For the purposes of respond-
16 ing to, or for purposes relating to operations during the
17 national emergency declared by the President under the
18 National Emergencies Act (50 U.S.C. 1601 et seq.) re-
19 lated to the pandemic of SARS-4CoV-2 or coronavirus
20 disease 2019 (COVID-19), the Secretary shall require—

21 (1) the owners or operators of equipment, sta-
22 tions, or facilities used by passenger or freight
23 transportation employers, as applicable—

24 (A) to clean, disinfect, and sanitize, in ac-
25 cordance with guidance issued by the Centers

- 1 for Disease Control and Prevention, the equip-
2 ment and facilities, including, as applicable—
- 3 (i) buses;
 - 4 (ii) commercial motor vehicles;
 - 5 (iii) freight and passenger rail loco-
6 motives;
 - 7 (iv) freight and passenger rail cars;
 - 8 (v) vessels;
 - 9 (vi) airports;
 - 10 (vii) fleet vehicles used for the trans-
11 portation of workers to job sites;
 - 12 (viii) aircraft, including the cockpit
13 and the cabin; and
 - 14 (ix) other equipment and facilities;
- 15 (B) to ensure that stations and facilities,
16 including enclosed facilities, owned, operated,
17 and used by passenger or freight transportation
18 employers, including facilities used for employee
19 training or the performance of indoor or out-
20 door maintenance, repair, or overhaul work, are
21 disinfected and sanitized frequently in accord-
22 ance with guidance issued by the Centers for
23 Disease Control and Prevention;
- 24 (C) to provide to at-risk employees—
- 25 (i) masks or protective face coverings;

- 1 (ii) gloves;
- 2 (iii) hand sanitizer;
- 3 (iv) sanitizing wipes with sufficient al-
- 4 cohol content; and
- 5 (v) training on the proper use of per-
- 6 sonal protective equipment and sanitizing
- 7 equipment;

8 (D) to ensure that employees whose job re-

9 sponsibilities include the cleaning, disinfecting,

10 or sanitizing described in subparagraph (A) or

11 (B) are provided—

- 12 (i) masks or protective face coverings;
- 13 (ii) gloves;
- 14 (iii) hand sanitizer; and
- 15 (iv) sanitizing wipes with sufficient al-
- 16 cohol content;

17 (E) to establish guidelines, or adhere to

18 any existing applicable guidelines, for notifying

19 an employee of the owner or operator of a con-

20 firmed diagnosis of the Coronavirus Disease

21 2019 (COVID–19) with respect to any other

22 employee of the owner or operator with whom

23 the notified employee had physical contact or a

24 physical interaction during the 48-hour period

1 preceding the time at which the diagnosed em-
2 ployee developed symptoms;

3 (F) to require that passengers and cabin
4 crew members wear masks or protective face
5 coverings while in or using a passenger aircraft
6 of an air carrier;

7 (G) to require each flight crew member to
8 wear a mask or protective face covering while
9 on board an aircraft and outside the flight
10 deck; and

11 (H) ensure that each contractor of an
12 owner or operator identified under this para-
13 graph provides masks or protective face cov-
14 erings, gloves, hand sanitizer, and sanitizing
15 wipes with sufficient alcohol content, to employ-
16 ees of such contractor whose job responsibilities
17 include the cleaning, disinfecting, or sanitizing
18 described in subparagraph (A) or (B).

19 (2) an air carrier to submit to the Adminis-
20 trator of the Federal Aviation Administration a pro-
21 posal to permit flight crew members to wear masks
22 or protective face coverings in the flight deck, in-
23 cluding a safety risk assessment with respect to that
24 proposal.

1 (c) MARKET UNAVAILABILITY OF NECESSARY
2 ITEMS.—

3 (1) NOTICE OF MARKET UNAVAILABILITY.—

4 (A) IN GENERAL.—If an owner or operator
5 described in paragraph (1) of subsection (b) is
6 unable to acquire 1 or more items necessary to
7 comply with the requirements prescribed under
8 that paragraph due to market unavailability of
9 the items, the owner or operator shall—

10 (i) not later than 7 days after the
11 date on which the owner or operator is un-
12 able to acquire each applicable item, sub-
13 mit to the Secretary a written notice ex-
14 plaining the efforts made and obstacles
15 faced by the owner or operator to acquire
16 that item; and

17 (ii) continue making efforts to acquire
18 that item until the item is acquired.

19 (B) UPDATED NOTICE WITH RESPECT TO
20 THE SAME ITEM.—If an owner or operator is
21 unable to acquire an item described in a notice
22 submitted under subparagraph (A) by the date
23 described in paragraph (4)(B)(ii) with respect
24 to the notice, the owner or operator may submit
25 an updated notice with respect to that item.

1 (2) REASONABLE EFFORT DETERMINATION.—
2 With respect to each notice submitted under para-
3 graph (1), the Secretary shall determine whether the
4 owner or operator submitting the notice has made
5 reasonable efforts to acquire the item described in
6 the notice.

7 (3) NOTICE OF COMPLIANCE.—Not later than 7
8 days after the date on which an owner or operator
9 acquires an item described in a notice submitted by
10 that owner or operator under paragraph (1) in a
11 quantity sufficient to comply with the requirements
12 prescribed under subsection (b)(1), the owner or op-
13 erator shall submit to the Secretary a written notice
14 of compliance with those requirements.

15 (4) LIST OF OWNERS AND OPERATORS MAKING
16 REASONABLE EFFORTS TO ACQUIRE UNAVAILABLE
17 ITEMS.—

18 (A) IN GENERAL.—The Secretary shall
19 publish on a public website of the Department
20 of Transportation a list that, with respect to
21 each notice submitted to the Secretary under
22 paragraph (1) for which the Secretary has
23 made a positive determination under paragraph
24 (2)—

1 (i) identifies the owner or operator
2 that submitted the notice;

3 (ii) identifies the item that the owner
4 or operator was unable to acquire; and

5 (iii) describes the reasonable efforts
6 made by the owner or operator to acquire
7 that item.

8 (B) REMOVAL FROM LIST.—The Secretary
9 shall remove each entry on the list described in
10 subparagraph (A) on the earlier of—

11 (i) the date on which the applicable
12 owner or operator submits to the Secretary
13 a notice of compliance under paragraph (3)
14 with respect to the item that is the subject
15 of the entry; and

16 (ii) the date that is 90 days after the
17 date on which the entry was added to the
18 list.

19 (d) PROTECTION OF CERTAIN FEDERAL AVIATION
20 ADMINISTRATION EMPLOYEES.—

21 (1) IN GENERAL.—For the purposes of re-
22 sponding to, or for purposes relating to operations
23 during the national emergency declared by the Presi-
24 dent under the National Emergencies Act (50
25 U.S.C. 1601 et seq.) related to the pandemic of

1 SARS-4CoV-2 or coronavirus disease 2019
2 (COVID-19), in order to maintain the safe and effi-
3 cient operation of the air traffic control system, the
4 Administrator of the Federal Aviation Administra-
5 tion shall—

6 (A) provide any air traffic controller and
7 airway transportation systems specialist of the
8 Federal Aviation Administration with masks or
9 protective face coverings, gloves, and hand sani-
10 tizer and wipes of sufficient alcohol content,
11 and provide training on the proper use of per-
12 sonal protective equipment and sanitizing
13 equipment;

14 (B) ensure that each air traffic control fa-
15 cility is cleaned, disinfected, and sanitized fre-
16 quently in accordance with Centers for Disease
17 Control and Prevention guidance; and

18 (C) provide any employee of the Federal
19 Aviation Administration whose job responsibil-
20 ities involve cleaning, disinfecting, and sani-
21 tizing a facility described in subparagraph (B)
22 with masks or protective face coverings and
23 gloves, and ensure that each contractor of the
24 Federal Aviation Administration provides any
25 employee of the contractor with those materials.

1 (2) SOURCE OF EQUIPMENT.—The items de-
2 scribed in paragraph (1)(A) may be procured or pro-
3 vided under that paragraph through any source
4 available to the Administrator of the Federal Avia-
5 tion Administration.

6 **SEC. 40004. REVOLVING LOAN FUND FLEXIBILITY.**

7 Section 209(d) of the Public Works and Economic
8 Development Act of 1965 (42 U.S.C. 3149(d)) is amend-
9 ed—

10 (1) by redesignating paragraphs (3) and (4) as
11 paragraphs (4) and (5); and

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

14 “(3) REVOLVING LOAN FUND REPURPOSING.—

15 “(A) IN GENERAL.—A grantee of revolving
16 loan funds may, upon request, transfer any
17 funds that have been repaid to a revolving loan
18 fund under this section to any other project eli-
19 gible to receive funding under this section.

20 “(B) ELIGIBILITY.—To be eligible to
21 transfer revolving loan funds under this para-
22 graph, a grantee shall have more cash available
23 for lending than the average cash available for
24 lending in the EDA region in which such grant-
25 ee is located.

1 “(C) DISCRETION.—The Secretary shall
2 retain the discretion to approve or deny a trans-
3 fer request under this paragraph.

4 “(D) CASH AVAILABLE FOR LENDING DE-
5 FINED.—In this paragraph, the term ‘cash
6 available for lending’ means the revolving loan
7 fund cash available for lending net of the com-
8 mitted revolving loan fund cash.”.

9 **SEC. 40005. AUTHORIZATION FOR SCIENCE CENTER CON-**
10 **STRUCTION.**

11 (a) AUTHORIZATION OF APPROPRIATIONS.—There
12 are authorized to be appropriated to the Director of the
13 United States Geological Survey \$166,800,000 to fund,
14 through a cooperative agreement with an academic part-
15 ner, the design, construction, and tenant build-out of a
16 facility to support energy and minerals research and ap-
17 purtenant associated structures.

18 (b) AGREEMENTS.—The United States Geological
19 Survey will retain ownership of the facility and associated
20 structures once constructed and is authorized to enter into
21 agreements with, and to collect and spend funds or in-
22 kind contributions from, academic, Federal, State, or
23 other facility tenants on facility planning, design, mainte-
24 nance, operation, or facility improvement costs during the
25 life of the facility.

1 (c) LEASE.—The Director of the United States Geo-
2 logical Survey is authorized to enter into a lease or other
3 agreement with the academic partner, at no cost to the
4 United States, for that partner to provide land on which
5 to construct the facility for a minimum term of not less
6 than 99 years.

7 (d) REPORTS.—The Director of the United States
8 Geological Survey shall submit annual reports on the
9 science center constructed and the authorities utilized
10 under this section to the appropriate congressional com-
11 mittees.

12 **SEC. 40006. GAO STUDY ON THE IMPACT OF TRANSPOR-**
13 **TATION POLICIES ON MARGINALIZED COM-**
14 **MUNITIES.**

15 (a) STUDY.—The Comptroller General of the United
16 States shall conduct a study to identify the impact of cer-
17 tain transportation policies on people based on their race,
18 ethnicity, nationality, age, disability status, and gender
19 identity, including—

20 (1) data on fare evasion policies, including—

21 (A) the number of people stopped for sus-
22 pected fare evasion by transit law enforcement
23 officers or transit agency personnel, aggregated
24 by tract, as designated by the Bureau of the
25 Census;

1 (B) the race, ethnicity, nationality, age,
2 disability status, and gender identity of people
3 stopped by law enforcement officers or transit
4 agency personnel and provided a citation or
5 summons for suspected fare evasion;

6 (C) an analysis on the dollar amount, or-
7 ganized by transit station, of—

8 (i) fines issued as penalty for fare
9 evasion citations to individuals by race,
10 ethnicity, nationality, age, disability status,
11 and gender identity;

12 (ii) fare revenue lost due to fare eva-
13 sion; and

14 (iii) fare evasion fines collected by
15 transit agency, law enforcement, or other
16 entity; and

17 (D) the number of complaints filed against
18 law enforcement officers or transit agency per-
19 sonnel while enforcing fare evasion policies;

20 (2) data on speed enforcement cameras, includ-
21 ing—

22 (A) the location of speed enforcement cam-
23 eras and the demographics of the location of
24 such region by tract, as designated by the Bu-

1 reau of the Census, including race, ethnicity,
2 nationality, and median income;

3 (B) the original intent for placement of the
4 speed enforcement camera, whether to address
5 a specific safety concern or otherwise;

6 (C) the affiliated policy for enforcement,
7 whether automated enforcement, in-person
8 ticketing, or otherwise; and

9 (D) the dollar amount of fines to drivers
10 by speed enforcement camera location; and

11 (3) any other transportation policy that may
12 have a disproportionate impact on low-income com-
13 munities and communities of color.

14 (b) REPORT.—Not later than 1 year after the date
15 of the enactment of this Act, the Comptroller General shall
16 submit the Committee on Transportation and Infrastruc-
17 ture and the Committee on the Judiciary of the House
18 of Representatives a report on the results of the study con-
19 ducted under subsection (a), including—

20 (1) any disproportionate impacts of transpor-
21 tation policies on marginalized communities; and

22 (2) recommendations on ways to reduce such
23 disproportionate impacts.

1 **SEC. 40007. USE OF BIRD-SAFE FEATURES, PRACTICES, AND**
2 **STRATEGIES IN PUBLIC BUILDINGS.**

3 (a) IN GENERAL.—Chapter 33 of title 40, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 **“§ 3319. Use of bird-safe features, practices, and strat-**
7 **egies in public buildings**

8 “(a) CONSTRUCTION, ALTERATION, AND ACQUISSI-
9 TION OF PUBLIC BUILDINGS.—The Administrator of Gen-
10 eral Services shall incorporate, to the extent practicable,
11 features, practices, and strategies to reduce bird fatality
12 resulting from collisions with public buildings for each
13 public building—

14 “(1) constructed;

15 “(2) acquired; or

16 “(3) of which more than 50 percent of the fa-
17 cade is substantially altered (in the opinion of the
18 Commissioner of Public Buildings).

19 “(b) DESIGN GUIDE.—The Administrator shall de-
20 velop a design guide to carry out subsection (a) that in-
21 cludes the following:

22 “(1) Features for reducing bird fatality result-
23 ing from collisions with public buildings throughout
24 all construction phases, taking into account the
25 number of each such bird fatality that occurs at dif-
26 ferent types of public buildings.

1 “(2) Methods and strategies for reducing bird
2 fatality resulting from collisions with public build-
3 ings during the operation and maintenance of such
4 buildings, including installing interior, exterior, and
5 site lighting.

6 “(3) Best practices for reducing bird fatality re-
7 sulting from collisions with public buildings, includ-
8 ing—

9 “(A) a description of the reasons for
10 adopting such practices; and

11 “(B) an explanation for the omission of a
12 best practice identified pursuant to subsection
13 (c).

14 “(c) IDENTIFYING BEST PRACTICES.—To carry out
15 subsection (b)(3), the Administrator may identify best
16 practices for reducing bird fatality resulting from colli-
17 sions with public buildings, including best practices rec-
18 ommended by—

19 “(1) Federal agencies with expertise in bird
20 conservation;

21 “(2) nongovernmental organizations with exper-
22 tise in bird conservation; and

23 “(3) representatives of green building certifi-
24 cation systems.

1 “(d) DISSEMINATION OF DESIGN GUIDE.—The Ad-
2 ministrator shall disseminate the design guide developed
3 pursuant to subsection (b) to all Federal agencies, sub-
4 agencies, and departments with independent leasing au-
5 thority from the Administrator.

6 “(e) UPDATE TO DESIGN GUIDE.—The Adminis-
7 trator shall, on a regular basis, update the design guide
8 developed pursuant to subsection (b) with respect to the
9 priorities of the Administrator for reducing bird fatality
10 resulting from collisions with public buildings.

11 “(f) EXEMPT BUILDINGS.—This section shall not
12 apply to—

13 “(1) any building or site listed, or eligible for
14 listing, on the National Register of Historic Places;

15 “(2) the White House and the grounds of the
16 White House;

17 “(3) the Supreme Court building and the
18 grounds of the Supreme Court; or

19 “(4) the United States Capitol and any building
20 on the grounds of the Capitol.

21 “(g) CERTIFICATION.—Not later than October 1 of
22 each fiscal year, the Administrator, acting through the
23 Commissioner, shall certify to Congress that the Adminis-
24 trator uses the design guide developed pursuant to sub-

1 section (b) for each public building described in subsection
2 (a).

3 “(h) REPORT.—Not later than October 1 of each fis-
4 cal year, the Administrator shall submit to Congress a re-
5 port that includes—

6 “(1) the certification under subsection (g); and

7 “(2) to the extent practicable, the number of
8 each such bird fatality that occurred as a result of
9 a collision with the public buildings occupied by the
10 respective head of each Federal agency.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 at the beginning of chapter 33 of title 40, United States
13 Code, is amended by adding at the end the following new
14 item:

“3319. Use of bird-safe features, practices, and strategies in public buildings.”.

15 **SEC. 40008. GAO STUDY.**

16 (a) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that—

18 (1) mass transit and civilian airlines have an
19 essential role in keeping the United States moving;

20 (2) while the COVID–19 pandemic has dev-
21 astated the industry, transit agencies and companies
22 are leading the way in implementing safety measures
23 and exploring new technologies to protect essential
24 workers who continue to rely on our bus and rail
25 systems;

1 (3) Congress can support the transportation
2 sector by authorizing a GAO study that would rec-
3 ommend specific safety measures to reduce exposure
4 to the SARS-CoV-2 virus on mass transportation
5 systems, as well as technologies that can assist with
6 the implementation of such safety measures, includ-
7 ing technologies that facilitate large-scale sanitation
8 and decontamination and encourage social
9 distancing; and

10 (4) implementation of such safety measures and
11 technologies will help the transportation sector be
12 more resilient in the face of future pandemics.

13 (b) STUDY.—The Comptroller General of the United
14 States shall carry out a study to—

15 (1) research and recommend specific measures
16 that civilian transit companies and agencies (includ-
17 ing rail, airlines, and buses) should implement to im-
18 prove the safety of passengers and crew;

19 (2) research and recommend technologies being
20 developed within and outside the United States Gov-
21 ernment, including the Department of Defense and
22 National Aeronautics and Space Administration,
23 that can be transitioned to the civilian transpor-
24 tation sector; and

25 (3) study technologies that—

1 (A) provide an alternative to decontamina-
2 tion with chemical solutions which is labor in-
3 tensive, and has material compatibility and cor-
4 rosion concerns;

5 (B) decontaminate crevices and hard to
6 reach areas that can be missed with other tech-
7 nologies;

8 (C) minimize personnel exposure to the
9 contaminated aircraft to personnel required for
10 set-up; and

11 (D) allow timely decontamination (under 3
12 hours) to return the bus, train, or aircraft to
13 operational status.

14 (c) REPORT.—Not later than 3 months after the date
15 of enactment of this Act, the Comptroller General shall
16 submit to Congress a report containing the results of the
17 study required under subsection (b).

18 **SEC. 40009. LAND PORT OF ENTRY INFRASTRUCTURE MOD-**
19 **ERNIZATION.**

20 There is authorized to be appropriated from the gen-
21 eral fund of the Treasury for fiscal year 2021
22 \$100,000,000 to the Administrator of General Services for
23 the necessary expenses for the construction, repair, up-
24 grades, and maintenance necessary to fulfill the backlog
25 of port infrastructure improvement projects at land ports

1 of entry that experienced no less than 5 percent growth
2 in total trade in the year of 2019, according to data pro-
3 duced by the Bureau of the Census.

4 **SEC. 40010. COLONIAS STATE OF GOOD REPAIR GRANT**
5 **PROGRAM.**

6 (a) IN GENERAL.—The Secretary of Transportation
7 shall establish a state of good repair surface transpor-
8 tation grant program to provide grants that increase the
9 state of good repair for surface infrastructure in and
10 around colonias.

11 (b) ELIGIBLE ENTITIES.—The following entities are
12 eligible to receive a grant under this section:

- 13 (1) States.
- 14 (2) Metropolitan planning organizations.
- 15 (3) Units of local government.
- 16 (4) Federal land management agencies.
- 17 (5) Tribal governments.

18 (c) COLONIA DEFINED.—In this section, the term
19 “colonia” means any identifiable community that—

- 20 (1) is in the State of Arizona, California, New
21 Mexico, or Texas;
- 22 (2) is in the area of the United States within
23 150 miles of the border between the United States
24 and Mexico, except that the term does not include

1 any standard metropolitan statistical area that has
2 a population exceeding 1,000,000;

3 (3) is determined to be a colonia on the basis
4 of objective criteria, including lack of potable water
5 supply, lack of adequate sewage systems, and lack of
6 decent, safe, and sanitary housing; and

7 (4) was in existence as a colonia before Novem-
8 ber 28, 1990.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated \$10,000,000 for each
11 of fiscal years 2022 through 2025 to carry out this sec-
12 tion.

13 **SEC. 40011. ACCESSIBILITY OF PUBLIC TRANSPORTATION**
14 **FOR PREGNANT WOMEN.**

15 Not later than 60 days after the date of the enact-
16 ment of this Act, the Secretary of Transportation shall
17 submit to Congress a report that includes—

18 (1) a description of the unique challenges that
19 pregnant women face when riding public transpor-
20 tation; and

21 (2) an assessment of how accessible public
22 transportation that receives Federal funds is for
23 pregnant women.

1 **SEC. 40012. NATIONAL LABS RESTORATION AND MOD-**
2 **ERNIZATION.**

3 (a) **IN GENERAL.**—The Secretary of Energy shall
4 fund projects described in subsection (b) as needed to ad-
5 dress deferred maintenance, critical infrastructure needs,
6 and modernization of National Laboratories.

7 (b) **USE OF FUNDS.**—The projects described in this
8 subsection are the following:

9 (1) Priority deferred maintenance projects, in-
10 cluding facilities maintenance and refurbishment of
11 research laboratories, administrative and support
12 buildings, utilities, roads, power plants and any
13 other critical infrastructure, as determined by the
14 Secretary of Energy.

15 (2) Lab modernization projects, including core
16 infrastructure needed to support emerging science
17 missions with new and specialized requirements and
18 to maintain safe, efficient, reliable, and environ-
19 mentally responsible operations, as determined by
20 the Secretary of Energy.

21 (c) **AUTHORIZATION OF APPROPRIATIONS.**—There
22 are authorized to be appropriated for each of the fiscal
23 years 2021 to 2025 \$1,200,000,000; whereas not less than
24 one sixth of what is appropriated must be stewarded by
25 the Department of Energy Office of Science.

1 (d) SUBMISSION TO CONGRESS.—The Secretary of
2 the Energy shall submit to the Committee on Appropria-
3 tions and the Committee on Science, Space and Tech-
4 nology of the House of Representatives and to the Com-
5 mittee on Appropriations and the Committee on Energy
6 and Natural Resources of the Senate, with the annual
7 budget submission of the President for each year through
8 fiscal year 2025, a list of projects for which the Secretary
9 will provide funding under this section, including a de-
10 scription of each such project.

11 (e) NATIONAL LABORATORY.—In this section, the
12 term “National Laboratory” has the meaning given the
13 term in section 2 of the Energy Policy Act of 2005 (42
14 U.S.C. 15801).

15 **SEC. 40013. DEFINITIONS.**

16 In this division:

17 (1) CHESAPEAKE BAY AGREEMENTS.—The
18 term “Chesapeake Bay agreements” means the for-
19 mal, voluntary agreements—

20 (A) executed to achieve the goal of restor-
21 ing and protecting the Chesapeake Bay water-
22 shed ecosystem and the living resources of the
23 Chesapeake Bay watershed ecosystem; and

24 (B) signed by the Chesapeake Executive
25 Council.

1 (2) CHESAPEAKE BAY PROGRAM.—The term
2 “Chesapeake Bay program” means the program di-
3 rected by the Chesapeake Executive Council in ac-
4 cordance with the Chesapeake Bay agreements.

5 (3) CHESAPEAKE BAY WATERSHED.—The term
6 “Chesapeake Bay watershed” means the region that
7 covers—

8 (A) the Chesapeake Bay;

9 (B) the portions of the States of Delaware,
10 Maryland, New York, Pennsylvania, Virginia,
11 and West Virginia that drain into the Ches-
12 apeake Bay; and

13 (C) the District of Columbia.

14 (4) CHESAPEAKE EXECUTIVE COUNCIL.—The
15 term “Chesapeake Executive Council” means the
16 council comprised of—

17 (A) the Governors of each of the States of
18 Delaware, Maryland, New York, Pennsylvania,
19 Virginia, and West Virginia;

20 (B) the Mayor of the District of Columbia;

21 (C) the Chair of the Chesapeake Bay Com-
22 mission; and

23 (D) the Administrator of the Environ-
24 mental Protection Agency.

1 (5) CHESAPEAKE WILD PROGRAM.—The term
2 “Chesapeake WILD program” means the nonregula-
3 tory program established by the Secretary under sec-
4 tion 40014(a).

5 (6) GRANT PROGRAM.—The term “grant pro-
6 gram” means the Chesapeake Watershed Invest-
7 ments for Landscape Defense grant program estab-
8 lished by the Secretary under section 40015(a).

9 (7) RESTORATION AND PROTECTION ACTIV-
10 ITY.—The term “restoration and protection activity”
11 means an activity carried out for the conservation,
12 stewardship, and enhancement of habitat for fish
13 and wildlife—

14 (A) to preserve and improve ecosystems
15 and ecological processes on which the fish and
16 wildlife depend; and

17 (B) for use and enjoyment by the public.

18 (8) SECRETARY.—The term “Secretary” means
19 the Secretary of the Interior, acting through the Di-
20 rector of the United States Fish and Wildlife Serv-
21 ice.

22 **SEC. 40014. PROGRAM ESTABLISHMENT.**

23 (a) ESTABLISHMENT.—Not later than 180 days after
24 the date of enactment of this Act, the Secretary shall es-
25 tablish a nonregulatory program, to be known as the

1 “Chesapeake Watershed Investments for Landscape De-
2 fense program”.

3 (b) PURPOSES.—The purposes of the Chesapeake
4 WILD program include—

5 (1) coordinating restoration and protection ac-
6 tivities among Federal, State, local, and regional en-
7 tities and conservation partners throughout the
8 Chesapeake Bay watershed;

9 (2) engaging other agencies and organizations
10 to build a broader range of partner support, capac-
11 ity, and potential funding for projects in the Chesa-
12 peake Bay watershed;

13 (3) carrying out coordinated restoration and
14 protection activities, and providing for technical as-
15 sistance, throughout the Chesapeake Bay water-
16 shed—

17 (A) to sustain and enhance restoration and
18 protection activities;

19 (B) to improve and maintain water quality
20 to support fish and wildlife, habitats of fish and
21 wildlife, and drinking water for people;

22 (C) to sustain and enhance water manage-
23 ment for volume and flood damage mitigation
24 improvements to benefit fish and wildlife habi-
25 tat;

1 (D) to improve opportunities for public ac-
2 cess and recreation in the Chesapeake Bay wa-
3 tershed consistent with the ecological needs of
4 fish and wildlife habitat;

5 (E) to facilitate strategic planning to maxi-
6 mize the resilience of natural ecosystems and
7 habitats under changing watershed conditions;

8 (F) to utilize green infrastructure or nat-
9 ural infrastructure best management practices
10 to enhance fish and wildlife habitat;

11 (G) to engage the public through outreach,
12 education, and citizen involvement to increase
13 capacity and support for coordinated restora-
14 tion and protection activities in the Chesapeake
15 Bay watershed;

16 (H) to sustain and enhance vulnerable
17 communities and fish and wildlife habitat;

18 (I) to conserve and restore fish, wildlife,
19 and plant corridors; and

20 (J) to increase scientific capacity to sup-
21 port the planning, monitoring, and research ac-
22 tivities necessary to carry out coordinated res-
23 toration and protection activities.

24 (c) DUTIES.—In carrying out the Chesapeake WILD
25 program, the Secretary shall—

1 (1) draw on existing plans for the Chesapeake
2 Bay watershed, or portions of the Chesapeake Bay
3 watershed, including the Chesapeake Bay agree-
4 ments, and work in consultation with applicable
5 management entities, including Chesapeake Bay pro-
6 gram partners, such as the Federal Government,
7 State and local governments, the Chesapeake Bay
8 Commission, and other regional organizations, as
9 appropriate, to identify, prioritize, and implement
10 restoration and protection activities within the
11 Chesapeake Bay watershed;

12 (2) adopt a Chesapeake Bay watershed-wide
13 strategy that—

14 (A) supports the implementation of a
15 shared set of science-based restoration and pro-
16 tection activities developed in accordance with
17 paragraph (1); and

18 (B) targets cost-effective projects with
19 measurable results; and

20 (3) establish the grant program in accordance
21 with section 40015.

22 (d) COORDINATION.—In establishing the Chesapeake
23 WILD program, the Secretary shall consult, as appro-
24 priate, with—

25 (1) the heads of Federal agencies, including—

1 (A) the Administrator of the Environ-
2 mental Protection Agency;

3 (B) the Administrator of the National Oce-
4 anic and Atmospheric Administration;

5 (C) the Chief of the Natural Resources
6 Conservation Service;

7 (D) the Chief of Engineers;

8 (E) the Director of the United States Geo-
9 logical Survey;

10 (F) the Secretary of Transportation;

11 (G) the Chief of the Forest Service; and

12 (H) the head of any other applicable agen-
13 cy;

14 (2) the Governors of each of the States of Dela-
15 ware, Maryland, New York, Pennsylvania, Virginia,
16 and West Virginia and the Mayor of the District of
17 Columbia;

18 (3) fish and wildlife joint venture partnerships;
19 and

20 (4) other public agencies and organizations with
21 authority for the planning and implementation of
22 conservation strategies in the Chesapeake Bay wa-
23 tershed.

1 **SEC. 40015. GRANTS AND TECHNICAL ASSISTANCE.**

2 (a) CHESAPEAKE WILD GRANT PROGRAM.—To the
3 extent that funds are made available to carry out this sec-
4 tion, the Secretary shall establish and carry out, as part
5 of the Chesapeake WILD program, a voluntary grant and
6 technical assistance program, to be known as the “Chesa-
7 peake Watershed Investments for Landscape Defense
8 grant program”, to provide competitive matching grants
9 of varying amounts and technical assistance to eligible en-
10 tities described in subsection (b) to carry out activities de-
11 scribed in section 40014(b).

12 (b) ELIGIBLE ENTITIES.—The following entities are
13 eligible to receive a grant and technical assistance under
14 the grant program:

15 (1) A State.

16 (2) The District of Columbia.

17 (3) A unit of local government.

18 (4) A nonprofit organization.

19 (5) An institution of higher education.

20 (6) Any other entity that the Secretary deter-
21 mines to be appropriate in accordance with the cri-
22 teria established under subsection (c).

23 (c) CRITERIA.—The Secretary, in consultation with
24 officials and entities described in section 40014(d), shall
25 establish criteria for the grant program to help ensure
26 that activities funded under this section—

1 (1) accomplish one or more of the purposes de-
2 scribed in section 40014(b); and

3 (2) advance the implementation of priority ac-
4 tions or needs identified in the Chesapeake Bay wa-
5 tershed-wide strategy adopted under section
6 40014(c)(2).

7 (d) COST SHARING.—

8 (1) DEPARTMENT OF THE INTERIOR SHARE.—

9 The Department of the Interior share of the cost of
10 a project funded under the grant program shall not
11 exceed 50 percent of the total cost of the project, as
12 determined by the Secretary.

13 (2) NON-DEPARTMENT OF THE INTERIOR
14 SHARE.—

15 (A) IN GENERAL.—The non-Department of
16 the Interior share of the cost of a project fund-
17 ed under the grant program may be provided in
18 cash or in the form of an in-kind contribution
19 of services or materials.

20 (B) OTHER FEDERAL FUNDING.—Non-De-
21 partment of the Interior Federal funds may be
22 used for not more than 25 percent of the total
23 cost of a project funded under the grant pro-
24 gram.

1 (e) ADMINISTRATION.—The Secretary may enter into
2 an agreement to manage the grant program with an orga-
3 nization that offers grant management services.

4 **SEC. 40016. REPORTING.**

5 Not later than 180 days after the date of enactment
6 of this Act, and annually thereafter, the Secretary shall
7 submit to Congress a report describing the implementation
8 of sections 40014 through 40017 of this Act, including
9 a description of each project that has received funding
10 under this Act.

11 **SEC. 40017. AUTHORIZATION OF APPROPRIATIONS.**

12 (a) IN GENERAL.—There are authorized to be appro-
13 priated such sums as are necessary to carry out sections
14 40014 through 40017 of this Act.

15 (b) SUPPLEMENT, NOT SUPPLANT.—Funds made
16 available under subsection (a) shall supplement, and not
17 supplant, funding for other activities conducted by the
18 Secretary in the Chesapeake Bay watershed.

19 **SEC. 40018. REPORTING REQUIREMENTS RELATING TO**
20 **FEDERAL RESEARCH INFRASTRUCTURE.**

21 (a) IN GENERAL.—Section 1007(c)(1) of the America
22 COMPETES Act (42 U.S.C. 6619(c)(1)) is amended by
23 inserting “and funding for research infrastructure” after
24 “research infrastructure”.

1 (b) GAO REPORT.—Not later than 1 year after the
2 date of enactment of this Act and every 3 years thereafter,
3 the Comptroller General of the United States shall submit
4 to Congress a report that includes—

5 (1) an assessment of the current state of Fed-
6 eral science facilities and related infrastructure, in-
7 cluding with respect to climate control systems, the
8 functionality of equipment and the usage of such
9 equipment, the quality of buildings in which such fa-
10 cilities are housed (including the resiliency of such
11 buildings to changes in climate, weather, and nat-
12 ural surroundings), and the safety of the materials
13 used in construction of facilities;

14 (2) an identification of the facilities in most
15 critical need of repair or renovation;

16 (3) the estimated costs of completing such re-
17 pairs or renovations; and

18 (4) an evaluation of whether facility occupancy
19 is sufficient to meet agency demands.

20 **SEC. 40019. AMERICAN INFRASTRUCTURE OPPORTUNITY**
21 **BONDS.**

22 Chapter 31 of title 31, United States Code, is amend-
23 ed—

24 (1) by adding at the end the following new sub-
25 chapter:

1 “SUBCHAPTER III—AMERICAN
2 INFRASTRUCTURE OPPORTUNITY BONDS
3 **“§ 3131. Issuance of American Infrastructure Oppor-**
4 **tunity Bonds and use of proceeds**

5 “(a) ISSUANCE OF BONDS.—If the Secretary of the
6 Treasury determines that the real rate is equal to zero
7 percent or less, the Secretary shall—

8 “(1) issue Government bonds with a face value
9 of \$20,000,000,000; and

10 “(2) deposit amounts equivalent to the proceeds
11 from such issuance into the Highway Trust Fund, of
12 which 20 percent shall be deposited into the Mass
13 Transit Account established under section 9503(e)
14 of the Internal Revenue Code of 1986.

15 “(b) DEFINITIONS.—For purposes of this section:

16 “(1) FEDERAL INTEREST RATE.—The term
17 ‘Federal interest rate’ means the current market
18 yields on outstanding marketable obligations of the
19 United States with remaining periods to maturity of
20 approximately 1 year, as determined by the Sec-
21 retary of the Treasury.

22 “(2) INFLATION RATE.—The term ‘inflation
23 rate’ means the change in the Consumer Price Index
24 for All Urban Consumers published by the Bureau

1 of Labor Statistics of the Department of Labor with
2 respect to the previous calendar month.

3 “(3) REAL RATE.—The term ‘real rate’
4 means—

5 “(A) the Federal interest rate, minus

6 “(B) the inflation rate.”; and

7 (2) in the analysis for such chapter, by adding
8 at the end the following:

“SUBCHAPTER III—AMERICAN INFRASTRUCTURE OPPORTUNITY BONDS

“3131. Issuance of American Infrastructure Opportunity Bonds and use of proceeds.”.

9 **TITLE II—BUILDING U.S. INFRA-**
10 **STRUCTURE BY LEVERAGING**
11 **DEMANDS FOR SKILLS**
12 **(BUILDS)**

13 **SEC. 40101. DEFINITIONS.**

14 (a) IN GENERAL.—In this title, except as otherwise
15 provided in this title, the terms have the meanings given
16 the terms in section 3 of the Workforce Innovation and
17 Opportunity Act (29 U.S.C. 3102).

18 (b) APPRENTICESHIP, APPRENTICESHIP PRO-
19 GRAM.—The term “apprenticeship” or “apprenticeship
20 program” means an apprenticeship program registered
21 under the Act of August 16, 1937 (commonly known as
22 the “National Apprenticeship Act”; 50 Stat. 664, chapter
23 663; 29 U.S.C. 50 et seq.), including any requirement,

1 standard, or rule promulgated under such Act, as such
2 requirement, standard, or rule was in effect on December
3 30, 2019.

4 (c) CTE TERMS.—The terms “area career and tech-
5 nical education school”, “articulation agreement”, “career
6 guidance and academic counseling”, “credit transfer
7 agreement”, “early college high school”, “high school”,
8 “program of study”, “Tribal educational agency”, and
9 “work-based learning” have the meanings given the terms
10 in section 3 of the Carl D. Perkins Career and Technical
11 Education Act of 2006 (20 U.S.C. 2302).

12 (d) EDUCATION AND TRAINING PROVIDER.—

13 (1) IN GENERAL.—The term “education and
14 training provider” means an entity listed in subpara-
15 graph (B) that provides academic curriculum and in-
16 struction related to targeted infrastructure indus-
17 tries.

18 (2) ENTITIES.—An entity described in this sub-
19 paragraph is as follows:

20 (A) An area career and technical education
21 school, early college high school, or high school
22 providing career and technical education pro-
23 grams of study.

24 (B) An Indian Tribe, Tribal organization,
25 or Tribal educational agency.

1 (C) A minority-serving institution (as de-
2 scribed in any of paragraphs (1) through (7) of
3 section 371(a) of the Higher Education Act of
4 1965 (20 U.S.C. 1067q(a))).

5 (D) A provider of adult education and lit-
6 eracy activities under the Adult Education and
7 Family Literacy Act (29 U.S.C. 3271 et seq.).

8 (E) A local agency administering plans
9 under title I of the Rehabilitation Act of 1973
10 (29 U.S.C. 720 et seq.), other than section 112
11 or part C of that title (29 U.S.C. 732 and 741).

12 (F) A related instruction provider for an
13 apprenticeship program.

14 (G) A public institution of higher edu-
15 cation (as defined in section 101 of the Higher
16 Education Act of 1965 (20 U.S.C. 1001)).

17 (H) A provider included on the list of eligi-
18 ble providers of training services described in
19 section 122(d) of the Workforce Innovation and
20 Opportunity Act (29 U.S.C. 3152(d)).

21 (I) A consortium of entities described in
22 any of subparagraph (A) through (H).

23 (e) ELIGIBLE ENTITY.—The term “eligible entity”
24 means—

25 (1) an industry or sector partnership;

1 (2) a State board or State workforce develop-
2 ment agency, or a local board or local workforce de-
3 velopment agency;

4 (3) an eligible institution, or a consortium
5 thereof;

6 (4) an Indian Tribe, Tribal organization, or
7 Tribal educational agency;

8 (5) a labor organization or joint-labor manage-
9 ment organization; or

10 (6) a qualified intermediary.

11 (f) NONTRADITIONAL POPULATION.—The term
12 “nontraditional population” means a group of individuals
13 (such as a group of individuals from the same gender or
14 race) the members of which comprise fewer than 25 per-
15 cent of the individuals employed in a targeted infrastruc-
16 ture industry.

17 (g) QUALIFIED INTERMEDIARY.—

18 (1) IN GENERAL.—The term “qualified inter-
19 mediary” means an entity that demonstrates an ex-
20 pertise—

21 (A) in engaging in the partnerships de-
22 scribed in paragraph (2); and

23 (B) serving participants and employers of
24 programs funded under this title by—

1 (i) connecting employers to programs
2 funded under this title;

3 (ii) assisting in the design and imple-
4 mentation of such programs, including cur-
5 riculum development and delivery of in-
6 struction;

7 (iii) providing professional develop-
8 ment activities such as training to men-
9 tors;

10 (iv) connecting students or workers to
11 programs funded under this title;

12 (v) developing and providing personal-
13 ized support for individuals participating
14 in programs funded under this title, in-
15 cluding by partnering with organizations to
16 provide access to or referrals for supportive
17 services and financial advising; or

18 (vi) providing services, resources, and
19 supports for development, delivery, expan-
20 sion, or improvement of programs funded
21 under this title.

22 (2) REQUIRED PARTNERSHIPS.—In carrying
23 out activities under this title, the qualified inter-
24 mediary shall act in partnerships with—

1 (A) industry or sector partnerships, includ-
2 ing establishing a new industry or sector part-
3 nership or expanding an existing industry or
4 sector partnership;

5 (B) partnerships among employers, joint
6 labor-management organizations, labor organi-
7 zations, community-based organizations, State
8 or local workforce development boards, edu-
9 cation and training providers, social service or-
10 ganizations, economic development organiza-
11 tions, Indian Tribes or Tribal organizations, or
12 one-stop operators, or one-stop partners, in the
13 State workforce development system; or

14 (C) partnerships among one or more of the
15 entities described in subparagraphs (A) and
16 (B).

17 (h) SECRETARY.—The term “Secretary” means the
18 Secretary of Labor.

19 (i) TARGETED INFRASTRUCTURE INDUSTRY.—The
20 term “targeted infrastructure industry” means an indus-
21 try, including the transportation (including surface, tran-
22 sit, aviation, maritime, or railway transportation), con-
23 struction, energy (including the deployment of renewable
24 and clean energy, energy efficiency, transmission, and bat-
25 tery storage), information technology, or utilities industry)

1 to be served by a grant, contract, or cooperative agreement
2 under this title.

3 **SEC. 40102. GRANTS AUTHORIZED.**

4 (a) IN GENERAL.—The Secretary, in consultation
5 with the Secretary of Transportation, the Secretary of En-
6 ergy, the Secretary of Commerce, the Secretary of Edu-
7 cation, and the Chief of Engineers and Commanding Gen-
8 eral of the Army Corps of Engineers, shall award, on a
9 competitive basis, grants, contracts, or cooperative agree-
10 ments to eligible entities to plan and implement activities
11 to achieve the strategic objectives described in section
12 40104(b) with respect to a targeted infrastructure indus-
13 try identified in the application submitted under section
14 40103 by such eligible entities.

15 (b) TYPES OF AWARDS.—A grant, contract, or coop-
16 erative agreement awarded under this title may be in the
17 form of—

18 (1) an implementation grant, contract, or coop-
19 erative agreement, for entities seeking an initial
20 grant under this title; or

21 (2) a renewal grant, contract, or cooperative
22 agreement for entities that have already received an
23 implementation grant, contract, or cooperative
24 agreement under this title.

1 (c) DURATION.—Each grant awarded under this title
2 shall be for a period not to exceed 3 years.

3 (d) AMOUNT.—The amount of a grant, contract, or
4 cooperative agreement awarded under this title may not
5 exceed—

6 (1) for an implementation grant, contract, or
7 cooperative agreement, \$2,500,000; and

8 (2) for a renewal grant, contract, or cooperative
9 agreement, \$1,500,000.

10 (e) AWARD BASIS.—

11 (1) GEOGRAPHIC DIVERSITY.—The Secretary
12 shall award funds under this title in a manner that
13 ensures geographic diversity (such as urban and
14 rural distribution) in the areas in which activities
15 will be carried out using such funds.

16 (2) PRIORITY FOR AWARDS.—In awarding
17 funds under this title, the Secretary shall give pri-
18 ority to eligible entities that—

19 (A) in the case of awarding implementa-
20 tion grants, contracts, or cooperative agree-
21 ments—

22 (i) demonstrate long-term sustain-
23 ability of a program or activity funded
24 under this title;

1 (ii) will serve a high number or high
2 percentage of nontraditional populations
3 and individuals with barriers to employ-
4 ment; and

5 (iii) will provide a non-Federal share
6 of the cost of the activities; and

7 (B) in the case of awarding renewal
8 grants, contracts, or cooperative agreements—

9 (i) meet the criteria established in
10 subparagraph (A); and

11 (ii) have demonstrated ability to meet
12 the—

13 (I) strategic objectives of the im-
14 plementation grant, contract or coop-
15 erative agreement described in section
16 40103(b)(4); and

17 (II) meet or exceed the require-
18 ments of the evaluations and progress
19 reports described in section 40104(f).

20 **SEC. 40103. APPLICATION.**

21 (a) IN GENERAL.—An eligible entity desiring a grant.
22 contract, or cooperative agreement under this title shall
23 submit an application to the Secretary at such time, in
24 such manner, and containing such information as the Sec-

1 retary may require, including the contents described in
2 subsection (b).

3 (b) CONTENTS.—An application submitted under this
4 title shall contain, at a minimum—

5 (1) a description of the entities engaged in ac-
6 tivities funded under the grant, including—

7 (A) evidence of the eligible entity’s capac-
8 ity to carry out activities to achieve the stra-
9 tegic objectives described in section 40104(b);
10 and

11 (B) identification, and expected participa-
12 tion and responsibilities of each key stakeholder
13 in the targeted infrastructure industry de-
14 scribed in section 40104(b)(1) with which the
15 eligible entity will partner to carry out such ac-
16 tivities;

17 (2) a description of the targeted infrastructure
18 industry to be served by the eligible entity with
19 funds received under this title, and a description of
20 how such industry was identified, including—

21 (A) the quantitative data and evidence that
22 demonstrates the demand for employment in
23 such industry in the geographic area served by
24 the eligible entity under this title; and

1 (B) a description of the local, State, or
2 federally funded infrastructure projects with re-
3 spect to which the eligible entity anticipates en-
4 gaging the partners described in paragraph
5 (1)(B);

6 (3) a description of the workers that will be tar-
7 geted or recruited by the eligible entity, including—

8 (A) how recruitment activities will target
9 nontraditional populations to improve the per-
10 centages of nontraditional populations employed
11 in targeted infrastructure industries; and

12 (B) a description of potential barriers to
13 employment for targeted workers, and a de-
14 scription of strategies that will be used to help
15 workers overcome such barriers;

16 (4) a description of the strategic objectives de-
17 scribed in section 40104(b) that the eligible entity
18 intends to achieve concerning the targeted infra-
19 structure industry and activities to be carried out as
20 described in section 40104, including—

21 (A) a timeline for progress towards achiev-
22 ing such strategic objectives;

23 (B) a description of the manner in which
24 the eligible entity intends to make sustainable

1 progress towards achieving such strategic objec-
2 tives; and

3 (C) assurances the eligible entity will pro-
4 vide performance measures for measuring
5 progress towards achieving such strategic objec-
6 tives, as described in section 40104(f);

7 (5) a description of the recognized postsec-
8 ondary credentials that the eligible entity proposes
9 to prepare individuals participating in activities
10 under this title for, which shall—

11 (A) be nationally or regionally portable and
12 stackable;

13 (B) be related to the targeted infrastruc-
14 ture industry that the eligible entity proposes to
15 support; and

16 (C) be aligned to a career pathway and
17 work-based learning opportunity, such as an ap-
18 prenticeship program or a pre-apprenticeship
19 program articulating to an apprenticeship pro-
20 gram;

21 (6) a description of the Federal and non-Fed-
22 eral resources, available under provisions of law
23 other than this title, that will be leveraged in sup-
24 port of the partnerships and activities under this
25 title; and

1 (7) a description of how the eligible entity or
2 the education and training provider in partnership
3 with such eligible entity under this title will establish
4 or implement plans to be included on the list of eligi-
5 ble providers of training services described in section
6 122(d) of the Workforce Innovation and Opportunity
7 Act (29 U.S.C. 3152(d)).

8 **SEC. 40104. ELIGIBLE ACTIVITIES.**

9 (a) IN GENERAL.—An eligible entity receiving funds
10 under this title shall carry out activities described this sec-
11 tion to achieve the strategic objectives identified in the en-
12 tity’s application under section 40103, including the objec-
13 tives described in subsection (b).

14 (b) STRATEGIC OBJECTIVES.—The activities to be
15 carried out with the funds awarded under this title shall
16 be designed to achieve strategic objectives, including the
17 following:

18 (1) Recruiting key stakeholders (such as em-
19 ployers, labor organizations, local boards, and edu-
20 cation and training providers, economic development
21 agencies, and as applicable, qualified intermediaries)
22 in the targeted infrastructure industry to establish
23 or expand industry and sector partnerships for the
24 purpose of—

1 (A) assisting the eligible entity in carrying
2 out the activities described in subsection (a);
3 and

4 (B) convening with the eligible entity in a
5 collaborative structure that supports the shar-
6 ing of information and best practices for sup-
7 porting the development of a diverse workforce
8 to support the targeted infrastructure industry.

9 (2) Identifying the training needs of the State
10 or local area in the targeted infrastructure industry,
11 including—

12 (A) needs for skills critical to competitive-
13 ness and innovation in the industry;

14 (B) needs of the apprenticeship programs
15 or other paid work-based learning programs
16 supported by the funds; and

17 (C) the needed establishment, expansion,
18 or revisions of career pathways and academic
19 curriculum in the targeted infrastructure indus-
20 tries to establish talent pipelines for such indus-
21 try.

22 (3) Identifying and quantifying any disparities
23 or gaps in employment of nontraditional populations
24 in the targeted infrastructure industries and estab-
25 lishing or expanding strategies to close such gaps.

1 (4) Supporting the development of consortia of
2 education and training providers receiving assistance
3 under this title to align curricula, recognized post-
4 secondary credentials, and programs to the targeted
5 infrastructure industry needs and the credentials de-
6 scribed in section 40103(b)(5), particularly for high-
7 skill, high-wage or in-demand industry sectors or oc-
8 cupations related to the targeted infrastructure in-
9 dustry.

10 (5) Providing information on activities carried
11 out with such funds to the State and local board and
12 the State agency carrying out the State program
13 under the Wagner-Peyser Act (29 U.S.C. 49 et
14 seq.), including staff of the agency that provide serv-
15 ices under such Act, to enable the State agency to
16 inform recipients of unemployment compensation or
17 the employment and training opportunities that may
18 be offered through such activities.

19 (6) Establishing or expanding partnerships with
20 employers in industry or sector partnerships to at-
21 tract potential workers from a diverse jobseeker
22 base, including individuals with barriers to employ-
23 ment and nontraditional populations, by identifying
24 any such barriers through analysis of the labor mar-
25 ket data and recruitment strategies, and imple-

1 menting strategies to help such workers overcome
2 such barriers and increase diversity in the targeted
3 infrastructure industries.

4 (c) PLANNING ACTIVITIES.—An eligible entity receiv-
5 ing a planning grant, contract, or cooperative agreement
6 under this title shall use not more than \$250,000 of such
7 funds to carry out planning activities during the first year
8 of the grant, contract, or agreement period, which may
9 include—

10 (1) establishing or expanding industry or sector
11 partnerships described in subsection (b)(1);

12 (2) conducting outreach to local labor organiza-
13 tions, employers, industry associations, education
14 and training providers, economic development orga-
15 nizations, and qualified intermediaries, as applicable;

16 (3) recruiting individuals for participation in
17 programs assisted with funds under this title, includ-
18 ing individuals with barriers to employment and
19 nontraditional populations;

20 (4) establishing or expanding paid work-based
21 learning opportunities, including apprenticeship pro-
22 grams or programs articulating to apprenticeship
23 programs;

24 (5) establishing or implementing plans for any
25 education and training provider receiving funding

1 under this title to be included on the list of eligible
2 providers of training services described in section
3 122(d) of the Workforce Innovation and Opportunity
4 Act (29 U.S.C. 3152(d));

5 (6) establishing or implementing plans for
6 awarding academic credit or providing for academic
7 alignment towards credit pathways for programs or
8 programs of study assisted with funds under this
9 title, including academic credit for industry recog-
10 nized credentials, competency-based education, work-
11 based learning, or apprenticeship programs;

12 (7) making available open, searchable, and com-
13 parable information on the recognized postsecondary
14 credentials awarded under such programs, including
15 the related skills or competencies and related em-
16 ployment and earnings outcomes;

17 (8) conducting an evaluation of workforce needs
18 in the local area; or

19 (9) career pathway and curriculum development
20 or expansion, program establishment, and acquiring
21 equipment necessary to support activities permitted
22 under this section.

23 (d) EMPLOYER ENGAGEMENT.—An eligible entity re-
24 ceiving funds under this title shall use the grant funds
25 to provide services to engage employers in efforts to

1 achieve the strategic objectives identified in the partner-
2 ship's application under section 40103(b)(4), such as—

3 (1) navigating the registration process for a
4 sponsor of an apprenticeship program;

5 (2) connecting the employer with an education
6 and training provider, to support the development of
7 curriculum for work-based learning opportunities, in-
8 cluding the related instruction for apprenticeship
9 programs;

10 (3) providing training to incumbent workers to
11 serve as trainers or mentors to individuals partici-
12 pating in a work-based learning program funded
13 under this title;

14 (4) subsidizing the wages and benefits for indi-
15 viduals participating in activities or programs fund-
16 ed under this title for a period of not more than 6
17 months for employers demonstrating financial need,
18 including due to COVID-19; and

19 (5) recruiting for employment or participation
20 in programs funded under this title, including work-
21 based learning programs, including—

22 (A) individuals participating in programs
23 under the Workforce Innovation and Oppor-
24 tunity Act (29 U.S.C. 3101 et seq.), or the Re-

1 habilitation Act of 1973 (29 U.S.C. 701 et
2 seq.);

3 (B) recipients of assistance through the
4 supplemental nutrition assistance program es-
5 tablished under the Food and Nutrition Act of
6 2008 (7 U.S.C. 2011 et seq.);

7 (C) recipients of assistance through the
8 program of block grants to States for tem-
9 porary assistance for needy families established
10 under part A of title IV of the Social Security
11 Act (42 U.S.C. 601 et seq.);

12 (D) individuals with a barrier to employ-
13 ment; or

14 (E) nontraditional populations in the tar-
15 geted infrastructure industry served by such
16 funds.

17 (e) PARTICIPANT SUPPORTS.—The eligible entity re-
18 ceiving funds under this title shall use the grant funds
19 to provide services to support the success of individuals
20 participating in a program supported under this title,
21 which shall include—

22 (1) in coordination with the State or local
23 board—

1 (A) training services as described in sec-
2 tion 134(e)(3) of the Workforce Innovation and
3 Opportunity Act (29 U.S.C. 3174(e)(3));

4 (B) career services as described in section
5 134(e)(2) of such Act; and

6 (C) supportive services, such as child care
7 and transportation;

8 (2) providing access to necessary supplies, ma-
9 terials, technological devices, or required equipment,
10 attire, and other supports necessary to participate in
11 such programs or to start employment;

12 (3) job placement assistance, including in paid
13 work-based learning opportunities which may include
14 apprenticeship programs, or employment at the com-
15 pletion of a program provided by an education and
16 training provider;

17 (4) providing career awareness activities, such
18 as career guidance and academic counseling; and

19 (5) services to ensure individuals served by
20 funds under this title maintain employment after the
21 completion of a program funded under this title for
22 at least 12 months, including through the continu-
23 ation of services described under paragraphs (1)
24 through (4) as applicable continuation of services de-
25 scribed under paragraphs (1) through (4).

1 (f) EVALUATION AND PROGRESS REPORTS.—Not
2 later than 1 year after receiving a grant under this title,
3 and annually thereafter, the eligible entity receiving the
4 grant shall submit a report to the Secretary and the Gov-
5 ernor of the State that the eligible entity serves, that—

6 (1) describes the activities funded under this
7 title;

8 (2) evaluates the progress the eligible entity has
9 made towards achieving the strategic objectives iden-
10 tified under section 40103(b)(4); and

11 (3) evaluates the levels of performance achieved
12 by the eligible entity for training participants with
13 respect to the performance indicators under section
14 116(b)(2)(A) of the Workforce Innovation and Op-
15 portunity Act (29 U.S.C. 3141(b)(2)(A)) for all such
16 workers, disaggregated by each population specified
17 in section 3(24) of the Workforce Innovation and
18 Opportunity Act (29 U.S.C. 3102(24)) and by race,
19 ethnicity, sex, and age.

20 (g) ADMINISTRATIVE COSTS.—An eligible partner-
21 ship may use not more than 5 percent of the funds award-
22 ed through a grant, contract, or cooperative agreement
23 under this title for administrative expenses in carrying out
24 this section.

1 **SEC. 40105. ADMINISTRATION BY THE SECRETARY.**

2 (a) IN GENERAL.—The Secretary may use not more
3 than 2 percent of the amount appropriated under section
4 40106 for each fiscal year for administrative expenses to
5 carry out this title, including the expenses of providing
6 the technical assistance and oversight activities under sub-
7 section (b).

8 (b) TECHNICAL ASSISTANCE; OVERSIGHT.—The Sec-
9 retary shall provide technical assistance and oversight to
10 assist the eligible entities in applying for and admin-
11 istering grants awarded under this title.

12 **SEC. 40106. AUTHORIZATION OF APPROPRIATIONS.**

13 There are authorized to be appropriated to carry out
14 this title such sums as may be necessary for fiscal year
15 2021 and each of the succeeding 4 fiscal years.

16 **SEC. 40107. SPECIAL RULE.**

17 Any funds made available under this title that are
18 used to fund an apprenticeship or apprenticeship program
19 shall only be used for, or provided to, an apprenticeship
20 or apprenticeship program that meets the definition of
21 such term in section 40101 of this title, including any
22 funds awarded for the purposes of grants, contracts, or
23 cooperative agreements, or the development, implementa-
24 tion, or administration, of an apprenticeship or an appren-
25 ticeship program.

1 **DIVISION I—ZERO-EMISSION**
2 **POSTAL FLEET AND OTHER**
3 **MATTERS**

4 **SEC. 50001. AUTHORIZATION OF APPROPRIATION FOR**
5 **UNITED STATES POSTAL SERVICE FOR MOD-**
6 **ERNIZATION OF POSTAL INFRASTRUCTURE.**

7 There is authorized to be appropriated to the United
8 States Postal Service for the modernization of postal in-
9 frastructure and operations, including through capital ex-
10 penditures to purchase delivery vehicles, processing equip-
11 ment, trailers, and other goods, \$25,000,000,000, to re-
12 main available until expended. Of the amount authorized
13 to be appropriated under this subsection, \$6,000,000,000
14 shall be for the purchase of vehicles and \$50,000,000 shall
15 be for updating postal facilities to increase accessibility for
16 disabled individuals, with a focus on such facilities that
17 are included in the National Register of Historic Places.
18 Any amount appropriated under this subsection shall be
19 deposited into the Postal Service Fund established under
20 section 2003 of title 39, United States Code.

21 **SEC. 50002. ELECTRIC OR ZERO-EMISSION VEHICLES FOR**
22 **UNITED STATES POSTAL SERVICE FLEET.**

23 (a) IN GENERAL.—Any next generation delivery vehi-
24 cle purchased by the United States Postal Service using
25 the funds appropriated under section 50001 shall, to the

1 greatest extent practicable, be an electric or zero-emission
2 vehicle, and the Postal Service shall ensure that at least
3 75 percent of the total number of vehicles purchased using
4 such funds shall be electric or zero emission vehicles. In
5 this subsection, the term “next generation delivery vehi-
6 cle” means a vehicle purchased to replace a right-hand-
7 drive, long-life vehicle in use by the Postal Service.

8 (b) MEDIUM- AND HEAVY-DUTY VEHICLES.—

9 (1) DATE OF ENACTMENT AND 2030.—Between
10 the period beginning on the date of enactment of
11 this Act and ending on December 31, 2029, not less
12 than 50 percent of the total number of new medium-
13 or heavy-duty vehicles purchased by the Postal Serv-
14 ice during such period shall be electric or zero-emis-
15 sion vehicles.

16 (2) AFTER 2039.—Beginning on January 1,
17 2040, the Postal Service may not purchase any new
18 medium or heavy-duty vehicle that is not an electric
19 or zero-emission vehicle.

20 (c) COMPLIANCE.—In carrying out subsections (a)
21 and (b), the Postal Service shall comply with chapter 83
22 of title 41, United States Code (popularly known as the
23 Buy American Act) and any applicable Federal labor or
24 civil rights laws.

25 (d) CHARGING STATIONS.—

1 (1) IN GENERAL.—Not later than January 1,
2 2026, the Postal Service shall provide, at each postal
3 facility accessible to the public, not less than one
4 electric vehicle charging station for use by the public
5 or officers and employees of the Postal Service.

6 (2) FLEET OPERATION.—The Postal Service
7 shall ensure that adequate charging stations are
8 available at Postal Service facilities to keep the
9 Postal Service fleet operational.

10 (e) PLAN AND UPDATE.—Not later than 180 days
11 after the date of enactment of this Act, the Postmaster
12 General shall submit a plan to carry out this section to
13 the Committee on Oversight and Reform of the House of
14 Representatives, the Committee on Homeland Security
15 and Governmental Affairs of the Senate, and the Commit-
16 tees on Appropriations of the House of Representatives
17 and the Senate. The Postmaster General shall submit an
18 update and progress report on implementing such plan to
19 such committees not less than once every 2 years begin-
20 ning on the date the plan is submitted under the previous
21 sentence and ending on the day that is 6 years after such
22 date.

23 (f) CONTINGENT ON APPROPRIATION.—The require-
24 ments of subsections (a) through (e) of this section shall

1 not apply unless the funds authorized for vehicles under
2 section 50001 are appropriated.

3 (g) SENSE OF CONGRESS.—It is the sense of Con-
4 gress that, as the Postal Service replaces or upgrades its
5 fleet of delivery vehicles, the Postal Service should take
6 all reasonable steps to ensure that its vehicles are
7 equipped with climate control units to protect the health
8 and safety of its mail carriers, especially those working
9 in areas of the country that are subject to extreme tem-
10 peratures.

11 **SEC. 50003. CLARIFICATION OF AUTHORITY OF DISTRICT**
12 **OF COLUMBIA TO CARRY OUT LONG BRIDGE**
13 **PROJECT.**

14 (a) CLARIFICATION OF AUTHORITY.—Section 244 of
15 the Revised Statutes of the United States relating to the
16 District of Columbia (sec. 9–1201.03, D.C. Official Code)
17 does not apply with respect to any railroads installed pur-
18 suant to the Long Bridge Project.

19 (b) LONG BRIDGE PROJECT DEFINED.—In this sec-
20 tion, the term “Long Bridge Project” means the project
21 carried out by the District of Columbia and the Common-
22 wealth of Virginia to construct a new Long Bridge adja-
23 cent to the existing Long Bridge over the Potomac River,
24 including related infrastructure and other related projects,
25 to expand commuter and regional passenger rail service

1 and to provide bike and pedestrian access crossings over
2 the Potomac River.

3 **DIVISION J—COMMITTEE ON**
4 **FINANCIAL SERVICES**

5 **SEC. 60001. SHORT TITLE.**

6 This division may be cited as the “Housing is Infra-
7 structure Act of 2020”.

8 **SEC. 60002. FINDINGS.**

9 The Congress finds the following:

10 (1) Residential segregation and systemic com-
11 munity disinvestment continue to disproportionately
12 affect the well-being and socioeconomic opportunity
13 of children, low-income residents, and people of
14 color.

15 (2) Affordable and accessible housing allows
16 people with disabilities to live independent lives and
17 supports aging in place, yet less than 2 percent of
18 the housing stock in the United States is accessible
19 for individuals with disabilities.

20 (3) Affordable housing is a critical part of the
21 national infrastructure of the United States but
22 there is a severe shortage of affordable housing in
23 the United States and the existing stock is badly in
24 need of repair.

1 (4) According to a 2010 study sponsored by the
2 Department of Housing and Urban Development,
3 there was a \$26 billion backlog of capital needs for
4 public housing; that figure is likely higher today,
5 with some groups estimating the backlog of capital
6 needs for public housing to be as high as \$70 billion.

7 (5) There are 14,000 units supported by Rural
8 Rental Housing Loans under section 515 of the
9 Housing Act of 1949 and Farm Labor Housing
10 Loans under section 514 of the Housing Act of
11 1949. According to National Rural Housing Coali-
12 tion, it would take an estimated \$1 billion in the
13 Multi-Family Housing Revitalization Demonstration
14 Program (MPR) funding to fully address the capital
15 backlog for rural housing properties.

16 (6) Federal investment in housing helps to cre-
17 ate jobs and stimulate the economy.

18 (7) When the American Recovery and Reinvest-
19 ment Act of 2009 (Public Law 111–5) was enacted,
20 which included funding for public housing, research-
21 ers found that for each \$1.00 in direct spending on
22 public housing, there was an additional \$2.12 of in-
23 direct and induced economic activity nationwide for
24 a total economic impact of \$3.12 for each \$1.00 in
25 direct spending on public housing.

1 (8) According to the National Association of
2 Home Builders, building 100 affordable rental
3 homes generates \$11.7 million in local income,
4 \$2,200,000 in taxes and revenue for local govern-
5 ments, and 161 local jobs.

6 (9) Researchers estimate that the growth in the
7 gross domestic product from 1964–2009 would have
8 been 13.5 percent higher if families had better ac-
9 cess to affordable housing, which in turn could have
10 led to an additional \$1.7 trillion increase in income,
11 equivalent to \$8,775 in additional wages for each
12 worker.

13 **SEC. 60003. PUBLIC HOUSING CAPITAL FUND.**

14 (a) IN GENERAL.—There is authorized to be appro-
15 priated for the Capital Fund under section 9(d) of the
16 United States Housing Act of 1937 (42 U.S.C. 1437g(d))
17 \$70,000,000,000 and any amounts appropriated pursuant
18 to this subsection shall remain available until the expira-
19 tion of the 7-year period beginning upon the date of such
20 appropriation.

21 (b) REQUIREMENTS.—The Secretary of Housing and
22 Urban Development (in this division referred to as the
23 “Secretary”) shall—

24 (1) distribute not less than 50 percent of any
25 amounts appropriated pursuant to subsection (a)

1 under the same formula used for amounts made
2 available for the Capital Fund for fiscal year 2020;
3 and

4 (2) make available all remaining amounts by
5 competition for priority investments, which shall not
6 exclude public housing agencies working in good
7 faith to resolve urgent health and safety concerns
8 based on written notification of violations from the
9 Department of Environmental Protection, Depart-
10 ment of Justice, or Department of Housing and
11 Urban Development.

12 (c) TIMING.—The Secretary shall obligate amounts—

13 (1) made available under subsection (b)(1)
14 within 30 days of enactment of the Act appro-
15 priating such funds; and

16 (2) made available under subsection (b)(2)
17 within 12 months of enactment of the Act appro-
18 priating such funds.

19 (d) LIMITATION.—Amounts provided pursuant to
20 this section may not be used for operating costs or rental
21 assistance.

22 (e) USE OF FUNDS.—Not more than 0.5 percent of
23 any amount appropriated pursuant to this section shall be
24 used by the Secretary for costs associated with staff, train-

1 ing, technical assistance, technology, monitoring, travel,
2 enforcement, research, and evaluation.

3 (f) SUPPLEMENT NOT SUPPLANT.—The Secretary
4 shall ensure that amounts provided pursuant to this sec-
5 tion shall serve to supplement and not supplant other
6 amounts generated by a recipient of such amounts or
7 amounts provided by other Federal, State, or local
8 sources.

9 (g) WATER AND ENERGY EFFICIENCY.—In distrib-
10 uting any amounts pursuant to subsection (b), the Sec-
11 retary shall give priority to public housing agencies located
12 in States and localities that have a plan to increase water
13 and energy efficiency when developing or rehabilitating
14 public housing using any amounts distributed.

15 **SEC. 60004. RURAL MULTIFAMILY PRESERVATION AND RE-**
16 **VITALIZATION DEMONSTRATION PROGRAM.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated for carrying out the Multifamily Preservation and
19 Revitalization Demonstration program of the Rural Hous-
20 ing Service (as authorized under sections 514, 515, and
21 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1485,
22 and 1486)) \$1,000,000,000 and any amounts appro-
23 priated pursuant to this section shall remain available
24 until expended.

1 (b) WATER AND ENERGY EFFICIENCY.—Not less
2 than 10 percent of all amounts made available pursuant
3 to this section shall be used only for activities relating to
4 water and energy efficiency and, at the discretion of the
5 Secretary of Agriculture, other strategies to enhance the
6 environmental sustainability of housing production and
7 design.

8 **SEC. 60005. FLOOD MITIGATION ASSISTANCE GRANT PRO-**
9 **GRAM.**

10 (a) IN GENERAL.—There is authorized to be appro-
11 priated for carrying out the Flood Mitigation Assistance
12 Grant Program under section 1366 of the National Flood
13 Insurance Act of 1968 (42 U.S.C. 4104e) \$1,000,000,000
14 and any amounts appropriated pursuant to this section
15 shall remain available until expended.

16 (b) MULTIFAMILY RESIDENCES AND ATTACHED AND
17 SEMI-ATTACHED HOMES.—With regard to any structure
18 that is a multifamily residence or an attached or semi-
19 attached residence, the Administrator of the Federal
20 Emergency Management Agency shall consult with the
21 Secretary of Housing and Urban Development and estab-
22 lish alternative forms of mitigation.

23 (c) DEFINITIONS.—For the purposes of this section,
24 the term “multifamily residence” has the same meaning

1 as in the Flood Disaster Protection Act of 1973 and the
2 National Flood Insurance Act of 1968.

3 (d) STANDARDS.—

4 (1) IN GENERAL.—All laborers and mechanics
5 employed by contractors or subcontractors in the
6 performance of construction, alteration or repair
7 work carried out, in whole or in part, with assistance
8 made available through this section shall be paid
9 wages at rates not less than those prevailing on
10 projects of a similar character in the locality as de-
11 termined by the Secretary of Labor in accordance
12 with subchapter IV of chapter 31 of title 40, United
13 States Code. With respect to the labor standards in
14 this paragraph, the Secretary of Labor shall have
15 the authority and functions set forth in Reorganiza-
16 tion Plan Numbered 14 of 1950 (64 Stat. 1267; 5
17 U.S.C. App.) and section 3145 of title 40, United
18 States Code.

19 (2) EXCEPTION BASED ON NUMBER OF
20 UNITS.—Paragraph (1) shall not apply to single-
21 family homes or residential properties of less than 5
22 units.

23 (3) EXCEPTION FOR CERTAIN INDIVIDUALS.—
24 Paragraph (1) shall not apply to any individual
25 that—

1 (A) performs services for which the indi-
2 vidual volunteered;

3 (B) does not receive compensation for such
4 services or is paid expenses, reasonable benefits,
5 or a nominal fee for such services; and

6 (C) is not otherwise employed at any time
7 in the construction work.

8 **SEC. 60006. HOUSING TRUST FUND.**

9 (a) IN GENERAL.—There is authorized to be appro-
10 priated for the Housing Trust Fund under section 1338
11 of the Housing and Urban Development Act of 1992 (12
12 U.S.C. 4568) \$5,000,000,000 and any amounts appro-
13 priated pursuant to this subsection shall remain available
14 until expended. The Secretary shall ensure that priority
15 for occupancy in dwelling units assisted with amounts
16 made available pursuant to this section that become avail-
17 able for occupancy shall be given to persons and house-
18 holds who are homeless (as such term is defined in section
19 103 of the McKinney-Vento Homeless Assistance Act (42
20 U.S.C. 11302)) or at risk of homelessness (as such term
21 is defined in section 401 of such Act (42 U.S.C. 11360)).

22 (b) WATER AND ENERGY EFFICIENCY.—Not less
23 than 10 percent of all amounts made available pursuant
24 to this section shall be used only for activities relating to
25 water and energy efficiency and, at the Secretary's discre-

1 tion, other strategies to enhance the environmental sus-
2 tainability of housing production and design.

3 (c) APPLICABILITY OF DAVIS-BACON ACT.—

4 (1) IN GENERAL.—All laborers and mechanics
5 employed by contractors and subcontractors in the
6 performance of construction work financed in whole
7 or in part with amounts made available pursuant to
8 this section shall be paid wages at rates not less
9 than those prevailing on similar construction in the
10 locality as determined by the Secretary of Labor in
11 accordance with the Davis-Bacon Act, as amended
12 (40 U.S.C. 276a through 276a-5). The preceding
13 sentence shall apply to the rehabilitation of residen-
14 tial property only if such property contains not less
15 than 12 units. The Secretary of Labor shall have,
16 with respect to such labor standards, the authority
17 and functions set forth in Reorganization Plan
18 Numbered 14 of 1950 (15 Fed. Reg. 3176; 64 Stat.
19 1267) and section 2 of the Act of June 13, 1934,
20 as amended (48 Stat. 948; 40 U.S.C. 276(c)).

21 (2) EXCEPTION.—Paragraph (1) shall not
22 apply to any individual that—

23 (A) performs services for which the indi-
24 vidual volunteered;

1 (B) does not receive compensation for such
2 services or is paid expenses, reasonable benefits,
3 or a nominal fee for such services; and

4 (C) is not otherwise employed at any time
5 in the construction work.

6 **SEC. 60007. SINGLE-FAMILY HOUSING REPAIR LOANS AND**
7 **GRANTS.**

8 (a) IN GENERAL.—There is authorized to be appro-
9 priated for carrying out single family housing repair loans
10 and grants under section 504 of the Housing Act of 1949
11 (42 U.S.C. 1474) \$100,000,000 and any amounts appro-
12 priated pursuant to this section shall remain available
13 until expended.

14 (b) WATER AND ENERGY EFFICIENCY.—Not less
15 than 10 percent of all amounts made available pursuant
16 to this section shall be used only for activities relating to
17 water and energy efficiency and, at the discretion of the
18 Secretary of Agriculture, other strategies to enhance the
19 environmental sustainability of housing production and
20 design.

21 **SEC. 60008. NATIVE AMERICAN HOUSING BLOCK GRANT**
22 **PROGRAM.**

23 (a) IN GENERAL.—There is authorized to be appro-
24 priated for carrying out the Native American housing
25 block grant program under title I of the Native American

1 Housing Assistance and Self-Determination Act of 1996
2 (25 U.S.C. 4111 et seq.) \$1,000,000,000 and any
3 amounts appropriated pursuant to this section shall re-
4 main available until expended.

5 (b) WATER AND ENERGY EFFICIENCY.—Not less
6 than 10 percent of all amounts made available pursuant
7 to this section shall be used only for activities relating to
8 water and energy efficiency and, at the Secretary’s discre-
9 tion, other strategies to enhance the environmental sus-
10 tainability of housing production and design.

11 **SEC. 60009. HOME INVESTMENT PARTNERSHIPS PROGRAM.**

12 (a) IN GENERAL.—There is authorized to be appro-
13 priated for carrying out the HOME Investment Partner-
14 ship Program under title II of the Cranston-Gonzalez Na-
15 tional Affordable Housing Act (42 U.S.C. 12721 et seq.)
16 \$5,000,000,000 and any amounts appropriated pursuant
17 to this section shall remain available until expended.

18 (b) WATER AND ENERGY EFFICIENCY.—Not less
19 than 10 percent of all amounts made available pursuant
20 to this section shall be used only for activities relating to
21 water and energy efficiency and, at the Secretary’s discre-
22 tion, other strategies to enhance the environmental sus-
23 tainability of housing production and design.

1 **SEC. 60010. PROGRAM FOR SUPPORTIVE HOUSING FOR**
2 **PERSONS WITH DISABILITIES.**

3 (a) IN GENERAL.—There is authorized to be appro-
4 priated \$2,500,000,000 for project rental assistance under
5 the program for supportive housing for persons with dis-
6 abilities under section 811(b)(3) of the Cranston-Gonzalez
7 National Affordable Housing Act (42 U.S.C. 8013(b)(3))
8 for State housing finance agencies and any amounts ap-
9 propriated pursuant to this section shall remain available
10 until expended.

11 (b) WATER AND ENERGY EFFICIENCY.—Not less
12 than 10 percent of all amounts made available pursuant
13 to this section shall be used only for activities relating to
14 water and energy efficiency and, at the Secretary's discre-
15 tion, other strategies to enhance the environmental sus-
16 tainability of housing production and design.

17 **SEC. 60011. PROGRAM FOR SUPPORTIVE HOUSING FOR THE**
18 **ELDERLY.**

19 (a) IN GENERAL.—There is authorized to be appro-
20 priated \$2,500,000,000 for—

21 (1) capital advances pursuant to section
22 202(c)(1) of the Housing Act of 1959 (12 U.S.C.
23 1701q(c)(1)), including amendments to capital ad-
24 vance contracts for housing for the elderly as au-
25 thorized by section 202 of such Act;

1 (2) project rental assistance for the elderly
2 under section 202(c)(2) of such Act, including
3 amendments to contracts for such assistance and re-
4 newal of expiring contracts for such assistance for
5 up to a 1-year term;

6 (3) senior preservation rental assistance con-
7 tracts, including renewals, as authorized by section
8 811(e) of the American Housing and Economic Op-
9 portunity Act of 2000 (12 U.S.C. 1701g note); and

10 (4) supportive services associated with housing
11 assisted under paragraph (1), (2), or (3).

12 (b) **AVAILABILITY OF AMOUNTS.**—Any amounts ap-
13 propriated pursuant to this section shall remain available
14 until September 30, 2023.

15 (c) **WATER AND ENERGY EFFICIENCY.**—Not less
16 than 10 percent of all amounts made available pursuant
17 to this section shall be used only for activities relating to
18 water and energy efficiency and, at the Secretary’s discre-
19 tion, other strategies to enhance the environmental sus-
20 tainability of housing production and design.

21 **SEC. 60012. CAPITAL MAGNET FUND.**

22 (a) There is authorized to be appropriated for the
23 Capital Magnet Fund under section 1339 of the Federal
24 Housing Enterprises Financial Safety and Soundness Act
25 of 1992 (12 U.S.C. 4569) \$2,500,000,000 and any

1 amounts appropriated pursuant to this subsection shall re-
2 main available until expended.

3 (b) WATER AND ENERGY EFFICIENCY.—Not less
4 than 10 percent of all amounts made available pursuant
5 to this section shall be used only for activities relating to
6 water and energy efficiency and, at the discretion of the
7 Secretary of the Treasury, other strategies to enhance the
8 environmental sustainability of housing production and
9 design.

10 (c) APPLICABILITY OF DAVIS-BACON ACT.—

11 (1) IN GENERAL.—All laborers and mechanics
12 employed by contractors and subcontractors in the
13 performance of construction work financed in whole
14 or in part with amounts made available pursuant to
15 this section shall be paid wages at rates not less
16 than those prevailing on similar construction in the
17 locality as determined by the Secretary of Labor in
18 accordance with the Davis-Bacon Act, as amended
19 (40 U.S.C. 276a through 276a–5). The preceding
20 sentence shall apply to the rehabilitation of residen-
21 tial property only if such property contains not less
22 than 12 units. The Secretary of Labor shall have,
23 with respect to such labor standards, the authority
24 and functions set forth in Reorganization Plan
25 Numbered 14 of 1950 (15 Fed. Reg. 3176; 64 Stat.

1 1267) and section 2 of the Act of June 13, 1934,
2 as amended (48 Stat. 948; 40 U.S.C. 276(c)).

3 (2) EXCEPTION.—Paragraph (1) shall not
4 apply to any individual that—

5 (A) performs services for which the indi-
6 vidual volunteered;

7 (B) does not receive compensation for such
8 services or is paid expenses, reasonable benefits,
9 or a nominal fee for such services; and

10 (C) is not otherwise employed at any time
11 in the construction work.

12 **SEC. 60013. COMMUNITY DEVELOPMENT BLOCK GRANT**
13 **FUNDING FOR AFFORDABLE HOUSING AND**
14 **INFRASTRUCTURE.**

15 (a) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—Subject to the provisions of
17 this section, there is authorized to be appropriated
18 for assistance under the community development
19 block grant program under title I of the Housing
20 and Community Development Act of 1974 (42
21 U.S.C. 5301 et seq.) \$10,000,000,000 and any
22 amounts appropriated pursuant to this section shall
23 remain available until expended.

24 (2) ADMINISTRATIVE AND PLANNING COSTS.—

25 Not more than 15 percent of any amounts appro-

1 priated pursuant to paragraph (1) may be used for
2 administrative and planning costs.

3 (b) ELIGIBLE ACTIVITIES.—Amounts made available
4 for assistance under this section may be used only for—

5 (1) the development and preservation of quali-
6 fied affordable housing, including the construction of
7 such housing;

8 (2) the responsible elimination or waiving of
9 zoning requirements and other requirements that
10 limit affordable housing development, including high
11 density and multifamily development restrictions,
12 off-street parking requirements, and height limita-
13 tions;

14 (3) activities designed to preserve existing hous-
15 ing by remediation of iron sulfide or other minerals
16 causing housing degradation; or

17 (4) any project or entity eligible for a discre-
18 tionary grant provided by the Department of Trans-
19 portation.

20 (c) LIMITATION.—With respect to amounts used pur-
21 suant to subsection (b)(2), the Secretary shall ensure that
22 recipients of amounts provided pursuant to this section
23 are not incentivized or otherwise rewarded for eliminating
24 or undermining the intent of the zoning regulations or
25 other regulations or policies that—

- 1 (1) establish fair wages for labors;
- 2 (2) ensure the health and safety of buildings for
- 3 residents and the general public;
- 4 (3) protect fair housing;
- 5 (4) provide environmental protections;
- 6 (5) prevent tenant displacement; or
- 7 (6) protect any other interest that the Secretary
- 8 determines is in the public interest to preserve.

9 (d) COMPETITION.—Amounts made available for as-

10 sistance under this section shall be awarded to States,

11 units of general local government, and Indian tribes on

12 a competitive basis, based on the extent to which the appli-

13 cant—

14 (1) demonstrates that the applicant is respon-

15 sibly streamlining the process for development of

16 qualified affordable housing;

17 (2) is eliminating or reducing impact fees for

18 housing within boundaries of the State, unit of local

19 government, or Indian tribe, as applicable, and other

20 assessments by State or local governments upon the

21 owners of new housing development projects that

22 offset governmental capital expenditures for infra-

23 structure required to serve or made necessary by the

24 new housing developments, except for fees that are

25 invested exclusively for housing; and

1 (3) provides assurances that the applicant will
2 supplement assistance provided under this section
3 with amounts from non-Federal sources for costs of
4 the qualified affordable housing or infrastructure eli-
5 gible under subsection (b) to be funded with assist-
6 ance under this section, and the extent of such sup-
7 plemental assistance to be provided.

8 (e) WATER AND ENERGY EFFICIENCY.—Not less
9 than 10 percent of all amounts made available for assist-
10 ance pursuant to this section shall be used only for eligible
11 activities relating to water and energy efficiency and, at
12 the Secretary’s discretion, other strategies to enhance the
13 environmental sustainability of housing production and
14 design.

15 (f) QUALIFIED AFFORDABLE HOUSING.—For pur-
16 poses of this section, the term “qualified affordable hous-
17 ing” means a housing development that—

18 (1) is either—

19 (A) funded in any part by assistance pro-
20 vided by the Department of Housing and Urban
21 Development or the Rural Housing Service of
22 the Department of Agriculture; or

23 (B) includes a qualified low income build-
24 ing as such term is defined in section 42 of the
25 Internal Revenue Code of 1986; or

1 (2) consists of five or more dwelling units of
2 which 20 percent or more are made available—

3 (A) for rental only by a low-income family
4 (as defined in section 3(b) of the United States
5 Housing Act of 1937 (42 U.S.C. 1437a(b)));

6 (B) at a monthly rent amount that does
7 not exceed 30 percent of the monthly adjusted
8 income (as defined in such section 3(b)) of the
9 tenant low-income family; and

10 (C) maintains affordability for residents
11 who are low-income families for a period of not
12 less than 30 years.

13 **SEC. 60014. INCLUSION OF MINORITY AND WOMEN'S BUSI-**
14 **NESS ENTERPRISES.**

15 (a) DUTY.—It shall be the duty of each relevant
16 agency head—

17 (1) to consult and cooperate with grantees and
18 recipients, when utilizing funds made available pur-
19 suant to this division, to promote the inclusion of
20 minority and women's business enterprises, as de-
21 fined in subsection (b) including to establish—

22 (A) special consideration to increasing
23 grantee and recipient outreach to minority and
24 women's business enterprises to inform such

1 businesses of hiring opportunities created
2 through such funds; and

3 (B) procurement goals for the utilization of
4 minority and women’s business enterprises; and

5 (2) to convene meetings with leaders and offi-
6 cials of State and local governments, tribal entities,
7 and public housing authorities for the purpose of
8 recommending and promoting funding opportunities
9 and initiatives needed to advance the position of mi-
10 nority and women’s business enterprises when com-
11 peting for funds provided in this division.

12 (b) DEFINITIONS.—For the purposes of this section,
13 the following definitions shall apply:

14 (1) MINORITY.—The term “minority” has the
15 meaning given such term in section 308(b) of the
16 Financial Institutions Reform, Recovery, and En-
17 forcement Act of 1989 (12 U.S.C. 1463 note) and
18 also includes any indigenous person in the United
19 States or its territories.

20 (2) MINORITY AND WOMEN’S BUSINESS ENTER-
21 PRISE.—The term “minority and women’s business
22 enterprise” means a business at least 51 percent
23 owned and controlled by minority group members or
24 women.

1 (3) RELEVANT AGENCY HEAD.—The term “rel-
2 evant agency head” means, with respect to funds
3 made available pursuant to any section of this divi-
4 sion, the head of the Federal agency responsible for
5 administering the program under which such funds
6 are to be expended.

7 **SEC. 60015. REPORTS ON OUTCOMES.**

8 The Secretary of Housing and Urban Development,
9 in coordination with the Secretary of the Treasury, the
10 Administrator of the Federal Emergency Management
11 Agency, and the Secretary of Agriculture shall submit a
12 report to the Congress on an annual basis until all funds
13 made available pursuant to this Act (but not including
14 funds made available pursuant to section 60009) are ex-
15 pended, that provides a summary of outcomes for each
16 program for which such funds were made available (but
17 not including funds made available pursuant to section
18 60009), disaggregated at the census tract level, or block
19 group level when available, that shall include, to the max-
20 imum extent possible, identification for the preceding year
21 of—

22 (1) the total number of housing units produced,
23 rehabilitated, or mitigated using such funds;

1 (2) the percentage of such housing units that
2 are affordable to low-, to very low-, and to extremely
3 low-income households;

4 (3) the number of such housing units that are
5 located in high-poverty census tracts;

6 (4) the number of such housing units that are
7 located in low-poverty census tracts;

8 (5) the number of such housing units located in
9 areas where the percentage of households in a racial
10 or ethnic minority group—

11 (A) is at least 20 percentage points higher
12 than the percentage of that minority group for
13 the Metropolitan Statistical Area;

14 (B) is at least 20 percentage points higher
15 than the percentage of all minorities for the
16 Metropolitan Statistical Area; or

17 (C) exceeds 50 percent of the population;

18 (6) the number of such housing units with three
19 or more bedrooms;

20 (7) the number of such housing units located in
21 qualified opportunity zones designated pursuant to
22 section 1400Z–1 of the Internal Revenue Code of
23 1986;

24 (8) the number of such housing units that are
25 in compliance with the design and construction re-

1 requirements of the Department of Housing and
2 Urban Development under section 100.205 of title
3 24 of the Code of Federal Regulations; and

4 (9) any other information that the Secretary of
5 Housing and Urban Development considers appro-
6 priate to illustrate the number of housing units
7 made available and accessible to protected classes
8 under the Fair Housing Act (42 U.S.C. 3601 et
9 seq.), disaggregated by protected class.

10 **SEC. 60016. GAO STUDY OF FLOOD DISASTER ASSISTANCE**
11 **INEQUITIES.**

12 (a) **STUDY.**—The Comptroller General of the United
13 States shall conduct a study on the accessibility of the
14 Federal Emergency Management Agency’s Public Assist-
15 ance, Individual Assistance, and other relevant flood dis-
16 aster assistance programs and shall identify barriers to
17 access based on race, ethnicity, language, and income
18 level. The study shall identify inequities in—

19 (1) the Agency’s core mission of response;
20 (2) the Agency’s core mission of recovery; and
21 (3) the Agency’s implementation of the Public
22 Assistance and Individual Assistance programs.

23 (b) **REPORT.**—Not later than the expiration of the
24 1-year period beginning on the date of the enactment of
25 this Act, the Comptroller General shall submit a report

1 to the Congress setting forth the results and conclusions
2 of the study under subsection (a).

3 **SEC. 60017. GRANT PROGRAM FOR MANUFACTURED HOUS-**
4 **ING PRESERVATION.**

5 (a) **AUTHORITY.**—The Secretary of Housing and
6 Urban Development shall establish a grant program under
7 this section and, to the extent amounts are made available
8 pursuant to subsection (j), make grants under such pro-
9 gram to eligible entities under subsection (b) for acquiring
10 and preserving manufactured housing communities.

11 (b) **ELIGIBLE ENTITIES.**—A grant under this section
12 may be made only to entities that meet such requirements
13 as the Secretary shall establish to ensure that any entity
14 receiving a grant has the capacity to acquire and preserve
15 housing affordability in such communities, including—

16 (1) a nonprofit organization, including land
17 trusts;

18 (2) a public housing agency or other State or
19 local government agency;

20 (3) an Indian tribe (as such term is defined in
21 section 4 of the Native American Housing Assist-
22 ance and Self-Determination Act of 1996 (25 U.S.C.
23 4103)) or an agency of an Indian tribe;

1 (4) a resident organization in which home-
2 owners are members and have open and equal access
3 to membership; or

4 (5) such other entities as the Secretary deter-
5 mines will maintain housing affordability in manu-
6 factured housing communities.

7 (c) USE OF GRANT AMOUNTS.—Amounts from a
8 grant under this section may be used only for—

9 (1) the acquisition and preservation of manu-
10 factured housing communities;

11 (2) such acquisition and preservation, together
12 with costs for making improvements to common
13 areas and community property for acquired manu-
14 factured housing communities; or

15 (3) the demolition, removal, and replacement of
16 dilapidated homes from a manufactured housing
17 community.

18 (d) PRESERVATION; AFFORDABILITY; OWNERSHIP.—
19 A grant under this section may be made only if the Sec-
20 retary determines that the grantee will enter into such
21 binding agreements as the Secretary considers sufficient
22 to ensure that—

23 (1) the manufactured housing community ac-
24 quired using such grant amounts—

1 (A) will be maintained as a manufactured
2 housing community for a period that begins
3 upon the making of such grant and has a dura-
4 tion not shorter than 20 years;

5 (B) will be managed in a manner that ben-
6 efits the residents and maintains their quality
7 of life for a period not shorter than 20 years;

8 (C) will, for a period not shorter than 20
9 years, be subject to limitations on annual in-
10 creases in rents for lots for manufactured
11 homes in such community either through resi-
12 dent control over increases or, if owned by a
13 party other than the residents, as the Secretary
14 considers appropriate to ensure continued af-
15 fordability and maintenance of the property,
16 but not in any case annually to exceed the per-
17 centage that is equal to the percentage increase
18 for the immediately preceding year in the Con-
19 sumer Price Index for All Urban Consumers
20 (CPI-U) plus 7 percent, and such rents will
21 comply with any applicable State laws;

22 (D) will be owned by an entity described in
23 subsection (b) for a period not shorter than 20
24 years; and

1 (E) has not been the primary beneficiary
2 of a grant under this section during the pre-
3 ceding 5 years; and

4 (2) if in the determination of the Secretary the
5 provisions of the agreement have not been met, the
6 grant shall be repaid.

7 (e) AMOUNT.—The amount of any grant under this
8 section may not exceed the lesser of—

9 (1) \$1,000,000; or

10 (2) the amount that is equal to \$20,000 multi-
11 plied by the number of manufactured home lots in
12 the manufactured housing community for which the
13 grant is made.

14 (f) MATCHING FUNDS.—The Secretary shall require
15 a grantee of grant under this section to provide non-Fed-
16 eral matching funds for use only for the same purposes
17 for which the grant is used in an amount equal or exceed-
18 ing the amount of the grant provided to the grantee. Such
19 non-Federal matching funds may be provided by State,
20 tribal, local, or private resources and may be a grant or
21 loan, in cash or in-kind.

22 (g) APPLICATIONS; SELECTION.—

23 (1) APPLICATIONS.—The Secretary shall pro-
24 vide for eligible entities under subsection (b) to
25 apply for grants under this section, and shall require

1 such applications to contain such assurances as the
2 Secretary may require regarding the availability of
3 matching funds sufficient to comply with subsection
4 (f) and any organizational documents regarding the
5 manufactured housing community for which the
6 grant is made, as may be required by the State in
7 which such community is located. The Secretary
8 shall accept applications on a rolling basis and ap-
9 prove or deny each application within 20 business
10 days of receipt in order to facilitate market-based
11 transactions by an applicant.

12 (2) SELECTION.—The Secretary shall establish
13 criteria for selection of applicants to receive grants
14 under this section, which criteria shall—

15 (A) give priority to grantees who would use
16 such grant amounts to carry out activities
17 under subsection (c) within areas having a high
18 concentration of low-, very low-, or extremely
19 low-income families (as such terms are defined
20 in section 3(b) of the United States Housing
21 Act of 1937 (42 U.S.C. 1437a(b));

22 (B) give priority to grants for the benefit
23 of communities that have not received a grant
24 under this section during the preceding 10
25 years; and

1 (C) ensure that not more than 40 percent
2 of grant funds for any fiscal year are awarded
3 to entities identified in subsection (b)(5).

4 (h) REPORTS.—

5 (1) IN GENERAL.—The Secretary shall submit
6 a report annually regarding the grant program
7 under this section to Committee on Financial Serv-
8 ices of the House of Representatives and the Com-
9 mittee on Banking, Housing, and Urban Affairs of
10 the Senate, and shall make each such report publicly
11 available on the website of the Department of Hous-
12 ing and Urban Development. The first such report
13 shall be made for the first fiscal year in which any
14 grants are made under this section and a report
15 shall be made for each fiscal year in which a grantee
16 is subject to the requirements under subparagraph
17 (d)(1)(A).

18 (2) CONTENTS.—Each such report shall in-
19 clude, for the fiscal year covered by the report—

20 (A) a description of the grants made under
21 the program, including identification of what
22 type of eligible entity under subsection (b) each
23 grantee is;

1 (B) for each manufactured home commu-
2 nity for which a grant under this section is
3 made, identification of—

4 (i) the number of manufactured home
5 units in the community at the time of the
6 grant;

7 (ii) the lot rents in the community at
8 such time; and

9 (iii) if a manufactured home commu-
10 nity was purchased using grant amounts,
11 the purchase price of the community;

12 (C) summary information identifying the
13 total applications received for grants under this
14 section and total grant funding sought,
15 disaggregated by the types of eligible entities
16 under subsection (b) of the applicants; and

17 (D) an analysis of the effectiveness of the
18 program, including identification of changes to
19 the number of units and lot rents in commu-
20 nities for which a grant was made, any signifi-
21 cant upgrades made to the communities, demo-
22 graphic changes in communities, and, if any
23 community is sold during the period covered
24 under subsection (d), the sale price of the com-
25 munity.

1 (i) DEFINITIONS.—For purposes of this section, the
2 following definitions shall apply:

3 (1) MANUFACTURED HOME.—The term “manu-
4 factured home” means a structure, transportable in
5 one or more sections, that—

6 (A) in the traveling mode, is 8 body feet
7 or more in width and 40 body feet or more in
8 length, or when erected on site is 320 square
9 feet or more;

10 (B) is built on a permanent chassis and
11 designed to be used as a dwelling (with or with-
12 out a permanent foundation when connected to
13 required utilities) and includes plumbing, heat-
14 ing, air conditioning, and electrical systems;
15 and

16 (C) in the case of a structure manufac-
17 tured after June 15, 1976, is certified as meet-
18 ing the Manufactured Home Construction and
19 Safety Standards issued under the National
20 Manufactured Housing Construction and Safety
21 Standards Act of 1974 (42 U.S.C. 5401 et
22 seq.) by the Department of Housing and Urban
23 Development and displays a label of such cer-
24 tification on the exterior of each transportable
25 section.

1 Such term shall not include any self-propelled rec-
2 reational vehicle.

3 (2) MANUFACTURED HOUSING COMMUNITY.—

4 The term “manufactured housing community”
5 means a community comprised primarily of manu-
6 factured homes used primarily for residential pur-
7 poses.

8 (3) SECRETARY.—The term “Secretary” means
9 the Secretary of Housing and Urban Development.

10 (j) AUTHORIZATION OF APPROPRIATIONS.—There is
11 authorized to be appropriated for grants under this section
12 \$100,000,000 for each of fiscal years 2021 through 2025,
13 of which not more than 5 percent may be used for admin-
14 istration and oversight.

15 (k) REGULATIONS.—The Secretary shall issue any
16 regulations necessary to carry out this section.

17 **SEC. 60018. LEAD ABATEMENT FOR FAMILIES.**

18 (a) IDENTIFICATION OF LEAD WATER SERVICE
19 LINES.—

20 (1) REVIEW.—The Secretary of Housing and
21 Urban Development, in consultation with public
22 housing agencies, owners of other federally assisted
23 housing, and the Administrator of the Environ-
24 mental Protection Administration shall, not later
25 than the expiration of the 24-month period begin-

1 ning upon the date of the enactment of this Act, un-
2 dertake and complete a review of all public housing
3 projects and all other federally assisted housing
4 projects to identify any such projects for which the
5 source of potable water is a lead-based water service
6 pipe or pipes.

7 (2) REPORT.—Upon completion of the review
8 required under paragraph (1), the Secretary shall
9 submit a report to the Congress setting forth the re-
10 sults of the review and identifying any projects for
11 which the source of potable water is a lead-based
12 water service pipe or pipes.

13 (b) GRANT AUTHORITY.—

14 (1) IN GENERAL.—The Secretary may make
15 grants to public housing agencies and owners of
16 other federally assisted housing to cover the eligible
17 costs of removing and replacing lead-based water
18 service pipes for housing projects identified pursuant
19 to the review under subsection (a).

20 (2) ELIGIBLE COSTS.—Amounts from a grant
21 under this subsection may be used only for costs of
22 removing and replacing a lead-based water service
23 pipe for a housing project.

24 (3) ASSURANCES.—The Secretary shall require
25 each public housing agency and owner of other fed-

1 erally assisted housing receiving a grant under this
2 subsection for a housing project to make such assur-
3 ances and enter into such agreements as the Sec-
4 retary considers necessary to ensure that—

5 (A) the lead-based water service pipes for
6 the project that will be removed and replaced
7 using such grant amounts are identified; and

8 (B) all work to remove and replace such
9 pipes is completed before the expiration of the
10 24-month period beginning upon the initial
11 availability to the agency or owner of such
12 grant amounts.

13 (4) LIMITATION ON AMOUNTS.—The amount of
14 grant under this subsection with respect to a hous-
15 ing project may not exceed the estimate of the Sec-
16 retary of the full cost of removing and replacing the
17 lead-based water service pipes for the project identi-
18 fied pursuant to paragraph (3)(A).

19 (c) FINAL REPORT.—Upon the expiration of the 6-
20 year period beginning on the date of the enactment of this
21 Act, the Secretary shall submit to the Congress a report
22 identifying the housing projects for which lead -based
23 water service pipes were removed and replaced using
24 grants under subsection (b) and analyzing the effective-
25 ness of the program for such grants.

1 (d) DEFINITIONS.—For purposes of this section, the
2 following definitions shall apply:

3 (1) HOUSING PROJECT.—The term “housing
4 project” means a public housing project or a project
5 that is other federally assisted housing.

6 (2) OTHER FEDERALLY ASSISTED HOUSING.—
7 The term “other federally assisted housing” has the
8 meaning given the term “federally assisted housing”
9 in section 683 of the Housing and Community De-
10 velopment Act of 1992 (42 U.S.C. 13641), except
11 that such term does not include any public housing
12 project described in paragraph (2)(A) of such sec-
13 tion.

14 (3) LEAD-BASED WATER SERVICE PIPE.—The
15 term “lead-based water service pipe” means, with re-
16 spect to a housing project, a pipe or other conduit
17 that—

18 (A) is used to supply potable water for the
19 housing project from outside the project; and

20 (B) does not satisfy the definition of “lead-
21 free” established under section 1417 of the Safe
22 Drinking Water Act (42 U.S.C. 300g-6).

23 (4) PUBLIC HOUSING.—The term “public hous-
24 ing” has the meaning given such term in section

1 3(b) of the United States Housing Act of 1937 (42
2 U.S.C. 1437a(b)).

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of Housing and Urban Development.

5 (e) REGULATIONS.—The Secretary, after consulta-
6 tion with the Administrator of the Environmental Protec-
7 tion Administration, may issue any regulations necessary
8 to carry out this section.

9 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated for grants under subsection
11 (b)—

12 (1) \$90,000,000 for fiscal year 2021;

13 (2) \$80,000,000 for fiscal year 2022; and

14 (3) \$80,000,000 for fiscal year 2023.

15 **SEC. 60019. COMPTROLLER GENERAL REPORT ON HIGH-**
16 **SPEED INTERNET CONNECTIVITY IN FEDER-**
17 **ALLY-ASSISTED HOUSING.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act, the Comptroller General
20 of the United States shall submit to Congress a report
21 on broadband service in Federally-assisted housing.

22 (b) CONTENTS.—The report required under sub-
23 section (a) shall include—

24 (1) an analysis of Federally-assisted housing
25 units that have access to broadband service and the

1 number of such units that do not have access to
2 broadband service, disaggregated by State, county,
3 and congressional district, that includes geographic
4 information and any Federal agency responsible for
5 such units;

6 (2) an analysis of which such units are not cur-
7 rently capable of supporting broadband service de-
8 ployment and would require retrofitting to support
9 broadband service deployment, disaggregated by
10 State, county, and congressional district, that in-
11 cludes geographic information and any Federal
12 agency responsible for such units;

13 (3) an analysis of the estimated costs and time-
14 frame necessary for retrofitting buildings to achieve
15 100 percent access to broadband service;

16 (4) an analysis of the challenges to more wide-
17 spread deployment of broadband service, including
18 the comparative markets dynamics to expansion in
19 rural areas and low-income urban areas, and the
20 challenges to pursuing retrofits to achieve 100 per-
21 cent access to broadband service;

22 (5) descriptions of lessons learned from pre-
23 vious retrofitting actions;

1 (6) an evaluation of the ConnectHome pilot
2 program of the Secretary of Housing and Urban De-
3 velopment; and

4 (7) recommendations for Congress for achieving
5 100 percent access to broadband service in Feder-
6 ally-assisted housing.

7 (c) DEFINITIONS.—In this section:

8 (1) BROADBAND SERVICE.—The term
9 “broadband service” has the meaning given the term
10 “broadband internet access service” in section 8.1(b)
11 of title 47, Code of Federal Regulations, or any suc-
12 cessor regulation.

13 (2) FEDERALLY-ASSISTED HOUSING.—In this
14 section, the term “Federally-assisted housing”
15 means any single-family or multifamily housing that
16 is assisted under a program administered by the
17 Secretary of Housing and Urban Development or the
18 Secretary of Agriculture.

19 **SEC. 60020. MASTER PLAN FOR BROADBAND CONNECTIVITY**
20 **IN FEDERALLY-ASSISTED HOUSING.**

21 (a) IN GENERAL.—The Secretary of Housing and
22 Urban Development, in consultation with other relevant
23 heads of Federal agencies, shall develop a master plan for
24 achieving retrofitting Federally-assisted housing to sup-
25 port broadband service. The Secretary shall submit such

1 plan to Congress not later than 18 months after the date
2 of the enactment of this Act.

3 (b) DEFINITIONS.—In this section, the terms
4 “broadband service” and “Federally-assisted housing”
5 have the meanings given in section 60019.

6 **SEC. 60021. UNITED STATES INTERAGENCY COUNCIL ON**
7 **HOMELESSNESS.**

8 (a) REPEAL OF TERMINATION.—Title II of the
9 McKinney-Vento Homeless Assistance Act (42 U.S.C.
10 11311 et seq.) is amended—

11 (1) by striking section 209 (42 U.S.C. 11319);

12 and

13 (2) by redesignating sections 207 and 208 (42
14 U.S.C. 11317, 11318) as sections 208 and 209, re-
15 spectively.

16 (b) FUNCTIONS.—Section 203 of the McKinney-
17 Vento Homeless Assistance Act (42 U.S.C. 11313) is
18 amended—

19 (1) in subsection (a)—

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

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

24 (C) by adding at the end the following new
25 paragraphs:

1 “(14) rely on evidence-based practices;

2 “(15) identify and promote successful practices,
3 including the Housing First strategy and the perma-
4 nent supportive housing model; and

5 “(16) prioritize addressing disparities faced by
6 members of a population at higher risk of homeless-
7 ness, including by issuing reports and making rec-
8 ommendations to agencies.”; and

9 (2) in subsection (b)—

10 (A) in paragraph (1), by inserting “and”
11 after the semicolon;

12 (B) in paragraph (2), by striking the pe-
13 riod at the end and inserting “; and”; and

14 (C) by adding at the end the following new
15 paragraph:

16 “(3) make formal reports and recommendations
17 to Federal agencies, which shall include comments
18 on how proposed regulatory changes would impact
19 persons experiencing homelessness, housing insta-
20 bility, or who are cost-burdened.”.

21 (c) ADVISORY BOARD.—

22 (1) IN GENERAL.—Title II of the McKinney-
23 Vento Homeless Assistance Act is amended by in-
24 serting after section 206 (42 U.S.C. 11316) the fol-
25 lowing new section:

1 **“SEC. 207. ADVISORY BOARD.**

2 “(a) ESTABLISHMENT.—There is established an advi-
3 sory board for the Council.

4 “(b) MEMBERSHIP.—

5 “(1) COMPOSITION.—The advisory board shall
6 be composed of not less than 20 individuals, selected
7 in accordance with paragraph (3) from nominees
8 proposed pursuant to paragraph (2), as follows:

9 “(A) Not less than 10 members shall be
10 individuals who are homeless or experiencing
11 housing instability, or were so during the 5 cal-
12 endar years preceding appointment to the advi-
13 sory board or who have been so in the last 5
14 calendar years.

15 “(B) Not less than eight members shall be
16 individuals who are members of, or advocate on
17 behalf of, or both, a population at higher risk
18 of homelessness, including such transgender
19 and gender non-conforming persons, Asian,
20 Black, Latino, Native American, Native Hawai-
21 ian, Pacific Islander, and other communities of
22 color, youth in or formerly in the foster care
23 system, and justice-system involved youth and
24 adults.

1 “(2) NOMINATION.—Nominees for members of
2 the advisory board shall be proposed by any grantee
3 or subgrantee under this Act.

4 “(3) SELECTION.—Advisory Board members
5 shall be selected as follows:

6 “(A) At least five members shall be se-
7 lected by the majority party members of the
8 Committee on Financial Services of the House
9 of Representatives and five members shall be
10 selected by the minority party members of such
11 committee.

12 “(B) At least five members shall be se-
13 lected by the majority party members of the
14 Committee on Banking, Housing, and Urban
15 Affairs of the Senate and five members shall be
16 selected by the minority party members of such
17 committee.

18 “(4) TERMS.—Members of the advisory board
19 shall serve terms of 2 years.

20 “(c) FUNCTIONS.—The advisory board shall review
21 the work of the Council, make recommendations regarding
22 how the Council can most effectively pursue the goal of
23 ending homelessness, and raise specific points of concern
24 with members of the Council who represent Federal agen-
25 cies.

1 “(d) MEETINGS.—The advisory board shall meet not
2 less often than twice each year.

3 “(e) COUNCIL MEETINGS.—The Council shall meet
4 regularly and not less often than once a year with the advi-
5 sory board and shall provide timely written responses to
6 recommendations, proposals, and concerns issued by the
7 advisory board.

8 “(f) CHAIRMAN.—The position of Chairman of the
9 advisory board shall be filled by an individual who is a
10 current or former member of the advisory board, is nomi-
11 nated by at least two members of the advisory board, and
12 is confirmed by a vote of not less than 75 percent of the
13 members of the advisory board.

14 “(g) COMPENSATION.—Any amounts made available
15 for administrative costs of the Council may be used for
16 costs of travel or online access to meetings for participa-
17 tion by members of the advisory board in board meetings,
18 and for per diem compensation to advisory board members
19 for board meetings.

20 “(h) RULE OF CONSTRUCTION.—The agencies imple-
21 menting this Act shall construe this Act in a manner that
22 facilitates and encourage the full participation of advisory
23 board members and shall consider the barriers faced by
24 persons experiencing homelessness and shall endeavor to
25 overcome such barriers to participation.”.

1 (2) REPRESENTATION OF CHAIRMAN ON COUN-
2 CIL.—Section 202(a) of the McKinney-Vento Home-
3 less Assistance Act (42 U.S.C. 11312(a)) is amend-
4 ed—

5 (A) by redesignating paragraph (22) as
6 paragraph (21); and

7 (B) by adding at the end the following new
8 paragraph:

9 “(22) The chairman of the advisory board es-
10 tablished by section 207.”.

11 (d) DIRECTOR.— Subsection (a) of section 204 of the
12 McKinney-Vento Homeless Assistance Act (42 U.S.C.
13 11314(a)) is amended—

14 (1) by striking “(a) DIRECTOR.—The Council
15 shall appoint an Executive Director, who shall be”
16 and inserting the following:

17 “(a) DIRECTOR.—

18 “(1) IN GENERAL.—The chief executive officer
19 of the Council shall be the Executive Director, who
20 shall be appointed in accordance with paragraph (2)
21 and”; and

22 (2) by adding at the end the following new
23 paragraph:

24 “(1) PROCESS FOR APPOINTMENT.—A vacancy
25 in the position of Executive Director shall be filled

1 by an individual nominated and appointed to such
2 position by the Council, except that the Council may
3 not appoint any nominee who is not confirmed by
4 approval of 75 percent of the aggregate of all mem-
5 bers of the Council and the advisory board under
6 section 207 pursuant to an election in which each
7 such member's vote is given identical weight. If the
8 Council is unable to agree on an Executive Director,
9 the chairperson of the advisory council shall act as
10 interim Executive Director.”.

11 (e) DEFINITIONS.—Section 207 of the McKinney-
12 Vento Homeless Assistance Act (42 U.S.C. 11317) is
13 amended by adding at the end the following new para-
14 graphs:

15 “(3) The term ‘Housing First’ means, with re-
16 spect to addressing homelessness, an approach to
17 quickly and successfully connect individuals and
18 families experiencing homelessness to permanent and
19 affordable housing opportunities and appropriate
20 services without preconditions and low or no barriers
21 to entry, including barriers relating to sobriety,
22 treatment, work requirements, and service participa-
23 tion requirements.

24 “(4) The term ‘permanent supportive housing’
25 means housing that provides—

1 “(A) indefinite leasing or rental assistance;
2 and

3 “(B) non-mandatory, culturally competent
4 supportive services to assist persons to achieve
5 housing stability and maintain their health and
6 well-being.

7 “(5)(A) The term ‘population at higher risk of
8 homelessness’ means a group of persons that is de-
9 fined by a common characteristic and that has been
10 found to experience homelessness, housing insta-
11 bility, or to be cost-burdened at a rate higher than
12 that of the general public.

13 “(B) Information that may be used in dem-
14 onstrating such a higher rate includes data gen-
15 erated by the Federal Government, by State or mu-
16 nicipal governments, by peer-reviewed research, and
17 by organizations having expertise in working with or
18 advocating on behalf of homeless, housing unstable,
19 or cost-burdened groups.

20 “(C) Such term shall include populations for
21 which such higher rate has already been dem-
22 onstrated, including Asian, Black, Latino, Native
23 American, Native Hawaiian, Pacific Islander and
24 other communities of color; persons with disabilities,
25 including mental health disabilities, elderly persons,

1 foster and former foster youth; LGBTQ persons,
2 gender non-binary and gender non-conforming per-
3 sons, justice system-involved persons, and vet-
4 erans.”.

5 (f) CONFORMING AMENDMENT.—The table of con-
6 tents in section 101(b) of the McKinney-Vento Homeless
7 Assistance Act (42 U.S.C. 11301 note) is amended by
8 striking the items relating to sections 209 and 210 and
9 inserting the following:

“Sec. 209. Encouragement of State involvement.”.

10 **SEC. 60022. GAO STUDY OF HOUSING NEEDS OF POPU-**
11 **LATIONS AT HIGHER RISK OF HOMELESS-**
12 **NESS.**

13 (a) IN GENERAL.—No later than the expiration of
14 the 1-year period beginning on the date of the enactment
15 of this Act, the Comptroller General of the United States
16 shall identify and analyze the housing infrastructure needs
17 of populations at higher risk of homelessness, and shall
18 submit a report to the Congress recommending regulatory,
19 policy, and practice changes that would ensure that Fed-
20 eral agencies better reduce and prevent homelessness and
21 housing instability faced by populations at higher risk of
22 homelessness.

23 (b) POPULATION AT HIGHER RISK OF HOMELESS-
24 NESS.—

1 (1) IN GENERAL.—For purposes of this section,
2 the term “population at higher risk of homelessness”
3 means a group of persons that is defined by a com-
4 mon characteristic and that has been found to experi-
5 ence homelessness, housing instability, or to be
6 cost-burdened at a rate higher than that of the gen-
7 eral public.

8 (2) HIGHER RATE.—Information that may be
9 used in demonstrating such a higher rate includes
10 data generated by the Federal Government, by State
11 or municipal governments, by peer-reviewed re-
12 search, and by organizations having expertise in
13 working with or advocating on behalf of homeless,
14 housing unstable, or cost-burdened groups.

15 (3) INCLUDED POPULATIONS.—Such term shall
16 include populations for which such higher rate has
17 already been demonstrated, including Asian, Black,
18 Latino, Native American, Native Hawaiian, Pacific
19 Islander and other communities of color; persons
20 with disabilities, including mental health disabilities,
21 elderly persons, foster and former foster youth;
22 LGBTQ persons, gender non-binary and gender non-
23 conforming persons, justice system-involved persons,
24 survivors of domestic violence, sexual assault, and
25 other intimate partner violence, and veterans.

1 **SEC. 60023. BUY AMERICA REQUIREMENTS FOR COMMU-**
2 **NITY DEVELOPMENT BLOCK GRANT ACTIVI-**
3 **TIES.**

4 Title I of the Housing and Community Development
5 Act of 1974 (42 U.S.C. 5301 et seq.) is amended by add-
6 ing at the end the following:

7 **“SEC. 5323. BUY AMERICA.**

8 “(a) IN GENERAL.—Notwithstanding any other pro-
9 vision of law, the Secretary shall not obligate any funds
10 authorized to be appropriated for any project authorized
11 under this title and administered by the Secretary, unless
12 steel, iron, manufactured products, and construction ma-
13 terials used in such project are produced in the United
14 States.

15 “(b) INAPPLICABILITY.—Subsection (a) shall not
16 apply to the development of any housing, including single-
17 family and multifamily housing.

18 “(c) WAIVER.—The Secretary may waive the require-
19 ments of subsection (a) if the Secretary finds—

20 “(1) that such requirements would be incon-
21 sistent with the public interest;

22 “(2) that products described in subsection (a)
23 are not produced in the United States in sufficient
24 and reasonably available quantities and of a satisfac-
25 tory quality; or

1 “(3) that inclusion of domestic material will in-
2 crease the cost of the overall project by more than
3 25 percent.

4 “(d) NOTICE.—Not later than 15 days before making
5 a determination regarding a waiver described in subsection
6 (b), the Secretary shall provide notification and an oppor-
7 tunity for public comment on the request for such waiver.

8 “(e) INTERNATIONAL AGREEMENTS.—This section
9 shall be applied in a manner consistent with the obliga-
10 tions of the United States under international agree-
11 ments.”.

12 **SEC. 60024. REPEAL OF FAIRCLOTH AMENDMENT.**

13 Section 9(g) of the United States Housing Act of
14 1937 (42 U.S.C. 1437g(g)) is amended by striking para-
15 graph (3) (relating to limitation on new construction).

16 **SEC. 60025. STUDY OF EFFECTS OF CRIMINAL HISTORY ON**
17 **ACCESS TO HOUSING.**

18 Not later than the expiration of the 2-year period be-
19 ginning on the date of the enactment of this Act, the Sec-
20 retary of Housing and Urban Development shall—

21 (1) conduct and complete a study on the effects
22 of criminal history or involvement with the criminal
23 legal system on access to private and assisted hous-
24 ing, taking into consideration demographic informa-
25 tion, type of housing, socio-economic status, geog-

1 raphy, nature of the offense, and other relevant fac-
 2 tors allowing greater understanding of the impact of
 3 criminal history on access to housing; and

4 (2) submit to the Congress a report setting
 5 forth the findings of the study, which shall be
 6 disaggregated according to the factors considered
 7 pursuant to paragraph (1).

8 **DIVISION K—REOPEN AND RE-**
 9 **BUILD AMERICA’S SCHOOLS**
 10 **ACT OF 2020**

11 **SEC. 70000. SHORT TITLE; TABLE OF CONTENTS.**

12 (a) **SHORT TITLE.**—This division may be cited as the
 13 “Reopen and Rebuild America’s Schools Act of 2020”.

14 (b) **TABLE OF CONTENTS.**—The table of contents for
 15 this division is as follows:

DIVISION K—REOPEN AND REBUILD AMERICA’S SCHOOLS ACT
 OF 2020

Sec. 70000. Short title; table of contents.

Sec. 70001. Definitions.

TITLE I—GRANTS FOR THE LONG-TERM IMPROVEMENT OF
 PUBLIC SCHOOL FACILITIES

Subtitle A—Reservation and Allocation of Funds

Sec. 70101. Purpose and reservation.

Sec. 70102. Allocation to States.

Subtitle B—Grants to Local Educational Agencies

Sec. 70111. Need-based grants to qualified local educational agencies.

Sec. 70112. Allowable uses of funds.

Sec. 70113. Prohibited uses.

Sec. 70114. Requirements for hazard-resistance, energy and water conserva-
 tion, and air quality.

Sec. 70115. Green Practices.

Sec. 70116. Use of American iron, steel, and manufactured products.

Sec. 70117. Prohibition on use of funds for facilities of for-profit charter schools.

Sec. 70118. Prohibition on use of funds for certain charter schools.

Subtitle C—Annual Report and Authorization of Appropriations

Sec. 70121. Annual report on grant program.

Sec. 70122. Authorization of appropriations.

TITLE II—OTHER REPORTS, DEVELOPMENT OF STANDARDS, AND INFORMATION CLEARINGHOUSE

Sec. 70201. Comptroller general report.

Sec. 70202. Study and report physical condition of public schools.

Sec. 70203. Development of data standards.

Sec. 70204. Information clearinghouse.

Sec. 70205. Sense of Congress on Opportunity Zones.

TITLE III—IMPACT AID CONSTRUCTION

Sec. 70301. Temporary increase in funding for impact aid construction.

TITLE IV—ASSISTANCE FOR REPAIR OF SCHOOL FOUNDATIONS AFFECTED BY PYRRHOTITE

Sec. 70401. Allocations to States.

Sec. 70402. Grants to local educational agencies.

Sec. 70403. Definitions.

Sec. 70404. Authorization of appropriations.

1 SEC. 70001. DEFINITIONS.

2 In this division:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means the Committee on Education and
6 Labor of the House of Representatives and the Com-
7 mittee on Health, Education, Labor and Pensions of
8 the Senate.

9 (2) BUREAU-FUNDED SCHOOL.—The term “Bu-
10 reau-funded school” has the meaning given that
11 term in section 1141 of the Education Amendments
12 of 1978 (25 U.S.C. 2021).

1 (3) COVERED FUNDS.—The term “covered
2 funds” means funds received under title I of this di-
3 vision.

4 (4) ESEA TERMS.—The terms “elementary
5 school”, “outlying area”, and “secondary school”
6 have the meanings given those terms in section 8101
7 of the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 7801).

9 (5) LOCAL EDUCATIONAL AGENCY.—The term
10 “local educational agency” has the meaning given
11 that term in section 8101 of the Elementary and
12 Secondary Education Act of 1965 (20 U.S.C. 7801)
13 except that such term does not include a Bureau-
14 funded school.

15 (6) PUBLIC SCHOOL FACILITIES.—The term
16 “public school facilities” means the facilities of a
17 public elementary school or a public secondary
18 school.

19 (7) QUALIFIED LOCAL EDUCATIONAL AGEN-
20 CY.—The term “qualified local educational agency”
21 means a local educational agency that receives funds
22 under part A of title I of the Elementary and Sec-
23 ondary Education Act of 1965 (20 U.S.C. 6311 et
24 seq.).

1 (8) SECRETARY.—The term “Secretary” means
2 the Secretary of Education.

3 (9) STATE.—The term “State” means each of
4 the 50 States, the District of Columbia, and the
5 Commonwealth of Puerto Rico.

6 (10) ZERO ENERGY SCHOOL.—The term “zero
7 energy school” means a public elementary school or
8 public secondary school that—

9 (A) generates renewable energy on-site;
10 and

11 (B) on an annual basis, exports an amount
12 of such renewable energy that equals or exceeds
13 the total amount of renewable energy that is
14 delivered to the school from outside sources.

15 **TITLE I—GRANTS FOR THE**
16 **LONG-TERM IMPROVEMENT**
17 **OF PUBLIC SCHOOL FACILI-**
18 **TIES**

19 **Subtitle A—Reservation and**
20 **Allocation of Funds**

21 **SEC. 70101. PURPOSE AND RESERVATION.**

22 (a) PURPOSE.—Funds made available under this title
23 shall be for the purpose of supporting long-term improve-
24 ments to public school facilities in accordance with this
25 division.

1 (b) RESERVATION FOR OUTLYING AREAS AND BU-
2 REAU-FUNDED SCHOOLS.—

3 (1) IN GENERAL.—For each of fiscal years
4 2020 through 2024, the Secretary shall reserve,
5 from the amount appropriated to carry out this
6 title—

7 (A) one-half of 1 percent, to make alloca-
8 tions to the outlying areas in accordance with
9 paragraph (3); and

10 (B) one-half of 1 percent, for payments to
11 the Secretary of the Interior to provide assist-
12 ance to Bureau-funded schools.

13 (2) USE OF RESERVED FUNDS.—

14 (A) IN GENERAL.—Funds reserved under
15 paragraph (1) shall be used in accordance with
16 sections 70112 through 70116.

17 (B) SPECIAL RULES FOR BUREAU-FUNDED
18 SCHOOLS.—

19 (i) APPLICABILITY.—Sections 70112
20 through 70116 shall apply to a Bureau-
21 funded school that receives assistance
22 under paragraph (1)(B) in the same man-
23 ner that such sections apply to a qualified
24 local educational agency that receives cov-
25 ered funds. The facilities of a Bureau-

1 funded school shall be treated as public
2 school facilities for purposes of the applica-
3 tion of such sections.

4 (ii) TREATMENT OF TRIBALLY OPER-
5 ATED SCHOOLS.—The Secretary of the In-
6 terior shall provide assistance to Bureau-
7 funded schools under paragraph (1)(B)
8 without regard to whether such schools are
9 operated by the Bureau of Indian Edu-
10 cation or by an Indian Tribe. In the case
11 of a Bureau-funded school that is a con-
12 tract or grant school (as that term is de-
13 fined in section 1141 of the Education
14 Amendments of 1978 (25 U.S.C. 2021))
15 operated by an Indian Tribe, the Secretary
16 of the Interior shall provide assistance
17 under such paragraph to the Indian Tribe
18 concerned.

19 (3) ALLOCATION TO OUTLYING AREAS.—From
20 the amount reserved under paragraph (1)(A) for a
21 fiscal year, the Secretary shall allocate to each out-
22 lying area an amount in proportion to the amount
23 received by the outlying area under part A of title
24 I of the Elementary and Secondary Education Act
25 of 1965 (20 U.S.C. 6311 et seq.) for the previous

1 fiscal year relative to the total such amount received
2 by all outlying areas for such previous fiscal year.

3 **SEC. 70102. ALLOCATION TO STATES.**

4 (a) ALLOCATION TO STATES.—

5 (1) STATE-BY-STATE ALLOCATION.—

6 (A) IN GENERAL.—Subject to subpara-
7 graph (B), of the amount appropriated to carry
8 out this title for each fiscal year and not re-
9 served under section 70101(b), each State that
10 has a plan approved by the Secretary under
11 subsection (b) shall be allocated an amount in
12 proportion to the amount received by all local
13 educational agencies in the State under part A
14 of title I of the Elementary and Secondary
15 Education Act of 1965 (20 U.S.C. 6311 et
16 seq.) for the previous fiscal year relative to the
17 total such amount received by all local edu-
18 cational agencies in every State that has a plan
19 approved by the Secretary under subsection (b).

20 (B) FISCAL YEAR 2020.—Of the amount
21 appropriated to carry out this title for fiscal
22 year 2020 and not reserved under section
23 70101(b), not later than 30 days after such
24 funds are appropriated, each State that pro-
25 vides an assurance to the Secretary that the

1 State will comply with the requirements of sec-
2 tion 70111(c)(2) shall be allocated an amount
3 in proportion to the amount received by all local
4 educational agencies in the State under part A
5 of title I of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 6311 et
7 seq.) for the previous fiscal year relative to the
8 total such amount received by all local edu-
9 cational agencies in every State that provides
10 such an assurance to the Secretary.

11 (2) STATE RESERVATION.—A State may reserve
12 not more than 1 percent of its allocation under para-
13 graph (1) to carry out its responsibilities under this
14 division, which—

15 (A) shall include—

16 (i) providing technical assistance to
17 local educational agencies, including by—

18 (I) identifying which State agen-
19 cies have programs, resources, and ex-
20 pertise relevant to the activities sup-
21 ported by the allocation under this
22 section; and

23 (II) coordinating the provision of
24 technical assistance across such agen-
25 cies;

1 (ii) in accordance with the guidance
2 issued by the Secretary under section
3 70203, developing an online, publicly
4 searchable database that contains an in-
5 ventory of the infrastructure of all public
6 school facilities in the State (including the
7 facilities of Bureau-funded schools, as ap-
8 propriate), including, with respect to each
9 such facility, an identification of—

10 (I) the information described in
11 subclauses (I) through (VII) of clause
12 (vi);

13 (II) the age (including an identi-
14 fication of the date of any retrofits or
15 recent renovations) of—

16 (aa) the facility;

17 (bb) its roof;

18 (cc) its lighting system;

19 (dd) its windows;

20 (ee) its ceilings;

21 (ff) its plumbing; and

22 (gg) its heating, ventilation,
23 and air conditioning system;

24 (III) fire safety inspection re-
25 sults;

1 (IV) the proximity of the facili-
2 ties to toxic sites or the vulnerability
3 of the facilities to natural disasters,
4 including the extent to which facilities
5 that are vulnerable to seismic natural
6 disasters are seismically retrofitted;

7 (V) any previous inspections
8 showing the presence of toxic sub-
9 stances; and

10 (VI) any improvements to sup-
11 port indoor and outdoor social
12 distancing, personal hygiene, and
13 building hygiene (including with re-
14 spect to HVAC usage and ventilation)
15 in schools, consistent with guidance
16 issued by the Centers for Disease
17 Control and Prevention;

18 (iii) updating the database developed
19 under clause (ii) not less frequently than
20 once every 2 years;

21 (iv) ensuring that the information in
22 the database developed under clause (ii)—

23 (I) is posted on a publicly acces-
24 sible State website; and

1 (II) is regularly distributed to
2 local educational agencies and Tribal
3 governments in the State;

4 (v) issuing and reviewing regulations
5 to ensure the health and safety of students
6 and staff during construction or renovation
7 projects; and

8 (vi) issuing or reviewing regulations to
9 ensure safe, healthy, and high-performing
10 school buildings, including regulations gov-
11 erning—

12 (I) indoor environmental quality
13 and ventilation, including exposure to
14 carbon monoxide, carbon dioxide,
15 lead-based paint, and other combus-
16 tion by-products such as oxides of ni-
17 trogen;

18 (II) mold, mildew, and moisture
19 control;

20 (III) the safety of drinking water
21 at the tap and water used for meal
22 preparation, including regulations
23 that—

1 (aa) address the presence of
2 lead and other contaminants in
3 such water; and

4 (bb) require the regular test-
5 ing of the potability of water at
6 the tap;

7 (IV) energy and water efficiency;

8 (V) excessive classroom noise due
9 to activities allowable under section
10 70112;

11 (VI) the levels of maintenance
12 work, operational spending, and cap-
13 ital investment needed to maintain the
14 quality of public school facilities; and

15 (VII) the construction or renova-
16 tion of such facilities, including appli-
17 cable building codes; and

18 (vii) creating a plan to reduce or
19 eliminate exposure to toxic substances, in-
20 cluding mercury, radon, PCBs, lead, vapor
21 intrusions, and asbestos; and

22 (B) may include the development of a plan
23 to increase the number of zero energy schools
24 in the State.

25 (b) STATE PLAN.—

1 (1) IN GENERAL.—To be eligible to receive an
2 allocation under this section, a State shall submit to
3 the Secretary a plan that—

4 (A) describes how the State will use the al-
5 location to make long-term improvements to
6 public school facilities;

7 (B) explains how the State will carry out
8 each of its responsibilities under subsection
9 (a)(2);

10 (C) explains how the State will make the
11 determinations under subsections (b) and (c) of
12 section 70111;

13 (D) identifies how long, and at what levels,
14 the State will maintain fiscal effort for the ac-
15 tivities supported by the allocation after the
16 State no longer receives the allocation; and

17 (E) includes such other information as the
18 Secretary may require.

19 (2) APPROVAL AND DISAPPROVAL.—The Sec-
20 retary shall have the authority to approve or dis-
21 approve a State plan submitted under paragraph
22 (1).

23 (c) CONDITIONS.—As a condition of receiving an allo-
24 cation under this section, a State shall agree to the fol-
25 lowing:

1 (1) MATCHING REQUIREMENT.—

2 (A) IN GENERAL.—The State shall con-
3 tribute, from non-Federal sources, an amount
4 equal to 10 percent of the amount of the alloca-
5 tion received under this section to carry out the
6 activities supported by the allocation.

7 (B) DEADLINE.—The State shall provide
8 any contribution required under subparagraph
9 (A) not later than September 30, 2029.

10 (C) CERTAIN FISCAL YEARS.—With re-
11 spect to a fiscal year for which more than
12 \$7,000,000,000 are appropriated to carry out
13 this title, subparagraph (A) shall be applied as
14 if “, from non-Federal sources,” were struck.

15 (2) MAINTENANCE OF EFFORT.—The State
16 shall provide an assurance to the Secretary that the
17 combined fiscal effort or the aggregate expenditures
18 of the State with respect to the activities supported
19 by the allocation under this section for fiscal years
20 beginning with the fiscal year for which the alloca-
21 tion is received will be not less than 90 percent of
22 the 5 year average for total capital outlay of the
23 combined fiscal effort or aggregate expenditures by
24 the State for the purposes for which the allocation
25 is received.

1 (3) SUPPLEMENT NOT SUPPLANT.—The State
2 shall use an allocation under this section only to
3 supplement the level of Federal, State, and local
4 public funds that would, in absence of such alloca-
5 tion, be made available for the activities supported
6 by the allocation, and not to supplant such funds.

7 **Subtitle B—Grants to Local**
8 **Educational Agencies**

9 **SEC. 70111. NEED-BASED GRANTS TO QUALIFIED LOCAL**
10 **EDUCATIONAL AGENCIES.**

11 (a) GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 from the amounts allocated to a State under section
14 70102(a) and contributed by the State under section
15 70102(c)(1), the State shall award grants to quali-
16 fied local educational agencies, on a competitive
17 basis, to carry out the activities described in section
18 70112(a).

19 (2) ALLOWANCE FOR DIGITAL LEARNING.—A
20 State may use up to 10 percent of the amount de-
21 scribed in paragraph (1) to make grants to qualified
22 local educational agencies carry out activities to im-
23 prove digital learning in accordance with section
24 70112(b).

25 (b) ELIGIBILITY.—

1 (1) IN GENERAL.—To be eligible to receive a
2 grant under this section a qualified local educational
3 agency—

4 (A) shall be among the local educational
5 agencies in the State with the highest numbers
6 or percentages of students counted under sec-
7 tion 1124(c) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6333(c));

9 (B) shall agree to prioritize the improve-
10 ment of the facilities of public schools that
11 serve the highest percentages of students who
12 are eligible for a free or reduced price lunch
13 under the Richard B. Russell National School
14 Lunch Act (42 U.S.C. 1751 et seq.) (which, in
15 the case of a high school, may be calculated
16 using comparable data from the schools that
17 feed into the high school), as compared to other
18 public schools in the jurisdiction of the agency;
19 and

20 (C) may be among the local educational
21 agencies in the State—

22 (i) with the greatest need to improve
23 public school facilities, as determined by
24 the State, which may include consideration
25 of threats posed by the proximity of the fa-

1 cilities to toxic sites or brownfield sites or
2 the vulnerability of the facilities to natural
3 disasters; and

4 (ii) with the most limited capacity to
5 raise funds for the long-term improvement
6 of public school facilities, as determined by
7 an assessment of—

8 (I) the current and historic abil-
9 ity of the agency to raise funds for
10 construction, renovation, moderniza-
11 tion, and major repair projects for
12 schools;

13 (II) whether the agency has been
14 able to issue bonds or receive other
15 funds to support school construction
16 projects; and

17 (III) the bond rating of the agen-
18 cy.

19 (2) GEOGRAPHIC DISTRIBUTION.—The State
20 shall ensure that grants under this section are
21 awarded to qualified local educational agencies that
22 represent the geographic diversity of the State.

23 (3) STATEWIDE THRESHOLDS.—The State shall
24 establish reasonable thresholds for determining
25 whether a local educational agency is among agen-

1 cies in the State with the highest numbers or per-
2 centages of students counted under section 1124(c)
3 of the Elementary and Secondary Education Act of
4 1965 (20 U.S.C. 6333(c)) as required under para-
5 graph (1)(A).

6 (c) PRIORITY OF GRANTS.—In awarding grants
7 under this section, the State—

8 (1) subject to paragraph (2), shall give priority
9 to qualified local educational agencies that—

10 (A) demonstrate the greatest need for such
11 a grant, as determined by a comparison of the
12 factors described in subsection (b)(1) and other
13 indicators of need in the public school facilities
14 of such local educational agencies, including—

15 (i) the median age of facilities;

16 (ii) the extent to which student enroll-
17 ment exceeds physical and instructional ca-
18 pacity;

19 (iii) the condition of major building
20 systems such as heating, ventilation, air
21 conditioning, electrical, water, and sewer
22 systems;

23 (iv) the condition of roofs, windows,
24 and doors; and

1 (v) other critical health and safety
2 conditions; and

3 (B) will use the grant to improve the facili-
4 ties of—

5 (i) elementary schools or middle
6 schools that have an enrollment of stu-
7 dents who are eligible for a free or reduced
8 price lunch under the Richard B. Russell
9 National School Lunch Act (42 U.S.C.
10 1751 et seq.) that constitutes not less than
11 40 percent of the total student enrollment
12 at such schools; or

13 (ii) high schools that have an enroll-
14 ment of students who are eligible for a free
15 or reduced price lunch under such Act that
16 constitutes not less than 30 percent of the
17 total student enrollment at such schools
18 (which may be calculated using comparable
19 data from the schools that feed into the
20 high school); and

21 (C) operate public school facilities that
22 pose a severe health and safety threat to stu-
23 dents and staff, which may include a threat
24 posed by the proximity of the facilities to toxic

1 sites or the vulnerability of the facilities to nat-
2 ural disasters;

3 (2) with respect to grants awarded for fiscal
4 year 2020, shall give priority to local educational
5 agencies described in paragraph (1) that will use the
6 grant to improve the facilities of schools described in
7 paragraph (1)(B) to support indoor and outdoor so-
8 cial distancing, personal hygiene, and building hy-
9 giene (including with respect to HVAC usage and
10 ventilation) in schools, consistent with guidance
11 issued by the Centers for Disease Control and Pre-
12 vention; and

13 (3) may give priority to qualified local edu-
14 cational agencies that—

15 (A) will use the grant to improve access to
16 high-speed broadband sufficient to support dig-
17 ital learning accordance with section 70112(b);

18 (B) serve elementary schools or secondary
19 schools, including rural schools, that lack such
20 access; and

21 (C) meet one or more of the requirements
22 set forth in subparagraphs (A) through (C) of
23 paragraph (1).

24 (d) APPLICATION.—To be considered for a grant
25 under this section, a qualified local educational agency

1 shall submit an application to the State at such time, in
2 such manner, and containing such information as the
3 State may require. Such application shall include, at min-
4 imum—

5 (1) the information necessary for the State to
6 make the determinations under subsections (b) and
7 (c);

8 (2) a description of the projects that the agency
9 plans to carry out with the grant;

10 (3) an explanation of how such projects will re-
11 duce risks to the health and safety of staff and stu-
12 dents at schools served by the agency; and

13 (4) in the case of a local educational agency
14 that proposes to fund a repair, renovation, or con-
15 struction project for a public charter school, the ex-
16 tent to which—

17 (A) the public charter school lacks access
18 to funding for school repair, renovation, and
19 construction through the financing methods
20 available to other public schools or local edu-
21 cational agencies in the State; and

22 (B) the charter school operator owns or
23 has care and control of the facility that is to be
24 repaired, renovated, or constructed.

25 (e) FACILITIES MASTER PLAN.—

1 (1) PLAN REQUIRED.—Not later than 180 days
2 after receiving a grant under this section, a qualified
3 local educational agency shall submit to the State a
4 comprehensive 10-year facilities master plan.

5 (2) ELEMENTS.—The facilities master plan re-
6 quired under paragraph (1) shall include, with re-
7 spect to all public school facilities of the qualified
8 local educational agency, a description of—

9 (A) the extent to which public school facili-
10 ties meet students' educational needs and sup-
11 port the agency's educational mission and vi-
12 sion;

13 (B) the physical condition of the public
14 school facilities;

15 (C) the current health, safety, and environ-
16 mental conditions of the public school facilities,
17 including—

18 (i) indoor air quality;

19 (ii) the presence of toxic substances;

20 (iii) the safety of drinking water at
21 the tap and water used for meal prepara-
22 tion, including the level of lead and other
23 contaminants in such water;

24 (iv) energy and water efficiency;

25 (v) excessive classroom noise; and

1 (vi) other health, safety, and environ-
2 mental conditions that would impact the
3 health, safety, and learning ability of stu-
4 dents;

5 (D) how the local educational agency will
6 address any conditions identified under sub-
7 paragraph (C);

8 (E) the impact of current and future stu-
9 dent enrollment levels (as of the date of appli-
10 cation) on the design of current and future pub-
11 lic school facilities, as well as the financial im-
12 plications of such enrollment levels;

13 (F) the dollar amount and percentage of
14 funds the local educational agency will dedicate
15 to capital construction projects for public school
16 facilities, including—

17 (i) any funds in the budget of the
18 agency that will be dedicated to such
19 projects; and

20 (ii) any funds not in the budget of the
21 agency that will be dedicated to such
22 projects, including any funds available to
23 the agency as the result of a bond issue;
24 and

1 (G) the dollar amount and percentage of
2 funds the local educational agency will dedicate
3 to the maintenance and operation of public
4 school facilities, including—

5 (i) any funds in the budget of the
6 agency that will be dedicated to the main-
7 tenance and operation of such facilities;
8 and

9 (ii) any funds not in the budget of the
10 agency that will be dedicated to the main-
11 tenance and operation of such facilities.

12 (3) CONSULTATION.—In developing the facili-
13 ties master plan required under paragraph (1)—

14 (A) a qualified local educational agency
15 shall consult with teachers, principals and other
16 school leaders, custodial and maintenance staff,
17 emergency first responders, school facilities di-
18 rectors, students and families, community resi-
19 dents, and Indian Tribes; and

20 (B) in addition to the consultation required
21 under subparagraph (A), a Bureau-funded
22 school shall consult with the Bureau of Indian
23 Education.

24 (f) SUPPLEMENT NOT SUPPLANT.—A qualified local
25 educational agency shall use a grant received under this

1 section only to supplement the level of Federal, State, and
2 local public funds that would, in the absence of such grant,
3 be made available for the activities supported by the grant,
4 and not to supplant such funds.

5 **SEC. 70112. ALLOWABLE USES OF FUNDS.**

6 (a) IN GENERAL.—Except as provided in section
7 70113, a local educational agency that receives covered
8 funds may use such funds to—

9 (1) develop the facilities master plan required
10 under section 70111(e);

11 (2) construct, modernize, renovate, or retrofit
12 public school facilities, which may include seismic
13 retrofitting for schools vulnerable to seismic natural
14 disasters;

15 (3) carry out major repairs of public school fa-
16 cilities;

17 (4) install furniture or fixtures with at least a
18 10-year life in public school facilities;

19 (5) construct new public school facilities;

20 (6) acquire and prepare sites on which new
21 public school facilities will be constructed;

22 (7) extend the life of basic systems and compo-
23 nents of public school facilities;

1 (8) ensure current or anticipated enrollment
2 does not exceed the physical and instructional capac-
3 ity of public school facilities;

4 (9) ensure the building envelopes and interiors
5 of public school facilities protect occupants from nat-
6 ural elements and human threats, and are struc-
7 turally sound and secure;

8 (10) compose building design plans that
9 strengthen the safety and security on school prem-
10 ises by utilizing design elements, principles, and
11 technology that—

12 (A) guarantee layers of security through-
13 out the school premises; and

14 (B) uphold the aesthetics of the school
15 premises as a learning and teaching environ-
16 ment;

17 (11) improve energy and water efficiency to
18 lower the costs of energy and water consumption in
19 public school facilities;

20 (12) improve indoor air quality in public school
21 facilities;

22 (13) reduce or eliminate the presence of—

23 (A) toxic substances, including mercury,
24 radon, PCBs, lead, and asbestos;

25 (B) mold and mildew; or

1 (C) rodents and pests;

2 (14) ensure the safety of drinking water at the
3 tap and water used for meal preparation in public
4 school facilities, which may include testing of the po-
5 tability of water at the tap for the presence of lead
6 and other contaminants;

7 (15) bring public school facilities into compli-
8 ance with applicable fire, health, and safety codes;

9 (16) make public school facilities accessible to
10 people with disabilities through compliance with the
11 Americans with Disabilities Act of 1990 (42 U.S.C.
12 12101 et seq.) and section 504 of the Rehabilitation
13 Act of 1973 (29 U.S.C. 794);

14 (17) provide instructional program space im-
15 provements (including through the construction of
16 outdoor instructional space) for programs relating to
17 early learning (including early learning programs op-
18 erated by partners of the agency), special education,
19 science, technology, career and technical education,
20 physical education, music, the arts, and literacy (in-
21 cluding library programs);

22 (18) increase the use of public school facilities
23 for the purpose of community-based partnerships
24 that provide students with academic, health, and so-
25 cial services;

1 (19) ensure the health of students and staff
2 during the construction or modernization of public
3 school facilities; or

4 (20) reduce or eliminate excessive classroom
5 noise due to activities allowable under this section.

6 (b) ALLOWANCE FOR DIGITAL LEARNING.—A local
7 educational agency may use funds received under section
8 70111(a)(2) to leverage existing public programs or pub-
9 lic-private partnerships to expand access to high-speed
10 broadband sufficient for digital learning.

11 **SEC. 70113. PROHIBITED USES.**

12 A local educational agency that receives covered
13 funds may not use such funds for—

14 (1) payment of routine and predictable mainte-
15 nance costs and minor repairs;

16 (2) any facility that is primarily used for ath-
17 letic contests or exhibitions or other events for which
18 admission is charged to the general public;

19 (3) vehicles; or

20 (4) central offices, operation centers, or other
21 facilities that are not primarily used to educate stu-
22 dents.

1 **SEC. 70114. REQUIREMENTS FOR HAZARD-RESISTANCE, EN-**
2 **ERGY AND WATER CONSERVATION, AND AIR**
3 **QUALITY.**

4 (a) **REQUIREMENTS.**—A local educational agency
5 that receives covered funds shall ensure that any new con-
6 struction, modernization, or renovation project carried out
7 with such funds meets or exceeds the requirements of the
8 following:

9 (1) Requirements for such projects set forth in
10 the most recent published edition of a nationally rec-
11 ognized, consensus-based model building code.

12 (2) Requirements for such projects set forth in
13 the most recent published edition of a nationally rec-
14 ognized, consensus-based energy conservation stand-
15 ard or model code.

16 (3) Performance criteria under the WaterSense
17 program, established under section 324B of the En-
18 ergy Policy and Conservation Act (42 U.S.C.
19 6294b), applicable to such projects within a nation-
20 ally recognized, consensus-based model code.

21 (4) Indoor environmental air quality require-
22 ments applicable to such projects as set forth in the
23 most recent published edition of a nationally-recog-
24 nized, consensus-based standard.

25 (b) **ADDITIONAL USE OF FUNDS.**—A local edu-
26 cational agency that uses covered funds for a new con-

1 construction project or renovation project may use such funds
2 to assess vulnerabilities, risks, and hazards, to address
3 and mitigate such vulnerabilities, risks and hazards, to en-
4 hance resilience, and to provide for passive survivability.

5 **SEC. 70115. GREEN PRACTICES.**

6 (a) IN GENERAL.—In a given fiscal year, a local edu-
7 cational agency that uses covered funds for a new con-
8 struction project or renovation project shall use not less
9 than the applicable percentage (as described in subsection
10 (b)) of the funds used for such project for construction
11 or renovation that is certified, verified, or consistent with
12 the applicable provisions of—

13 (1) the United States Green Building Council
14 Leadership in Energy and Environmental Design
15 green building rating standard (commonly known as
16 the “LEED Green Building Rating System”);

17 (2) the Living Building Challenge developed by
18 the International Living Future Institute;

19 (3) a green building rating program developed
20 by the Collaborative for High-Performance Schools
21 (commonly known as “CHPS”) that is CHPS-
22 verified; or

23 (4) a program that—

1 (A) has standards that are equivalent to or
2 more stringent than the standards of a program
3 described in paragraphs (1) through (3);

4 (B) is adopted by the State or another ju-
5 risdiction with authority over the agency; and

6 (C) includes a verifiable method to dem-
7 onstrate compliance with such program.

8 (b) **APPLICABLE PERCENTAGE.**—The applicable per-
9 centage described in this subsection is—

10 (1) for fiscal year 2020, 60 percent;

11 (2) for fiscal year 2021, 70 percent;

12 (3) for fiscal year 2022; 80 percent;

13 (4) for fiscal year 2023, 90 percent; and

14 (5) for fiscal year 2024, 100 percent.

15 **SEC. 70116. USE OF AMERICAN IRON, STEEL, AND MANU-**
16 **FACTURED PRODUCTS.**

17 (a) **IN GENERAL.**—A local educational agency that
18 receives covered funds shall ensure that any iron, steel,
19 and manufactured products used in projects carried out
20 with such funds are produced in the United States.

21 (b) **WAIVER AUTHORITY.**—

22 (1) **IN GENERAL.**—The Secretary may waive
23 the requirement of subsection (a) if the Secretary
24 determines that—

1 (A) applying subsection (a) would be in-
2 consistent with the public interest;

3 (B) iron, steel, and manufactured products
4 produced in the United States are not produced
5 in a sufficient and reasonably available amount
6 or are not of a satisfactory quality; or

7 (C) using iron, steel, and manufactured
8 products produced in the United States will in-
9 crease the cost of the overall project by more
10 than 25 percent.

11 (2) PUBLICATION.—Before issuing a waiver
12 under paragraph (1), the Secretary shall publish in
13 the Federal Register a detailed written explanation
14 of the waiver determination.

15 (c) CONSISTENCY WITH INTERNATIONAL AGREE-
16 MENTS.—This section shall be applied in a manner con-
17 sistent with the obligations of the United States under
18 international agreements.

19 (d) DEFINITIONS.—In this section:

20 (1) PRODUCED IN THE UNITED STATES.—The
21 term “produced in the United States” means the fol-
22 lowing:

23 (A) When used with respect to a manufac-
24 tured product, the product was manufactured in
25 the United States and the cost of the compo-

1 nents of such product that were mined, pro-
2 duced, or manufactured in the United States
3 exceeds 60 percent of the total cost of all com-
4 ponents of the product.

5 (B) When used with respect to iron or
6 steel products, or an individual component of a
7 manufactured product, all manufacturing proc-
8 esses for such iron or steel products or compo-
9 nents, from the initial melting stage through
10 the application of coatings, occurred in the
11 United States, except that the term does not in-
12 clude—

13 (i) steel or iron material or products
14 manufactured abroad from semi-finished
15 steel or iron from the United States; and

16 (ii) steel or iron material or products
17 manufactured in the United States from
18 semi-finished steel or iron of foreign origin.

19 (2) MANUFACTURED PRODUCT.—The term
20 “manufactured product” means any construction
21 material or end product (as such terms are defined
22 in part 25.003 of the Federal Acquisition Regula-
23 tion) that is not an iron or steel product, includ-
24 ing—

25 (A) electrical components; and

1 (B) non-ferrous building materials, includ-
2 ing, aluminum and polyvinylchloride (PVC),
3 glass, fiber optics, plastic, wood, masonry, rub-
4 ber, manufactured stone, any other non-ferrous
5 metals, and any unmanufactured construction
6 material.

7 **SEC. 70117. PROHIBITION ON USE OF FUNDS FOR FACILI-**
8 **TIES OF FOR-PROFIT CHARTER SCHOOLS.**

9 No covered funds may be used for the facilities of
10 a public charter school that is operated by a for-profit en-
11 tity.

12 **SEC. 70118. PROHIBITION ON USE OF FUNDS FOR CERTAIN**
13 **CHARTER SCHOOLS.**

14 No covered funds may be used for the facilities of
15 a public charter school if—

16 (1) the school leases the facilities from an indi-
17 vidual or private sector entity; and

18 (2) such individual, or an individual with a di-
19 rect or indirect financial interest in such entity, has
20 a management or governance role in such school.

21 **Subtitle C—Annual Report and**
22 **Authorization of Appropriations**

23 **SEC. 70121. ANNUAL REPORT ON GRANT PROGRAM.**

24 (a) IN GENERAL.—Not later than September 30 of
25 each fiscal year beginning after the date of the enactment

1 of this division, the Secretary shall submit to the appro-
2 priate congressional committees a report on the projects
3 carried out with funds made available under this title.

4 (b) ELEMENTS.—The report under subsection (a)
5 shall include, with respect to the fiscal year preceding the
6 year in which the report is submitted, the following:

7 (1) An identification of each local educational
8 agency that received a grant under this title.

9 (2) With respect to each such agency, a descrip-
10 tion of—

11 (A) the demographic composition of the
12 student population served by the agency,
13 disaggregated by—

14 (i) race;

15 (ii) the number and percentage of stu-
16 dents counted under section 1124(c) of the
17 Elementary and Secondary Education Act
18 of 1965 (20 U.S.C. 6333(c)); and

19 (iii) the number and percentage of
20 students who are eligible for a free or re-
21 duced price lunch under the Richard B.
22 Russell National School Lunch Act (42
23 U.S.C. 1751 et seq.);

24 (B) the population density of the geo-
25 graphic area served by the agency;

1 (C) the projects for which the agency used
2 the grant received under this title, described
3 using measurements of school facility quality
4 from the most recent available version of the
5 Common Education Data Standards published
6 by the National Center for Education Statistics;

7 (D) the demonstrable or expected benefits
8 of the projects; and

9 (E) the estimated number of jobs created
10 by the projects.

11 (3) The total dollar amount of all grants re-
12 ceived by local educational agencies under this title.

13 (c) LEA INFORMATION COLLECTION.—A local edu-
14 cational agency that receives a grant under this title
15 shall—

16 (1) annually compile the information described
17 in subsection (b)(2);

18 (2) make the information available to the pub-
19 lic, including by posting the information on a pub-
20 licly accessible agency website; and

21 (3) submit the information to the State.

22 (d) STATE INFORMATION DISTRIBUTION.—A State
23 that receives information from a local educational agency
24 under subsection (c) shall—

1 (1) compile the information and report it annu-
2 ally to the Secretary at such time and in such man-
3 ner as the Secretary may require;

4 (2) make the information available to the pub-
5 lic, including by posting the information on a pub-
6 licly accessible State website; and

7 (3) regularly distribute the information to local
8 educational agencies and Tribal governments in the
9 State.

10 **SEC. 70122. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated
12 \$20,000,000,000 for each of fiscal years 2020 through
13 2024 to carry out this title. Amounts so appropriated are
14 authorized to remain available through fiscal year 2029.

15 **TITLE II—OTHER REPORTS, DE-**
16 **VELOPMENT OF STANDARDS,**
17 **AND INFORMATION CLEAR-**
18 **INGHOUSE**

19 **SEC. 70201. COMPTROLLER GENERAL REPORT.**

20 (a) IN GENERAL.—Not later than 2 years after the
21 date of the enactment of this division, the Comptroller
22 General of the United States shall submit to the appro-
23 priate congressional committees a report on the projects
24 carried out with covered funds.

1 (b) ELEMENTS.—The report under subsection (a)
2 shall include an assessment of—

3 (1) State activities, including—

4 (A) the types of public school facilities
5 data collected by each State, if any;

6 (B) technical assistance with respect to
7 public school facilities provided by each State, if
8 any;

9 (C) future plans of each State with respect
10 to public school facilities;

11 (D) criteria used by each State to deter-
12 mine high-need students and facilities for pur-
13 poses of the projects carried out with covered
14 funds; and

15 (E) whether the State issued new regula-
16 tions to ensure the health and safety of stu-
17 dents and staff during construction or renova-
18 tion projects or to ensure safe, healthy, and
19 high-performing school buildings;

20 (2) the types of projects carried out with cov-
21 ered funds, including—

22 (A) the square footage of the improve-
23 ments made with covered funds;

24 (B) the total cost of each such project; and

1 (C) the cost described in subparagraph
2 (B), disaggregated by, with respect to such
3 project, the cost of planning, design, construc-
4 tion, site purchase, and improvements;

5 (3) the geographic distribution of the projects;

6 (4) the demographic composition of the student
7 population served by the projects, disaggregated
8 by—

9 (A) race;

10 (B) the number and percentage of students
11 counted under section 1124(c) of the Elemen-
12 tary and Secondary Education Act of 1965 (20
13 U.S.C. 6333(c)); and

14 (C) the number and percentage of students
15 who are eligible for a free or reduced price
16 lunch under the Richard B. Russell National
17 School Lunch Act (42 U.S.C. 1751 et seq.);

18 (5) an assessment of the impact of the projects
19 on the health and safety of school staff and stu-
20 dents; and

21 (6) how the Secretary or States could make
22 covered funds more accessible—

23 (A) to schools with the highest numbers
24 and percentages of students counted under sec-
25 tion 1124(c) of the Elementary and Secondary

1 Education Act of 1965 (20 U.S.C. 6333(c));
2 and

3 (B) to schools with fiscal challenges in
4 raising capital for school infrastructure
5 projects.

6 (c) UPDATES.—The Comptroller General shall up-
7 date and resubmit the report to the appropriate congres-
8 sional committees—

9 (1) on a date that is between 5 and 6 years
10 after the date of the enactment of this division; and

11 (2) on a date that is between 10 and 11 years
12 after such date of enactment.

13 **SEC. 70202. STUDY AND REPORT PHYSICAL CONDITION OF**
14 **PUBLIC SCHOOLS.**

15 (a) STUDY AND REPORT.—Not less frequently than
16 once in each 5-year period beginning after the date of the
17 enactment of this division, the Secretary, acting through
18 the Director of the Institute of Education Sciences,
19 shall—

20 (1) carry out a comprehensive study of the
21 physical conditions of all public schools in the 50
22 States, the District of Columbia, the Commonwealth
23 of Puerto Rico, the United States Virgin Islands,
24 Guam, American Samoa, and the Commonwealth of
25 the Northern Mariana Islands; and

1 (2) submit a report to the appropriate congress-
2 sional committees that includes the results of the
3 study.

4 (b) ELEMENTS.—Each study and report under sub-
5 section (a) shall include—

6 (1) an assessment of—

7 (A) the effect of school facility conditions
8 on student and staff health and safety;

9 (B) the effect of school facility conditions
10 on student academic outcomes;

11 (C) the condition of school facilities, set
12 forth separately by geographic region;

13 (D) the condition of school facilities for
14 economically disadvantaged students as well as
15 students from major racial and ethnic sub-
16 groups;

17 (E) the accessibility of school facilities for
18 students and staff with disabilities;

19 (F) the prevalence of school facilities at
20 which student enrollment exceeds the physical
21 and instructional capacity of the facility and the
22 effect of such excess enrollment on instructional
23 quality and delivery of school wraparound serv-
24 ices;

1 (G) the condition of school facilities af-
2 fected by natural disasters;

3 (H) the effect that projects carried out
4 with covered funds have on the communities in
5 which such projects are conducted, including
6 the vitality, jobs, population, and economy of
7 such communities; and

8 (I) the ability of building envelopes and in-
9 teriors of public school facilities to protect occu-
10 pants from natural elements and human
11 threats;

12 (2) an explanation of any differences observed
13 with respect to the factors described in subpara-
14 graphs (A) through (H) of paragraph (1); and

15 (3) a cost estimate for bringing school facilities
16 to a state of good repair, as determined by the Sec-
17 retary.

18 **SEC. 70203. DEVELOPMENT OF DATA STANDARDS.**

19 (a) DATA STANDARDS.—Not later than 120 days
20 after the date of the enactment of this division, the Sec-
21 retary, in consultation with the officials described in sub-
22 section (b), shall—

23 (1) identify the data that States should collect
24 and include in the databases developed under section
25 70102(a)(2)(A)(ii);

1 (2) develop standards for the measurement of
2 such data; and

3 (3) issue guidance to States concerning the col-
4 lection and measurement of such data.

5 (b) OFFICIALS.—The officials described in this sub-
6 section are—

7 (1) the Administrator of the Environmental
8 Protection Agency;

9 (2) the Secretary of Energy;

10 (3) the Director of the Centers for Disease
11 Control and Prevention; and

12 (4) the Director of the National Institute for
13 Occupational Safety and Health.

14 **SEC. 70204. INFORMATION CLEARINGHOUSE.**

15 (a) IN GENERAL.—Not later than 120 days after the
16 date of the enactment of this division, the Secretary shall
17 establish a clearinghouse to disseminate information on
18 Federal programs and financing mechanisms that may be
19 used to assist schools in initiating, developing, and financ-
20 ing—

21 (1) energy efficiency projects;

22 (2) distributed generation projects; and

23 (3) energy retrofitting projects.

24 (b) ELEMENTS.—In carrying out subsection (a), the
25 Secretary shall—

1 (1) consult with the officials described in sec-
2 tion 70203(b) to develop a list of Federal programs
3 and financing mechanisms to be included in the
4 clearinghouse; and

5 (2) coordinate with such officials to develop a
6 collaborative education and outreach effort to
7 streamline communications and promote the Federal
8 programs and financing mechanisms included in the
9 clearinghouse, which may include the development
10 and maintenance of a single online resource that in-
11 cludes contact information for relevant technical as-
12 sistance that may be used by States, outlying areas,
13 local educational agencies, and Bureau-funded
14 schools effectively access and use such Federal pro-
15 grams and financing mechanisms.

16 **SEC. 70205. SENSE OF CONGRESS ON OPPORTUNITY ZONES.**

17 (a) FINDINGS.—The Congress finds as follows:

18 (1) Opportunity Zones were championed by
19 prominent leaders of both parties as an innovative
20 way to tackle longstanding challenges.

21 (2) As of December 2018, 8,763 low-income
22 communities had been designated as Opportunity
23 Zones, representing all 50 States, the District of Co-
24 lumbia, Puerto Rico, the U.S. Virgin Islands, and
25 American Samoa.

1 (3) Schools are integral parts of communities,
2 and a key part of communities’ economic and work
3 force development efforts could be modernizing
4 school facilities.

5 (b) SENSE OF CONGRESS.—It is the sense of the Con-
6 gress that opportunity zones, when combined with public
7 infrastructure investment, can provide an innovative ap-
8 proach to capital financing that has the potential to un-
9 leash creativity and help local communities rebuild schools,
10 rebuild economics, and get people back to work.

11 **TITLE III—IMPACT AID**
12 **CONSTRUCTION**

13 **SEC. 70301. TEMPORARY INCREASE IN FUNDING FOR IM-**
14 **PACT AID CONSTRUCTION.**

15 Section 7014(d) of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 7714(d)) is amended
17 to read as follows:

18 “(d) CONSTRUCTION.—For the purpose of carrying
19 out section 7007, there are authorized to be appropriated
20 \$100,000,000 for each of fiscal years 2020 through
21 2024.”.

1 **TITLE IV—ASSISTANCE FOR RE-**
2 **PAIR OF SCHOOL FOUNDA-**
3 **TIONS AFFECTED BY**
4 **PYRRHOTITE**

5 **SEC. 70401. ALLOCATIONS TO STATES.**

6 (a) IN GENERAL.—Beginning not later than 180
7 days after the date of the enactment of this division, the
8 Secretary shall carry out a program under which the Sec-
9 retary makes allocations to States to pay the Federal
10 share of the costs of making grants to local educational
11 agencies under section 70402.

12 (b) WEBSITE.—Not later than 180 days after the
13 date of enactment of this division, the Secretary shall pub-
14 lish, on a publicly accessible website of the Department
15 of Education, instructions describing how a State may re-
16 ceive an allocation under this section.

17 **SEC. 70402. GRANTS TO LOCAL EDUCATIONAL AGENCIES.**

18 (a) IN GENERAL.—From the amounts allocated to a
19 State under section 70401(a) and contributed by the State
20 under subsection (e)(2), the State shall award grants to
21 local educational agencies—

22 (1) to pay the future costs of repairing concrete
23 school foundations damaged by the presence of
24 pyrrhotite; or

1 (2) to reimburse such agencies for costs in-
2 curred by the agencies in making such repairs in the
3 5-year period preceding the date of enactment of
4 this division.

5 (b) LOCAL EDUCATIONAL AGENCY ELIGIBILITY.—

6 (1) ELIGIBILITY FOR GRANTS FOR FUTURE RE-
7 PAIRS.—To be eligible to receive a grant under sub-
8 section (a)(1), a local educational agency shall—

9 (A) with respect to each school for which
10 the agency seeks to use grant funds, dem-
11 onstrate to the State that—

12 (i) the school is a pyrrhotite-affected
13 school; and

14 (ii) any laboratory tests, core tests,
15 and visual inspections of the school's foun-
16 dation used to determine that the school is
17 a pyrrhotite-affected school were con-
18 ducted—

19 (I) by a professional engineer li-
20 censed in the State in which the
21 school is located; and

22 (II) in accordance with applicable
23 State standards or standards ap-
24 proved by any independent, non-prof-
25 it, or private entity authorized by the

1 State to oversee construction, testing,
2 or financial relief efforts for damaged
3 building foundations; and

4 (B) provide an assurance that—

5 (i) the local educational agency will
6 use the grant only for the allowable uses
7 described in subsection (f)(1); and

8 (ii) all work funded with the grant
9 will be conducted by a qualified contractor
10 or architect licensed in the State.

11 (2) ELIGIBILITY FOR REIMBURSEMENT
12 GRANTS.—To be eligible to receive a grant under
13 subsection (a)(2), a local educational agency shall
14 demonstrate that it met the requirements of para-
15 graph (1) at the time it carried out the project for
16 which the agency seeks reimbursement.

17 (c) APPLICATION.—

18 (1) IN GENERAL.—A local educational agency
19 that seeks a grant under this section shall submit to
20 the State an application at such time, in such man-
21 ner, and containing such information as the State
22 may require, which upon approval by the State
23 under subsection (d)(1)(A), the State shall submit to
24 the Secretary for approval under subsection
25 (d)(1)(B).

1 (2) CONTENTS.—At minimum, each application
2 shall include—

3 (A) information and documentation suffi-
4 cient to enable the State to determine if the
5 local educational agency meets the eligibility
6 criteria under subsection (b);

7 (B) in the case of an agency seeking a
8 grant under subsection (a)(1), an estimate of
9 the costs of carrying out the activities described
10 in subsection (f);

11 (C) in the case of an agency seeking a
12 grant under subsection (a)(2)—

13 (i) an itemized explanation of—

14 (I) the costs incurred by the
15 agency in carrying out any activities
16 described subsection (f);

17 (II) any amounts contributed
18 from other Federal, State, local, or
19 private sources for such activities; and

20 (ii) the amount for which the local
21 educational agency seeks reimbursement;
22 and

23 (D) the percentage of any costs described
24 in subparagraph (B) or (C) that are covered by
25 an insurance policy.

1 (d) APPROVAL AND DISBURSEMENT.—

2 (1) APPROVAL.—

3 (A) STATE.—The State shall approve the
4 application of each local educational agency for
5 submission to the Secretary that—

6 (i) submits a complete and correct ap-
7 plication under subsection (c); and

8 (ii) meets the criteria for eligibility
9 under subsection (b).

10 (B) SECRETARY.—Not later than 60 days
11 after receiving an application of a local edu-
12 cational agency submitted by a State under
13 subsection (c)(1), the Secretary shall—

14 (i) approve such application, in a case
15 in which the Secretary determines that
16 such application meets the requirements of
17 subparagraph (A); or

18 (ii) deny such application, in the case
19 of an application that does not meet such
20 requirements.

21 (2) DISBURSEMENT.—

22 (A) ALLOCATION.—The Secretary shall
23 disburse an allocation to a State not later than
24 60 days after the date on which the Secretary

1 approves an application under paragraph
2 (1)(B).

3 (B) GRANT.—The State shall disburse
4 grant funds to a local educational agency not
5 later than 60 days after the date on which the
6 State receives an allocation under subparagraph
7 (A).

8 (e) FEDERAL AND STATE SHARE.—

9 (1) FEDERAL SHARE.—The Federal share of
10 each grant under this section shall be an amount
11 that is not more than 50 percent of the total cost
12 of the project for which the grant is awarded.

13 (2) STATE SHARE.—

14 (A) IN GENERAL.—Subject to subpara-
15 graph (B), the State share of each grant under
16 this section shall be an amount that is not less
17 than 40 percent of the total cost of the project
18 for which the grant is awarded, which the State
19 shall contribute from non-Federal sources.

20 (B) SPECIAL RULE FOR REIMBURSEMENT
21 GRANTS.—In the case of a reimbursement grant
22 made to a local educational agency under sub-
23 section (a)(2) a State shall be treated as meet-
24 ing the requirement of subparagraph (A) if the
25 State demonstrates that it contributed, from

1 non-Federal sources, not less than 40 percent
2 of the total cost of the project for which the re-
3 imbursement grant is awarded.

4 (f) USES OF FUNDS.—

5 (1) ALLOWABLE USES OF FUNDS.—A local edu-
6 cational agency that receives a grant under this sec-
7 tion shall use such grant only for costs associated
8 with—

9 (A) the repair or replacement of the con-
10 crete foundation or other affected areas of a
11 pyrrhotite-affected school in the jurisdiction of
12 such agency to the extent necessary—

13 (i) to restore the structural integrity
14 of the school to the safety and health
15 standards established by the professional
16 licensed engineer or architect associated
17 with the project; and

18 (ii) to restore the school to the condi-
19 tion it was in before the school's founda-
20 tion was damaged due to the presence of
21 pyrrhotite; and

22 (B) engineering reports, architectural de-
23 sign, core tests, and other activities directly re-
24 lated to the repair or replacement project.

1 (2) PROHIBITED USES OF FUNDS.—A local edu-
2 cational agency that receives a grant under this sec-
3 tion may not use the grant for any costs associated
4 with—

5 (A) work done to outbuildings, sheds, or
6 barns, swimming pools (whether in-ground or
7 above-ground), playgrounds or ballfields, or any
8 ponds or water features;

9 (B) the purchase of items not directly as-
10 sociated with the repair or replacement of the
11 school building or its systems, including items
12 such as desks, chairs, electronics, sports equip-
13 ment, or other school supplies; or

14 (C) any other activities not described in
15 paragraph (1).

16 (g) LIMITATION.—A local educational agency may
17 not, for the same project, receive a grant under both—

18 (1) this section; and

19 (2) title I.

20 **SEC. 70403. DEFINITIONS.**

21 In this title:

22 (1) PYRRHOTITE-AFFECTED SCHOOL.—The
23 term “pyrrhotite-affected school” means an elemen-
24 tary school or a secondary school that meets the fol-
25 lowing criteria:

1 (A) The school has a concrete foundation.

2 (B) Pyrrhotite is present in the school's
3 concrete foundation, as demonstrated by a
4 petrographic or other type of laboratory core
5 analysis or core inspection.

6 (C) A visual inspection of the school's con-
7 crete foundation indicates that the presence of
8 pyrrhotite is causing the foundation to deterio-
9 rate at an unsafe rate.

10 (D) A qualified engineer determined that
11 the deterioration of the school's foundation, due
12 to the presence of pyrrhotite—

13 (i) caused the school to become struc-
14 turally unsound; or

15 (ii) will result in the school becoming
16 structurally unsound within the next five
17 years.

18 (2) QUALIFIED CONTRACTOR.—The term
19 “qualified contractor” means a contractor who is
20 qualified under State law, or approved by any State
21 agency or other State-sanctioned independent or
22 nonprofit entity, to repair or replace residential or
23 commercial building foundations that are deterio-
24 rating due to the presence of pyrrhotite.

1 **SEC. 70404. AUTHORIZATION OF APPROPRIATIONS.**

2 There are authorized to be appropriated to carry out
 3 this title such sums as may be necessary for fiscal year
 4 2020 and each fiscal year thereafter.

5 **DIVISION L—PUBLIC LANDS,**
 6 **TRIBAL COMMUNITIES, AND**
 7 **RESILIENT NATURAL INFRA-**
 8 **STRUCTURE**

9 **SEC. 80000. TABLE OF CONTENTS.**

10 The table of contents for this division is as follows:

DIVISION L—PUBLIC LANDS, TRIBAL COMMUNITIES, AND
 RESILIENT NATURAL INFRASTRUCTURE

Sec. 80000. Table of contents.

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Subtitle A—Water Settlements Infrastructure

Sec. 81101. Reclamation water settlements fund.
 Sec. 81102. Conveyance capacity correction project.
 Sec. 81103. Funding parity for water management goals and restoration goals.

Subtitle B—FUTURE Western Water Infrastructure and Drought Resiliency

Sec. 81201. Short title.
 Sec. 81202. Definitions.

CHAPTER 1—INFRASTRUCTURE DEVELOPMENT

Sec. 81211. Competitive grant program for the funding of water recycling and reuse projects.
 Sec. 81212. Storage project development reports to congress.
 Sec. 81213. Funding for storage and supporting projects.
 Sec. 81214. Extension of existing requirements for grandfathered storage projects.
 Sec. 81215. Desalination project development.
 Sec. 81216. Assistance for disadvantaged communities without adequate drinking water.

CHAPTER 2—IMPROVED TECHNOLOGY AND DATA

Sec. 81221. Reauthorization of water availability and use assessment program.
 Sec. 81222. Renewal of advisory committee on water information.
 Sec. 81223. Desalination technology development.
 Sec. 81224. X-prize for water technology breakthroughs.

- Sec. 81225. Study examining sediment transport.
- Sec. 81226. Determination of water supply allocations.
- Sec. 81227. Federal priority streamgages.
- Sec. 81228. Study examining climate vulnerabilities at federal dams.
- Sec. 81229. Innovative technology adoption.

CHAPTER 3—ECOSYSTEM PROTECTION AND RESTORATION

- Sec. 81231. Waterbird habitat creation program.
- Sec. 81232. Cooperative watershed management program.
- Sec. 81233. Competitive grant program for the funding of watershed health projects.
- Sec. 81234. Support for refuge water deliveries.
- Sec. 81235. Drought planning and preparedness for critically important fisheries.
- Sec. 81236. Aquatic ecosystem restoration.
- Sec. 81237. Reauthorization of the Fisheries Restoration and Irrigation Mitigation Act of 2000.
- Sec. 81238. Report on fish that inhabit waters that contain perfluoroalkyl or polyfluoroalkyl substances.

CHAPTER 4—WATER JOB TRAINING AND EDUCATION

- Sec. 81241. Water resource education.

CHAPTER 5—MISCELLANEOUS

- Sec. 81251. Offset.
- Sec. 81252. Delayed water project recommendations.
- Sec. 81253. Continued use of Pick-Sloan Missouri Basin Program project use power by the Kinsey Irrigation Company and the Sidney Water Users Irrigation District.

Subtitle C—Western Water Security

- Sec. 81301. Definitions.

CHAPTER 1—INFRASTRUCTURE AND WATER MANAGEMENT IMPROVEMENT

- Sec. 81311. Watersmart extension and expansion.
- Sec. 81312. Emergency drought funding.
- Sec. 81313. Rio Grande Pueblo Irrigation Infrastructure Reauthorization.
- Sec. 81314. Puerto Rico WaterSMART Grants Eligibility.

CHAPTER 2—GROUNDWATER MANAGEMENT

- Sec. 81321. Reauthorization and expansion of the Transboundary Aquifer Assessment Program.
- Sec. 81322. Groundwater management assessment and improvement.
- Sec. 81323. Surface and groundwater water availability and the energy nexus.

CHAPTER 3—WATER CONSERVATION AND ENVIRONMENTAL RESTORATION

- Sec. 81331. Definitions.
- Sec. 81332. Water acquisition program.
- Sec. 81333. Middle Rio Grande Water Conservation.

- Sec. 81334. Sustaining biodiversity during droughts.
- Sec. 81335. Reauthorization of cooperative watershed management program.

CHAPTER 4—EFFECT ON EXISTING LAW

- Sec. 81341. Effect on existing law.

Subtitle D—Water Resources Research Amendments

- Sec. 81411. Water Resources Research Act amendments.

Subtitle E—Ground Water Recharge Planning

- Sec. 81511. Ground water recharge planning.

Subtitle F—Tribal Water Infrastructure

- Sec. 81611. Finding.
- Sec. 81612. Indian Health Services Sanitation Facilities Construction Program funding.

Subtitle G—Navajo Utah Water Rights Settlement

- Sec. 81711. Purposes.
- Sec. 81712. Definitions.
- Sec. 81713. Ratification of agreement.
- Sec. 81714. Navajo water rights.
- Sec. 81715. Navajo trust accounts.
- Sec. 81716. Authorization of appropriations.
- Sec. 81717. Conditions precedent.
- Sec. 81718. Waivers and releases.
- Sec. 81719. Miscellaneous provisions.
- Sec. 81720. Relation to allottees.
- Sec. 81721. Antideficiency.

TITLE II—NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

Subtitle A—Public Lands Telecommunications

- Sec. 82101. Definitions.
- Sec. 82102. Collection and retention of rental fees associated with communications use authorizations on Federal lands and Federal land management agency support for communication site programs.
- Sec. 82103. Cooperative agreement authority.

Subtitle B—Outdoors for All

- Sec. 82201. Definitions.
- Sec. 82202. Grants authorized.
- Sec. 82203. Eligible uses.
- Sec. 82204. National park service requirements.
- Sec. 82205. Reporting.
- Sec. 82206. Revenue sharing.

Subtitle C—Updated Borrowing Authority

- Sec. 82301. Presidio Trust borrowing authority.

Subtitle D—Forest Service Legacy Roads and Trails Remediation Program

Sec. 82401. Forest Service Legacy Roads and Trails Remediation Program.

Subtitle E—Long Bridge

Sec. 82501. Authorization of National Park Service conveyances.

Subtitle F—Western Riverside County Wildlife Refuge

Sec. 82601. Western Riverside County Wildlife Refuge.

Sec. 82602. Purpose.

Sec. 82603. Notification of establishment.

Sec. 82604. Boundaries.

Sec. 82605. Administration.

Sec. 82606. Acquisition and transfers of lands and waters for wildlife refuge.

Subtitle G—Tribal Land to Trust

Sec. 82701. Lands to be taken into trust.

TITLE III—OCEANS AND WILDLIFE

Subtitle A—Coastal and Great Lakes Resiliency and Restoration

Sec. 83101. Shovel-Ready Restoration and Resiliency Grant Program.

Sec. 83102. Living Shoreline Grant Program.

Subtitle B—Wildlife Corridors Conservation Act

Sec. 83201. Definitions.

CHAPTER 1—NATIONAL WILDLIFE CORRIDOR SYSTEM ON FEDERAL LAND
AND WATER

Sec. 83211. National wildlife corridors.

Sec. 83212. Administrative designation of national wildlife corridors.

Sec. 83213. Management of national wildlife corridors.

CHAPTER 2—WILDLIFE CORRIDORS CONSERVATION

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Sec. 83311. Collaboration and coordination.

Sec. 83312. Effect.

SUBCHAPTER B—TRIBAL WILDLIFE CORRIDORS

Sec. 83321. Tribal Wildlife Corridors.

Sec. 83322. Protection of Indian Tribes.

SUBCHAPTER C—WILDLIFE MOVEMENT GRANT PROGRAM ON NON-FEDERAL
LAND AND WATER

Sec. 83331. Wildlife movements grant program.

Sec. 83332. National Coordination Committee.

Sec. 83333. Regional wildlife movement councils.

SUBCHAPTER D—NATIONAL WILDLIFE CORRIDORS DATABASE

Sec. 83341. National wildlife corridors database.

CHAPTER 3—FUNDING

- Sec. 83401. Wildlife corridors stewardship fund.
- Sec. 83402. Authorization of appropriations.

CHAPTER 4—AUTHORIZATION OF APPROPRIATIONS

SUBCHAPTER A—NATURAL INFRASTRUCTURE FOR WILDLIFE CONSERVATION
AND RESTORATION

- Sec. 83511. Short title.
- Sec. 83512. Wildlife Conservation and Restoration Subaccount.
- Sec. 83513. Technical amendments.
- Sec. 83514. Savings clause.

SUBCHAPTER B—NATURAL INFRASTRUCTURE FOR TRIBAL WILDLIFE
CONSERVATION AND RESTORATION

- Sec. 83521. Indian Tribes.

CHAPTER 5—MISCELLANEOUS

- Sec. 83601 Reauthorization of Chesapeake Bay gateways and watertrails network.

TITLE IV—ENERGY

Subtitle A—Establishment of Federal Orphaned Well Remediation Program

- Sec. 84101. Establishment of federal orphaned well remediation program.
- Sec. 84102. Federal bonding reform.

Subtitle B—Surface Mining Control and Reclamation Act Amendments

- Sec. 84201. Abandoned Mine Land Reclamation Fund.
- Sec. 84202. Emergency Powers.
- Sec. 84203. Reclamation fee.

Subtitle C—Revitalizing the Economy of Coal Communities by Leveraging
Local Activities and Investing More

- Sec. 84301. Economic revitalization for coal country.
- Sec. 84302. Technical and conforming amendments.
- Sec. 84303. Minimum State payments.
- Sec. 84304. GAO study of use of funds.
- Sec. 84305. Payments to certified States not affected.

Subtitle D—Public Land Renewable Energy Development

- Sec. 84401. Definitions.
- Sec. 84402. Land use planning; supplements to programmatic environmental impact statements.
- Sec. 84403. Environmental review on covered land.
- Sec. 84404. Program to improve renewable energy project permit coordination.
- Sec. 84405. Increasing economic certainty.
- Sec. 84406. Limited grandfathering.
- Sec. 84407. Renewable energy goal.
- Sec. 84408. Disposition of revenues.
- Sec. 84409. Promoting and enhancing development of geothermal energy.

- Sec. 84410. Facilitation of coproduction of geothermal energy on oil and gas leases.
- Sec. 84411. Noncompetitive leasing of adjoining areas for development of geothermal resources.
- Sec. 84412. Savings clause.

Subtitle E—Offshore Wind Jobs and Opportunity

- Sec. 84501. Offshore Wind Career Training Grant Program.

Subtitle F—Community Reclamation Partnerships

- Sec. 84601. Reference.
- Sec. 84602. State memoranda of understanding for certain remediation.
- Sec. 84603. Clarifying State liability for mine drainage projects.
- Sec. 84604. Conforming amendments.

Subtitle G—Sinkhole Hazard Identification

- Sec. 84701. Sinkhole hazard identification.

TITLE V—LABOR STANDARDS

- Sec. 85101. Labor Standards.

1 **TITLE I—WATER RESOURCES**
2 **INFRASTRUCTURE**
3 **Subtitle A—Water Settlements**
4 **Infrastructure**

5 **SEC. 81101. RECLAMATION WATER SETTLEMENTS FUND.**

6 Section 10501 of the Omnibus Public Land Manage-
7 ment Act of 2009 (43 U.S.C. 407) is amended—

8 (1) in subsection (b)(1), by inserting “and for
9 fiscal year 2031 and each fiscal year thereafter”
10 after “For each of fiscal years 2020 through 2029”;

11 (2) in subsection (c)—

12 (A) in paragraph (1)(A), by striking “for
13 each of fiscal years 2020 through 2034” and
14 inserting “for fiscal year 2020 and each fiscal
15 year thereafter”; and

1 (B) in paragraph (3)(C), by striking “for
2 any authorized use” and all that follows
3 through the period at the end and inserting
4 “for any use authorized under paragraph (2).”;
5 and
6 (3) by striking subsection (f).

7 **SEC. 81102. CONVEYANCE CAPACITY CORRECTION**
8 **PROJECT.**

9 (a) **IN GENERAL.**—There is authorized to be appro-
10 priated to the Secretary of the Interior, \$200,000,000 for
11 fiscal years 2020 through 2023, in the aggregate, for the
12 acceleration and completion of repairs to water conveyance
13 facilities at transferred works in Reclamation States.

14 (b) **ELIGIBILITY.**—A project eligible for funding
15 under this section is a project where—

16 (1) repairs are major, non-recurring mainte-
17 nance of a mission critical asset;

18 (2) the Secretary determines that the project
19 has lost 50 percent or more of its designed carrying
20 capacity along some portion of the facility; and

21 (3) the additional water made available for con-
22 veyance through the project would be used primarily
23 for groundwater recharge to assist in meeting
24 groundwater sustainability goals defined under State
25 law.

1 (c) COST SHARING.—

2 (1) FEDERAL SHARE.—The Federal share of
3 the cost of carrying out an activity described in this
4 section shall not be more than 50 percent.

5 (2) NON-FEDERAL SHARE.—The non-Federal
6 share of the cost of carrying out an activity de-
7 scribed in the section—

8 (A) shall be not less than 50 percent; and

9 (B) may be provided in cash or in-kind.

10 (d) RESTRICTIONS.—Funds authorized to be appro-
11 priated under this section may not be used to build new
12 surface storage, raise existing reservoirs, or enlarge the
13 carrying capacity of a canal beyond the project's capacity
14 as previously constructed by the Bureau of Reclamation.

15 (e) ENVIRONMENTAL COMPLIANCE.—In carrying out
16 projects under this section, the Secretary of the Interior
17 shall comply with all applicable environmental laws, in-
18 cluding—

19 (1) the National Environmental Policy Act of
20 1969;

21 (2) the Endangered Species Act of 1973; and

22 (3) other applicable State law.

23 (f) SAVINGS.—Federal funds provided under this sec-
24 tion shall be in addition to any and all Federal funding

1 authorized in statute for such purposes and shall be non-
2 reimbursable.

3 **SEC. 81103. FUNDING PARITY FOR WATER MANAGEMENT**
4 **GOALS AND RESTORATION GOALS.**

5 In addition to the funding authorized in section
6 10009 of Public Law 111–11, there are authorized to be
7 appropriated an additional \$200,000,000 (at October
8 2019 price levels) to implement the Restoration Goal of
9 the Settlement described in section 10004 of Public Law
10 111–11.

11 **Subtitle B—FUTURE Western**
12 **Water Infrastructure and**
13 **Drought Resiliency**

14 **SEC. 81201. SHORT TITLE.**

15 This subtitle may be cited as the “Furthering Under-
16 utilized Technologies and Unleashing Responsible Expend-
17 itures for Western Water Infrastructure and Drought Re-
18 siliency Act” or the “FUTURE Western Water Infra-
19 structure and Drought Resiliency Act”.

20 **SEC. 81202. DEFINITIONS.**

21 In this subtitle:

22 (1) **RELEVANT COMMITTEES OF CONGRESS.**—

23 The term “relevant committees of Congress”
24 means—

1 (A) the Committee on Natural Resources
2 of the House of Representatives; and

3 (B) the Committee on Energy and Natural
4 Resources of the Senate.

5 (2) RECLAMATION STATE.—The term “Rec-
6 lamation State” means a State or territory described
7 in the first section of the Act of June 17, 1902 (32
8 Stat. 388, chapter 1093; 43 U.S.C. 391).

9 (3) SECRETARY.—The term “Secretary” means
10 the Secretary of the Interior, unless otherwise de-
11 fined in a particular provision.

12 (4) INDIAN TRIBE.—The term “Indian Tribe”
13 has the meaning given the term in section 4 of the
14 Indian Self-Determination and Education Assistance
15 Act (25 U.S.C. 5304)).

16 **CHAPTER 1—INFRASTRUCTURE**

17 **DEVELOPMENT**

18 **SEC. 81211. COMPETITIVE GRANT PROGRAM FOR THE** 19 **FUNDING OF WATER RECYCLING AND REUSE** 20 **PROJECTS.**

21 (a) COMPETITIVE GRANT PROGRAM FOR THE FUND-
22 ING OF WATER RECYCLING AND REUSE PROJECTS.—Sec-
23 tion 1602(f) of the Reclamation Wastewater and Ground-
24 water Study and Facilities Act (title XVI of Public Law

1 102–575; 43 U.S.C. 390h et seq.) is amended by striking
2 paragraphs (2) and (3) and inserting the following:

3 “(2) PRIORITY.—When funding projects under
4 paragraph (1), the Secretary shall give funding pri-
5 ority to projects that meet one or more of the fol-
6 lowing criteria:

7 “(A) Projects that are likely to provide a
8 more reliable water supply for States and local
9 governments.

10 “(B) Projects that are likely to increase
11 the water management flexibility and reduce
12 impacts on environmental resources from
13 projects operated by Federal and State agen-
14 cies.

15 “(C) Projects that are regional in nature.

16 “(D) Projects with multiple stakeholders.

17 “(E) Projects that provide multiple bene-
18 fits, including water supply reliability, eco-sys-
19 tem benefits, groundwater management and en-
20 hancements, and water quality improvements.”.

21 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
22 1602(g) of the Reclamation Wastewater and Groundwater
23 Study and Facilities Act (title XVI of Public Law 102–
24 575; 43 U.S.C. 390h et seq.) is amended—

1 (1) by striking “\$50,000,000” and inserting
2 “\$500,000,000 through fiscal year 2025”; and

3 (2) by striking “if enacted appropriations legis-
4 lation designates funding to them by name,”.

5 (c) DURATION.—Section 4013 of the WIIN Act (43
6 U.S.C. 390b(2)) is amended—

7 (1) in paragraph (1), by striking “and”;

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

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

11 “(3) section 4009(c).”.

12 (d) LIMITATION ON FUNDING.—Section 1631(d) of
13 the Reclamation Wastewater and Groundwater Study and
14 Facilities Act (43 U.S.C. 390h–13(d)) is amended by
15 striking “\$20,000,000 (October 1996 prices)” and insert-
16 ing “\$30,000,000 (January 2019 prices)”.

17 **SEC. 81212. STORAGE PROJECT DEVELOPMENT REPORTS**
18 **TO CONGRESS.**

19 (a) DEFINITIONS.—In this section:

20 (1) NON-FEDERAL INTEREST.—The term
21 “Non-Federal interest” means an eligible entity or a
22 qualified partner (as defined in section 81213(a)).

23 (2) PROJECT REPORT.—The term “project re-
24 port” means the following documents prepared for a

1 Federal storage project or major federally assisted
2 storage project (as defined in section 81213(a)):

3 (A) A feasibility study carried out pursu-
4 ant to the Act of June 17, 1902 (32 Stat. 388,
5 chapter 1093), and Acts supplemental to and
6 amendatory of that Act (43 U.S.C. 371 et seq.)
7 including any feasibility or equivalent studies
8 prepared for a project pursuant to section
9 81213(c)(7)(B) or section 81213(d)(7)(B)(i) of
10 this subtitle.

11 (B) The Fish and Wildlife Coordination
12 Act report described in section 81213(g) of this
13 subtitle prepared for a project.

14 (C) Any final document prepared for a
15 project pursuant to the National Environmental
16 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

17 (D) A brief description of any completed
18 environmental permits, approvals, reviews, or
19 studies required for a project under any Fed-
20 eral law other than the National Environmental
21 Policy Act of 1969 (42 U.S.C. 4321 et seq.).

22 (E) A description of any determinations
23 made by the Secretary under section
24 81213(d)(7)(A)(ii) for each project and the
25 basis for such determinations.

1 (3) PROJECT STUDY.—

2 (A) FEDERAL STORAGE PROJECT.—With
3 respect to a Federal storage project (as defined
4 in section 81213(a)), the term “project study”
5 means a feasibility study carried out pursuant
6 to the Act of June 17, 1902 (32 Stat. 388,
7 chapter 1093), and Acts supplemental to and
8 amendatory of that Act (43 U.S.C. 371 et seq.)
9 including a feasibility study prepared pursuant
10 to section 81213(c)(7)(B) of this subtitle.

11 (B) MAJOR FEDERALLY ASSISTED STOR-
12 AGE PROJECT.—With respect to a major feder-
13 ally assisted storage project (as defined in sec-
14 tion 81213(a)), the term “project study” means
15 the feasibility or equivalent studies prepared
16 pursuant to section 81213(d)(7)(B)(i) of this
17 subtitle.

18 (b) ANNUAL REPORTS.—Not later than February 1
19 of each year, the Secretary shall develop and submit to
20 the relevant committees of Congress an annual report, to
21 be entitled “Report to Congress on Future Storage Project
22 Development”, that identifies the following:

23 (1) PROJECT REPORTS.—Each project report
24 that meets the criteria established in subsection
25 (d)(1)(A).

1 (2) PROPOSED PROJECT STUDIES.—Any pro-
2 posed project study submitted to the Secretary by a
3 non-Federal interest pursuant to subsection (c) that
4 meets the criteria established in subsection
5 (d)(1)(A).

6 (3) PROPOSED MODIFICATIONS.—Any proposed
7 modification to an authorized project or project
8 study that meets the criteria established in sub-
9 section (d)(1)(A) that—

10 (A) is submitted to the Secretary by a non-
11 Federal interest pursuant to subsection (c); or

12 (B) is identified by the Secretary for au-
13 thorization.

14 (c) REQUESTS FOR PROPOSALS.—

15 (1) PUBLICATION.—Not later than May 1 of
16 each year, the Secretary shall publish in the Federal
17 Register a notice requesting proposals from non-
18 Federal interests for project reports, proposed
19 project studies, and proposed modifications to au-
20 thorized projects and project studies to be included
21 in the annual report.

22 (2) DEADLINE FOR REQUESTS.—The Secretary
23 shall include in each notice required by this sub-
24 section a requirement that non-Federal interests
25 submit to the Secretary any proposals described in

1 paragraph (1) by not later than 120 days after the
2 date of publication of the notice in the Federal Reg-
3 ister in order for the proposals to be considered for
4 inclusion in the annual report.

5 (3) NOTIFICATION.—On the date of publication
6 of each notice required by this subsection, the Sec-
7 retary shall—

8 (A) make the notice publicly available, in-
9 cluding on the internet; and

10 (B) provide written notification of the pub-
11 lication to the relevant committees of Congress.

12 (d) CONTENTS.—

13 (1) PROJECT REPORTS, PROPOSED PROJECT
14 STUDIES, AND PROPOSED MODIFICATIONS.—

15 (A) CRITERIA FOR INCLUSION IN RE-
16 PORT.—The Secretary shall include in the an-
17 nual report only those project reports, proposed
18 project studies, and proposed modifications to
19 authorized projects and project studies that—

20 (i) are related to the missions and au-
21 thorities of the Department of the Interior;

22 (ii) require specific congressional au-
23 thorization, including by an Act of Con-
24 gress;

1 (iii) have not been congressionally au-
2 thorized;

3 (iv) have not been included in any
4 previous annual report; and

5 (v) if authorized, could be carried out
6 by the Department of the Interior or a
7 non-Federal entity eligible to carry out a
8 major federally assisted storage project
9 under section 81213.

10 (B) DESCRIPTION OF BENEFITS.—

11 (i) DESCRIPTION.—The Secretary
12 shall describe in the annual report, to the
13 extent applicable and practicable, for each
14 proposed project study and proposed modi-
15 fication to an authorized project or project
16 study included in the annual report, the
17 benefits, as described in clause (ii), of each
18 such study or proposed modification.

19 (ii) BENEFITS.—The benefits (or ex-
20 pected benefits, in the case of a proposed
21 project study) described in this clause are
22 benefits to—

23 (I) water supply and water man-
24 agement;

1 (II) the environment, including
2 fish and wildlife benefits estimated
3 under section 81213(g) for a project
4 report or proposed modification to an
5 authorized project;

6 (III) the protection of human life
7 and property;

8 (IV) the national economy; or

9 (V) the national security inter-
10 ests of the United States.

11 (C) IDENTIFICATION OF OTHER FAC-
12 TORS.—The Secretary shall identify in the an-
13 nual report, to the extent practicable—

14 (i) for each proposed project study in-
15 cluded in the annual report, the non-Fed-
16 eral interest that submitted the proposed
17 project study pursuant to subsection (c);
18 and

19 (ii) for each proposed project study
20 and proposed modification to a project or
21 project study included in the annual re-
22 port, whether the non-Federal interest has
23 demonstrated—

24 (I) that local support exists for
25 the proposed project study or pro-

1 posed modification to an authorized
2 project or project study (including the
3 project that is the subject of the pro-
4 posed project study or the proposed
5 modification to an authorized project
6 study); and

7 (II) the financial ability to pro-
8 vide the required non-Federal cost
9 share.

10 (2) TRANSPARENCY.—The Secretary shall in-
11 clude in the annual report, for each project report,
12 proposed project study, and proposed modification to
13 a project or project study included under paragraph
14 (1)(A)—

15 (A) the name of the associated non-Fed-
16 eral interest, including the name of any non-
17 Federal interest that has contributed, or is ex-
18 pected to contribute, a non-Federal share of the
19 cost of—

20 (i) the project report;

21 (ii) the proposed project study;

22 (iii) the authorized project study for
23 which the modification is proposed; or

24 (iv) construction of—

- 1 (I) the project that is the subject
2 of—
- 3 (aa) the project report;
4 (bb) the proposed project
5 study; or
6 (cc) the authorized project
7 study for which a modification is
8 proposed; or
- 9 (II) the proposed modification to
10 a project;
- 11 (B) a letter or statement of support for the
12 project report, proposed project study, or pro-
13 posed modification to a project or project study
14 from each associated non-Federal interest;
- 15 (C) the purpose of the project report, pro-
16 posed project study, or proposed modification to
17 a project or project study;
- 18 (D) an estimate, to the extent practicable,
19 of the Federal, non-Federal, and total costs
20 of—
- 21 (i) the proposed modification to an
22 authorized project study; and
23 (ii) construction of—
- 24 (I) the project that is the subject
25 of—

- 1 (aa) the project report; or
- 2 (bb) the authorized project
- 3 study for which a modification is
- 4 proposed, with respect to the
- 5 change in costs resulting from
- 6 such modification; or
- 7 (II) the proposed modification to
- 8 an authorized project; and
- 9 (E) an estimate, to the extent practicable,
- 10 of the monetary and nonmonetary benefits of—
- 11 (i) the project that is the subject of—
- 12 (I) the project report; or
- 13 (II) the authorized project study
- 14 for which a modification is proposed,
- 15 with respect to the benefits of such
- 16 modification; or
- 17 (ii) the proposed modification to an
- 18 authorized project.
- 19 (3) CERTIFICATION.—The Secretary shall in-
- 20 clude in the annual report a certification stating
- 21 that each project report, proposed project study, and
- 22 proposed modification to a project or project study
- 23 included in the annual report meets the criteria es-
- 24 tablished in paragraph (1)(A).

1 (4) APPENDIX.—The Secretary shall include in
2 the annual report an appendix listing the proposals
3 submitted under subsection (c) that were not in-
4 cluded in the annual report under paragraph (1)(A)
5 and a description of why the Secretary determined
6 that those proposals did not meet the criteria for in-
7 clusion under such paragraph.

8 (e) SPECIAL RULE FOR INITIAL ANNUAL REPORT.—
9 Notwithstanding any other deadlines required by this sec-
10 tion, the Secretary shall—

11 (1) not later than 60 days after the date of the
12 enactment of this Act, publish in the Federal Reg-
13 ister a notice required by subsection (c)(1); and

14 (2) include in such notice a requirement that
15 non-Federal interests submit to the Secretary any
16 proposals described in subsection (c)(1) by not later
17 than 120 days after the date of publication of such
18 notice in the Federal Register in order for such pro-
19 posals to be considered for inclusion in the first an-
20 nual report developed by the Secretary under this
21 section.

22 (f) PUBLICATION.—Upon submission of an annual
23 report to Congress, the Secretary shall make the annual
24 report publicly available, including through publication on
25 the Internet.

1 (g) CONSULTATION.—The Secretary, acting through
2 the Commissioner of Reclamation, shall confer with the
3 relevant committees of Congress before submitting each
4 annual report prepared under subsection (b).

5 (h) SUBMISSION OF INDIVIDUAL PROJECT RE-
6 PORTS.—Upon completion, project reports, including all
7 required documents and reports under subsection (b),
8 shall—

9 (1) be submitted to the relevant committees of
10 Congress; and

11 (2) include discussion of the following findings
12 by the Secretary—

13 (A) whether the project is deemed to be
14 feasible in accordance with the applicable feasi-
15 bility standards under section 81213 and the
16 reclamation laws;

17 (B) The degree to which the project will
18 provide benefits (or expected benefits, in the
19 case of a proposed project study) as described
20 in subsection (d)(1)(B)(ii) and other benefits
21 under the reclamation laws; and

22 (C) whether the project complies with Fed-
23 eral, State, and local laws.

1 **SEC. 81213. FUNDING FOR STORAGE AND SUPPORTING**
2 **PROJECTS.**

3 (a) DEFINITIONS.—In this section:

4 (1) DESIGN; STUDY.—

5 (A) IN GENERAL.—The terms “design”
6 and “study” include any design, permitting,
7 study (including a feasibility study), materials
8 engineering or testing, surveying, or
9 preconstruction activity relating to a Federal
10 storage project, a major federally assisted stor-
11 age project, a natural water storage project, or
12 a standard federally assisted storage project as
13 defined in this subsection.

14 (B) EXCLUSIONS.—The terms “design”
15 and “study” do not include an appraisal study
16 or other preliminary review intended to deter-
17 mine whether further study is appropriate for a
18 Federal storage project, a major federally as-
19 sisted storage project, a natural water storage
20 project, or a standard federally assisted storage
21 project as defined in this subsection.

22 (2) ELIGIBLE ENTITY.—The term “eligible enti-
23 ty” means—

24 (A) any State, political subdivision of a
25 State, department of a State, or public agency
26 organized pursuant to State law;

1 (B) an Indian Tribe or an entity controlled
2 by an Indian Tribe;

3 (C) a water users' association;

4 (D) an agency established by an interstate
5 compact; and

6 (E) an agency established under State law
7 for the joint exercise of powers.

8 (3) FEDERAL STORAGE PROJECT.—The term
9 “Federal storage project” means—

10 (A) any project in a Reclamation State
11 that involves the construction, expansion, up-
12 grade, or capital repair of a water storage facil-
13 ity or a facility conveying water to or from a
14 surface or groundwater storage facility—

15 (i) to which the United States holds
16 title; and

17 (ii) that was authorized to be con-
18 structed, operated, and maintained pursu-
19 ant to—

20 (I) the reclamation laws; or

21 (II) the Act of August 11, 1939
22 (commonly known as the Water Con-
23 servation and Utilization Act (16
24 U.S.C. 590y et seq.)); or

1 (B) an ecosystem restoration project for
2 watershed function, including a forest or water-
3 shed restoration project, that reduces the risk
4 of water storage loss by reducing the risk of
5 erosion or sediment loading into a water storage
6 facility in a Reclamation State—

7 (i) to which the United States holds
8 title; and

9 (ii) that was authorized to be con-
10 structed, operated, and maintained pursu-
11 ant to—

12 (I) the reclamation laws; or

13 (II) the Act of August 11, 1939
14 (commonly known as the Water Con-
15 servation and Utilization Act (16
16 U.S.C. 590y et seq.)).

17 (4) FISH AND WILDLIFE BENEFITS.—The term
18 “fish and wildlife benefits” means overall benefits or
19 improvements to aquatic ecosystems and native fish
20 and wildlife within a Reclamation State, including
21 benefits for a wildlife refuge, that are in excess of—

22 (A) existing fish and wildlife mitigation or
23 compliance obligations under—

24 (i) the Federal Water Pollution Con-
25 trol Act (33 U.S.C. 1251 et seq.);

- 1 (ii) the Fish and Wildlife Coordina-
2 tion Act (16 U.S.C. 661 et seq.);
- 3 (iii) the Water Resources Develop-
4 ment Act of 1986 (Public Law 99–662;
5 100 Stat. 4082);
- 6 (iv) the Endangered Species Act of
7 1973 (16 U.S.C. 1531 et seq.);
- 8 (v) the National Environmental Policy
9 Act of 1969 (42 U.S.C. 4321 et seq.); and
- 10 (vi) any other Federal law, State law
11 or other existing requirement in regula-
12 tions, permits, contracts, licenses, grants,
13 or orders and decisions from courts or
14 State or Federal agencies; or
- 15 (B) existing environmental mitigation or
16 compliance obligations as defined in section
17 6001(a)(32) of title 23 of the California Code
18 of Regulations, with respect to benefits and im-
19 provements to aquatic ecosystems and native
20 fish and wildlife within the State of California,
21 in recognition of the State of California’s exist-
22 ing prohibitions against the use of public funds
23 for environmental mitigation required under
24 Federal and State law.

1 (5) MAJOR FEDERALLY ASSISTED STORAGE
2 PROJECT.—The term “major federally assisted stor-
3 age project” means any project in a Reclamation
4 State that—

5 (A) involves the construction, expansion,
6 upgrade, or capital repair by an eligible entity
7 or qualified partner of—

8 (i) a surface or groundwater storage
9 facility that is not federally owned; or

10 (ii) a facility that is not federally
11 owned conveying water to or from a sur-
12 face or groundwater storage facility; or

13 (B) is an ecosystem restoration project for
14 watershed function, including a forest or water-
15 shed restoration project, that reduces the risk
16 of water storage loss by reducing the risk of
17 erosion or sediment loading for a project de-
18 scribed in subparagraph (A); and

19 (C) provides benefits described in section
20 81212(d)(1)(B)(ii); and

21 (D) has a total estimated cost of more
22 than \$250,000,000.

23 (6) NATURAL WATER STORAGE PROJECT.—The
24 term “natural water storage project” means a single
25 project, a number of distributed projects across a

1 watershed, or the redesign and replacement, or re-
2 moval, of built infrastructure to incorporate ele-
3 ments, where the project or elements have the fol-
4 lowing characteristics:

5 (A) Uses primarily natural materials ap-
6 propriate to the specific site and landscape set-
7 ting.

8 (B) Largely relies on natural riverine, wet-
9 land, hydrologic, or ecological processes.

10 (C) Results in aquifer recharge, transient
11 floodplain water retention, or reconnection of
12 historic floodplains to their stream channels
13 with water retention benefits within a Reclama-
14 tion State.

15 (D) Is designed to produce two or more of
16 the following environmental benefits:

17 (i) Stream flow changes beneficial to
18 watershed health.

19 (ii) Fish and wildlife habitat or migra-
20 tion corridor restoration.

21 (iii) Floodplain reconnection and inun-
22 dation.

23 (iv) Riparian or wetland restoration
24 and improvement.

1 (7) STANDARD FEDERALLY ASSISTED STORAGE
2 PROJECT.—The term “standard federally assisted
3 storage project” means any project in a Reclamation
4 State that—

5 (A) involves the construction, expansion,
6 upgrade, or capital repair by an eligible entity
7 or qualified partner of—

8 (i) a surface or groundwater storage
9 facility that is not federally owned; or

10 (ii) a facility that is not federally
11 owned conveying water to or from a sur-
12 face or groundwater storage facility; or

13 (B) is an ecosystem restoration project for
14 watershed function, including a forest or water-
15 shed restoration project, that reduces the risk
16 of water storage loss by reducing the risk of
17 erosion or sediment loading for a project de-
18 scribed in subparagraph (A);

19 (C) provides benefits described in section
20 81212(d)(1)(B)(ii); and

21 (D) has a total estimated cost of
22 \$250,000,000 or less.

23 (8) QUALIFIED PARTNER.—The term “qualified
24 partner” means a non-profit organization operating
25 in a Reclamation State.

1 (9) RECLAMATION LAWS.—The term “reclama-
2 tion laws” means Federal reclamation law (the Act
3 of June 17, 1902 (32 Stat. 388; chapter 1093)), and
4 Acts supplemental to and amendatory of that Act.

5 (b) STORAGE PROJECT FUNDING.—There is author-
6 ized to be appropriated a total of \$750 million for use
7 by the Secretary through fiscal year 2026 to advance—

8 (1) Federal storage projects within a Reclama-
9 tion State in accordance with subsection (c);

10 (2) major federally assisted storage projects
11 within a Reclamation State in accordance with sub-
12 section (d);

13 (3) natural water storage projects within a Rec-
14 lamation State in accordance with subsection (e);

15 (4) standard federally assisted storage projects
16 within a Reclamation State in accordance with sub-
17 section (f); or

18 (5) grandfathered storage projects in accord-
19 ance with section 81214.

20 (c) FEDERAL STORAGE PROJECTS.—

21 (1) AGREEMENTS.—On request of an eligible
22 entity or qualified partner and in accordance with
23 this subsection, the Secretary may negotiate and
24 enter into an agreement on behalf of the United
25 States for the design, study, construction, expansion,

1 upgrade, or capital repair of a Federal storage
2 project located in a Reclamation State.

3 (2) FEDERAL SHARE.—Subject to the require-
4 ments of this subsection, the Secretary may fund up
5 to 50 percent of the design and study costs of a
6 Federal storage project and up to 50 percent of the
7 construction costs of a Federal storage project.

8 (3) CONDITIONS FOR FEDERAL DESIGN AND
9 STUDY FUNDING.—Funding provided under this
10 subsection may be made available for the design and
11 study of a Federal storage project if—

12 (A) the Secretary secures a cost share
13 agreement for design and study costs providing
14 sufficient upfront funding to pay the non-Fed-
15 eral share of the design and study costs of the
16 Federal storage project; and

17 (B) the feasibility study for the Federal
18 storage project is congressionally authorized by
19 reference to the annual Report to Congress on
20 Future Storage Project Development prepared
21 under section 81212.

22 (4) CONDITIONS FOR FEDERAL CONSTRUCTION
23 FUNDING.—Funding provided under this subsection
24 for the construction of a Federal storage project
25 may be made available to a project if—

1 (A) the project has been authorized by
2 name in a Federal statute;

3 (B) the project is a multi-benefit project
4 that would, at a minimum, provide water supply
5 reliability benefits (including additional storage,
6 conveyance, or new firm yield) and fish and
7 wildlife benefits as determined by the final esti-
8 mate prepared pursuant to subsection (g);

9 (C) construction funding for the project is
10 congressionally approved by reference to the an-
11 nual Report to Congress on Future Storage
12 Project Development prepared under section
13 81212;

14 (D) the Secretary secures an agreement
15 providing sufficient upfront funding to pay the
16 non-Federal share of the construction costs of
17 the Federal storage project; and

18 (E) The Secretary determines—

19 (i) the project is technically and finan-
20 cially feasible;

21 (ii) the project provides water supply
22 reliability benefits for a State or local gov-
23 ernment and fish and wildlife benefits; and

24 (iii) in return for the Federal cost-
25 share investment in the project, at least a

1 proportionate share of the project benefits
2 are for—

3 (I) fish and wildlife benefits as
4 determined under subsection (g); or

5 (II) non-reimbursable expenses
6 authorized under the reclamation laws
7 other than fish and wildlife expenses.

8 (5) NOTIFICATION.—The Secretary shall sub-
9 mit to the relevant committees of Congress and
10 make publicly available on the internet a written no-
11 tification of the Secretary’s determinations regarding
12 the satisfaction of the requirements under para-
13 graphs (3) and (4) by not later than 30 days after
14 the date of the determinations.

15 (6) ENVIRONMENTAL LAWS.—In participating
16 in a Federal storage project under this subsection,
17 the Secretary shall comply with all applicable Fed-
18 eral environmental laws, including the National En-
19 vironmental Policy Act of 1969 (42 U.S.C. 4321 et
20 seq.), and all State environmental laws of the Rec-
21 lamation State in which the project is located involv-
22 ing the construction, expansion or operation of a
23 water storage project or fish and wildlife protection,
24 provided that no law or regulation of a State or po-
25 litical subdivision of a State relieve the Secretary of

1 any Federal requirement otherwise applicable under
2 this section.

3 (7) ADDITIONAL GUIDELINES FOR RESTORA-
4 TION PROJECTS THAT REDUCE THE RISK OF WATER
5 STORAGE LOSSES.—

6 (A) REQUIREMENTS.—A restoration
7 project described in section 81213(a)(3)(B)
8 that receives funding under this subsection
9 must—

10 (i) have the potential to reduce the
11 risk of water storage losses for a Federal
12 storage project described in subsection
13 (a)(3)(A) by reducing the risk of erosion or
14 sediment loading; and

15 (ii) be designed to result in fish and
16 wildlife benefits.

17 (B) DRAFT FEASIBILITY STUDY.—Not
18 later than 180 days after the date of the enact-
19 ment of this Act, the Secretary shall issue draft
20 requirements for feasibility studies for Federal
21 storage projects described in section
22 81213(a)(3)(B).

23 (C) FEASIBILITY STUDY REQUIRE-
24 MENTS.—The draft feasibility study require-
25 ments issued under subparagraph (B) shall be

1 consistent with requirements for a title XVI
2 Feasibility Study Report, including the eco-
3 nomic analysis, contained in the Reclamation
4 Manual Directives and Standards numbered
5 WTR 11–01, subject to any additional require-
6 ments necessary to provide sufficient informa-
7 tion for making determinations under this sec-
8 tion.

9 (D) FINAL FEASIBILITY STUDY REQUIRE-
10 MENTS.—The Secretary shall finalize the feasi-
11 bility study requirements under subparagraph
12 (C) by not later than 1 year after the date of
13 the enactment of this Act.

14 (E) ELIGIBLE PARTNER.—The Secretary
15 is authorized to participate in a restoration
16 project described in subsection (a)(3)(B) with a
17 partner that is—

18 (i) an eligible entity as defined in sub-
19 section (a)(2); or

20 (ii) a qualified partner as defined in
21 subsection (a)(8).

22 (d) MAJOR FEDERALLY ASSISTED STORAGE
23 PROJECTS.—

24 (1) IN GENERAL.—In accordance with this sub-
25 section, the Secretary shall establish a competitive

1 grant program to participate in the design, study,
2 construction, expansion, upgrade, or capital repair of
3 a major federally assisted storage project on request
4 of an eligible entity or qualified partner. The com-
5 petitive grant program established under this para-
6 graph shall—

7 (A) allow any project sponsor of a major
8 federally assisted storage project to apply for
9 funding for the design, study, construction, ex-
10 pansion, upgrade, or capital repair of a major
11 federally assisted storage project;

12 (B) include the issuance of annual solicita-
13 tions for major federally assisted storage
14 project sponsors to apply for funding for the
15 design, study, construction, expansion, upgrade,
16 or capital repair of a major federally assisted
17 storage project; and

18 (C) permit the Secretary to fund up to 25
19 percent of the design and study costs of a
20 major federally assisted storage project and up
21 to 25 percent of the construction costs of a
22 major federally assisted storage project.

23 (2) FUNDING PRIORITY FOR MULTI-BENEFIT
24 PROJECTS.—In making grants under this subsection,

1 the Secretary shall give funding priority to multi-
2 benefit projects that provide greater—

3 (A) water supply reliability benefits for
4 States and local governments; and

5 (B) fish and wildlife benefits.

6 (3) CONDITIONS FOR FEDERAL DESIGN AND
7 STUDY FUNDING.—The Secretary may fund a design
8 or study activity for a major federally assisted stor-
9 age project under this subsection if—

10 (A) the Governor of the State in which the
11 major federally assisted storage project is lo-
12 cated provides written concurrence for the de-
13 sign and study activities;

14 (B) the Secretary secures an agreement for
15 design and study costs providing sufficient up-
16 front funding to pay the non-Federal share of
17 the design and study costs of the major feder-
18 ally assisted storage project; and

19 (C) the feasibility study for the major fed-
20 erally assisted storage project is congressionally
21 authorized by reference to the annual Report to
22 Congress on Future Storage Project Develop-
23 ment prepared under section 81212.

24 (4) CONDITIONS FOR FEDERAL CONSTRUCTION
25 FUNDING.—Funding provided under this subsection

1 for the construction of a major federally assisted
2 storage project may be made available to a project
3 if—

4 (A) the project has been authorized by
5 name in a Federal statute;

6 (B) the project is a multi-benefit project
7 that would, at a minimum, provide water supply
8 reliability benefits (including additional storage,
9 conveyance, or new firm yield) and fish and
10 wildlife benefits as determined by the estimate
11 prepared pursuant to subsection (g);

12 (C) the Governor of the State in which the
13 major federally assisted storage project is lo-
14 cated has requested Federal participation at the
15 time construction is initiated;

16 (D) the Secretary secures an agreement
17 committing to pay the non-Federal share of the
18 capital costs of the major federally assisted
19 storage project; and

20 (E) the Secretary determines—

21 (i) the project is technically and finan-
22 cially feasible;

23 (ii) the project provides water supply
24 reliability benefits for a State or local gov-
25 ernment and fish and wildlife benefits; and

1 (iii) in return for the Federal cost-
2 share investment in the project, at least a
3 proportionate share of the project benefits
4 are for—

5 (I) fish and wildlife benefits as
6 determined under subsection (g); or

7 (II) other non-reimbursable ex-
8 penses authorized under the reclama-
9 tion laws other than fish and wildlife
10 expenses.

11 (5) NOTIFICATION.—The Secretary shall sub-
12 mit to the relevant committees of Congress and
13 make publicly available on the internet a written no-
14 tification of the Secretary’s determinations regarding
15 the satisfaction of the requirements under para-
16 graphs (3) and (4) by not later than 30 days after
17 the date of the determinations.

18 (6) ENVIRONMENTAL LAWS.—In participating
19 in a major federally assisted storage project under
20 this subsection, the Secretary shall comply with all
21 applicable Federal environmental laws, including the
22 National Environmental Policy Act of 1969 (42
23 U.S.C. 4321 et seq.), and all State environmental
24 laws of the Reclamation State in which the project
25 is located involving the construction, expansion or

1 operation of a water storage project or fish and wild-
2 life protection, provided that no law or regulation of
3 a State or political subdivision of a State relieve the
4 Secretary of any Federal requirement otherwise ap-
5 plicable under this section.

6 (7) INFORMATION.—

7 (A) IN GENERAL.—In participating in a
8 major federally assisted storage project under
9 this subsection, the Secretary—

10 (i) may consider the use of feasibility
11 or equivalent studies prepared by the spon-
12 sor of the major federally assisted storage
13 project; but

14 (ii) shall retain responsibility for de-
15 termining whether the feasibility or equiva-
16 lent studies satisfy the requirements of re-
17 ports prepared by the Secretary.

18 (B) GUIDELINES.—

19 (i) DRAFT.—Not later than 180 days
20 after the date of the enactment of this Act,
21 the Secretary shall issue draft guidelines
22 for feasibility or equivalent studies for
23 major federally assisted storage projects
24 prepared by a project sponsor that shall be
25 consistent with requirements for a title

1 XVI Feasibility Study Report, including
2 the economic analysis, contained in the
3 Reclamation Manual Directives and Stand-
4 ards numbered WTR 11-01, subject to—

5 (I) any additional requirements
6 necessary to provide sufficient infor-
7 mation for making any determinations
8 or assessments under paragraphs (2),
9 (3), and (4); and

10 (II) the condition that the Bu-
11 reau of Reclamation shall not bear re-
12 sponsibility for the technical adequacy
13 of any design, cost estimate, or con-
14 struction relating to a major federally
15 assisted storage project.

16 (ii) FINAL.—The Secretary shall final-
17 ize the guidelines under clause (i) by not
18 later than 1 year after the date of the en-
19 actment of this Act.

20 (C) TECHNICAL ASSISTANCE FOR FEASI-
21 BILITY STUDIES.—

22 (i) TECHNICAL ASSISTANCE.—At the
23 request of an eligible entity or qualified
24 partner, the Secretary shall provide to the
25 eligible entity or qualified partner technical

1 assistance relating to any aspect of a feasi-
2 bility study carried out by the eligible enti-
3 ty or qualified partner under this sub-
4 section if the eligible entity or qualified
5 partner contracts with the Secretary to pay
6 all costs of providing the technical assist-
7 ance.

8 (ii) IMPARTIAL DECISIONMAKING.—In
9 providing technical assistance under clause
10 (i), the Secretary shall ensure that the use
11 of funds accepted from an eligible entity or
12 qualified partner will not affect the impar-
13 tial decisionmaking responsibilities of the
14 Secretary, either substantively or proce-
15 durally.

16 (iii) EFFECT OF TECHNICAL ASSIST-
17 ANCE.—The provision of technical assist-
18 ance by the Secretary under clause (i) shall
19 not be considered to be an approval or en-
20 dorsement of a feasibility study.

21 (8) ELIGIBLE PARTNER.—The Secretary is au-
22 thorized to participate in a restoration project de-
23 scribed in subsection (a)(4)(B) with a partner that
24 is—

1 (A) an eligible entity as defined in sub-
2 section (a)(2); or

3 (B) a qualified partner as defined in sub-
4 section (a)(8).

5 (e) NATURAL WATER STORAGE PROJECTS.—

6 (1) IN GENERAL.—In accordance with this sub-
7 section, the Secretary shall establish a competitive
8 grant program to participate in the design, study,
9 construction, expansion, upgrade, or capital repair of
10 a natural water storage project in a Reclamation
11 State on request of an eligible entity or qualified
12 partner. The competitive grant program established
13 under this paragraph shall—

14 (A) allow any project sponsor of a natural
15 water storage project to apply for funding for
16 the design, study, construction, expansion, up-
17 grade, or capital repair of a natural water stor-
18 age project; and

19 (B) include the issuance of annual solicita-
20 tions for natural water storage project sponsors
21 to apply for funding for the design, study, con-
22 struction, expansion, upgrade, or capital repair
23 of a natural water storage project.

24 (2) FUNDING PRIORITY FOR MULTI-BENEFIT
25 PROJECTS.—In making grants under this subsection,

1 the Secretary shall give funding priority to multi-
2 benefit projects that provide greater—

3 (A) water supply reliability benefits for
4 States and local governments; and

5 (B) fish and wildlife benefits.

6 (3) FEDERAL SHARE.—Subject to the require-
7 ments of this subsection, the Secretary may provide
8 funding to an eligible entity or qualified partner for
9 the design, study, construction, expansion, upgrade,
10 or capital repair of a natural water storage project
11 in an amount equal to not more than 80 percent of
12 the total cost of the natural water storage project.

13 (4) CONDITIONS FOR FEDERAL DESIGN AND
14 STUDY FUNDING.—The Secretary may fund a design
15 or study activity for a natural water storage project
16 under this subsection if the Governor of the State in
17 which the natural water storage project is located
18 provides written concurrence for design and study
19 activities.

20 (5) CONDITIONS FOR FEDERAL CONSTRUCTION
21 FUNDING.—Funding provided under this subsection
22 for the construction of a natural water storage
23 project may be made available to a project if—

24 (A) the Governor of the State in which the
25 natural water storage project is located has re-

1 requested Federal participation at the time con-
2 struction was initiated;

3 (B) the Secretary determines or the appli-
4 cable non-Federal sponsor determines through
5 the preparation of a feasibility or equivalent
6 study prepared in accordance to paragraph (9),
7 and the Secretary concurs, that—

8 (i) the project is technically and finan-
9 cially feasible;

10 (ii) the project provides water supply
11 reliability benefits for a State or local gov-
12 ernment and fish and wildlife benefits; and

13 (iii) in return for the Federal cost-
14 share investment in the project, at least a
15 proportionate share of the project benefits
16 are for non-reimbursable expenses author-
17 ized under the reclamation laws or for fish
18 and wildlife benefits as defined in this sec-
19 tion, which shall be considered a fully non-
20 reimbursable Federal expenditure; and

21 (C) the Secretary secures an agreement
22 committing to pay the non-Federal share of the
23 construction costs of the project.

24 (6) ENVIRONMENTAL LAWS.—In participating
25 in a natural water storage project under this sub-

1 section, the Secretary shall comply with all applica-
2 ble Federal environmental laws, including the Na-
3 tional Environmental Policy Act of 1969 (42 U.S.C.
4 4321 et seq.), and all State environmental laws of
5 the Reclamation State in which the project is located
6 involving the construction, expansion or operation of
7 a water storage project or fish and wildlife protec-
8 tion, provided that no law or regulation of a State
9 or political subdivision of a State relieve the Sec-
10 retary of any Federal requirement otherwise applica-
11 ble under this section.

12 (7) INFORMATION.—In participating in a nat-
13 ural water storage project under this subsection, the
14 Secretary—

15 (A) may consider the use of feasibility or
16 equivalent studies prepared by the sponsor of
17 the natural water storage project if the sponsor
18 elects to prepare such reports; but

19 (B) shall retain responsibility for deter-
20 mining whether the feasibility or equivalent
21 studies satisfy the requirements of studies pre-
22 pared by the Secretary.

23 (8) NOTIFICATION.—The Secretary shall sub-
24 mit to the relevant committees of Congress and
25 make publicly available on the internet a written no-

1 tification of the Secretary's determinations regarding
2 the satisfaction of the requirements under para-
3 graphs (4) and (5) by not later than 30 days after
4 the date of the determinations.

5 (9) GUIDELINES.—

6 (A) DRAFT.—Not later than 180 days
7 after the date of the enactment of this Act, the
8 Secretary shall issue draft guidelines for feasi-
9 bility or equivalent studies for natural water
10 storage projects prepared by a project sponsor
11 that shall be consistent with this subsection,
12 provided that the Department of the Interior
13 shall not bear responsibility for the technical
14 adequacy of any design, cost estimate, or con-
15 struction relating to a natural water storage
16 project.

17 (B) FINAL.—The Secretary shall finalize
18 the guidelines under subparagraph (A) by not
19 later than 1 year after the date of the enact-
20 ment of this Act.

21 (C) TECHNICAL ASSISTANCE FOR FEASI-
22 BILITY STUDIES.—

23 (i) TECHNICAL ASSISTANCE.—At the
24 request of an eligible entity or qualified
25 partner, the Secretary shall provide to the

1 eligible entity or qualified partner technical
2 assistance relating to any aspect of a feasi-
3 bility study carried out by an eligible entity
4 or qualified partner under this subsection
5 if the eligible entity or qualified partner
6 contracts with the Secretary to pay all
7 costs of providing the technical assistance.

8 (ii) IMPARTIAL DECISIONMAKING.—In
9 providing technical assistance under clause
10 (i), the Secretary shall ensure that the use
11 of funds accepted from an eligible entity or
12 qualified partner will not affect the impar-
13 tial decisionmaking responsibilities of the
14 Secretary, either substantively or proce-
15 durally.

16 (iii) EFFECT OF TECHNICAL ASSIST-
17 ANCE.—The provision of technical assist-
18 ance by the Secretary under clause (i) shall
19 not be considered to be an approval or en-
20 dorsement of a feasibility study.

21 (f) STANDARD FEDERALLY ASSISTED STORAGE
22 PROJECTS.—

23 (1) IN GENERAL.—In accordance with this sub-
24 section, the Secretary shall establish a competitive
25 grant program to participate in the design, study,

1 construction, expansion, upgrade, or capital repair of
2 a standard federally assisted storage project on re-
3 quest of an eligible entity or qualified partner. The
4 competitive grant program established under this
5 paragraph shall—

6 (A) allow any project sponsor of a stand-
7 ard federally assisted storage project to apply
8 for funding for the design, study, construction,
9 expansion, upgrade, or capital repair of a feder-
10 ally assisted storage project;

11 (B) include the issuance of annual sollicita-
12 tions for standard federally assisted storage
13 project sponsors to apply for funding for the
14 design, study, construction, expansion, upgrade
15 or capital repair of a standard federally assisted
16 storage project; and

17 (C) permit the Secretary to fund up to 25
18 percent of the total cost of a federally assisted
19 storage project.

20 (2) SELECTION OF PROJECTS.—In making
21 grants under this subsection, the Secretary shall give
22 funding priority to projects that—

23 (A) provide greater water supply reliability
24 benefits for States and local governments, in-
25 cluding through aquifer storage and recovery

1 wells, in-lieu recharge activities that could be
2 effectuated or expanded through additional in-
3 frastructure investments including interties,
4 and the establishment and use of recharge
5 ponds, including in an urban environment;

6 (B) provide greater fish and wildlife bene-
7 fits; and

8 (C) cost not more than \$30,000,000 to
9 allow greater participation and wider distribu-
10 tion of funds and program benefits.

11 (3) CONDITIONS FOR FEDERAL DESIGN AND
12 STUDY FUNDING.—The Secretary may fund a design
13 or study activity for a standard federally assisted
14 storage project under this subsection if the Governor
15 of the State in which the federally assisted storage
16 project is located provides written concurrence for
17 design and study activities.

18 (4) CONDITIONS FOR FEDERAL CONSTRUCTION
19 FUNDING.—Funding provided under this subsection
20 for the construction of a standard federally assisted
21 storage project may be made available to a project
22 if—

23 (A) the Governor of the State in which the
24 federally assisted storage project is located has

1 requested Federal participation at the time con-
2 struction was initiated; and

3 (B) the Secretary determines or the appli-
4 cable non-Federal sponsor determines through
5 the preparation of a feasibility or equivalent
6 study prepared in accordance with paragraph
7 (7), and the Secretary concurs, that—

8 (i) the standard federally assisted
9 storage project is technically and finan-
10 cially feasible;

11 (ii) the standard federally assisted
12 storage project provides water supply reli-
13 ability benefits for a State or local govern-
14 ment and fish and wildlife benefits; and

15 (iii) in return for the Federal cost-
16 share investment in the project, at least a
17 proportionate share of the project benefits
18 are for non-reimbursable expenses author-
19 ized under the reclamation laws or for fish
20 and wildlife benefits as defined in this sec-
21 tion, which shall be considered a fully non-
22 reimbursable Federal expenditure; and

23 (C) the Secretary secures an agreement
24 committing to pay the non-Federal share of the
25 construction costs of the project.

1 (5) NOTIFICATION.—The Secretary shall sub-
2 mit to the relevant committees of Congress and
3 make publicly available on the internet a written no-
4 tification of the Secretary’s determinations regarding
5 the satisfaction of the requirements under para-
6 graphs (3) and (4) by not later than 30 days after
7 the date of the determinations.

8 (6) ENVIRONMENTAL LAWS.—In participating
9 in a standard federally assisted storage project
10 under this subsection, the Secretary shall comply
11 with all applicable Federal environmental laws, in-
12 cluding the National Environmental Policy Act of
13 1969 (42 U.S.C. 4321 et seq.), and all State envi-
14 ronmental laws of the Reclamation State in which
15 the project is located involving the construction, ex-
16 pansion or operation of a water storage project or
17 fish and wildlife protection, provided that no law or
18 regulation of a State or political subdivision of a
19 State relieve the Secretary of any Federal require-
20 ment otherwise applicable under this section.

21 (7) INFORMATION.—

22 (A) IN GENERAL.—In participating in a
23 standard federally assisted storage project
24 under this subsection, the Secretary—

1 (i) may consider the use of feasibility
2 or equivalent studies prepared by the spon-
3 sor of the standard federally assisted stor-
4 age project; but

5 (ii) shall retain responsibility for de-
6 termining whether the feasibility or equiva-
7 lent studies satisfy the requirements of re-
8 ports prepared by the Secretary.

9 (B) GUIDELINES.—

10 (i) DRAFT.—Not later than 180 days
11 after the date of the enactment of this Act,
12 the Secretary shall issue draft guidelines
13 for feasibility or equivalent studies for
14 standard federally assisted storage projects
15 prepared by a project sponsor that shall be
16 consistent with requirements for a title
17 XVI Feasibility Study Report, including
18 the economic analysis, contained in the
19 Reclamation Manual Directives and Stand-
20 ards numbered WTR 11–01, subject to—

21 (I) any additional requirements
22 necessary to provide sufficient infor-
23 mation for making any determinations
24 or assessments under paragraphs (2),
25 (3) and (4); and

1 (II) the condition that the De-
2 partment of the Interior shall not
3 bear responsibility for the technical
4 adequacy of any design, cost estimate,
5 or construction relating to a standard
6 federally assisted storage project.

7 (ii) FINAL.—The Secretary shall final-
8 ize the guidelines under clause (i) by not
9 later than 1 year after the date of the en-
10 actment of this Act.

11 (C) TECHNICAL ASSISTANCE FOR FEASI-
12 BILITY STUDIES.—

13 (i) TECHNICAL ASSISTANCE.—At the
14 request of an eligible entity or qualified
15 partner, the Secretary shall provide to the
16 eligible entity or qualified partner technical
17 assistance relating to any aspect of a feasi-
18 bility study carried out by an eligible entity
19 or qualified partner under this subsection
20 if the eligible entity or qualified partner
21 contracts with the Secretary to pay all
22 costs of providing the technical assistance.

23 (ii) IMPARTIAL DECISIONMAKING.—In
24 providing technical assistance under clause
25 (i), the Secretary shall ensure that the use

1 of funds accepted from an eligible entity or
2 qualified partner will not affect the impar-
3 tial decisionmaking responsibilities of the
4 Secretary, either substantively or proce-
5 durally.

6 (iii) EFFECT OF TECHNICAL ASSIST-
7 ANCE.—The provision of technical assist-
8 ance by the Secretary under clause (i) shall
9 not be considered to be an approval or en-
10 dorsement of a feasibility study.

11 (8) COMMITTEE RESOLUTION PROCEDURE.—

12 (A) IN GENERAL.—No appropriation shall
13 be made for a standard federally assisted stor-
14 age project under this subsection, the total esti-
15 mated cost of which exceeds \$100,000,000, if
16 such project has not been approved by a resolu-
17 tion adopted by the Committee on Natural Re-
18 sources of the House of Representatives and the
19 Committee on Energy and Natural Resources of
20 the Senate.

21 (B) REQUIREMENTS FOR SECURING CON-
22 sideration.—For the purposes of securing
23 consideration of approval under subparagraph
24 (A), the Secretary shall provide to a committee
25 referred to in subparagraph (A) such informa-

1 tion as the committee requests and the non-
2 Federal sponsor shall provide to the committee
3 information on the costs and relative needs for
4 the federally assisted storage project.

5 (9) ELIGIBLE PARTNER.—The Secretary is au-
6 thorized to participate in a restoration project de-
7 scribed in subsection (a)(7)(B) with a partner that
8 is—

9 (A) an eligible entity as defined in sub-
10 section (a)(2); or

11 (B) a qualified partner as defined in sub-
12 section (a)(8).

13 (g) FISH AND WILDLIFE LOSSES AND BENEFITS.—

14 (1) DEFINITIONS.—In this subsection—

15 (A) The term “Best available scientific in-
16 formation and data” means the use of the high-
17 value information and data, specific to the deci-
18 sion being made and the time frame available
19 for making that decision, to inform and assist
20 management and policy decisions;

21 (B) The term “Director” means—

22 (i) the Director of the United States
23 Fish and Wildlife Service; or

24 (ii) the United States Secretary of
25 Commerce, acting through the Assistant

1 Administrator of the National Marine
2 Fisheries Service, if a determination or
3 fish and wildlife estimate made under this
4 subsection is for an anadromous species or
5 catadromous species.

6 (C) The term “major water storage
7 project” means a major federally assisted stor-
8 age project or Federal storage project as de-
9 fined under section 81212.

10 (2) PURPOSES.—The purposes of this sub-
11 section are the following:

12 (A) To reverse widespread fish and wildlife
13 species decline in the Reclamation States.

14 (B) To help fund and assist in the prepa-
15 ration of reports required under the Fish and
16 Wildlife Coordination Act for proposed water
17 development projects.

18 (C) To instruct the Director to prepare a
19 report described in section 2(b) of the Fish and
20 Wildlife Coordination Act (16 U.S.C. 662(b))
21 for each major water storage project that in-
22 cludes an estimate of fish and wildlife losses
23 and fish and wildlife benefits derived from each
24 such project, based on the best available sci-
25 entific information and data.

1 (D) To direct Federal funds to major
2 water storage projects that provide demon-
3 strable, measurable fish and wildlife benefits
4 and associated ecosystem services benefits for
5 taxpayers based on objective data and the ex-
6 pertise of the primary Federal agency with ju-
7 risdiction over the management of fish and
8 wildlife resources.

9 (E) To ensure that Federal funds provided
10 for fish and wildlife purposes under this section
11 are used effectively in a manner that maximizes
12 positive outcomes for fish and wildlife and asso-
13 ciated ecosystem services benefits for taxpayers,
14 including benefits related to the domestic sea-
15 food supply and the enhancement and expan-
16 sion of hunting, fishing, and other fish and
17 wildlife related outdoor recreation opportunities
18 within the Reclamation States.

19 (3) ESTIMATION OF FISH AND WILDLIFE BENE-
20 FITS AND LOSSES UNDER THE FISH AND WILDLIFE
21 COORDINATION ACT.—The Director shall prepare a
22 report described in section 2(b) of the Fish and
23 Wildlife Coordination Act (16 U.S.C. 662(b)), for
24 each major water storage project that—

1 (A) is based on the best available scientific
2 information and data available; and

3 (B) includes an estimate of fish and wild-
4 life losses and fish and wildlife benefits derived
5 from a major water storage project determined
6 in accordance with this subsection.

7 (4) DRAFT ESTIMATE.—

8 (A) USE OF BEST AVAILABLE SCIENTIFIC
9 INFORMATION AND DATA AVAILABLE.—The Di-
10 rector shall include in the Fish and Wildlife Co-
11 ordination Act report prepared under paragraph
12 (3) a draft estimate of fish and wildlife losses
13 and fish and wildlife benefits derived from a
14 major water storage project.

15 (B) COORDINATION.—A draft estimate re-
16 quired under subparagraph (A) shall be pre-
17 pared in coordination with the head of the State
18 agency with jurisdiction over the fish and wild-
19 life resources of the State in which the major
20 water storage project is proposed to be carried
21 out.

22 (C) APPLICABLE LAW; REQUIREMENTS.—
23 The draft estimate prepared under this para-
24 graph shall—

1 (i) meet all the evaluation require-
2 ments of section 2(b) of the Fish and
3 Wildlife Coordination Act (16 U.S.C.
4 662(b)) unless otherwise specified in this
5 subsection;

6 (ii) quantify and estimate the fish and
7 wildlife benefits and any losses to native
8 fish and wildlife from the proposed major
9 water storage project; and

10 (iii) estimate whether the fish and
11 wildlife benefits derived from the proposed
12 major water storage project are likely to
13 exceed the adverse fish and wildlife im-
14 pacts.

15 (D) REVIEW; AVAILABILITY.—The Direc-
16 tor shall ensure that any draft estimate pre-
17 pared under this paragraph is—

18 (i) made available for peer review by
19 an independent group of scientific experts;
20 and

21 (ii) made available for a public review
22 and comment period of not less than 30
23 days.

24 (5) FINAL ESTIMATE.—Using the best available
25 scientific information and data, the Director shall

1 prepare a final estimate of fish and wildlife benefits
2 for each proposed major water storage project based
3 on the applicable draft estimate prepared under
4 paragraph (4), after considering the results of the
5 independent scientific peer review and public com-
6 ment processes under paragraph (4)(D).

7 (6) TRANSMISSION; AVAILABILITY.—A final es-
8 timate prepared under paragraph (5) shall be—

9 (A) transmitted to—

10 (i) the project applicant; and

11 (ii) the relevant State agency; and

12 (B) made available to the public.

13 (7) RECOMMENDATIONS.—If a final estimate
14 under paragraph (5) determines that the proposed
15 major water storage project fails to provide fish and
16 wildlife benefits, the final estimate may identify po-
17 tential recommendations to enable the project to
18 provide fish and wildlife benefits or to reduce the
19 project’s adverse fish and wildlife impacts.

20 (8) IMPORTATION OF REVIEW STANDARDS.—
21 Sections 207(i) and 207(j) of the Reclamation
22 Projects Authorization and Adjustment Act of 1992
23 (Public Law 102–575; 106 Stat. 4709) shall apply
24 to a final estimate prepared under paragraph (5),
25 except that—

1 (A) any reference contained in those sec-
2 tions to the Secretary shall be considered to be
3 a reference to the Director as defined in this
4 subsection;

5 (B) any reference contained in those sec-
6 tions to determination or determinations shall
7 be considered to be a reference to estimate or
8 estimates described in this subsection;

9 (C) any reference contained in those sec-
10 tions to subsection (b), (f)(1), or (g) shall be
11 considered to be a reference to paragraph (5) of
12 this subsection; and

13 (D) any reference contained in those sec-
14 tions to “this subsection” shall be considered to
15 be a reference to section 81213(g) of the Mov-
16 ing Forward Act.

17 (9) FUNDING FOR ESTIMATES.—There is au-
18 thorized to be appropriated \$10,000,000 through fis-
19 cal year 2026 for the United States Fish and Wild-
20 life Service to prepare draft estimates under para-
21 graph (4) and final estimates under paragraph (5).

22 (10) ADDITIONAL FUNDING FOR ESTIMATES.—
23 The authority under section 662(e) of the Fish and
24 Wildlife Coordination Act (16 U.S.C. 662(b)) to
25 transfer funds from the Bureau of Reclamation to

1 the United States Fish and Wildlife Service for Fish
2 and Wildlife Coordination Act reports for proposed
3 water development projects shall be deemed to ex-
4 tend to the preparation of a draft or final estimate
5 prepared under paragraph (4) or (5), provided that
6 any transfer of funds generally adheres to the 1981
7 Transfer Funding Agreement between the United
8 States Fish and Wildlife Service and the Bureau of
9 Reclamation or any successor agreement, to the ex-
10 tent that any such agreement is consistent with the
11 requirements of this subsection.

12 (11) AGENCY RESPONSIBILITIES.—The respon-
13 sibility for preparing a draft and final estimate
14 under this subsection shall reside with the United
15 States Fish and Wildlife Service and may not be del-
16 egated to another entity, including another Federal
17 agency or bureau, except for the United States Sec-
18 retary of Commerce, acting through the Assistant
19 Administrator of the National Marine Fisheries
20 Service, for the preparation of a draft or final esti-
21 mate for anadromous species or catadromous spe-
22 cies.

23 (12) USE OF FISH AND WILDLIFE ESTIMATES
24 TO INFORM FEDERAL SPENDING FOR FISH AND
25 WILDLIFE PURPOSES.—With respect to a major

1 water storage project considered for Federal funding
2 under this section, the Director shall determine costs
3 allocated to the specific purpose of providing fish
4 and wildlife benefits, based on the fish and wildlife
5 benefits estimate for the applicable project or the
6 best available scientific information and data avail-
7 able at the time a cost allocation determination is
8 made. In determining a cost allocation under this
9 paragraph, the Director shall consult with the Com-
10 missioner of the Bureau of Reclamation and may
11 make a cost allocation determination for fish and
12 wildlife benefits in accordance with existing cost allo-
13 cation procedures, to the extent that such proce-
14 dures are consistent with the requirements of this
15 subsection. Cost allocation determinations for all
16 other non-reimbursable or reimbursable project pur-
17 poses for a major water storage project advanced
18 under this section shall be determined in accordance
19 with existing cost allocation procedures under the
20 reclamation laws.

21 (h) PRELIMINARY STUDIES.—Of the amounts made
22 available under subsection (b), not more than 25 percent
23 shall be provided for appraisal studies, feasibility studies,
24 or other preliminary studies.

1 (i) PROVIDING GREATER FEDERAL FUNDING AND
2 SUPPORT FOR MULTI-BENEFIT STORAGE PROJECTS.—
3 Notwithstanding any non-Federal cost share requirement
4 under the reclamation laws for water development
5 projects, any cost allocated to a water storage project
6 under this section for the sole purpose of providing fish
7 and wildlife benefits, determined in accordance with all ap-
8 plicable requirements under this section, shall be consid-
9 ered a 100 percent non-reimbursable Federal cost.

10 (j) CALFED REAUTHORIZATION.—

11 (1) REAUTHORIZATION.—Title I of Public Law
12 108–361 (118 Stat. 1681; 123 Stat. 2860; 128 Stat.
13 164; 128 Stat. 2312; 129 Stat. 2407; 130 Stat.
14 1866) is amended by striking “2020” each place it
15 appears and inserting “2024”.

16 (2) CALFED DESCRIPTION OF ACTIVITIES.—
17 Subparagraph 103(f)(1)(A) of Public Law 108–361
18 (118 Stat. 1694) is amended by striking “, except
19 that” and all that follows through the end of the
20 subparagraph.

21 (k) EFFECT.—Nothing in this section is intended to
22 authorize Federal funds made available under subsection
23 (b) for a project led by a non-profit organization, as de-
24 scribed in subsection (a)(7), except for a project that is
25 a natural water storage project or forest restoration, wa-

1 tershed restoration or other restoration project that re-
2 duces the risk of water storage loss described in subsection
3 (a).

4 **SEC. 81214. EXTENSION OF EXISTING REQUIREMENTS FOR**
5 **GRANDFATHERED STORAGE PROJECTS.**

6 (a) PURPOSE; DEFINITION.—

7 (1) PURPOSE.—The purpose of this section is
8 to establish an expedited project advancement proc-
9 ess for certain water storage projects that have al-
10 ready received some degree of evaluation under the
11 Water Infrastructure Improvements for the Nation
12 Act (Public Law 114–322) or under certain State
13 water storage project evaluations.

14 (2) DEFINITION OF GRANDFATHERED STORAGE
15 PROJECT.—In this section, the term “grandfathered
16 storage project” means a storage project that has al-
17 ready been recommended for funding made available
18 under section 4007 of the Water Infrastructure Im-
19 provements for the Nation Act (Public Law 114–
20 322) by the Secretary or a State governor prior to
21 June 1, 2020, except for any project within the
22 State of California that—

23 (A) has been evaluated for State storage
24 funding awards by the California Water Com-
25 mission pursuant to the California Water Qual-

1 ity, Supply, and Infrastructure Improvement
2 Act, approved by California voters on November
3 4, 2014, and failed to receive a maximum con-
4 ditional eligibility determination of at least
5 \$200 million; or

6 (B) is an on-stream storage project that
7 has not been evaluated for State storage fund-
8 ing awards by the California Water Commission
9 pursuant to the California Water Quality, Sup-
10 ply, and Infrastructure Improvement Act, ap-
11 proved by California voters on November 4,
12 2014.

13 (b) IN GENERAL.—Notwithstanding any other re-
14 quirements of this subtitle, grandfathered storage projects
15 shall be eligible to receive funding authorized under sec-
16 tion 81213(b) of this subtitle in accordance with this sub-
17 section.

18 (c) REQUIREMENTS.—

19 (1) IMPORTATION OF WIIN ACT REQUIRE-
20 MENTS.—The following requirements shall apply to
21 grandfathered storage projects: sections 4007(c)(1)
22 through 4007(c)(4), section 4007(f), and section
23 4007(h)(2) of the Water Infrastructure Improve-
24 ments for the Nation Act (Public Law 114–322), ex-
25 cept that any reference contained in those sections

1 to State-led storage projects shall be considered to
2 be a reference to grandfathered storage projects.

3 (2) PRIORITIZATION.—The Secretary shall give
4 funding priority among grandfathered storage
5 projects to those that provide greater and more reli-
6 able water supply benefits to wildlife refuges, species
7 listed under the Endangered Species Act of 1973
8 (16 U.S.C. 1531 et seq.), or to commercially har-
9 vested salmon species.

10 (d) APPLICABILITY OF WIIN ACT DEADLINES.—
11 Storage project deadlines described in section 4007(i) and
12 section 4013(2) of the Water Infrastructure Improve-
13 ments for the Nation Act (Public Law 114–322) shall not
14 apply to any grandfathered storage project under this sec-
15 tion.

16 **SEC. 81215. DESALINATION PROJECT DEVELOPMENT.**

17 (a) DESALINATION PROJECTS AUTHORIZATION.—
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 striking the second paragraph (1) (relating to projects)
21 and inserting the following:

22 “(2) PROJECTS.—

23 “(A) DEFINITIONS.—In this paragraph:

24 “(i) ELIGIBLE DESALINATION
25 PROJECT.—The term ‘eligible desalination

1 project' means any project located in a
2 Reclamation State that—

3 “(I) involves an ocean or brack-
4 ish water desalination facility—

5 “(aa) constructed, operated,
6 and maintained by a State, In-
7 dian Tribe, municipality, irriga-
8 tion district, water district, or
9 other organization with water or
10 power delivery authority; or

11 “(bb) sponsored or funded
12 by a State, department of a
13 State, political subdivision of a
14 State, municipality or public
15 agency organized pursuant to
16 State law, including through—

17 “(AA) direct sponsor-
18 ship or funding; or

19 “(BB) indirect sponsor-
20 ship or funding, such as by
21 paying for the water pro-
22 vided by the facility; and

23 “(II) provides a Federal benefit
24 in accordance with the reclamation
25 laws.

1 “(ii) RURAL DESALINATION
2 PROJECT.—The term ‘rural desalination
3 project’ means an eligible desalination
4 project that is designed to serve a commu-
5 nity or group of communities, each of
6 which has a population of not more than
7 40,000 inhabitants.

8 “(iii) DESIGNATED DESALINATION
9 PROJECT.—The term ‘designated desalina-
10 tion project’ means an eligible desalination
11 project that—

12 “(I) is an ocean desalination
13 project that uses a subsurface intake;

14 “(II) has a total estimated cost
15 of \$80,000,000 or less; and

16 “(III) is designed to serve a com-
17 munity or group of communities that
18 collectively import more than 75 per-
19 cent of their water supplies.

20 “(B) COST-SHARING REQUIREMENT.—

21 “(i) IN GENERAL.—Subject to the re-
22 quirements of this subsection and notwith-
23 standing section 7, the Federal share of an
24 eligible desalination project carried out
25 under this subsection shall be—

1 “(I) not more than 25 percent of
2 the total cost of the eligible desalina-
3 tion project; or

4 “(II) in the case of a rural de-
5 salination project or a designated de-
6 salination project, the applicable per-
7 centage determined in accordance
8 with clause (ii).

9 “(ii) RURAL DESALINATION PROJECTS
10 AND DESIGNATED DESALINATION
11 PROJECTS.—

12 “(I) COST-SHARING REQUIRE-
13 MENT FOR APPRAISAL STUDIES.—In
14 the case of a rural desalination project
15 carried out under this subsection, the
16 Federal share of the cost of appraisal
17 studies for the rural desalination
18 project shall be—

19 “(aa) 100 percent of the
20 total costs of the appraisal stud-
21 ies, up to \$200,000; and

22 “(bb) if the total costs of
23 the appraisal studies are more
24 than \$200,000, 50 percent of any
25 amounts over \$200,000.

1 “(II) COST-SHARING REQUIRE-
2 MENT FOR FEASIBILITY STUDIES.—In
3 the case of a rural desalination project
4 carried out under this subsection, the
5 Federal share of the cost of feasibility
6 studies for the rural desalination
7 project shall be not more than 50 per-
8 cent.

9 “(III) COST-SHARING REQUIRE-
10 MENT FOR CONSTRUCTION COSTS.—In
11 the case of a rural desalination project
12 or a designated desalination project
13 carried out under this subsection, the
14 Federal share of the cost of construc-
15 tion of the rural desalination project
16 shall not exceed the greater of—

17 “(aa) 35 percent of the total
18 cost of construction, up to a Fed-
19 eral cost of \$20,000,000; or

20 “(bb) 25 percent of the total
21 cost of construction.

22 “(C) STATE ROLE.—Participation by the
23 Secretary in an eligible desalination project
24 under this paragraph shall not occur unless—

1 “(i)(I) the eligible desalination project
2 is included in a State-approved plan; or

3 “(II) the participation has been
4 requested by the Governor of the
5 State in which the eligible desalination
6 project is located; and

7 “(ii) the State or local sponsor of the
8 eligible desalination project determines,
9 and the Secretary concurs, that—

10 “(I) the eligible desalination
11 project—

12 “(aa) is technically and fi-
13 nancially feasible;

14 “(bb) provides a Federal
15 benefit in accordance with the
16 reclamation laws; and

17 “(cc) is consistent with ap-
18 plicable State laws, State regula-
19 tions, State coastal zone manage-
20 ment plans and other State plans
21 such as California’s Water Qual-
22 ity Control Plan for the Ocean
23 Waters in California;

1 “(II) sufficient non-Federal fund-
2 ing is available to complete the eligible
3 desalination project; and

4 “(III) the eligible desalination
5 project sponsors are financially sol-
6 vent; and

7 “(iii) the Secretary submits to Con-
8 gress a written notification of the deter-
9 minations under clause (ii) by not later
10 than 30 days after the date of the deter-
11 minations.

12 “(D) ENVIRONMENTAL LAWS.—In partici-
13 pating in an eligible desalination project under
14 this paragraph, the Secretary shall comply with
15 all applicable environmental laws, including, but
16 not limited to, the National Environmental Pol-
17 icy Act of 1969 (42 U.S.C. 4321 et seq.) and
18 State laws implementing the Coastal Zone Man-
19 agement Act.

20 “(E) INFORMATION.—In participating in
21 an eligible desalination project under this sub-
22 section, the Secretary—

23 “(i) may consider the use of reports
24 prepared by the sponsor of the eligible de-
25 salination project, including feasibility or

1 equivalent studies, environmental analyses,
2 and other pertinent reports and analyses;
3 but

4 “(ii) shall retain responsibility for
5 making the independent determinations de-
6 scribed in subparagraph (C).

7 “(F) FUNDING.—

8 “(i) AUTHORIZATION OF APPROPRIA-
9 TIONS.—There is authorized to be appro-
10 priated to carry out this paragraph
11 \$260,000,000 for the period of fiscal years
12 2021 through 2025, to remain available
13 until expended, of which not less than
14 \$15,000,000 shall be made available dur-
15 ing that period for rural desalination
16 projects.

17 “(ii) CONGRESSIONAL APPROVAL INI-
18 TIALY REQUIRED.—

19 “(I) IN GENERAL.—Each initial
20 award under this paragraph for de-
21 sign and study or for construction of
22 an eligible desalination project shall
23 be approved by an Act of Congress.

24 “(II) RECLAMATION REC-
25 OMMENDATIONS.—The Commissioner

1 of Reclamation shall submit rec-
2 ommendations regarding the initial
3 award of preconstruction and con-
4 struction funding for consideration
5 under subclause (I) to—

6 “(aa) the Committee on Ap-
7 propriations of the Senate;

8 “(bb) the Committee on En-
9 ergy and Natural Resources of
10 the Senate;

11 “(cc) the Committee on Ap-
12 propriations of the House of Rep-
13 resentatives; and

14 “(dd) the Committee on
15 Natural Resources of the House
16 of Representatives.

17 “(iii) SUBSEQUENT FUNDING
18 AWARDS.—After approval by Congress of
19 an initial award of preconstruction or con-
20 struction funding for an eligible desalina-
21 tion project under clause (ii), the Commis-
22 sioner of Reclamation may award addi-
23 tional preconstruction or construction
24 funding, respectively, for the eligible desali-

1 nation project without further congres-
2 sional approval.

3 “(G) TOTAL DOLLAR CAP.—The Secretary
4 shall not impose a total dollar cap on Federal
5 contributions for individual desalination
6 projects receiving funding under this para-
7 graph.”.

8 (b) PRIORITIZATION FOR PROJECTS.—Section 4 of
9 the Water Desalination Act of 1996 (42 U.S.C. 10301
10 note; Public Law 104–298) is amended by striking sub-
11 section (c) and inserting the following:

12 “(c) PRIORITIZATION.—In carrying out demonstra-
13 tion and development activities under this section, the Sec-
14 retary and the Commissioner of Reclamation shall each
15 prioritize projects—

16 “(1) for the benefit of drought-stricken States
17 and communities;

18 “(2) for the benefit of States that have author-
19 ized funding for research and development of desali-
20 nation technologies and projects;

21 “(3) that demonstrably reduce a reliance on im-
22 ported water supplies that have an impact on species
23 listed under the Endangered Species Act of 1973
24 (16 U.S.C. 1531 et seq.);

1 “(4) that, in a measurable and verifiable man-
2 ner, reduce a reliance on imported water supplies
3 from imperiled ecosystems such as the Sacramento-
4 San Joaquin River Delta;

5 “(5) that demonstrably leverage the experience
6 of international partners with considerable expertise
7 in desalination, such as the state of Israel;

8 “(6) that maximize use of renewable energy to
9 power desalination facilities;

10 “(7) that maximize energy efficiency so that the
11 lifecycle energy demands of desalination are mini-
12 mized;

13 “(8) located in regions that have employed
14 strategies to increase water conservation and the
15 capture and recycling of wastewater and stormwater;
16 and

17 “(9) that meet the following criteria if they are
18 ocean desalination facilities—

19 “(A) utilize a subsurface intake or, if a
20 subsurface intake is not technologically feasible,
21 an intake that uses the best available site, de-
22 sign, technology, and mitigation measures to
23 minimize the mortality of all forms of marine
24 life and impacts to coastal dependent resources;

1 “(B) are sited and designed to ensure that
2 the disposal of wastewaters including brine
3 from the desalination process—

4 “(i) are not discharged in a manner
5 that increases salinity levels in impaired
6 bodies of water, or State or Federal Ma-
7 rine Protected Areas; and

8 “(ii) achieve ambient salinity levels
9 within a reasonable distance from the dis-
10 charge point;

11 “(C) are sited, designed, and operated in a
12 manner that maintains indigenous marine life
13 and a healthy and diverse marine community;

14 “(D) do not cause significant unmitigated
15 harm to aquatic life; and

16 “(E) include a construction and operation
17 plan designed to minimize loss of coastal habi-
18 tat as well as aesthetic, noise, and air quality
19 impacts.”.

20 (c) RECOMMENDATIONS TO CONGRESS.—In deter-
21 mining project recommendations to Congress under sec-
22 tion 4(a)(2)(F)(ii)(II) of the Water Desalination Act of
23 1996, the Commissioner of Reclamation shall establish a
24 priority scoring system that assigns priority scores to each
25 project evaluated based on the prioritization criteria of

1 section 4(c) of the Water Desalination Act of 1996 (42
2 U.S.C. 10301 note; Public Law 104–298).

3 **SEC. 81216. ASSISTANCE FOR DISADVANTAGED COMMU-**
4 **NITIES WITHOUT ADEQUATE DRINKING**
5 **WATER.**

6 (a) **IN GENERAL.**—The Secretary shall provide
7 grants within the Reclamation States to assist eligible ap-
8 plicants in planning, designing, or carrying out projects
9 to help disadvantaged communities address a significant
10 decline in the quantity or quality of drinking water.

11 (b) **ELIGIBLE APPLICANTS.**—To be eligible to receive
12 a grant under this section, an applicant shall submit an
13 application to the Secretary that includes a proposal of
14 the project or activity in subsection (c) to be planned, de-
15 signed, constructed, or implemented, the service area of
16 which—

17 (1) shall not be located in any city or town with
18 a population of more than 60,000 residents; and

19 (2) has a median household income of less than
20 100 percent of the nonmetropolitan median house-
21 hold income of the State.

22 (c) **ELIGIBLE PROJECTS.**—Projects eligible for
23 grants under this program may be used for—

24 (1) emergency water supplies;

25 (2) distributed treatment facilities;

1 (3) construction of new wells and connections to
2 existing water source systems;

3 (4) water distribution facilities;

4 (5) connection fees to existing systems;

5 (6) assistance to households to connect to water
6 facilities;

7 (7) local resource sharing, including voluntary
8 agreements between water systems to jointly con-
9 tract for services or equipment, or to study or imple-
10 ment the physical consolidation of two or more water
11 systems;

12 (8) technical assistance, planning, and design
13 for any of the activities described in paragraphs (1)
14 through (7); or

15 (9) any combination of activities described in
16 paragraphs (1) through (8).

17 (d) **PRIORITIZATION.**—In determining priorities for
18 funding projects, the Secretary shall take into consider-
19 ation—

20 (1) where the decline in the quantity or quality
21 of water poses the greatest threat to public health
22 and safety;

23 (2) the degree to which the project provides a
24 long-term solution to the water needs of the commu-
25 nity; and

1 (3) whether the applicant has the ability to
2 qualify for alternative funding sources.

3 (e) **MAXIMUM AMOUNT.**—The amount of a grant pro-
4 vided under this section may be up to 100 percent of costs,
5 including—

6 (1) initial operation costs incurred for startup
7 and testing of project facilities;

8 (2) costs of components to ensure such facilities
9 and components are properly operational; and

10 (3) costs of operation or maintenance incurred
11 subsequent to placing the facilities or components
12 into service.

13 (f) **AUTHORIZATION OF APPROPRIATIONS.**—There is
14 authorized to be appropriated to carry out this section
15 \$100,000,000, to remain available until expended.

16 (g) **COORDINATION REQUIRED.**—In carrying out this
17 section, the Secretary shall consult with the Secretary of
18 Agriculture and the Administrator of the Environmental
19 Protection Agency to identify opportunities to improve the
20 efficiency, effectiveness, and impact of activities carried
21 out under this section to help disadvantaged communities
22 address a significant decline in the quantity or quality of
23 drinking water.

1 (h) REPORT ON AFFORDABILITY, DISCRIMINATION,
2 AND CIVIL RIGHTS VIOLATIONS, AND DATA COLLEC-
3 TION.—

4 (1) STUDY.—

5 (A) IN GENERAL.—The Comptroller Gen-
6 eral of the United States shall conduct a study
7 on water and sewer services, in accordance with
8 this subsection.

9 (B) AFFORDABILITY.—In conducting the
10 study under paragraph (1), the Comptroller
11 shall study water affordability nationwide, in-
12 cluding—

13 (i) rates for water and sewer services,
14 increases in such rates during the ten-year
15 period preceding such study, and water
16 service disconnections due to unpaid water
17 service charges; and

18 (ii) the effectiveness of funding under
19 section 1452 of the Safe Drinking Water
20 Act and under section 601 of the Federal
21 Water Pollution Control Act for promoting
22 affordable, equitable, transparent, and reli-
23 able water and sewer service.

24 (C) DISCRIMINATION AND CIVIL RIGHTS.—

25 In conducting the study under paragraph (1),

1 the Comptroller, in collaboration with the Civil
2 Rights Division of the Department of Justice,
3 shall study—

4 (i) discriminatory practices of water
5 and sewer service providers; and

6 (ii) violations by such service pro-
7 viders that receive Federal assistance of
8 civil rights under title VI of the Civil
9 Rights Act of 1964 with regard to equal
10 access to water and sewer services.

11 (D) DATA COLLECTION.—In conducting
12 the study under paragraph (1), the Comptroller
13 shall collect information, assess the availability
14 of information, and evaluate the methodologies
15 used to collect information, related to—

16 (i) people living without water or
17 sewer services;

18 (ii) water service disconnections due
19 to unpaid water service charges, including
20 disconnections experienced by households
21 containing children, elderly persons, dis-
22 abled persons, chronically ill persons, or
23 other vulnerable populations; and

24 (iii) disparate effects, on the basis of
25 race, gender, or socioeconomic status, of

1 water service disconnections and the lack
2 of public water service.

3 (2) REPORT.—Not later than 1 year after the
4 date of the enactment of this Act, the Comptroller
5 shall submit to Congress a report that contains—

6 (A) the results of the study conducted
7 under subsection (a)(1); and

8 (B) recommendations for utility companies,
9 Federal agencies, and States relating to such
10 results.

11 **CHAPTER 2—IMPROVED TECHNOLOGY**
12 **AND DATA**

13 **SEC. 81221. REAUTHORIZATION OF WATER AVAILABILITY**
14 **AND USE ASSESSMENT PROGRAM.**

15 Section 9508 of Public Law 111–11 (42 U.S.C.
16 10368) is amended—

17 (1) in subsection (b)—

18 (A) by striking “and” at the end of para-
19 graph (2)(A)(ii)(VII);

20 (B) in paragraph (2)(A)(iii), by adding
21 “and” at the end;

22 (C) by adding at the end of paragraph
23 (2)(A) the following:

1 “(iv) water supplies made available
2 through water reuse and seawater and
3 brackish desalination;” and

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

5 “(3) DATA INTEGRATION.—In carrying out the
6 assessment program, the Secretary shall, to the
7 greatest extent practicable—

8 “(A) integrate available data from new
9 technologies where appropriate including data
10 made available from drones and emerging re-
11 mote sensing technologies; and

12 “(B) coordinate with relevant Federal
13 agencies and bureaus to develop common data
14 requirements for—

15 “(i) Federal water data programs and
16 efforts; and

17 “(ii) geospatial data programs that
18 can inform assessments of water avail-
19 ability and use under the assessment pro-
20 gram.”;

21 (2) in subsection (c)—

22 (A) in paragraph (1), by striking “State
23 water resource” each place it appears and in-
24 serting “State or Tribal water resource”;

1 (B) in the heading of paragraph (2), by
2 striking “CRITERIA” and inserting “STATE CRI-
3 TERIA”;

4 (C) by inserting after paragraph (2) the
5 following (and redesignating the succeeding
6 paragraph accordingly):

7 “(3) TRIBAL CRITERIA.—To be eligible to re-
8 ceive a grant under paragraph (1), a Tribal water
9 resource agency shall demonstrate to the Secretary
10 that the water use and availability dataset proposed
11 to be established or integrated by the Tribal water
12 resource agency—

13 “(A) is in compliance with each quality
14 and conformity standard established by the Sec-
15 retary to ensure that the data will be capable
16 of integration with any national dataset; and

17 “(B) will enhance the ability of the offi-
18 cials of the Tribe or the Tribal water resource
19 agency to carry out water management respon-
20 sibilities.

21 “(4) TRIBAL WATER RESOURCE AGENCY DEFINI-
22 TION.—For the purposes of this subsection, the
23 term ‘Tribal water resource agency’ means any
24 agency of an Indian Tribe responsible for water re-
25 source planning and management.”; and

1 (D) in paragraph (5) (as so redesignated)—
2

3 (i) by inserting “or Tribal water resource agency” after “State water resource agency”; and
4
5

6 (ii) by inserting “within any 5-year period” after “\$250,000”; and
7

8 (3) in subsection (e)(2), by striking “2009 through 2013” and inserting “2021 through 2026”.

10 **SEC. 81222. RENEWAL OF ADVISORY COMMITTEE ON**
11 **WATER INFORMATION.**

12 (a) **ADVISORY COMMITTEE RENEWED.**—Not later
13 than 30 days after the date of the enactment of this paragraph, the Secretary shall renew the Advisory Committee
14 on Water Information established by the Office of Management and Budget Memorandum No. M-92-01, the
15 charter for which was renewed by the Secretary on June
16 29, 2018.

17 (b) **TERMINATION.**—The Advisory Committee renewed under this section shall not terminate except as provided by an Act of Congress.
18

19 **SEC. 81223. DESALINATION TECHNOLOGY DEVELOPMENT.**

20 The Water Desalination Act of 1996 (Public Law
21 104-298; 42 U.S.C. 10301 note) is amended—
22
23
24

1 (1) in section 4(a)(1), by inserting “, including
2 modules specifically designed for brine management”
3 after “and concepts”; and

4 (2) in section 8(b)—

5 (A) by striking “3,000,000” and inserting
6 “20,000,000”; and

7 (B) by striking “2017 through 2021” and
8 inserting “2021 through 2026, in addition to
9 the authorization of appropriations for projects
10 in section 4(a)(2)(F)”.

11 **SEC. 81224. X-PRIZE FOR WATER TECHNOLOGY BREAK-**
12 **THROUGHS.**

13 (a) WATER TECHNOLOGY AWARD PROGRAM ESTAB-
14 LISHED.—The Secretary, working through the Bureau of
15 Reclamation, shall establish a program to award prizes to
16 eligible persons described in subsection (b) for achieve-
17 ment in one or more of the following applications of water
18 technology:

19 (1) Demonstration of wastewater and industrial
20 process water purification for reuse or desalination
21 of brackish water or seawater with significantly less
22 energy than current municipally and commercially
23 adopted technologies.

24 (2) Demonstration of portable or modular de-
25 salination units that can process 1 to 5,000,000 gal-

1 lons per day that could be deployed for temporary
2 emergency uses in coastal communities or commu-
3 nities with brackish groundwater supplies.

4 (3) Demonstration of significant advantages
5 over current municipally and commercially adopted
6 reverse osmosis technologies as determined by the
7 board established under subsection (c).

8 (4) Demonstration of significant improvements
9 in the recovery of residual or waste energy from the
10 desalination process.

11 (5) Reducing open water evaporation.

12 (b) ELIGIBLE PERSON.—An eligible person described
13 in this subsection is—

14 (1) an individual who is—

15 (A) a citizen or legal resident of the
16 United States; or

17 (B) a member of a group that includes
18 citizens or legal residents of the United States;

19 (2) an entity that is incorporated and maintains
20 its primary place of business in the United States;
21 or

22 (3) a public water agency.

23 (c) ESTABLISHMENT OF BOARD.—

1 (1) IN GENERAL.—The Secretary shall establish
2 a board to administer the program established under
3 subsection (a).

4 (2) MEMBERSHIP.—The board shall be com-
5 posed of not less than 15 and not more than 21
6 members appointed by the Secretary, of whom not
7 less than 2 shall—

8 (A) be a representative of the interests of
9 public water districts or other public organiza-
10 tions with water delivery authority;

11 (B) be a representative of the interests of
12 academic organizations with expertise in the
13 field of water technology, including desalination
14 or water reuse;

15 (C) be representative of a non-profit con-
16 servation organization;

17 (D) have expertise in administering award
18 competitions; and

19 (E) be a representative of the Bureau of
20 Reclamation of the Department of the Interior
21 with expertise in the deployment of desalination
22 or water reuse.

23 (d) AWARDS.—Subject to the availability of appro-
24 priations, the board established under subsection (c) may

1 make awards under the program established under sub-
2 section (a) as follows:

3 (1) FINANCIAL PRIZE.—The board may hold a
4 financial award competition and award a financial
5 award in an amount determined before the com-
6 mencement of the competition to the first competitor
7 to meet such criteria as the board shall establish.

8 (2) RECOGNITION PRIZE.—

9 (A) IN GENERAL.—The board may recog-
10 nize an eligible person for superlative achieve-
11 ment in 1 or more applications described in
12 subsection (a).

13 (B) NO FINANCIAL REMUNERATION.—An
14 award under this paragraph shall not include
15 any financial remuneration.

16 (e) ADMINISTRATION.—

17 (1) CONTRACTING.—The board established
18 under subsection (e) may contract with a private or-
19 ganization to administer a financial award competi-
20 tion described in subsection (d)(1).

21 (2) SOLICITATION OF FUNDS.—A member of
22 the board or any administering organization with
23 which the board has a contract under paragraph (1)
24 may solicit gifts from private and public entities to

1 be used for a financial award under subsection
2 (d)(1).

3 (3) LIMITATION ON PARTICIPATION OF DO-
4 NORS.—The board may allow a donor who is a pri-
5 vate person described in paragraph (2) to participate
6 in the determination of criteria for an award under
7 subsection (d), but such donor may not solely deter-
8 mine the criteria for such award.

9 (4) NO ADVANTAGE FOR DONATION.—A donor
10 who is a private person described in paragraph (3)
11 shall not be entitled to any special consideration or
12 advantage with respect to participation in a financial
13 award competition under subsection (d)(1).

14 (f) INTELLECTUAL PROPERTY.—The Federal Gov-
15 ernment may not acquire an intellectual property right in
16 any product or idea by virtue of the submission of such
17 product or idea in any competition under subsection
18 (d)(1).

19 (g) LIABILITY.—The board established under sub-
20 section (c) may require a competitor in a financial award
21 competition under subsection (d)(1) to waive liability
22 against the Federal Government for injuries and damages
23 that result from participation in such competition.

24 (h) ANNUAL REPORT.—Each year, the board estab-
25 lished under subsection (c) shall submit to the relevant

1 committees of Congress a report on the program estab-
2 lished under subsection (a).

3 (i) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be
5 appropriated sums for the program established
6 under subsection (a) as follows:

7 (A) For administration of prize competi-
8 tions under subsection (d), \$750,000 for each
9 fiscal year through fiscal year 2026.

10 (B) For the awarding of a financial prize
11 award under subsection (d)(1), in addition to
12 any amounts received under subsection (e)(2),
13 \$5,000,000 for each fiscal year through fiscal
14 year 2026.

15 (2) AVAILABILITY.—Amounts appropriated
16 under paragraph (1) shall remain available until ex-
17 pended.

18 (j) WATER TECHNOLOGY INVESTMENT PROGRAM
19 ESTABLISHED.—The Secretary, acting through the Bu-
20 reau of Reclamation, shall establish a program, pursuant
21 to the Reclamation Wastewater and Groundwater Study
22 and Facilities Act (Public Law 102–575, title XVI), the
23 Water Desalination Act of 1996 (Public Law 104–298),
24 and other applicable laws, to promote the expanded use

1 of technology for improving availability and resiliency of
2 water supplies and power deliveries, which shall include—

3 (1) investments to enable expanded and acceler-
4 ated deployment of desalination technology; and

5 (2) investments to enable expanded and acceler-
6 ated use of recycled water.

7 (k) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated \$5,000,000 for each fis-
9 cal year through fiscal year 2026 for the Secretary to
10 carry out the purposes and provisions of subsection (j).

11 **SEC. 81225. STUDY EXAMINING SEDIMENT TRANSPORT.**

12 (a) IN GENERAL.—Not later than 60 days after the
13 date of the enactment of this Act, the Secretary shall
14 make appropriate arrangements with the National Acad-
15 emies of Sciences, Engineering, and Medicine (referred to
16 in this section as the “National Academies”) under which
17 the National Academies shall conduct a study that—

18 (1) examines existing science and management
19 guidance related to methods for managing sediment
20 transport from dam removal;

21 (2) includes case studies where diverse inter-
22 ests, including hydroelectric, agricultural, conserva-
23 tion, and industry stakeholders work jointly with
24 Tribal, State, and Federal government agencies to

1 implement collaborative projects requiring sediment
2 transport; and

3 (3) identifies future research opportunities, re-
4 quirements, and recommendations related to the
5 science and management guidance examined under
6 paragraph (1), including research opportunities, re-
7 quirements, and recommendations related to mod-
8 eling and quantifying sediment flows.

9 (b) REPORT.—In entering into an arrangement under
10 subsection (a), the Secretary shall request that the Na-
11 tional Academies transmit to the Secretary and to Con-
12 gress a report not later than 36 months after the date
13 of the enactment of this Act that—

14 (1) includes the results of the study and rel-
15 evant interpretations of the results;

16 (2) provides recommendations for applying
17 science in management and mitigation decisions re-
18 lating to dam removal; and

19 (3) provides recommendations for improving fu-
20 ture research on the beneficial and adverse environ-
21 mental impacts of sediment transport from dam re-
22 moval and appropriate actions to mitigate such im-
23 pacts.

1 **SEC. 81226. DETERMINATION OF WATER SUPPLY ALLOCA-**
2 **TIONS.**

3 (a) SNOWPACK MEASUREMENT DATA.—When deter-
4 mining water supply allocations, the Secretary, acting
5 through the Commissioner of the Bureau of Reclamation,
6 shall incorporate to the greatest extent practicable infor-
7 mation from emerging technologies for snowpack measure-
8 ment such as—

9 (1) synthetic aperture radar;

10 (2) laser altimetry; or

11 (3) any other emerging technologies that can
12 provide more accurate or timely snowpack measure-
13 ment data as determined by the Secretary.

14 (b) COORDINATION.—In carrying out subsection (a),
15 the Secretary may coordinate data use and collection ef-
16 forts with other Federal agencies and bureaus that cur-
17 rently use or may benefit from the use of emerging tech-
18 nologies for snowpack measurement.

19 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated to the Secretary \$5,000,000
21 to carry out this section.

22 (d) REPORT.—Not later than October 1, 2022, the
23 Secretary shall submit to Congress a report summarizing
24 the use of emerging technologies pursuant to this section
25 and describe any benefits derived from the use of such

1 technologies related to the environment and increased
2 water supply reliability.

3 **SEC. 81227. FEDERAL PRIORITY STREAMGAGES.**

4 (a) FEDERAL PRIORITY STREAMGAGES.—The Sec-
5 retary shall make every reasonable effort to make oper-
6 ational all streamgages identified as Federal Priority
7 Streamgages by the United States Geological Survey not
8 later than 10 years after the date of the enactment of this
9 Act.

10 (b) COLLABORATION WITH STATES.—The Secretary
11 shall, to the maximum extent practicable, seek to leverage
12 Federal investments in Federal Priority Streamgages
13 through collaborative partnerships with States and local
14 agencies that invest non-Federal funds to maintain and
15 enhance gage networks to improve both environmental
16 quality and water supply reliability.

17 (c) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated \$45,000,000 to carry
19 out this section for each fiscal year through fiscal year
20 2026.

21 **SEC. 81228. STUDY EXAMINING CLIMATE VULNERABILITIES**

22 **AT FEDERAL DAMS.**

23 (a) IN GENERAL.—Not later than 2 years after the
24 date of the enactment of this Act, the Secretary shall
25 make appropriate arrangements with the National Acad-

1 emies of Sciences, Engineering, and Medicine (referred to
2 in this section as the “National Academies”) under which
3 the National Academies shall conduct an independent
4 study to—

5 (1) examine the projected impact of climate
6 change on the safety of Bureau of Reclamation
7 dams; and

8 (2) evaluate and list the Bureau of Reclamation
9 dams that are most vulnerable to climate change re-
10 lated safety risks based on an assessment of climate
11 change related impacts on—

12 (A) the frequency of heavy precipitation
13 events; and

14 (B) other factors that influence the mag-
15 nitude and severity of flooding events including
16 snow cover and snowmelt, vegetation, and soil
17 moisture.

18 (b) REPORT.—In entering into an arrangement under
19 subsection (a), the Secretary shall request that the Na-
20 tional Academies—

21 (1) transmit to the Secretary and to the rel-
22 evant committees of Congress a report not later
23 than 24 months after the date of the enactment of
24 this Act that includes the results of the study; and

1 (2) consider any previous studies or evaluations
2 conducted or completed by the Bureau of Reclama-
3 tion or local water agencies on climate change im-
4 pacts to dams, facilities, and watersheds as a ref-
5 erence and source of information during the develop-
6 ment of the independent study.

7 **SEC. 81229. INNOVATIVE TECHNOLOGY ADOPTION.**

8 The Secretary is directed to include as a priority for
9 grants authorized under section 9504 of the Omnibus
10 Public Land Management Act of 2009 (42 U.S.C. 10364),
11 the Water Conservation Field Services Program, and
12 other water conservation grant programs, as appropriate,
13 that help foster the adoption of technologies that can—

14 (1) identify losses from water conveyance facili-
15 ties in a non-destructive manner that—

16 (A) does not disrupt the conveyance of
17 water supplies; and

18 (B) provides comprehensive data on pipe-
19 line integrity, including leak and gas pocket de-
20 tection, for all pipeline materials;

21 (2) provide real-time monitoring of weather pat-
22 terns and reservoir operations to improve flexibility,
23 protect natural resources, increase resiliency, main-
24 tain temperature control, and ensure water supply
25 reliability;

1 (1) in section 6001—

2 (A) by redesignating paragraphs (2)
3 through (6) as paragraphs (3) through (7), re-
4 spectively;

5 (B) by inserting after paragraph (1) the
6 following:

7 “(2) DISADVANTAGED COMMUNITIES.—The
8 term ‘disadvantaged communities’ means commu-
9 nities, including cities, towns, or counties, or reason-
10 ably isolated and divisible segments of larger municipi-
11 palities, with an annual median household income
12 that is less than 100 percent of the statewide annual
13 median household income, as determined by the lat-
14 est available decennial census.”;

15 (C) in paragraph (6)(B)(i) (as so redesign-
16 nated)—

17 (i) in subclause (VIII), by striking
18 “and” at the end;

19 (ii) in subclause (IX), by inserting “;
20 and” at the end; and

21 (iii) by adding at the end the fol-
22 lowing:

23 “(X) disadvantaged communities;”; and

24 (D) in subparagraph (C) of paragraph (7)
25 (as so redesignated), by inserting “, including

1 benefits to fisheries, wildlife, and habitat river
2 or stream”; and

3 (2) in section 6002—

4 (A) by amending subsection (b) to read as
5 follows:

6 “(b) ESTABLISHMENT OF APPLICATION PROCESS;
7 CRITERIA.—Not later than March 30, 2021, the Secretary
8 shall update—

9 “(1) the application process for the program;
10 and

11 “(2) in consultation with the States,
12 prioritization and eligibility criteria for considering
13 applications submitted in accordance with the appli-
14 cation process.”.

15 **SEC. 81233. COMPETITIVE GRANT PROGRAM FOR THE**
16 **FUNDING OF WATERSHED HEALTH**
17 **PROJECTS.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act and in accordance with
20 this section, the Secretary, in consultation with the heads
21 of relevant agencies, shall establish a competitive grant
22 program to award grants to an eligible entity for habitat
23 restoration projects that improve watershed health in a
24 Reclamation State and accomplish one or more of the fol-
25 lowing benefits:

- 1 (1) Ecosystem benefits.
- 2 (2) Restoration of native species beyond exist-
3 ing or planned measures necessary to meet State or
4 Federal laws for species recovery.
- 5 (3) Protection against invasive species.
- 6 (4) Restoration of aspects of the natural eco-
7 system.
- 8 (5) Enhancement of commercial and rec-
9 reational fishing.
- 10 (6) Enhancement of river-based recreation such
11 as kayaking, canoeing, and rafting.
- 12 (7) Mitigate against the impacts of climate
13 change to fish and wildlife habitats.

14 (b) REQUIREMENTS.—

15 (1) IN GENERAL.—In awarding a grant under
16 subsection (a), the Secretary—

17 (A) shall give priority to a project that
18 achieves more than one of the benefits listed in
19 subsection (a); and

20 (B) may not provide a grant for a project
21 that is for the purpose of meeting existing envi-
22 ronmental mitigation or compliance obligations
23 under State or Federal law.

1 (2) COMPLIANCE.—A project awarded a grant
2 under subsection (a) shall comply with all applicable
3 Federal and State laws.

4 (c) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
5 tion, the term “eligible entity” means a State, Indian
6 Tribe, nonprofit conservation organization operating in a
7 Reclamation State, irrigation district, water district, or
8 other organization with water or power delivery authority.

9 (d) PUBLIC PARTICIPATION.—Before the establish-
10 ment of the program under subsection (a), the Secretary
11 shall—

12 (1) provide notice of and, for a period of not
13 less than 90 days, an opportunity for public com-
14 ment on, any draft or proposed version of the pro-
15 gram requirements in accordance with this section;
16 and

17 (2) consider public comments received in devel-
18 oping the final program requirements.

19 (e) REPORT.—Not later than October 1, 2022, and
20 every 2 years thereafter, the Secretary shall submit to
21 Congress a report summarizing the environmental per-
22 formance of activities that are receiving, or have received,
23 assistance under the program authorized by this section.

24 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section

1 \$150,000,000 for each fiscal year through fiscal year
2 2026, to remain available until expended.

3 **SEC. 81234. SUPPORT FOR REFUGE WATER DELIVERIES.**

4 (a) REPORT ON HISTORIC REFUGE WATER DELIV-
5 ERIES.—Not later than 90 days after the date of the en-
6 actment of this Act, the Secretary shall submit to the rel-
7 evant committees of Congress and make publicly available
8 a report that describes the following:

9 (1) Compliance with section 3406(d)(1) and
10 section 3406(d)(2) of the Central Valley Project Im-
11 provement Act (title XXXIV of Public Law 102–
12 575) in each of years 1992 through 2018, including
13 an indication of the amount of water identified as
14 the Level 2 amount and incremental Level 4 amount
15 for each wetland area.

16 (2) The difference between the mandated quan-
17 tity of water to be delivered to each wetland habitat
18 area described in section 3406(d)(2) and the actual
19 quantity of water delivered since October 30, 1992,
20 including a listing of every year in which the full de-
21 livery of water to wetland habitat areas was achieved
22 in accordance with level 4 of the “Dependable Water
23 Supply Needs” table, described in section
24 3406(d)(2) of the Central Valley Project Improve-
25 ment Act (title XXXIV of Public Law 102–575).

1 (3) Which of the authorities granted to the Sec-
2 retary under Public Law 102–575 to achieve the full
3 level 4 deliveries of water to wetland habitat areas
4 was employed in achieving the increment of water
5 delivery above the Level 2 amount for each wetland
6 habitat area, including whether water conservation,
7 conjunctive use, water purchases, water leases, dona-
8 tions, water banking, or other authorized activities
9 have been used and the extent to which such au-
10 thorities have been used.

11 (4) An assessment of the degree to which the
12 elimination of water transaction fees for the dona-
13 tion of water rights to wildlife refuges would help
14 advance the goals of the Central Valley Project Im-
15 provement Act (title XXXIV of Public Law 102–
16 575).

17 (b) PRIORITY CONSTRUCTION LIST.—The Secretary
18 shall establish, through a public process and in consulta-
19 tion with the Interagency Refuge Water Management
20 Team, a priority list for the completion of the conveyance
21 construction projects at the wildlife habitat areas de-
22 scribed in section 3406(d)(2) of the Central Valley Project
23 Improvement Act (title XXXIV of Public Law 102–575),
24 including the Mendota Wildlife Area, Pixley National
25 Wildlife Refuge and Sutter National Wildlife Refuge.

1 (c) ECOLOGICAL MONITORING AND EVALUATION
2 PROGRAM.—Not later than 1 year after the date of the
3 enactment of this Act, the Secretary, acting through the
4 Director of the United States Fish and Wildlife Service,
5 shall design and implement an ecological monitoring and
6 evaluation program, for all Central Valley wildlife refuges,
7 that produces an annual report based on existing and
8 newly collected information, including—

9 (1) the United States Fish and Wildlife Service
10 Animal Health Lab disease reports;

11 (2) mid-winter waterfowl inventories;

12 (3) nesting and brood surveys;

13 (4) additional data collected regularly by the
14 refuges, such as herptile distribution and abundance;

15 (5) a new coordinated systemwide monitoring
16 effort for at least one key migrant species and two
17 resident species listed as threatened and endangered
18 pursuant to the Endangered Species Act of 1973
19 (16 U.S.C. 1531 et seq.) (including one warm-blood-
20 ed and one cold-blooded), that identifies population
21 numbers and survival rates for the 3 previous years;
22 and

23 (6) an estimate of the bioenergetic food produc-
24 tion benefits to migrant waterfowl, consistent with
25 the methodology used by the Central Valley Joint

1 Venture, to compliment and inform the Central Val-
2 ley Joint Venture implementation plan.

3 (d) ADEQUATE STAFFING FOR REFUGE WATER DE-
4 LIVERY OBJECTIVES.—The Secretary shall ensure that
5 adequate staffing is provided to advance the refuge water
6 supply delivery objectives under the Central Valley Project
7 Improvement Act (title XXXIV of Public Law 102–575).

8 (e) FUNDING.—There is authorized to be appro-
9 priated \$25,000,000 to carry out subsections (a) through
10 (d), which shall remain available until expended.

11 (f) EFFECT ON OTHER FUNDS.—Amounts author-
12 ized under this section shall be in addition to amounts col-
13 lected or appropriated under the Central Valley Project
14 Improvement Act (title XXXIV of Public Law 102–575).

15 **SEC. 81235. DROUGHT PLANNING AND PREPAREDNESS FOR**
16 **CRITICALLY IMPORTANT FISHERIES.**

17 (a) DEFINITIONS.—In this section:

18 (1) CRITICALLY IMPORTANT FISHERIES.—The
19 term “critically important fisheries” means—

20 (A) commercially and recreationally impor-
21 tant fisheries located within the Reclamation
22 States;

23 (B) fisheries containing fish species that
24 are listed as threatened or endangered pursuant
25 to the Endangered Species Act of 1973 (16

1 U.S.C. 1531 et seq.) within the Reclamation
2 States; or

3 (C) fisheries used by Indian Tribes within
4 the Reclamation States for ceremonial, subsist-
5 ence, or commercial purposes.

6 (2) QUALIFIED TRIBAL GOVERNMENT.—The
7 term “qualified Tribal Government” means any gov-
8 ernment of an Indian Tribe that the Secretary deter-
9 mines—

10 (A) is involved in fishery management and
11 recovery activities including under the Endan-
12 gered Species Act of 1973 (16 U.S.C. 1531 et
13 seq.); or

14 (B) has the management and organiza-
15 tional capability to maximize the benefits of as-
16 sistance provided under this section.

17 (b) DROUGHT PLAN FOR CRITICALLY IMPORTANT
18 FISHERIES.—Not later than January 1, 2021 and every
19 three years thereafter, the Secretary, acting through the
20 Director of the United States Fish and Wildlife Service
21 shall, in consultation with the National Marine Fisheries
22 Service, the Bureau of Reclamation, the Army Corps of
23 Engineers, State fish and wildlife agencies, and affected
24 Indian Tribes, prepare a plan to sustain the survival of
25 critically important fisheries within the Reclamation

1 States during future periods of extended drought. The
2 plan shall focus on actions that can aid the survival of
3 critically important fisheries during the driest years. In
4 preparing such plan, the Director shall consider—

5 (1) habitat restoration efforts designed to pro-
6 vide drought refugia and increased fisheries resil-
7 ience during droughts;

8 (2) relocating the release location and timing of
9 hatchery fish to avoid predation and temperature
10 impacts;

11 (3) barging of hatchery release fish to improve
12 survival and reduce straying;

13 (4) coordination with water users, the Bureau
14 of Reclamation, State fish and wildlife agencies, and
15 interested public water agencies regarding voluntary
16 water transfers, including through groundwater sub-
17 stitution activities, to determine if water releases can
18 be collaboratively managed in a way that provides
19 additional benefits for critically important fisheries
20 without negatively impacting wildlife habitat;

21 (5) hatchery management modifications, such
22 as expanding hatchery production of fish during the
23 driest years, if appropriate for a particular river
24 basin;

1 (6) hatchery retrofit projects, such as the in-
2 stallation and operation of filtration equipment and
3 chillers, to reduce disease outbreaks, egg mortality
4 and other impacts of droughts and high water tem-
5 peratures;

6 (7) increasing rescue operations of upstream
7 migrating fish;

8 (8) improving temperature modeling and related
9 forecasted information to predict water management
10 impacts to the habitat of critically important fish-
11 eries with a higher degree of accuracy than current
12 models;

13 (9) testing the potential for parentage-based
14 tagging and other genetic testing technologies to im-
15 prove the management of hatcheries;

16 (10) programs to reduce predation losses at ar-
17 tificially created predation hot spots; and

18 (11) retrofitting existing water facilities to pro-
19 vide improved temperature conditions for fish.

20 (c) PUBLIC COMMENT.—The Director of the United
21 States Fish and Wildlife Service shall provide for a public
22 comment period of not less than 90 days before finalizing
23 a plan under subsection (a).

24 (d) AUTHORIZATION OF APPROPRIATIONS FOR FISH
25 RECOVERY EFFORTS.—There is authorized to be appro-

1 priated \$25,000,000 for the United States Fish and Wild-
2 life Service for fiscal year 2021 for fish, stream, and
3 hatchery activities related to fish recovery efforts, includ-
4 ing work with the National Marine Fisheries Service, the
5 Bureau of Reclamation, the Army Corps of Engineers,
6 State fish and wildlife agencies, or a qualified Tribal Gov-
7 ernment.

8 (e) EFFECT.—Nothing in this section is intended to
9 expand, diminish, or affect any obligation under Federal
10 or State environmental law.

11 **SEC. 81236. AQUATIC ECOSYSTEM RESTORATION.**

12 (a) GENERAL AUTHORITY.—Subject to the require-
13 ments of this section, on request of any eligible entity the
14 Secretary may negotiate and enter into an agreement on
15 behalf of the United States to fund the design, study, and
16 construction of an aquatic ecosystem restoration and pro-
17 tection project if the Secretary determines that the project
18 is likely to improve the quality of the environment in a
19 Reclamation State by improving fish passage through the
20 removal or bypass of barriers to fish passage.

21 (b) REQUIREMENTS.—Construction of a project
22 under this section shall be a voluntary project initiated
23 only after—

1 (1) an eligible entity has entered into an agree-
2 ment with the Secretary to pay no less than 35 per-
3 cent of the costs of project construction; and

4 (2) the Secretary determines the proposed
5 project—

6 (A) will not result in an unmitigated ad-
7 verse impact on fulfillment of existing water de-
8 livery obligations consistent with historical oper-
9 ations and applicable contracts;

10 (B) will not result in an unmitigated ad-
11 verse effect on the environment;

12 (C) is consistent with the responsibilities of
13 the Secretary—

14 (i) in the role as trustee for federally
15 recognized Indian Tribes; and

16 (ii) to ensure compliance with any ap-
17 plicable international and Tribal treaties
18 and agreements and interstate compacts
19 and agreements;

20 (D) is in the financial interest of the
21 United States based on a determination that
22 the project advances Federal objectives includ-
23 ing environmental enhancement objectives in a
24 Reclamation State; and

1 (E) protects the public aspects of the eligi-
2 ble facility, including water rights managed for
3 public purposes, such as flood control or fish
4 and wildlife.

5 (c) ENVIRONMENTAL LAWS.—In participating in a
6 project under this section, the Secretary shall comply with
7 all applicable Federal environmental laws, including the
8 National Environmental Policy Act of 1969 (42 U.S.C.
9 4321 et seq.), and all State environmental laws of the Rec-
10 lamation State in which the project is located involving
11 the construction, expansion or operation of a water stor-
12 age project or fish and wildlife protection, provided that
13 no law or regulation of a State or political subdivision of
14 a State relieve the Secretary of any Federal requirement
15 otherwise applicable under this section.

16 (d) FUNDING.—There is authorized to be appro-
17 priated to carry out this section \$25,000,000 for each fis-
18 cal year through fiscal year 2026, to remain available until
19 expended.

20 (e) DEFINITION OF ELIGIBLE ENTITY.—In this sec-
21 tion, the term “eligible entity” means any Reclamation
22 State, any department, agency, or subdivision of a Rec-
23 lamation State, any public agency organized pursuant to
24 the laws of a Reclamation State, an Indian Tribe, or a
25 non-profit organization operating in a Reclamation State.

1 (f) PRIORITY FOR PROJECTS PROVIDING PUBLIC
2 SAFETY AND REGIONAL BENEFITS.—When funding
3 projects under this section, the Secretary shall prioritize
4 projects that—

5 (1) are likely to provide public safety benefits;
6 and

7 (2) are regional in nature, including projects
8 that span two or more river basins.

9 **SEC. 81237. REAUTHORIZATION OF THE FISHERIES RES-**
10 **TORATION AND IRRIGATION MITIGATION ACT**
11 **OF 2000.**

12 Section 10(a) of the Fisheries Restoration and Irriga-
13 tion Mitigation Act of 2000 (16 U.S.C. 777 note; Public
14 Law 106–502) is amended by striking “\$15 million
15 through 2021” and inserting “\$25,000,000 through
16 2027”.

17 **SEC. 81238. REPORT ON FISH THAT INHABIT WATERS THAT**
18 **CONTAIN PERFLUOROALKYL OR**
19 **POLYFLUOROALKYL SUBSTANCES.**

20 (a) IN GENERAL.—The Administrator of the Na-
21 tional Oceanic and Atmospheric Administration, in coordi-
22 nation with the Director of the United States Fish and
23 Wildlife Service, the Administrator of the Environmental
24 Protection Agency, the Director of the Centers for Disease
25 Control and Prevention, and the Director of the United

1 States Geological Survey, shall submit to Congress a re-
2 port on the impact of waters that contain perfluoroalkyl
3 or polyfluoroalkyl substances on fish that—

4 (1) inhabit such waters; and

5 (2) are used for recreation or subsistence.

6 (b) CONTENT.—The report required by subsection
7 (a) shall include information on the following:

8 (1) The concentration of perfluoroalkyl and
9 polyfluoroalkyl substances in fish that inhabit waters
10 that contain such substances.

11 (2) The health risks posed to persons who fre-
12 quently consume fish that inhabit waters that con-
13 tain perfluoroalkyl or polyfluoroalkyl substances.

14 (3) The risks to natural predators of fish that
15 inhabit waters that contain perfluoroalkyl or
16 polyfluoroalkyl substances, including dolphins.

17 (4) Measures that can be taken to mitigate the
18 risks described in paragraphs (2) and (3).

19 **CHAPTER 4—WATER JOB TRAINING AND**
20 **EDUCATION**

21 **SEC. 81241. WATER RESOURCE EDUCATION.**

22 (a) GENERAL AUTHORITY.—In accordance with this
23 section, the Secretary may enter into a cooperative agree-
24 ment or contract or provide financial assistance in the

1 form of a grant, to support activities related to education
2 on water resources.

3 (b) ELIGIBLE ACTIVITIES.—The Secretary may enter
4 into a cooperative agreement or contract or provide finan-
5 cial assistance for activities that improve water resources
6 education, including through tours, publications or other
7 activities that—

8 (1) disseminate information on water resources
9 via educational tools, materials or programs;

10 (2) publish relevant information on water re-
11 source issues, including environmental and ecological
12 conditions;

13 (3) advance projects that improve public under-
14 standing of water resource issues or management
15 challenges, including education on drought, drought
16 awareness, and drought resiliency;

17 (4) provide training or related education for
18 teachers, faculty, or related personnel, including in
19 a specific geographic area or region; or

20 (5) enable tours, conferences, or other activities
21 to foster cooperation in addressing water resources
22 or management challenges, including cooperation re-
23 lating to water resources shared by the United
24 States and Canada or Mexico.

1 (c) GRANT PRIORITY.—In making grants under this
2 section, the Secretary shall give priority to activities
3 that—

4 (1) provide training for the professional devel-
5 opment of legal and technical experts in the field of
6 water resources management; or

7 (2) help educate the public, teachers or key
8 stakeholders on—

9 (A) a new or significantly improved water
10 resource management practice, method, or tech-
11 nique;

12 (B) the existence of a water resource man-
13 agement practice, method, or technique that
14 may have wide application;

15 (C) a water resource management practice,
16 method, or technique related to a scientific field
17 or skill identified as a priority by the Secretary;
18 or

19 (D) general water resource issues or man-
20 agement challenges, including as part of a
21 science curricula in elementary or secondary
22 education setting.

23 **CHAPTER 5—MISCELLANEOUS**

24 **SEC. 81251. OFFSET.**

25 (a) PURPOSE; DEFINITION.—

1 (1) PURPOSE.—The purpose of this section is
2 to establish an efficient and transparent 1-time pro-
3 cess for deauthorizing Bureau of Reclamation
4 projects that have failed—

5 (A) to receive a minimum level of Federal
6 investment; or

7 (B) to initiate construction.

8 (2) DEFINITION OF RECLAMATION PROJECT.—

9 In this section, the term “Reclamation project”
10 means a surface water storage project or project
11 under the purview of title XVI of Public Law 102–
12 575 that is to be carried out, funded or operated in
13 whole or in part by the Secretary pursuant to the
14 Act of June 17, 1902 (32 Stat. 388, chapter 1093),
15 and Acts supplemental to and amendatory of that
16 Act (43 U.S.C. 371 et seq.).

17 (b) BACKLOG LIST.—Not later than 180 days after
18 the date of the enactment of this Act, the Secretary shall
19 submit to the Committee on Energy and Natural Re-
20 sources of the Senate and the Committee on Natural Re-
21 sources of the House of Representatives, and make avail-
22 able on a publicly accessible internet website in a manner
23 that is downloadable, searchable, and sortable, a list of—

24 (1) Reclamation projects—

25 (A) that are authorized; and

1 (B) for which, during the fiscal year in
2 which this Act is enacted and each of the pre-
3 ceding 10 fiscal years—

4 (i) no application for Federal funding
5 has been received; and

6 (ii) no construction has occurred; and

7 (2) for each Reclamation project listed under
8 paragraph (1)—

9 (A) the date of authorization of the Rec-
10 lamation project, including any subsequent
11 modifications to the original authorization;

12 (B) a brief description of the Reclamation
13 project; and

14 (C) any amounts appropriated for the Rec-
15 lamation project that remain unobligated.

16 (c) INTERIM DEAUTHORIZATION LIST.—

17 (1) IN GENERAL.—The Secretary shall develop
18 and make publicly available an interim deauthoriza-
19 tion list that identifies each Reclamation project de-
20 scribed in subsection (b)(1).

21 (2) PUBLIC COMMENT AND CONSULTATION.—

22 (A) IN GENERAL.—The Secretary shall so-
23 licit and accept, for a period of not less than 90
24 days, comments relating to the interim de-
25 authorization list under paragraph (1) from—

- 1 (i) the public; and
2 (ii) the Governor of each applicable
3 State.

4 (B) PROJECT SPONSORS.—As part of the
5 public comment period under subparagraph (A),
6 the Secretary shall provide to project sponsors
7 the opportunity to provide to the Secretary a
8 notice of the intent to initiate construction of
9 the project by not later than the date that is 2
10 years after the date of publication of the pre-
11 liminary final deauthorization list under sub-
12 section (d).

13 (3) SUBMISSION TO CONGRESS; PUBLICA-
14 TION.—Not later than 90 days after the date of sub-
15 mission of the backlog list under subsection (b), the
16 Secretary shall—

17 (A) submit the interim deauthorization list
18 under paragraph (1) to the Committee on En-
19 ergy and Natural Resources of the Senate and
20 the Committee on Natural Resources of the
21 House of Representatives; and

22 (B) publish the interim deauthorization list
23 in the Federal Register.

24 (d) PRELIMINARY FINAL DEAUTHORIZATION LIST.—

1 (1) IN GENERAL.—The Secretary shall develop
2 a preliminary final deauthorization list that includes
3 each project identified pursuant to paragraph (2).

4 (2) IDENTIFICATION OF PROJECTS.—

5 (A) EXCLUSIONS.—The Secretary may
6 identify a Reclamation project described in sub-
7 section (b)(1) for exclusion from the prelimi-
8 nary final deauthorization list if the Secretary
9 determines, on a case-by-case basis following re-
10 ceipt of public comments, that the project is
11 critical for interests of the United States, based
12 on the practicable impact of the project on—

13 (i) public health and safety;

14 (ii) the national economy; or

15 (iii) the environment.

16 (B) SUBJECT TO DEAUTHORIZATION DES-
17 IGNATION.—Any Reclamation project the spon-
18 sor of which has provided to the Secretary a no-
19 tice of the intent to initiate construction by not
20 later than 2 years after the date of publication
21 of the preliminary final deauthorization list
22 under this subsection shall be designated on
23 that list as “subject to deauthorization”.

24 (C) APPENDIX.—The Secretary shall in-
25 clude as part of the preliminary final deauthor-

1 ization list under this subsection an appendix
2 that—

3 (i) identifies each Reclamation project
4 included on the interim deauthorization list
5 under subsection (c) that is not included
6 on the preliminary final deauthorization
7 list; and

8 (ii) describes the reasons why each
9 Reclamation project identified under clause
10 (i) is not included on the preliminary final
11 deauthorization list.

12 (3) SUBMISSION TO CONGRESS; PUBLICA-
13 TION.—Not later than 120 days after the date of ex-
14 piration of the public comment period under sub-
15 section (c)(2)(A), the Secretary shall—

16 (A) submit to the Committee on Energy
17 and Natural Resources of the Senate and the
18 Committee on Natural Resources of the House
19 of Representatives the preliminary final de-
20 authorization list and the appendix required
21 under this subsection; and

22 (B) publish the preliminary final deauthor-
23 ization list and appendix in the Federal Reg-
24 ister.

1 (e) DEAUTHORIZATION; CONGRESSIONAL REVIEW.—
2 Effective beginning on the date that is 180 days after the
3 date of submission to Congress of the preliminary final
4 deauthorization list under subsection (d)(3)(A), each Rec-
5 lamation project included on that list is deauthorized, un-
6 less—

7 (1) the Reclamation project is designated as
8 “subject to deauthorization” pursuant to subsection
9 (d)(2)(B); or

10 (2) Congress has enacted a joint resolution dis-
11 approving the preliminary final deauthorization list.

12 (f) UPDATED FINAL DEAUTHORIZATION LIST.—

13 (1) PUBLICATION.—Not later than the date
14 that is 2 years after the date of publication of the
15 preliminary final deauthorization list under sub-
16 section (d)(3)(B), the Secretary shall publish an up-
17 dated final deauthorization list.

18 (2) PROJECTS SUBJECT TO DEAUTHORIZA-
19 TION.—On the updated final deauthorization list
20 under this subsection, the Secretary shall describe
21 any Reclamation project designated as “subject to
22 deauthorization” on the preliminary final deauthor-
23 ization list pursuant to subsection (d)(2)(B) as—

24 (A) authorized, if the Secretary has re-
25 ceived evidence that the sponsor of the Rec-

1 lamation project has substantially initiated con-
2 struction on the Reclamation project; or

3 (B) deauthorized, if the Secretary has not
4 received the evidence described in subparagraph
5 (A).

6 (3) DEAUTHORIZATION.—Any project described
7 as deauthorized pursuant to paragraph (2)(B) shall
8 be deauthorized on the date that is 180 days after
9 the date of submission of the updated final de-
10 authorization list under paragraph (1), unless Con-
11 gress has enacted a joint resolution disapproving
12 that list.

13 (g) TREATMENT OF PROJECT MODIFICATIONS.—For
14 purposes of this section, if an authorized Reclamation
15 project has been modified by an Act of Congress, the date
16 of authorization of the project shall be considered to be
17 the date of the most recent modification.

18 **SEC. 81252. DELAYED WATER PROJECT RECOMMENDA-**
19 **TIONS.**

20 The Secretary shall, not later than 30 days after the
21 date of enactment of this Act, transmit recommendations
22 to the appropriate committees of Congress for the use of
23 funds made available for fiscal year 2019 to advance—

24 (1) water storage projects in accordance with
25 section 4007 of Public Law 114–322;

1 (2) title XVI water reuse projects in accordance
2 with section 4009(c) of Public Law 114–322; and

3 (3) water desalination projects in accordance
4 with section 4009(a) of Public Law 114–322.

5 **SEC. 81253. CONTINUED USE OF PICK-SLOAN MISSOURI**
6 **BASIN PROGRAM PROJECT USE POWER BY**
7 **THE KINSEY IRRIGATION COMPANY AND THE**
8 **SIDNEY WATER USERS IRRIGATION DISTRICT.**

9 (a) FINDINGS.—Congress finds that—

10 (1) the Act of May 18, 1938 (52 Stat. 403,
11 chapter 250; 16 U.S.C. 833 et seq.), authorized the
12 completion, maintenance, and operation of the Fort
13 Peck project;

14 (2) section 2 of that Act (52 Stat. 404, chapter
15 250; 16 U.S.C. 833a) authorized and directed the
16 Bureau of Reclamation—

17 (A) to transmit and sell electric energy
18 generated by the Fort Peck project; and

19 (B) “to interconnect the Fort Peck project
20 with either private or with other Federal
21 projects and publicly owned power systems now
22 or hereafter constructed.”;

23 (3) section 9 of the Act of December 22, 1944
24 (commonly known as the “Flood Control Act of
25 1944”) (58 Stat. 891, chapter 665)—

1 (A) authorized the Missouri River Basin
2 Project, now known as the “Pick-Sloan Mis-
3 souri Basin Program” (referred to in this sec-
4 tion as the “Program”);

5 (B) approved the comprehensive plan for
6 the Program set forth in Senate Document 191
7 and House Document 475, as revised and co-
8 ordinated by Senate Document 247, 78th Con-
9 gress;

10 (C) established a permanent administra-
11 tion for the development of the Missouri River
12 Basin; and

13 (D) incorporated the Fort Peck project as
14 part of the Program;

15 (4) in 1946, the Bureau of Reclamation entered
16 into project use power contracts to provide the
17 Kinsey Irrigation Company and the predecessor of
18 the Sidney Water Users Irrigation District electrical
19 service under the authority of the Act of May 18,
20 1938 (52 Stat. 403, chapter 250; 16 U.S.C. 833 et
21 seq.);

22 (5) since 1946, the Bureau of Reclamation has
23 approved 9 modifications to the project use power
24 contracts between the Bureau of Reclamation, the

1 Kinsey Irrigation Company, and the Sidney Water
2 Users Irrigation District;

3 (6) the project use power contracts in effect on
4 the date of enactment of this Act provide electric
5 service to the Kinsey Irrigation Company and the
6 Sidney Water Users Irrigation District at the Pro-
7 gram rate of 2.5 mills per kilowatt-hour, including
8 wheeling, through 2020; and

9 (7) the Kinsey Irrigation Company and the Sid-
10 ney Water Users Irrigation District have reasonably
11 relied on the authority of the Act of May 18, 1938
12 (52 Stat. 403, chapter 250; 16 U.S.C. 833 et seq.),
13 and the fact that the Bureau of Reclamation has
14 treated the Kinsey Irrigation Company and the Sid-
15 ney Water Users Irrigation District as irrigation
16 pumping units of the Program for more than 74
17 years.

18 (b) AUTHORIZATION.—Notwithstanding any other
19 provision of law and subject to subsection (c), the Sec-
20 retary of the Interior (acting through the Commissioner
21 of Reclamation) shall continue to treat the irrigation
22 pumping units known as the “Kinsey Irrigation Com-
23 pany” in Custer County, Montana, and the “Sidney Water
24 Users Irrigation District” in Richland County, Montana,
25 or any successor to the Kinsey Irrigation Company or Sid-

1 ney Water Users Irrigation District, as irrigation pumping
2 units of the Program for the purposes of wheeling, admin-
3 istration, and payment of project use power.

4 (c) LIMITATION.—The quantity of power to be pro-
5 vided to the Kinsey Irrigation Company and the Sidney
6 Water Users Irrigation District (including any successor
7 to the Kinsey Irrigation Company or the Sidney Water
8 Users Irrigation District) under subsection (b) may not
9 exceed the maximum quantity of power provided to the
10 Kinsey Irrigation Company and the Sidney Water Users
11 Irrigation District under the applicable contract for elec-
12 tric service in effect on the date of enactment of this Act.

13 **Subtitle C—Western Water** 14 **Security**

15 **SEC. 81301. DEFINITIONS.**

16 In this subtitle:

17 (1) RIO GRANDE COMPACT.—The term “Rio
18 Grande Compact” means the compact approved by
19 Congress under the Act of May 31, 1939 (53 Stat.
20 785, chapter 155).

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of the Interior.

23 (3) STATE.—The term “State” means the State
24 of New Mexico.

1 **CHAPTER 1—INFRASTRUCTURE AND**
2 **WATER MANAGEMENT IMPROVEMENT**

3 **SEC. 81311. WATERSMART EXTENSION AND EXPANSION.**

4 (a) DEFINITION OF ELIGIBLE APPLICANT.—Section
5 9502 of the Omnibus Public Land Management Act of
6 2009 (42 U.S.C. 10362) is amended—

7 (1) in the matter preceding paragraph (1), by
8 striking “section” and inserting “subtitle”;

9 (2) by striking paragraph (7) and inserting the
10 following:

11 “(7) ELIGIBLE APPLICANT.—The term ‘eligible
12 applicant’ means—

13 “(A) any State, Indian tribe, irrigation dis-
14 trict, or water district;

15 “(B) any State, regional, or local author-
16 ity, the members of which include one or more
17 organizations with water or power delivery au-
18 thority;

19 “(C) any other organization with water or
20 power delivery authority; or

21 “(D) any nonprofit conservation organiza-
22 tion.”;

23 (3) by redesignating paragraphs (13) through
24 (17) as paragraphs (14) through (18), respectively;
25 and

1 (4) by inserting after paragraph (12) the fol-
2 lowing:

3 “(13) NATURAL WATER RECHARGE INFRA-
4 STRUCTURE.—The term ‘natural water recharge in-
5 frastructure’ means a single project, a number of
6 distributed projects across a watershed, or the rede-
7 sign and replacement, or removal, of built infra-
8 structure to incorporate natural aquatic elements, in
9 which the project—

10 “(A) uses natural materials appropriate to
11 the specific site and landscape setting;

12 “(B) mimics natural riverine, floodplain,
13 riparian, wetland, hydrologic, or other ecological
14 processes; and

15 “(C) results in aquifer recharge, transient
16 floodplain water retention, or restoration of
17 water in the landscape such that the water re-
18 turns to a wetland, riparian area, or surface
19 water channel.”.

20 (b) RESEARCH AGREEMENTS.—Section 9504(b)(1)
21 of the Omnibus Public Land Management Act of 2009 (42
22 U.S.C. 10364(b)(1)) is amended—

23 (1) in the matter preceding subparagraph (A),
24 by inserting “nonprofit conservation organization,”
25 before “or organization”;

1 (2) in subparagraph (B), by striking “or” at
2 the end;

3 (3) by redesignating subparagraph (C) as sub-
4 paragraph (D); and

5 (4) by inserting after subparagraph (B) the fol-
6 lowing:

7 “(C) to increase natural water recharge in-
8 frastructure; or”.

9 (c) WATER MANAGEMENT IMPROVEMENT.—Section
10 9504(e) of the Omnibus Public Land Management Act of
11 2009 (42 U.S.C. 10364(e)) is amended by striking
12 “\$530,000,000” and inserting “\$700,000,000, subject to
13 the condition that \$50,000,000 of that amount shall be
14 used to carry out section 206 of the Energy and Water
15 Development and Related Agencies Appropriations Act,
16 2015 (43 U.S.C. 620 note; Public Law 113–235)”.

17 (d) CONFORMING AMENDMENT.—Section 4009(d) of
18 Public Law 114–322 (42 U.S.C. 10364 note) is amended
19 by striking “on the condition that of that amount,
20 \$50,000,000 of it is used to carry out section 206 of the
21 Energy and Water Development and Related Agencies Ap-
22 propriation Act, 2015 (43 U.S.C. 620 note; Public Law
23 113–235)”.

1 **SEC. 81312. EMERGENCY DROUGHT FUNDING.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—Section
3 301 of the Reclamation States Emergency Drought Relief
4 Act of 1991 (43 U.S.C. 2241) is amended—

5 (1) by striking “120,000,000” and inserting
6 “180,000,000”; and

7 (2) by striking “2020” and inserting “2025, of
8 which not more than \$30,000,000 shall be made
9 available during that period for the conduct of ac-
10 tions authorized under title I of the Reclamation
11 States Emergency Drought Relief Act of 1991 (43
12 U.S.C. 2211 et seq.) to benefit imperiled fish and
13 wildlife”.

14 (b) APPLICABLE PERIOD OF DROUGHT PROGRAM.—
15 Section 104 of the Reclamation States Emergency
16 Drought Relief Act of 1991 (43 U.S.C. 2214) is amended
17 by striking subsection (a) and inserting the following:

18 “(a) IN GENERAL.—The programs and authorities
19 established under this title shall become operative in any
20 Reclamation State and in the State of Hawaii only—

21 “(1) after the Governor or Governors of the af-
22 fected State or States, or the governing body of an
23 affected Indian Tribe with respect to a reservation,
24 has made a request for temporary drought assist-
25 ance and the Secretary has determined that the tem-
26 porary assistance is merited;

1 “(2) after a drought emergency has been de-
2 clared by the Governor or Governors of the affected
3 State or States; or

4 “(3) on approval of a drought contingency plan
5 as provided in title II.”.

6 (c) REAUTHORIZATION.—Section 104(c) of the Rec-
7 lamation States Emergency Drought Relief Act of 1991
8 (43 U.S.C. 2214(c)) is amended by striking “2020” and
9 inserting “2030”.

10 **SEC. 81313. RIO GRANDE PUEBLO IRRIGATION INFRA-**
11 **STRUCTURE REAUTHORIZATION.**

12 Section 9106 of the Omnibus Public Land Manage-
13 ment Act of 2009 (Public Law 111–11; 123 Stat. 1304)
14 is amended—

15 (1) in subsection (c)(4), by striking “2 years
16 after the date of enactment of this Act, the Sec-
17 retary shall submit to the Committee on Energy and
18 Natural Resources of the Senate and the Committee
19 on Resources” and inserting “December 31, 2020,
20 the Secretary shall submit to the Committee on En-
21 ergy and Natural Resources of the Senate and the
22 Committee on Natural Resources”; and

23 (2) in subsection (g)(2)—

24 (A) by striking “\$6,000,000” and inserting
25 “such sums as may be necessary”; and

1 (B) by striking “2010 through 2019” and
2 inserting “2020 through 2029”.

3 **SEC. 81314. PUERTO RICO WATERSMART GRANTS ELIGI-**
4 **BILITY.**

5 (a) SHORT TITLE.—This section may be cited as the
6 “Puerto Rico WaterSMART Grants Eligibility Act”.

7 (b) WATERSMART GRANTS AND AGREEMENTS.—Sec-
8 tion 9504 of the Omnibus Public Land Management Act
9 of 2009 (42 U.S.C. 10364) is amended in subsection
10 (a)(2)(A)—

11 (1) in clause (ii), by striking “or”;

12 (2) in clause (iii), by striking “and” and insert-
13 ing “or”; and

14 (3) by inserting after clause (iii), the following:
15 “(iv) Puerto Rico; and”.

16 **CHAPTER 2—GROUNDWATER**
17 **MANAGEMENT**

18 **SEC. 81321. REAUTHORIZATION AND EXPANSION OF THE**
19 **TRANSBOUNDARY AQUIFER ASSESSMENT**
20 **PROGRAM.**

21 (a) DESIGNATION OF PRIORITY TRANSBOUNDARY
22 AQUIFERS.—Section 4(c)(2) of the United States-Mexico
23 Transboundary Aquifer Assessment Act (42 U.S.C. 1962
24 note; Public Law 109–448) is amended by striking “New
25 Mexico or Texas” and inserting “New Mexico, Texas, or

1 Arizona (other than an aquifer underlying Arizona and
2 Sonora, Mexico, that is partially within the Yuma ground-
3 water basin designated by the order of the Director of the
4 Arizona Department of Water Resources dated June 21,
5 1984)”.

6 (b) REAUTHORIZATION.—

7 (1) AUTHORIZATION OF APPROPRIATIONS.—

8 Section 8(a) of the United States-Mexico Trans-
9 boundary Aquifer Assessment Act (42 U.S.C. 1962
10 note; Public Law 109–448) is amended by striking
11 “fiscal years 2007 through 2016” and inserting “fis-
12 cal years 2021 through 2029”.

13 (2) SUNSET OF AUTHORITY.—Section 9 of the
14 United States-Mexico Transboundary Aquifer As-
15 sessment Act (42 U.S.C. 1962 note; Public Law
16 109–448) is amended by striking “enactment of this
17 Act” and inserting “enactment of the Moving For-
18 ward Act”.

19 **SEC. 81322. GROUNDWATER MANAGEMENT ASSESSMENT**
20 **AND IMPROVEMENT.**

21 Section 9504(a) of the Omnibus Public Land Man-
22 agement Act of 2009 (42 U.S.C. 10364(a)) is amended—

23 (1) in paragraph (1)—

1 (A) in the matter preceding subparagraph
2 (A), by inserting “or carrying out any activity”
3 after “any improvement”;

4 (B) by striking subparagraphs (A) through
5 (E);

6 (C) by redesignating subparagraphs (F)
7 through (H) as subparagraphs (B) through
8 (D), respectively;

9 (D) by inserting before subparagraph (B)
10 (as so redesignated) the following:

11 “(A) to assist States and water users in
12 complying with interstate compacts through
13 temporary, voluntary, and compensated trans-
14 actions that decrease consumptive water use at
15 a regional or watershed scale;”;

16 (E) in subparagraph (B) (as so redesign-
17 ated), by striking “to prevent” and inserting
18 “to achieve the prevention of”;

19 (F) in subparagraph (C) (as so redesign-
20 ated), by striking “to accelerate” and inserting
21 “to achieve the acceleration of”; and

22 (G) in subparagraph (D) (as so redesign-
23 ated)—

24 (i) by striking clause (i) and inserting
25 the following:

1 “(i) to increase ecological resilience to
2 climate change, including by enhancing
3 natural water recharge infrastructure with-
4 in a floodplain or riparian wetland, by ad-
5 dressing climate-related impacts or vulner-
6 ability to the water supply of the United
7 States;”;

8 (ii) in clause (ii), by striking the pe-
9 riod at the end and inserting “; or”;

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

12 “(iii) to plan for or address the im-
13 pacts of drought.”;

14 (2) by redesignating paragraphs (2) and (3) as
15 paragraphs (3) and (4), respectively;

16 (3) by inserting after paragraph (1) the fol-
17 lowing:

18 “(2) ELIGIBLE PROJECTS.—The improvements
19 or activities eligible for assistance under paragraph
20 (1) may include improvements or activities—

21 “(A) using an approach—

22 “(i) to conserve water;

23 “(ii) to increase water use efficiency;

24 “(iii) to facilitate water markets; or

1 “(iv) to enhance water management,
2 including increasing the use of renewable
3 energy in the management and delivery of
4 water or increasing natural water recharge
5 infrastructure;

6 “(B) to improve the condition of natural
7 water recharge infrastructure; or

8 “(C) to achieve the acceleration of the
9 adoption and use of advanced water treatment
10 technologies to increase water supply.”; and

11 (4) in paragraph (4) (as so redesignated)—

12 (A) in subparagraph (B)(i), by striking
13 subclause (II) and inserting the following:

14 “(II) to use the assistance pro-
15 vided under a grant or agreement to
16 increase the consumptive use of water
17 for agricultural operations above the
18 pre-project levels, as determined pur-
19 suant to the law of the State in which
20 the operation of the eligible applicant
21 is located.”; and

22 (B) in subparagraph (E)—

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

25 “(i) FEDERAL SHARE.—

1 “(I) IN GENERAL.—Except as
2 provided in subclause (II), the Federal
3 share of the cost of any infrastructure
4 improvement or activity that is the
5 subject of a grant or other agreement
6 entered into between the Secretary
7 and an eligible applicant under para-
8 graph (1) shall not exceed 50 percent
9 of the cost of the infrastructure im-
10 provement or activity.

11 “(II) INCREASED FEDERAL
12 SHARE FOR CERTAIN INFRASTRUC-
13 TURE IMPROVEMENTS AND ACTIVI-
14 TIES.—

15 “(aa) IN GENERAL.—The
16 Federal share of the cost of an
17 infrastructure improvement or
18 activity described in item (bb)
19 shall not exceed 75 percent of the
20 cost of the infrastructure im-
21 provement or activity.

22 “(bb) INFRASTRUCTURE IM-
23 PROVEMENTS AND ACTIVITIES
24 DESCRIBED.—An infrastructure
25 improvement or activity referred

1 to in item (aa) is an infrastruc-
2 ture improvement or activity that
3 provides benefits to consumptive
4 water users and nonconsumptive
5 ecological or recreational values
6 in which—

7 “(AA) in the case of an
8 infrastructure improvement
9 or activity that conserves
10 water, the conserved water
11 is returned to a surface
12 water source with ecological
13 or recreational benefits; or

14 “(BB) in the case of
15 other infrastructure im-
16 provements or activities, the
17 majority of the benefits are
18 nonconsumptive ecological or
19 recreational benefits.”; and

20 (ii) in clause (ii), in the matter pre-
21 ceding subclause (I), by striking “para-
22 graph (2)” and inserting “paragraph (3)”.

1 **SEC. 81323. SURFACE AND GROUNDWATER WATER AVAIL-**
2 **ABILITY AND THE ENERGY NEXUS.**

3 Section 9508(d)(3) of the Omnibus Public Land
4 Management Act of 2009 (42 U.S.C. 10368(d)(3)) is
5 amended—

6 (1) in subparagraph (D), by striking “and” at
7 the end;

8 (2) in subparagraph (E), by striking the semi-
9 colon and inserting “; and”; and

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

11 “(F) oil, gas, and mineral development
12 under the Mineral Leasing Act (30 U.S.C. 181
13 et seq.), the Act of May 11, 1938 (commonly
14 known as the ‘Indian Mineral Leasing Act of
15 1938’) (25 U.S.C. 396a et seq.), sections 2319
16 through 2344 of the Revised Statutes (com-
17 monly known as the ‘Mining Law of 1872’) (30
18 U.S.C. 22 et seq.), and the Outer Continental
19 Shelf Lands Act (43 U.S.C. 1331 et seq.);”.

20 **CHAPTER 3—WATER CONSERVATION AND**
21 **ENVIRONMENTAL RESTORATION**

22 **SEC. 81331. DEFINITIONS.**

23 In this chapter:

24 (1) **BASIN.**—The term “Basin”—

25 (A) is limited to areas within the State;

26 and

- 1 (B) means each of—
- 2 (i) the Upper Rio Grande Basin;
- 3 (ii) the Middle Rio Grande Basin;
- 4 (iii) the Lower Rio Grande Basin;
- 5 (iv) the Lower Pecos River Basin;
- 6 (v) the Gila River Basin;
- 7 (vi) the Canadian River Basin;
- 8 (vii) the San Francisco River Basin;
- 9 and
- 10 (viii) the San Juan River Basin.

11 (2) DISTRICT.—The term “District” means—

- 12 (A) the Middle Rio Grande Conservancy
- 13 District;
- 14 (B) the Elephant Butte Irrigation District;
- 15 (C) the Carlsbad Irrigation District;
- 16 (D) the Arch Hurley Conservancy District;
- 17 (E) the Pecos Valley Artesian Conservation
- 18 District; or
- 19 (F) the San Juan Water Commission.

20 (3) PUEBLO.—The term “Pueblo” means each

21 of the following pueblos in the State:

- 22 (A) Cochiti.
- 23 (B) Santo Domingo.
- 24 (C) San Felipe.
- 25 (D) Santa Ana.

1 (E) Sandia.

2 (F) Isleta.

3 **SEC. 81332. WATER ACQUISITION PROGRAM.**

4 (a) AUTHORIZATION.—The Secretary, acting through
5 the Commissioner of Reclamation, shall carry out in the
6 Basins a water acquisition program in coordination with
7 the other appropriate Federal agencies, State agencies,
8 and non-Federal stakeholders, under which the Secretary
9 shall—

10 (1) make acquisitions, or assist the State or a
11 District in making acquisitions, of water in the Ba-
12 sins by lease or purchase of water rights or contrac-
13 tual entitlements from willing lessors or sellers, con-
14 sistent with section 8 of the Act of June 17, 1902
15 (43 U.S.C. 383), the Rio Grande Compact, and ap-
16 plicable State law relating to the acquisition and ad-
17 ministration of water rights; and

18 (2) take any other actions, consistent with sec-
19 tion 8 of the Act of June 17, 1902 (43 U.S.C. 383),
20 the Rio Grande Compact, and applicable State law,
21 that the Secretary determines would achieve the pur-
22 poses of the water acquisition program described in
23 subsection (b).

24 (b) PURPOSES.—The purposes of the water acquisi-
25 tion program are—

1 (1) to enhance stream flow to benefit fish and
2 wildlife (including endangered species), water qual-
3 ity, and river ecosystem restoration in the Basins;

4 (2) to enhance stewardship and conservation of
5 working land, water, and watersheds in the Basins,
6 consistent with the purpose described in paragraph
7 (1); and

8 (3) to address water supply-demand imbalances
9 in the Basins, consistent with State law and the pur-
10 pose described in paragraph (1).

11 (c) COORDINATION.—To assist in developing and ad-
12 ministering the program, the Secretary may provide funds
13 to the State, a District, or a federally established nonprofit
14 entity with particular expertise in western water trans-
15 actions.

16 (d) DISTRICT PROJECTS.—Subject to the Rio Grande
17 Compact and applicable State law, the Secretary may de-
18 velop programs to provide—

19 (1) cost-share assistance to a District to reduce
20 water depletions by agricultural producers and
21 irrigators in that District by making irrigation sys-
22 tem improvements and increasing system efficiency;

23 (2) incentives to a District for the establish-
24 ment of a water leasing program from willing lessors
25 for agricultural producers and irrigators in that Dis-

1 trict to temporarily lease pre-1907 water rights (in-
2 stead of permanent severance from irrigable land)
3 for the purpose of providing benefits to species listed
4 as threatened or endangered under the Endangered
5 Species Act of 1973 (16 U.S.C. 1531 et seq.) and
6 other river ecosystem benefits; and

7 (3) cost-share assistance to a District to imple-
8 ment infrastructure or operational changes that will
9 allow for effective management of a leasing program,
10 while maintaining adequate water deliveries to other
11 agricultural producers and irrigators.

12 **SEC. 81333. MIDDLE RIO GRANDE WATER CONSERVATION.**

13 (a) IN GENERAL.—The Secretary, in cooperation
14 with a District and in consultation with the Pueblos, may
15 provide funding and technical assistance for the installa-
16 tion of metering and measurement devices and the con-
17 struction of check structures on irrigation diversions, ca-
18 nals, laterals, ditches, and drains—

19 (1) to ensure the conservation and efficient use
20 of water within that District by—

21 (A) reducing actual consumptive use; or

22 (B) not increasing the use of water; and

23 (2) to improve the measurement and allocation
24 of water, including water acquired through the water

1 acquisition program established under section
2 81332.

3 (b) RIO GRANDE, SAN ACACIA, AND ISLETA
4 REACHES.—

5 (1) IN GENERAL.—The Secretary shall provide
6 for the development of a comprehensive plan for the
7 San Acacia and Isleta reaches to plan, design, per-
8 mit, construct, and prioritize projects that balance
9 river maintenance, water availability, use, and deliv-
10 ery, and ecosystem benefits, including—

11 (A) planning, permitting, and construction
12 of a pumping station at Bosque del Apache Na-
13 tional Wildlife Refuge for the purpose of more
14 efficiently using water to provide—

15 (i) a stable supply for the Refuge; and

16 (ii) an efficient and reliable supply of
17 water to the Rio Grande for the benefit of
18 the endangered silvery minnow and South-
19 western willow flycatcher;

20 (B) planning, permitting, and construction
21 of a river channel realignment project near the
22 Rio Grande mile-83 for the purpose of con-
23 veying water and sediment through the reach to
24 Elephant Butte Reservoir and addressing river

1 channel aggradation while maintaining flood-
2 plain connectivity during the snowmelt runoff;

3 (C) planning, permitting, and construction
4 of a controlled outlet for the low flow convey-
5 ance channel to the Rio Grande between Fort
6 Craig, New Mexico, and Rio Grande mile-60 for
7 the purpose of water use and delivery, enhance-
8 ment and development of habitat areas, and
9 possible creation of a single-channel river eco-
10 system; and

11 (D) development of a Lower Reach plan—

12 (i) to identify additional projects and
13 maintenance activities with water use, sedi-
14 ment management, and delivery and eco-
15 system benefits; and

16 (ii) to prioritize implementation of all
17 projects and activities.

18 (2) PUBLIC PARTICIPATION.—In carrying out
19 this subsection, the Secretary shall provide a process
20 for public participation and comment during plan
21 development and alternative analysis.

22 **SEC. 81334. SUSTAINING BIODIVERSITY DURING**
23 **DROUGHTS.**

24 Section 9503(b) of the Omnibus Public Land Man-
25 agement Act of 2009 (42 U.S.C. 10363(b)) is amended—

1 (1) in paragraph (3)(D), by inserting “and na-
2 tive biodiversity” after “wildlife habitat”; and

3 (2) in paragraph (4)(B), by inserting “and
4 drought biodiversity plans to address sustaining na-
5 tive biodiversity during periods of drought” after
6 “restoration plans”.

7 **SEC. 81335. REAUTHORIZATION OF COOPERATIVE WATER-**
8 **SHED MANAGEMENT PROGRAM.**

9 Section 6002(g)(4) of the Omnibus Public Land
10 Management Act of 2009 (16 U.S.C. 1015a(g)(4)) is
11 amended by striking “2020” and inserting “2031”.

12 **CHAPTER 4—EFFECT ON EXISTING LAW**

13 **SEC. 81341. EFFECT ON EXISTING LAW.**

14 (a) **IN GENERAL.**—An action taken by the Secretary
15 or another entity under this subtitle or an amendment
16 made by this subtitle shall comply with applicable State
17 laws in effect on the date of enactment of this Act.

18 (b) **STATE LAW.**—Nothing in this subtitle or an
19 amendment made by this subtitle affects, is intended to
20 affect, or interferes with a law of the State relating to
21 the control, appropriation, use, or distribution of water,
22 or any vested right acquired under the law.

23 (c) **RIO GRANDE COMPACT.**—Nothing in this subtitle
24 or an amendment made by this subtitle affects or is in-
25 tended to affect or interfere with any obligation of a State

1 under the Rio Grande Compact or any litigation relating
2 to the Rio Grande Compact.

3 **Subtitle D—Water Resources**
4 **Research Amendments**

5 **SEC. 81411. WATER RESOURCES RESEARCH ACT AMEND-**
6 **MENTS.**

7 (a) CLARIFICATION OF RESEARCH ACTIVITIES.—Sec-
8 tion 104(b)(1) of the Water Resources Research Act of
9 1984 (42 U.S.C. 10303(b)(1)) is amended—

10 (1) in subparagraph (B)(ii), by striking “water-
11 related phenomena” and inserting “water re-
12 sources”; and

13 (2) in subparagraph (D), by striking the period
14 at the end and inserting “; and”.

15 (b) COMPLIANCE REPORT.—Section 104(c) of the
16 Water Resources Research Act of 1984 (42 U.S.C.
17 10303(c)) is amended—

18 (1) by striking subsection (c) and inserting the
19 following:

20 “(c) GRANTS.—

21 “(1) IN GENERAL.—From the sums appro-
22 priated pursuant to subsection (f) of this section, the
23 Secretary shall make grants to each institute to be
24 matched on a basis of no less than 1 non-Federal
25 dollar for every 1 Federal dollar.”; and

1 (2) by adding at the end the following:

2 “(2) REPORT.—Not later than December 31 of
3 each fiscal year, the Secretary shall submit to the
4 Committee on Environment and Public Works of the
5 Senate, the Committee on the Budget of the Senate,
6 the Committee on Transportation and Infrastructure
7 of the House of Representatives, and the Committee
8 on the Budget of the House of Representatives a re-
9 port regarding the compliance of each funding re-
10 cipient with this subsection for the immediately pre-
11 ceding fiscal year.”.

12 (c) EVALUATION OF WATER RESOURCES RESEARCH
13 PROGRAM.—Section 104 of the Water Resources Research
14 Act of 1984 (42 U.S.C. 10303) is amended by striking
15 subsection (e) and inserting the following:

16 “(e) EVALUATION OF WATER RESOURCES RESEARCH
17 PROGRAM.—

18 “(1) IN GENERAL.—The Secretary shall con-
19 duct a careful and detailed evaluation of each insti-
20 tute at least once every 5 years to determine—

21 “(A) the quality and relevance of the water
22 resources research of the institute;

23 “(B) the effectiveness of the institute at
24 producing measured results and applied water
25 supply research; and

1 “(C) whether the effectiveness of the insti-
2 tute as an institution for planning, conducting,
3 and arranging for research warrants continued
4 support under this section.

5 “(2) PROHIBITION ON FURTHER SUPPORT.—If,
6 as a result of an evaluation under paragraph (1), the
7 Secretary determines that an institute does not qual-
8 ify for further support under this section, no further
9 grants to the institute may be provided until the
10 qualifications of the institute are reestablished to the
11 satisfaction of the Secretary.”.

12 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
13 104(f)(1) of the Water Resources Research Act of 1984
14 (42 U.S.C. 10303(f)(1)) is amended by striking
15 “\$12,000,000 for each of fiscal years 2007 through 2011”
16 and inserting “\$8,250,000 for each fiscal years 2020
17 through 2023”.

18 (e) ADDITIONAL APPROPRIATIONS WHERE RE-
19 SEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE
20 NATURE.—Section 104(g)(1) of the Water Resources Re-
21 search Act of 1984 (42 U.S.C. 10303(g)(1)) is amended
22 in the first sentence by striking “\$6,000,000 for each of
23 fiscal years 2007 through 2011” and inserting
24 “\$1,750,000 for each of fiscal years 2020 through 2023”.

1 **Subtitle E—Ground Water**
2 **Recharge Planning**

3 **SEC. 81511. GROUND WATER RECHARGE PLANNING.**

4 (a) DEFINITIONS.—In this section:

5 (1) CRITICALLY OVERDRAFTED BASINS.—The
6 term “Critically Overdrafted Basins” means those
7 basins identified by the California Department of
8 Water Resources pursuant to part 2.74 of the Cali-
9 fornia Water Code (commonly known as the “Cali-
10 fornia’s Sustainable Groundwater Management
11 Act”).

12 (2) RECLAMATION STATE.—The term “Rec-
13 lamation State” means a State or territory described
14 in the first section of the Act of June 17, 1902 (32
15 Stat. 388, chapter 1093; 43 U.S.C. 391).

16 (3) SECRETARY.—The term “Secretary” means
17 the Secretary of the Interior, acting through the Di-
18 rector of the United States Geological Survey.

19 (b) EVALUATION AND REPORT.—

20 (1) IN GENERAL.—Not later than 4 years after
21 the date of the enactment of this Act, the Secretary
22 shall complete an evaluation and report to Congress
23 that identifies potential ground water storage and
24 recharge opportunities in each Reclamation State in-
25 cluding recharge opportunities in critically over-

1 drafted basins to help inform future Federal, State,
2 local, and other investment in ground water storage
3 projects.

4 (2) REPORT.—The report to Congress shall in-
5 clude—

6 (A) an assessment of potentially beneficial
7 storage and recharge locations based on the
8 Secretary’s assessment of—

9 (i) hydrologic attributes;

10 (ii) geologic attributes;

11 (iii) engineering attributes;

12 (iv) water supply benefits;

13 (v) environmental benefits;

14 (vi) infrastructure benefits related to
15 mitigation of subsidence-related infrastruc-
16 ture damage; and

17 (vii) sustainability benefits for criti-
18 cally overdrafted basins; and

19 (B) an assessment of potential conveyance
20 infrastructure needs to move excess runoff to
21 the recharge locations identified by the Sec-
22 retary under this section.

23 (3) COORDINATION.—To the maximum extent
24 practicable, the Secretary shall coordinate research
25 activities with Reclamation State agencies, ground

1 water sustainability agencies, universities and non-
2 profit organizations in a manner designed to assist
3 with implementation of State-led initiatives such as
4 part 2.74 of the California Water Code (commonly
5 known as the “Sustainable Groundwater Manage-
6 ment Act”).

7 **Subtitle F—Tribal Water** 8 **Infrastructure**

9 **SEC. 81611. FINDING.**

10 The COVID–19 crisis has highlighted the lack of in-
11 frastructure and sanitation available in native commu-
12 nities. Addressing the Indian Health Service’s Sanitation
13 Facilities Deficiency List, as included in the 2018 report
14 titled “Annual Report to the Congress of the United
15 States on Sanitation Deficiency Levels for Indian Homes
16 and Communities”, will make investments in the necessary
17 water infrastructure and, in turn, improve health out-
18 comes.

19 **SEC. 81612. INDIAN HEALTH SERVICES SANITATION FACILI-** 20 **TIES CONSTRUCTION PROGRAM FUNDING.**

21 (a) **ADDITIONAL FUNDING.**—For the purpose de-
22 scribed in subsection (b), in addition to any other funds
23 available for such purpose, there is authorized to be appro-
24 priated to the Secretary of Health and Human Services

1 a total of \$2,670,000,000 for each of fiscal years 2020
2 through 2024.

3 (b) PURPOSE.—The purpose described in this sub-
4 section is the planning, design, construction, moderniza-
5 tion, improvement, and renovation of water, sewer, and
6 solid waste sanitation facilities that are funded, in whole
7 or part, by the Indian Health Service through, or provided
8 for in, a contract or compact with the Service under the
9 Indian Self-Determination and Education Assistance Act
10 (25 U.S.C. 5301 et seq.).

11 (c) PRIORITY FOR FUNDING.—When awarding fund-
12 ing under this section, the Secretary of Health and
13 Human Services, acting through the Director of the In-
14 dian Health Service, shall address the highest needs first
15 as established in the 2018 report titled “Annual Report
16 to the Congress of the United States on Sanitation Defi-
17 ciency Levels for Indian Homes and Communities”.

18 **Subtitle G—Navajo Utah Water** 19 **Rights Settlement**

20 **SEC. 81711. PURPOSES.**

21 The purposes of this subtitle are—

22 (1) to achieve a fair, equitable, and final settle-
23 ment of all claims to water rights in the State of
24 Utah for—

25 (A) the Navajo Nation; and

1 (B) the United States, for the benefit of
2 the Nation;

3 (2) to authorize, ratify, and confirm the Agree-
4 ment entered into by the Nation and the State, to
5 the extent that the Agreement is consistent with this
6 subtitle;

7 (3) to authorize and direct the Secretary—

8 (A) to execute the Agreement; and

9 (B) to take any actions necessary to carry
10 out the agreement in accordance with this sub-
11 title; and

12 (4) to authorize funds necessary for the imple-
13 mentation of the Agreement and this subtitle.

14 **SEC. 81712. DEFINITIONS.**

15 In this subtitle:

16 (1) AGREEMENT.—The term “agreement”
17 means—

18 (A) the document entitled “Navajo Utah
19 Water Rights Settlement Agreement” dated De-
20 cember 14, 2015, and the exhibits attached
21 thereto; and

22 (B) any amendment or exhibit to the docu-
23 ment or exhibits referenced in subparagraph
24 (A) to make the document or exhibits consistent
25 with this subtitle.

1 (2) ALLOTMENT.—The term “allotment” means
2 a parcel of land—

3 (A) granted out of the public domain that
4 is—

5 (i) located within the exterior bound-
6 aries of the Reservation; or

7 (ii) Bureau of Indian Affairs parcel
8 number 792 634511 in San Juan County,
9 Utah, consisting of 160 acres located in
10 Township 41S, Range 20E, sections 11,
11 12, and 14, originally set aside by the
12 United States for the benefit of an indi-
13 vidual identified in the allotting document
14 as a Navajo Indian; and

15 (B) held in trust by the United States—

16 (i) for the benefit of an individual, in-
17 dividuals, or an Indian Tribe other than
18 the Navajo Nation; or

19 (ii) in part for the benefit of the Nav-
20 ajo Nation as of the enforceability date.

21 (3) ALLOTTEE.—The term “allottee” means an
22 individual or Indian Tribe with a beneficial interest
23 in an allotment held in trust by the United States.

24 (4) ENFORCEABILITY DATE.—The term “en-
25 forceability date” means the date on which the Sec-

1 retary publishes in the Federal Register the state-
2 ment of findings described in section 81717(a).

3 (5) GENERAL STREAM ADJUDICATION.—The
4 term “general stream adjudication” means the adju-
5 dication pending, as of the date of enactment, in the
6 Seventh Judicial District in and for Grand County,
7 State of Utah, commonly known as the “South-
8 eastern Colorado River General Adjudication”, Civil
9 No. 810704477, conducted pursuant to State law.

10 (6) INJURY TO WATER RIGHTS.—The term “in-
11 jury to water rights” means an interference with,
12 diminution of, or deprivation of water rights under
13 Federal or State law, excluding injuries to water
14 quality.

15 (7) MEMBER.—The term “member” means any
16 person who is a duly enrolled member of the Navajo
17 Nation.

18 (8) NAVAJO NATION OR NATION.—The term
19 “Navajo Nation” or “Nation” means a body politic
20 and federally recognized Indian nation, as published
21 on the list established under section 104(a) of the
22 Federally Recognized Indian Tribe List Act of 1994
23 (25 U.S.C. 5131(a)), also known variously as the
24 “Navajo Nation”, the “Navajo Nation of Arizona,
25 New Mexico, & Utah”, and the “Navajo Nation of

1 Indians” and other similar names, and includes all
2 bands of Navajo Indians and chapters of the Navajo
3 Nation and all divisions, agencies, officers, and
4 agents thereof.

5 (9) NAVAJO WATER DEVELOPMENT
6 PROJECTS.—The term “Navajo water development
7 projects” means projects for domestic municipal
8 water supply, including distribution infrastructure,
9 and agricultural water conservation, to be con-
10 structed, in whole or in part, using monies from the
11 Navajo Water Development Projects Account.

12 (10) NAVAJO WATER RIGHTS.—The term “Nav-
13 ajo water rights” means the Nation’s water rights in
14 Utah described in the agreement and this subtitle.

15 (11) OM&R.—The term “OM&R” means oper-
16 ation, maintenance, and replacement.

17 (12) PARTIES.—The term “parties” means the
18 Navajo Nation, the State, and the United States.

19 (13) RESERVATION.—The term “Reservation”
20 means, for purposes of the agreement and this sub-
21 title, the Reservation of the Navajo Nation in Utah
22 as in existence on the date of enactment of this Act
23 and depicted on the map attached to the agreement
24 as Exhibit A, including any parcel of land granted
25 out of the public domain and held in trust by the

1 United States entirely for the benefit of the Navajo
2 Nation as of the enforceability date.

3 (14) SECRETARY.—The term “Secretary”
4 means the Secretary of the United States Depart-
5 ment of the Interior or a duly authorized representa-
6 tive thereof.

7 (15) STATE.—The term “State” means the
8 State of Utah and all officers, agents, departments,
9 and political subdivisions thereof.

10 (16) UNITED STATES.—The term “United
11 States” means the United States of America and all
12 departments, agencies, bureaus, officers, and agents
13 thereof.

14 (17) UNITED STATES ACTING IN ITS TRUST CA-
15 PACITY.—The term “United States acting in its
16 trust capacity” means the United States acting for
17 the benefit of the Navajo Nation or for the benefit
18 of allottees.

19 **SEC. 81713. RATIFICATION OF AGREEMENT.**

20 (a) APPROVAL BY CONGRESS.—Except to the extent
21 that any provision of the agreement conflicts with this
22 subtitle, Congress approves, ratifies, and confirms the
23 agreement (including any amendments to the agreement
24 that are executed to make the agreement consistent with
25 this subtitle).

1 (b) EXECUTION BY SECRETARY.—The Secretary is
2 authorized and directed to promptly execute the agree-
3 ment to the extent that the agreement does not conflict
4 with this subtitle, including—

5 (1) any exhibits to the agreement requiring the
6 signature of the Secretary; and

7 (2) any amendments to the agreement nec-
8 essary to make the agreement consistent with this
9 subtitle.

10 (c) ENVIRONMENTAL COMPLIANCE.—

11 (1) IN GENERAL.—In implementing the agree-
12 ment and this subtitle, the Secretary shall comply
13 with all applicable provisions of—

14 (A) the Endangered Species Act of 1973
15 (16 U.S.C. 1531 et seq.);

16 (B) the National Environmental Policy Act
17 of 1969 (42 U.S.C. 4321 et seq.); and

18 (C) all other applicable environmental laws
19 and regulations.

20 (2) EXECUTION OF THE AGREEMENT.—Execu-
21 tion of the agreement by the Secretary as provided
22 for in this subtitle shall not constitute a major Fed-
23 eral action under the National Environmental Policy
24 Act of 1969 (42 U.S.C. 4321 et seq.).

1 **SEC. 81714. NAVAJO WATER RIGHTS.**

2 (a) CONFIRMATION OF NAVAJO WATER RIGHTS.—

3 (1) QUANTIFICATION.—The Navajo Nation
4 shall have the right to use water from water sources
5 located within Utah and adjacent to or encompassed
6 within the boundaries of the Reservation resulting in
7 depletions not to exceed 81,500 acre-feet annually as
8 described in the agreement and as confirmed in the
9 decree entered by the general stream adjudication
10 court.

11 (2) SATISFACTION OF ALLOTTEE RIGHTS.—De-
12pletions resulting from the use of water on an allot-
13ment shall be accounted for as a depletion by the
14 Navajo Nation for purposes of depletion accounting
15 under the agreement, including recognition of—

16 (A) any water use existing on an allotment
17 as of the date of enactment of this subtitle and
18 as subsequently reflected in the hydrographic
19 survey report referenced in section 81716(b);

20 (B) reasonable domestic and stock water
21 uses put into use on an allotment; and

22 (C) any allotment water rights that may be
23 decreed in the general stream adjudication or
24 other appropriate forum.

25 (3) SATISFACTION OF ON-RESERVATION STATE
26 LAW-BASED WATER RIGHTS.—Depletions resulting

1 from the use of water on the Reservation pursuant
2 to State law-based water rights existing as of the
3 date of enactment of this Act shall be accounted for
4 as depletions by the Navajo Nation for purposes of
5 depletion accounting under the agreement.

6 (4) IN GENERAL.—The Navajo water rights are
7 ratified, confirmed, and declared to be valid.

8 (5) USE.—Any use of the Navajo water rights
9 shall be subject to the terms and conditions of the
10 agreement and this subtitle.

11 (6) CONFLICT.—In the event of a conflict be-
12 tween the agreement and this subtitle, the provisions
13 of this subtitle shall control.

14 (b) TRUST STATUS OF NAVAJO WATER RIGHTS.—
15 The Navajo water rights—

16 (1) shall be held in trust by the United States
17 for the use and benefit of the Nation in accordance
18 with the agreement and this subtitle; and

19 (2) shall not be subject to forfeiture or aban-
20 donment.

21 (c) AUTHORITY OF THE NATION.—

22 (1) IN GENERAL.—The Nation shall have the
23 authority to allocate, distribute, and lease the Nav-
24 ajo water rights for any use on the Reservation in

1 accordance with the agreement, this subtitle, and ap-
2 plicable Tribal and Federal law.

3 (2) OFF-RESERVATION USE.—The Nation may
4 allocate, distribute, and lease the Navajo water
5 rights for off-Reservation use in accordance with the
6 agreement, subject to the approval of the Secretary.

7 (3) ALLOTTEE WATER RIGHTS.—The Nation
8 shall not object in the general stream adjudication
9 or other applicable forum to the quantification of
10 reasonable domestic and stock water uses on an al-
11 lotment, and shall administer any water use on the
12 Reservation in accordance with applicable Federal
13 law, including recognition of—

14 (A) any water use existing on an allotment
15 as of the date of enactment of this Act and as
16 subsequently reflected in the hydrographic sur-
17 vey report referenced in section 81716(b);

18 (B) reasonable domestic and stock water
19 uses on an allotment; and

20 (C) any allotment water rights decreed in
21 the general stream adjudication or other appro-
22 priate forum.

23 (d) EFFECT.—Except as otherwise expressly provided
24 in this section, nothing in this subtitle—

1 (1) authorizes any action by the Nation against
2 the United States under Federal, State, Tribal, or
3 local law; or

4 (2) alters or affects the status of any action
5 brought pursuant to section 1491(a) of title 28,
6 United States Code.

7 **SEC. 81715. NAVAJO TRUST ACCOUNTS.**

8 (a) ESTABLISHMENT.—The Secretary shall establish
9 a trust fund, to be known as the “Navajo Utah Settlement
10 Trust Fund” (referred to in this subtitle as the “Trust
11 Fund”), to be managed, invested, and distributed by the
12 Secretary and to remain available until expended, con-
13 sisting of the amounts deposited in the Trust Fund under
14 subsection (c), together with any interest earned on those
15 amounts, for the purpose of carrying out this subtitle.

16 (b) ACCOUNTS.—The Secretary shall establish in the
17 Trust Fund the following Accounts:

18 (1) The Navajo Water Development Projects
19 Account.

20 (2) The Navajo OM&R Account.

21 (c) DEPOSITS.—The Secretary shall deposit in the
22 Trust Fund Accounts—

23 (1) in the Navajo Water Development Projects
24 Account, the amounts made available pursuant to
25 section 81716(a)(1); and

1 (2) in the Navajo OM&R Account, the amount
2 made available pursuant to section 81716(a)(2).

3 (d) MANAGEMENT AND INTEREST.—

4 (1) MANAGEMENT.—Upon receipt and deposit
5 of the funds into the Trust Fund Accounts, the Sec-
6 retary shall manage, invest, and distribute all
7 amounts in the Trust Fund in a manner that is con-
8 sistent with the investment authority of the Sec-
9 retary under—

10 (A) the first section of the Act of June 24,
11 1938 (25 U.S.C. 162a);

12 (B) the American Indian Trust Fund Man-
13 agement Reform Act of 1994 (25 U.S.C. 4001
14 et seq.); and

15 (C) this section.

16 (2) INVESTMENT EARNINGS.—In addition to
17 the deposits under subsection (c), any investment
18 earnings, including interest, credited to amounts
19 held in the Trust Fund are authorized to be appro-
20 priated to be used in accordance with the uses de-
21 scribed in subsection (h).

22 (e) AVAILABILITY OF AMOUNTS.—Amounts appro-
23 priated to, and deposited in, the Trust Fund, including
24 any investment earnings, shall be made available to the
25 Nation by the Secretary beginning on the enforceability

1 date and subject to the uses and restrictions set forth in
2 this section.

3 (f) WITHDRAWALS.—

4 (1) WITHDRAWALS UNDER THE AMERICAN IN-
5 DIAN TRUST FUND MANAGEMENT REFORM ACT OF
6 1994.—The Nation may withdraw any portion of the
7 funds in the Trust Fund on approval by the Sec-
8 retary of a tribal management plan submitted by the
9 Nation in accordance with the American Indian
10 Trust Fund Management Reform Act of 1994 (25
11 U.S.C. 4001 et seq.).

12 (A) REQUIREMENTS.—In addition to the
13 requirements under the American Indian Trust
14 Fund Management Reform Act of 1994 (25
15 U.S.C. 4001 et seq.), the Tribal management
16 plan under this paragraph shall require that the
17 Nation shall spend all amounts withdrawn from
18 the Trust Fund and any investment earnings
19 accrued through the investments under the
20 Tribal management plan in accordance with
21 this subtitle.

22 (B) ENFORCEMENT.—The Secretary may
23 carry out such judicial and administrative ac-
24 tions as the Secretary determines to be nec-
25 essary to enforce the Tribal management plan

1 to ensure that amounts withdrawn by the Na-
2 tion from the Trust Fund under this paragraph
3 are used in accordance with this subtitle.

4 (2) WITHDRAWALS UNDER EXPENDITURE
5 PLAN.—The Nation may submit to the Secretary a
6 request to withdraw funds from the Trust Fund pur-
7 suant to an approved expenditure plan.

8 (A) REQUIREMENTS.—To be eligible to
9 withdraw funds under an expenditure plan
10 under this paragraph, the Nation shall submit
11 to the Secretary for approval an expenditure
12 plan for any portion of the Trust Fund that the
13 Nation elects to withdraw pursuant to this
14 paragraph, subject to the condition that the
15 funds shall be used for the purposes described
16 in this subtitle.

17 (B) INCLUSIONS.—An expenditure plan
18 under this paragraph shall include a description
19 of the manner and purpose for which the
20 amounts proposed to be withdrawn from the
21 Trust Fund will be used by the Nation, in ac-
22 cordance with subsections (c) and (h).

23 (C) APPROVAL.—On receipt of an expendi-
24 ture plan under this paragraph, the Secretary

1 shall approve the plan, if the Secretary deter-
2 mines that the plan—

3 (i) is reasonable;

4 (ii) is consistent with, and will be used
5 for, the purposes of this subtitle; and

6 (iii) contains a schedule which de-
7 scribed that tasks will be completed within
8 18 months of receipt of withdrawn
9 amounts.

10 (D) ENFORCEMENT.—The Secretary may
11 carry out such judicial and administrative ac-
12 tions as the Secretary determines to be nec-
13 essary to enforce an expenditure plan to ensure
14 that amounts disbursed under this paragraph
15 are used in accordance with this subtitle.

16 (g) EFFECT OF ACT.—Nothing in this subtitle gives
17 the Nation the right to judicial review of a determination
18 of the Secretary regarding whether to approve a Tribal
19 management plan or an expenditure plan except under
20 subchapter II of chapter 5, and chapter 7, of title 5,
21 United States Code (commonly known as the “Administra-
22 tive Procedure Act”).

23 (h) USES.—Amounts from the Trust Fund shall be
24 used by the Nation for the following purposes:

1 (1) The Navajo Water Development Projects
2 Account shall be used to plan, design, and construct
3 the Navajo water development projects and for the
4 conduct of related activities, including to comply
5 with Federal environmental laws.

6 (2) The Navajo OM&R Account shall be used
7 for the operation, maintenance, and replacement of
8 the Navajo water development projects.

9 (i) LIABILITY.—The Secretary and the Secretary of
10 the Treasury shall not be liable for the expenditure or in-
11 vestment of any amounts withdrawn from the Trust Fund
12 by the Nation under subsection (f).

13 (j) NO PER CAPITA DISTRIBUTIONS.—No portion of
14 the Trust Fund shall be distributed on a per capita basis
15 to any member of the Nation.

16 (k) EXPENDITURE REPORTS.—The Navajo Nation
17 shall submit to the Secretary annually an expenditure re-
18 port describing accomplishments and amounts spent from
19 use of withdrawals under a Tribal management plan or
20 an expenditure plan as described in this subtitle.

21 **SEC. 81716. AUTHORIZATION OF APPROPRIATIONS.**

22 (a) AUTHORIZATION.—There are authorized to be ap-
23 propriated to the Secretary—

24 (1) for deposit in the Navajo Water Develop-
25 ment Projects Account of the Trust Fund estab-

1 lished under section 81715(b)(1), \$198,300,000,
2 which funds shall be retained until expended, with-
3 drawn, or reverted to the general fund of the Treas-
4 ury; and

5 (2) for deposit in the Navajo OM&R Account of
6 the Trust Fund established under section
7 81715(b)(2), \$11,100,000, which funds shall be re-
8 tained until expended, withdrawn, or reverted to the
9 general fund of the Treasury.

10 (b) IMPLEMENTATION COSTS.—There is authorized
11 to be appropriated non-trust funds in the amount of
12 \$1,000,000 to assist the United States with costs associ-
13 ated with the implementation of the subtitle, including the
14 preparation of a hydrographic survey of historic and exist-
15 ing water uses on the Reservation and on allotments.

16 (c) STATE COST SHARE.—The State shall contribute
17 \$8,000,000 payable to the Secretary for deposit into the
18 Navajo Water Development Projects Account of the Trust
19 Fund established under section 81715(b)(1) in install-
20 ments in each of the 3 years following the execution of
21 the agreement by the Secretary as provided for in sub-
22 section (b) of section 81713.

23 (d) FLUCTUATION IN COSTS.—The amount author-
24 ized to be appropriated under subsection (a) shall be in-
25 creased or decreased, as appropriate, by such amounts as

1 may be justified by reason of ordinary fluctuations in costs
2 occurring after the date of enactment of this Act as indi-
3 cated by the Bureau of Reclamation Construction Cost
4 Index—Composite Trend.

5 (1) REPETITION.—The adjustment process
6 under this subsection shall be repeated for each sub-
7 sequent amount appropriated until the amount au-
8 thorized, as adjusted, has been appropriated.

9 (2) PERIOD OF INDEXING.—The period of in-
10 dexing adjustment for any increment of funding
11 shall end on the date on which funds are deposited
12 into the Trust Fund.

13 **SEC. 81717. CONDITIONS PRECEDENT.**

14 (a) IN GENERAL.—The waivers and release contained
15 in section 81718 of this subtitle shall become effective as
16 of the date the Secretary causes to be published in the
17 Federal Register a statement of findings that—

18 (1) to the extent that the agreement conflicts
19 with the Act, the agreement has been revised to con-
20 form with this subtitle;

21 (2) the agreement, so revised, including waivers
22 and releases of claims set forth in section 81718,
23 has been executed by the parties, including the
24 United States;

1 (3) Congress has fully appropriated, or the Sec-
2 retary has provided from other authorized sources,
3 all funds authorized under subsection (a) of section
4 81716;

5 (4) the State has enacted any necessary legisla-
6 tion and provided the funding required under the
7 agreement and subsection (c) of section 81716; and

8 (5) the court has entered a final or interlocu-
9 tory decree that—

10 (A) confirms the Navajo water rights con-
11 sistent with the agreement and this subtitle;

12 and

13 (B) with respect to the Navajo water
14 rights, is final and nonappealable.

15 (b) EXPIRATION DATE.—If all the conditions prece-
16 dent described in subsection (a) have not been fulfilled to
17 allow the Secretary’s statement of findings to be published
18 in the Federal Register by October 31, 2030—

19 (1) the agreement and this subtitle, including
20 waivers and releases of claims described in those
21 documents, shall no longer be effective;

22 (2) any funds that have been appropriated pur-
23 suant to section 81716 but not expended, including
24 any investment earnings on funds that have been ap-
25 propriated pursuant to such section, shall imme-

1 diately revert to the general fund of the Treasury;
2 and

3 (3) any funds contributed by the State pursu-
4 ant to subsection (c) of section 81716 but not ex-
5 pended shall be returned immediately to the State.

6 (c) EXTENSION.—The expiration date set forth in
7 subsection (b) may be extended if the Navajo Nation, the
8 State, and the United States (acting through the Sec-
9 retary) agree that an extension is reasonably necessary.

10 **SEC. 81718. WAIVERS AND RELEASES.**

11 (a) IN GENERAL.—

12 (1) WAIVER AND RELEASE OF CLAIMS BY THE
13 NATION AND THE UNITED STATES ACTING IN ITS
14 CAPACITY AS TRUSTEE FOR THE NATION.—Subject
15 to the retention of rights set forth in subsection (c),
16 in return for confirmation of the Navajo water
17 rights and other benefits set forth in the agreement
18 and this subtitle, the Nation, on behalf of itself and
19 the members of the Nation (other than members in
20 their capacity as allottees), and the United States,
21 acting as trustee for the Nation and members of the
22 Nation (other than members in their capacity as
23 allottees), are authorized and directed to execute a
24 waiver and release of—

1 (A) all claims for water rights within Utah
2 based on any and all legal theories that the
3 Navajo Nation or the United States acting in
4 its trust capacity for the Nation, asserted, or
5 could have asserted, at any time in any pro-
6 ceeding, including to the general stream adju-
7 dication, up to and including the enforceability
8 date, except to the extent that such rights are
9 recognized in the agreement and this subtitle;
10 and

11 (B) all claims for damages, losses, or inju-
12 ries to water rights or claims of interference
13 with, diversion, or taking of water rights (in-
14 cluding claims for injury to lands resulting from
15 such damages, losses, injuries, interference
16 with, diversion, or taking of water rights) with-
17 in Utah against the State, or any person, enti-
18 ty, corporation, or municipality, that accrued at
19 any time up to and including the enforceability
20 date.

21 (b) CLAIMS BY THE NAVAJO NATION AGAINST THE
22 UNITED STATES.—The Navajo Nation, on behalf of itself
23 (including in its capacity as allottee) and its members
24 (other than members in their capacity as allottees), shall
25 execute a waiver and release of—

1 (1) all claims the Navajo Nation may have
2 against the United States relating in any manner to
3 claims for water rights in, or water of, Utah that the
4 United States acting in its trust capacity for the Na-
5 tion asserted, or could have asserted, in any pro-
6 ceeding, including the general stream adjudication;

7 (2) all claims the Navajo Nation may have
8 against the United States relating in any manner to
9 damages, losses, or injuries to water, water rights,
10 land, or other resources due to loss of water or
11 water rights (including damages, losses, or injuries
12 to hunting, fishing, gathering, or cultural rights due
13 to loss of water or water rights; claims relating to
14 interference with, diversion, or taking of water; or
15 claims relating to failure to protect, acquire, replace,
16 or develop water or water rights) within Utah that
17 first accrued at any time up to and including the en-
18 forceability date;

19 (3) all claims the Nation may have against the
20 United States relating in any manner to the litiga-
21 tion of claims relating to the Nation's water rights
22 in proceedings in Utah; and

23 (4) all claims the Nation may have against the
24 United States relating in any manner to the negotia-

1 tion, execution, or adoption of the agreement or this
2 subtitle.

3 (c) RESERVATION OF RIGHTS AND RETENTION OF
4 CLAIMS BY THE NAVAJO NATION AND THE UNITED
5 STATES.—Notwithstanding the waivers and releases au-
6 thorized in this subtitle, the Navajo Nation, and the
7 United States acting in its trust capacity for the Nation,
8 retain—

9 (1) all claims for injuries to and the enforce-
10 ment of the agreement and the final or interlocutory
11 decree entered in the general stream adjudication,
12 through such legal and equitable remedies as may be
13 available in the decree court or the Federal District
14 Court for the District of Utah;

15 (2) all rights to use and protect water rights ac-
16 quired after the enforceability date;

17 (3) all claims relating to activities affecting the
18 quality of water, including any claims under the
19 Comprehensive Environmental Response, Compensa-
20 tion, and Liability Act of 1980 (42 U.S.C. 9601 et
21 seq. (including claims for damages to natural re-
22 sources)), the Safe Drinking Water Act (42 U.S.C.
23 300f et seq.), and the Federal Water Pollution Con-
24 trol Act (33 U.S.C. 1251 et seq.), the regulations
25 implementing those Acts, and the common law;

1 (4) all claims for water rights, and claims for
2 injury to water rights, in states other than the State
3 of Utah;

4 (5) all claims, including environmental claims,
5 under any laws (including regulations and common
6 law) relating to human health, safety, or the envi-
7 ronment; and

8 (6) all rights, remedies, privileges, immunities,
9 and powers not specifically waived and released pur-
10 suant to the agreement and this subtitle.

11 (d) EFFECT.—Nothing in the agreement or this sub-
12 title—

13 (1) affects the ability of the United States act-
14 ing in its sovereign capacity to take actions author-
15 ized by law, including any laws relating to health,
16 safety, or the environment, including the Com-
17 prehensive Environmental Response, Compensation,
18 and Liability Act of 1980 (42 U.S.C. 9601 et seq.),
19 the Safe Drinking Water Act (42 U.S.C. 300f et
20 seq.), the Federal Water Pollution Control Act (33
21 U.S.C. 1251 et seq.), the Solid Waste Disposal Act
22 (42 U.S.C. 6901 et seq.), and the regulations imple-
23 menting those laws;

1 (2) affects the ability of the United States to
2 take actions in its capacity as trustee for any other
3 Indian Tribe or allottee;

4 (3) confers jurisdiction on any State court to—

5 (A) interpret Federal law regarding health,
6 safety, or the environment or determine the du-
7 ties of the United States or other parties pursu-
8 ant to such Federal law; and

9 (B) conduct judicial review of Federal
10 agency action; or

11 (4) modifies, conflicts with, preempts, or other-
12 wise affects—

13 (A) the Boulder Canyon Project Act (43
14 U.S.C. 617 et seq.);

15 (B) the Boulder Canyon Project Adjust-
16 ment Act (43 U.S.C. 618 et seq.);

17 (C) the Act of April 11, 1956 (commonly
18 known as the “Colorado River Storage Project
19 Act”) (43 U.S.C. 620 et seq.);

20 (D) the Colorado River Basin Project Act
21 (43 U.S.C. 1501 et seq.);

22 (E) the Treaty between the United States
23 of America and Mexico respecting utilization of
24 waters of the Colorado and Tijuana Rivers and

1 of the Rio Grande, signed at Washington Feb-
2 ruary 3, 1944 (59 Stat. 1219);

3 (F) the Colorado River Compact of 1922,
4 as approved by the Presidential Proclamation of
5 June 25, 1929 (46 Stat. 3000); and

6 (G) the Upper Colorado River Basin Com-
7 pact as consented to by the Act of April 6,
8 1949 (63 Stat. 31, chapter 48).

9 (e) TOLLING OF CLAIMS.—

10 (1) IN GENERAL.—Each applicable period of
11 limitation and time-based equitable defense relating
12 to a claim waived by the Navajo Nation described in
13 this section shall be tolled for the period beginning
14 on the date of enactment of this Act and ending on
15 the enforceability date.

16 (2) EFFECT OF SUBSECTION.—Nothing in this
17 subsection revives any claim or tolls any period of
18 limitation or time-based equitable defense that ex-
19 pired before the date of enactment of this Act.

20 (3) LIMITATION.—Nothing in this section pre-
21 cludes the tolling of any period of limitations or any
22 time-based equitable defense under any other appli-
23 cable law.

1 **SEC. 81719. MISCELLANEOUS PROVISIONS.**

2 (a) PRECEDENT.—Nothing in this subtitle establishes
3 any standard for the quantification or litigation of Federal
4 reserved water rights or any other Indian water claims of
5 any other Indian Tribe in any other judicial or administra-
6 tive proceeding.

7 (b) OTHER INDIAN TRIBES.—Nothing in the agree-
8 ment or this subtitle shall be construed in any way to
9 quantify or otherwise adversely affect the water rights,
10 claims, or entitlements to water of any Indian Tribe, band,
11 or community, other than the Navajo Nation.

12 **SEC. 81720. RELATION TO ALLOTTEES.**

13 (a) NO EFFECT ON CLAIMS OF ALLOTTEES.—Noth-
14 ing in this subtitle or the agreement shall affect the rights
15 or claims of allottees, or the United States, acting in its
16 capacity as trustee for or on behalf of allottees, for water
17 rights or damages related to lands allotted by the United
18 States to allottees, except as provided in section
19 81714(a)(2).

20 (b) RELATIONSHIP OF DECREE TO ALLOTTEES.—
21 Allottees, or the United States, acting in its capacity as
22 trustee for allottees, are not bound by any decree entered
23 in the general stream adjudication confirming the Navajo
24 water rights and shall not be precluded from making
25 claims to water rights in the general stream adjudication.
26 Allottees, or the United States, acting in its capacity as

1 trustee for allottees, may make claims and such claims
2 may be adjudicated as individual water rights in the gen-
3 eral stream adjudication.

4 **SEC. 81721. ANTIDEFICIENCY.**

5 The United States shall not be liable for any failure
6 to carry out any obligation or activity authorized by this
7 subtitle (including any obligation or activity under the
8 agreement) if adequate appropriations are not provided
9 expressly by Congress to carry out the purposes of this
10 subtitle.

11 **TITLE II—NATIONAL PARKS,**
12 **FORESTS, AND PUBLIC LANDS**
13 **Subtitle A—Public Lands**
14 **Telecommunications**

15 **SEC. 82101. DEFINITIONS.**

16 In this Act:

17 (1) **COMMUNICATIONS SITE.**—The term “com-
18 munications site” means an area of Federal lands
19 designated for telecommunications uses.

20 (2) **COMMUNICATIONS USE.**—The term “com-
21 munications use” means the placement and oper-
22 ation of infrastructure for wireline or wireless tele-
23 communications, including cable television, tele-
24 vision, and radio communications, regardless of
25 whether such placement and operation is pursuant

1 to a license issued by the Federal Communications
2 Commission or on an unlicensed basis in accordance
3 with the regulations of the Commission. The term
4 includes ancillary activities, uses, or facilities directly
5 related to such placement and operation.

6 (3) COMMUNICATIONS USE AUTHORIZATION.—
7 The term “communications use authorization”
8 means a right-of-way, permit, or lease granted,
9 issued, or executed by a Federal land management
10 agency for the primary purpose of authorizing the
11 occupancy and use of Federal lands for communica-
12 tions use.

13 (4) FEDERAL LAND MANAGEMENT AGENCY.—
14 The term “Federal land management agency”
15 means the National Park Service, the United States
16 Fish and Wildlife Service, the Bureau of Land Man-
17 agement, and the Bureau of Reclamation.

18 (5) FEDERAL LANDS.—The term “Federal
19 lands” means lands under the jurisdiction and man-
20 agement of a Federal land management agency.

21 (6) RENTAL FEE.—The term “rental fee”
22 means the fee collected by a Federal land manage-
23 ment agency for the occupancy and use authorized
24 by a communications use authorization pursuant to
25 and consistent with authorizing law.

1 **SEC. 82102. COLLECTION AND RETENTION OF RENTAL FEES**
2 **ASSOCIATED WITH COMMUNICATIONS USE**
3 **AUTHORIZATIONS ON FEDERAL LANDS AND**
4 **FEDERAL LAND MANAGEMENT AGENCY SUP-**
5 **PORT FOR COMMUNICATION SITE PRO-**
6 **GRAMS.**

7 (a) SPECIAL ACCOUNT REQUIRED.—The Secretary of
8 the Treasury shall establish a special account in the
9 Treasury for each Federal land management agency for
10 the deposit of rental fees received by the Federal land
11 management agency for communications use authoriza-
12 tions on Federal lands granted, issued, or executed by the
13 Federal land management agency.

14 (b) COMPETITIVELY NEUTRAL.—Notwithstanding
15 any other provision of law, any rental fees collected pursu-
16 ant to this Act shall be competitively neutral, technology
17 neutral, and nondiscriminatory with respect to other uses
18 of the communication site.

19 (c) RENTAL FEES.—

20 (1) LIMITATION ON AMOUNT OF RENTAL
21 FEES.—Rental fees shall not exceed the fee sched-
22 ules published by the Secretary of the Interior for
23 communication use rights-of-way.

24 (2) REVISION OF RENTAL FEE SCHEDULES FOR
25 COMMUNICATION SITES RIGHTS OF WAY.—Not later
26 than 1 year after the date of the enactment of this

1 Act, through a public process that includes consider-
2 ation of industry comments, the Secretary of the In-
3 terior shall revise the communication sites rights-of-
4 way rental fee schedule to reflect current commu-
5 nication technologies, including the physical foot-
6 print of such technologies.

7 (d) DEPOSIT AND RETENTION OF RENTAL FEES.—
8 Rental fees received by a Federal land management agen-
9 cy shall—

10 (1) be deposited in the special account estab-
11 lished for that Federal land management agency;
12 and

13 (2) remain available for expenditure under sub-
14 section (e), to the extent and in such amounts as are
15 provided in advance in appropriation Acts.

16 (e) EXPENDITURE OF RETAINED FEES.—Amounts
17 deposited in the special account for a Federal land man-
18 agement agency shall be used solely for Federal land man-
19 agement agency activities related to communications sites,
20 including the following:

21 (1) Administering communications use author-
22 izations, including cooperative agreements under sec-
23 tion 4.

24 (2) Preparing needs assessments or other pro-
25 grammatic analyses necessary to establish commu-

1 communications sites and authorize communications uses
2 on or adjacent to Federal lands.

3 (3) Developing management plans for commu-
4 nications sites on or adjacent to Federal lands on a
5 competitively neutral, technology neutral, non-
6 discriminatory basis.

7 (4) Training for management of communica-
8 tions sites on or adjacent to Federal lands.

9 (5) Obtaining, improving access to, or estab-
10 lishing communications sites on or adjacent to Fed-
11 eral lands.

12 (f) NO EFFECT ON OTHER FEE RETENTION AU-
13 THORITIES.—This Act shall not limit or otherwise affect
14 fee retention by a Federal land management agency under
15 any other authority.

16 **SEC. 82103. COOPERATIVE AGREEMENT AUTHORITY.**

17 The Secretary of the Interior may enter into coopera-
18 tive agreements to carry out the activities described in sec-
19 tion 3(e).

20 **Subtitle B—Outdoors for All**

21 **SEC. 82201. DEFINITIONS.**

22 In this Act:

23 (1) ELIGIBLE ENTITY.—

24 (A) IN GENERAL.—The term “eligible enti-
25 ty” means—

- 1 (i) a State;
- 2 (ii) a political subdivision of a State,
- 3 including—
- 4 (I) a city; and
- 5 (II) a county;
- 6 (iii) a special purpose district, includ-
- 7 ing park districts; and
- 8 (iv) an Indian tribe (as defined in sec-
- 9 tion 4 of the Indian Self-Determination
- 10 and Education Assistance Act (25 U.S.C.
- 11 5304)).

12 (B) POLITICAL SUBDIVISIONS AND INDIAN

13 TRIBES.—A political subdivision of a State or

14 an Indian tribe shall be considered an eligible

15 entity only if the political subdivision or Indian

16 tribe represents or otherwise serves a qualifying

17 urban area.

18 (2) OUTDOOR RECREATION LEGACY PARTNER-

19 SHIP GRANT PROGRAM.—The term “Outdoor Recre-

20 ation Legacy Partnership Grant Program” means

21 the program established under section 3(a).

22 (3) QUALIFYING URBAN AREA.—The term

23 “qualifying urban area” means an area identified by

24 the Census Bureau as an “urban area” in the most

25 recent census.

1 (4) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

3 **SEC. 82202. GRANTS AUTHORIZED.**

4 (a) IN GENERAL.—The Secretary shall establish an
5 outdoor recreation legacy partnership grant program
6 under which the Secretary may award grants to eligible
7 entities for projects—

8 (1) to acquire land and water for parks and
9 other outdoor recreation purposes; and

10 (2) to develop new or renovate existing outdoor
11 recreation facilities.

12 (b) MATCHING REQUIREMENT.—

13 (1) IN GENERAL.—As a condition of receiving a
14 grant under subsection (a), an eligible entity shall
15 provide matching funds in the form of cash or an in-
16 kind contribution in an amount equal to not less
17 than 100 percent of the amounts made available
18 under the grant.

19 (2) SOURCES.—The matching amounts referred
20 to in paragraph (1) may include amounts made
21 available from State, local, nongovernmental, or pri-
22 vate sources.

23 (3) WAIVER.—The Secretary may waive all or
24 part of the matching requirement under paragraph
25 (1) if the Secretary determines that—

1 (A) no reasonable means are available
2 through which an applicant can meet the
3 matching requirement; and

4 (B) the probable benefit of such project
5 outweighs the public interest in such matching
6 requirement.

7 **SEC. 82203. ELIGIBLE USES.**

8 (a) IN GENERAL.—A grant recipient may use a grant
9 awarded under this Act—

10 (1) to acquire land or water that provides out-
11 door recreation opportunities to the public; and

12 (2) to develop or renovate outdoor recreational
13 facilities that provide outdoor recreation opportuni-
14 ties to the public, with priority given to projects
15 that—

16 (A) create or significantly enhance access
17 to park and recreational opportunities in an
18 urban neighborhood or community;

19 (B) engage and empower underserved com-
20 munities and youth;

21 (C) provide opportunities for youth em-
22 ployment or job training;

23 (D) establish or expand public-private
24 partnerships, with a focus on leveraging re-
25 sources; and

1 (E) take advantage of coordination among
2 various levels of government.

3 (b) LIMITATIONS ON USE.—A grant recipient may
4 not use grant funds for—

5 (1) grant administration costs;

6 (2) incidental costs related to land acquisition,
7 including appraisal and titling;

8 (3) operation and maintenance activities;

9 (4) facilities that support semiprofessional or
10 professional athletics;

11 (5) indoor facilities such as recreation centers
12 or facilities that support primarily non-outdoor pur-
13 poses; or

14 (6) acquisition of land or interests in land that
15 restrict access to specific persons.

16 **SEC. 82204. NATIONAL PARK SERVICE REQUIREMENTS.**

17 In carrying out the Outdoor Recreation Legacy Part-
18 nership Grant Program, the Secretary shall—

19 (1) conduct an initial screening and technical
20 review of applications received; and

21 (2) evaluate and score all qualifying applica-
22 tions.

23 **SEC. 82205. REPORTING.**

24 (a) ANNUAL REPORTS.—Not later than 30 days after
25 the last day of each report period, each State lead agency

1 that receives a grant under this Act shall annually submit
2 to the Secretary performance and financial reports that—

3 (1) summarize project activities conducted dur-
4 ing the report period; and

5 (2) provide the status of the project.

6 (b) FINAL REPORTS.—Not later than 90 days after
7 the earlier of the date of expiration of a project period
8 or the completion of a project, each State lead agency that
9 receives a grant under this Act shall submit to the Sec-
10 retary a final report containing such information as the
11 Secretary may require.

12 **SEC. 82206. REVENUE SHARING.**

13 Section 105(a)(2)(B) of the Gulf of Mexico Energy
14 Security Act of 2006 (43 U.S.C. 1331 note; Public Law
15 109–432) is amended by inserting before the period at the
16 end “, of which 20 percent for each of fiscal years 2020
17 through 2058 shall be used by the Secretary of the Inte-
18 rior to provide grants under the Outdoor Recreation Leg-
19 acy Partnership Grant Program Act”.

20 **Subtitle C—Updated Borrowing**
21 **Authority**

22 **SEC. 82301. PRESIDIO TRUST BORROWING AUTHORITY.**

23 Section 104(d)(2) of Public Law 104–333 is amended
24 by striking the first sentence and inserting the following:
25 “The Trust shall also have the authority to issue obliga-

1 tions to the Secretary of the Treasury and the Secretary
2 of the Treasury shall purchase such obligations.”.

3 **Subtitle D—Forest Service Legacy**
4 **Roads and Trails Remediation**
5 **Program**

6 **SEC. 82401. FOREST SERVICE LEGACY ROADS AND TRAILS**
7 **REMEDIATION PROGRAM.**

8 (a) IN GENERAL.—The Secretary of Agriculture shall
9 establish and maintain a Forest Service Legacy Roads and
10 Trails Remediation Program (referred to in this section
11 as the “Program”) within the National Forest System—

12 (1) to restore fish and other aquatic organism
13 passage by removing or replacing unnatural barriers
14 to the passage of fish and other aquatic organisms;

15 (2) to decommission unneeded roads and trails;
16 and

17 (3) to carry out associated activities.

18 (b) PRIORITY.—In implementing the Program, the
19 Secretary shall give priority to projects that protect or re-
20 store—

21 (1) water quality;

22 (2) watersheds that feed public drinking water
23 systems; or

24 (3) habitat for threatened, endangered, and
25 sensitive fish and wildlife species.

1 (c) NATIONAL PROGRAM STRATEGY.—Not later than
2 180 days after the date of enactment of this Act, the Chief
3 of the Forest Service shall develop a national strategy for
4 implementing the Program and share the national strat-
5 egy with the Committee on Natural Resources, Committee
6 on Agriculture, and Committee on Appropriations of the
7 House of Representatives, and the Committee on Appro-
8 priations, Committee on Agriculture, Nutrition, and For-
9 estry, and the Committee on Energy and Natural Re-
10 sources of the Senate.

11 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Secretary to carry
13 out this section \$50,000,000 for each of fiscal years 2021
14 through 2023, to remain available until expended.

15 **Subtitle E—Long Bridge**

16 **SEC. 82501. AUTHORIZATION OF NATIONAL PARK SERVICE** 17 **CONVEYANCES.**

18 (a) On request of the State of Virginia or the District
19 of Columbia, as applicable, the Secretary of the Interior
20 (acting through the Director of the National Park Service)
21 (referred to in this section as the “Secretary”) may, sub-
22 ject to any terms and conditions that the Secretary deter-
23 mines to be necessary, convey to the State of Virginia or
24 the District of Columbia, as applicable, any Federal land
25 or interest in Federal land under the jurisdiction of the

1 Secretary that is identified by the State of Virginia or the
2 District of Columbia, as applicable, as necessary for the
3 Long Bridge Project, which is a project consisting of im-
4 provements to the Long Bridge and related railroad infra-
5 structure between Rosslyn (RO) Interlocking in Arlington,
6 Virginia, and L'Enfant (LE) Interlocking near 10th
7 Street SW in Washington, DC, the purpose of which is
8 to expand commuter and regional passenger rail service
9 and provide bicycle and pedestrian access crossings over
10 the Potomac River.

11 (b) If any portion of the Federal land or interest in
12 Federal land conveyed under subsection (a) is no longer
13 being used for railroad purposes or recreational use, the
14 portion of the Federal land or interest in the portion of
15 the land shall revert to the Secretary, on a determination
16 by the Secretary that the portion of the Federal land has
17 been remediated and restored to a condition determined
18 to be satisfactory by the Secretary.

19 (c) The Secretary may permit the temporary use of
20 any Federal land under the jurisdiction of the Secretary
21 that is identified by the State of Virginia or the District
22 of Columbia, as applicable, as necessary for the construc-
23 tion of the project described in subsection (a), subject to
24 any terms and conditions determined to be necessary by
25 the Secretary.

1 (d) Notwithstanding any other provision of law, the
2 Secretary may recover from the State of Virginia or the
3 District of Columbia, as applicable, all costs incurred by
4 the Secretary in providing or procuring necessary services
5 associated with a conveyance under subsection (a) or use
6 authorized under subsection (c), with such amounts to re-
7 main available to the Secretary until expended, without
8 further appropriation.

9 **Subtitle F—Western Riverside**
10 **County Wildlife Refuge**

11 **SEC. 82601.**

12 The Secretary of the Interior (in this subtitle referred
13 to as the “Secretary”), acting through the U.S. Fish and
14 Wildlife Service, shall establish as a national wildlife ref-
15 uge the lands, waters, and interests therein acquired
16 under section 82604. The national wildlife refuge shall be
17 known as the Western Riverside County National Wildlife
18 Refuge (in this subtitle referred to as the “Wildlife Ref-
19 uge”).

20 **SEC. 82602. PURPOSE.**

21 The purpose of the Wildlife Refuge shall be—

22 (1) to conserve, manage, and restore wildlife
23 habitats for the benefit of present and future gen-
24 erations of Americans;

1 (2) to conserve species listed as threatened or
2 endangered under the Endangered Species Act of
3 1973 (16 U.S.C. 1531 et seq.) or the California En-
4 dangered Species Act (California Fish and Game
5 Code 2050–2068), or which is a covered species
6 under the Western Riverside County Multiple Spe-
7 cies Habitat Conservation Plan;

8 (3) to support the recovery and protection of
9 threatened and endangered species under the En-
10 dangered Species Act of 1973 (16 U.S.C. 1531 et
11 seq.); and

12 (4) to provide for wildlife habitat connectivity
13 and migratory corridors within the Western River-
14 side County Multiple Species Habitat Conservation
15 Plan Area.

16 **SEC. 82603. NOTIFICATION OF ESTABLISHMENT.**

17 The Secretary shall publish notice of the establish-
18 ment of the Wildlife Refuge in the Federal Register.

19 **SEC. 82604. BOUNDARIES.**

20 The Secretary shall include within the boundaries of
21 the Wildlife Refuge the lands and waters within the West-
22 ern Riverside County Multiple Species Habitat Conserva-
23 tion Plan Area (as depicted on maps and described in the
24 Final Western Riverside County Multiple Species Habitat
25 Conservation Plan dated June 17, 2003) that are owned

1 by the Federal government, a State, or a political subdivi-
2 sion of a State on the date of enactment.

3 **SEC. 82605. ADMINISTRATION.**

4 (a) IN GENERAL.—Upon the establishment of the
5 Wildlife Refuge and thereafter, the Secretary shall admin-
6 ister all federally owned lands, waters, and interests in the
7 Wildlife Refuge in accordance with the National Wildlife
8 Refuge System Administration Act of 1966 (16 U.S.C.
9 668dd et seq.) and this subtitle. The Secretary may use
10 such additional statutory authority as may be available to
11 the Secretary for the conservation, management, and res-
12 toration of fish and wildlife and natural resources, the de-
13 velopment of compatible wildlife dependent outdoor recre-
14 ation opportunities, and the facilitation of fish and wildlife
15 interpretation and education as the Secretary considers
16 appropriate to carry out the purposes of this subtitle and
17 serve the objectives of the Western Riverside County Mul-
18 tiple Species Habitat Conservation Plan.

19 (b) COOPERATIVE AGREEMENTS REGARDING NON-
20 FEDERAL LANDS.—The Secretary may enter into cooper-
21 ative agreements with the State of California, any political
22 subdivision thereof, or any other person—

23 (1) for the management, in a manner consistent
24 with this subtitle and the Western Riverside County
25 Multiple Species Habitat Conservation Plan, of lands

1 that are owned by such State, subdivision, or other
2 person and located within the boundaries of the
3 Wildlife Refuge;

4 (2) to promote public awareness of the natural
5 resources of the Western Riverside County Multiple
6 Species Habitat Conservation Plan Area; or

7 (3) to encourage public participation in the con-
8 servation of those resources.

9 **SEC. 82606. ACQUISITION AND TRANSFERS OF LANDS AND**
10 **WATERS FOR WILDLIFE REFUGE.**

11 (a) ACQUISITIONS.—The Secretary shall acquire by
12 donation, purchase with appropriated funds, or exchange
13 the lands and water, or interest therein (including con-
14 servation easements), within the boundaries of the Wildlife
15 Refuge, except that the lands, water, and interests therein
16 owned by the State of California and its political subdivi-
17 sions may be acquired only by donation.

18 (b) TRANSFERS.—

19 (1) IN GENERAL.—The head of any Federal de-
20 partment or agency, including any agency within the
21 Department of the Interior, that has jurisdiction of
22 any Federal property located within the boundaries
23 of the Wildlife Refuge as described by this subtitle
24 shall, not later than 1 year after the date of the en-
25 actment of this Act, submit to the Secretary an as-

1 assessment of the suitability of such property for in-
2 clusion in the Wildlife Refuge.

3 (2) ASSESSMENT.—Any assessment under para-
4 graph (1) shall include—

5 (A) parcel descriptions and best existing
6 land surveys for such property;

7 (B) a list of existing special reservations,
8 designations, or purposes of the property;

9 (C) a list of all known or suspected haz-
10 ardous substance contamination of such prop-
11 erty, and any facilities, surface water, or
12 groundwater on such property;

13 (D) the status of withdrawal of such prop-
14 erty from—

15 (i) the Mineral Leasing Act; and

16 (ii) the General Mining Act of 1872;

17 and

18 (E) a recommendation as to whether such
19 property is or is not suitable for inclusion in the
20 Wildlife Refuge.

21 (3) INCLUSION IN WILDLIFE REFUGE.—

22 (A) IN GENERAL.—The Secretary shall,
23 not later than 60 days after receiving an assess-
24 ment submitted pursuant to paragraph (1), de-
25 termine if the property described in such as-

1 assessment is suitable for inclusion in the Wildlife
2 Refuge.

3 (B) TRANSFER.—If the Secretary deter-
4 mines the property in an assessment submitted
5 under paragraph (1) is suitable for inclusion in
6 the Wildlife Refuge, the head of the Federal de-
7 partment or agency that has jurisdiction of
8 such property shall transfer such property to
9 the administrative jurisdiction of the Secretary
10 for the purposes of this subtitle.

11 (4) PROPERTY UNSUITABLE FOR INCLUSION.—
12 Property determined by the Secretary to be unsuit-
13 able for inclusion in the Wildlife Refuge based on an
14 assessment submitted under paragraph (1) shall be
15 subsequently transferred to the Secretary for pur-
16 poses of this subtitle by the head of the department
17 or agency that has jurisdiction of such property if
18 such property becomes suitable for inclusion in the
19 Wildlife Refuge as determined by the Secretary in
20 consultation with the head of the department or
21 agency that has jurisdiction of such property.

22 (5) PUBLIC ACCESS.—If property transferred to
23 the Secretary under this subsection allows for public
24 access at the time of transfer, such access shall be
25 maintained unless such access—

1 (A) would be incompatible with the pur-
2 poses of the Wildlife Refuge;

3 (B) would jeopardize public health or safe-
4 ty; or

5 (C) must be limited due to emergency cir-
6 cumstances.

7 **Subtitle G—Tribal Land to Trust**

8 **SEC. 82701. LANDS TO BE TAKEN INTO TRUST.**

9 (a) IN GENERAL.—The approximately 2,560 acres of
10 land owned by the Agua Caliente Band of Cahuilla Indi-
11 ans, numbered 16, 21, 27, and 29 and generally depicted
12 as “BLM Exchange Lands (2,560 Acres)” on the map ti-
13 tled “ACBCI/BLM LAND EXCHANGE” is hereby taken
14 into trust for the benefit of the Agua Caliente Band of
15 Cahuilla Indians.

16 (b) LANDS PART OF RESERVATION.—Lands taken
17 into trust by this section shall be part of the Tribe’s res-
18 ervation and shall be administered in accordance with the
19 laws and regulations generally applicable to property held
20 in trust by the United States for an Indian tribe.

21 (c) GAMING PROHIBITED.—Lands taken into trust
22 by this section for the benefit of the Agua Caliente Band
23 of Cahuilla Indians shall not be eligible for gaming under
24 the Indian Gaming Regulatory Act (25 U.S.C. 2701 et
25 seq.).

1 **TITLE III—OCEANS AND**
2 **WILDLIFE**
3 **Subtitle A—Coastal and Great**
4 **Lakes Resiliency and Restoration**

5 **SEC. 83101. SHOVEL-READY RESTORATION AND RESIL-**
6 **IENCY GRANT PROGRAM.**

7 (a) **ESTABLISHMENT.**—The Secretary shall establish
8 a grant program to provide funding and technical assist-
9 ance to eligible entities for purposes of carrying out a
10 project described in subsection (d).

11 (b) **PROJECT PROPOSAL.**—To be considered for a
12 grant under this section, an eligible entity shall submit
13 a grant proposal to the Secretary in a time, place, and
14 manner determined by the Secretary. Such proposal shall
15 include monitoring, data collection, and measurable per-
16 formance criteria with respect to the project.

17 (c) **DEVELOPMENT OF CRITERIA.**—The Secretary
18 shall select eligible entities to receive grants under this
19 section based on criteria developed by the Secretary, in
20 consultation with relevant offices of the National Oceanic
21 and Atmospheric Administration, such as the Office of
22 Habitat Conservation and the Office for Coastal Manage-
23 ment.

24 (d) **ELIGIBLE PROJECTS.**—A project is described in
25 this section if—

1 (1) the purpose of the project is to restore a
2 marine, estuarine, coastal, or Great Lake habitat,
3 including—

4 (A) restoration of habitat to protect or re-
5 cover a species that is threatened, endangered,
6 or a species of concern under the Endangered
7 Species Act of 1973 (16 U.S.C. 1531 et seq.);

8 (B) through the removal or remediation of
9 marine debris, including derelict vessels and
10 fishing gear, in coastal and marine habitats;
11 and

12 (C) for the benefit of—

13 (i) shellfish;

14 (ii) fish, including diadromous fish; or

15 (iii) coral reefs; or

16 (2) the project provides adaptation to climate
17 change, including—

18 (A) by constructing or protecting ecological
19 features or green infrastructure that protects
20 coastal communities from sea level rise, coastal
21 storms, or flooding; and

22 (B) blue carbon projects.

23 (e) PRIORITY.—In determining which projects to
24 fund under this section, the Secretary shall give priority
25 to a proposed project—

1 (1) that would stimulate the economy;

2 (2) for which the applicant can demonstrate
3 that the grant will fund work that will begin not
4 more than 90 days after the date of the award;

5 (3) for which the applicant can demonstrate
6 that the grant will fund work that will employ fish-
7 ermen who have been negatively impacted by the
8 COVID–19 pandemic or pay a fisherman for the use
9 of a fishing vessel or employ a fisherman that has
10 been significantly impacted by unfair methods of
11 competition or other actions from foreign govern-
12 ments, as determined by the United States Trade
13 Representative, to supplant domestic seafood pro-
14 duction or fish products;

15 (4) for which the applicant can demonstrate
16 that any preliminary study or permit required before
17 the project can begin has been completed or can be
18 completed shortly after an award is made; or

19 (5) that includes communities that may not
20 have adequate resources, including low-income com-
21 munities, communities of color, Tribal communities,
22 and rural communities.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated \$3,000,000,000 for fiscal

1 year 2020 to the Secretary of Commerce to carry out this
2 section, to remain available until expended.

3 (g) DEFINITIONS.—In this section:

4 (1) ELIGIBLE ENTITY.—The term “eligible enti-
5 ty” means a nonprofit, a for-profit business, an in-
6 stitution of higher education (as such term is de-
7 fined in section 101(a) of the Higher Education Act
8 of 1965 (20 U.S.C. 1001(a))), a State, local, Tribal,
9 or territorial government, or, with respect to a
10 project described in subsection (d)(3).

11 (2) FISHERMAN.—The term “fisherman”
12 means a commercial or for-hire fisherman or an oys-
13 ter farmer.

14 (3) SECRETARY.—The term “Secretary” means
15 the Secretary of Commerce, acting through the Ad-
16 ministrator of the National Oceanic and Atmos-
17 pheric Administration.

18 **SEC. 83102. LIVING SHORELINE GRANT PROGRAM.**

19 (a) ESTABLISHMENT.—The Administrator shall
20 make grants to eligible entities for purposes of—

21 (1) designing and implementing large- and
22 small-scale, climate-resilient living shoreline projects;
23 and

1 (2) applying innovative uses of natural mate-
2 rials and systems to protect coastal communities,
3 habitats, and natural system functions.

4 (b) PROJECT PROPOSALS.—To be eligible to receive
5 a grant under this section, an eligible entity shall—

6 (1) submit to the Administrator a proposal for
7 a living shoreline project, including monitoring, data
8 collection, and measurable performance criteria with
9 respect to the project;

10 (2) demonstrate to the Administrator that the
11 entity has any permits or other authorizations from
12 local, State, and Federal government agencies nec-
13 essary to carry out the living shoreline project or
14 provide evidence demonstrating general support from
15 such agencies; and

16 (3) include an outreach or education component
17 that seeks and solicits feedback from the local or re-
18 gional community most directly affected by the pro-
19 posal.

20 (c) PROJECT SELECTION.—

21 (1) DEVELOPMENT OF CRITERIA.—The Admin-
22 istrator shall select eligible entities to receive grants
23 under this section based on criteria developed by the
24 Administrator, in consultation with relevant offices
25 of the National Oceanic and Atmospheric Adminis-

1 tration, such as the Office of Habitat Conservation,
2 the Office for Coastal Management, and the Res-
3 toration Center.

4 (2) CONSIDERATIONS.—In developing criteria
5 under paragraph (1) to evaluate a proposed living
6 shoreline project, the Administrator shall take into
7 account—

8 (A) the potential of the project to protect
9 the community and maintain the viability of the
10 environment, such as through protection of eco-
11 system functions, environmental benefits, or
12 habitat types, in the area where the project is
13 to be carried out;

14 (B) the historic and future environmental
15 conditions of the project site, particularly those
16 environmental conditions affected by climate
17 change;

18 (C) the ecological benefits of the project;

19 (D) the ability of the entity proposing the
20 project to demonstrate the potential of the
21 project to protect the coastal community where
22 the project is to be carried out, including
23 through—

24 (i) mitigating the effects of erosion;

1 (ii) attenuating the impact of coastal
2 storms and storm surge;

3 (iii) mitigating shoreline flooding;

4 (iv) mitigating the effects of sea level
5 rise, accelerated land loss, and extreme
6 tides;

7 (v) sustaining, protecting, or restoring
8 the functions and habitats of coastal eco-
9 systems; or

10 (vi) such other forms of coastal pro-
11 tection as the Administrator considers ap-
12 propriate; and

13 (E) the potential of the project to support
14 resiliency at a military installation or commu-
15 nity infrastructure supportive of a military in-
16 stallation (as such terms are defined in section
17 2391 of title 10, United States Code).

18 (3) PRIORITY.—In selecting living shoreline
19 projects to receive grants under this section, the Ad-
20 ministrator shall give priority consideration to a pro-
21 posed project to be conducted in an area—

22 (A) for which the President has declared,
23 during the 10-year period preceding the submis-
24 sion of the proposal for the project under sub-
25 section (b), that a major disaster exists pursu-

1 ant to section 401 of the Robert T. Stafford
2 Disaster Relief and Emergency Assistance Act
3 (42 U.S.C. 5170) because of a hurricane, trop-
4 ical storm, coastal storm, or flooding;

5 (B) that has a documented history of
6 coastal erosion or frequent coastal inundation
7 during that 10-year period; or

8 (C) which include communities that may
9 not have adequate resources to prepare for or
10 respond to coastal hazards, including low in-
11 come communities, communities of color, Tribal
12 communities, and rural communities.

13 (4) MINIMUM STANDARDS.—

14 (A) IN GENERAL.—The Administrator
15 shall develop minimum standards to be used in
16 selecting eligible entities to receive grants under
17 this section, taking into account—

18 (i) the considerations described in
19 paragraph (2);

20 (ii) the need for such standards to be
21 general enough to accommodate concerns
22 relating to specific project sites; and

23 (iii) the consideration of an estab-
24 lished eligible entity program with systems

1 to disburse funding from a single grant to
2 support multiple small-scale projects.

3 (B) CONSULTATIONS.—In developing
4 standards under subparagraph (A), the Admin-
5 istrator—

6 (i) shall consult with relevant offices
7 of the National Oceanic and Atmospheric
8 Administration, such as the Office of Habi-
9 tat Conservation, the Office for Coastal
10 Management, and the Restoration Center;
11 and

12 (ii) may consult with—

13 (I) relevant interagency councils,
14 such as the Estuary Habitat Restora-
15 tion Council;

16 (II) Tribes and Tribal organiza-
17 tions;

18 (III) State coastal management
19 agencies; and

20 (IV) relevant nongovernmental
21 organizations.

22 (d) USE OF FUNDS.—A grant awarded under this
23 section to an eligible entity to carry out a living shoreline
24 project may be used by the eligible entity only—

1 (1) to carry out the project, including adminis-
2 tration, design, permitting, entry into negotiated in-
3 direct cost rate agreements, and construction;

4 (2) to monitor, collect, and report data on the
5 performance (including performance over time) of
6 the project, in accordance with standards issued by
7 the Administrator under subsection (f)(2); and

8 (3) to incentivize landowners to engage in living
9 shoreline projects.

10 (e) COST-SHARING.—

11 (1) IN GENERAL.—Except as provided in para-
12 graph (2), an eligible entity that receives a grant
13 under this section to carry out a living shoreline
14 project shall provide, from non-Federal sources,
15 funds or other resources (such as land or conserva-
16 tion easements or in-kind matching from private en-
17 tities) valued at not less than 50 percent of the total
18 cost, including administrative costs, of the project.

19 (2) REDUCED MATCHING REQUIREMENT FOR
20 CERTAIN COMMUNITIES.—The Administrator may
21 reduce or waive the matching requirement under
22 paragraph (1) for an eligible entity representing a
23 community or nonprofit organization if—

24 (A) the eligible entity submits to the Ad-
25 ministrator in writing—

1 (i) a request for such a reduction and
2 the amount of the reduction; and

3 (ii) a justification for why the entity
4 cannot meet the matching requirement;
5 and

6 (B) the Administrator agrees with the jus-
7 tification.

8 (f) MONITORING AND REPORTING.—

9 (1) IN GENERAL.—The Administrator shall re-
10 quire each eligible entity receiving a grant under this
11 section (or a representative of the entity) to carry
12 out a living shoreline project—

13 (A) to transmit to the Administrator data
14 collected under the project;

15 (B) to monitor the project and to collect
16 data on—

17 (i) the ecological benefits of the
18 project and the protection provided by the
19 project for the coastal community where
20 the project is carried out, including
21 through—

22 (I) mitigating the effects of ero-
23 sion;

24 (II) attenuating the impact of
25 coastal storms and storm surge;

1 (III) mitigating shoreline flood-
2 ing;

3 (IV) mitigating the effects of sea
4 level rise, accelerated land loss, and
5 extreme tides;

6 (V) sustaining, protecting, or re-
7 storing the functions and habitats of
8 coastal ecosystems; or

9 (VI) such other forms of coastal
10 protection as the Administrator con-
11 siders appropriate; and

12 (ii) the performance of the project in
13 providing such protection;

14 (C) to make data collected under the
15 project available on a publicly accessible inter-
16 net website of the National Oceanic and Atmos-
17 pheric Administration; and

18 (D) not later than 1 year after the entity
19 receives the grant, and annually thereafter until
20 the completion of the project, to submit to the
21 Administrator a report on—

22 (i) the measures described in subpara-
23 graph (B); and

24 (ii) the effectiveness of the project in
25 increasing protection of the coastal com-

1 community where the project is carried out
2 through living shorelines techniques, in-
3 cluding—

4 (I) a description of—

5 (aa) the project;

6 (bb) the activities carried
7 out under the project; and

8 (cc) the techniques and ma-
9 terials used in carrying out the
10 project; and

11 (II) data on the performance of
12 the project in providing protection to
13 that coastal community.

14 (2) GUIDELINES.—In developing guidelines re-
15 lating to paragraph (1)(C), the Administrator shall
16 consider how additional data could safely be col-
17 lected before and after major disasters or severe
18 weather events to measure project performance and
19 project recovery.

20 (3) STANDARDS.—

21 (A) IN GENERAL.—Not later than 90 days
22 after the date of the enactment of this Act, the
23 Administrator shall, in consultation with rel-
24 evant offices of the National Oceanic and At-
25 mospheric Administration, relevant interagency

1 councils, and relevant nongovernmental organi-
2 zations, issue standards for the monitoring, col-
3 lection, and reporting under subsection (d)(2)
4 of data regarding the performance of living
5 shoreline projects for which grants are awarded
6 under this section.

7 (B) REPORTING.—The standards issued
8 under subparagraph (A) shall require an eligi-
9 ble entity receiving a grant under this section
10 to report the data described in that subpara-
11 graph to the Administrator on a regular basis.

12 (g) AUTHORIZATION OF APPROPRIATIONS.—There
13 are authorized to be appropriated \$50,000,000 to the Ad-
14 ministrator for each of fiscal years 2020 through 2025
15 for purposes of carrying out this section.

16 (h) MINIMUM REQUIRED FUNDS FOR SHORELINE
17 PROJECTS LOCATED WITHIN THE GREAT LAKES.—The
18 Secretary shall make not less than 10 percent of the funds
19 awarded under this section to projects located in the Great
20 Lakes.

21 (i) DEFINITIONS.—In this section:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the National
24 Oceanic and Atmospheric Administration.

1 (2) ELIGIBLE ENTITY.—The term “eligible enti-
2 ty” means any of the following:

3 (A) A unit of a State or local government.

4 (B) An organization described in section
5 501(c)(3) of the Internal Revenue Code of 1986
6 that is exempt from taxation under section
7 501(a) of such Code.

8 (C) An Indian Tribe (as defined in section
9 4 of the Indian Self-Determination and Edu-
10 cation Assistance Act (25 U.S.C. 5304)).

11 (3) LIVING SHORELINE PROJECT.—The term
12 “living shoreline project”—

13 (A) means a project that—

14 (i) restores or stabilizes a shoreline,
15 including marshes, wetlands, and other
16 vegetated areas that are part of the shore-
17 line ecosystem, by using natural materials
18 and systems to create buffers to attenuate
19 the impact of coastal storms, currents,
20 flooding, and wave energy and to prevent
21 or minimize shoreline erosion while sup-
22 porting coastal ecosystems and habitats;

23 (ii) incorporates as many natural ele-
24 ments as possible, such as native wetlands,

1 submerged aquatic plants, corals, oyster
2 shells, native grasses, shrubs, or trees;

3 (iii) utilizes techniques that incor-
4 porate ecological and coastal engineering
5 principles in shoreline stabilization; and

6 (iv) to the extent possible, maintains
7 or restores existing natural slopes and con-
8 nections between uplands and adjacent
9 wetlands or surface waters;

10 (B) may include the use of—

11 (i) natural elements, such as sand,
12 wetland plants, logs, oysters or other shell-
13 fish, submerged aquatic vegetation, corals,
14 native grasses, shrubs, trees, or coir fiber
15 logs;

16 (ii) project elements that provide eco-
17 logical benefits to coastal ecosystems and
18 habitats in addition to shoreline protection;
19 and

20 (iii) structural materials, such as
21 stone, concrete, wood, vinyl, oyster domes,
22 or other approved engineered structures in
23 combination with natural materials; and

1 (C) may include a project that expands
2 upon or restores natural living shorelines or ex-
3 isting living shoreline projects.

4 (4) STATE.—The term “State” means each of
5 the several States, the District of Columbia, the
6 Commonwealth of Puerto Rico, the United States
7 Virgin Islands, Guam, American Samoa, and the
8 Commonwealth of the Northern Mariana Islands.

9 **Subtitle B—Wildlife Corridors**
10 **Conservation Act**

11 **SEC. 83201. DEFINITIONS.**

12 In this Act:

13 (1) APPROPRIATE COMMITTEES OF CON-
14 GRESS.—The term “appropriate committees of Con-
15 gress” means—

16 (A) the Committee on Energy and Natural
17 Resources of the Senate;

18 (B) the Committee on Environment and
19 Public Works of the Senate;

20 (C) the Committee on Appropriations of
21 the Senate;

22 (D) the Committee on Energy and Com-
23 merce of the House of Representatives;

24 (E) the Committee on Natural Resources
25 of the House of Representatives;

1 (F) the Committee on Appropriations of
2 the House of Representatives; and

3 (G) in the case of impacts to military in-
4 stallations—

5 (i) the Committee on Armed Services
6 of the House of Representatives; and

7 (ii) the Committee on Armed Services
8 of the Senate.

9 (2) CONNECTIVITY.—The term “connectivity”
10 means the degree to which the landscape or seascape
11 facilitates native species movement.

12 (3) CORRIDOR.—The term “corridor” means a
13 feature of the landscape or seascape that—

14 (A) provides habitat or ecological
15 connectivity; and

16 (B) allows for native species movement or
17 dispersal.

18 (4) DATABASE.—The term “Database” means
19 the National Wildlife Corridors Database established
20 under section 83341(a).

21 (5) FEDERAL LAND OR WATER.—The term
22 “Federal land or water” means any land or water,
23 or interest in land or water, owned by the United
24 States.

1 (6) FUND.—The term “Fund” means the Wild-
2 life Corridors Stewardship Fund established by sec-
3 tion 83401(a).

4 (7) HABITAT.—The term “habitat” means
5 land, water, and substrate occupied at any time dur-
6 ing the life cycle of a native species that is nec-
7 essary, with respect to the native species, for spawn-
8 ing, breeding, feeding, growth to maturity, or migra-
9 tion.

10 (8) INDIAN LAND.—The term “Indian land”
11 means land of an Indian Tribe, or an Indian indi-
12 vidual, that is—

13 (A) held in trust by the United States; or

14 (B) subject to a restriction against alien-
15 ation imposed by the United States.

16 (9) INDIAN TRIBE.—The term “Indian Tribe”
17 has the meaning given the term “Indian tribe” in
18 section 4 of the Indian Self-Determination and Edu-
19 cation Assistance Act (25 U.S.C. 5304).

20 (10) NATIONAL COORDINATION COMMITTEE.—
21 The term “National Coordination Committee”
22 means the National Coordination Committee estab-
23 lished under section 83332(a).

24 (11) NATIONAL WILDLIFE CORRIDOR.—The
25 term “National Wildlife Corridor” means any Fed-

1 eral land or water designated as a National Wildlife
2 Corridor under section 83211(a).

3 (12) NATIONAL WILDLIFE CORRIDOR SYS-
4 TEM.—The term “National Wildlife Corridor Sys-
5 tem” means the system of National Wildlife Cor-
6 ridors established by section 83211(a).

7 (13) NATIVE SPECIES.—The term “native spe-
8 cies” means—

9 (A) a fish, wildlife, or plant species that is
10 or was historically present in a particular eco-
11 system as a result of natural migratory or evo-
12 lutionary processes, including subspecies and
13 plant varieties; or

14 (B) a migratory bird species that is native
15 to the United States or its territories (as de-
16 fined in section 2(b) of the Migratory Bird
17 Treaty Act (16 U.S.C. 703(b))).

18 (14) REGIONAL OCEAN PARTNERSHIP.—The
19 term “regional ocean partnership” means a regional
20 organization of coastal or Great Lakes States, terri-
21 tories, or possessions voluntarily convened by Gov-
22 ernors to address cross-jurisdictional ocean matters,
23 or the functional equivalent of such a regional ocean
24 organization designated by the Governor or Gov-
25 ernors of a State or States.

1 (15) REGIONAL WILDLIFE MOVEMENT COUN-
2 CIL.—The term “regional wildlife movement council”
3 means a regional wildlife movement council estab-
4 lished under section 83333(a).

5 (16) SECRETARIES.—The term “Secretaries”
6 means—

7 (A) the Secretary of Agriculture, acting
8 through the Chief of the Forest Service, con-
9 cerning land contained within the National For-
10 est System;

11 (B) the Secretary of Commerce;

12 (C) the Secretary of Defense;

13 (D) the Secretary of the Interior; and

14 (E) the Secretary of Transportation.

15 (17) SECRETARY.—The term “Secretary”
16 means the Secretary of the Interior, acting through
17 the Director of the United States Fish and Wildlife
18 Service.

19 (18) TRIBAL WILDLIFE CORRIDOR.—The term
20 “Tribal Wildlife Corridor” means a corridor estab-
21 lished by the Secretary under section
22 83321(a)(1)(C).

23 (19) UNITED STATES.—The term “United
24 States”, when used in a geographical sense,
25 means—

- 1 (A) a State;
- 2 (B) the District of Columbia;
- 3 (C) the Commonwealth of Puerto Rico;
- 4 (D) Guam;
- 5 (E) American Samoa;
- 6 (F) the Commonwealth of the Northern
7 Mariana Islands;
- 8 (G) the Federated States of Micronesia;
- 9 (H) the Republic of the Marshall Islands;
- 10 (I) the Republic of Palau;
- 11 (J) the United States Virgin Islands; and
- 12 (K) the territorial sea (within the meaning
13 of the Magnuson-Stevens Fishery Conservation
14 and Management Act (16 U.S.C. 1801 et seq.))
15 and the exclusive economic zone (as defined in
16 section 3 of that Act (16 U.S.C. 1802)) within
17 the jurisdiction or sovereignty of the Federal
18 Government.

19 (20) WILDLIFE MOVEMENT.—The term “wild-
20 life movement” means the passage of individual
21 members or populations of a fish, wildlife, or plant
22 species across a landscape or seascape.

23 (21) MILITARY INSTALLATION.—The term
24 “military installation” has the meaning given the
25 term in section 100 of the Sikes Act (16 U.S.C.

1 670), and also includes military off-shore range com-
2 plexes and off-shore operating areas.

3 **CHAPTER 1—NATIONAL WILDLIFE COR-**
4 **RIDOR SYSTEM ON FEDERAL LAND**
5 **AND WATER**

6 **SEC. 83211. NATIONAL WILDLIFE CORRIDORS.**

7 (a) ESTABLISHMENT.—There is established a system
8 of corridors on Federal land and water, to be known as
9 the “National Wildlife Corridor System”, which shall con-
10 sist of National Wildlife Corridors designated as part of
11 the National Wildlife Corridor System by—

12 (1) statute;

13 (2) rulemaking under section 83212; or

14 (3) a land management plan developed or re-
15 vised under section 202 of the Federal Land Policy
16 and Management Act of 1976 (43 U.S.C. 1712).

17 (b) STRATEGY.—Not later than 18 months after the
18 date of enactment of this Act, the Secretary shall develop
19 a strategy for the effective development of the National
20 Wildlife Corridor System—

21 (1) to support the fulfillment of the purposes
22 described in section 83212(b);

23 (2) to ensure coordination and consistency
24 across Federal agencies in the development, imple-

1 mentation, and management of National Wildlife
2 Corridors; and

3 (3) to develop a timeline for the implementation
4 of National Wildlife Corridors.

5 **SEC. 83212. ADMINISTRATIVE DESIGNATION OF NATIONAL**
6 **WILDLIFE CORRIDORS.**

7 (a) RULEMAKING.—

8 (1) NATIONAL WILDLIFE CORRIDORS.—Not
9 later than 2 years after the date of enactment of
10 this Act, the Secretary, in consultation with the Sec-
11 retaries, pursuant to the land, water, and resource
12 management planning and conservation authorities
13 of the Secretaries, shall establish a process, by regu-
14 lation, for the designation and management of Na-
15 tional Wildlife Corridors on Federal land or water
16 under the respective jurisdictions of the Secretaries.
17 Where a National Wildlife Corridor crosses federal
18 land or water under the jurisdiction of several secre-
19 taries, then the Secretary must obtain concurrence
20 from the applicable Secretaries before a National
21 Wildlife Corridor may be designated.

22 (2) FEDERAL LAND AND WATER MANAGE-
23 MENT.—The Secretaries shall consider the designa-
24 tion of National Wildlife Corridors in any process re-
25 lating to the issuance, revision, or modification of a

1 management plan for land or water under the re-
2 spective jurisdiction of the Secretaries insofar as a
3 corridor is consistent with the purpose of the plan.

4 (b) CRITERIA FOR DESIGNATION.—The regulations
5 promulgated by the Secretary under subsection (a)(1)
6 shall ensure that, in designating a National Wildlife Cor-
7 ridor, the Secretaries—

8 (1) base the designation of the National Wild-
9 life Corridor on—

10 (A) coordination with existing—

11 (i) National Wildlife Corridors;

12 (ii) corridors established by States;

13 and

14 (iii) Tribal Wildlife Corridors; and

15 (B) the best available science of—

16 (i) existing native species habitat; and

17 (ii) likely future native species habi-
18 tats;

19 (2) determine that the National Wildlife Cor-
20 ridor supports the connectivity, persistence, resil-
21 ience, and adaptability of the native species for
22 which it has been designated by providing for—

23 (A) dispersal and genetic exchange between
24 populations;

1 (B) range shifting, range expansion, or
2 range restoration, such as in response to cli-
3 mate change;

4 (C) seasonal movement or migration; or

5 (D) succession, movement, or recoloniza-
6 tion following—

7 (i) a disturbance, such as fire, flood,
8 drought, or infestation; or

9 (ii) population decline or previous ex-
10 tirpation;

11 (3) consult the Database; and

12 (4) consider recommendations from the Na-
13 tional Coordination Committee under section
14 83332(e)(2)(C).

15 (c) DESIGNATION OF FEDERAL LAND OR WATER RE-
16 QUIRING RESTORATION OR CONNECTION OF HABITAT.—
17 The Secretaries may designate as a National Wildlife Cor-
18 ridor land or water that—

19 (1) is necessary for the natural movements of
20 one or more native species;

21 (2) requires restoration, including—

22 (A) land or water that is degraded; and

23 (B) land or water from which a species is
24 currently absent—

1 (i) but may be colonized or recolo-
2 nized by the species naturally; or

3 (ii) to which the species may be re-
4 introduced or restored based on habitat
5 changes; and

6 (3) is fragmented or consists of only a portion
7 of the habitat required for the connectivity needs of
8 one or more native species.

9 (d) NOMINATION FOR DESIGNATION.—

10 (1) IN GENERAL.—In establishing the process
11 for designation under subsection (a)(1), the Sec-
12 retary shall include procedures under which—

13 (A) any State, Tribal, or local government,
14 or a nongovernmental organization engaged in
15 the conservation of native species and the im-
16 provement of the habitats of native species, may
17 submit to the Secretaries a nomination to des-
18 ignate as a National Wildlife Corridor an area
19 under the respective jurisdiction of the Secre-
20 taries; and

21 (B) the Secretaries shall consider and, not
22 later than 1 year after the date on which the
23 nomination was submitted under subparagraph
24 (A), respond to any nomination submitted
25 under that subparagraph.

1 (2) SUPPORTING DOCUMENTATION.—A nomina-
2 tion for designation under paragraph (1)(A) shall in-
3 clude supporting documentation, including—

4 (A) the native species for which the Na-
5 tional Wildlife Corridor would be designated;

6 (B) summaries and references of, with re-
7 spect to the designation of a National Wildlife
8 Corridor—

9 (i) the best science available at the
10 time of the submission of the nomination
11 for designation documenting why the cor-
12 ridor is needed; and

13 (ii) the most current scientific reports
14 available at the time of the submission of
15 the nomination for designation;

16 (C) information with respect to how the
17 nomination was coordinated with potential part-
18 ners;

19 (D) a description of supporting stake-
20 holders, such as States, Indian Tribes, local
21 governments, scientific organizations, non-
22 governmental organizations, and affected vol-
23 untary private landowners; and

24 (E) any additional information the Secre-
25 taries, in consultation with the National Coordi-

1 nation Committee, determine is relevant to the
2 nomination.

3 (e) DESIGNATION ON MILITARY LAND.—

4 (1) IN GENERAL.—Any designation of a Na-
5 tional Wildlife Corridor on a military installation—

6 (A) shall be consistent with the use of mili-
7 tary installations and State-owned National
8 Guard installations to ensure the preparedness
9 of the Armed Forces; and

10 (B) may not result in a net loss in the ca-
11 pability of military installation lands to support
12 the military mission of the installation.

13 (2) SUSPENSION OR TERMINATION OF DESIGNA-
14 TION.—The Secretary of Defense may suspend or
15 terminate the designation of any National Wildlife
16 Corridor on a military installation if the Secretary of
17 Defense considers the suspension or termination to
18 be necessary for military purposes, after public no-
19 tice of the suspension or termination.

20 **SEC. 83213. MANAGEMENT OF NATIONAL WILDLIFE COR-**
21 **RIDORS.**

22 (a) IN GENERAL.—The Secretaries shall, consistent
23 with other applicable Federal land and water management
24 requirements, laws, and regulations, manage each Na-
25 tional Wildlife Corridor under the respective administra-

1 tive jurisdiction of the Secretaries in a manner that con-
2 tributes to the long-term connectivity, persistence, resil-
3 ience, and adaptability of native species for which the Na-
4 tional Wildlife Corridor is identified, including through—

5 (1) the maintenance and improvement of habi-
6 tat connectivity within the National Wildlife Cor-
7 ridor;

8 (2) the implementation of strategies and activi-
9 ties that enhance the ability of native species to re-
10 spond to climate change and other environmental
11 factors;

12 (3) the maintenance or restoration of the integ-
13 rity and functionality of the National Wildlife Cor-
14 ridor;

15 (4) the mitigation or removal of human infra-
16 structure that obstructs the natural movement of
17 native species; and

18 (5) the use of existing conservation programs,
19 including Tribal Wildlife Corridors, under the re-
20 spective jurisdiction of the Secretaries to contribute
21 to the connectivity, persistence, resilience, and
22 adaptability of native species.

23 (b) NATIONAL WILDLIFE CORRIDORS SPANNING
24 MULTIPLE JURISDICTIONS.—In the case of a National
25 Wildlife Corridor that spans the administrative jurisdic-

1 tion of two or more of the Secretaries, the relevant Secre-
2 taries shall coordinate management of the National Wild-
3 life Corridor in accordance with section 83311(b) to ad-
4 vance the purposes described in section 83211(b).

5 (c) ROAD MITIGATION.—In the case of a National
6 Wildlife Corridor that intersects, adjoins, or crosses a new
7 or existing State, Tribal, or local road or highway, the rel-
8 evant Secretaries shall coordinate with the Secretary of
9 Transportation and State, Tribal, and local transportation
10 agencies, as appropriate, to identify and implement vol-
11 untary environmental mitigation measures—

12 (1) to improve public safety and reduce vehicle
13 caused native species mortality while maintaining
14 habitat connectivity; and

15 (2) to mitigate damage to the natural move-
16 ments of native species through strategies such as—

17 (A) the construction, maintenance, or re-
18 placement of native species underpasses, over-
19 passes, and culverts; and

20 (B) the maintenance, replacement, or re-
21 moval of dams, bridges, culverts, and other
22 hydrological obstructions.

23 (d) COMPATIBLE USES.—A use of Federal land or
24 water that was authorized before the date on which the
25 Federal land or water is designated as a National Wildlife

1 Corridor may continue if the applicable Secretaries deter-
2 mine that the use is compatible with the wildlife move-
3 ments of the species for which the National Wildlife Cor-
4 ridor was designated, consistent with applicable Federal
5 laws and regulations.

6 **CHAPTER 2—WILDLIFE CORRIDORS**

7 **CONSERVATION**

8 **Subchapter A—National Wildlife Corridor**

9 **System on Federal Land and Water**

10 **SEC. 83311. COLLABORATION AND COORDINATION.**

11 (a) COLLABORATION.—The Secretaries may partner
12 with and provide funds to States, local governments, In-
13 dian Tribes, the National Coordination Committee, vol-
14 untary private landowners, and the regional wildlife move-
15 ment councils to support the purposes described in section
16 83211(b).

17 (b) COORDINATION.—To the maximum extent prac-
18 ticable and consistent with applicable law, the Secretary
19 or Secretaries, as applicable, shall develop the strategy
20 under section 83211(b), designate National Wildlife Cor-
21 ridors under section 83212, and manage National Wildlife
22 Corridors under section 83213—

23 (1) in consultation and coordination with—

24 (A) other relevant Federal agencies;

25 (B) States, including—

- 1 (i) State fish and wildlife agencies;
2 and
3 (ii) other State agencies responsible
4 for managing the natural resources and
5 wildlife;
- 6 (C) Indian Tribes;
7 (D) units of local government;
8 (E) other interested stakeholders identified
9 by the Secretary, including applicable voluntary
10 private landowners;
- 11 (F) landscape- and seascape-scale partner-
12 ships, including—
- 13 (i) the National Fish Habitat Part-
14 nership;
- 15 (ii) the National Marine Fisheries
16 Service;
- 17 (iii) regional fishery management
18 councils established under section 302(a)
19 of the Magnuson-Stevens Fishery Con-
20 servation and Management Act (16 U.S.C.
21 1852(a));
- 22 (iv) relevant regional ocean partner-
23 ships;
- 24 (v) the Climate Science Centers of the
25 Department of the Interior; and

- 1 (vi) the Landscape Conservation Co-
2 operative Network;
3 (G) the National Coordination Committee;
4 and
5 (H) the regional wildlife movement coun-
6 cils.

7 **SEC. 83312. EFFECT.**

8 (a) RELATIONSHIP TO OTHER CONSERVATION
9 LAWS.—Nothing in this chapter amends or otherwise af-
10 fects any other law (including regulations) relating to the
11 conservation of native species.

12 (b) JURISDICTION OF STATES AND INDIAN
13 TRIBES.—Nothing in this chapter or an amendment made
14 by this chapter affects the jurisdiction of a State or an
15 Indian Tribe with respect to fish and wildlife management,
16 including the regulation of hunting, fishing, and trapping,
17 in a National Wildlife Corridor or a Tribal Wildlife Cor-
18 ridor.

19 **Subchapter B—Tribal Wildlife Corridors**

20 **SEC. 83321. TRIBAL WILDLIFE CORRIDORS.**

21 (a) ESTABLISHMENT.—

22 (1) IN GENERAL.—

23 (A) NOMINATIONS.—An Indian Tribe may
24 nominate a corridor within Indian land of the
25 Indian Tribe as a Tribal Wildlife Corridor by

1 submitting to the Secretary, in consultation
2 with the Director of the Bureau of Indian Af-
3 fairs (referred to in this section as the “Sec-
4 retary”), an application at such time, in such
5 manner, and containing such information as the
6 Secretary may require.

7 (B) DETERMINATION.—Not later than 90
8 days after the date on which the Secretary re-
9 ceives an application under subparagraph (A),
10 the Secretary shall determine whether the nomi-
11 nated Tribal Wildlife Corridor described in the
12 application meets the criteria established under
13 paragraph (2).

14 (C) PUBLICATION.—On approval of an ap-
15 plication under subparagraph (B), the Sec-
16 retary shall publish in the Federal Register a
17 notice of the establishment of the Tribal Wild-
18 life Corridor, which shall include a map and
19 legal description of the land designated as a
20 Tribal Wildlife Corridor.

21 (2) CRITERIA.—

22 (A) IN GENERAL.—Not later than 18
23 months after the date of enactment of this Act,
24 the Secretary shall establish criteria for deter-
25 mining whether a corridor nominated by an In-

1 dian Tribe under paragraph (1)(A) qualifies as
2 a Tribal Wildlife Corridor.

3 (B) INCLUSIONS.—The criteria established
4 under subparagraph (A) shall include, at a min-
5 imum, the following:

6 (i) The restoration of historical habi-
7 tat for the purposes of facilitating
8 connectivity.

9 (ii) The management of land for the
10 purposes of facilitating connectivity.

11 (iii) The management of land to pre-
12 vent the imposition of barriers that may
13 hinder current or future connectivity.

14 (3) REMOVAL.—

15 (A) IN GENERAL.—An Indian Tribe may
16 elect to remove the designation of a Tribal
17 Wildlife Corridor on the Indian land of the In-
18 dian Tribe by notifying the Secretary.

19 (B) EFFECT OF REMOVAL.—An Indian
20 Tribe that elects to remove a designation under
21 subparagraph (A) may not receive assistance
22 under subsection (c) or (d)(1) or section 83331.

23 (b) COORDINATION OF LAND USE PLANS.—Section
24 202 of the Federal Land Policy and Management Act of
25 1976 (43 U.S.C. 1712) is amended—

1 (1) in subsection (b)—

2 (A) by striking “Indian tribes by” and in-
3 serting the following: “Indian tribes—
4 “(1) by”;

5 (B) in paragraph (1) (as so designated), by
6 striking the period at the end and inserting “;
7 and”; and

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

9 “(2) for the purposes of determining whether
10 the land use plans for land in the National Forest
11 System would provide additional connectivity to ben-
12 efit the purposes of a Tribal Wildlife Corridor estab-
13 lished under section 83321(a)(1) of the Wildlife Cor-
14 ridors Conservation Act of 2020.”; and

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

16 “(g) TRIBAL WILDLIFE CORRIDORS.—On the estab-
17 lishment of a Tribal Wildlife Corridor under section
18 83321(a)(1) of the Wildlife Corridors Conservation Act of
19 2020, the Secretary shall conduct a meaningful consulta-
20 tion with the Indian tribe that administers the Tribal
21 Wildlife Corridor to determine whether, through the revi-
22 sion of one or more existing land use plans, the Tribal
23 Wildlife Corridor can—

24 “(1) be expanded into public lands; or

1 “(2) otherwise benefit connectivity (as defined
2 in section 83201 of that Act) between public lands
3 and the Tribal Wildlife Corridor.”.

4 (c) TECHNICAL ASSISTANCE.—The Secretary shall
5 provide to Indian Tribes technical assistance relating to
6 the establishment, management, and expansion of a Tribal
7 Wildlife Corridor, including assistance with accessing wild-
8 life data and working with voluntary private landowners
9 to access Federal and State programs to improve wildlife
10 habitat and connectivity on non-Federal land.

11 (d) AVAILABILITY OF ASSISTANCE.—An Indian Tribe
12 that has a Tribal Wildlife Corridor established on the In-
13 dian land of the Indian Tribe shall be eligible for a grant
14 under the wildlife movements grant program under section
15 83331, subject to other applicable requirements of that
16 grant program.

17 (e) SAVINGS CLAUSE.—Nothing in this section au-
18 thorizes or affects the use of private property or Indian
19 land.

20 **SEC. 83322. PROTECTION OF INDIAN TRIBES.**

21 (a) FEDERAL TRUST RESPONSIBILITY.—Nothing in
22 this chapter amends, alters, or waives the Federal trust
23 responsibility to Indian Tribes.

24 (b) FREEDOM OF INFORMATION ACT.—

1 (1) EXEMPTION.—Information described in
2 paragraph (2) shall not be subject to disclosure
3 under section 552 of title 5, United States Code
4 (commonly known as the “Freedom of Information
5 Act”), if the head of the agency that receives the in-
6 formation, in consultation with the Secretary and
7 the affected Indian Tribe, determines that disclosure
8 may—

9 (A) cause a significant invasion of privacy;

10 (B) risk harm to human remains or re-
11 sources, cultural items, uses, or activities; or

12 (C) impede the use of a traditional reli-
13 gious site by practitioners.

14 (2) INFORMATION DESCRIBED.—Information
15 referred to in paragraph (1) is information received
16 by a Federal agency—

17 (A) pursuant to this chapter relating to—

18 (i) the location, character, or owner-
19 ship of human remains of a person of In-
20 dian ancestry; or

21 (ii) resources, cultural items, uses, or
22 activities identified by an Indian Tribe as
23 traditional or cultural because of the long-
24 established significance or ceremonial na-
25 ture to the Indian Tribe; or

1 (B) pursuant to the Native American
2 Graves Protection and Repatriation Act (25
3 U.S.C. 3001 et seq.).

4 **Subchapter C—Wildlife Movement Grant**
5 **Program on Non-Federal Land and Water**

6 **SEC. 83331. WILDLIFE MOVEMENTS GRANT PROGRAM.**

7 (a) IN GENERAL.—The Secretary shall establish a
8 wildlife movements grant program (referred to in this sec-
9 tion as the “grant program”) to encourage wildlife move-
10 ment in accordance with this subsection.

11 (b) GRANTS.—Beginning not later than 2 years after
12 the date of enactment of this Act, the Secretary, based
13 on recommendations from the National Coordination
14 Committee under section 83332(e)(2)(C), shall make
15 grants to one or more projects that—

16 (1) are a regional priority project identified by
17 a regional wildlife movement council;

18 (2) satisfy the purposes described in section
19 83211(b); and

20 (3) increase connectivity for native species.

21 (c) ELIGIBLE RECIPIENTS.—A person that is eligible
22 to receive a grant under the grant program is—

23 (1) a voluntary private landowner or group of
24 landowners;

1 (2) a State fish and wildlife agency or other
2 State agency responsible for managing natural re-
3 sources and wildlife;

4 (3) an Indian Tribe;

5 (4) a unit of local government;

6 (5) an agricultural cooperative;

7 (6) water, irrigation, or rural water districts or
8 associations, or other organizations with water deliv-
9 ery authority (including acequias and land grant
10 communities in the State of New Mexico);

11 (7) institutions of higher education;

12 (8) an entity approved for a grant by a regional
13 wildlife movement council; and

14 (9) any group of entities described in para-
15 graphs (1) through (8).

16 (d) REQUIREMENTS.—In administering the grant
17 program, the Secretary shall use the criteria, guidelines,
18 contracts, reporting requirements, and evaluation metrics
19 developed by the National Coordination Committee under
20 subparagraphs (A) and (B) of section 83332(e)(2).

21 **SEC. 83332. NATIONAL COORDINATION COMMITTEE.**

22 (a) ESTABLISHMENT.—Not later than 18 months
23 after the date of enactment of this Act, the Secretary shall
24 establish a committee, to be known as the “National Co-
25 ordination Committee”.

1 (b) ADMINISTRATIVE SUPPORT.—The Secretary shall
2 provide administrative support for the National Coordina-
3 tion Committee.

4 (c) MEMBERSHIP.—The National Coordination Com-
5 mittee shall be composed of—

6 (1) the Secretary (or a designee);

7 (2) the Secretary of Transportation (or a des-
8 igned);

9 (3) the Secretary of Agriculture (or a designee);

10 (4) the Secretary of Commerce (or a designee);

11 (5) the Secretary of Defense (or a designee);

12 (6) the Director of the Bureau of Indian Affairs
13 (or a designee);

14 (7) the Executive Director of the Association of
15 Fish and Wildlife Agencies (or a designee);

16 (8) two representatives of intertribal organiza-
17 tions, to be appointed by the Secretary;

18 (9) the chairperson of each regional wildlife
19 movement council (or a designee); and

20 (10) not more than three representatives of
21 nongovernmental, science, or academic organizations
22 with expertise in wildlife conservation and habitat
23 connectivity, to be appointed by the Secretary in a
24 manner that ensures that the membership of the

1 National Coordination Committee is fair and bal-
2 anced.

3 (d) CHAIRPERSON.—The National Coordination
4 Committee shall select a Chairperson and Vice Chair-
5 person from among the members of the National Coordi-
6 nation Committee.

7 (e) DUTIES.—The National Coordination Com-
8 mittee—

9 (1) shall establish standards for regional wild-
10 life movement plans to allow for better cross-regional
11 collaboration; and

12 (2) shall, with respect to the wildlife movements
13 grant program under section 83331—

14 (A) establish criteria and develop guide-
15 lines for the solicitation of applications for
16 grants by regional wildlife movement councils;

17 (B) develop standardized contracts, report-
18 ing requirements, and evaluation metrics for
19 grant recipients; and

20 (C) make recommendations annually to the
21 Secretary for the selection of grant recipients
22 on the basis of the ranked lists of regional pri-
23 ority projects received from the regional wildlife
24 movement councils under section 83333(c)(4)

1 that are consistent with the purposes described
2 in section 83211(b).

3 (f) APPLICABILITY OF FACA.—Except as otherwise
4 provided in this section, the Federal Advisory Committee
5 Act (5 U.S.C. App.) shall apply to the National Coordina-
6 tion Committee.

7 **SEC. 83333. REGIONAL WILDLIFE MOVEMENT COUNCILS.**

8 (a) ESTABLISHMENT.—Not later than 1 year after
9 the date of enactment of this Act, the Secretary shall es-
10 tablish not less than 4 regional wildlife movement councils
11 with separate geographic jurisdictions that encompass the
12 entire United States.

13 (b) MEMBERSHIP.—

14 (1) IN GENERAL.—Each regional wildlife move-
15 ment council shall be composed of—

16 (A) the director of each State fish and
17 wildlife agency within the jurisdiction of the re-
18 gional wildlife movement council (or a des-
19 ignee);

20 (B) balanced representation from Tribal
21 governments within the jurisdiction of the re-
22 gional wildlife movement council;

23 (C) to serve as a Federal agency liaison
24 and nonvoting, ex officio member—

1 (i) the Director of the United States
2 Fish and Wildlife Service (or a designee);

3 or

4 (ii) the director of any applicable re-
5 gional office of the United States Fish and
6 Wildlife Service (or a designee);

7 (D) not more than three representatives of
8 nongovernmental, science, or academic organi-
9 zations with expertise in native species con-
10 servation and the habitat connectivity needs of
11 the region covered by the regional wildlife move-
12 ment council; and

13 (E) not more than three voluntary rep-
14 resentatives of private landowners with property
15 in the applicable region, not less than one of
16 whom shall be a farmer or rancher.

17 (2) REQUIREMENTS.—

18 (A) MEMBERSHIP.—The Secretary shall
19 ensure that the membership of each regional
20 wildlife movement council is fair and balanced
21 in terms of expertise and perspectives rep-
22 resented.

23 (B) EXPERTISE.—Each regional wildlife
24 movement council shall include experts in eco-

1 logical connectivity, native species ecology, and
2 ecological adaptation.

3 (3) CHAIRPERSON.—Each regional wildlife
4 movement council shall select a Chairperson from
5 among the members of the regional wildlife move-
6 ment council.

7 (c) DUTIES.—Each regional wildlife movement coun-
8 cil shall—

9 (1) not later than 2 years after the date of es-
10 tablishment of the regional wildlife movement coun-
11 cil and in accordance with any standards established
12 by the National Coordination Committee, prepare
13 and submit to the Secretary and the National Co-
14 ordination Committee a regional wildlife movement
15 plan that maintains natural wildlife movement by
16 identifying research priorities and data needs for the
17 Database that is revised, amended, or updated not
18 less frequently than once every 5 years;

19 (2) provide for public engagement, including en-
20 gagement of Indian Tribes, at appropriate times and
21 in appropriate locations in the region covered by the
22 regional wildlife movement council, to allow all inter-
23 ested persons an opportunity to be heard in the de-
24 velopment and implementation of a regional wildlife
25 movement plan under paragraph (1);

1 (3) solicit applications for wildlife movement
2 grants under section 83331 in accordance with the
3 criteria and guidelines established by the National
4 Coordination Council under section 83332(e)(2)(A);

5 (4) in accordance with the criteria and guide-
6 lines established under section 83332(e)(2)(A), sub-
7 mit to the National Coordination Committee an an-
8 nual list of regional priority projects, in ranked
9 order, for wildlife movements grants under section
10 83331 to maintain wildlife movements in the area
11 under the jurisdiction of the regional wildlife move-
12 ment council; and

13 (5) submit to the Secretary and the National
14 Coordination Committee, and make publicly avail-
15 able, an annual report describing the activities of the
16 regional wildlife movement council.

17 (d) COORDINATION.—If applicable, to increase habi-
18 tat connectivity between designated Federal land and
19 water and non-Federal land and water, a regional wildlife
20 movement council shall coordinate with—

21 (1) Federal agencies;

22 (2) Indian Tribes;

23 (3) regional fishery management councils estab-
24 lished under section 302(a) of the Magnuson-Stevens

1 Fishery Conservation and Management Act (16
2 U.S.C. 1852(a));

3 (4) migratory bird joint ventures partnerships
4 recognized by the United States Fish and Wildlife
5 Service with respect to migratory bird species;

6 (5) State fish and wildlife agencies;

7 (6) regional associations of fish and wildlife
8 agencies;

9 (7) nongovernmental organizations;

10 (8) applicable voluntary private landowners;

11 (9) the National Coordination Committee;

12 (10) fish habitat partnerships;

13 (11) other regional wildlife movement councils
14 with respect to crossregional projects;

15 (12) international wildlife management entities
16 with respect to transboundary species in accordance
17 with trade policies of the United States; and

18 (13) Federal and State transportation agencies.

19 (e) APPLICABILITY OF FACA.—Except as otherwise
20 provided in this section, the Federal Advisory Committee
21 Act (5 U.S.C. App.) shall apply to the regional wildlife
22 movement councils.

1 **Subchapter D—National Wildlife Corridors**
2 **Database**

3 **SEC. 83341. NATIONAL WILDLIFE CORRIDORS DATABASE.**

4 (a) IN GENERAL.—Not later than 18 months after
5 the date of enactment of this Act, the Director of the
6 United States Geological Survey (referred to in this sec-
7 tion as the “Director”), in consultation with the National
8 Coordination Committee and the regional wildlife move-
9 ment councils, shall establish a database, to be known as
10 the “National Wildlife Corridors Database”.

11 (b) CONTENTS.—

12 (1) IN GENERAL.—The Database shall—

13 (A) include maps, data, models, surveys,
14 and descriptions of native species habitats, wild-
15 life movements, and corridors that have been
16 developed by Federal agencies that pertain to
17 Federal land and water;

18 (B) include maps, models, analyses, and
19 descriptions of projected shifts in habitats, wild-
20 life movements, and corridors of native species
21 in response to climate change or other environ-
22 mental factors;

23 (C) reflect the best scientific data and in-
24 formation available; and

1 (D) in accordance with the requirements of
2 the Geospatial Data Act of 2018 (Public Law
3 115–254), have the data, models, and analyses
4 included in the Database available at scales
5 useful to State, Tribal, local, and Federal agen-
6 cy decisionmakers and the public.

7 (c) REQUIREMENTS.—Subject to subsection (d), the
8 Director, in collaboration with the National Coordination
9 Committee, the regional wildlife movement councils, and
10 the Administrator of the National Oceanic and Atmos-
11 pheric Administration, shall—

12 (1) design the Database to support State, Trib-
13 al, local, voluntary private landowner, and Federal
14 agency decisionmakers and the public with data that
15 will allow those entities—

16 (A) to prioritize and target natural re-
17 source adaptation strategies and enhance exist-
18 ing State and Tribal corridor protections;

19 (B) to assess the impacts of proposed en-
20 ergy, water, transportation, and transmission
21 projects, and other development activities, and
22 to avoid, minimize, and mitigate the impacts of
23 those projects and activities on National Wild-
24 life Corridors;

1 (C) to assess the impact of new and exist-
2 ing development on native species habitats and
3 National Wildlife Corridors; and

4 (D) to develop strategies that promote
5 habitat connectivity to allow native species to
6 move—

7 (i) to meet biological and ecological
8 needs;

9 (ii) to adjust to shifts in habitat; and

10 (iii) to adapt to climate change;

11 (2) establish a coordination process among Fed-
12 eral agencies to update maps and other information
13 with respect to landscapes, seascapes, native species
14 habitats and ranges, habitat connectivity, National
15 Wildlife Corridors, and wildlife movement changes as
16 information based on new scientific data becomes
17 available; and

18 (3) not later than 5 years after the date of en-
19 actment of this Act, and not less frequently than
20 once every 5 years thereafter, develop, submit a re-
21 port to the Secretary and the appropriate commit-
22 tees of Congress, and make publicly available a re-
23 port, that, with respect to the Database—

24 (A) outlines the categories for data that
25 may be included in the Database;

1 (B) outlines the data protocols and stand-
2 ards for each category of data in the Database;

3 (C) identifies gaps in native species habitat
4 and National Wildlife Corridor information;

5 (D) prioritizes research and future data
6 collection activities for use in updating the
7 Database; and

8 (E) evaluates and quantifies the efficacy of
9 the Database to meet the needs of the entities
10 described in paragraph (1).

11 (d) PROPRIETARY INTERESTS AND PROTECTED IN-
12 FORMATION.—In developing the Database, the Director
13 shall—

14 (1) as applicable, protect proprietary interests
15 with respect to any licensed information, licensed
16 data, and other items contained in the Database;
17 and

18 (2) protect information in the Database with
19 respect to the habitats and ranges of specific native
20 species to prevent poaching, illegal taking and trap-
21 ping, and other related threats to native species.

22 **CHAPTER 3—FUNDING**

23 **SEC. 83401. WILDLIFE CORRIDORS STEWARDSHIP FUND.**

24 (a) ESTABLISHMENT AND CONTENTS.—There is es-
25 tablished in the Treasury a fund, to be known as the

1 “Wildlife Corridors Stewardship Fund”, that consists of
2 donations of amounts accepted under subsection (c).

3 (b) USE.—The Fund—

4 (1) shall be administered by the Secretary and
5 the National Fish and Wildlife Foundation, acting
6 jointly; and

7 (2) may be used by the National Fish and
8 Wildlife Foundation to enhance the management
9 and protection of National Wildlife Corridors by pro-
10 viding financial assistance to the Federal Govern-
11 ment, Indian Tribes, and nongovernmental, science,
12 and academic organizations.

13 (c) DONATIONS.—The National Fish and Wildlife
14 Foundation may solicit and accept donations of amounts
15 for deposit into the Fund.

16 (d) COORDINATION.—In administering the Fund, the
17 Secretary and the National Fish and Wildlife Foundation
18 may coordinate with regional wildlife movement councils,
19 regional ocean partnerships, and the National Coordina-
20 tion Committee to the maximum extent practicable.

21 (e) DISCLOSURE OF USE.—Not later than 1 year
22 after the date of enactment of this Act, and annually
23 thereafter, the Secretary and the National Fish and Wild-
24 life Foundation shall make publicly available a description
25 of usage of the Fund during the preceding calendar year.

1 **SEC. 83402. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) NATIONAL WILDLIFE CORRIDOR SYSTEM.—

3 There are authorized to be appropriated to carry out title
4 I for fiscal year 2020 and each fiscal year thereafter—

5 (1) to the Secretary, \$7,500,000;

6 (2) to the Secretary of Agriculture, \$3,000,000;

7 (3) to the Secretary of Defense, \$1,500,000;

8 (4) to the Secretary of Commerce, \$3,000,000;

9 and

10 (5) to the Secretary of Transportation,
11 \$3,000,000.

12 (b) TRIBAL WILDLIFE CORRIDORS.—There is au-
13 thorized to be appropriated to carry out title II
14 \$5,000,000 for fiscal year 2020 and each fiscal year there-
15 after.

16 (c) WILDLIFE MOVEMENTS GRANT PROGRAM AND
17 REGIONAL WILDLIFE MOVEMENT COUNCILS.—

18 (1) WILDLIFE MOVEMENT GRANT PROGRAM.—

19 (A) IN GENERAL.—There is authorized to
20 be appropriated to the Secretary to carry out
21 the wildlife movements grant program under
22 section 83331 \$50,000,000 for fiscal year 2022
23 and each fiscal year thereafter.

24 (B) REQUIREMENTS.—Amounts appro-
25 priated under subparagraph (A) may be used to
26 complement or match other Federal or non-

1 Federal funding received by the projects funded
2 by those grants.

3 (C) ADMINISTRATIVE SUPPORT.—Not
4 more than 5 percent of amounts appropriated
5 under subparagraph (A) may be used for ad-
6 ministrative support.

7 (2) REGIONAL WILDLIFE MOVEMENT COUN-
8 CILS.—

9 (A) IN GENERAL.—There is authorized to
10 be appropriated to the Secretary to provide sup-
11 port for the regional wildlife movement councils
12 to carry out section 83333 \$1,000,000 for fiscal
13 year 2020 and each fiscal year thereafter.

14 (B) EQUAL DIVISION.—Amounts appro-
15 priated under subparagraph (A) shall be pro-
16 portionally divided between each regional wild-
17 life movement council.

18 (d) NATIONAL WILDLIFE CORRIDORS DATABASE.—
19 There are authorized to be appropriated to the Secretary
20 to carry out section 83341—

21 (1) \$3,000,000 for fiscal year 2020; and

22 (2) \$1,500,000 for fiscal year 2021 and each
23 fiscal year thereafter.

1 **CHAPTER 4**
2 **Subchapter A—Natural Infrastructure for**
3 **Wildlife Conservation and Restoration**

4 **SEC. 83511. SHORT TITLE.**

5 This subchapter may be cited as the “Recovering
6 America’s Wildlife Act”.

7 **SEC. 83512. WILDLIFE CONSERVATION AND RESTORATION**
8 **SUBACCOUNT.**

9 (a) **IN GENERAL.**—Section 3 of the Pittman-Robert-
10 son Wildlife Restoration Act (16 U.S.C. 669b) is amend-
11 ed—

12 (1) in subsection (a), by striking “\$50,000,000
13 in fiscal year 2001” in paragraph (2) and inserting
14 “\$1,397,000,000 in fiscal years 2021 through
15 2025”; and

16 (2) in subsection (c), by redesignating para-
17 graphs (2) and (3) as paragraphs (9) and (10); and

18 (3) in subsection (c), by striking paragraph (1)
19 and inserting the following:

20 “(1) **ESTABLISHMENT OF SUBACCOUNT.**—

21 “(A) **IN GENERAL.**—There is established in
22 the fund a subaccount to be known as the
23 ‘Wildlife Conservation and Restoration Sub-
24 account’ (referred to in this section as the ‘Sub-
25 account’).

1 “(B) AVAILABILITY.—Amounts in the Sub-
2 account shall be available upon appropriation,
3 for each fiscal year, for apportionment in ac-
4 cordance with this Act.

5 “(C) DEPOSITS INTO SUBACCOUNT.—For
6 fiscal years 2021 through 2025, the Secretary
7 of the Treasury shall transfer \$1,300,000,000
8 upon appropriation from the general fund of
9 the treasury each fiscal year to the fund for de-
10 posit in the Subaccount.

11 “(2) SUPPLEMENT NOT SUPPLANT.—Amounts
12 transferred to the Subaccount shall supplement, but
13 not replace, existing funds available to the States
14 from—

15 “(A) the funds distributed pursuant to the
16 Dingell-Johnson Sport Fish Restoration Act
17 (16 U.S.C. 777 et seq.); and

18 “(B) the fund.

19 “(3) INNOVATION GRANTS.—

20 “(A) IN GENERAL.—The Secretary shall
21 distribute 10 percent of funds from the Sub-
22 account through a competitive grant program to
23 State fish and wildlife departments, the District
24 of Columbia fish and wildlife department, fish
25 and wildlife departments of territories, or to re-

1 regional associations of fish and wildlife depart-
2 ments (or any group composed of more than 1
3 such entity).

4 “(B) PURPOSE.—Such grants shall be pro-
5 vided for the purpose of catalyzing innovation
6 of techniques, tools, strategies, or collaborative
7 partnerships that accelerate, expand, or rep-
8 licate effective and measurable recovery efforts
9 for species of greatest conservation need and
10 species listed under the Endangered Species Act
11 of 1973 (15 U.S.C. 1531 et seq.) and the habi-
12 tats of such species.

13 “(C) REVIEW COMMITTEE.—The Secretary
14 shall appoint a review committee comprised
15 of—

16 “(i) a State Director from each re-
17 gional association of State fish and wildlife
18 departments;

19 “(ii) the head of a department respon-
20 sible for fish and wildlife management in a
21 territory; and

22 “(iii) four individuals representing
23 four different nonprofit organizations each
24 of which is actively participating in car-
25 rying out wildlife conservation restoration

1 activities using funds apportioned from the
2 Subaccount.

3 “(D) SUPPORT FROM UNITED STATES FISH
4 AND WILDLIFE SERVICE.—The United States
5 Fish and Wildlife Service shall provide any per-
6 sonnel or administrative support services nec-
7 essary for such Committee to carry out its re-
8 sponsibilities under this Act.

9 “(E) EVALUATION.—Such committee shall
10 evaluate each proposal submitted under this
11 paragraph and recommend projects for funding.
12 The committee shall give preference to solutions
13 that accelerate the recovery of species identified
14 as priorities through regional scientific assess-
15 ments of species of greatest conservation need.

16 “(4) USE OF FUNDS.—Funds apportioned from
17 the Subaccount—

18 “(A) shall be used to implement the Wild-
19 life Conservation Strategy of a State, territory,
20 or the District of Columbia, as required under
21 16 U.S.C. 669e(d), by carrying out, revising, or
22 enhancing existing wildlife and habitat con-
23 servation and restoration programs and devel-
24 oping and implementing new wildlife conserva-
25 tion, restoration, and natural infrastructure re-

1 silience programs and partnerships to recover
2 and manage species of greatest conservation
3 need and the key habitats and plant community
4 types essential to the conservation of those spe-
5 cies as determined by the appropriate State fish
6 and wildlife department;

7 “(B) shall be used to develop, revise, and
8 enhance the Wildlife Conservation Strategy of a
9 State, territory, or the District of Columbia, as
10 may be required by this Act;

11 “(C) shall be used to assist in the recovery
12 of species found in the State, territory, or the
13 District of Columbia that are listed as endan-
14 gered species, threatened species, candidate spe-
15 cies or species proposed for listing, or species
16 petitioned for listing under the Endangered
17 Species Act of 1973 (16 U.S.C. 1531 et seq.)
18 or under State law;

19 “(D) may be used for wildlife conservation
20 education and wildlife-associated recreation
21 projects and infrastructure, especially in histori-
22 cally underserved communities;

23 “(E) may be used to manage a species of
24 greatest conservation need whose range is
25 shared with another State, territory, Indian

1 Tribe, or foreign government and for the con-
2 servation of the habitat of such species;

3 “(F) may be used to manage, control, and
4 prevent invasive species, disease, and other
5 risks to species of greatest conservation need;
6 and

7 “(G) may be used for law enforcement ac-
8 tivities that are directly related to the protec-
9 tion and conservation of a species of greatest
10 conservation need and the habitat of such spe-
11 cies.

12 “(5) MINIMUM REQUIRED SPENDING FOR EN-
13 DANGERED SPECIES RECOVERY.—Not less than an
14 average of 15 percent over a 5-year period of
15 amounts apportioned to a State, territory, or the
16 District of Columbia from the Subaccount shall be
17 used for purposes described in paragraph (4)(C).
18 The Secretary may reduce the minimum requirement
19 of a State, territory, or the District of Columbia on
20 an annual basis if the Secretary determines that the
21 State, territory, or the District of Columbia is meet-
22 ing the conservation and recovery needs of all spe-
23 cies described in paragraph (4)(C).

24 “(6) PUBLIC ACCESS TO PRIVATE LANDS NOT
25 REQUIRED.—Funds apportioned from the Sub-

1 account shall not be conditioned upon the provision
2 of public access to private lands, waters, or holdings.

3 “(7) REQUIREMENTS FOR MATCHING FUNDS.—

4 “(A) For the purposes of the non-Federal
5 fund matching requirement for a wildlife con-
6 servation or restoration program or project
7 funded by the Subaccount, a State, territory, or
8 the District of Columbia may use as matching
9 non-Federal funds—

10 “(i) funds from Federal agencies
11 other than the Department of the Interior
12 and the Department of Agriculture;

13 “(ii) donated private lands and
14 waters, including privately owned ease-
15 ments;

16 “(iii) in circumstances described in
17 subparagraph (B), revenue generated
18 through the sale of State hunting and fish-
19 ing licenses; and

20 “(iv) other sources consistent with
21 part 80 of title 50, Code of Federal Regu-
22 lations, in effect on the date of enactment
23 of the Recovering America’s Wildlife Act of
24 2019.

1 “(B) Revenue described in subparagraph
2 (A)(iii) may only be used to fulfill the require-
3 ments of such non-Federal fund matching re-
4 quirement if—

5 “(i) no Federal funds apportioned to
6 the State fish and wildlife department of
7 such State from the Wildlife Restoration
8 Program or the Sport Fish Restoration
9 Program have been reverted because of a
10 failure to fulfill such non-Federal fund
11 matching requirement by such State dur-
12 ing the previous 2 years; and

13 “(ii) the project or program being
14 funded benefits the habitat of a hunted or
15 fished species and a species of greatest
16 conservation need.

17 “(C) No State, territory or the District of
18 Columbia shall be required to provide non-Fed-
19 eral matching funds for this program through
20 fiscal year 2025.

21 “(8) DEFINITIONS.—In this subsection, the fol-
22 lowing definitions apply:

23 “(A) SPECIES OF GREATEST CONSERVA-
24 TION NEED.—The term ‘species of greatest con-
25 servation need’ may be fauna or flora, and may

1 include terrestrial, aquatic, marine, and inverte-
2 brate species that are of low population, declin-
3 ing, rare, or facing threats and in need of con-
4 servation attention, as determined by each
5 State fish and wildlife department, with respect
6 to funds apportioned to such State.

7 “(B) PARTNERSHIPS.—The term ‘partner-
8 ships’ may include, but are not limited to, col-
9 laborative efforts with Federal agencies, State
10 agencies, local agencies, Indian Tribes, non-
11 profit organizations, academic institutions, in-
12 dustry groups, and private individuals to imple-
13 ment a State’s Wildlife Conservation Strategy.

14 “(C) TERRITORY AND TERRITORIES.—The
15 terms ‘territory’ and ‘territories’ mean the
16 Commonwealth of Puerto Rico, Guam, Amer-
17 ican Samoa, the Commonwealth of the North-
18 ern Mariana Islands, and the United States
19 Virgin Islands.

20 “(D) WILDLIFE.—The term ‘wildlife’
21 means any species of wild, freeranging fauna,
22 including fish, and also any fauna in captive
23 breeding programs the object of which is to re-
24 introduce individuals of a depleted indigenous
25 species into previously occupied range.”.

1 (b) ALLOCATION AND APPORTIONMENT OF AVAIL-
2 ABLE AMOUNTS.—Section 4 of the Pittman-Robertson
3 Wildlife Restoration Act (16 U.S.C. 669c) is amended—

4 (1) by redesignating the second subsection (c),
5 relating to the apportionment of the Wildlife Con-
6 servation and Restoration Account, and subsection
7 (d) as subsections (d) and (e) respectively;

8 (2) in subsection (d), as redesignated—

9 (A) in paragraph (1)—

10 (i) in subparagraph (A), by striking
11 “to the District of Columbia and to the
12 Commonwealth of Puerto Rico, each” and
13 inserting “To the District of Columbia”;

14 (ii) in subparagraph (B), by striking
15 “to Guam” and inserting “To Guam”;

16 (iii) in subparagraph (B), by striking
17 “not more than one-fourth of one percent”
18 and inserting “not less than one-third of
19 one percent”; and

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

22 “(C) To the Commonwealth of Puerto
23 Rico, a sum equal to not less than 1 percent
24 thereof.”;

25 (B) in paragraph (2)(A), as redesignated—

1 (i) by amending clause (i) to read as
2 follows:

3 “(i) one-half of which is based on the
4 ratio to which the land and water area of
5 such State bears to the total land and
6 water area of all such States;”;

7 (ii) in clause (ii), by striking “two-
8 thirds” and inserting “one-quarter”; and

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

11 “(iii) one-quarter of which is based
12 upon the ratio to which the number of spe-
13 cies listed as endangered or threatened
14 under the Endangered Species Act of 1973
15 (15 U.S.C. 1531 et seq.) in such State
16 bears to the total number of such species
17 listed in all such States.”;

18 (C) by amending paragraph (2)(B) to read
19 as follows:

20 “(B) The amounts apportioned under this para-
21 graph shall be adjusted equitably so that no such
22 State, unless otherwise designated, shall be appor-
23 tioned a sum which is less than 1 percent or more
24 than 5 percent of the amount available for appor-
25 tionment under—

1 “(i) paragraph (2)(A)(i) of this section;

2 “(ii) paragraph (2)(A)(ii) of this section;

3 and

4 “(iii) the overall amount available for sec-
5 tion (2)(A).

6 “(C) States that include plants among their
7 species of greatest conservation need and in the con-
8 servation planning and habitat prioritization efforts
9 of their Wildlife Conservation Strategy shall receive
10 an additional 5 percent of their apportioned
11 amount.”; and

12 (D) in paragraph (3), by striking “3 per-
13 cent” and inserting “1.85 percent”;

14 (3) by amending subsection (e)(4)(B), as reded-
15 icated, to read as follows:

16 “(B) Not more than an average of 15 per-
17 cent over a 5-year period of amounts appor-
18 tioned to each State under this section for a
19 State’s wildlife conservation and restoration
20 program may be used for wildlife conservation
21 education and wildlife-associated recreation.”;

22 and

23 (4) by adding at the end following:

24 “(f) MINIMIZATION OF PLANNING AND REPORT-
25 ING.—Nothing in this Act shall be interpreted to require

1 a State to create a comprehensive strategy related to con-
2 servation education or outdoor recreation.

3 “(g) ACCOUNTABILITY.—Not more than 1 year after
4 the date of enactment of the Recovering America’s Wild-
5 life Act of 2019 and every 3 years thereafter, each State
6 fish and wildlife department shall submit a 3-year work
7 plan and budget for implementing its Wildlife Conserva-
8 tion Strategy and a report describing the results derived
9 from activities accomplished under paragraph (4) during
10 the previous 3 years to—

11 “(1) the Committee on Environment and Public
12 Works of the Senate;

13 “(2) the Committee on Natural Resources of
14 the House of Representatives; and

15 “(3) the United States Fish and Wildlife Serv-
16 ice.”.

17 **SEC. 83513. TECHNICAL AMENDMENTS.**

18 (a) DEFINITIONS.—Section 2 of the Pittman-Robert-
19 son Wildlife Restoration Act (16 U.S.C. 669a) is amend-
20 ed—

21 (1) by striking paragraph (5);

22 (2) by redesignating paragraphs (6) through
23 (9) as paragraphs (5) through (8), respectively; and

24 (3) in paragraph (6), as redesignated by para-
25 graph (2), by inserting “Indian Tribes, academic in-

1 stitutions,” before “wildlife conservation organiza-
2 tions”.

3 (b) CONFORMING AMENDMENTS.—The Pittman-Rob-
4 ertson Wildlife Restoration Act (16 U.S.C. 669a et seq.)
5 is amended—

6 (1) in section 3—

7 (A) in subsection (a)—

8 (i) by striking “(1) An amount equal
9 to” and inserting “An amount equal to”;
10 and

11 (ii) by striking paragraph (2);

12 (B) in subsection (c)—

13 (i) in paragraph (9), as redesignated
14 by section 101(a)(1), by striking “or an
15 Indian tribe”; and

16 (ii) in paragraph (10), as redesignated
17 by section 101(a)(1), by striking “Wildlife
18 Conservation and Restoration Account”
19 and inserting “Subaccount”; and

20 (C) in subsection (d), by striking “Wildlife
21 Conservation and Restoration Account” and in-
22 serting “Subaccount”;

23 (2) in section 4 (16 U.S.C. 669c)—

24 (A) in subsection (d), as redesignated—

1 (i) in the heading, by striking “AC-
2 COUNT” and inserting “SUBACCOUNT”;
3 and

4 (ii) by striking “Account” each place
5 it appears and inserting “Subaccount”;
6 and

7 (B) in subsection (e)(1), as redesignated,
8 by striking “Account” and inserting “Sub-
9 account”; and

10 (3) in section 8 (16 U.S.C. 669g), in subsection
11 (a), by striking “Account” and inserting “Sub-
12 account”.

13 **SEC. 83514. SAVINGS CLAUSE.**

14 The Pittman-Robertson Wildlife Restoration Act (16
15 U.S.C. 669 et seq.) is amended—

16 (1) by redesignating section 13 as section 15;
17 and

18 (2) by inserting after section 12 the following:

19 **“SEC. 13. SAVINGS CLAUSE.**

20 “Nothing in this Act shall be construed to enlarge
21 or diminish the authority, jurisdiction, or responsibility of
22 a State to manage, control, or regulate fish and wildlife
23 under the law and regulations of the State on lands and
24 waters within the State, including on Federal lands and
25 waters.

1 **“SEC. 14. STATUTORY CONSTRUCTION WITH RESPECT TO**
2 **ALASKA.**

3 “If any conflict arises between any provision of this
4 Act and any provision of the Alaska National Interest
5 Lands Conservation Act (Public Law 46–487, 16 U.S.C.
6 3101 et seq.), then the provision in the Alaska National
7 Interest Lands Conservation Act shall prevail.”.

8 **Subchapter B—Natural Infrastructure for**
9 **Tribal Wildlife Conservation and Restoration**

10 **SEC. 83521. INDIAN TRIBES.**

11 (a) DEFINITIONS.—In this section—

12 (1) ACCOUNT.—The term “Account” means the
13 Tribal Wildlife Conservation and Restoration Ac-
14 count established by subsection (c)(1).

15 (2) INDIAN TRIBE.—The term “Indian Tribe”
16 has the meaning given such term in section 4 of the
17 Indian Self-Determination and Education Assistance
18 Act (25 U.S.C. 5304).

19 (3) SECRETARY.—The term “Secretary” means
20 the Secretary of the Interior.

21 (4) TRIBAL SPECIES OF GREATEST CONSERVA-
22 TION NEED.—The term “Tribal species of greatest
23 conservation need” means any species identified by
24 an Indian Tribe as requiring conservation manage-
25 ment because of declining population, habitat loss,

1 or other threats, or because of their biological or cul-
2 tural importance to such Tribe.

3 (5) WILDLIFE.—The term “wildlife” means—

4 (A) any species of wild flora or fauna in-
5 cluding fish and marine mammals;

6 (B) flora or fauna in a captive breeding,
7 rehabilitation, and holding or quarantine pro-
8 gram, the object of which is to reintroduce indi-
9 viduals of a depleted indigenous species into
10 previously occupied range or to maintain a spe-
11 cies for conservation purposes; and

12 (C) does not include game farm animals.

13 (b) TRIBAL WILDLIFE CONSERVATION AND RES-
14 Toration Account.—

15 (1) IN GENERAL.—There is established in the
16 Treasury an account to be known as the “Tribal
17 Wildlife Conservation and Restoration Account”.

18 (2) AVAILABILITY.—Amounts in the Account
19 shall be available for each fiscal year upon appro-
20 priation for apportionment in accordance with this
21 title.

22 (3) DEPOSITS.—For fiscal year 2021 through
23 2025, the Secretary of the Treasury shall transfer
24 \$97,500,000 upon appropriation to the Account.

1 (c) DISTRIBUTION OF FUNDS TO INDIAN TRIBES.—

2 Each fiscal year, the Secretary of the Treasury shall de-
3 posit funds into the Account and distribute such funds
4 through a noncompetitive application process according to
5 guidelines, and criteria, and reporting requirements deter-
6 mined by the Secretary of the Interior, acting through the
7 Director of the Bureau of Indian Affairs, in consultation
8 with Indian Tribes. Such funds shall remain available
9 until expended.

10 (d) WILDLIFE MANAGEMENT RESPONSIBILITIES.—

11 The distribution guidelines and criteria described in sub-
12 section (d) shall be based, in part, upon Indian Tribes'
13 wildlife management responsibilities.

14 (e) USE OF FUNDS.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), the Secretary may distribute funds from
17 the Account to an Indian Tribe for any of the fol-
18 lowing purposes:

19 (A) To develop, carry out, revise, or en-
20 hance wildlife conservation and restoration pro-
21 grams to manage Tribal species of greatest con-
22 servation need and the habitats of such species
23 as determined by the Indian Tribe.

24 (B) To assist in the recovery of species
25 listed as an endangered or threatened species

1 under the Endangered Species Act of 1973 (16
2 U.S.C. 1531 et seq.).

3 (C) For wildlife conservation education and
4 wildlife-associated recreation projects and infra-
5 structure.

6 (D) To manage a Tribal species of greatest
7 conservation need and the habitat of such spe-
8 cies, the range of which may be shared with a
9 foreign country, State, or other Indian Tribe.

10 (E) To manage, control, and prevent
11 invasive species as well as diseases and other
12 risks to wildlife.

13 (F) For law enforcement activities that are
14 directly related to the protection and conserva-
15 tion of wildlife.

16 (G) To develop, revise, and implement
17 comprehensive wildlife conservation strategies
18 and plans for such Tribe.

19 (H) For the hiring and training of wildlife
20 conservation and restoration program staff.

21 (2) CONDITIONS ON THE USE OF FUNDS.—

22 (A) REQUIRED USE OF FUNDS.—In order
23 to be eligible to receive funds under subsection
24 (d), a Tribe's application must include a pro-
25 posal to use funds for at least one of the pur-

1 poses described in subparagraphs (A) and (B)
2 of paragraph (1).

3 (B) IMPERILED SPECIES RECOVERY.—In
4 distributing funds under this section, the Sec-
5 retary shall distribute not less than 15 percent
6 of the total funds distributed to proposals to
7 fund the recovery of a species, subspecies, or
8 distinct population segment listed as a threat-
9 ened species, endangered species, or candidate
10 species under the Endangered Species Act of
11 1973 (16 U.S.C. 1531 et seq.) or Tribal law.

12 (C) LIMITATION.—In distributing funds
13 under this section, the Secretary shall distribute
14 not more than 15 percent of all funds distrib-
15 uted under this section for the purpose de-
16 scribed in paragraph (1)(C).

17 (f) NO MATCHING FUNDS REQUIRED.—No Indian
18 Tribe shall be required to provide matching funds to be
19 eligible to receive funds under this Act.

20 (g) PUBLIC ACCESS NOT REQUIRED.—Funds appor-
21 tioned from the Tribal Wildlife Conservation and Restora-
22 tion Account shall not be conditioned upon the provision
23 of public or non-Tribal access to Tribal or private lands,
24 waters, or holdings.

1 (h) ADMINISTRATIVE COSTS.—Of the funds depos-
2 ited under subsection (c)(3) for each fiscal year, not more
3 than 3 percent shall be used by the Secretary for adminis-
4 trative costs.

5 (i) SAVINGS CLAUSE.—Nothing in this Act shall be
6 construed as modifying or abrogating a treaty with any
7 Indian Tribe, or as enlarging or diminishing the authority,
8 jurisdiction, or responsibility of an Indian Tribe to man-
9 age, control, or regulate wildlife.

10 **CHAPTER 5—MISCELLANEOUS**

11 **SEC. 83601 REAUTHORIZATION OF CHESAPEAKE BAY GATE- 12 **WAYS AND WATERTRAILS NETWORK.****

13 Section 502(c) of the Chesapeake Bay Initiative Act
14 of 1998 (54 U.S.C. 320101 note; Public Law 105–312)
15 is amended by striking “2019” and inserting “2025”.

16 **TITLE IV—ENERGY**

17 **Subtitle A—Establishment of Fed- 18 **eral Orphaned Well Remedi- 19 **ation Program******

20 **SEC. 84101. ESTABLISHMENT OF FEDERAL ORPHANED 21 **WELL REMEDIATION PROGRAM.****

22 Section 349 of the Energy Policy Act of 2005 (Public
23 Law 109–58; 42 U.S.C. 15907) is amended—

1 (1) by striking the section title and inserting
2 with “**ORPHANED WELL REMEDIATION PRO-**
3 **GRAM**”; and

4 (2) by striking subsections (a) through (i) and
5 replacing with the following:

6 “(a) **IN GENERAL.**—The Secretary, in cooperation
7 with the Secretary of Agriculture, shall establish a pro-
8 gram not later than 90 days after the date of enactment
9 of this section to remediate, reclaim, and close orphaned
10 oil and gas wells located on land administered by the land
11 management agencies within the Department of the Inte-
12 rior and the Department of Agriculture.

13 “(b) **ACTIVITIES.**—The program under subsection (a)
14 shall—

15 “(1) include a means of ranking orphaned well
16 sites for priority in remediation, reclamation, and
17 closure, based on public health and safety, potential
18 environmental harm, and other land use priorities;

19 “(2) distribute funding according to the prior-
20 ities identified under paragraph (1) of this sub-
21 section for—

22 “(A) reclaiming, remediating, and closing
23 orphaned wells;

1 “(B) reclaiming and remediating well pads
2 and access roads associated with orphaned
3 wells; and

4 “(C) restoring native species habitat that
5 has been degraded due to the presence of or-
6 phaned wells;

7 “(3) provide a public accounting of the costs of
8 remediation, reclamation, and closure for each or-
9 phaned well site; and

10 “(4) seek to determine the identities of poten-
11 tially responsible parties associated with the or-
12 phaned well sites, or their sureties or guarantors, to
13 the extent such information can be ascertained, and
14 make efforts to obtain reimbursement for expendi-
15 tures to the extent practicable.

16 “(c) COOPERATION AND CONSULTATIONS.—In car-
17 rying out the program under subsection (a), the Secretary
18 shall—

19 “(1) work cooperatively with the Secretary of
20 Agriculture and the States within which Federal
21 land is located; and

22 “(2) consult with affected Tribes, the Secretary
23 of Energy, and the Interstate Oil and Gas Compact
24 Commission.

25 “(d) STATE AND TRIBAL ORPHANED WELLS.—

1 “(1) IN GENERAL.—The Secretary shall estab-
2 lish a program not later than 90 days after the date
3 of enactment of this section to provide grants to
4 States and Tribes to remediate, reclaim, and close
5 orphaned oil and gas wells located on State, Tribal,
6 or private lands.

7 “(2) ACTIVITIES.—Funds distributed under this
8 subsection may be used by States and Tribes for the
9 activities described in subsection (b), and in addition
10 for—

11 “(A) identification and characterization of
12 undocumented orphaned wells on State, Tribal,
13 and private lands;

14 “(B) ranking orphaned or abandoned well
15 sites based on factors such as public health and
16 safety, potential environmental harm, and other
17 land use priorities;

18 “(C) administration of a State or Tribal
19 orphaned well closure program, provided that
20 no more than 10 percent of the funds received
21 by a State or Tribe under this subsection may
22 be used for this purpose; and

23 “(D) making information regarding the
24 use of funds under this subsection available to
25 the public.

1 “(3) PRIORITY.—In providing grants under this
2 subsection, the Secretary shall give priority to—

3 “(A) States and Tribes that have an estab-
4 lished State or Tribal program for the remedi-
5 ation, reclamation, or closure of abandoned,
6 idled, or orphaned oil and gas wells; and

7 “(B) States and Tribes that require com-
8 panies to provide financial assurances prior to
9 drilling a well equal to the estimated full cost
10 of well closure and land remediation.

11 “(4) APPLICATION.—States and Tribes shall be
12 eligible for grants under this subsection upon appli-
13 cation to the Secretary of the Interior. Such applica-
14 tion shall include—

15 “(A) a prioritized list of the wells, well
16 sites, and affected areas that will be remedi-
17 ated, reclaimed, or closed;

18 “(B) a description of the activities to be
19 carried out with the grant, including an identi-
20 fication of the estimated health, safety, habitat,
21 and environmental benefits of remediating, re-
22 claiming, or closing each well, well site, or af-
23 fected area;

24 “(C) an estimate of the cost of each pro-
25 posed project;

1 “(D) an estimate of the number of jobs
2 that will be created or saved through the
3 projects to be funded under this subsection;

4 “(E) an estimate of the funds to be spent
5 on administrative costs; and

6 “(F) a description of how the information
7 regarding the State’s or Tribe’s activities under
8 this subsection will be made available to the
9 public.

10 “(5) ALLOCATION.—The Secretary shall, in
11 consultation with States, affected Tribes, and the
12 Interstate Oil and Gas Compact Commission, de-
13 velop a formula for the amount of grant funding
14 each State or Tribe is eligible for under this sub-
15 section, taking into account—

16 “(A) the number of documented orphaned
17 wells within the State or on each Tribe’s lands;

18 “(B) the estimated number of undocu-
19 mented orphaned wells within the State or on
20 each Tribe’s lands; and

21 “(C) the amount of oil and gas activity
22 within the State or on Tribal lands in the pre-
23 vious 10 years.

24 “(e) TECHNICAL ASSISTANCE.—

1 “(1) IN GENERAL.—The Secretary of Energy,
2 in cooperation with the Secretary, shall establish a
3 program to provide technical assistance to oil and
4 gas producing States and Tribes to ensure practical
5 and economical remedies for environmental problems
6 caused by orphaned or abandoned oil and gas well
7 sites on State, Tribal, or private land.

8 “(2) ASSISTANCE.—The Secretary of Energy
9 shall work with the States, through the Interstate
10 Oil and Gas Compact Commission, to assist the
11 States in quantifying and mitigating environmental
12 risks of onshore orphaned or abandoned oil or gas
13 wells on State and private land.

14 “(3) ACTIVITIES.—The program under para-
15 graph (1) shall include—

16 “(A) mechanisms to facilitate identifica-
17 tion, if feasible, of the persons currently pro-
18 viding a bond or other form of financial assur-
19 ance required under State or Federal law for an
20 oil or gas well that is orphaned or abandoned;

21 “(B) criteria for ranking orphaned or
22 abandoned well sites based on factors such as
23 public health and safety, potential environ-
24 mental harm, and other land use priorities;

1 “(C) information and training programs on
2 best practices for remediation of different types
3 of sites; and

4 “(D) funding of State mitigation efforts on
5 a cost-shared basis.

6 “(f) REPORT TO CONGRESS.—Not later than 1 year
7 after the date of enactment of this section, and every year
8 thereafter, the Secretary shall submit to Congress a report
9 on the programs established under this section.

10 “(g) DEFINITIONS.—As used in this subsection—

11 “(1) ORPHANED WELL.—The term ‘orphaned
12 well’ means any well not in operation for which there
13 is no responsible party known to the Secretary to re-
14 claim and remediate or close the well site; and

15 “(2) RESPONSIBLE PARTY.—The term ‘respon-
16 sible party’ includes any person, association, cor-
17 poration, subsidiary, or affiliate that directly or indi-
18 rectly, controls, manages, directs, or undertakes the
19 activities with respect to an oil and gas lease or any
20 person or entity controlled by, or under common
21 control with, such person or entity.

22 “(h) APPROPRIATIONS.—There are authorized to be
23 appropriated to the Secretary of the Interior for each of
24 fiscal years 2020 through 2024—

1 “(1) \$50,000,000 to carry out the program
2 under subsection (a); and

3 “(2) \$350,000,000 to carry out the program
4 under subsection (d).”.

5 **SEC. 84102. FEDERAL BONDING REFORM.**

6 Section 17(g) of the Mineral Leasing Act (30 U.S.C.
7 226(g)) is amended to read as follows:

8 “(g) BONDING REQUIREMENTS.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) INTERIM RECLAMATION PLAN.—The
11 term ‘Interim Reclamation Plan’ means an on-
12 going plan specifying reclamation steps to be
13 taken on all disturbed areas covered by any
14 lease issued under this Act that are not needed
15 for active operations.

16 “(B) FINAL RECLAMATION PLAN.—The
17 term ‘Final Reclamation Plan’ means a plan
18 describing all reclamation activity to be con-
19 ducted for all disturbed areas, including loca-
20 tions, facilities, trenches, rights-of-way, roads,
21 and any other surface disturbance covered by a
22 lease issued under this Act prior to final aban-
23 donment.

24 “(2) IN GENERAL.—The Secretary of the Inte-
25 rior, or with respect to National Forest lands, the

1 Secretary of Agriculture, shall regulate all surface-
2 disturbing activities conducted pursuant to any lease
3 issued under this Act, and shall determine reclama-
4 tion and other actions as required in the interest of
5 conservation of surface resources.

6 “(3) RECLAMATION PLANS REQUIRED.—

7 “(A) ANALYSIS AND APPROVAL RE-
8 QUIRED.—No permit to drill on an oil and gas
9 lease issued under this Act may be granted
10 without the analysis and approval by the Sec-
11 retary concerned of both an interim reclamation
12 plan and a final reclamation plan covering pro-
13 posed surface-disturbing activities within the
14 lease area.

15 “(B) PLANS OF OPERATIONS.—All Plans
16 of Operations submitted and approved pursuant
17 to this Act shall include an Interim Reclama-
18 tion Plan.

19 “(C) SECRETARIAL REVIEW.—The relevant
20 Secretary shall review each Interim Reclama-
21 tion Plan at regular intervals and shall require
22 such plans to be amended as warranted, subject
23 to the approval of such Secretary.

24 “(4) BONDING.—

1 “(A) IN GENERAL.—The Secretary con-
2 cerned shall, by regulation, require that an ade-
3 quate bond, surety, or other financial arrange-
4 ment will be established prior to the commence-
5 ment of surface-disturbing activities on any
6 lease, to ensure the complete and timely rec-
7 lamation of the lease tract, and the restoration
8 of any lands or surface waters adversely af-
9 fected by lease operations after the abandon-
10 ment or cessation of oil and gas operations on
11 the lease.

12 “(B) PROHIBITION.—The Secretary shall
13 not issue or approve the assignment of any
14 lease under the terms of this section to any per-
15 son, association, corporation, or any subsidiary,
16 affiliate, or person controlled by or under com-
17 mon control with such person, association, or
18 corporation, during any period in which, as de-
19 termined by the relevant Secretary, such entity
20 has failed or refused to comply in any material
21 respect with the reclamation requirements and
22 other standards established under this section
23 for any prior lease to which such requirements
24 and standards applied.

1 “(C) NOTICE AND OPPORTUNITY FOR COM-
2 PLIANCE.—Prior to making such determination
3 with respect to any such entity the concerned
4 Secretary shall provide such entity with ade-
5 quate notification and an opportunity to comply
6 with such reclamation requirements and other
7 standards and shall consider whether any ad-
8 ministrative or judicial appeal is pending. Once
9 the entity has complied with the reclamation re-
10 quirement or other standard concerned an oil or
11 gas lease may be issued to such entity under
12 this Act.

13 “(D) LIMITATION ON BONDS.—A bond,
14 surety, or other financial arrangement described
15 in subparagraph (A) shall not be adequate if it
16 is less than—

17 “(i) \$50,000 in the case of an ar-
18 rangement for an individual surface-dis-
19 turbating activity of an entity;

20 “(ii) \$250,000 in the case of an ar-
21 rangement for all surface-disturbing activi-
22 ties of an entity in a State; or

23 “(iii) \$1,000,000 in the case of an ar-
24 rangement for all surface-disturbing activi-
25 ties of an entity in the United States.

1 “(E) ADJUSTMENTS FOR INFLATION.—In
2 the application of subparagraph (B), the Secre-
3 taries concerned shall jointly at least once every
4 three years adjust the dollar amounts in sub-
5 paragraph (B) to account for inflation based on
6 the Consumer Price Index for all urban con-
7 sumer published by the Department of Labor.

8 “(5) STANDARDS.—The Secretary of the Inte-
9 rior and the Secretary of Agriculture shall, by regu-
10 lation, establish uniform standards for all Interim
11 and Final Reclamation Plans. The goal of such
12 plans shall be the restoration of the affected eco-
13 system to a condition approximating or equal to that
14 which existed prior to the surface disturbance. Such
15 standards shall include restoration of natural vegeta-
16 tion and hydrology, habitat restoration, salvage,
17 storage and reuse of topsoils, erosion control, control
18 of invasive species and noxious weeds and natural
19 contouring.

20 “(6) MONITORING.—The Secretary concerned
21 shall not approve final abandonment and shall not
22 release any bond required by this Act until the
23 standards and requirement for final reclamation es-
24 tablished pursuant to this Act have been met.”.

1 **Subtitle B—Surface Mining Control**
2 **and Reclamation Act Amendments**

3 **SEC. 84201. ABANDONED MINE LAND RECLAMATION FUND.**

4 Section 401(f)(2) of the Surface Mining Control and
5 Reclamation Act of 1977 (30 U.S.C. 1231(f)(2)) is
6 amended—

7 (1) in subparagraph (A)—

8 (A) in the heading, by striking “2022” and
9 inserting “2037”; and

10 (B) by striking “2022” and inserting
11 “2037”; and

12 (2) in subparagraph (B)—

13 (A) in the heading, by striking “2023” and
14 inserting “2038”;

15 (B) by striking “2023” and inserting
16 “2038”; and

17 (C) by striking “2022” and inserting
18 “2037”.

19 **SEC. 84202. EMERGENCY POWERS.**

20 (a) STATE RECLAMATION PROGRAM.—Section
21 405(d) of the Surface Mining Control and Reclamation
22 Act of 1977 (30 U.S.C. 1235(d)) is amended by striking
23 “sections 402 and 410 excepted” and inserting “section
24 402 excepted”.

1 (b) DELEGATION.—Section 410 of the Surface Min-
2 ing Control and Reclamation Act of 1977 (30 U.S.C.
3 1240) is amended—

4 (1) in subsection (a), by inserting “, including
5 through reimbursement to a State or Tribal Govern-
6 ment described in subsection (c),” after “moneys”;
7 and

8 (2) by adding at the end the following:

9 “(c) STATE OR TRIBAL GOVERNMENT.—A State or
10 Tribal Government is eligible to receive reimbursement
11 from the Secretary under subsection (a) if such State or
12 Tribal Government has submitted, and the Secretary has
13 approved, an Abandoned Mine Land Emergency Program
14 as part of an approved State or Tribal Reclamation Plan
15 under section 405.”.

16 **SEC. 84203. RECLAMATION FEE.**

17 (a) DURATION.—Effective 90 days after the date of
18 enactment of this Act, section 402(b) of the Surface Min-
19 ing Control and Reclamation Act of 1977 (30 U.S.C.
20 1232(b)) is amended by striking “September 30, 2021”
21 and inserting “September 30, 2036”.

22 (b) ALLOCATION OF FUNDS.—Effective September
23 30, 2020, section 402(g) of the Surface Mining Control
24 and Reclamation Act of 1977 (30 U.S.C. 1232(g)) is
25 amended—

1 (1) in paragraph (6)(A), by striking “para-
2 graphs (1) and (5)” inserting “paragraphs (1), (5),
3 and (8)”;

4 (2) in paragraph (8)(A), by striking
5 “\$3,000,000” and inserting “\$5,000,000”; and

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

7 “(9) From amounts withheld pursuant to the Budget
8 Control Act of 2011 (2 U.S.C. 901(a)) from payments to
9 States under title IV of the Surface Mining Control and
10 Reclamation Act (30 U.S.C. 1232(g)) during fiscal years
11 2013 through 2018, the Secretary shall distribute for fis-
12 cal year 2020 an amount to each State equal to the total
13 amount so withheld.”.

14 **Subtitle C—Revitalizing the Econ-**
15 **omy of Coal Communities by**
16 **Leveraging Local Activities and**
17 **Investing More**

18 **SEC. 84301. ECONOMIC REVITALIZATION FOR COAL COUN-**
19 **TRY.**

20 (a) IN GENERAL.—Title IV of the Surface Mining
21 Control and Reclamation Act of 1977 (30 U.S.C. 1231
22 et seq.) is amended by adding at the end the following:

1 **“SEC. 416. ABANDONED MINE LAND ECONOMIC REVITAL-**
2 **IZATION.**

3 “(a) **PURPOSE.**—The purpose of this section is to
4 promote economic revitalization, diversification, and devel-
5 opment in economically distressed mining communities
6 through the reclamation and restoration of land and water
7 resources adversely affected by coal mining carried out be-
8 fore August 3, 1977.

9 “(b) **IN GENERAL.**—From amounts deposited into
10 the fund under section 401(b) before October 1, 2007,
11 \$200,000,000 shall be made available to the Secretary,
12 subject to appropriation, for each of fiscal years 2021
13 through 2025 for distribution to States and Indian tribes
14 in accordance with this section for reclamation and res-
15 toration projects at sites identified as priorities under sec-
16 tion 403(a).

17 “(c) **USE OF FUNDS.**—Funds distributed to a State
18 or Indian tribe under subsection (d) shall be used only
19 for projects classified under the priorities of section 403(a)
20 that meet the following criteria:

21 “(1) **CONTRIBUTION TO FUTURE ECONOMIC OR**
22 **COMMUNITY DEVELOPMENT.**—

23 “(A) **IN GENERAL.**—The project, upon
24 completion of reclamation, is intended to create
25 favorable conditions for the economic develop-
26 ment of the project site or create favorable con-

1 ditions that promote the general welfare
2 through economic and community development
3 of the area in which the project is conducted.

4 “(B) DEMONSTRATION OF CONDITIONS.—

5 Such conditions are demonstrated by—

6 “(i) documentation of the role of the
7 project in such area’s economic develop-
8 ment strategy or other economic and com-
9 munity development planning process;

10 “(ii) any other documentation of the
11 planned economic and community use of
12 the project site after the primary reclama-
13 tion activities are completed, which may in-
14 clude contracts, agreements in principle, or
15 other evidence that, once reclaimed, the
16 site is reasonably anticipated to be used
17 for one or more industrial, commercial,
18 residential, agricultural, or recreational
19 purposes; or

20 “(iii) any other documentation agreed
21 to by the State or Indian tribe that dem-
22 onstrates the project will meet the criteria
23 set forth in this subsection.

1 “(2) LOCATION IN ECONOMICALLY DISTRESSED
2 COMMUNITY AFFECTED BY RECENT DECLINE IN
3 MINING.—

4 “(A) IN GENERAL.—The project will be
5 conducted in a community—

6 “(i) that has been adversely affected
7 economically by a recent reduction in coal
8 mining related activity, as demonstrated by
9 employment data, per capita income, or
10 other indicators of economic distress; or

11 “(ii)(I) that has historically relied on
12 coal mining for a substantial portion of its
13 economy; and

14 “(II) in which the economic contribu-
15 tion of coal mining has significantly de-
16 clined.

17 “(B) SUBMISSION AND PUBLICATION OF
18 EVIDENCE OR ANALYSIS.—Any evidence or
19 analysis relied upon in selecting the location of
20 a project under this subparagraph shall be sub-
21 mitted to the Secretary for publication. The
22 Secretary shall publish such evidence or anal-
23 ysis in the Federal Register within 30 days
24 after receiving such submission.

25 “(3) STAKEHOLDER COLLABORATION.—

1 “(A) IN GENERAL.—The project has been
2 the subject of project planning under subsection
3 (g) and has been the focus of collaboration, in-
4 cluding partnerships, as appropriate, with inter-
5 ested persons or local organizations.

6 “(B) PUBLIC NOTICE.—As part of project
7 planning—

8 “(i) the public has been notified of the
9 project at minimum 30 days prior to sub-
10 mission to Office of Surface Mining Rec-
11 lamation and Enforcement and has been
12 given an opportunity to request a public
13 meeting convened in a community near the
14 proposed project site; and

15 “(ii) the State or Indian tribe pub-
16 lished notice of the proposed project 30
17 days prior to submission to Office of Sur-
18 face Mining Reclamation and Enforcement
19 and published notice of requested public
20 meetings in local newspapers of general
21 circulation, on the Internet, and by any
22 other means considered desirable by the
23 Secretary.

24 “(C) ELECTRONIC NOTIFICATION.—The
25 State or Indian tribe established a way for in-

1 interested persons to receive electronically all
2 public notices issued under subparagraph (B)
3 and any written declarations submitted to the
4 Secretary under paragraph (5).

5 “(4) ELIGIBLE APPLICANTS.—The project has
6 been proposed by entities of State, local, county, or
7 tribal governments, or local organizations, and will
8 be approved and executed by State or tribal pro-
9 grams, approved under section 405 or referred to in
10 section 402(g)(8)(B), which may include subcon-
11 tracting project-related activities, as appropriate.

12 “(5) WAIVER.—If the State or Indian tribe—
13 “(A) cannot provide documentation de-
14 scribed in paragraph (1)(B) for a project con-
15 ducted under a priority stated in paragraph (1)
16 or (2) of section 403(a); or

17 “(B) is unable to meet the requirements
18 under paragraph (2),

19 the State or Indian tribe shall submit a written dec-
20 laration to the Secretary requesting an exemption
21 from the requirements of those subparagraphs. The
22 declaration must explain why achieving favorable
23 conditions for economic or community development
24 at the project site is not practicable, or why the re-
25 quirements of paragraph (2) cannot be met, and

1 that sufficient funds distributed annually under sec-
2 tion 401 are not available to implement the project.
3 Such request for an exemption is deemed to be ap-
4 proved, except the Secretary shall deny such request
5 if the Secretary determines the declaration to be
6 substantially inadequate. Any denial of such request
7 shall be resolved at the State's or Indian tribe's re-
8 quest through the procedures described in subsection
9 (e).

10 “(d) DISTRIBUTION OF FUNDS.—

11 “(1) UNCERTIFIED STATES.—

12 “(A) IN GENERAL.—From the amount
13 made available in subsection (b), the Secretary
14 shall distribute 97.5 percent annually for each
15 of fiscal years 2021 through 2025 to States and
16 Indian tribes that have a State or tribal pro-
17 gram approved under section 405 or are re-
18 ferred to in section 402(g)(8)(B), and have not
19 made a certification under section 411(a) in
20 which the Secretary has concurred, as follows:

21 “(i) Four-fifths of such amount shall
22 be distributed based on the proportion of
23 the amount of coal historically produced in
24 each State or from the lands of each In-

1 dian tribe concerned before August 3,
2 1977.

3 “(ii) One-fifth of such amount shall be
4 distributed based on the proportion of rec-
5 lamation fees paid during the period of fis-
6 cal years 2012 through 2016 for lands in
7 each State or lands of each Indian tribe
8 concerned.

9 “(B) SUPPLEMENTAL FUNDS.—Funds dis-
10 tributed under this section—

11 “(i) shall be in addition to, and shall
12 not affect, the amount of funds distrib-
13 uted—

14 “(I) to States and Indian tribes
15 under section 401(f); and

16 “(II) to States and Indian tribes
17 that have made a certification under
18 section 411(a) in which the Secretary
19 has concurred, subject to the cap de-
20 scribed in section 402(i)(3); and

21 “(ii) shall not reduce any funds dis-
22 tributed to a State or Indian tribe by rea-
23 son of the application of section 402(g)(8).

24 “(2) ADDITIONAL FUNDING TO CERTAIN
25 STATES AND INDIAN TRIBES.—

1 “(A) ELIGIBILITY.—From the amount
2 made available in subsection (b), the Secretary
3 shall distribute 2.5 percent annually for each of
4 the five fiscal years beginning with fiscal year
5 2021 to States and Indian tribes that have a
6 State program approved under section 405 and
7 have made a certification under section 411(a)
8 in which the Secretary has concurred.

9 “(B) APPLICATION FOR FUNDS.—Using
10 the process in section 405(f), any State or In-
11 dian tribe described in subparagraph (A) may
12 submit a grant application to the Secretary for
13 funds under this paragraph. The Secretary
14 shall review each grant application to confirm
15 that the projects identified in the application
16 for funding are eligible under subsection (c).

17 “(C) DISTRIBUTION OF FUNDS.—The
18 amount of funds distributed to each State or
19 Indian tribe under this paragraph shall be de-
20 termined by the Secretary based on the dem-
21 onstrated need for the funding to accomplish
22 the purpose of this section.

23 “(3) REALLOCATION OF UNCOMMITTED
24 FUNDS.—

1 “(A) COMMITTED DEFINED.—For pur-
2 poses of this paragraph the term ‘committed’—

3 “(i) means that funds received by the
4 State or Indian tribe—

5 “(I) have been exclusively applied
6 to or reserved for a specific project
7 and therefore are not available for any
8 other purpose; or

9 “(II) have been expended or des-
10 ignated by the State or Indian tribe
11 for the completion of a project;

12 “(ii) includes use of any amount for
13 project planning under subsection (g); and

14 “(iii) reflects an acknowledgment by
15 Congress that, based on the documentation
16 required under subsection (c)(2)(B), any
17 unanticipated delays to commit such funds
18 that are outside the control of the State or
19 Indian tribe concerned shall not affect its
20 allocations under this section.

21 “(B) FISCAL YEARS 2024 AND 2025.—For
22 each of fiscal years 2024 and 2025, the Sec-
23 retary shall reallocate in accordance with sub-
24 paragraph (D) any amount available for dis-
25 tribution under this subsection that has not

1 been committed to eligible projects in the pre-
2 ceding 2 fiscal years, among the States and In-
3 dian tribes that have committed to eligible
4 projects the full amount of their annual alloca-
5 tion for the preceding fiscal year.

6 “(C) FISCAL YEAR 2026.—For fiscal year
7 2026, the Secretary shall reallocate in accord-
8 ance with subparagraph (D) any amount avail-
9 able for distribution under this subsection that
10 has not been committed to eligible projects or
11 distributed under paragraph (1)(A), among the
12 States and Indian tribes that have committed to
13 eligible projects the full amount of their annual
14 allocation for the preceding fiscal years.

15 “(D) AMOUNT OF REALLOCATION.—The
16 amount reallocated to each State or Indian
17 tribe under each of subparagraphs (B) and (C)
18 shall be determined by the Secretary to reflect,
19 to the extent practicable—

20 “(i) the proportion of unreclaimed eli-
21 gible lands and waters the State or Indian
22 tribe has in the inventory maintained
23 under section 403(c);

24 “(ii) the average of the proportion of
25 reclamation fees paid for lands in each

1 State or lands of each Indian tribe con-
2 cerned; and

3 “(iii) the proportion of coal mining
4 employment loss incurred in the State or
5 on lands of the Indian tribe, respectively,
6 as determined by the Mine Safety and
7 Health Administration, over the 5-year pe-
8 riod preceding the fiscal year for which the
9 reallocation is made.

10 “(e) RESOLUTION OF SECRETARY’S CONCERNS; CON-
11 GRESSIONAL NOTIFICATION.—If the Secretary does not
12 agree with a State or Indian tribe that a proposed project
13 meets the criteria set forth in subsection (c)—

14 “(1) the Secretary and the State or tribe shall
15 meet and confer for a period of not more than 45
16 days to resolve the Secretary’s concerns, except that
17 such period may be shortened by the Secretary if the
18 Secretary’s concerns are resolved;

19 “(2) during that period, at the State’s or In-
20 dian tribe’s request, the Secretary may consult with
21 any appropriate Federal agency; and

22 “(3) at the end of that period, if the Secretary’s
23 concerns are not resolved the Secretary shall provide
24 to the Committee on Natural Resources of the
25 House of Representatives and the Committee on En-

1 ergy and Natural Resources of the Senate an expla-
2 nation of the concerns and such project proposal
3 shall not be eligible for funds distributed under this
4 section.

5 “(f) ACID MINE DRAINAGE TREATMENT.—

6 “(1) IN GENERAL.—Subject to paragraph (2), a
7 State or Indian tribe that receives funds under this
8 section may use up to 30 percent of such funds as
9 necessary to supplement the State’s or tribe’s acid
10 mine drainage abatement and treatment fund estab-
11 lished under section 402(g)(6)(A), for future oper-
12 ation and maintenance costs for the treatment of
13 acid mine drainage associated with the individual
14 projects funded under this section. A State or Indian
15 tribe shall specify the total funds allotted for such
16 costs in its application submitted under subsection
17 (d)(2)(B).

18 “(2) CONDITION.—A State or Indian tribe may
19 use funds under this subsection only if the State or
20 tribe can demonstrate that the annual grant distrib-
21 uted to the State or tribe pursuant to section 401(f),
22 including any interest from the State’s or tribe’s
23 acid mine drainage abatement and treatment fund
24 that is not used for the operation or maintenance of
25 preexisting acid mine drainage treatment systems, is

1 insufficient to fund the operation and maintenance
2 of any acid mine drainage treatment system associ-
3 ated with an individual project funded under this
4 section.

5 “(g) PROJECT PLANNING AND ADMINISTRATION.—

6 “(1) STATES AND INDIAN TRIBES.—A State or
7 Indian tribe may use up to 10 percent of its annual
8 distribution under this section for the costs of ad-
9 ministering this section consistent with existing
10 practice under sections 401(c)(7) and 402(g)(1)(C)
11 of the Surface Mining Control and Reclamation Act
12 of 1977 and the Office of Surface Mining Reclama-
13 tion and Enforcement Federal Assistance Manual.

14 “(2) SECRETARY.—The Secretary may expend,
15 from amounts made available to the Secretary under
16 section 402(g)(3)(D), not more than \$3,000,000
17 during the fiscal years for which distributions occur
18 under subsection (b) for staffing and other adminis-
19 trative expenses necessary to carry out this section.

20 “(h) REGULATIONS AND GUIDELINES.—To the ex-
21 tent necessary to implement the provisions of this Act, the
22 Secretary shall propose rules and/or develop guidelines not
23 later than 90 days following enactment of the Act and
24 shall publish them as final rules and/or guidelines not later
25 than 90 days thereafter. Within 60 days following the

1 adoption of any such final rules and/or guidelines, the Sec-
2 retary shall distribute the funds under subsection (d).
3 Furthermore, project proposals under this Act shall be ini-
4 tially reviewed, vetted and approved by OSMRE Field Of-
5 fices within 45 days of receipt and authorizations to pro-
6 ceed shall be issued by the Field Office within 45 days
7 of request by the State or Tribe.

8 “(i) REPORT TO CONGRESS.—The Secretary shall
9 provide to the Committee on Natural Resources of the
10 House of Representatives, the Committees on Appropria-
11 tions of the House of Representatives and the Senate, and
12 the Committee on Energy and Natural Resources of the
13 Senate at the end of each fiscal year for which such funds
14 are distributed a detailed report—

15 “(1) on the various projects that have been un-
16 dertaken with such funds;

17 “(2) the extent and degree of reclamation using
18 such funds that achieved the priorities described in
19 paragraph (1) or (2) of section 403(a);

20 “(3) the community and economic benefits that
21 are resulting from, or are expected to result from,
22 the use of the funds that achieved the priorities de-
23 scribed in paragraph (3) of section 403(a); and

24 “(4) the reduction since the previous report in
25 the inventory referred to in section 403(c).

1 “(j) PROHIBITION ON CERTAIN USE OF FUNDS.—
2 Any State or Indian tribe that uses the funds distributed
3 under this section for purposes other than reclamation or
4 drainage abatement expenditures, as made eligible by sec-
5 tion 404, and for the purposes authorized under sub-
6 sections (f) and (g), shall be barred from receiving any
7 subsequent funding under this section.”.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in the first section of the Surface Mining Control and Rec-
10 lamation Act of 1977 is amended by adding at the end
11 of the items relating to title IV the following:

“Sec. 416. Abandoned mine land economic revitalization.”.

12 **SEC. 84302. TECHNICAL AND CONFORMING AMENDMENTS.**

13 The Surface Mining Control and Reclamation Act of
14 1977 is amended—

15 (1) in section 401(c) (30 U.S.C. 1231(c)), by
16 striking “and” after the semicolon at the end of
17 paragraph (10), by redesignating paragraph (11) as
18 paragraph (12), and by inserting after paragraph
19 (10) the following:

20 “(11) to implement section 416; and”;

21 (2) in section 401(d)(3) (30 U.S.C.
22 1231(d)(3)), by striking “subsection (f)” and insert-
23 ing “subsection (f) and section 416(a)”;

24 (3) in section 402(g) (30 U.S.C. 1232(g))—

1 (A) in paragraph (1), by inserting “and
2 section 416” after “subsection (h)”; and

3 (B) by adding at the end of paragraph (3)
4 the following:

5 “(F) For the purpose of section
6 416(d)(2)(A).”; and

7 (4) in section 403(c) (30 U.S.C. 1233(e)), by
8 inserting after the second sentence the following:
9 “As practicable, States and Indian tribes shall offer
10 such amendments based on the use of remote sens-
11 ing, global positioning systems, and other advanced
12 technologies.”.

13 **SEC. 84303. MINIMUM STATE PAYMENTS.**

14 Section 402(g)(8)(A) of the Surface Mining Control
15 and Reclamation Act of 1977 (30 U.S.C. 1232(g)(8)) is
16 amended by striking “\$3,000,000” and inserting
17 “\$5,000,000”.

18 **SEC. 84304. GAO STUDY OF USE OF FUNDS.**

19 Not later than 2 years after the date of the enact-
20 ment of this Act, the Comptroller General of the United
21 States shall study and report to the Congress on uses of
22 funds authorized by this subtitle, including regarding—

23 (1) the solvency of the Abandoned Mine Rec-
24 lamation Fund; and

1 (2) the impact of such use on payments and
2 transfers under the Surface Mining Control and
3 Reclamation Act of 1977 (30 U.S.C. 1201) to—

4 (A) States for which a certification has
5 been made under section 411 of such Act (30
6 U.S.C. 1241);

7 (B) States for which such a certification
8 has not been made; and

9 (C) transfers to United Mine Workers of
10 America Combined Benefit Fund.

11 **SEC. 84305. PAYMENTS TO CERTIFIED STATES NOT AF-**
12 **FFECTED.**

13 Nothing in this subtitle shall be construed to reduce
14 or otherwise affect payments under section 402(g) of the
15 Surface Mining Reclamation and Control Act of 1977 (30
16 U.S.C. 1232(g)) to States that have made a certification
17 under section 411(a) of such Act (30 U.S.C. 1240a(a))
18 in which the Secretary of the Interior has concurred.

19 **Subtitle D—Public Land**
20 **Renewable Energy Development**

21 **SEC. 84401. DEFINITIONS.**

22 In this subtitle:

23 (1) COVERED LAND.—The term “covered land”
24 means land that is—

1 (A) public lands administered by the Sec-
2 retary; and

3 (B) not excluded from the development of
4 geothermal, solar, or wind energy under—

5 (i) a land use plan established under
6 the Federal Land Policy and Management
7 Act of 1976 (43 U.S.C. 1701 et seq.); or

8 (ii) other Federal law.

9 (2) EXCLUSION AREA.—The term “exclusion
10 area” means covered land that is identified by the
11 Bureau of Land Management as not suitable for de-
12 velopment of renewable energy projects.

13 (3) FEDERAL LAND.—The term “Federal land”
14 means public lands.

15 (4) FUND.—The term “Fund” means the Re-
16 newable Energy Resource Conservation Fund estab-
17 lished by section 84408(c)(1).

18 (5) PRIORITY AREA.—The term “priority area”
19 means covered land identified by the land use plan-
20 ning process of the Bureau of Land Management as
21 being a preferred location for a renewable energy
22 project, including a designated leasing area (as de-
23 fined in section 2801.5(b) of title 43, Code of Fed-
24 eral Regulations (or a successor regulation)) that is
25 identified under the rule of the Bureau of Land

1 Management entitled “Competitive Processes,
2 Terms, and Conditions for Leasing Public Lands for
3 Solar and Wind Energy Development and Technical
4 Changes and Corrections” (81 Fed. Reg. 92122
5 (December 19, 2016)) (or a successor regulation).

6 (6) PUBLIC LANDS.—The term “public lands”
7 has the meaning given that term in section 103 of
8 the Federal Land Policy and Management Act of
9 1976 (43 U.S.C. 1702).

10 (7) RENEWABLE ENERGY PROJECT.—The term
11 “renewable energy project” means a project carried
12 out on covered land that uses wind, solar, or geo-
13 thermal energy to generate energy.

14 (8) SECRETARY.—The term “Secretary” means
15 the Secretary of the Interior.

16 (9) VARIANCE AREA.—The term “variance
17 area” means covered land that is—

18 (A) not an exclusion area;

19 (B) not a priority area; and

20 (C) identified by the Secretary as poten-
21 tially available for renewable energy develop-
22 ment and could be approved without a plan
23 amendment, consistent with the principles of
24 multiple use (as that term is defined in the

1 Federal Land Policy and Management Act of
2 1976 (43 U.S.C. 1701 et seq.).

3 **SEC. 84402. LAND USE PLANNING; SUPPLEMENTS TO PRO-**
4 **GRAMMATIC ENVIRONMENTAL IMPACT**
5 **STATEMENTS.**

6 (a) PRIORITY AREAS.—

7 (1) IN GENERAL.—The Secretary, in consulta-
8 tion with the Secretary of Energy, shall establish
9 priority areas on covered land for geothermal, solar,
10 and wind energy projects. Projects located in those
11 priority areas shall be given the highest priority for
12 review, and shall be offered the opportunity to par-
13 ticipate in any regional mitigation plan developed for
14 the relevant priority areas.

15 (2) DEADLINE.—

16 (A) GEOTHERMAL ENERGY.—For geo-
17 thermal energy, the Secretary shall establish
18 priority areas as soon as practicable, but not
19 later than 5 years, after the date of the enact-
20 ment of this Act.

21 (B) SOLAR ENERGY.—For solar energy,
22 solar Designated Leasing Areas, including the
23 solar energy zones established by the 2012
24 western solar plan of the Bureau of Land Man-
25 agement and any subsequent land use plan

1 amendments, shall be considered to be priority
2 areas for solar energy projects. The Secretary
3 shall establish additional solar priority areas as
4 soon as practicable, but not later than 3 years,
5 after the date of the enactment of this Act.

6 (C) WIND ENERGY.—For wind energy, the
7 Secretary shall establish additional wind pri-
8 ority areas as soon as practicable, but not later
9 than 3 years, after the date of the enactment
10 of this Act.

11 (b) VARIANCE AREAS.—To the maximum extent
12 practicable, variance areas shall be considered for renew-
13 able energy project development, consistent with the prin-
14 ciples of multiple use (as defined in the Federal Land Pol-
15 icy and Management Act of 1976 (43 U.S.C. 1701 et
16 seq.)).

17 (c) REVIEW AND MODIFICATION.—Not less than once
18 every 5 years, the Secretary shall—

19 (1) review the adequacy of land allocations for
20 geothermal, solar, and wind energy priority and vari-
21 ance areas for the purpose of encouraging new re-
22 newable energy development opportunities; and

23 (2) based on the review carried out under para-
24 graph (1), add, modify, or eliminate priority, vari-
25 ance, and exclusion areas.

1 (d) COMPLIANCE WITH THE NATIONAL ENVIRON-
2 MENTAL POLICY ACT.—For purposes of this section, com-
3 pliance with the National Environmental Policy Act of
4 1969 (42 U.S.C. 4321 et seq.) shall be accomplished—

5 (1) for geothermal energy, by supplementing
6 the October 2008 final programmatic environmental
7 impact statement for geothermal leasing in the
8 Western United States and incorporating any addi-
9 tional regional analyses that have been completed by
10 Federal agencies since the programmatic environ-
11 mental impact statement was finalized;

12 (2) for solar energy, by supplementing the July
13 2012 final programmatic environmental impact
14 statement for solar energy development and incor-
15 porating any additional regional analyses that have
16 been completed by Federal agencies since the pro-
17 grammatic environmental impact statement was fi-
18 nalized; and

19 (3) for wind energy, by supplementing the July
20 2005 final programmatic environmental impact
21 statement for wind energy development and incor-
22 porating any additional regional analyses that have
23 been completed by Federal agencies since the pro-
24 grammatic environmental impact statement was fi-
25 nalized.

1 (e) NO EFFECT ON PROCESSING APPLICATIONS.—
2 Any requirements to prepare a supplement to a pro-
3 grammatic environmental impact statement under this
4 section shall not result in any delay in processing a pend-
5 ing application for a renewable energy project.

6 (f) COORDINATION.—In developing a supplement re-
7 quired by this section, the Secretary shall coordinate, on
8 an ongoing basis, with appropriate State, Tribal, and local
9 governments, transmission infrastructure owners and op-
10 erators, developers, and other appropriate entities to en-
11 sure that priority areas identified by the Secretary are—

12 (1) economically viable (including having access
13 to existing and/or planned transmission lines);

14 (2) likely to avoid or minimize impacts to habi-
15 tat for animals and plants, recreation, cultural re-
16 sources, and other uses of covered land; and

17 (3) consistent with section 202 of the Federal
18 Land Policy and Management Act of 1976 (43
19 U.S.C. 1712), including subsection (c)(9) of that
20 section (43 U.S.C. 1712(c)(9)).

21 **SEC. 84403. ENVIRONMENTAL REVIEW ON COVERED LAND.**

22 (a) IN GENERAL.—If the Secretary determines that
23 a proposed renewable energy project has been sufficiently
24 analyzed by a programmatic environmental impact state-
25 ment conducted under section 84402(d), the Secretary

1 shall not require any additional review under the National
2 Environmental Policy Act of 1969 (42 U.S.C. 4321 et
3 seq.). The Secretary shall publish any such project deter-
4 minations on a publicly available website.

5 (b) **ADDITIONAL ENVIRONMENTAL REVIEW.**—If the
6 Secretary determines that additional environmental review
7 under the National Environmental Policy Act of 1969 (42
8 U.S.C. 4321 et seq.) is necessary for a proposed renewable
9 energy project, the Secretary shall rely on the analysis in
10 the programmatic environmental impact statement con-
11 ducted under section 84402(d), to the maximum extent
12 practicable when analyzing the potential impacts of the
13 project.

14 (c) **RELATIONSHIP TO OTHER LAW.**—Nothing in this
15 section modifies or supersedes any requirement under ap-
16 plicable law.

17 **SEC. 84404. PROGRAM TO IMPROVE RENEWABLE ENERGY**
18 **PROJECT PERMIT COORDINATION.**

19 (a) **ESTABLISHMENT.**—The Secretary shall establish
20 a national Renewable Energy Coordination Office and
21 State, district, or field offices with responsibility to estab-
22 lish and implement a program to improve Federal permit
23 coordination with respect to renewable energy projects on
24 covered land and other activities deemed necessary by the
25 Secretary. In carrying out the program, the Secretary may

1 temporarily assign qualified staff to Renewable Energy
2 Coordination Offices to expedite the permitting of renew-
3 able energy projects.

4 (b) MEMORANDUM OF UNDERSTANDING.—

5 (1) IN GENERAL.—Not later than 180 days
6 after the date of the enactment of this Act, the Sec-
7 retary shall enter into a memorandum of under-
8 standing for purposes of this section, including to
9 specifically expedite the environmental analysis of
10 applications for projects proposed in a variance area
11 or a priority area, with the Secretary of Defense.

12 (2) STATE AND TRIBAL PARTICIPATION.—The
13 Secretary may request the Governor of any inter-
14 ested State or any Tribal leader of any interested
15 Indian Tribe (as defined in section 4 of the Indian
16 Self-Determination and Education Assistance Act
17 (25 U.S.C. 5304)) to be a signatory to the memo-
18 randum of understanding under paragraph (1).

19 (c) DESIGNATION OF QUALIFIED STAFF.—

20 (1) IN GENERAL.—Not later than 30 days after
21 the date on which the memorandum of under-
22 standing under subsection (b) is executed, all Fed-
23 eral signatories, as appropriate, shall identify for
24 each of the Bureau of Land Management Renewable
25 Energy Coordination Offices one or more employees

1 who have expertise in the regulatory issues relating
2 to the office in which the employee is employed, in-
3 cluding, as applicable, particular expertise in—

4 (A) consultation regarding, and prepara-
5 tion of, biological opinions under section 7 of
6 the Endangered Species Act of 1973 (16 U.S.C.
7 1536);

8 (B) permits under section 404 of the Fed-
9 eral Water Pollution Control Act (33 U.S.C.
10 1344);

11 (C) regulatory matters under the Clean Air
12 Act (42 U.S.C. 7401 et seq.);

13 (D) the Federal Land Policy and Manage-
14 ment Act of 1976 (43 U.S.C. 1701 et seq.);

15 (E) the Migratory Bird Treaty Act (16
16 U.S.C. 703 et seq.);

17 (F) the preparation of analyses under the
18 National Environmental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.);

20 (G) implementation of the requirements of
21 section 306108 of title 54, United States Code
22 (formerly known as section 106 of the National
23 Historic Preservation Act);

24 (H) the Bald and Golden Eagle Protection
25 Act (16 U.S.C. 668 through 668d); and

1 (I) section 100101(a), chapter 1003, and
2 sections 100751(a), 100752, 100753 and
3 102101 of title 54 , United States Code (pre-
4 viously known as the “National Park Service
5 Organic Act”).

6 (2) DUTIES.—Each employee assigned under
7 paragraph (1) shall—

8 (A) be responsible for addressing all issues
9 relating to the jurisdiction of the home office or
10 agency of the employee; and

11 (B) participate as part of the team of per-
12 sonnel working on proposed energy projects,
13 planning, monitoring, inspection, enforcement,
14 and environmental analyses.

15 (d) ADDITIONAL PERSONNEL.—The Secretary may
16 assign such additional personnel for the Bureau of Land
17 Management Renewable Energy Coordination Offices as
18 are necessary to ensure the effective implementation of
19 any programs administered by the offices in accordance
20 with the multiple use mandate of the Federal Land Policy
21 and Management Act of 1976 (43 U.S.C. 1701 et seq.).

22 (e) CLARIFICATION OF EXISTING AUTHORITY.—
23 Under section 307 of the Federal Land Policy and Man-
24 agement Act of 1976 (43 U.S.C. 1737), the Bureau of
25 Land Management may—

1 (1) accept donations for the purposes of public
2 lands management; and

3 (2) accept donations from renewable energy
4 companies working on public lands to help cover the
5 costs of environmental reviews.

6 (f) REPORT TO CONGRESS.—

7 (1) IN GENERAL.—Not later than February 1
8 of the first fiscal year beginning after the date of the
9 enactment of this Act, and each February 1 there-
10 after, the Secretary shall submit to the Committee
11 on Energy and Natural Resources of the Senate and
12 the Committee on Natural Resources of the House
13 of Representatives a report describing the progress
14 made under the program established under sub-
15 section (a) during the preceding year.

16 (2) INCLUSIONS.—Each report under this sub-
17 section shall include—

18 (A) projections for renewable energy pro-
19 duction and capacity installations; and

20 (B) a description of any problems relating
21 to leasing, permitting, siting, or production.

22 **SEC. 84405. INCREASING ECONOMIC CERTAINTY.**

23 (a) CONSIDERATIONS.—The Secretary is authorized
24 to and shall consider acreage rental rates, capacity fees,
25 and other recurring annual fees in total when evaluating

1 existing rates paid for the use of Federal land by renew-
2 able energy projects.

3 (b) INCREASES IN BASE RENTAL RATES.—Once a
4 base rental rate is established upon the issuance of a
5 right-of-way authorization, increases in the base rent shall
6 be limited to the Implicit Price Deflator–Gross Domestic
7 Product (IPD–GDP) index for the entire term of the
8 right-of-way authorization.

9 (c) REDUCTIONS IN BASE RENTAL RATES.—The
10 Secretary is authorized to reduce acreage rental rates and
11 capacity fees, or both, for existing and new wind and solar
12 authorizations if the Secretary determines—

13 (1) that the existing rates—

14 (A) exceed fair market value;

15 (B) impose economic hardships;

16 (C) limit commercial interest in a competi-
17 tive lease sale or right-of-way grant; or

18 (D) are not competitively priced compared
19 to other available land; or

20 (2) that a reduced rental rate or capacity fee is
21 necessary to promote the greatest use of wind and
22 solar energy resources, especially those resources in-
23 side priority areas. Rental rates and capacity fees
24 for projects that are within the boundaries of a Des-
25 ignated Leasing Area but not formally recognized as

1 being in such an area shall be equivalent to rents
2 and fees for new leases inside of a Designated Leas-
3 ing Area.

4 **SEC. 84406. LIMITED GRANDFATHERING.**

5 (a) DEFINITION OF PROJECT.—In this section, the
6 term “project” means a system described in section
7 2801.9(a)(4) of title 43, Code of Federal Regulations (as
8 in effect on the date of enactment of this Act).

9 (b) REQUIREMENT TO PAY RENTS AND FEES.—Un-
10 less otherwise agreed to by the owner of a project, the
11 owner of a project that applied for a right-of-way under
12 section 501 of the Federal Land Policy and Management
13 Act of 1976 (43 U.S.C. 1761) on or before December 19,
14 2016, shall be obligated to pay with respect to the right-
15 of-way all rents and fees in effect before the effective date
16 of the rule of the Bureau of Land Management entitled
17 “Competitive Processes, Terms, and Conditions for Leas-
18 ing Public Lands for Solar and Wind Energy Development
19 and Technical Changes and Corrections” (81 Fed. Reg.
20 92122 (December 19, 2016)).

21 **SEC. 84407. RENEWABLE ENERGY GOAL.**

22 The Secretary shall seek to issue permits that, in
23 total, authorize production of not less than 25 gigawatts
24 of electricity from wind, solar, and geothermal energy

1 projects by not later than 2025, through management of
2 public lands and administration of Federal laws.

3 **SEC. 84408. DISPOSITION OF REVENUES.**

4 (a) DISPOSITION OF REVENUES.—Beginning on Jan-
5 uary 1, 2020, of the amounts collected as bonus bids, rent-
6 als, fees, or other payments under a right-of-way, permit,
7 lease, or other authorization (other than under section
8 504(g) of the Federal Land Policy and Management Act
9 of 1976 (43 U.S.C. 1764(g))) for the development of wind
10 or solar energy on covered land the following shall be made
11 available without further appropriation or fiscal year limi-
12 tation as follows:

13 (1) Twenty-five percent shall be paid by the
14 Secretary of the Treasury to the State within the
15 boundaries of which the revenue is derived.

16 (2) Twenty-five percent shall be paid by the
17 Secretary of the Treasury to the one or more coun-
18 ties within the boundaries of which the revenue is
19 derived, to be allocated among the counties based on
20 the percentage of land from which the revenue is de-
21 rived.

22 (3) Fifteen percent shall be deposited in the
23 Treasury and be made available to the Secretary to
24 carry out the program established under this sub-
25 title, including the transfer of the funds by the Bu-

1 reau of Land Management to other Federal agencies
2 and State agencies to facilitate the processing of re-
3 newable energy permits on Federal land, with pri-
4 ority given to using the amounts, to the maximum
5 extent practicable without detrimental impacts to
6 emerging markets, to expediting the issuance of per-
7 mits required for the development of renewable en-
8 ergy projects in the States from which the revenues
9 are derived.

10 (4) Twenty-five percent shall be deposited in
11 the Renewable Energy Resource Conservation Fund
12 established by subsection (c).

13 (5) The remainder shall be deposited into the
14 general fund of the Treasury for purposes of reduc-
15 ing the annual Federal budget deficit.

16 (b) PAYMENTS TO STATES AND COUNTIES.—

17 (1) IN GENERAL.—Amounts paid to States and
18 counties under subsection (a) shall be used con-
19 sistent with section 35 of the Mineral Leasing Act
20 (30 U.S.C. 191).

21 (2) PAYMENTS IN LIEU OF TAXES.—A payment
22 to a county under paragraph (1) shall be in addition
23 to a payment in lieu of taxes received by the county
24 under chapter 69 of title 31, United States Code.

1 (c) RENEWABLE ENERGY RESOURCE CONSERVATION
2 FUND.—

3 (1) IN GENERAL.—There is established in the
4 Treasury a fund to be known as the Renewable En-
5 ergy Resource Conservation Fund, which shall be
6 administered by the Secretary.

7 (2) USE OF FUNDS.—The Secretary may make
8 amounts in the Fund available to Federal, State,
9 local, and Tribal agencies to be distributed in re-
10 gions in which renewable energy projects are located
11 on Federal land, for the purposes of—

12 (A) restoring and protecting—

13 (i) fish and wildlife habitat for af-
14 fected species;

15 (ii) fish and wildlife corridors for af-
16 fected species; and

17 (iii) wetlands, streams, rivers, and
18 other natural water bodies in areas af-
19 fected by wind, geothermal, or solar energy
20 development; and

21 (B) preserving and improving recreational
22 access to Federal land and water in an affected
23 region through an easement, right-of-way, or
24 other instrument from willing landowners for
25 the purpose of enhancing public access to exist-

1 ing Federal land and water that is inaccessible
2 or restricted.

3 (3) RESTRICTION ON USE OF FUNDS.—No
4 funds made available under this subsection may be
5 used for the purchase of real property unless in ful-
6 fillment of paragraph (2)(B).

7 (4) PARTNERSHIPS.—The Secretary may enter
8 into cooperative agreements with State and Tribal
9 agencies, nonprofit organizations, and other appro-
10 priate entities to carry out the activities described in
11 subparagraphs (A) and (B) of paragraph (2).

12 (5) INVESTMENT OF FUND.—

13 (A) IN GENERAL.—Any amounts deposited
14 in the Fund shall earn interest in an amount
15 determined by the Secretary of the Treasury on
16 the basis of the current average market yield on
17 outstanding marketable obligations of the
18 United States of comparable maturities.

19 (B) USE.—Any interest earned under sub-
20 paragraph (A) may be expended in accordance
21 with this subsection.

22 (6) REPORT TO CONGRESS.—At the end of each
23 fiscal year, the Secretary shall report to the Com-
24 mittee on Natural Resources of the House of Rep-

1 representatives and the Committee on Energy and Nat-
2 ural Resources of the Senate—

3 (A) the amount collected as described in
4 subsection (a), by source, during that fiscal
5 year;

6 (B) the amount and purpose of payments
7 during that fiscal year to each Federal, State,
8 local, and Tribal agency under paragraph (2);
9 and

10 (C) the amount remaining in the Fund at
11 the end of the fiscal year.

12 (7) INTENT OF CONGRESS.—It is the intent of
13 Congress that the revenues deposited and used in
14 the Fund shall supplement (and not supplant) an-
15 nual appropriations for activities described in sub-
16 paragraphs (A) and (B) of paragraph (2).

17 **SEC. 84409. PROMOTING AND ENHANCING DEVELOPMENT**
18 **OF GEOTHERMAL ENERGY.**

19 (a) IN GENERAL.—Section 234(a) of the Energy Pol-
20 icy Act of 2005 (42 U.S.C. 15873(a)) is amended by strik-
21 ing “in the first 5 fiscal years beginning after the date
22 of enactment of this Act” and inserting “through fiscal
23 year 2022”.

24 (b) AUTHORIZATION.—Section 234(b) of the Energy
25 Policy Act of 2005 (42 U.S.C. 15873(b)) is amended—

1 (1) by striking “Amounts” and inserting the
2 following:

3 “(1) IN GENERAL.—Amounts”; and

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

5 “(2) AUTHORIZATION.—Effective for fiscal year
6 2019 and each fiscal year thereafter, amounts de-
7 posited under subsection (a) shall be available to the
8 Secretary of the Interior for expenditure, without
9 further appropriation or fiscal year limitation, to im-
10 plement the Geothermal Steam Act of 1970 (30
11 U.S.C. 1001 et seq.) and this Act.”.

12 **SEC. 84410. FACILITATION OF COPRODUCTION OF GEO-**
13 **THERMAL ENERGY ON OIL AND GAS LEASES.**

14 Section 4(b) of the Geothermal Steam Act of 1970
15 (30 U.S.C. 1003(b)) is amended by adding at the end the
16 following:

17 “(4) LAND SUBJECT TO OIL AND GAS LEASE.—

18 Land under an oil and gas lease issued pursuant to
19 the Mineral Leasing Act (30 U.S.C. 181 et seq.) or
20 the Mineral Leasing Act for Acquired Lands (30
21 U.S.C. 351 et seq.) that is subject to an approved
22 application for permit to drill and from which oil
23 and gas production is occurring may be available for
24 noncompetitive leasing under subsection (c) by the
25 holder of the oil and gas lease—

1 “(A) on a determination that geothermal
2 energy will be produced from a well producing
3 or capable of producing oil and gas; and

4 “(B) in order to provide for the coproduc-
5 tion of geothermal energy with oil and gas.”.

6 **SEC. 84411. NONCOMPETITIVE LEASING OF ADJOINING**
7 **AREAS FOR DEVELOPMENT OF GEOTHERMAL**
8 **RESOURCES.**

9 Section 4(b) of the Geothermal Steam Act of 1970
10 (30 U.S.C. 1003(b)) is further amended by adding at the
11 end the following:

12 “(5) ADJOINING LAND.—

13 “(A) DEFINITIONS.—In this paragraph:

14 “(i) FAIR MARKET VALUE PER
15 ACRE.—The term ‘fair market value per
16 acre’ means a dollar amount per acre
17 that—

18 “(I) except as provided in this
19 clause, shall be equal to the market
20 value per acre (taking into account
21 the determination under subparagraph
22 (B)(iii) regarding a valid discovery on
23 the adjoining land) as determined by
24 the Secretary under regulations issued
25 under this paragraph;

1 “(II) shall be determined by the
2 Secretary with respect to a lease
3 under this paragraph, by not later
4 than the end of the 180-day period
5 beginning on the date the Secretary
6 receives an application for the lease;
7 and

8 “(III) shall be not less than the
9 greater of—

10 “(aa) 4 times the median
11 amount paid per acre for all land
12 leased under this Act during the
13 preceding year; or

14 “(bb) \$50.

15 “(ii) INDUSTRY STANDARDS.—The
16 term ‘industry standards’ means the stand-
17 ards by which a qualified geothermal pro-
18 fessional assesses whether downhole or
19 flowing temperature measurements with
20 indications of permeability are sufficient to
21 produce energy from geothermal resources,
22 as determined through flow or injection
23 testing or measurement of lost circulation
24 while drilling.

1 “(iii) QUALIFIED FEDERAL LAND.—

2 The term ‘qualified Federal land’ means
3 land that is otherwise available for leasing
4 under this Act.

5 “(iv) QUALIFIED GEOTHERMAL PRO-

6 FESSIONAL.—The term ‘qualified geo-
7 thermal professional’ means an individual
8 who is an engineer or geoscientist in good
9 professional standing with at least 5 years
10 of experience in geothermal exploration,
11 development, or project assessment.

12 “(v) QUALIFIED LESSEE.—The term

13 ‘qualified lessee’ means a person who may
14 hold a geothermal lease under this Act (in-
15 cluding applicable regulations).

16 “(vi) VALID DISCOVERY.—The term

17 ‘valid discovery’ means a discovery of a
18 geothermal resource by a new or existing
19 slim hole or production well, that exhibits
20 downhole or flowing temperature measure-
21 ments with indications of permeability that
22 are sufficient to meet industry standards.

23 “(B) AUTHORITY.—An area of qualified

24 Federal land that adjoins other land for which
25 a qualified lessee holds a legal right to develop

1 geothermal resources may be available for a
2 noncompetitive lease under this section to the
3 qualified lessee at the fair market value per
4 acre, if—

5 “(i) the area of qualified Federal
6 land—

7 “(I) consists of not less than 1
8 acre and not more than 640 acres;
9 and

10 “(II) is not already leased under
11 this Act or nominated to be leased
12 under subsection (a);

13 “(ii) the qualified lessee has not pre-
14 viously received a noncompetitive lease
15 under this paragraph in connection with
16 the valid discovery for which data has been
17 submitted under clause (iii)(I); and

18 “(iii) sufficient geological and other
19 technical data prepared by a qualified geo-
20 thermal professional has been submitted by
21 the qualified lessee to the applicable Fed-
22 eral land management agency that would
23 lead individuals who are experienced in the
24 subject matter to believe that—

1 “(I) there is a valid discovery of
2 geothermal resources on the land for
3 which the qualified lessee holds the
4 legal right to develop geothermal re-
5 sources; and

6 “(II) that geothermal feature ex-
7 tends into the adjoining areas.

8 “(C) DETERMINATION OF FAIR MARKET
9 VALUE.—

10 “(i) IN GENERAL.—The Secretary
11 shall—

12 “(I) publish a notice of any re-
13 quest to lease land under this para-
14 graph;

15 “(II) determine fair market value
16 for purposes of this paragraph in ac-
17 cordance with procedures for making
18 those determinations that are estab-
19 lished by regulations issued by the
20 Secretary;

21 “(III) provide to a qualified les-
22 see and publish, with an opportunity
23 for public comment for a period of 30
24 days, any proposed determination
25 under this subparagraph of the fair

1 market value of an area that the
2 qualified lessee seeks to lease under
3 this paragraph; and

4 “(IV) provide to the qualified les-
5 see and any adversely affected party
6 the opportunity to appeal the final de-
7 termination of fair market value in an
8 administrative proceeding before the
9 applicable Federal land management
10 agency, in accordance with applicable
11 law (including regulations).

12 “(ii) LIMITATION ON NOMINATION.—
13 After publication of a notice of request to
14 lease land under this paragraph, the Sec-
15 retary may not accept under subsection (a)
16 any nomination of the land for leasing un-
17 less the request has been denied or with-
18 drawn.

19 “(iii) ANNUAL RENTAL.—For pur-
20 poses of section 5(a)(3), a lease awarded
21 under this paragraph shall be considered a
22 lease awarded in a competitive lease sale.

23 “(D) REGULATIONS.—Not later than 270
24 days after the date of the enactment of this

1 paragraph, the Secretary shall issue regulations
2 to carry out this paragraph.”.

3 **SEC. 84412. SAVINGS CLAUSE.**

4 Notwithstanding any other provision of this subtitle,
5 the Secretary shall continue to manage public lands under
6 the principles of multiple use and sustained yield in ac-
7 cordance with title I of the Federal Land Policy and Man-
8 agement Act of 1976 (43 U.S.C. 1701 et seq.), including
9 due consideration of mineral and nonrenewable energy-re-
10 lated projects and other nonrenewable energy uses, for the
11 purposes of land use planning, permit processing, and con-
12 ducting environmental reviews.

13 **Subtitle E—Offshore Wind Jobs**
14 **and Opportunity**

15 **SEC. 84501. OFFSHORE WIND CAREER TRAINING GRANT**
16 **PROGRAM.**

17 The Outer Continental Shelf Lands Act (43 U.S.C.
18 1331 et seq.) is amended by adding at the end the fol-
19 lowing:

20 **“SEC. 33. OFFSHORE WIND CAREER TRAINING GRANT PRO-**
21 **GRAM.**

22 “(a) GRANTS AUTHORIZED.—Beginning 180 days
23 after the date of the enactment of this section, the Sec-
24 retary may award offshore wind career training grants to
25 eligible entities for the purpose of establishing or expand-

1 ing educational or career training programs that provide
2 individuals in such programs skills and competencies nec-
3 essary for employment in the offshore wind industry.

4 “(b) ALLOCATION OF GRANTS.—

5 “(1) LIMITATION ON GRANT QUANTITY AND
6 SIZE.—An eligible entity may not be awarded—

7 “(A) more than one grant under this sec-
8 tion for which the eligible entity is the lead ap-
9 plicant; or

10 “(B) a grant under this section in excess
11 of \$2,500,000.

12 “(2) ALLOCATION TO COMMUNITY COLLEGES.—

13 Not less than 25 percent of the total amount award-
14 ed under this section for a fiscal year shall be
15 awarded to eligible entities that are community col-
16 leges.

17 “(c) PARTNERSHIPS.—An eligible entity seeking to
18 receive a grant under this section shall establish or partner
19 with one or more of the following:

20 “(1) Another eligible entity (including an eligi-
21 ble entity that is a community college).

22 “(2) A State or local government agency re-
23 sponsible for education, workforce development or
24 offshore wind energy activities.

25 “(3) A qualified intermediary.

1 “(d) USE OF GRANT.—An eligible entity may use a
2 grant awarded under this section for the following activi-
3 ties:

4 “(1) Occupational skills training, including cur-
5 riculum development and class-room instruction.

6 “(2) Safety and health training.

7 “(3) The provision of English language acquisi-
8 tion and employability skills.

9 “(4) Individual referral and tuition assistance
10 for a community college training program.

11 “(5) Career pathway development or expansion
12 for offshore wind industry occupations.

13 “(6) The development or expansion of work-
14 based learning or incumbent worker training pro-
15 grams aligned with career pathways in a field re-
16 lated to the offshore wind industry, such as paid in-
17 ternships, registered apprenticeships and programs
18 articulating to an apprenticeship program, cus-
19 tomized training, or transitional jobs.

20 “(7) Curriculum development at the under-
21 graduate and postgraduate levels.

22 “(8) Development and support of offshore wind
23 energy major, minor, or certificate programs.

24 “(9) Such other activities, as determined by the
25 Secretary, to meet the purposes of this section.

1 “(e) GRANT PROPOSALS.—

2 “(1) SUBMISSION PROCEDURE FOR GRANT PRO-
3 POSALS.—An eligible entity seeking to receive a
4 grant under this section shall submit a grant pro-
5 posal to the Secretary at such time, in such manner,
6 and containing such information as the Secretary
7 may require.

8 “(2) CONTENT OF GRANT PROPOSALS.—A
9 grant proposal submitted to the Secretary under this
10 section shall include a detailed description of—

11 “(A) the specific project for which the
12 grant proposal is submitted, including the man-
13 ner in which the grant will be used to develop,
14 offer, or improve an educational or career train-
15 ing program that will provide individuals in
16 such program the skills and competencies nec-
17 essary for employment in the offshore wind in-
18 dustry;

19 “(B) any previous experience of the eligible
20 entity in providing such educational or career
21 training programs;

22 “(C) the extent to which such project will
23 meet the educational or career training needs;

24 “(D) the quantitative data that dem-
25 onstrates the demand for employment for such

1 program in the geographic area served by the
2 eligible entity, including wages and benefits for
3 such employment;

4 “(E) a description of the entities involved
5 in the industry or sector partnership; and

6 “(F) a description of the activities the eli-
7 gible entity will carry out.

8 “(f) CRITERIA FOR AWARD OF GRANTS.—

9 “(1) IN GENERAL.—Subject to appropriations,
10 the Secretary shall award grants under this section
11 based on an evaluation of—

12 “(A) the merits of the grant proposal;

13 “(B) the available or projected employment
14 opportunities, including the projected wages
15 and benefits, available to individuals who com-
16 plete the educational or career training program
17 that the eligible entity proposes to develop,
18 offer, or improve; and

19 “(C) the availability and capacity of exist-
20 ing educational or career training programs in
21 the community to meet future demand for such
22 programs.

23 “(2) PRIORITY.—Priority in awarding grants
24 under this section shall be given to an eligible entity
25 that—

1 “(A) is—

2 “(i) an institute of higher education
3 that has formed a partnership with a labor
4 organization or joint-labor management or-
5 ganization; or

6 “(ii) a labor organization or joint-
7 labor management organization that has
8 formed a partnership with an institute of
9 higher education;

10 “(B) has entered into a memorandum of
11 understanding with one or more employers in
12 the offshore wind industry to partner on the es-
13 tablishment or expansion of programs funded
14 under this Act;

15 “(C) is located in an economically dis-
16 tressed area;

17 “(D) serves a high number or high per-
18 centage of individuals who are—

19 “(i) dislocated workers (particularly
20 workers dislocated from the offshore oil
21 and gas, onshore fossil fuel, nuclear en-
22 ergy, or fishing industries);

23 “(ii) veterans, members of the reserve
24 components of the Armed Forces, or

1 former members of such reserve compo-
2 nents;

3 “(iii) unemployed, underemployed, or
4 disconnected;

5 “(iv) individuals with barriers to em-
6 ployment;

7 “(v) in-school and out-of-school youth;
8 or

9 “(vi) formerly incarcerated, adju-
10 dicated, nonviolent offenders;

11 “(E) an eligible entity that proposes to
12 serve a high percentage or number of low-in-
13 come or minority students; or

14 “(F) demonstration of or established plans
15 for the eligible entity to be included on the list
16 of eligible providers of training services de-
17 scribed in section 122(d) of the Workforce In-
18 novation and Opportunity Act (29 U.S.C.
19 3152(d)).

20 “(3) GEOGRAPHIC DISTRIBUTION.—The Sec-
21 retary shall, to the extent practicable, award grants
22 under this section in a manner that provides for a
23 reasonable geographic distribution, except that the
24 Secretary shall not be required to award grants

1 equally among different regions of the United
2 States.

3 “(g) MATCHING REQUIREMENTS.—A grant awarded
4 under this section may not be used to satisfy any non-
5 Federal funds matching requirement under any other pro-
6 vision of law.

7 “(h) GRANTEE DATA COLLECTION.—

8 “(1) IN GENERAL.—A grantee, with respect to
9 the educational or career training program for which
10 the grantee received a grant under this section, shall
11 collect and report to the Secretary on an annual
12 basis the following:

13 “(A) The number of participants enrolled
14 in the educational or career training program.

15 “(B) The number of participants that have
16 completed the educational or career training
17 programing the last 12 months.

18 “(C) The services received by such partici-
19 pants, including a description of training, edu-
20 cation, and supportive services.

21 “(D) The amount spent by the grantee per
22 participant.

23 “(E) The percentage of job placement of
24 participants in the offshore wind industry or re-
25 lated fields.

1 “(F) The percentage of employment reten-
2 tion—

3 “(i) if the eligible entity is not an in-
4 stitution of higher education, 1 year after
5 completion of the educational or career
6 training program; or

7 “(ii) if the eligible entity is an institu-
8 tion of higher education, 1 year after com-
9 pletion of the educational or career train-
10 ing program or 1 year after the participant
11 is no longer enrolled in such institution of
12 higher education, whichever is later.

13 “(G) The percentage of program partici-
14 pants who obtain a recognized postsecondary
15 credential, or a secondary school diploma or its
16 recognized equivalent during participation in or
17 within 1 year after exit from the program.

18 “(2) DISAGGREGATION OF DATA.—The data
19 collected and reported under this subsection shall be
20 disaggregated by each population specified in section
21 3(24) of the Workforce Innovation and Opportunity
22 Act (29 U.S.C. 3102(24)) and by race, ethnicity,
23 sex, and age.

24 “(3) ASSISTANCE FROM SECRETARY.—The Sec-
25 retary shall assist grantees in the collection of data

1 under this subsection by making available, where
2 practicable, low-cost means of tracking the labor
3 market outcomes of participants (including through
4 coordination with the Secretary of Labor) and by
5 providing standardized reporting forms, where ap-
6 propriate. The Secretary shall provide technical as-
7 sistance and oversight to assist the eligible entities
8 in applying for and administering grants.

9 “(j) GUIDELINES.—Not later than 90 days after the
10 date of the enactment of this section, the Secretary shall—

11 “(1) promulgate guidelines for the submission
12 of grant proposals; and

13 “(2) publish and maintain such guidelines on a
14 public website of the Secretary.

15 “(k) REPORTING REQUIREMENT.—Not later than 18
16 months after the date of the enactment of this section,
17 and every 2 years thereafter, the Secretary shall submit
18 a report to the Committee on Natural Resources of the
19 House of Representatives, the Committee on Energy and
20 Natural Resources of the Senate, the Committee on Edu-
21 cation and Labor of the House of Representatives, and
22 the Committee on Health, Education, Labor, and Pen-
23 sions of the Senate on the grant program established by
24 this section. The report shall include a description of the

1 grantees and the activities for which grantees used a grant
2 awarded under this section.

3 “(l) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated for purposes of this sec-
5 tion \$25,000,000 for each of fiscal years 2020 through
6 2024. The Secretary may use not more than 2 percent
7 of the amount appropriated for each fiscal year for admin-
8 istrative expenses, including the expenses of providing the
9 technical assistance and oversight activities.

10 “(m) DEFINITIONS.—In this section:

11 “(1) APPRENTICESHIP, APPRENTICESHIP PRO-
12 GRAM.—The term ‘apprenticeship’ or ‘apprenticeship
13 program’ means an apprenticeship program reg-
14 istered under the Act of August 16, 1937 (commonly
15 known as the ‘National Apprenticeship Act’; 50
16 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), in-
17 cluding any requirement, standard, or rule promul-
18 gated under such Act, as such requirement, stand-
19 ard, or rule was in effect on December 30, 2019.
20 Any funds made available under this Act that are
21 used to fund an apprenticeship or apprenticeship
22 program shall only be used for, or provided to, an
23 apprenticeship or apprenticeship program that meets
24 this definition, including any funds awarded for the
25 purposes of grants, contracts, or cooperative agree-

1 ments, or the development, implementation, or ad-
2 ministration, of an apprenticeship or an apprentice-
3 ship program.

4 “(2) COMMUNITY COLLEGE.—The term ‘com-
5 munity college’ has the meaning given the term ‘jun-
6 ior or community college’ in section 312(f) of the
7 Higher Education Act of 1965 (20 U.S.C. 1058(f)).

8 “(3) ELIGIBLE ENTITY.—The term ‘eligible en-
9 tity’ means an entity that is—

10 “(A) an institution of higher education, as
11 such term is defined in section 101 of the High-
12 er Education Act of 1965 (20 U.S.C. 1001)); or

13 “(B) a labor organization or a joint labor
14 management organization.

15 “(4) GRANTEE.—The term ‘grantee’ means an
16 eligible entity that has received a grant under this
17 section.

18 “(5) LEAD APPLICANT.—The term ‘lead appli-
19 cant’ means the eligible entity that is primarily re-
20 sponsible for the preparation, conduct, and adminis-
21 tration of the project for which the grant was award-
22 ed.

23 “(6) SECRETARY.—The term ‘Secretary’ means
24 the Secretary of the Interior, in consultation with

1 the Secretary of Energy, the Secretary of Education,
2 and the Secretary of Labor.

3 “(7) CARL D. PERKINS CAREER AND TECH-
4 NICAL EDUCATION ACT TERMS.—The terms ‘area ca-
5 reer and technical education school’, ‘qualified inter-
6 mediary’, ‘Tribal educational agency’, and ‘work-
7 based learning’ have the meanings given the terms
8 in section 3 of the Carl D. Perkins Career and Tech-
9 nical Education Act of 2006 (20 U.S.C. 2302).

10 “(8) WORKFORCE INNOVATION AND OPPOR-
11 TUNITY ACT TERMS.—The terms ‘career pathway’,
12 ‘dislocated worker’, ‘English language acquisition’,
13 ‘in-school youth’, ‘individuals with barriers to em-
14 ployment’, ‘industry or sector partnership’, ‘on-the-
15 job training’, ‘out-of-school youth’, ‘recognized post-
16 secondary credential’, ‘supportive services’, have the
17 meanings given the terms in section 3 of the Work-
18 force Innovation and Opportunity Act (29 U.S.C.
19 3102).”.

20 **Subtitle F—Community**
21 **Reclamation Partnerships**

22 **SEC. 84601. REFERENCE.**

23 Except as otherwise specifically provided, whenever in
24 this subtitle an amendment is expressed in terms of an
25 amendment to a provision, the reference shall be consid-

1 ered to be made to a provision of the Surface Mining Con-
2 trol and Reclamation Act of 1977 (30 U.S.C. 1201 et
3 seq.).

4 **SEC. 84602. STATE MEMORANDA OF UNDERSTANDING FOR**
5 **CERTAIN REMEDIATION.**

6 (a) MEMORANDA AUTHORIZED.—Section 405 (30
7 U.S.C. 1235) is amended by inserting after subsection (l)
8 the following:

9 “(m) STATE MEMORANDA OF UNDERSTANDING FOR
10 REMEDIATION OF MINE DRAINAGE.—

11 “(1) IN GENERAL.—A State with a State pro-
12 gram approved under subsection (d) may enter into
13 a memorandum of understanding with relevant Fed-
14 eral or State agencies (or both) to remediate mine
15 drainage on abandoned mine land and water im-
16 pacted by abandoned mines within the State. The
17 memorandum may be updated as necessary and re-
18 submitted for approval under this subsection.

19 “(2) MEMORANDA REQUIREMENTS.—Such
20 memorandum shall establish a strategy satisfactory
21 to the State and Federal agencies that are parties
22 to the memorandum, to address water pollution re-
23 sulting from mine drainage at sites eligible for rec-
24 lamation and mine drainage abatement expenditures

1 under section 404, including specific procedures
2 for—

3 “(A) ensuring that activities carried out to
4 address mine drainage will result in improved
5 water quality;

6 “(B) monitoring, sampling, and the report-
7 ing of collected information as necessary to
8 achieve the condition required under subpara-
9 graph (A);

10 “(C) operation and maintenance of treat-
11 ment systems as necessary to achieve the condi-
12 tion required under subparagraph (A); and

13 “(D) other purposes, as considered nec-
14 essary by the State or Federal agencies, to
15 achieve the condition required under subpara-
16 graph (A).

17 “(3) PUBLIC REVIEW AND COMMENT.—

18 “(A) IN GENERAL.—Before submitting a
19 memorandum to the Secretary and the Admin-
20 istrator for approval, a State shall—

21 “(i) invite interested members of the
22 public to comment on the memorandum;
23 and

24 “(ii) hold at least one public meeting
25 concerning the memorandum in a location

1 or locations reasonably accessible to per-
2 sons who may be affected by implementa-
3 tion of the memorandum.

4 “(B) NOTICE OF MEETING.—The State
5 shall publish notice of each meeting not less
6 than 15 days before the date of the meeting, in
7 local newspapers of general circulation, on the
8 Internet, and by any other means considered
9 necessary or desirable by the Secretary and the
10 Administrator.

11 “(4) SUBMISSION AND APPROVAL.—The State
12 shall submit the memorandum to the Secretary and
13 the Administrator of the Environmental Protection
14 Agency for approval. The Secretary and the Admin-
15 istrator shall approve or disapprove the memo-
16 randum within 120 days after the date of its sub-
17 mission if the Secretary and Administrator find that
18 the memorandum will facilitate additional activities
19 under the State Reclamation Plan under subsection
20 (e) that improve water quality.

21 “(5) TREATMENT AS PART OF STATE PLAN.—
22 A memorandum of a State that is approved by the
23 Secretary and the Administrator under this sub-
24 section shall be considered part of the approved
25 abandoned mine reclamation plan of the State.

1 “(n) COMMUNITY RECLAIMER PARTNERSHIPS.—

2 “(1) PROJECT APPROVAL.—Within 120 days
3 after receiving such a submission, the Secretary
4 shall approve a Community Reclaimer project to re-
5 mediate abandoned mine lands if the Secretary finds
6 that—

7 “(A) the proposed project will be con-
8 ducted by a Community Reclaimer as defined in
9 this subsection or approved subcontractors of
10 the Community Reclaimer;

11 “(B) for any proposed project that remedi-
12 ates mine drainage, the proposed project is con-
13 sistent with an approved State memorandum of
14 understanding under subsection (m);

15 “(C) the proposed project will be con-
16 ducted on a site or sites inventoried under sec-
17 tion 403(e);

18 “(D) the proposed project meets all sub-
19 mission criteria under paragraph (2);

20 “(E) the relevant State has entered into an
21 agreement with the Community Reclaimer
22 under which the State shall assume all respon-
23 sibility with respect to the project for any costs
24 or damages resulting from any action or inac-
25 tion on the part of the Community Reclaimer in

1 carrying out the project, except for costs or
2 damages resulting from gross negligence or in-
3 tentional misconduct by the Community Re-
4 claimer, on behalf of—

5 “(i) the Community Reclaimer; and

6 “(ii) the owner of the proposed project
7 site,

8 if such Community Reclaimer or owner, respec-
9 tively, did not participate in any way in the cre-
10 ation of site conditions at the proposed project
11 site or activities that caused any lands or
12 waters to become eligible for reclamation or
13 drainage abatement expenditures under section
14 404;

15 “(F) the State has the necessary legal au-
16 thority to conduct the project and will obtain all
17 legally required authorizations, permits, li-
18 censes, and other approvals to ensure comple-
19 tion of the project;

20 “(G) the State has sufficient financial re-
21 sources to ensure completion of the project, in-
22 cluding any necessary operation and mainte-
23 nance costs (including costs associated with
24 emergency actions covered by a contingency
25 plan under paragraph (2)(K)); and

1 “(H) the proposed project is not in a cat-
2 egory of projects that would require a permit
3 under title V.

4 “(2) PROJECT SUBMISSION.—The State shall
5 submit a request for approval to the Secretary that
6 shall include—

7 “(A) a description of the proposed project,
8 including any engineering plans that must bear
9 the seal of a professional engineer;

10 “(B) a description of the proposed project
11 site or sites, including, if relevant, the nature
12 and extent of pollution resulting from mine
13 drainage;

14 “(C) identification of the past and current
15 owners and operators of the proposed project
16 site;

17 “(D) the agreement or contract between
18 the relevant State and the Community Re-
19 claimer to carry out the project;

20 “(E) a determination that the project will
21 facilitate the activities of the State reclamation
22 plan under subsection (e);

23 “(F) sufficient information to determine
24 whether the Community Reclaimer has the

1 technical capability and expertise to successfully
2 conduct the proposed project;

3 “(G) a cost estimate for the project and
4 evidence that the Community Reclaimer has
5 sufficient financial resources to ensure the suc-
6 cessful completion of the proposed project (in-
7 cluding any operation or maintenance costs);

8 “(H) a schedule for completion of the
9 project;

10 “(I) an agreement between the Community
11 Reclaimer and the current owner of the site
12 governing access to the site;

13 “(J) sufficient information to ensure that
14 the Community Reclaimer meets the definition
15 under paragraph (3);

16 “(K) a contingency plan designed to be
17 used in response to unplanned adverse events
18 that includes emergency actions, response, and
19 notifications; and

20 “(L) a requirement that the State provide
21 notice to adjacent and downstream landowners
22 and the public and hold a public meeting near
23 the proposed project site before the project is
24 initiated.

1 “(3) COMMUNITY RECLAIMER DEFINED.—For
2 purposes of this section, the term ‘Community Re-
3 claimer’ means any person who—

4 “(A) seeks to voluntarily assist a State
5 with a reclamation project under this section;

6 “(B) did not participate in any way in the
7 creation of site conditions at the proposed
8 project site or activities that caused any lands
9 or waters to become eligible for reclamation or
10 drainage abatement expenditures under section
11 404;

12 “(C) is not a past or current owner or op-
13 erator of any site with ongoing reclamation obli-
14 gations; and

15 “(D) is not subject to outstanding viola-
16 tions listed pursuant to section 510(c).”.

17 **SEC. 84603. CLARIFYING STATE LIABILITY FOR MINE**
18 **DRAINAGE PROJECTS.**

19 Section 413(d) (30 U.S.C. 1242(d)) is amended in
20 the second sentence by inserting “unless such control or
21 treatment will be conducted in accordance with a State
22 memorandum of understanding approved under section
23 405(m) of this Act” after “Control Act” the second place
24 it appears.

1 **SEC. 84604. CONFORMING AMENDMENTS.**

2 Section 405(f) (30 U.S.C. 1235(f)) is amended—

3 (1) by striking the “and” after the semicolon in
4 paragraph (6);

5 (2) by striking the period at the end of para-
6 graph (7) and inserting “; and”; and

7 (3) by inserting at the end the following:

8 “(8) a list of projects proposed under sub-
9 section (n).”.

10 **Subtitle G—Sinkhole Hazard**
11 **Identification**

12 **SEC. 84701. SINKHOLE HAZARD IDENTIFICATION.**

13 (a) PROGRAM.—The Director of the United States
14 Geological Survey shall establish a program to—

15 (1) study the short-term and long-term mecha-
16 nisms that cause sinkholes, including extreme storm
17 events, prolonged droughts causing shifts in water
18 management practices, aquifer depletion, and other
19 major changes in water use; and

20 (2) develop maps that depict zones that are at
21 greater risk of sinkhole formation.

22 (b) REVIEW OF MAPS.—Once during each 5-year pe-
23 riod, or more often as the Director of the United States
24 Geological Survey determines is necessary, the Director
25 shall assess the need to revise and update the maps devel-
26 oped under this section.

1 (c) WEBSITE.—The Director of the United States
2 Geological Survey shall establish and maintain a public
3 website that displays the maps developed under this sec-
4 tion and other relevant information critical for use by com-
5 munity planners and emergency managers.

6 **TITLE V—LABOR STANDARDS**

7 **SEC. 85101. LABOR STANDARDS.**

8 Except as otherwise provided in this Act or the
9 amendments made by this Act, and in a manner consistent
10 with this Act or the amendments made by this Act, all
11 laborers and mechanics employed by contractors and sub-
12 contractors on projects funded directly by or assisted in
13 whole or in part by or through the Federal Government
14 pursuant to any provision of this division (or an amend-
15 ment made by such a provision) shall be paid wages at
16 rates not less than those prevailing on projects of a char-
17 acter similar in the locality as determined by the Secretary
18 of Labor in accordance with subchapter IV of chapter 31
19 of title 40, United States Code, and with respect to the
20 labor standards specified in this section the Secretary of
21 Labor shall have the authority and functions set forth in
22 Reorganization Plan Numbered 14 of 1950 (64 Stat.
23 1267; 5 U.S.C. App.) and section 3145 of title 40, United
24 States Code.

1 **DIVISION M—REVENUE**
 2 **PROVISIONS**

3 **SEC. 90001. SHORT TITLE; ETC.**

4 (a) **SHORT TITLE.**—This division may be cited as the
 5 “Renewable Energy, Efficiency, and Infrastructure Tax
 6 Act of 2020”.

7 (b) **TABLE OF CONTENTS.**—The table of contents of
 8 this division is as follows:

DIVISION M—REVENUE PROVISIONS

Sec. 90001. Short title; etc.

TITLE I—INFRASTRUCTURE FINANCING

Subtitle A—Bond Financing Enhancements

Sec. 90101. Credit to issuer for certain infrastructure bonds.

Sec. 90102. Advance refunding bonds.

Sec. 90103. Permanent modification of small issuer exception to tax-exempt interest expense allocation rules for financial institutions.

Sec. 90104. Volume cap on private activity bonds.

Sec. 90105. Modifications to qualified small issue bonds.

Sec. 90106. Expansion of certain exceptions to the private activity bond rules for first-time farmers.

Sec. 90107. Exempt facility bonds for zero-emission vehicle infrastructure.

Sec. 90108. Certain water and sewage facility bonds exempt from volume cap on private activity bonds.

Sec. 90109. Qualified highway or surface freight transfer facility bonds.

Sec. 90110. Application of Davis-Bacon Act requirements with respect to certain exempt facility bonds.

Subtitle B—School Infrastructure Bonds

Sec. 90111. Restoration of certain qualified tax credit bonds.

Sec. 90112. School infrastructure bonds.

Sec. 90113. Annual report on bond program.

Sec. 90114. Examining loan modifications to the HBCU Capital Financing Program.

Subtitle C—Other Provisions Related to Infrastructure Financing

Sec. 90121. Credit for operations and maintenance costs of government-owned broadband.

Sec. 90122. Treatment of financial guaranty insurance companies as qualifying insurance corporations under passive foreign investment company rules.

Sec. 90123. Infrastructure grants to improve child care safety.

TITLE II—NEW MARKETS TAX CREDIT

Sec. 90201. Improvement and permanent extension of new markets tax credit.

TITLE III—REHABILITATION TAX CREDIT

- Sec. 90301. Increase in rehabilitation credit.
- Sec. 90302. Increase in the rehabilitation credit for certain small projects.
- Sec. 90303. Modification of definition of substantially rehabilitated.
- Sec. 90304. Temporary extension of period for completing rehabilitation.
- Sec. 90305. Elimination of rehabilitation credit basis adjustment.
- Sec. 90306. Modifications regarding certain tax-exempt use property.
- Sec. 90307. Qualification of rehabilitation expenditures for public school buildings for rehabilitation credit.

TITLE IV—GREEN ENERGY

Sec. 90400. Short title.

Subtitle A—Renewable Electricity and Reducing Carbon Emissions

- Sec. 90401. Extension of credit for electricity produced from certain renewable resources.
- Sec. 90402. Extension and modification of energy credit.
- Sec. 90403. Extension of credit for carbon oxide sequestration.
- Sec. 90404. Elective payment for energy property and electricity produced from certain renewable resources, etc.
- Sec. 90405. Extension of energy credit for offshore wind facilities.
- Sec. 90406. Green energy publicly traded partnerships.

Subtitle B—Renewable Fuels

- Sec. 90411. Biodiesel and renewable diesel.
- Sec. 90412. Extension of excise tax credits relating to alternative fuels.
- Sec. 90413. Extension of second generation biofuel incentives.

Subtitle C—Green Energy and Efficiency Incentives for Individuals

- Sec. 90421. Extension, increase, and modifications of nonbusiness energy property credit.
- Sec. 90422. Residential energy efficient property.
- Sec. 90423. Energy efficient commercial buildings deduction.
- Sec. 90424. Extension, increase, and modifications of new energy efficient home credit.
- Sec. 90425. Modifications to income exclusion for conservation subsidies.

Subtitle D—Greening the Fleet and Alternative Vehicles

- Sec. 90431. Modification of limitations on new qualified plug-in electric drive motor vehicle credit.
- Sec. 90432. Credit for previously-owned qualified plug-in electric drive motor vehicles.
- Sec. 90433. Credit for zero-emission heavy vehicles and zero-emission buses.
- Sec. 90434. Qualified fuel cell motor vehicles.
- Sec. 90435. Alternative fuel refueling property credit.

Sec. 90436. Modification of employer-provided fringe benefits for bicycle commuting.

Subtitle E—Investment in the Green Workforce

Sec. 90441. Extension of the advanced energy project credit.
 Sec. 90442. Labor costs of installing mechanical insulation property.
 Sec. 90443. Labor standards for certain energy jobs.

Subtitle F—Environmental Justice

Sec. 90451. Qualified environmental justice program credit.

Subtitle G—Treasury Report on Data From the Greenhouse Gas Reporting Program

Sec. 90461. Report on Greenhouse Gas Reporting Program.

TITLE V—DISASTER AND RESILIENCY

Sec. 90501. Exclusion of amounts received from state-based catastrophe loss mitigation programs.
 Sec. 90502. Repeal of temporary limitation on personal casualty losses.

TITLE VI—HOUSING

Subtitle A—Low-Income Housing Tax Credit Improvements

Sec. 90601. Extension of period for rehabilitation expenditures.
 Sec. 90602. Extension of basis expenditure deadline.
 Sec. 90603. Tax-exempt bond financing requirement.
 Sec. 90604. Minimum credit rate.
 Sec. 90605. Increases in State allocations.
 Sec. 90606. Increase in credit for certain projects designated to serve extremely low-income households.
 Sec. 90607. Inclusion of Indian areas as difficult development areas for purposes of certain buildings.
 Sec. 90608. Inclusion of rural areas as difficult development areas.
 Sec. 90609. Increase in credit for bond-financed projects designated by housing credit agency.
 Sec. 90610. Repeal of qualified contract option.
 Sec. 90611. Prohibition of local approval and contribution requirements.
 Sec. 90612. Adjustment of credit to provide relief during COVID-19 outbreak.
 Sec. 90613. Credit for low-income housing supportive services.

Subtitle B—Neighborhood Homes Credit

Sec. 90621. Neighborhood homes credit.

TITLE VII—TRIBAL DEVELOPMENT

Sec. 90701. Treatment of Indian Tribes as States with respect to bond issuance.
 Sec. 90702. Treatment of Tribal foundations and charities like charities funded and controlled by other governmental funders and sponsors.
 Sec. 90703. New markets tax credit.

TITLE VIII—HIGHWAY TRUST FUND AND RELATED TAXES

Sec. 90801. Extension of Highway Trust Fund expenditure authority.

Sec. 90802. Extension of highway-related taxes.

Sec. 90803. Additional transfers to Highway Trust Fund.

1 (c) AMENDMENT OF 1986 CODE.—Except as other-
 2 wise expressly provided, whenever in this division an
 3 amendment or repeal is expressed in terms of an amend-
 4 ment to, or repeal of, a section or other provision, the ref-
 5 erence shall be considered to be made to a section or other
 6 provision of the Internal Revenue Code of 1986.

7 TITLE I—INFRASTRUCTURE

8 FINANCING

9 Subtitle A—Bond Financing

10 Enhancements

11 **SEC. 90101. CREDIT TO ISSUER FOR CERTAIN INFRASTRUC-**
 12 **TURE BONDS.**

13 (a) IN GENERAL.—Subchapter B of chapter 65 is
 14 amended by adding at the end the following new section:

15 **“SEC. 6431A. CREDIT ALLOWED TO ISSUER FOR QUALIFIED**
 16 **INFRASTRUCTURE BONDS.**

17 “(a) IN GENERAL.—In the case of a qualified infra-
 18 structure bond, the issuer of such bond shall be allowed
 19 a credit with respect to each interest payment under such
 20 bond which shall be payable by the Secretary as provided
 21 in subsection (b).

22 “(b) PAYMENT OF CREDIT.—

23 “(1) IN GENERAL.—The Secretary shall pay
 24 (contemporaneously with each date on which interest

1 is so payable) to the issuer of such bond (or to any
 2 person who makes such interest payments on behalf
 3 of such issuer) an amount equal to the applicable
 4 percentage of such interest so payable.

5 “(2) APPLICABLE PERCENTAGE.—For purposes
 6 of this subsection, except as provided in subsection
 7 (d), the applicable percentage with respect to any
 8 bond shall be determined under the following table:

**“In the case of a bond issued The applicable percentage is:
 during calendar year:**

2020 through 2024	42%
2025	38%
2026	34%
2027 and thereafter	30%

9 “(3) LIMITATION.—

10 “(A) IN GENERAL.—The amount of any
 11 interest payment taken into account under
 12 paragraph (1) with respect to a bond for any
 13 payment date shall not exceed the amount of
 14 interest which would have been payable under
 15 such bond on such date if such interest were
 16 determined at the rate which the Secretary esti-
 17 mates will permit the issuance of qualified in-
 18 frastructure bonds with a specified maturity or
 19 redemption date without discount and without
 20 additional interest cost.

21 “(B) DATE OF RATE DETERMINATION
 22 WITH RESPECT TO BOND.—Such rate with re-
 23 spect to any qualified infrastructure bond shall

1 be determined as of the first day on which there
2 is a binding, written contract for the sale or ex-
3 change of the bond.

4 “(c) QUALIFIED INFRASTRUCTURE BOND.—

5 “(1) IN GENERAL.—For purposes of this sec-
6 tion, the term ‘qualified infrastructure bond’ means
7 any bond (other than a private activity bond) issued
8 as part of an issue if—

9 “(A) 100 percent of the available project
10 proceeds of such issue are to be used for capital
11 expenditures or operations and maintenance ex-
12 penditures in connection with property the ac-
13 quisition, construction, or improvement of
14 which would be a capital expenditure,

15 “(B) the interest on such bond would (but
16 for this section) be excludable from gross in-
17 come under section 103,

18 “(C) the issue price has not more than a
19 de minimis amount (determined under rules
20 similar to the rules of section 1273(a)(3)) of
21 premium over the stated principal amount of
22 the bond, and

23 “(D) prior to the issuance of such bond,
24 the issuer makes an irrevocable election to have
25 this section apply.

1 “(2) APPLICABLE RULES.—For purposes of ap-
2 plying paragraph (1)—

3 “(A) NOT TREATED AS FEDERALLY GUAR-
4 ANTEED.—For purposes of section 149(b), a
5 qualified infrastructure bond shall not be treat-
6 ed as federally guaranteed by reason of the
7 credit allowed under this section.

8 “(B) APPLICATION OF ARBITRAGE
9 RULES.—For purposes of section 148, the yield
10 on a qualified infrastructure bond shall be re-
11 duced by the credit allowed under this section.

12 “(d) DEFINITION AND SPECIAL RULES.—For pur-
13 poses of this section—

14 “(1) INTEREST INCLUDIBLE IN GROSS IN-
15 COME.—For purposes of this title, interest on any
16 qualified infrastructure bond shall be includible in
17 gross income.

18 “(2) AVAILABLE PROJECT PROCEEDS.—The
19 term ‘available project proceeds’ means—

20 “(A) the excess of—

21 “(i) the proceeds from the sale of an
22 issue, over

23 “(ii) the sum of—

24 “(I) issuance costs financed by
25 the issue (the extent that such costs

1 do not exceed 2 percent of such pro-
2 ceeds), and

3 “(II) amounts in a reasonably re-
4 quired reserve (within the meaning of
5 section 150(a)(3)) with respect to
6 such issue), and

7 “(B) the proceeds from any investment of
8 the excess described in clause (i).

9 “(3) CURRENT REFUNDINGS ALLOWED.—

10 “(A) IN GENERAL.—In the case of a bond
11 issued to refund a qualified infrastructure bond,
12 such refunding bond shall be treated as a quali-
13 fied infrastructure bond for purposes of this
14 section if—

15 “(i) the average maturity date of the
16 issue of which the refunding bond is a part
17 is not later than the average maturity date
18 of the bonds to be refunded by such issue,

19 “(ii) the amount of the refunding
20 bond does not exceed the outstanding
21 amount of the refunded bond,

22 “(iii) the refunded bond is redeemed
23 not later than 90 days after the date of the
24 issuance of the refunding bond, and

1 “(iv) the refunded bond was issued
2 more than 30 days after the date of the
3 enactment of this section.

4 “(B) APPLICABLE PERCENTAGE LIMITA-
5 TION.—The applicable percentage with respect
6 to any bond to which subparagraph (A) applies
7 shall be 30 percent.

8 “(C) DETERMINATION OF AVERAGE MATU-
9 RITY.—For purposes of subparagraph (A)(i),
10 average maturity shall be determined in accord-
11 ance with section 147(b)(2)(A).

12 “(D) APPLICATION OF DAVIS-BACON ACT
13 REQUIREMENTS WITH RESPECT TO QUALIFIED
14 INFRASTRUCTURE BONDS.—Subchapter IV of
15 chapter 31 of the title 40, United States Code,
16 shall apply to projects financed with the pro-
17 ceeds of qualified infrastructure bonds.

18 “(e) REGULATIONS.—The Secretary may prescribe
19 such regulations and other guidance as may be necessary
20 or appropriate to carry out this section.”.

21 (b) PAYMENTS MADE UNDER SECTION 6431A OF
22 THE INTERNAL REVENUE CODE OF 1986.—Section
23 255(g)(1)(A) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is
25 amended by inserting: “Payments made under section

1 6431A of the Internal Revenue Code of 1986” after the
2 item related to Payment to Radiation Exposure Com-
3 pensation Trust Fund.

4 (c) CONFORMING AMENDMENTS.—

5 (1) Section 1324(b)(2) of title 31, United
6 States Code, is amended by striking “or 6431” and
7 inserting “6431, or 6431A”.

8 (2) The table of sections for subchapter B of
9 chapter 65 is amended by adding at the end the fol-
10 lowing new item:

“Sec. 6431A. Credit allowed to issuer for qualified infrastructure bonds.”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to bonds issued more than 30 days
13 after the date of the enactment of this Act.

14 **SEC. 90102. ADVANCE REFUNDING BONDS.**

15 (a) IN GENERAL.—Section 149(d) is amended—

16 (1) by striking “to advance refund another
17 bond.” in paragraph (1) and inserting “as part of
18 an issue described in paragraph (2), (3), or (4).”,

19 (2) by redesignating paragraphs (2) and (3) as
20 paragraphs (5) and (7), respectively,

21 (3) by inserting after paragraph (1) the fol-
22 lowing new paragraphs:

23 “(2) CERTAIN PRIVATE ACTIVITY BONDS.—An
24 issue is described in this paragraph if any bond
25 (issued as part of such issue) is issued to advance

1 refund a private activity bond (other than a qualified
2 501(c)(3) bond).

3 “(3) OTHER BONDS.—

4 “(A) IN GENERAL.—An issue is described
5 in this paragraph if any bond (issued as part of
6 such issue), hereinafter in this paragraph re-
7 ferred to as the ‘refunding bond’, is issued to
8 advance refund a bond unless—

9 “(i) the refunding bond is only—

10 “(I) the first advance refunding
11 of the original bond if the original
12 bond is issued after 1985, or

13 “(II) the first or second advance
14 refunding of the original bond if the
15 original bond was issued before 1986,

16 “(ii) in the case of refunded bonds
17 issued before 1986, the refunded bond is
18 redeemed not later than the earliest date
19 on which such bond may be redeemed at
20 par or at a premium of 3 percent or less,

21 “(iii) in the case of refunded bonds
22 issued after 1985, the refunded bond is re-
23 deemed not later than the earliest date on
24 which such bond may be redeemed,

1 “(iv) the initial temporary period
2 under section 148(c) ends—

3 “(I) with respect to the proceeds
4 of the refunding bond not later than
5 30 days after the date of issue of such
6 bond, and

7 “(II) with respect to the proceeds
8 of the refunded bond on the date of
9 issue of the refunding bond, and

10 “(v) in the case of refunded bonds to
11 which section 148(e) did not apply, on and
12 after the date of issue of the refunding
13 bond, the amount of proceeds of the re-
14 funded bond invested in higher yielding in-
15 vestments (as defined in section 148(b))
16 which are nonpurpose investments (as de-
17 fined in section 148(f)(6)(A)) does not ex-
18 ceed—

19 “(I) the amount so invested as
20 part of a reasonably required reserve
21 or replacement fund or during an al-
22 lowable temporary period, and

23 “(II) the amount which is equal
24 to the lesser of 5 percent of the pro-
25 ceeds of the issue of which the re-

1 funded bond is a part or \$100,000 (to
2 the extent such amount is allocable to
3 the refunded bond).

4 “(B) SPECIAL RULES FOR REDEMP-
5 TIONS.—

6 “(i) ISSUER MUST REDEEM ONLY IF
7 DEBT SERVICE SAVINGS.—Clause (ii) and
8 (iii) of subparagraph (A) shall apply only
9 if the issuer may realize present value debt
10 service savings (determined without regard
11 to administrative expenses) in connection
12 with the issue of which the refunding bond
13 is a part.

14 “(ii) REDEMPTIONS NOT REQUIRED
15 BEFORE 90TH DAY.—For purposes of
16 clauses (ii) and (iii) of subparagraph (A),
17 the earliest date referred to in such clauses
18 shall not be earlier than the 90th day after
19 the date of issuance of the refunding bond.

20 “(4) ABUSIVE TRANSACTIONS PROHIBITED.—
21 An issue is described in this paragraph if any bond
22 (issued as part of such issue) is issued to advance
23 refund another bond and a device is employed in
24 connection with the issuance of such issue to obtain
25 a material financial advantage (based on arbitrage)

1 apart from savings attributable to lower interest
2 rates.”, and

3 (4) by inserting after paragraph (5) (as so re-
4 designated) the following new paragraph:

5 “(6) SPECIAL RULES FOR PURPOSES OF PARA-
6 GRAPH (3).—For purposes of paragraph (3), bonds
7 issued before October 22, 1986, shall be taken into
8 account under subparagraph (A)(i) thereof except—

9 “(A) a refunding which occurred before
10 1986 shall be treated as an advance refunding
11 only if the refunding bond was issued more
12 than 180 days before the redemption of the re-
13 funded bond, and

14 “(B) a bond issued before 1986, shall be
15 treated as advance refunded no more than once
16 before March 15, 1986.”.

17 (b) CONFORMING AMENDMENT.—Section
18 148(f)(4)(C) is amended by redesignating clauses (xiv)
19 through (xvi) as clauses (xv) to (xvii), respectively, and
20 by inserting after clause (xiii) the following new clause:

21 “(xiv) DETERMINATION OF INITIAL
22 TEMPORARY PERIOD.—For purposes of
23 this subparagraph, the end of the initial
24 section temporary period shall be deter-

1 mined without regard to section
2 149(d)(3)(A)(iv).”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to advance refunding bonds issued
5 more than 30 days after the date of the enactment of this
6 Act.

7 **SEC. 90103. PERMANENT MODIFICATION OF SMALL ISSUER**
8 **EXCEPTION TO TAX-EXEMPT INTEREST EX-**
9 **PENSE ALLOCATION RULES FOR FINANCIAL**
10 **INSTITUTIONS.**

11 (a) PERMANENT INCREASE IN LIMITATION.—Sub-
12 paragraphs (C)(i), (D)(i), and (D)(iii)(II) of section
13 265(b)(3) are each amended by striking “\$10,000,000”
14 and inserting “\$30,000,000”.

15 (b) PERMANENT MODIFICATION OF OTHER SPECIAL
16 RULES.—Section 265(b)(3) is amended—

17 (1) by redesignating clauses (iv), (v), and (vi)
18 of subparagraph (G) as clauses (ii), (iii), and (iv),
19 respectively, and moving such clauses to the end of
20 subparagraph (H) (as added by paragraph (2)), and

21 (2) by striking so much of subparagraph (G) as
22 precedes such clauses and inserting the following:

23 “(G) QUALIFIED 501(c)(3) BONDS TREATED
24 AS ISSUED BY EXEMPT ORGANIZATION.—In the
25 case of a qualified 501(c)(3) bond (as defined

1 in section 145), this paragraph shall be applied
2 by treating the 501(c)(3) organization for
3 whose benefit such bond was issued as the
4 issuer.

5 “(H) SPECIAL RULE FOR QUALIFIED
6 FINANCINGS.—

7 “(i) IN GENERAL.—In the case of a
8 qualified financing issue—

9 “(I) subparagraph (F) shall not
10 apply, and

11 “(II) any obligation issued as a
12 part of such issue shall be treated as
13 a qualified tax-exempt obligation if
14 the requirements of this paragraph
15 are met with respect to each qualified
16 portion of the issue (determined by
17 treating each qualified portion as a
18 separate issue which is issued by the
19 qualified borrower with respect to
20 which such portion relates).”.

21 (c) INFLATION ADJUSTMENT.—Section 265(b)(3), as
22 amended by subsection (b), is amended by adding at the
23 end the following new subparagraph:

24 “(I) INFLATION ADJUSTMENT.—In the
25 case of any calendar year after 2020, the

1 \$30,000,000 amounts contained in subpara-
2 graphs (C)(i), (D)(i), and (D)(iii)(II) shall each
3 be increased by an amount equal to—

4 “(i) such dollar amount, multiplied by

5 “(ii) the cost-of-living adjustment de-
6 termined under section 1(f)(3) for such
7 calendar year, determined by substituting
8 ‘calendar year 2019’ for ‘calendar year
9 2016’ in subparagraph (A)(ii) thereof.

10 Any increase determined under the preceding
11 sentence shall be rounded to the nearest mul-
12 tiple of \$100,000.”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall apply to obligations issued after the date
15 of the enactment of this Act.

16 **SEC. 90104. VOLUME CAP ON PRIVATE ACTIVITY BONDS.**

17 (a) IN GENERAL.—Section 146(d)(1) is amended—

18 (1) by striking “\$75 (\$62.50 in the case of cal-
19 endar year 2001)” and inserting “\$115”, and

20 (2) by striking “\$225,000,000 (\$187,500,000
21 in the case of calendar year 2001)” and inserting
22 “\$353,775,000”.

23 (b) INFLATION ADJUSTMENT.—Section 146(d)(2) is
24 amended—

1 (1) by striking “2002” and inserting “2020”,
2 and

3 (2) by striking “2001” in subparagraph (B)
4 and inserting “2019”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to calendar years after 2020.

7 **SEC. 90105. MODIFICATIONS TO QUALIFIED SMALL ISSUE**
8 **BONDS.**

9 (a) MANUFACTURING FACILITIES TO INCLUDE PRO-
10 DUCTION OF INTANGIBLE PROPERTY AND FUNCTIONALLY
11 RELATED FACILITIES.—Subparagraph (C) of section
12 144(a)(12) is amended to read as follows:

13 “(C) MANUFACTURING FACILITY.—For
14 purposes of this paragraph—

15 “(i) IN GENERAL.—The term ‘manu-
16 facturing facility’ means any facility
17 which—

18 “(I) is used in the manufacturing
19 or production of tangible personal
20 property (including the processing re-
21 sulting in a change in the condition of
22 such property),

23 “(II) is used in the creation or
24 production of intangible property

1 which is described in section
2 197(d)(1)(C)(iii), or

3 “(III) is functionally related and
4 subordinate to a facility described in
5 subclause (I) or (II) if such facility is
6 located on the same site as the facility
7 described in subclause (I) or (II).

8 “(ii) CERTAIN FACILITIES IN-
9 CLUDED.—The term ‘manufacturing facil-
10 ity’ includes facilities that are directly re-
11 lated and ancillary to a manufacturing fa-
12 cility (determined without regard to this
13 clause) if—

14 “(I) those facilities are located on
15 the same site as the manufacturing
16 facility, and

17 “(II) not more than 25 percent
18 of the net proceeds of the issue are
19 used to provide those facilities.

20 “(iii) LIMITATION ON OFFICE
21 SPACE.—A rule similar to the rule of sec-
22 tion 142(b)(2) shall apply for purposes of
23 clause (i).

24 “(iv) LIMITATION ON REFUNDINGS
25 FOR CERTAIN PROPERTY.—Subclauses (II)

1 and (III) of clause (i) shall not apply to
2 any bond issued on or before the date of
3 the enactment of the Renewable Energy,
4 Efficiency, and Infrastructure Tax Act of
5 2020, or to any bond issued to refund a
6 bond issued on or before such date (other
7 than a bond to which clause (iii) of this
8 subparagraph (as in effect before the date
9 of the enactment of the Renewable Energy,
10 Efficiency, and Infrastructure Tax Act of
11 2020) applies), either directly or in a series
12 of refundings.”.

13 (b) INCREASE IN LIMITATIONS.—Section 144(a)(4) is
14 amended—

15 (1) in subparagraph (A)(i), by striking
16 “\$10,000,000” and inserting “\$30,000,000”, and

17 (2) in the heading, by striking “\$10,000,000” and
18 inserting “\$30,000,000”.

19 (c) ADJUSTMENT FOR INFLATION.—Section
20 144(a)(4) is amended by adding at the end the following
21 new subparagraph:

22 “(H) ADJUSTMENT FOR INFLATION.—In
23 the case of any calendar year after 2020, the
24 \$30,000,000 amount in subparagraph (A) shall
25 be increased by an amount equal to—

1 “(i) such dollar amount, multiplied by
2 “(ii) the cost-of-living adjustment de-
3 termined under section 1(f)(3) for the cal-
4 endar year, determined by substituting
5 ‘calendar year 2019’ for ‘calendar year
6 2016’ in subparagraph (A)(ii) thereof.

7 If any amount as increased under the preceding
8 sentence is not a multiple of \$100,000, such
9 amount shall be rounded to the nearest multiple
10 of \$100,000.”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to obligations issued after the date
13 of the enactment of this Act.

14 **SEC. 90106. EXPANSION OF CERTAIN EXCEPTIONS TO THE**
15 **PRIVATE ACTIVITY BOND RULES FOR FIRST-**
16 **TIME FARMERS.**

17 (a) INCREASE IN DOLLAR LIMITATION.—

18 (1) IN GENERAL.—Section 147(c)(2)(A) is
19 amended by striking “\$450,000” and inserting
20 “\$552,500”.

21 (2) REPEAL OF SEPARATE LOWER DOLLAR LIM-
22 ITATION ON USED FARM EQUIPMENT.—Section
23 147(c)(2) is amended by striking subparagraph (F)
24 and by redesignating subparagraphs (G) and (H) as
25 subparagraphs (F) and (G), respectively.

1 (3) QUALIFIED SMALL ISSUE BOND LIMITATION
2 CONFORMED TO INCREASED DOLLAR LIMITATION.—
3 Section 144(a)(11)(A) is amended by striking
4 “\$250,000” and inserting “\$552,500”.

5 (4) INFLATION ADJUSTMENT.—

6 (A) IN GENERAL.—Section 147(c)(2)(G),
7 as redesignated by paragraph (2), is amended—

8 (i) by striking “after 2008, the dollar
9 amount in subparagraph (A) shall be in-
10 creased” and inserting “after 2020, the
11 dollar amounts in subparagraph (A) and
12 section 144(a)(11)(A) shall each be in-
13 creased”, and

14 (ii) in clause (ii), by striking “2007”
15 and inserting “2019”.

16 (B) CROSS-REFERENCE.—Section
17 144(a)(11) is amended by adding at the end the
18 following new subparagraph:

19 “(D) INFLATION ADJUSTMENT.—For infla-
20 tion adjustment of dollar amount contained in
21 subparagraph (A), see section 147(c)(2)(G).”.

22 (b) SUBSTANTIAL FARMLAND DETERMINED ON
23 BASIS OF AVERAGE RATHER THAN MEDIAN FARM
24 SIZE.—Section 147(c)(2)(E) is amended by striking “me-
25 dian” and inserting “average”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to bonds issued after the date of
3 the enactment of this Act.

4 **SEC. 90107. EXEMPT FACILITY BONDS FOR ZERO-EMISSION**
5 **VEHICLE INFRASTRUCTURE.**

6 (a) IN GENERAL.—Section 142 is amended—

7 (1) in subsection (a)—

8 (A) in paragraph (14), by striking “or” at
9 the end,

10 (B) in paragraph (15), by striking the pe-
11 riod at the end and inserting “, or”, and

12 (C) by adding at the end the following new
13 paragraph:

14 “(16) zero-emission vehicle infrastructure.”,
15 and

16 (2) by adding at the end the following new sub-
17 section:

18 “(n) ZERO-EMISSION VEHICLE INFRASTRUCTURE.—

19 “(1) IN GENERAL.—For purposes of subsection
20 (a)(16), the term ‘zero-emission vehicle infrastruc-
21 ture’ means any property (not including a building
22 and its structural components) if such property is
23 part of a unit which—

24 “(A) is used to charge or fuel zero-emis-
25 sions vehicles,

1 “(B) is located where the vehicles are
2 charged or fueled,

3 “(C) is of a character subject to the allow-
4 ance for depreciation (or amortization in lieu of
5 depreciation),

6 “(D) is made available for use by members
7 of the general public,

8 “(E) accepts payment by use of a credit
9 card reader, and

10 “(F) is capable of charging or fueling vehi-
11 cles produced by more than one manufacturer
12 (within the meaning of section 30D(d)(3)).

13 “(2) INCLUSION OF UTILITY SERVICE CONNEC-
14 TIONS, ETC.—The term ‘zero-emission vehicle infra-
15 structure’ shall include any utility service connec-
16 tions, utility panel upgrades, line extensions and
17 conduit, transformer upgrades, or similar property,
18 in connection with property meeting the require-
19 ments of paragraph (1).

20 “(3) ZERO-EMISSIONS VEHICLE.—The term
21 ‘zero-emissions vehicle’ means—

22 “(A) a zero-emission vehicle as defined in
23 section 88.102–94 of title 40, Code of Federal
24 Regulations, or

1 “(B) a vehicle that produces zero exhaust
2 emissions of any criteria pollutant (or precursor
3 pollutant) or greenhouse gas under any possible
4 operational modes and conditions.

5 “(4) ZERO-EMISSIONS VEHICLE INFRASTRUC-
6 TURE LOCATED WITHIN OTHER FACILITIES OR
7 PROJECTS.—For purposes of subsection (a), any
8 zero-emission vehicle infrastructure located within—

9 “(A) a facility or project described in sub-
10 section (a), or

11 “(B) an area adjacent to a facility or
12 project described in subsection (a) that pri-
13 marily serves vehicles traveling to or from such
14 facility or project,

15 shall be treated as described in the paragraph in
16 which such facility or project is described.

17 “(5) EXCEPTION FOR REFUELING PROPERTY
18 FOR FLEET VEHICLES.—Subparagraphs (D), (E),
19 and (F) of paragraph (1) shall not apply to property
20 which is part of a unit which is used exclusively by
21 fleets of commercial or governmental vehicles.”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to obligations issued after Decem-
24 ber 31, 2020.

1 **SEC. 90108. CERTAIN WATER AND SEWAGE FACILITY BONDS**
2 **EXEMPT FROM VOLUME CAP ON PRIVATE AC-**
3 **TIVITY BONDS.**

4 (a) IN GENERAL.—Section 146(g) is amended by
5 striking “and” at the end of paragraph (3), striking the
6 period at the end of paragraph (4) and inserting “, and”,
7 and inserting after paragraph (4) the following new para-
8 graph:

9 “(5) any exempt facility bond issued as part of
10 an issue described in paragraph (4) or (5) of section
11 142(a) if 95 percent or more of the net proceeds of
12 such issue are to be used to provide facilities
13 which—

14 “(A) will be used—

15 “(i) by a person who was, as of July
16 1, 2020, engaged in operation of a facility
17 described in such paragraph, and

18 “(ii) to provide service within the area
19 served by such person on such date (or
20 within a county or city any portion of
21 which is within such area), or

22 “(B) will be used by a successor in interest
23 to such person for the same use and within the
24 same service area as described in subparagraph
25 (A).”.

1 **SEC. 90109. QUALIFIED HIGHWAY OR SURFACE FREIGHT**
2 **TRANSFER FACILITY BONDS.**

3 (a) INCREASE IN LIMITATION.—Section
4 142(m)(2)(A) is amended by striking “\$15,000,000,000”
5 and inserting “\$18,750,000,000”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 this section shall apply to bonds issued after the date of
8 the enactment of this Act.

9 **SEC. 90110. APPLICATION OF DAVIS-BACON ACT REQUIRE-**
10 **MENTS WITH RESPECT TO CERTAIN EXEMPT**
11 **FACILITY BONDS.**

12 (a) IN GENERAL.—Section 142(b) is amended by
13 adding at the end the following new paragraph:

14 “(3) APPLICATION OF DAVIS-BACON ACT RE-
15 QUIREMENTS WITH RESPECT TO CERTAIN EXEMPT
16 FACILITY BONDS.—If any proceeds of any issue are
17 used for construction, alteration, or repair of any fa-
18 cility otherwise described in paragraph (4), (5), (15),
19 or (16) of subsection (a), such facility shall be treat-
20 ed for purposes of subsection (a) as described in
21 such paragraph only if each entity that receives such
22 proceeds to conduct such construction, alteration, or
23 repair agrees to comply with the provisions of sub-
24 chapter IV of chapter 31 of title 40, United States
25 Code with respect to such construction, alteration, or
26 repair.”.

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to bonds issued after the date of
3 the enactment of this Act.

4 **Subtitle B—School Infrastructure** 5 **Bonds**

6 **SEC. 90111. RESTORATION OF CERTAIN QUALIFIED TAX** 7 **CREDIT BONDS.**

8 (a) ALLOWANCE OF CREDIT.—

9 (1) IN GENERAL.—Section 54A, as in effect be-
10 fore repeal by Public Law 115–97, is restored as if
11 such repeal had not taken effect.

12 (2) CREDIT LIMITED TO CERTAIN BONDS.—Sec-
13 tion 54A(d)(1), as restored by paragraph (1), is
14 amended by striking subparagraphs (A), (B), and
15 (C).

16 (b) CREDIT ALLOWED TO ISSUER.—

17 (1) IN GENERAL.—Section 6431, as in effect
18 before repeal by Public Law 115–97, is restored as
19 if such repeal had not taken effect.

20 (2) SCHOOL INFRASTRUCTURE BONDS.—Sec-
21 tion 6431(f)(3), as restored by paragraph (1), is
22 amended by inserting “any school infrastructure
23 bond (as defined in section 54BB) or” before “any
24 qualified tax credit bond”.

25 (c) QUALIFIED ZONE ACADEMY BONDS.—

1 (1) IN GENERAL.—Section 54E, as in effect be-
2 fore repeal by Public Law 115–97, is restored as if
3 such repeal had not taken effect.

4 (2) REMOVAL OF PRIVATE BUSINESS CON-
5 TRIBUTION REQUIREMENT.—Section 54E, as re-
6 stored by paragraph (1), is amended—

7 (A) in subsection (a)(3), by inserting
8 “and” at the end of subparagraph (A), by strik-
9 ing subparagraph (B), and by redesignating
10 subparagraph (C) as subparagraph (B);

11 (B) by striking subsection (b); and

12 (C) in subsection (c)(1)—

13 (i) by striking “and \$400,000,000”
14 and inserting “\$400,000,000”; and

15 (ii) by striking “and, except as pro-
16 vided” and all that follows through the pe-
17 riod at the end and inserting “, and
18 \$1,400,000,000 for 2020 and each year
19 thereafter.”.

20 (3) CONSTRUCTION OF A PUBLIC SCHOOL FA-
21 CILITY.—Section 54E(d)(3)(A), as restored by para-
22 graph (1), is amended by striking “rehabilitating or
23 repairing” and inserting “constructing, rehabili-
24 tating, retrofitting, or repairing”.

25 (d) CONFORMING AMENDMENTS.—

1 (1) So much of subpart I of part IV of sub-
2 chapter A of chapter 1 as precedes section 54A, as
3 in effect before repeal by Public Law 115–97, is re-
4 stored as if such repeal had not taken effect.

5 (2) The table of sections for such subpart I, as
6 restored by paragraph (1), is amended by striking
7 the items relating to sections 54B, 54C, 54D, and
8 54F.

9 (e) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to obligations issued after Decem-
11 ber 31, 2020.

12 **SEC. 90112. SCHOOL INFRASTRUCTURE BONDS.**

13 (a) IN GENERAL.—Part IV of subchapter A of chap-
14 ter 1 is amended by inserting after subpart I (as restored
15 by section 90111) the following new subpart:

16 **“Subpart J—School Infrastructure Bonds**

 “Sec. 54BB. School infrastructure bonds.

17 **“SEC. 54BB. SCHOOL INFRASTRUCTURE BONDS.**

18 “(a) IN GENERAL.—If a taxpayer holds a school in-
19 frastructure bond on one or more interest payment dates
20 of the bond during any taxable year, there shall be allowed
21 as a credit against the tax imposed by this chapter for
22 the taxable year an amount equal to the sum of the credits
23 determined under subsection (b) with respect to such
24 dates.

1 “(b) AMOUNT OF CREDIT.—The amount of the credit
2 determined under this subsection with respect to any in-
3 terest payment date for a school infrastructure bond is
4 100 percent of the amount of interest payable by the
5 issuer with respect to such date.

6 “(c) LIMITATION BASED ON AMOUNT OF TAX.—

7 “(1) IN GENERAL.—The credit allowed under
8 subsection (a) for any taxable year shall not exceed
9 the excess of—

10 “(A) the sum of the regular tax liability
11 (as defined in section 26(b)) plus the tax im-
12 posed by section 55, over

13 “(B) the sum of the credits allowable
14 under this part (other than subpart C and this
15 subpart).

16 “(2) CARRYOVER OF UNUSED CREDIT.—If the
17 credit allowable under subsection (a) exceeds the
18 limitation imposed by paragraph (1) for such taxable
19 year, such excess shall be carried to the succeeding
20 taxable year and added to the credit allowable under
21 subsection (a) for such taxable year (determined be-
22 fore the application of paragraph (1) for such suc-
23 ceeding taxable year).

24 “(d) SCHOOL INFRASTRUCTURE BOND.—

1 “(1) IN GENERAL.—For purposes of this sec-
2 tion, the term ‘school infrastructure bond’ means
3 any bond issued as part of an issue if—

4 “(A) 100 percent of the available project
5 proceeds of such issue are to be used for the
6 purposes described in section 70112 of the
7 Moving Forward Act,

8 “(B) the interest on such obligation would
9 (but for this section) be excludable from gross
10 income under section 103,

11 “(C) the issue meets the requirements of
12 paragraph (3), and

13 “(D) the issuer designates such bond for
14 purposes of this section.

15 “(2) APPLICABLE RULES.—For purposes of ap-
16 plying paragraph (1)—

17 “(A) for purposes of section 149(b), a
18 school infrastructure bond shall not be treated
19 as federally guaranteed by reason of the credit
20 allowed under section 6431(a),

21 “(B) for purposes of section 148, the yield
22 on a school infrastructure bond shall be deter-
23 mined without regard to the credit allowed
24 under subsection (a), and

1 “(C) a bond shall not be treated as a
2 school infrastructure bond if the issue price has
3 more than a de minimis amount (determined
4 under rules similar to the rules of section
5 1273(a)(3)) of premium over the stated prin-
6 cipal amount of the bond.

7 “(3) 6-YEAR EXPENDITURE PERIOD.—

8 “(A) IN GENERAL.—An issue shall be
9 treated as meeting the requirements of this
10 paragraph if, as of the date of issuance, the
11 issuer reasonably expects 100 percent of the
12 available project proceeds to be spent for pur-
13 poses described in section 70112 of the Moving
14 Forward Act within the 6-year period beginning
15 on such date of issuance.

16 “(B) FAILURE TO SPEND REQUIRED
17 AMOUNT OF BOND PROCEEDS WITHIN 6
18 YEARS.—To the extent that less than 100 per-
19 cent of the available project proceeds of the
20 issue are expended at the close of the period de-
21 scribed in subparagraph (A) with respect to
22 such issue, the issuer shall redeem all of the
23 nonqualified bonds within 90 days after the end
24 of such period. For purposes of this paragraph,
25 the amount of the nonqualified bonds required

1 to be redeemed shall be determined in the same
2 manner as under section 142.

3 “(e) LIMITATION ON AMOUNT OF BONDS DES-
4 IGNATED.—The maximum aggregate face amount of
5 bonds issued during any calendar year which may be des-
6 ignated under subsection (d) by any issuer shall not exceed
7 the limitation amount allocated under subsection (g) for
8 such calendar year to such issuer.

9 “(f) NATIONAL LIMITATION ON AMOUNT OF BONDS
10 DESIGNATED.—The national qualified school infrastruc-
11 ture bond limitation for each calendar year is—

12 “(1) \$10,000,000,000 for 2021,

13 “(2) \$10,000,000,000 for 2022, and

14 “(3) \$10,000,000,000 for 2023.

15 “(g) ALLOCATION OF LIMITATION.—

16 “(1) ALLOCATIONS.—

17 “(A) STATES.—After application of sub-
18 paragraph (B) and paragraph (3)(A), the limi-
19 tation applicable under subsection (f) for any
20 calendar year shall be allocated by the Sec-
21 retary among the States in proportion to the re-
22 spective amounts received by all local edu-
23 cational agencies in each State under part A of
24 title I of the Elementary and Secondary Edu-
25 cation Act of 1965 (20 U.S.C. 6311 et seq.) for

1 the previous fiscal year relative to the total such
2 amount received by all local educational agen-
3 cies in for the most recent fiscal year ending
4 before such calendar year.

5 “(B) CERTAIN POSSESSIONS.—One-half of
6 1 percent of the amount of the limitation appli-
7 cable under subsection (f) for any calendar year
8 shall be allocated by the Secretary to posses-
9 sions of the United States other than Puerto
10 Rico for such calendar year.

11 “(2) ALLOCATIONS TO SCHOOLS.—The limita-
12 tion amount allocated to a State or possession under
13 paragraph (1) shall be allocated by the State edu-
14 cational agency (or such other agency as is author-
15 ized under State law to make such allocation) to
16 issuers within such State or possession in accord-
17 ance with the priorities described in section
18 70111(c) of the Moving Forward Act and the eligi-
19 bility requirements described in section 70111(b) of
20 such Act, except that paragraph (1)(C) of such sec-
21 tion shall not apply to the determination of eligibility
22 for such allocation.

23 “(3) ALLOCATIONS FOR INDIAN SCHOOLS.—

24 “(A) IN GENERAL.—One-half of 1 percent
25 of the amount of the limitation applicable under

1 subsection (f) for any calendar year shall be al-
2 located by the Secretary to the Secretary of the
3 Interior for schools funded by the Bureau of In-
4 dian Affairs for such calendar year.

5 “(B) ALLOCATION TO SCHOOLS.—The lim-
6 itation amount allocated to the Secretary of the
7 Interior under paragraph (1) shall be allocated
8 by such Secretary to issuers or schools funded
9 as described in paragraph (2). In the case of
10 amounts allocated under the preceding sen-
11 tence, Indian tribal governments (as defined in
12 section 7701(a)(40)) shall be treated as quali-
13 fied issuers for purposes of this subchapter.

14 “(4) DIGITAL LEARNING.—Up to 10 percent of
15 the limitation amount allocated under paragraph (1)
16 or (3)(A) may be allocated by the State to issuers
17 within such State to carry out activities to improve
18 digital learning in accordance with section 70112(b)
19 of the Moving Forward Act.

20 “(h) INTEREST PAYMENT DATE.—For purposes of
21 this section, the term ‘interest payment date’ means any
22 date on which the holder of record of the school infrastruc-
23 ture bond is entitled to a payment of interest under such
24 bond.

25 “(i) SPECIAL RULES.—

1 “(1) INTEREST ON SCHOOL INFRASTRUCTURE
2 BONDS INCLUDIBLE IN GROSS INCOME FOR FED-
3 ERAL INCOME TAX PURPOSES.—For purposes of this
4 title, interest on any school infrastructure bond shall
5 be includible in gross income.

6 “(2) APPLICATION OF CERTAIN RULES.—Rules
7 similar to the rules of subsections (f), (g), (h), and
8 (i) of section 54A shall apply for purposes of the
9 credit allowed under subsection (a).”.

10 (b) TRANSITIONAL COORDINATION WITH STATE
11 LAW.—Except as otherwise provided by a State after the
12 date of the enactment of this Act, the interest on any
13 school infrastructure bond (as defined in section 54BB of
14 the Internal Revenue Code of 1986, as added by this sec-
15 tion) and the amount of any credit determined under such
16 section with respect to such bond shall be treated for pur-
17 poses of the income tax laws of such State as being exempt
18 from Federal income tax.

19 (c) APPLICATION OF CERTAIN LABOR STANDARDS
20 TO PROJECTS FINANCED WITH CERTAIN TAX-FAVORED
21 BONDS.—

22 (1) IN GENERAL.—Subchapter IV of chapter 31
23 of the title 40, United States Code, shall apply to
24 projects financed with the proceeds of—

1 (A) any school infrastructure bond (as de-
2 fined in section 54BB of the Internal Revenue
3 Code of 1986); and

4 (B) any qualified zone academy bond (as
5 defined in section 54E of the Internal Revenue
6 Code of 1986) issued after the date of the en-
7 actment of the American Recovery and Rein-
8 vestment Tax Act of 2009.

9 (2) CONFORMING AMENDMENT.—Section 1601
10 of the American Recovery and Reinvestment Tax
11 Act of 2009 is amended by striking paragraph (3)
12 and redesignating paragraphs (4) and (5) as para-
13 graphs (3) and (4), respectively.

14 (d) CLERICAL AMENDMENTS.—The table of subparts
15 for part IV of subchapter A of chapter 1 is amended by
16 adding at the end the following:

“SUBPART J—SCHOOL INFRASTRUCTURE BONDS”.

17 (e) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to obligations issued after Decem-
19 ber 31, 2020.

20 **SEC. 90113. ANNUAL REPORT ON BOND PROGRAM.**

21 (a) IN GENERAL.—Not later than September 30 of
22 each fiscal year beginning after the date of the enactment
23 of this Act, the Secretary of the Treasury shall submit
24 to the appropriate congressional committees a report on
25 the school infrastructure bond program.

1 (b) ELEMENTS.—The report under paragraph (1)
2 shall include, with respect to the fiscal year preceding the
3 year in which the report is submitted, the following:

4 (1) An identification of—

5 (A) each local educational agency that re-
6 ceived funds from a school infrastructure bond;
7 and

8 (B) each local educational agency that was
9 eligible to receive such funds—

10 (i) but did not receive such funds; or

11 (ii) received less than the maximum
12 amount of funds for which the agency was
13 eligible.

14 (2) With respect to each local educational agen-
15 cy described in paragraph (1)—

16 (A) an assessment of the capacity of the
17 agency to raise funds for the long-term im-
18 provement of public school facilities, as deter-
19 mined by an assessment of—

20 (i) the current and historic ability of
21 the agency to raise funds for construction,
22 renovation, modernization, and major re-
23 pair projects for schools, including the abil-
24 ity of the agency to raise funds through
25 imposition of property taxes;

1 (ii) whether the agency has been able
2 to issue bonds to fund construction
3 projects, including—

4 (I) qualified zone academy bonds
5 under section 54E of the Internal
6 Revenue Code of 1986; and

7 (II) school infrastructure bonds
8 under section 54BB of the Internal
9 Revenue Code of 1986; and

10 (iii) the bond rating of the agency;

11 (B) the demographic composition of the
12 student population served by the agency,
13 disaggregated by—

14 (i) race;

15 (ii) the number and percentage of stu-
16 dents counted under section 1124(c) of the
17 Elementary and Secondary Education Act
18 of 1965 (20 U.S.C. 6333(c)); and

19 (iii) the number and percentage of
20 students who are eligible for a free or re-
21 duced price lunch under the Richard B.
22 Russell National School Lunch Act (42
23 U.S.C. 1751 et seq.);

24 (C) the population density of the geo-
25 graphic area served by the agency;

1 (D) a description of the projects carried
2 out with funds received from school infrastruc-
3 ture bonds;

4 (E) a description of the demonstrable or
5 expected benefits of the projects; and

6 (F) the estimated number of jobs created
7 by the projects.

8 (3) The total dollar amount of all funds re-
9 ceived by local educational agencies from school in-
10 frastructure bonds.

11 (4) Any other factors that the Secretary of the
12 Treasury determines to be appropriate.

13 (c) INFORMATION COLLECTION.—A State or local
14 educational agency that receives funds from a school infra-
15 structure bond shall—

16 (1) annually compile the information necessary
17 for the Secretary of the Treasury to determine the
18 elements described in subsection (b); and

19 (2) report the information to the Secretary of
20 the Treasury at such time and in such manner as
21 the Secretary of the Treasury may require.

22 **SEC. 90114. EXAMINING LOAN MODIFICATIONS TO THE**
23 **HBCU CAPITAL FINANCING PROGRAM.**

24 Not later than 180 days after the date of enactment
25 of this Act, the Secretary of Education shall report to the

1 Committee on Education and Labor of the House of Rep-
2 resentatives and the Committee on Health, Education,
3 Labor, and Pensions of the Senate the results of an anal-
4 ysis to determine the potential benefits and costs of offer-
5 ing loan modifications under the HBCU Capital Financ-
6 ing Program under part D of title III of the Higher Edu-
7 cation Act of 1965 (20 U.S.C. 1066 et seq.) as described
8 in the report entitled “Action Needed to Improve Partici-
9 pation in Education’s HBCU Capital Financing Program”
10 published by Government Accountability Office in June
11 2018 (GAO–18–455).

12 **Subtitle C—Other Provisions Re-**
13 **lated to Infrastructure Financ-**
14 **ing**

15 **SEC. 90121. CREDIT FOR OPERATIONS AND MAINTENANCE**
16 **COSTS OF GOVERNMENT-OWNED**
17 **BROADBAND.**

18 (a) IN GENERAL.—Subchapter B of chapter 65, as
19 amended by the preceding provisions of this Act, is amend-
20 ed by adding at the end the following new section:

21 **“SEC. 6431B. CREDIT FOR OPERATIONS AND MAINTENANCE**
22 **COSTS OF GOVERNMENT-OWNED**
23 **BROADBAND.**

24 “(a) IN GENERAL.—In the case of any eligible gov-
25 ernmental entity, there shall be allowed a credit equal to

1 the applicable percentage of the qualified broadband ex-
2 penses paid or incurred by such entity during the taxable
3 year which credit shall be payable by the Secretary as pro-
4 vided in subsection (b).

5 “(b) PAYMENT OF CREDIT.—Upon receipt from an
6 eligible governmental entity of such information as the
7 Secretary may require for purposes of carrying out this
8 section, the Secretary shall pay to such entity the amount
9 of the credit determined under subsection (a) for the tax-
10 able year.

11 “(c) LIMITATION.—The amount of qualified
12 broadband expenses taken into account under this section
13 for any taxable year with respect to any qualified
14 broadband network shall not exceed the product of \$400
15 multiplied by the number of qualified households sub-
16 scribed to the qualified broadband service provided by
17 such network (determined as of any time during such tax-
18 able year).

19 “(d) DEFINITIONS.—For purposes of this section—

20 “(1) APPLICABLE PERCENTAGE.—The term
21 ‘applicable percentage’ means—

22 “(A) in the case of any taxable year begin-
23 ning in 2020 through 2025, 30 percent,

24 “(B) in the case of any taxable year begin-
25 ning in 2026, 26 percent, and

1 “(C) in the case of any taxable year begin-
2 ning in 2027, 24 percent.

3 “(2) ELIGIBLE GOVERNMENTAL ENTITY.—The
4 term ‘eligible governmental entity’ means—

5 “(A) any State, local, or Indian tribal gov-
6 ernment,

7 “(B) any political subdivision or instru-
8 mentality of any government described in sub-
9 paragraph (A), and

10 “(C) any entity wholly owned by one or
11 more entities described in subparagraph (A) or
12 (B).

13 For purposes of this paragraph, the term ‘State’ in-
14 cludes any possession of the United States.

15 “(3) QUALIFIED BROADBAND EXPENSES.—The
16 term ‘qualified broadband expenses’ means so much
17 of the amounts paid or incurred for the operation
18 and maintenance of a qualified broadband network
19 as are properly allocable to qualified households sub-
20 scribed to the qualified broadband service provided
21 by such network.

22 “(4) QUALIFIED HOUSEHOLD.—The term
23 ‘qualified household’ means a personal residence
24 which—

1 “(A) is located in a low-income community
2 (as defined in section 45D(e)), and

3 “(B) did not have access to qualified
4 broadband service from the eligible govern-
5 mental entity (determined as of the beginning
6 of the taxable year of such entity).

7 “(5) QUALIFIED BROADBAND NETWORK.—The
8 term ‘qualified broadband network’ means property
9 owned by an eligible governmental entity and used
10 for the purpose of providing qualified broadband
11 service.

12 “(6) QUALIFIED BROADBAND SERVICE.—The
13 term ‘qualified broadband service’ means fixed, ter-
14 restrial broadband service providing downloads at a
15 speed of at least 25 megabits per second and
16 uploads at a speed of at least 3 megabits per second.

17 “(7) TAXABLE YEAR.—Except as otherwise pro-
18 vided by the Secretary, the term ‘taxable year’
19 means, with respect to any eligible governmental en-
20 tity, the fiscal year of such entity.

21 “(e) SPECIAL RULES.—

22 “(1) ALLOCATIONS.—For purposes of sub-
23 section (d)(3), amounts shall be treated as properly
24 allocated if allocated ratably among the subscribers
25 of the qualified broadband service.

1 “(2) DENIAL OF DOUBLE BENEFIT.—Qualified
2 broadband expenses shall not include any amount
3 which is paid or reimbursed (directly or indirectly)
4 by any grant from the Federal Government.

5 “(f) REGULATIONS.—The Secretary may prescribe
6 such regulations and other guidance as may be necessary
7 or appropriate to carry out this section.

8 “(g) TERMINATION.—No credit shall be allowed
9 under this section for any taxable year beginning after De-
10 cember 31, 2027.”.

11 (b) PAYMENTS MADE UNDER SECTION 6431B(b) OF
12 THE INTERNAL REVENUE CODE OF 1986.—Section
13 255(h) of the Balanced Budget and Emergency Deficit
14 Control Act of 1985 (2 U.S.C. 905(h)) is amended by in-
15 serting: “Payments made under section 6431B(b) of the
16 Internal Revenue Code of 1986” after the item related to
17 Payments for Foster Care and Permanency.

18 (c) CONFORMING AMENDMENTS.—

19 (1) Section 1324(b)(2) of title 31, United
20 States Code, is amended by striking “or 6431A”
21 and inserting “6431A, or 6431B”.

22 (2) The table of sections for subchapter B of
23 chapter 65, as amended by the preceding provisions
24 of this Act, is amended by adding at the end the fol-
25 lowing new item:

“Sec. 6431B. Credit for operations and maintenance costs of government-owned broadband.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2019.

4 **SEC. 90122. TREATMENT OF FINANCIAL GUARANTY INSUR-**
5 **ANCE COMPANIES AS QUALIFYING INSUR-**
6 **ANCE CORPORATIONS UNDER PASSIVE FOR-**
7 **EIGN INVESTMENT COMPANY RULES.**

8 (a) IN GENERAL.—Section 1297(f)(3) is amended by
9 adding at the end the following new subparagraph:

10 “(C) SPECIAL RULE FOR FINANCIAL GUAR-

11 ANTY INSURANCE COMPANIES.—

12 “(i) IN GENERAL.—Notwithstanding

13 subparagraphs (A)(ii) and (B), the applica-

14 ble insurance liabilities of a financial guar-

15 anty insurance company shall include its

16 unearned premium reserves if—

17 “(I) such company is prohibited

18 under generally accepted accounting

19 principles from reporting on its appli-

20 cable financial statements reserves for

21 losses and loss adjustment expenses

22 with respect to a financial guaranty

23 insurance or reinsurance contract ex-

24 cept to the extent that such reserve

1 amounts are expected to exceed the
2 unearned premium reserves on the
3 contract,

4 “(II) the applicable financial
5 statement of such company reports fi-
6 nancial guaranty exposure of at least
7 15-to-1, and

8 “(III) such company includes in
9 its insurance liabilities only its un-
10 earned premium reserves relating to
11 insurance written or assumed that is
12 within the single risk limits set forth
13 in subsection (D) of section 4 of the
14 Financial Guaranty Insurance Guide-
15 line (modified by using total share-
16 holder’s equity as reported on the ap-
17 plicable financial statement of the
18 company rather than aggregate of the
19 surplus to policyholders and contin-
20 gency reserves).

21 “(ii) FINANCIAL GUARANTY INSUR-
22 ANCE COMPANY.—For purposes of this
23 subparagraph, the term ‘financial guaranty
24 insurance company’ means any insurance
25 company the sole business of which is writ-

1 ing or reinsuring financial guaranty insur-
2 ance (as defined in subsection (A) of sec-
3 tion 1 of the Financial Guaranty Insurance
4 Guideline) which is permitted under sub-
5 section (B) of section 4 of such Guideline.

6 “(iii) FINANCIAL GUARANTY EXPO-
7 SURE.—For purposes of this subpara-
8 graph, the term ‘financial guaranty expo-
9 sure’ means the ratio of—

10 “(I) the net debt service out-
11 standing insured or reinsured by the
12 company that is within the single risk
13 limits set forth in the Financial Guar-
14 anty Insurance Guideline (as reported
15 on such company’s applicable financial
16 statement), to

17 “(II) the company’s total assets
18 (as so reported).

19 “(iv) FINANCIAL GUARANTY INSUR-
20 ANCE GUIDELINE.—For purposes of this
21 subparagraph—

22 “(I) IN GENERAL.—The term
23 ‘Financial Guaranty Insurance Guide-
24 line’ means the October 2008 model
25 regulation that was adopted by the

1 National Association of Insurance
2 Commissioners on December 4, 2007.

3 “(II) DETERMINATIONS MADE BY
4 SECRETARY.—The determination of
5 whether any provision of the Financial
6 Guaranty Insurance Guideline has
7 been satisfied shall be made by the
8 Secretary.”.

9 (b) REPORTING OF CERTAIN ITEMS.—Section
10 1297(f)(4) is amended by adding at the end the following
11 new subparagraph:

12 “(C) CLARIFICATION THAT CERTAIN ITEMS
13 ON APPLICABLE FINANCIAL STATEMENT BE
14 SEPARATELY REPORTED WITH RESPECT TO
15 CORPORATION.—An amount described in para-
16 graph (1)(B) or clause (i)(II), (i)(III), (iii)(I),
17 or (iii)(II) of paragraph (3)(C) shall not be
18 treated as reported on an applicable financial
19 statement for purposes of this section unless
20 such amount is separately reported on such
21 statement with respect to the corporation re-
22 ferred to in paragraph (1).

23 “(D) AUTHORITY OF SECRETARY TO RE-
24 QUIRE REPORTING.—

1 “(i) IN GENERAL.—Each United
2 States person who owns an interest in a
3 specified non-publicly traded foreign cor-
4 poration and who takes the position that
5 such corporation is not a passive foreign
6 investment company shall report to the
7 Secretary such information with respect to
8 such corporation as the Secretary may re-
9 quire.

10 “(ii) SPECIFIED NON-PUBLICLY TRAD-
11 ED FOREIGN CORPORATION.—For purposes
12 of this subparagraph, the term ‘specified
13 non-publicly traded foreign corporation’
14 means any foreign corporation—

15 “(I) which would be a passive
16 foreign investment company if sub-
17 section (b)(2)(B) did not apply, and

18 “(II) no interest in which is trad-
19 ed on an established securities mar-
20 ket.”.

21 (c) EFFECTIVE DATE.—

22 (1) IN GENERAL.—Except as otherwise pro-
23 vided in this subsection, the amendments made by
24 this section shall take effect as if included in section
25 14501 of Public Law 115–97.

1 (2) REPORTING.—The amendment made by
2 subsection (b) shall apply to reports made after the
3 date of the enactment of this Act.

4 **SEC. 90123. INFRASTRUCTURE GRANTS TO IMPROVE CHILD**
5 **CARE SAFETY.**

6 (a) IN GENERAL.—Part A of title IV of the Social
7 Security Act (42 U.S.C. 601 et seq.) is amended by insert-
8 ing after section 418 the following:

9 **“SEC. 418A. INFRASTRUCTURE GRANTS TO IMPROVE CHILD**
10 **CARE SAFETY.**

11 “(a) SHORT TITLE.—This section may be cited as the
12 ‘Infrastructure Grants To Improve Child Care Safety Act
13 of 2020’.

14 “(b) NEEDS ASSESSMENTS.—

15 “(1) IMMEDIATE NEEDS ASSESSMENT.—

16 “(A) IN GENERAL.—The Secretary shall
17 conduct an immediate needs assessment of the
18 condition of child care facilities throughout the
19 United States (with priority given to child care
20 facilities that receive Federal funds), that—

21 “(i) determines the extent to which
22 the COVID–19 pandemic has created im-
23 mediate infrastructure needs, including in-
24 frastructure-related health and safety
25 needs, which must be addressed for child

1 care facilities to operate in compliance with
2 public health guidelines;

3 “(ii) considers the effects of the pan-
4 demic on a variety of child care centers, in-
5 cluding home-based centers; and

6 “(iii) considers how the pandemic has
7 impacted specific metrics, such as—

8 “(I) capacity;

9 “(II) investments in infrastruc-
10 ture changes;

11 “(III) the types of infrastructure
12 changes centers need to implement
13 and their associated costs;

14 “(IV) the price of tuition; and

15 “(V) any changes or anticipated
16 changes in the number and demo-
17 graphic of children attending.

18 “(B) TIMING.—The immediate needs as-
19 sessment should occur simultaneously with the
20 first grant-making cycle under subsection (c).

21 “(C) REPORT.—Not later than 1 year
22 after the date of the enactment of this section,
23 the Secretary shall submit to the Congress a re-
24 port containing the result of the needs assess-

1 ment conducted under subparagraph (A), and
2 make the assessment publicly available.

3 “(2) LONG-TERM NEEDS ASSESSMENT.—

4 “(A) IN GENERAL.—The Secretary shall
5 conduct a long-term assessment of the condition
6 of child care facilities throughout the United
7 States (with priority given to child care facili-
8 ties that receive Federal funds). The assess-
9 ment may be conducted through representative
10 random sampling.

11 “(B) REPORT.—Not later than 4 years
12 after the date of the enactment of this section,
13 the Secretary shall submit to the Congress a re-
14 port containing the results of the needs assess-
15 ment conducted under subparagraph (A), and
16 make the assessment publicly available.

17 “(c) CHILD CARE FACILITIES GRANTS.—

18 “(1) GRANTS TO STATES.—

19 “(A) IN GENERAL.—The Secretary may
20 award grants to States for the purpose of ac-
21 quiring, constructing, renovating, or improving
22 child care facilities, including adapting, re-
23 configuring, or expanding facilities to respond
24 to the COVID–19 pandemic.

1 “(B) PRIORITIZED FACILITIES.—The Sec-
2 retary may not award a grant to a State under
3 subparagraph (A) unless the State involved
4 agrees, with respect to the use of grant funds,
5 to prioritize—

6 “(i) child care facilities primarily serv-
7 ing low-income populations;

8 “(ii) child care facilities primarily
9 serving children who have not attained the
10 age of 5 years;

11 “(iii) child care facilities that closed
12 during the COVID–19 pandemic and are
13 unable to open without making modifica-
14 tions to the facility that would otherwise be
15 required to ensure the health and safety of
16 children and staff; and

17 “(iv) child care facilities that serve the
18 children of parents classified as essential
19 workers during the COVID–19 pandemic.

20 “(C) DURATION OF GRANTS.—A grant
21 under this subsection shall be awarded for a pe-
22 riod of not more than 5 years.

23 “(D) APPLICATION.—To seek a grant
24 under this subsection, a State shall submit to
25 the Secretary an application at such time, in

1 such manner, and containing such information
2 as the Secretary may require, which informa-
3 tion shall—

4 “(i) be disaggregated as the Secretary
5 may require; and

6 “(ii) include a plan to use a portion of
7 the grant funds to report back to the Sec-
8 retary on the impact of using the grant
9 funds to improve child care facilities.

10 “(E) PRIORITY.—In selecting States for
11 grants under this subsection, the Secretary
12 shall prioritize States that—

13 “(i) plan to improve center-based and
14 home-based child care programs, which
15 may include a combination of child care
16 and early Head Start or Head Start pro-
17 grams;

18 “(ii) aim to meet specific needs across
19 urban, suburban, or rural areas as deter-
20 mined by the State; and

21 “(iii) show evidence of collaboration
22 with—

23 “(I) local government officials;

24 “(II) other State agencies;

1 “(III) nongovernmental organiza-
2 tions, such as—

3 “(aa) organizations within
4 the philanthropic community;

5 “(bb) certified community
6 development financial institutions
7 as defined in section 103 of the
8 Community Development Bank-
9 ing and Financial Institutions
10 Act of 1994 (12 U.S.C. 4702)
11 that have been certified by the
12 Community Development Finan-
13 cial Institutions Fund (12 U.S.C.
14 4703); and

15 “(cc) organizations that
16 have demonstrated experience
17 in—

18 “(AA) providing tech-
19 nical or financial assistance
20 for the acquisition, construc-
21 tion, renovation, or improve-
22 ment of child care facilities;

23 “(BB) providing tech-
24 nical, financial, or manage-

1 rial assistance to child care
2 providers; and

3 “(CC) securing private
4 sources of capital financing
5 for child care facilities or
6 other low-income community
7 development projects; and

8 “(IV) local community organiza-
9 tions, such as—

10 “(aa) child care providers;

11 “(bb) community care agen-
12 cies;

13 “(cc) resource and referral
14 agencies; and

15 “(dd) unions.

16 “(F) CONSIDERATION.—In selecting States
17 for grants under this subsection, the Secretary
18 shall consider—

19 “(i) whether the applicant—

20 “(I) has or is developing a plan
21 to address child care facility needs;
22 and

23 “(II) demonstrates the capacity
24 to execute such a plan; and

1 “(ii) after the date the report required
2 by subsection (b)(1)(C) is submitted to the
3 Congress, the needs of the applicants
4 based on the results of the assessment.

5 “(G) DIVERSITY OF AWARDS.—In award-
6 ing grants under this section, the Secretary
7 shall give equal consideration to States with
8 varying capacities under subparagraph (F).

9 “(H) MATCHING REQUIREMENT.—

10 “(i) IN GENERAL.—As a condition for
11 the receipt of a grant under subparagraph
12 (A), a State that is not an Indian tribe
13 shall agree to make available (directly or
14 through donations from public or private
15 entities) contributions with respect to the
16 cost of the activities to be carried out pur-
17 suant to subparagraph (A), which may be
18 provided in cash or in kind, in an amount
19 equal to 10 percent of the funds provided
20 through the grant.

21 “(ii) DETERMINATION OF AMOUNT
22 CONTRIBUTED.—Contributions required by
23 clause (i) may include—

24 “(I) amounts provided by the
25 Federal Government, or services as-

1 sisted or subsidized to any significant
2 extent by the Federal Government; or

3 “(II) philanthropic or private-sec-
4 tor funds.

5 “(I) REPORT.—Not later than 6 months
6 after the last day of the grant period, a State
7 receiving a grant under this paragraph shall
8 submit a report to the Secretary as described in
9 subparagraph (D)—

10 “(i) to determine the effects of the
11 grant in constructing, renovating, or im-
12 proving child care facilities, including any
13 changes in response to the COVID–19
14 pandemic and any effects on access to and
15 quality of child care; and

16 “(ii) to provide such other information
17 as the Secretary may require.

18 “(J) AMOUNT LIMIT.—The annual amount
19 of a grant under this paragraph may not exceed
20 \$35,000,000.

21 “(2) GRANTS TO INTERMEDIARY ORGANIZA-
22 TIONS.—

23 “(A) IN GENERAL.—The Secretary may
24 award grants to intermediary organizations,
25 such as certified community development finan-

1 cial institutions, tribal organizations, or other
2 organizations with demonstrated experience in
3 child care facilities financing, for the purpose of
4 providing technical assistance, capacity build-
5 ing, and financial products to develop or finance
6 child care facilities.

7 “(B) APPLICATION.—A grant under this
8 paragraph may be made only to intermediary
9 organizations that submit to the Secretary an
10 application at such time, in such manner, and
11 containing such information as the Secretary
12 may require.

13 “(C) PRIORITY.—In selecting intermediary
14 organizations for grants under this subsection,
15 the Secretary shall prioritize intermediary orga-
16 nizations that—

17 “(i) demonstrate experience in child
18 care facility financing or related commu-
19 nity facility financing;

20 “(ii) demonstrate the capacity to as-
21 sist States and local governments in devel-
22 oping child care facilities and programs;

23 “(iii) demonstrate the ability to lever-
24 age grant funding to support financing
25 tools to build the capacity of child care

1 providers, such as through credit enhance-
2 ments;

3 “(iv) propose to meet a diversity of
4 needs across States and across urban, sub-
5 urban, and rural areas at varying types of
6 center-based, home-based, and other child
7 care settings, including early care pro-
8 grams located in freestanding buildings or
9 in mixed-use properties; and

10 “(v) propose to focus on child care fa-
11 cilities primarily serving low-income popu-
12 lations and children who have not attained
13 the age of 5 years.

14 “(D) AMOUNT LIMIT.—The amount of a
15 grant under this paragraph may not exceed
16 \$10,000,000.

17 “(3) LABOR STANDARDS FOR ALL GRANTS.—
18 The Secretary shall require that each entity, includ-
19 ing grantees and subgrantees, that applies for an in-
20 frastructure grant for constructing, renovating, or
21 improving child care facilities, including adapting,
22 reconfiguring, or expanding such facilities, which is
23 funded in whole or in part under this section, shall
24 include in its application written assurance that all
25 laborers and mechanics employed by contractors or

1 subcontractors in the performance of construction,
2 alternation or repair, as part of such project, shall
3 be paid wages at rates not less than those prevailing
4 on similar work in the locality as determined by the
5 Secretary of Labor in accordance with subchapter
6 IV of chapter 31 of part A of subtitle II of title 40,
7 United States Code (commonly referred to as the
8 ‘Davis-Bacon Act’), and with respect to the labor
9 standards specified in such subchapter the Secretary
10 of Labor shall have the authority and functions set
11 forth in Reorganization Plan Numbered 14 of 1950
12 (15 Fed. Reg. 3176; 5 U.S.C. App.) and section 2
13 of the Act of June 13, 1934 (40 U.S.C. 276c).

14 “(4) REPORT.—Not later than the end of fiscal
15 year 2024, the Secretary shall submit to the Con-
16 gress a report on the effects of the grants provided
17 under this subsection, and make the report pub-
18 lically accessible.

19 “(d) LIMITATIONS ON AUTHORIZATION OF APPRO-
20 PRIATIONS.—

21 “(1) IN GENERAL.—To carry out this section,
22 there is authorized to be appropriated
23 \$10,000,000,000 for fiscal year 2020, which shall
24 remain available through fiscal year 2024.

25 “(2) RESERVATIONS OF FUNDS.—

1 “(A) INDIAN TRIBES.—The Secretary shall
2 reserve 3 percent of the total amount made
3 available to carry out this section, for payments
4 to Indian tribes.

5 “(B) TERRITORIES.—The Secretary shall
6 reserve 3 percent of the total amount made
7 available to carry out this section, for payments
8 to territories.

9 “(3) GRANTS FOR INTERMEDIARY ORGANIZA-
10 TIONS.—Not less than 10 percent and not more
11 than 15 percent of the total amount made available
12 to carry out this section may be used to carry out
13 subsection (c)(2).

14 “(4) LIMITATION ON USE OF FUNDS FOR
15 NEEDS ASSESSMENTS.—Not more than \$5,000,000
16 of the amounts made available to carry out this sec-
17 tion may be used to carry out subsection (b).

18 “(5) LABOR STANDARDS FOR ALL GRANTS.—
19 The Secretary of Health and Human Services shall
20 require that each entity, including grantees and sub-
21 grantees, that applies for an infrastructure grant for
22 constructing, renovating, or improving child care fa-
23 cilities, including adapting, reconfiguring, or expand-
24 ing such facilities, which is funded in whole or in
25 part under this section, shall include in its applica-

1 tion written assurance that all laborers and mechan-
2 ics employed by contractors or subcontractors in the
3 performance of construction, alternation or repair,
4 as part of such project, shall be paid wages at rates
5 not less than those prevailing on similar work in the
6 locality as determined by the Secretary of Labor in
7 accordance with subchapter IV of chapter 31 of part
8 A of subtitle II of title 40, United States Code (com-
9 monly referred to as the ‘Davis-Bacon Act’), and
10 with respect to the labor standards specified in such
11 subchapter the Secretary of Labor shall have the au-
12 thority and functions set forth in Reorganization
13 Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 5
14 U.S.C. App.) and section 2 of the Act of June 13,
15 1934 (40 U.S.C. 276c).

16 “(e) DEFINITION OF STATE.—In this section, the
17 term ‘State’ has the meaning provided in section 419, ex-
18 cept that it includes the Commonwealth of the Northern
19 Mariana Islands and any Indian tribe.”.

20 (b) EXEMPTION OF TERRITORY GRANTS FROM LIM-
21 TATION ON TOTAL PAYMENTS TO THE TERRITORIES.—
22 Section 1108(a)(2) of such Act (42 U.S.C. 1308(a)(2))
23 is amended by inserting “418A(c),” after “413(f),”.

1 amount in paragraph (1)(I) shall be increased
2 by an amount equal to—

3 “(i) such dollar amount, multiplied by

4 “(ii) the cost-of-living adjustment de-
5 termined under section 1(f)(3) for the cal-
6 endar year, determined by substituting
7 ‘calendar year 2021’ for ‘calendar year
8 2016’ in subparagraph (A)(ii) thereof.

9 “(B) ROUNDING RULE.—Any increase
10 under subparagraph (A) which is not a multiple
11 of \$1,000,000 shall be rounded to the nearest
12 multiple of \$1,000,000.”.

13 (3) CONFORMING AMENDMENT.—Section
14 45D(f)(3) is amended by striking the last sentence.

15 (b) ALTERNATIVE MINIMUM TAX RELIEF.—Sub-
16 paragraph (B) of section 38(c)(4) is amended—

17 (1) by redesignating clauses (v) through (xii) as
18 clauses (vi) through (xiii), respectively, and

19 (2) by inserting after clause (iv) the following
20 new clause:

21 “(v) the credit determined under sec-
22 tion 45D, but only with respect to credits
23 determined with respect to qualified equity
24 investments (as defined in section 45D(b))
25 initially made after December 31, 2020.”.

1 (c) EFFECTIVE DATES.—

2 (1) IN GENERAL.—Except as otherwise pro-
3 vided in this subsection, the amendments made by
4 this section shall apply to new markets tax credit
5 limitation determined for calendar years after 2020.

6 (2) ALTERNATIVE MINIMUM TAX RELIEF.—The
7 amendments made by subsection (b) shall apply to
8 credits determined with respect to qualified equity
9 investments (as defined in section 45D(b) of the In-
10 ternal Revenue Code of 1986) initially made after
11 December 31, 2020.

12 (3) SPECIAL RULE FOR ALLOCATION OF IN-
13 CREASED 2019 LIMITATION.—The amount of the in-
14 crease in the new market tax credit limitation for
15 calendar year 2019 by reason of the amendments
16 made by subsection (a) shall be allocated in accord-
17 ance with section 45D(f)(2) of the Internal Revenue
18 Code of 1986 to qualified community development
19 entities (as defined in section 45D(c) of such Code)
20 which—

21 (A) submitted an allocation application
22 with respect to calendar year 2019, and

23 (B) either—

24 (i) did not receive an allocation for
25 such calendar year, or

1 (ii) received an allocation for such cal-
 2 endar year in an amount less than the
 3 amount requested in the allocation applica-
 4 tion.

5 **TITLE III—REHABILITATION TAX**
 6 **CREDIT**

7 **SEC. 90301. INCREASE IN REHABILITATION CREDIT.**

8 (a) IN GENERAL.—Section 47(a)(2) is amended by
 9 striking “20 percent” and inserting “the applicable per-
 10 centage”.

11 (b) APPLICABLE PERCENTAGE.—Section 47(a) is
 12 amended by adding at the end the following new para-
 13 graph:

14 “(3) APPLICABLE PERCENTAGE.—For purposes
 15 of this subsection, the term ‘applicable percentage’
 16 means the percentage determined in accordance with
 17 the following table:

“In the case of a taxable year beginning in:	The applicable percentage is:
2020 through 2024	30 percent
2025	26 percent
2026	23 percent
2027 and thereafter	20 percent”.

18 (c) EFFECTIVE DATE.—The amendments made by
 19 this section shall apply to taxable years beginning after
 20 December 31, 2019.

1 **SEC. 90302. INCREASE IN THE REHABILITATION CREDIT**
2 **FOR CERTAIN SMALL PROJECTS.**

3 (a) IN GENERAL.—Section 47 is amended by adding
4 at the end the following new subsection:

5 “(e) SPECIAL RULE REGARDING CERTAIN SMALLER
6 PROJECTS.—

7 “(1) IN GENERAL.—In the case of any smaller
8 project—

9 “(A) the applicable percentage determined
10 under subsection (a)(3) shall not be less than
11 30 percent, and

12 “(B) the qualified rehabilitation expendi-
13 tures taken into account under this section with
14 respect to such project shall not exceed
15 \$2,500,000.

16 “(2) SMALLER PROJECT.—For purposes of this
17 subsection, the term ‘smaller project’ means the re-
18 habilitation of any qualified rehabilitated building
19 if—

20 “(A) the qualified rehabilitation expendi-
21 tures taken into account under this section (or
22 which would be so taken into account but for
23 paragraph (1)(B)) with respect to such rehabili-
24 tation do not exceed \$3,750,000,

25 “(B) no credit was allowed under this sec-
26 tion with respect to such building to any tax-

1 payer for either of the 2 taxable years imme-
2 diately preceding the first taxable year in which
3 expenditures described in subparagraph (A)
4 were paid or incurred, and

5 “(C) the taxpayer elects (at such time and
6 manner as the Secretary may provide) to have
7 this subsection apply with respect to such reha-
8 bilitation.”.

9 (b) **EFFECTIVE DATE.**—The amendment made by
10 this section shall apply to taxable years beginning after
11 December 31, 2019.

12 **SEC. 90303. MODIFICATION OF DEFINITION OF SUBSTAN-**
13 **TIALY REHABILITATED.**

14 (a) **IN GENERAL.**—Section 47(c)(1)(B)(i)(I) is
15 amended by inserting “50 percent of” before “the ad-
16 justed basis”.

17 (b) **EFFECTIVE DATE.**—The amendment made by
18 subsection (a) shall apply to determinations with respect
19 to 24-month periods (referred to in clause (i) of section
20 47(c)(1)(B) of the Internal Revenue Code of 1986) and
21 60-month periods (referred to in clause (ii) of such sec-
22 tion) which begin after the date of the enactment of this
23 Act.

1 **SEC. 90304. TEMPORARY EXTENSION OF PERIOD FOR COM-**
2 **PLETING REHABILITATION.**

3 (a) IN GENERAL.—Section 47(c)(1)(B) is amended
4 by adding at the end the following new clause:

5 “(iv) TEMPORARY EXTENSION OF PE-
6 RIOD FOR COMPLETING REHABILITA-
7 TION.—In the case of any period selected
8 by a taxpayer which includes March 13,
9 2020 (determined without regard to this
10 clause), this subparagraph (and section
11 13402(b)(2) of Public Law 115–97) shall
12 be applied—

13 “(I) by substituting ‘36-month’
14 for ‘24-month’ each place it appears
15 therein, and

16 “(II) by substituting ‘72-month’
17 for ‘60-month’ each place it appears
18 therein.”.

19 (b) EFFECTIVE DATE.—The amendment made by
20 this section shall apply to periods which include March 13,
21 2020 (determined without regard to such amendment).

22 **SEC. 90305. ELIMINATION OF REHABILITATION CREDIT**
23 **BASIS ADJUSTMENT.**

24 (a) IN GENERAL.—Section 50(c) is amended by add-
25 ing at the end the following new paragraph:

1 168(h) without regard to whether the
2 property is leased in a disqualified
3 lease (as defined in section
4 168(h)(1)(B)(ii)).”.

5 (b) **EFFECTIVE DATE.**—The amendments made by
6 this section shall apply to leases entered into after the date
7 of the enactment of this Act.

8 **SEC. 90307. QUALIFICATION OF REHABILITATION EXPENDI-**
9 **TURES FOR PUBLIC SCHOOL BUILDINGS FOR**
10 **REHABILITATION CREDIT.**

11 (a) **IN GENERAL.**—Section 47(c)(2)(B)(v) is amend-
12 ed by adding at the end the following new subclause:

13 “(III) **CLAUSE NOT TO APPLY TO**
14 **PUBLIC SCHOOLS.**—This clause shall
15 not apply in the case of the rehabilita-
16 tion of any building which was used
17 as a qualified public educational facil-
18 ity (as defined in section 142(k)(1),
19 determined without regard to sub-
20 paragraph (B) thereof) at any time
21 during the 5-year period ending on
22 the date that such rehabilitation be-
23 gins and which is used as such a facil-
24 ity immediately after such rehabilita-
25 tion.”.

1 (b) REPORT.—Not later than the date which is 5
2 years after the date of the enactment of this Act, the Sec-
3 retary of the Treasury, after consultation with the heads
4 of appropriate Federal agencies, shall report to Congress
5 on the effects resulting from the amendment made by sub-
6 section (a).

7 (c) EFFECTIVE DATE.—The amendment made by
8 this section shall apply to property placed in service after
9 the date of the enactment of this Act.

10 **TITLE IV—GREEN ENERGY**

11 **SEC. 90400. SHORT TITLE.**

12 This title may be cited as the “Growing Renewable
13 Energy and Efficiency Now Act of 2020” or the “GREEN
14 Act of 2020”.

15 **Subtitle A—Renewable Electricity** 16 **and Reducing Carbon Emissions**

17 **SEC. 90401. EXTENSION OF CREDIT FOR ELECTRICITY PRO-** 18 **DUCED FROM CERTAIN RENEWABLE RE-** 19 **SOURCES.**

20 (a) IN GENERAL.—The following provisions of sec-
21 tion 45(d) are each amended by striking “January 1,
22 2021” each place it appears and inserting “January 1,
23 2026”:

24 (1) Paragraph (2)(A).

25 (2) Paragraph (3)(A).

1 (3) Paragraph (6).

2 (4) Paragraph (7).

3 (5) Paragraph (9).

4 (6) Paragraph (11)(B).

5 (b) EXTENSION OF ELECTION TO TREAT QUALIFIED
6 FACILITIES AS ENERGY PROPERTY.—Section
7 48(a)(5)(C)(ii) is amended by striking “January 1, 2021”
8 and inserting “January 1, 2026”.

9 (c) APPLICATION OF EXTENSION TO WIND FACILI-
10 TIES.—

11 (1) IN GENERAL.—Section 45(d)(1) is amended
12 by striking “January 1, 2021” and inserting “Janu-
13 ary 1, 2026”.

14 (2) APPLICATION OF PHASEOUT PERCENT-
15 AGE.—

16 (A) RENEWABLE ELECTRICITY PRODUC-
17 TION CREDIT.—Sections 45(b)(5)(D) is amend-
18 ed by striking “and before January 1, 2021,”.

19 (B) ENERGY CREDIT.—Section
20 48(a)(5)(E)(iv) is amended by striking “and be-
21 fore January 1, 2021,”.

22 (d) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to facilities the construction of
24 which begins after December 31, 2020.

1 **SEC. 90402. EXTENSION AND MODIFICATION OF ENERGY**
2 **CREDIT.**

3 (a) EXTENSION OF CREDIT.—The following provi-
4 sions of section 48 are each amended by striking “January
5 1, 2022” each place it appears and inserting “January
6 1, 2027”:

7 (1) Subsection (a)(3)(A)(ii).

8 (2) Subsection (a)(3)(A)(vii).

9 (3) Subsection (c)(1)(D).

10 (4) Subsection (c)(2)(D).

11 (5) Subsection (c)(3)(A)(iv).

12 (6) Subsection (c)(4)(C).

13 (b) PHASEOUT OF CREDIT.—Section 48(a) is amend-
14 ed—

15 (1) by striking “December 31, 2019” in para-
16 graphs (6)(A)(i) and (7)(A)(i) and inserting “De-
17 cember 31, 2025”,

18 (2) by striking “December 31, 2020” in para-
19 graphs (6)(A)(ii) and (7)(A)(ii) and inserting “De-
20 cember 31, 2026”,

21 (3) by striking “January 1, 2021” in para-
22 graphs (6)(A)(i) and (7)(A)(i) and inserting “Janu-
23 ary 1, 2027”,

24 (4) by striking “January 1, 2022” each place
25 it appears in paragraphs (6)(A), (6)(B), and (7)(A)
26 and inserting “January 1, 2028”, and

1 (5) by striking “January 1, 2024” in para-
2 graphs (6)(B) and (7)(B) and inserting “January 1,
3 2030”.

4 (c) 30 PERCENT CREDIT FOR SOLAR AND GEO-
5 THERMAL.—

6 (1) EXTENSION FOR SOLAR.—Section
7 48(a)(2)(A)(i)(II) is amended by striking “January
8 1, 2022” and inserting “January 1, 2028”.

9 (2) APPLICATION TO GEOTHERMAL.—

10 (A) IN GENERAL.—Paragraphs
11 (2)(A)(i)(II), (6)(A), and (6)(B) of section
12 48(a) are each amended by striking “paragraph
13 (3)(A)(i)” and inserting “clause (i) or (iii) of
14 paragraph (3)(A)”.

15 (B) CONFORMING AMENDMENT.—The
16 heading of section 48(a)(6) is amended by in-
17 serting “AND GEOTHERMAL” after “SOLAR EN-
18 ERGY”.

19 (d) ENERGY STORAGE TECHNOLOGIES; WASTE EN-
20 ERGY RECOVERY PROPERTY; QUALIFIED BIOGAS PROP-
21 ERTY.—

22 (1) IN GENERAL.—Section 48(a)(3)(A) is
23 amended by striking “or” at the end of clause (vi),
24 and by adding at the end the following new clauses:

25 “(viii) energy storage technology,

1 “(ix) waste energy recovery property,
2 or
3 “(x) qualified biogas property,”.

4 (2) APPLICATION OF 30 PERCENT CREDIT.—
5 Section 48(a)(2)(A)(i) is amended by striking “and”
6 at the end of subclauses (III) and (IV) and adding
7 at the end the following new subclauses:

8 “(V) energy storage technology,
9 “(VI) waste energy recovery
10 property, and
11 “(VII) qualified biogas property,
12 and”.

13 (3) APPLICATION OF PHASEOUT.—Section
14 48(a)(7) is amended—

15 (A) by inserting “energy storage tech-
16 nology, waste energy recovery property, quali-
17 fied biogas property,” after “qualified small
18 wind property,” and

19 (B) by striking “FIBER-OPTIC SOLAR,
20 QUALIFIED FUEL CELL, AND QUALIFIED SMALL
21 WIND” in the heading thereof and inserting
22 “CERTAIN OTHER”.

23 (4) DEFINITIONS.—Section 48(c) is amended
24 by adding at the end the following new paragraphs:

25 “(5) ENERGY STORAGE TECHNOLOGY.—

1 “(A) IN GENERAL.—The term ‘energy
2 storage technology’ means equipment (other
3 than equipment primarily used in the transpor-
4 tation of goods or individuals and not for the
5 production of electricity) which—

6 “(i) uses batteries, compressed air,
7 pumped hydropower, hydrogen storage (in-
8 cluding hydrolysis and electrolysis), ther-
9 mal energy storage, regenerative fuel cells,
10 flywheels, capacitors, superconducting
11 magnets, or other technologies identified
12 by the Secretary, after consultation with
13 the Secretary of Energy, to store energy
14 for conversion to electricity and has a ca-
15 pacity of not less than 5 kilowatt hours, or

16 “(ii) stores thermal energy to heat or
17 cool (or provide hot water for use in) a
18 structure (other than for use in a swim-
19 ming pool).

20 “(B) TERMINATION.—The term ‘energy
21 storage technology’ shall not include any prop-
22 erty the construction of which does not begin
23 before January 1, 2028.

24 “(6) WASTE ENERGY RECOVERY PROPERTY.—

1 “(A) IN GENERAL.—The term ‘waste en-
2 ergy recovery property’ means property that
3 generates electricity solely from heat from
4 buildings or equipment if the primary purpose
5 of such building or equipment is not the genera-
6 tion of electricity.

7 “(B) CAPACITY LIMITATION.—The term
8 ‘waste energy recovery property’ shall not in-
9 clude any property which has a capacity in ex-
10 cess of 50 megawatts.

11 “(C) NO DOUBLE BENEFIT.—Any waste
12 energy recovery property (determined without
13 regard to this subparagraph) which is part of a
14 system which is a combined heat and power sys-
15 tem property shall not be treated as waste en-
16 ergy recovery property for purposes of this sec-
17 tion unless the taxpayer elects to not treat such
18 system as a combined heat and power system
19 property for purposes of this section.

20 “(D) TERMINATION.—The term ‘waste en-
21 ergy recovery property’ shall not include any
22 property the construction of which does not
23 begin before January 1, 2028.

24 “(7) QUALIFIED BIOGAS PROPERTY.—

1 “(A) IN GENERAL.—The term ‘qualified
2 biogas property’ means property comprising a
3 system which—

4 “(i) converts biomass (as defined in
5 section 45K(e)(3)) into a gas which—

6 “(I) consists of not less than 52
7 percent methane, or

8 “(II) is concentrated by such sys-
9 tem into a gas which consists of not
10 less than 52 percent methane, and

11 “(ii) captures such gas for productive
12 use.

13 “(B) INCLUSION OF CLEANING AND CON-
14 DITIONING PROPERTY.—The term ‘qualified
15 biogas property’ includes any property which is
16 part of such system which cleans or conditions
17 such gas.

18 “(C) TERMINATION.—The term ‘qualified
19 biogas property’ shall not include any property
20 the construction of which does not begin before
21 January 1, 2028.”.

22 (5) DENIAL OF DOUBLE BENEFIT FOR QUALI-
23 FIED BIOGAS PROPERTY.—Section 45(e) is amended
24 by adding at the end the following new paragraph:

1 “(12) COORDINATION WITH ENERGY CREDIT
2 FOR QUALIFIED BIOGAS PROPERTY.—The term
3 ‘qualified facility’ shall not include any facility which
4 produces electricity from gas produced by qualified
5 biogas property (as defined in section 48(c)(7)) if a
6 credit is determined under section 48 with respect to
7 such property for the taxable year or any prior tax-
8 able year.”.

9 (e) FUEL CELLS USING ELECTROMECHANICAL
10 PROCESSES.—

11 (1) IN GENERAL.—Section 48(e)(1) is amend-
12 ed—

13 (A) in subparagraph (A)(i)—

14 (i) by inserting “or electromechanical”
15 after “electrochemical”, and

16 (ii) by inserting “(1 kilowatts in the
17 case of a fuel cell power plant with a linear
18 generator assembly)” after “0.5 kilowatt”,
19 and

20 (B) in subparagraph (C)—

21 (i) by inserting “, or linear generator
22 assembly,” after “a fuel cell stack assem-
23 bly”, and

24 (ii) by inserting “or
25 electromechanical” after “electrochemical”.

1 (2) LINEAR GENERATOR ASSEMBLY LIMITA-
2 TION.—Section 48(e)(1) is amended by redesign-
3 nating subparagraph (D) as subparagraph (E) and
4 by inserting after subparagraph (C) the following
5 new subparagraph:

6 “(D) LINEAR GENERATOR ASSEMBLY.—
7 The term ‘linear generator assembly’ does not
8 include any assembly which contains rotating
9 parts.”.

10 (f) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to periods after December 31,
12 2020, under rules similar to the rules of section 48(m)
13 as in effect on the day before the date of the enactment
14 of the Revenue Reconciliation Act of 1990.

15 **SEC. 90403. EXTENSION OF CREDIT FOR CARBON OXIDE SE-**
16 **QUESTRATION.**

17 (a) IN GENERAL.—Section 45Q(d)(1) is amended by
18 striking “January 1, 2024” and inserting “January 1,
19 2026”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section applies to facilities the construction of which
22 begins after December 31, 2023.

1 **SEC. 90404. ELECTIVE PAYMENT FOR ENERGY PROPERTY**
2 **AND ELECTRICITY PRODUCED FROM CER-**
3 **TAIN RENEWABLE RESOURCES, ETC.**

4 (a) IN GENERAL.—Subchapter B of chapter 65 is
5 amended by adding at the end the following new section:

6 **“SEC. 6431. ELECTIVE PAYMENT FOR ENERGY PROPERTY,**
7 **ELECTRICITY PRODUCED FROM CERTAIN RE-**
8 **NEWABLE RESOURCES, ETC, AND CARBON**
9 **OXIDE SEQUESTRATION.**

10 “(a) ENERGY PROPERTY.—In the case of a taxpayer
11 making an election (at such time and in such manner as
12 the Secretary may provide) under this section with respect
13 to any portion of an applicable credit, such taxpayer shall
14 be treated as making a payment against the tax imposed
15 by subtitle A for the taxable year equal to—

16 “(1) in the case of an Indian tribal government,
17 the amount of such portion, and

18 “(2) in the case of any other taxpayer, 85 per-
19 cent of such amount.

20 “(b) DEFINITIONS AND SPECIAL RULES.—For pur-
21 poses of this section—

22 “(1) GOVERNMENTAL ENTITIES TREATED AS
23 TAXPAYERS.—In the case of an election under this
24 section—

25 “(A) any State or local government, or a
26 political subdivision thereof, or

1 “(B) an Indian tribal government,
2 shall be treated as a taxpayer for purposes of this
3 section and determining any applicable credit.

4 “(2) APPLICABLE CREDIT.—The term ‘applica-
5 ble credit’ means each of the following credits that
6 would (without regard to this section) be determined
7 with respect to the taxpayer:

8 “(A) A energy credit under section 48.

9 “(B) A renewable electricity production
10 credit under section 45.

11 “(C) A carbon oxide sequestration credit
12 under section 45Q.

13 “(3) INDIAN TRIBAL GOVERNMENT.—The term
14 ‘Indian tribal government’ shall have the meaning
15 given such term by section 139E.

16 “(4) TIMING.—The payment described in sub-
17 paragraph (A) shall be treated as made on—

18 “(A) in the case of any government, or po-
19 litical subdivision, to which paragraph (1) ap-
20 plies and for which no return is required under
21 section 6011 or 6033(a), the later of the date
22 that a return would be due under section
23 6033(a) if such government or subdivision were
24 described in that section or the date on which
25 such government or subdivision submits a claim

1 for credit or refund (at such time and in such
2 manner as the Secretary shall provide), and

3 “(B) in any other case, the later of the due
4 date of the return of tax for the taxable year
5 or the date on which such return is filed.

6 “(5) WAIVER OF SPECIAL RULES.—In the case
7 of an election under this section, the determination
8 of any applicable credit shall be without regard to
9 paragraphs (3) and (4)(A)(i) of section 50(b).

10 “(c) EXCLUSION FROM GROSS INCOME.—Gross in-
11 come of the taxpayer shall be determined without regard
12 to this section.

13 “(d) DENIAL OF DOUBLE BENEFIT.—Solely for pur-
14 poses of section 38, in the case of a taxpayer making an
15 election under this section, the energy credit determined
16 under section 45 or the renewable electricity production
17 credit determined under section 48 shall be reduced by
18 the amount of the portion of such credit with respect to
19 which the taxpayer makes such election.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
21 for subchapter B of chapter 65 is amended by adding at
22 the end the following new item:

“Sec. 6431. Elective payment for energy property and electricity produced from
certain renewable resources, etc.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to property originally placed in
3 service after the date of the enactment of this Act.

4 **SEC. 90405. EXTENSION OF ENERGY CREDIT FOR OFF-**
5 **SHORE WIND FACILITIES.**

6 (a) IN GENERAL.—Section 48(a)(5) is amended by
7 adding at the end the following new subparagraph:

8 “(F) QUALIFIED OFFSHORE WIND FACILI-
9 TIES.—

10 “(i) IN GENERAL.—In the case of any
11 qualified offshore wind facility—

12 “(I) subparagraph (C)(ii) shall be
13 applied by substituting ‘January 1 of
14 the applicable year (as determined
15 under subparagraph (F)(ii))’ for ‘Jan-
16 uary 1, 2026’,

17 “(II) subparagraph (E) shall not
18 apply, and

19 “(III) for purposes of this para-
20 graph, section 45(d)(1) shall be ap-
21 plied by substituting ‘January 1 of
22 the applicable year (as determined
23 under section 48(a)(5)(F)(ii))’ for
24 ‘January 1, 2026’.

1 “(ii) APPLICABLE YEAR.—For pur-
2 poses of this subparagraph, the term ‘ap-
3 plicable year’ means the later of—

4 “(I) calendar year 2025, or

5 “(II) the calendar year subse-
6 quent to the first calendar year in
7 which the Secretary, after consulta-
8 tion with the Secretary of Energy, de-
9 termines that the United States has
10 increased its offshore wind capacity by
11 not less than 3,000 megawatts as
12 compared to such capacity on January
13 1, 2021.

14 For purposes of subclause (II), the Sec-
15 retary shall not include any increase in off-
16 shore wind capacity which is attributable
17 to any facility the construction of which
18 began before January 1, 2021.

19 “(iii) QUALIFIED OFFSHORE WIND FA-
20 CILITY.—For purposes of this subpara-
21 graph, the term ‘qualified offshore wind fa-
22 cility’ means a qualified facility (within the
23 meaning of section 45) described in para-
24 graph (1) of section 45(d) (determined
25 without regard to any date by which the

1 construction of the facility is required to
2 begin) which is located in the inland navi-
3 gable waters of the United States or in the
4 coastal waters of the United States.

5 “(iv) REPORT ON OFFSHORE WIND
6 CAPACITY.—On January 15, 2024, and an-
7 nually thereafter until the calendar year
8 described in clause (ii)(II), the Secretary,
9 after consultation with the Secretary of
10 Energy, shall issue a report to be made
11 available to the public which discloses the
12 increase in the offshore wind capacity of
13 the United States, as measured in total
14 megawatts, since January 1, 2020.”.

15 (b) EFFECTIVE DATE.—The amendment made by
16 this section shall apply to periods after December 31,
17 2016, under rules similar to the rules of section 48(m)
18 of the Internal Revenue Code of 1986 (as in effect on the
19 day before the date of the enactment of the Revenue Rec-
20 onciliation Act of 1990).

21 **SEC. 90406. GREEN ENERGY PUBLICLY TRADED PARTNER-**
22 **SHIPS.**

23 (a) IN GENERAL.—Section 7704(d)(1)(E) is amend-
24 ed—

1 (1) by striking “income and gains derived from
2 the exploration” and inserting “income and gains
3 derived from—

4 “(i) the exploration”,

5 (2) by inserting “or” before “industrial
6 source”, and

7 (3) by striking “, or the transportation or stor-
8 age” and all that follows and inserting the following:

9 “(ii) the generation of electric power
10 or thermal energy exclusively using any
11 qualified energy resource (as defined in
12 section 45(c)(1)),

13 “(iii) the operation of energy property
14 (as defined in section 48(a)(3), determined
15 without regard to any date by which the
16 construction of the facility is required to
17 begin),

18 “(iv) in the case of a facility described
19 in paragraph (3) or (7) of section 45(d)
20 (determined without regard to any placed
21 in service date or date by which construc-
22 tion of the facility is required to begin),
23 the accepting or processing of open-loop
24 biomass or municipal solid waste,

1 “(v) the storage of electric power or
2 thermal energy exclusively using energy
3 property that is energy storage property
4 (as defined in section 48(c)(5)),

5 “(vi) the generation, storage, or dis-
6 tribution of electric power or thermal en-
7 ergy exclusively using energy property that
8 is combined heat and power system prop-
9 erty (as defined in section 48(c)(3), deter-
10 mined without regard to subparagraph
11 (B)(iii) thereof and without regard to any
12 date by which the construction of the facil-
13 ity is required to begin),

14 “(vii) the transportation or storage of
15 any fuel described in subsection (b), (c),
16 (d), or (e) of section 6426,

17 “(viii) the conversion of renewable bio-
18 mass (as defined in subparagraph (I) of
19 section 211(o)(1) of the Clean Air Act (as
20 in effect on the date of the enactment of
21 this clause)) into renewable fuel (as de-
22 fined in subparagraph (J) of such section
23 as so in effect), or the storage or transpor-
24 tation of such fuel,

1 “(ix) the production, storage, or
2 transportation of any fuel which—

3 “(I) uses as its primary feedstock
4 carbon oxides captured from an an-
5 thropogenic source or the atmosphere,

6 “(II) does not use as its primary
7 feedstock carbon oxide which is delib-
8 erately released from naturally occur-
9 ring subsurface springs, and

10 “(III) is determined by the Sec-
11 retary, after consultation with the
12 Secretary of Energy and the Adminis-
13 trator of the Environmental Protec-
14 tion Agency, to achieve a reduction of
15 not less than a 60 percent in lifecycle
16 greenhouse gas emissions (as defined
17 in section 211(o)(1)(H) of the Clean
18 Air Act, as in effect on the date of the
19 enactment of this clause) compared to
20 baseline lifecycle greenhouse gas emis-
21 sions (as defined in section
22 211(o)(1)(C) of such Act, as so in ef-
23 fect),

24 “(x) the generation of electric power
25 from, a qualifying gasification project (as

1 defined in section 48B(c)(1) without re-
2 gard to subparagraph (C)) that is de-
3 scribed in section 48(d)(1)(B), or

4 “(xi) in the case of a qualified facility
5 (as defined in section 45Q(d), without re-
6 gard to any date by which construction of
7 the facility is required to begin) not less
8 than 50 percent (30 percent in the case of
9 a facility placed in service before January
10 1, 2021) of the total carbon oxide produc-
11 tion of which is qualified carbon oxide (as
12 defined in section 45Q(c))—

13 “(I) the generation, availability
14 for such generation, or storage of elec-
15 tric power at such facility, or

16 “(II) the capture of carbon diox-
17 ide by such facility,”.

18 (b) EFFECTIVE DATE.—The amendments made by
19 this section apply to taxable years beginning after Decem-
20 ber 31, 2020.

21 **Subtitle B—Renewable Fuels**

22 **SEC. 90411. BIODIESEL AND RENEWABLE DIESEL.**

23 (a) INCOME TAX CREDIT.—Section 40A(g) is amend-
24 ed to read as follows:

25 “(g) PHASE OUT; TERMINATION.—

1 “(1) PHASE OUT.—In the case of any sale or
2 use after December 31, 2022, subsections (b)(1)(A)
3 and (b)(2)(A) shall be applied by substituting for
4 ‘\$1.00’—

5 “(A) ‘\$.75’, if such sale or use is before
6 January 1, 2024,

7 “(B) ‘\$.50’, if such sale or use is after De-
8 cember 31, 2023, and before January 1, 2025,
9 and

10 “(C) ‘\$.33’, if such sale or use is after De-
11 cember 31, 2024, and before January 1, 2026.

12 “(2) TERMINATION.—This section shall not
13 apply to any sale or use after December 31, 2025.”.

14 (b) EXCISE TAX INCENTIVES.—

15 (1) PHASE OUT.—Section 6426(c)(2) is amend-
16 ed to read as follows:

17 “(2) APPLICABLE AMOUNT.—For purposes of
18 this subsection, the applicable amount is—

19 “(A) \$1.00 in the case of any sale or use
20 for any period before January 1, 2023,

21 “(B) \$.75 in the case of any sale or use for
22 any period after December 31, 2022, and before
23 January 1, 2024,

1 “(C) \$.50 in the case of any sale or use for
2 any period after December 31, 2023, and before
3 January 1, 2025, and

4 “(D) \$.33 in the case of any sale or use
5 for any period after December 31, 2024, and
6 before January 1, 2026.”.

7 (2) TERMINATION.—

8 (A) IN GENERAL.—Section 6426(e)(6) is
9 amended by striking “December 31, 2022” and
10 inserting “December 31, 2025”.

11 (B) PAYMENTS.—Section 6427(e)(6)(B) is
12 amended by striking “December 31, 2022” and
13 inserting “December 31, 2025”.

14 (c) EFFECTIVE DATE.—The amendments made by
15 this section shall apply to fuel sold or used after December
16 31, 2022.

17 **SEC. 90412. EXTENSION OF EXCISE TAX CREDITS RELATING**
18 **TO ALTERNATIVE FUELS.**

19 (a) EXTENSION AND PHASEOUT OF ALTERNATIVE
20 FUEL CREDIT.—

21 (1) IN GENERAL.—Section 6426(d)(1) is
22 amended by striking “50 cents” and inserting “the
23 applicable amount”.

24 (2) APPLICABLE AMOUNT AND TERMINATION.—
25 Section 6426(d)(5) is amended to read as follows:

1 “(5) PHASEOUT AND TERMINATION.—

2 “(A) PHASEOUT.—For purposes of this
3 subsection, the applicable amount is—

4 “(i) 50 cents in the case of any sale
5 or use for any period before January 1,
6 2023,

7 “(ii) 38 cents in the case of any sale
8 or use for any period after December 31,
9 2022, and before January 1, 2024,

10 “(iii) 25 cents in the case of any sale
11 or use for any period after December 31,
12 2023, and before January 1, 2025, and

13 “(iv) 17 cents in the case of any sale
14 or use for any period after December 31,
15 2024, and before January 1, 2026.

16 “(B) TERMINATION.—This subsection
17 shall not apply to any sale or use for any period
18 after December 31, 2025.”.

19 (b) ALTERNATIVE FUEL MIXTURE CREDIT.—

20 (1) IN GENERAL.—Section 6426(e)(3) is
21 amended by striking “December 31, 2020” and in-
22 serting “December 31, 2025”.

23 (2) PHASEOUT.—Section 6426(e)(1) is amend-
24 ed by striking “50 cents” and inserting “the applica-
25 ble amount (as defined in subsection (d)(5)(A))”.

1 (c) PAYMENTS FOR ALTERNATIVE FUELS.—Section
2 6427(e)(6)(C) is amended by striking “December 31,
3 2020” and inserting “December 31, 2025”.

4 (d) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to fuel sold or used after December
6 31, 2020.

7 **SEC. 90413. EXTENSION OF SECOND GENERATION BIOFUEL**
8 **INCENTIVES.**

9 (a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended
10 by striking “2021” and inserting “2026”.

11 (b) EXTENSION OF SPECIAL ALLOWANCE FOR DE-
12 PRECIATION OF SECOND GENERATION BIOFUEL PLANT
13 PROPERTY.—Section 168(l)(2)(D) is amended by striking
14 “2021” and inserting “2026”.

15 (c) EFFECTIVE DATE.—

16 (1) IN GENERAL.—The amendment made by
17 subsection (a) shall apply to qualified second genera-
18 tion biofuel production after December 31, 2020.

19 (2) SECOND GENERATION BIOFUEL PLANT
20 PROPERTY.—The amendment made by subsection
21 (b) shall apply to property placed in service after
22 December 31, 2020.

1 **Subtitle C—Green Energy and Effi-**
2 **ciency Incentives for Individ-**
3 **uals**

4 **SEC. 90421. EXTENSION, INCREASE, AND MODIFICATIONS**
5 **OF NONBUSINESS ENERGY PROPERTY CRED-**
6 **IT.**

7 (a) EXTENSION OF CREDIT.—Section 25C(g)(2) is
8 amended by striking “December 31, 2020” and inserting
9 “December 31, 2025”.

10 (b) INCREASE IN CREDIT PERCENTAGE FOR QUALI-
11 FIED ENERGY EFFICIENCY IMPROVEMENTS.—Section
12 25C(a)(1) is amended by striking “10 percent” and insert-
13 ing “15 percent”.

14 (c) INCREASE IN LIFETIME LIMITATION OF CRED-
15 IT.—Section 25C(b)(1) is amended—

16 (1) by striking “\$500” and inserting “\$1,200”,
17 and

18 (2) by striking “December 31, 2005” and in-
19 serting “December 31, 2020”.

20 (d) LIMITATIONS.—Section 25C(b) is amended by
21 striking paragraphs (2) and (3) and inserting the fol-
22 lowing:

23 “(2) LIMITATION ON QUALIFIED ENERGY EFFI-
24 CIENCY IMPROVEMENTS.—The credit allowed under
25 this section by reason of subsection (a)(1), with re-

1 spect to costs paid or incurred by a taxpayer for a
2 taxable year, shall not exceed—

3 “(A) for components described in sub-
4 section (c)(3)(A), the excess (if any) of \$600
5 over the aggregate credits allowed under this
6 section with respect to such components for all
7 prior taxable years ending after December 31,
8 2020,

9 “(B) for components described in sub-
10 section (c)(3)(B)—

11 “(i) in the case of components which
12 are not described in clause (ii), the excess
13 (if any) of \$200 over the aggregate credits
14 allowed under this section with respect to
15 such components for all prior taxable years
16 ending after December 31, 2020, and

17 “(ii) in the case of components which
18 meet the standards for most efficient cer-
19 tification under applicable Energy Star
20 program requirements, the excess (if any)
21 of \$600 over the aggregate credits allowed
22 under this section with respect to such
23 components for all prior taxable years end-
24 ing after December 31, 2020, or with re-

1 spect to components described in clause (i)
2 for such taxable year, and

3 “(C) for components described in sub-
4 section (c)(3)(C) by any taxpayer for any tax-
5 able year, the credit allowed under this section
6 with respect to such amounts for such year
7 shall not exceed the lesser of—

8 “(i) the excess (if any) of \$500 over
9 the aggregate credits allowed under this
10 section with respect to such amounts for
11 all prior taxable years ending after Decem-
12 ber 31, 2020, or

13 “(ii) \$250 for each exterior door.

14 “(3) LIMITATION ON RESIDENTIAL ENERGY
15 PROPERTY EXPENDITURES.—The credit allowed
16 under this section by reason of subsection (a)(2)
17 shall not, with respect to an item of property, ex-
18 ceed—

19 “(A) in the case of property described in
20 subparagraph (A), (B), or (C) of subsection
21 (d)(3), \$600,

22 “(B) for the case of property described in
23 subparagraph (D) of subsection (d)(3), \$400,

24 “(C) in the case of a hot water boiler,
25 \$600, and

1 “(D) in the case of a furnace, an amount
2 equal to the sum of—

3 “(i) \$300, plus

4 “(ii) if the taxpayer is converting
5 from a non-condensing furnace to a con-
6 densing furnace, \$300.”.

7 (e) STANDARDS FOR ENERGY EFFICIENT BUILDING
8 ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended
9 by striking “meets—” and all that follows through the pe-
10 riod at the end and inserting the following: “meets—

11 “(A) in the case of an exterior window, a
12 skylight, or an exterior door, applicable Energy
13 Star program requirements, and

14 “(B) in the case of any other component,
15 the prescriptive criteria for such component es-
16 tablished by the 2018 IECC (as such term is
17 defined in section 45L(b)(5)).”.

18 (f) ROOFS NOT BUILDING ENVELOPE COMPO-
19 NENTS.—Section 25C(c)(3) is amended by adding “and”
20 at the end of subparagraph (B), by striking “, and” at
21 the end of subparagraph (C) and inserting a period, and
22 by striking subparagraph (D).

23 (g) ADVANCED MAIN AIR CIRCULATING FANS NOT
24 QUALIFIED ENERGY PROPERTY.—

1 (1) IN GENERAL.—Section 25C(d)(2)(A) is
2 amended by adding “or” at the end of clause (i), by
3 striking “, or” at the end of clause (ii) and inserting
4 a period, and by striking clause (iii).

5 (2) CONFORMING AMENDMENT.—Section
6 25C(d) is amended by striking paragraph (5) and
7 redesignating paragraph (6) as paragraph (5).

8 (h) INCREASE IN STANDARD FOR ELECTRIC HEAT
9 PUMP WATER HEATER.—Section 25C(d)(3)(A) is amend-
10 ed by striking “an energy factor of at least 2.0” and in-
11 serting “a uniform energy factor of at least 3.0”.

12 (i) UPDATE OF STANDARDS FOR CERTAIN ENERGY-
13 EFFICIENT BUILDING PROPERTY.—Section 25C(d)(3) is
14 amended—

15 (1) by striking “January 1, 2009” each place
16 such term appears and inserting “November 1,
17 2019”, and

18 (2) by striking subparagraph (D) and inserting
19 the following:

20 “(D) a natural gas, propane, or oil water
21 heater which, in the standard Department of
22 Energy test procedure, yields—

23 “(i) in the case of a storage tank
24 water heater—

1 “(I) in the case of a medium-
2 draw water heater, a uniform energy
3 factor of not less than 0.78, and

4 “(II) in the case of a high-draw
5 water heater, a uniform energy factor
6 of not less than 0.80, and

7 “(ii) in the case of a tankless water
8 heater—

9 “(I) in the case of a medium-
10 draw water heater, a uniform energy
11 factor of not less than 0.87, and

12 “(II) in the case of a high-draw
13 water heater, a uniform energy factor
14 of not less than 0.90, and”.

15 (j) INCREASE IN STANDARD FOR FURNACES.—Sec-
16 tion 25C(d)(4) is amended by striking by striking “not
17 less than 95.” and inserting the following: “not less
18 than—

19 “(A) in the case of a furnace, 97 percent,
20 and

21 “(B) in the case of a hot water boiler, 95
22 percent.”.

23 (k) HOME ENERGY AUDITS.—

24 (1) IN GENERAL.—Section 25C(a) is amended
25 by striking “and” at the end of paragraph (1), by

1 striking the period at the end of paragraph (2) and
2 inserting “, and”, and by adding at the end the fol-
3 lowing new paragraph:

4 “(3) 30 percent of the amount paid or incurred
5 by the taxpayer during the taxable year for home en-
6 ergy audits.”.

7 (2) LIMITATION.—Section 25C(b) is amended
8 adding at the end the following new paragraph:

9 “(4) HOME ENERGY AUDITS.—The amount of
10 the credit allowed under this section by reason of
11 subsection (a)(3) shall not exceed \$150.”.

12 (3) HOME ENERGY AUDITS.—Section 25C, as
13 amended by subsections (a), is amended by redesignig-
14 nating subsections (e), (f), and (g), as subsections
15 (f), (g), and (h), respectively, and by inserting after
16 subsection (d) the following new subsection:

17 “(e) HOME ENERGY AUDITS.—For purposes of this
18 section, the term ‘home energy audit’ means an inspection
19 and written report with respect to a dwelling unit located
20 in the United States and owned or used by the taxpayer
21 as the taxpayer’s principal residence (within the meaning
22 of section 121) which—

23 “(1) identifies the most significant and cost-ef-
24 fective energy efficiency improvements with respect
25 to such dwelling unit, including an estimate of the

1 energy and cost savings with respect to each such
2 improvement, and

3 “(2) is conducted and prepared by a home en-
4 ergy auditor that meets the certification or other re-
5 quirements specified by the Secretary (after con-
6 sultation with the Secretary of Energy, and not later
7 than 180 days after the date of the enactment of
8 this subsection) in regulations or other guidance.”.

9 (4) CONFORMING AMENDMENT.—Section
10 1016(a)(33) is amended by striking “section 25C(f)”
11 and inserting “section 25C(g)”.

12 (l) EFFECTIVE DATES.—

13 (1) INCREASE AND MODERNIZATION.—Except
14 as otherwise provided by this subsection, the amend-
15 ments made by this section shall apply to property
16 placed in service after December 31, 2020.

17 (2) EXTENSION.—The amendments made by
18 subsection (a) shall apply to property placed in serv-
19 ice after December 31, 2020.

20 (3) HOME ENERGY AUDITS.—The amendments
21 made by subsection (k) shall apply to amounts paid
22 or incurred after December 31, 2020.

23 **SEC. 90422. RESIDENTIAL ENERGY EFFICIENT PROPERTY.**

24 (a) EXTENSION OF CREDIT.—

1 (1) IN GENERAL.—Section 25D(h) is amended
2 by striking “December 31, 2021” and inserting
3 “December 31, 2027”.

4 (2) APPLICATION OF PHASEOUT.—Section
5 25D(g) is amended—

6 (A) in paragraph (1), by striking “January
7 1, 2020” and inserting “January 1, 2026”,

8 (B) in paragraph (2)—

9 (i) by striking “December 31, 2019”
10 and inserting “December 31, 2025”, and

11 (ii) by striking “January 1, 2021”
12 and inserting “January 1, 2027”, and

13 (C) in paragraph (3)—

14 (i) by striking “December 31, 2020”
15 and inserting “December 31, 2026”, and

16 (ii) by striking “January 1, 2022”
17 and inserting “January 1, 2028”.

18 (b) QUALIFIED BIOMASS FUEL PROPERTY EXPENDI-
19 TURES; RESIDENTIAL ENERGY EFFICIENT PROPERTY
20 CREDIT FOR BATTERY STORAGE TECHNOLOGY.—

21 (1) IN GENERAL.—Section 25D(a) is amended
22 by striking “and” at the end of paragraph (4) and
23 by inserting after paragraph (5) the following new
24 paragraphs:

1 “(6) the qualified biomass fuel property expend-
2 itures, and

3 “(7) the qualified battery storage technology ex-
4 penditures,”.

5 (2) QUALIFIED BIOMASS FUEL PROPERTY EX-
6 PENDITURES; RESIDENTIAL ENERGY EFFICIENT
7 PROPERTY CREDIT FOR BATTERY STORAGE TECH-
8 NOLOGY.—Section 25D(d) is amended by adding at
9 the end the following new paragraphs:

10 “(6) QUALIFIED BIOMASS FUEL PROPERTY EX-
11 PENDITURE.—

12 “(A) IN GENERAL.—The term ‘qualified
13 biomass fuel property expenditure’ means an
14 expenditure for property—

15 “(i) which uses the burning of bio-
16 mass fuel to heat a dwelling unit located in
17 the United States and used as a residence
18 by the taxpayer, or to heat water for use
19 in such a dwelling unit, and

20 “(ii) which has a thermal efficiency
21 rating of at least 75 percent (measured by
22 the higher heating value of the fuel).

23 “(B) BIOMASS FUEL.—For purposes of
24 this section, the term ‘biomass fuel’ means any

1 plant-derived fuel available on a renewable or
2 recurring basis.

3 “(7) QUALIFIED BATTERY STORAGE TECH-
4 NOLOGY EXPENDITURE.—The term ‘qualified bat-
5 tery storage technology expenditure’ means an ex-
6 penditure for battery storage technology which—

7 “(A) is installed in connection with a
8 dwelling unit located in the United States and
9 used as a residence by the taxpayer, and

10 “(B) has a capacity of not less than 3 kilo-
11 watt hours.”.

12 (3) DENIAL OF DOUBLE BENEFIT FOR BIOMASS
13 STOVES.—

14 (A) IN GENERAL.—Section 25C(d)(3) is
15 amended by adding “and” at the end of sub-
16 paragraph (C), by striking “, and” at the end
17 of subparagraph (D) and inserting a period,
18 and by striking subparagraph (E).

19 (B) CONFORMING AMENDMENT.—Section
20 25C(d), as amended by the preceding provisions
21 of this Act, is amended by striking paragraph
22 (5).

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to expenditures made after the
25 date of the enactment of this Act.

1 **SEC. 90423. ENERGY EFFICIENT COMMERCIAL BUILDINGS**
2 **DEDUCTION.**

3 (a) **EXTENSION.**—Section 179D(h) is amended by
4 striking “December 31, 2020” and inserting “December
5 31, 2025”.

6 (b) **INCREASE IN THE MAXIMUM AMOUNT OF DE-**
7 **DUCTION.**—

8 (1) **IN GENERAL.**—Section 179D(b) is amended
9 by striking “\$1.80” and inserting “\$3”.

10 (2) **INFLATION ADJUSTMENT.**—Section 179D,
11 as amended by this Act, is amended by redesignating
12 subsection (h) as subsection (i) and by inserting
13 after subsection (g) the following new subsection:

14 “(h) **INFLATION ADJUSTMENT.**—In the case of a tax-
15 able year beginning after 2020, each dollar amount in sub-
16 section (b) or subsection (d)(1)(A) shall be increased by
17 an amount equal to—

18 “(1) such dollar amount, multiplied by

19 “(2) the cost-of-living adjustment determined
20 under section 1(f)(3) for the calendar year in which
21 the taxable year begins, determined by substituting
22 ‘calendar year 2019’ for ‘calendar year 2016’ in sub-
23 paragraph (A)(ii) thereof.”.

24 (3) **CONFORMING AMENDMENT.**—Section
25 179D(d)(1)(A) is amended by striking “by sub-

1 stituting ‘\$.60’ for ‘\$1.80’” and inserting “by sub-
2 stituting ‘\$1’ for ‘\$3’”.

3 (c) LIMIT ON DEDUCTION LIMITED TO THREE-YEAR
4 PERIOD.—Section 179D(b)(2) is amended by striking “for
5 all prior taxable years” and inserting “for the 3 years im-
6 mediately preceding such taxable year”.

7 (d) UPDATE OF STANDARDS.—

8 (1) ASHRAE STANDARDS.—Section 179D(c) is
9 amended—

10 (A) in paragraphs (1)(B)(ii) and (1)(D),
11 by striking “Standard 90.1–2007” and insert-
12 ing “Reference Standard 90.1”, and

13 (B) by amending paragraph (2) to read as
14 follows:

15 “(2) REFERENCE STANDARD 90.1.—The term
16 ‘Reference Standard 90.1’ means, with respect to
17 property, the Standard 90.1 most recently adopted
18 (as of the date that is 2 years before the date that
19 construction of such property begins) by the Amer-
20 ican Society of Heating, Refrigerating, and Air Con-
21 ditioning Engineers and the Illuminating Engineer-
22 ing Society of North America.”.

23 (2) CALIFORNIA NONRESIDENTIAL ALTER-
24 NATIVE CALCULATION METHOD APPROVAL MAN-

1 UAL.—Section 179D(d)(2) is amended by striking
2 “2005” and inserting “2019”.

3 (e) CHANGE IN EFFICIENCY STANDARDS.—Section
4 179D(c)(1)(D) is amended by striking “50” and inserting
5 “30”.

6 (f) DEADWOOD.—Section 179D, as amended by sub-
7 section (a), is amended by striking subsection (f) and re-
8 designating subsections (g) and (h) as subsections (f) and
9 (g), respectively.

10 (g) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to property placed in service after
12 December 31, 2020.

13 **SEC. 90424. EXTENSION, INCREASE, AND MODIFICATIONS**
14 **OF NEW ENERGY EFFICIENT HOME CREDIT.**

15 (a) EXTENSION OF CREDIT.—Section 45L(g) is
16 amended by striking “December 31, 2020” and inserting
17 “December 31, 2025”.

18 (b) INCREASE IN CREDIT FOR CERTAIN DWELLING
19 UNITS.—Section 45L(a)(2)(A) is amended by striking
20 “\$2,000” and inserting “\$2,500”.

21 (c) INCREASE IN STANDARD FOR HEATING AND
22 COOLING REDUCTION FOR CERTAIN UNITS.—Section
23 45L(c)(1) is amended by striking “50 percent” each place
24 such term appears and inserting “60 percent”.

1 (d) ENERGY SAVING REQUIREMENTS MODIFICA-
2 TIONS.—

3 (1) ALL ENERGY STAR LABELED HOMES ELIGI-
4 BLE; NO REDUCTION IN STANDARD.—Section 45L(c)
5 is amended by amending paragraph (3) to read as
6 follows:

7 “(3) a unit which meets the requirements estab-
8 lished by the Administrator of the Environmental
9 Protection Agency under the Energy Star Labeled
10 Homes program and, in the case of a manufactured
11 home, which conforms to Federal Manufactured
12 Home Construction and Safety Standards (part
13 3280 of title 24, Code of Federal Regulations).”.

14 (2) UNITS CONSTRUCTED IN ACCORDANCE
15 WITH 2018 IECC STANDARDS.—Section 45L(c), as
16 amended by paragraph (1), is further amended by
17 striking “or” at the end of paragraph (2), by strik-
18 ing the period at the end of paragraph (3) and in-
19 sserting “, or”, and by adding at the end the fol-
20 lowing new paragraph:

21 “(4) certified—

22 “(A) to have a level of annual energy con-
23 sumption which is at least 15 percent below the
24 annual level of energy consumption of a com-
25 parable dwelling unit—

1 “(i) which is constructed in accord-
2 ance with the standards of chapter 4 of the
3 2018 IECC (without taking into account
4 on-site energy generation), and

5 “(ii) which meets the requirements de-
6 scribed in paragraph (1)(A)(ii), and

7 “(B) to have building envelope component
8 improvements account for at least 1/5 of such
9 15 percent.”.

10 (3) CONFORMING AMENDMENTS.—

11 (A) Section 45L(c)(2) is amended by in-
12 sserting “or (4)” after “paragraph (1)”.

13 (B) Section 45L(a)(2)(A) is amended by
14 striking “or (2)” and inserting “, (2), or (4)”.

15 (C) Section 45L(b) is amended by adding
16 at the end the following:

17 “(5) 2018 IECC.—The term ‘2018 IECC’
18 means the 2018 International Energy Conservation
19 Code, as such Code (including supplements) is in ef-
20 fect on November 1, 2018.”.

21 (e) EFFECTIVE DATES.—The amendments made by
22 this section shall apply to dwelling units acquired after
23 December 31, 2020.

1 **SEC. 90425. MODIFICATIONS TO INCOME EXCLUSION FOR**
2 **CONSERVATION SUBSIDIES.**

3 (a) IN GENERAL.—Section 136(a) is amended—

4 (1) by striking “any subsidy provided” and in-
5 sserting “any subsidy—

6 “(1) provided”,

7 (2) by striking the period at the end and insert-
8 ing a comma, and

9 (3) by adding at the end the following new
10 paragraphs:

11 “(2) provided (directly or indirectly) by a public
12 utility to a customer, or by a State or local govern-
13 ment to a resident of such State or locality, for the
14 purchase or installation of any water conservation or
15 efficiency measure,

16 “(3) provided (directly or indirectly) by a storm
17 water management provider to a customer, or by a
18 State or local government to a resident of such State
19 or locality, for the purchase or installation of any
20 storm water management measure, or

21 “(4) provided (directly or indirectly) by a State
22 or local government to a resident of such State or
23 locality for the purchase or installation of any waste-
24 water management measure, but only if such meas-
25 ure is with respect to the taxpayer’s principal resi-
26 dence.”.

1 (b) CONFORMING AMENDMENTS.—

2 (1) DEFINITION OF WATER CONSERVATION OR
3 EFFICIENCY MEASURE AND STORM WATER MANAGE-
4 MENT MEASURE.—Section 136(c) is amended—

5 (A) by striking “ENERGY CONSERVATION
6 MEASURE” in the heading thereof and inserting
7 “DEFINITIONS”,

8 (B) by striking “IN GENERAL” in the
9 heading of paragraph (1) and inserting “EN-
10 ERGY CONSERVATION MEASURE”, and

11 (C) by redesignating paragraph (2) as
12 paragraph (5) and by inserting after paragraph
13 (1) the following:

14 “(2) WATER CONSERVATION OR EFFICIENCY
15 MEASURE.—For purposes of this section, the term
16 ‘water conservation or efficiency measure’ means any
17 evaluation of water use, or any installation or modi-
18 fication of property, the primary purpose of which is
19 to reduce consumption of water or to improve the
20 management of water demand with respect to one or
21 more dwelling units.

22 “(3) STORM WATER MANAGEMENT MEASURE.—
23 For purposes of this section, the term ‘storm water
24 management measure’ means any installation or
25 modification of property primarily designed to re-

1 duce or manage amounts of storm water with re-
2 spect to one or more dwelling units.

3 “(4) WASTEWATER MANAGEMENT MEASURE.—
4 For purposes of this section, the term ‘wastewater
5 management measure’ means any installation or
6 modification of property primarily designed to man-
7 age wastewater (including septic tanks and cess-
8 pools) with respect to one or more dwelling units.”.

9 (2) DEFINITION OF PUBLIC UTILITY.—Section
10 136(c)(5) (as redesignated by paragraph (1)(C)) is
11 amended by striking subparagraph (B) and inserting
12 the following:

13 “(B) PUBLIC UTILITY.—The term ‘public
14 utility’ means a person engaged in the sale of
15 electricity, natural gas, or water to residential,
16 commercial, or industrial customers for use by
17 such customers.

18 “(C) STORM WATER MANAGEMENT PRO-
19 VIDER.—The term ‘storm water management
20 provider’ means a person engaged in the provi-
21 sion of storm water management measures to
22 the public.

23 “(D) PERSON.—For purposes of subpara-
24 graphs (B) and (C), the term ‘person’ includes
25 the Federal Government, a State or local gov-

1 ernment or any political subdivision thereof, or
2 any instrumentality of any of the foregoing.”.

3 (3) CLERICAL AMENDMENTS.—

4 (A) The heading for section 136 is amend-
5 ed—

6 (i) by inserting “**AND WATER**” after
7 “**ENERGY**”, and

8 (ii) by striking “**PROVIDED BY PUB-**
9 **LIC UTILITIES**”.

10 (B) The item relating to section 136 in the
11 table of sections of part III of subchapter B of
12 chapter 1 is amended—

13 (i) by inserting “and water” after
14 “energy”, and

15 (ii) by striking “provided by public
16 utilities”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to amounts received after Decem-
19 ber 31, 2018.

20 (d) NO INFERENCE.—Nothing in this Act or the
21 amendments made by this Act shall be construed to create
22 any inference with respect to the proper tax treatment of
23 any subsidy received directly or indirectly from a public
24 utility, a storm water management provider, or a State
25 or local government for any water conservation measure

1 or storm water management measure before January 1,
2 2021.

3 **Subtitle D—Greening the Fleet and**
4 **Alternative Vehicles**

5 **SEC. 90431. MODIFICATION OF LIMITATIONS ON NEW**
6 **QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR**
7 **VEHICLE CREDIT.**

8 (a) IN GENERAL.—Section 30D(e) is amended to
9 read as follows:

10 “(e) LIMITATION ON NUMBER OF NEW QUALIFIED
11 PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES ELIGIBLE
12 FOR CREDIT.—

13 “(1) IN GENERAL.—In the case of any new
14 qualified plug-in electric drive motor vehicle sold
15 after the date of the enactment of the GREEN Act
16 of 2020—

17 “(A) if such vehicle is sold during the tran-
18 sition period, the amount determined under
19 subsection (b)(2) shall be reduced by \$500, and

20 “(B) if such vehicle is sold during the
21 phaseout period, only the applicable percentage
22 of the credit otherwise allowable under sub-
23 section (a) shall be allowed.

24 “(2) TRANSITION PERIOD.—For purposes of
25 this subsection, the transition period is the period

1 subsequent to the first date on which the number of
2 new qualified plug-in electric drive motor vehicles
3 manufactured by the manufacturer of the vehicle re-
4 ferred to in paragraph (1) sold for use in the United
5 States after December 31, 2009, is at least 200,000.

6 “(3) PHASEOUT PERIOD.—

7 “(A) IN GENERAL.—For purposes of this
8 subsection, the phaseout period is the period be-
9 ginning with the second calendar quarter fol-
10 lowing the calendar quarter which includes the
11 first date on which the number of new qualified
12 plug-in electric drive motor vehicles manufac-
13 tured by the manufacturer of the vehicle re-
14 ferred to in paragraph (1) sold for use in the
15 United States after December 31, 2009, is at
16 least 600,000.

17 “(B) APPLICABLE PERCENTAGE.—For
18 purposes of paragraph (1)(B), the applicable
19 percentage is—

20 “(i) 50 percent for the first calendar
21 quarter of the phaseout period, and

22 “(ii) 0 percent for each calendar quar-
23 ter thereafter.

24 “(C) EXCLUSION OF SALE OF CERTAIN VE-
25 HICLES.—

1 “(i) IN GENERAL.—For purposes of
2 subparagraph (A), any new qualified plug-
3 in electric drive motor vehicle manufac-
4 tured by the manufacturer of the vehicle
5 referred to in paragraph (1) which was
6 sold during the exclusion period shall not
7 be included for purposes of determining
8 the number of such vehicles sold.

9 “(ii) EXCLUSION PERIOD.—For pur-
10 poses of this subparagraph, the exclusion
11 period is the period—

12 “(I) beginning on the first date
13 on which the number of new qualified
14 plug-in electric drive motor vehicles
15 manufactured by the manufacturer of
16 the vehicle referred to in paragraph
17 (1) sold for use in the United States
18 after December 31, 2009, is at least
19 200,000, and

20 “(II) ending on the date of the
21 enactment of the GREEN Act of
22 2020.

23 “(4) CONTROLLED GROUPS.—Rules similar to
24 the rules of section 30B(f)(4) shall apply for pur-
25 poses of this subsection.”.

1 (b) EXTENSION FOR 2- AND 3-WHEELED PLUG-IN
2 ELECTRIC VEHICLES.—Section 30D(g)(3)(E) is amended
3 to read as follows:

4 “(E) is acquired after December 31, 2020,
5 and before January 1, 2026.”.

6 (c) EFFECTIVE DATE.—

7 (1) LIMITATION.—The amendment made by
8 subsection (a) shall apply to vehicles sold after the
9 date of the enactment of this Act.

10 (2) EXTENSION.—The amendment made by
11 subsection (b) shall apply to vehicles sold after De-
12 cember 31, 2020.

13 **SEC. 90432. CREDIT FOR PREVIOUSLY-OWNED QUALIFIED**
14 **PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.**

15 (a) IN GENERAL.—Subpart A of part IV of sub-
16 chapter A of chapter 1 is amended by inserting after sec-
17 tion 25D the following new section:

18 **“SEC. 25E. PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELEC-**
19 **TRIC DRIVE MOTOR VEHICLES.**

20 “(a) ALLOWANCE OF CREDIT.—In the case of a
21 qualified buyer who during a taxable year places in service
22 a previously-owned qualified plug-in electric drive motor
23 vehicle, there shall be allowed as a credit against the tax
24 imposed by this chapter for the taxable year an amount
25 equal to the sum of—

1 “(1) \$1,250, plus

2 “(2) in the case of a vehicle which draws pro-
3 pulsion energy from a battery which exceeds 4 kilo-
4 watt hours of capacity (determined at the time of
5 sale), the lesser of—

6 “(A) \$1,250, and

7 “(B) the product of \$208.50 and such ex-
8 cess kilowatt hours.

9 “(b) LIMITATIONS.—

10 “(1) SALE PRICE.—The credit allowed under
11 subsection (a) with respect to sale of a vehicle shall
12 not exceed 30 percent of the sale price.

13 “(2) ADJUSTED GROSS INCOME.—The amount
14 which would (but for this paragraph) be allowed as
15 a credit under subsection (a) shall be reduced (but
16 not below zero) by \$250 for each \$1,000 (or fraction
17 thereof) by which the taxpayer’s adjusted gross in-
18 come exceeds \$30,000 (twice such amount in the
19 case of a joint return).

20 “(c) DEFINITIONS.—For purposes of this section—

21 “(1) PREVIOUSLY-OWNED QUALIFIED PLUG-IN
22 ELECTRIC DRIVE MOTOR VEHICLE.—The term ‘pre-
23 viously-owned qualified plug-in electric drive motor
24 vehicle’ means, with respect to a taxpayer, a motor
25 vehicle—

1 “(A) the model year of which is at least 2
2 earlier than the calendar year in which the tax-
3 payer acquires such vehicle,

4 “(B) the original use of which commences
5 with a person other than the taxpayer,

6 “(C) which is acquired by the taxpayer in
7 a qualified sale,

8 “(D) registered by the taxpayer for oper-
9 ation in a State or possession of the United
10 States, and

11 “(E) which meets the requirements of sub-
12 paragraphs (C), (D), (E), and (F) of section
13 30D(d)(1).

14 “(2) QUALIFIED SALE.—The term ‘qualified
15 sale’ means a sale of a motor vehicle—

16 “(A) by a person who holds such vehicle in
17 inventory (within the meaning of section 471)
18 for sale or lease,

19 “(B) for a sale price of less than \$25,000,
20 and

21 “(C) which is the first transfer since the
22 date of the enactment of this section to a per-
23 son other than the person with whom the origi-
24 nal use of such vehicle commenced.

1 “(3) QUALIFIED BUYER.—The term ‘qualified
2 buyer’ means, with respect to a sale of a motor vehi-
3 cle, a taxpayer—

4 “(A) who is an individual,

5 “(B) who purchases such vehicle for use
6 and not for resale,

7 “(C) with respect to whom no deduction is
8 allowable with respect to another taxpayer
9 under section 151,

10 “(D) who has not been allowed a credit
11 under this section for any sale during the 3-
12 year period ending on the date of the sale of
13 such vehicle, and

14 “(E) who possesses a certificate issued by
15 the seller that certifies—

16 “(i) that the vehicle is a previously-
17 owned qualified plug-in electric drive motor
18 vehicle,

19 “(ii) the capacity of the battery at
20 time of sale, and

21 “(iii) such other information as the
22 Secretary may require.

23 “(4) MOTOR VEHICLE; CAPACITY.—The terms
24 ‘motor vehicle’ and ‘capacity’ have the meaning

1 given such terms in paragraphs (2) and (4) of sec-
2 tion 30D(d), respectively.

3 “(d) APPLICATION OF CERTAIN RULES.—For pur-
4 poses of this section, rules similar to the rules of para-
5 graphs (1), (2), (4), (5), (6) and (7) of section 30D(f)
6 shall apply for purposes of this section.

7 “(e) CERTIFICATE SUBMISSION REQUIREMENT.—
8 The Secretary may require that the issuer of the certifi-
9 cate described in subsection (c)(3)(E) submit such certifi-
10 cate to the Secretary at the time and in the manner re-
11 quired by the Secretary.

12 “(f) TERMINATION.—No credit shall be allowed
13 under this section with respect to sales after December
14 31, 2025.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for subpart A of part IV of subchapter A of chapter 1
17 is amended by inserting after the item relating to section
18 25D the following new item:

“Sec. 25E. Previously-owned qualified plug-in electric drive motor vehicles.”.

19 (c) EFFECTIVE DATE.—The amendments made by
20 this section shall apply to sales after the date of the enact-
21 ment of this Act.

1 **SEC. 90433. CREDIT FOR ZERO-EMISSION HEAVY VEHICLES**
2 **AND ZERO-EMISSION BUSES.**

3 (a) IN GENERAL.—Subpart D of part IV of sub-
4 chapter A of chapter 1 is amended by adding at the end
5 the following new section:

6 **“SEC. 45U. ZERO-EMISSION HEAVY VEHICLE CREDIT.**

7 “(a) ALLOWANCE OF CREDIT.—For purposes of sec-
8 tion 38, in the case of a manufacturer of a zero-emission
9 heavy vehicle, the zero-emission heavy vehicle credit deter-
10 mined under this section for a taxable year is an amount
11 equal to 10 percent of the sum of the sale price of each
12 zero-emission heavy vehicle sold by such taxpayer during
13 such taxable year.

14 “(b) LIMITATION.—The sale price of a zero-emission
15 heavy vehicle may not be taken into account under sub-
16 section (a) to the extent such price exceeds \$1,000,000.

17 “(c) ZERO-EMISSION HEAVY VEHICLE.—For pur-
18 poses of this section—

19 “(1) IN GENERAL.—The term ‘zero-emission
20 heavy vehicle’ means a motor vehicle which—

21 “(A) has a gross vehicle weight rating of
22 not less than 14,000 pounds,

23 “(B) is not powered or charged by an in-
24 ternal combustion engine, and

1 “(C) is propelled solely by an electric
2 motor which draws electricity from a battery or
3 fuel cell.

4 “(2) MOTOR VEHICLE; MANUFACTURER.—The
5 term ‘motor vehicle’ and ‘manufacturer’ have the
6 meaning given such terms in paragraphs (2) and (3)
7 of section 30D(d), respectively.

8 “(d) SPECIAL RULES.—

9 “(1) SALE PRICE.—For purposes of this sec-
10 tion, the sale price of a zero-emission heavy vehicle
11 shall be reduced by any rebate or other incentive
12 given before, on, or after the date of the sale.

13 “(2) DOMESTIC USE.—No credit shall be al-
14 lowed under subsection (a) with respect to a zero-
15 emission heavy vehicle to a manufacturer who knows
16 or has reason to know that such vehicle will not be
17 used primarily in the United States or a possession
18 of the United States.

19 “(3) REGULATIONS.—The Secretary shall pre-
20 scribe such regulations as may be necessary or ap-
21 propriate to carry out the purposes of this section.

22 “(e) TERMINATION.—This section shall not apply to
23 sales after December 31, 2025.”.

24 (b) CREDIT MADE PART OF GENERAL BUSINESS
25 CREDIT.—Subsection (b) of section 38 is amended by

1 striking “plus” at the end of paragraph (32), by striking
2 the period at the end of paragraph (33) and inserting “,
3 plus”, and by adding at the end the following new para-
4 graph:

5 “(34) the zero-emission heavy vehicle credit de-
6 termined under section 45U.”.

7 (c) CLERICAL AMENDMENT.—The table of sections
8 for subpart D of part IV of subchapter A of chapter 1
9 is amended by adding at the end the following new item:

“Sec. 45U. Zero-emission heavy vehicle credit.”.

10 (d) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to sales after the date of the enact-
12 ment of this Act.

13 **SEC. 90434. QUALIFIED FUEL CELL MOTOR VEHICLES.**

14 (a) IN GENERAL.—Section 30B(k)(1) is amended by
15 striking “December 31, 2020” and inserting “December
16 31, 2025”.

17 (b) EFFECTIVE DATE.—The amendment made by
18 this section shall apply to property placed in service after
19 December 31, 2020.

20 **SEC. 90435. ALTERNATIVE FUEL REFUELING PROPERTY**
21 **CREDIT.**

22 (a) IN GENERAL.—Section 30C(g) is amended by
23 striking “December 31, 2020” and inserting “December
24 31, 2025”.

1 (b) ADDITIONAL CREDIT FOR CERTAIN ELECTRIC
2 CHARGING PROPERTY.—

3 (1) IN GENERAL.—Section 30C(a) is amend-
4 ed—

5 (A) by striking “equal to 30 percent” and
6 inserting the following: “equal to the sum of—
7 “(1) 30 percent”,

8 (B) by striking the period at the end and
9 inserting “, plus”, and

10 (C) by adding at the end the following new
11 paragraph:

12 “(2) 20 percent of so much of such cost as ex-
13 ceeds the limitation under subsection (b)(1) that
14 does not exceed the amount of cost attributable to
15 qualified alternative vehicle refueling property (de-
16 termined without regard to paragraphs (1), (2)(A),
17 and (2)(B) of subsection (c)) which—

18 “(A) is intended for general public use and
19 recharges motor vehicle batteries with no asso-
20 ciated fee or payment arrangement,

21 “(B) is intended for general public use and
22 accepts payment via a credit card reader, or

23 “(C) is intended for use exclusively by
24 fleets of commercial or governmental vehicles.”.

1 travel between the employee’s residence and place of
2 employment or mass transit facility that connects an
3 employee to their place of employment.”.

4 (2) BIKESHARE.—Section 132(f)(5)(F) is
5 amended by adding at the end the following:

6 “(iv) BIKESHARE.—The term
7 ‘bikeshare’ means a bicycle rental oper-
8 ation at which bicycles are made available
9 to customers to pick up and drop off for
10 point-to-point use within a defined geo-
11 graphic area.”.

12 (c) LOW-SPEED ELECTRIC BICYCLES.—Section
13 132(f)(5)(F), as amended by subsection (b)(2), is amend-
14 ed by adding at the end the following:

15 “(v) LOW-SPEED ELECTRIC BICY-
16 CLES.—The term ‘bicycle’ includes a two-
17 or three-wheeled vehicle with fully operable
18 pedals and an electric motor of less than
19 750 watts (1 h.p.), whose maximum speed
20 on a paved level surface, when powered
21 solely by such a motor while ridden by an
22 operator who weighs 170 pounds, is less
23 than 20 mph.”.

1 (d) MODIFICATION RELATING TO BICYCLE COM-
2 MUTING MONTH.—Clause (iii) of section 132(f)(5)(F) is
3 amended to read as follows:

4 “(iii) QUALIFIED BICYCLE COM-
5 MUTING MONTH.—The term ‘qualified bi-
6 cycle commuting month’ means, with re-
7 spect to any employee, any month during
8 which such employee regularly uses a bicy-
9 cle for a portion of the travel between the
10 employee’s residence and place of employ-
11 ment.”.

12 (e) LIMITATION ON EXCLUSION.—

13 (1) IN GENERAL.—Subparagraph (C) of section
14 132(f)(2) is amended by striking “applicable annual
15 limitation” and inserting “applicable monthly limita-
16 tion”.

17 (2) APPLICABLE MONTHLY LIMITATION DE-
18 FINED.—Clause (ii) of section 132(f)(5)(F) is
19 amended to read as follows:

20 “(ii) APPLICABLE MONTHLY LIMITA-
21 TION.—The term ‘applicable monthly limi-
22 tation’, with respect to any employee for
23 any month, means an amount equal to 20
24 percent of the dollar amount in effect for
25 the month under paragraph (2)(B).”.

1 (3) AGGREGATE LIMITATION.—Subparagraph
2 (B) of section 132(f)(2) is amended by inserting
3 “and the applicable monthly limitation in the case of
4 any qualified bicycle commuting benefit”.

5 (f) NO CONSTRUCTIVE RECEIPT.—Paragraph (4) of
6 section 132(f) is amended by striking “(other than a quali-
7 fied bicycle commuting reimbursement)”.

8 (g) CONFORMING AMENDMENTS.—Paragraphs
9 (1)(D), (2)(C), and (5)(F) of section 132(f) are each
10 amended by striking “reimbursement” each place it ap-
11 pears and inserting “benefit”.

12 (h) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to taxable years beginning after
14 December 31, 2020.

15 **Subtitle E—Investment in the** 16 **Green Workforce**

17 **SEC. 90441. EXTENSION OF THE ADVANCED ENERGY** 18 **PROJECT CREDIT.**

19 (a) IN GENERAL.—Section 48C is amended by redес-
20 ignating subsection (e) as subsection (f) and by inserting
21 after subsection (d) the following new subsection:

22 “(e) ADDITIONAL ALLOCATIONS.—

23 “(1) IN GENERAL.—Not later than 180 days
24 after the date of enactment of this paragraph, the
25 Secretary, after consultation with the Secretary of

1 Energy, shall establish a program to designate
2 amounts of qualifying advanced project credit limita-
3 tion to qualifying advanced energy projects.

4 “(2) ANNUAL LIMITATION.—

5 “(A) IN GENERAL.—The amount of quali-
6 fying advanced project credit limitation that
7 may be designated under this subsection during
8 any calendar year shall not exceed the annual
9 credit limitation with respect to such year.

10 “(B) ANNUAL CREDIT LIMITATION.—For
11 purposes of this subsection, the term ‘annual
12 credit limitation’ means \$2,500,000,000 for
13 each of calendar years 2021, 2022, 2023, 2024,
14 and 2025, and zero thereafter.

15 “(C) CARRYOVER OF UNUSED LIMITA-
16 TION.—If the annual credit limitation for any
17 calendar year exceeds the aggregate amount
18 designated for such year under this subsection,
19 such limitation for the succeeding calendar year
20 shall be increased by the amount of such excess.
21 No amount may be carried under the preceding
22 sentence to any calendar year after 2025.

23 “(3) PLACED IN SERVICE DEADLINE.—No cred-
24 it shall be determined under subsection (a) with re-
25 spect to any property which is placed in service after

1 the date that is 4 years after the date of the des-
2 ignation under this subsection relating to such prop-
3 erty.

4 “(4) SELECTION CRITERIA.—Selection criteria
5 similar to those in subsection (d)(3) shall apply, ex-
6 cept that in determining designations under this
7 subsection, the Secretary, after consultation with the
8 Secretary of Energy, shall—

9 “(A) require that applicants provide writ-
10 ten assurances to the Secretary that all laborers
11 and mechanics employed by contractors and
12 subcontractors in the performance of construc-
13 tion, alteration or repair work on a qualifying
14 advanced energy project shall be paid wages at
15 rates not less than those prevailing on projects
16 of a similar character in the locality as deter-
17 mined by the Secretary of Labor in accordance
18 with subchapter IV of chapter 31 of title 40,
19 United States Code, and

20 “(B) give the highest priority to projects
21 which—

22 “(i) manufacture (other than pri-
23 marily assembly of components) property
24 described in a subclause of subsection
25 (c)(1)(A)(i) (or components thereof), and

1 “(ii) have the greatest potential for
2 commercial deployment of new applica-
3 tions.

4 “(5) DISCLOSURE OF DESIGNATIONS.—Rules
5 similar to the rules of subsection (d)(5) shall apply
6 for purposes of this subsection.”.

7 (b) CLARIFICATION WITH RESPECT TO
8 ELECTROCHROMATIC GLASS.—Section
9 48C(e)(1)((A)(i)(V) is amended—

10 (1) by striking “and smart grid” and inserting
11 “, smart grid”, and

12 (2) by inserting “, and electrochromatic glass”
13 before the comma at the end.

14 (c) EFFECTIVE DATE.—The amendment made by
15 this section shall take effect on the date of the enactment
16 of this Act.

17 (d) PROGRESS REPORT.—During the 30-day period
18 ending on December 31, 2025, the Secretary of the Treas-
19 ury (or the Secretary’s delegate), after consultation with
20 the Secretary of Labor, shall submit a report to Congress
21 on the domestic job creation, wages associated with such
22 jobs, and the amount of such wages paid as described in
23 section 48C(e)(4)(B) of the Internal Revenue Code of
24 1986, attributable to the amendment made by this section.

1 **SEC. 90442. LABOR COSTS OF INSTALLING MECHANICAL IN-**
2 **SULATION PROPERTY.**

3 (a) IN GENERAL.—Subpart D of part IV of sub-
4 chapter A of chapter 1, as amended by the preceding pro-
5 visions of this Act, is further amended by adding at the
6 end the following new section:

7 **“SEC. 45V. LABOR COSTS OF INSTALLING MECHANICAL IN-**
8 **SULATION PROPERTY.**

9 “(a) IN GENERAL.—For purposes of section 38, the
10 mechanical insulation labor costs credit determined under
11 this section for any taxable year is an amount equal to
12 10 percent of the mechanical insulation labor costs paid
13 or incurred by the taxpayer during such taxable year.

14 “(b) MECHANICAL INSULATION LABOR COSTS.—For
15 purposes of this section—

16 “(1) IN GENERAL.—The term ‘mechanical insu-
17 lation labor costs’ means the labor cost of installing
18 mechanical insulation property with respect to a me-
19 chanical system referred to in paragraph (2)(A)
20 which was originally placed in service not less than
21 1 year before the date on which such mechanical in-
22 sulation property is installed.

23 “(2) MECHANICAL INSULATION PROPERTY.—
24 The term ‘mechanical insulation property’ means in-
25 sulation materials, and facings and accessory prod-

1 ucts installed in connection to such insulation mate-
2 rials—

3 “(A) placed in service in connection with a
4 mechanical system which—

5 “(i) is located in the United States,
6 and

7 “(ii) is of a character subject to an al-
8 lowance for depreciation, and

9 “(B) which result in a reduction in energy
10 loss from the mechanical system which is great-
11 er than the expected reduction from the instal-
12 lation of insulation materials which meet the
13 minimum requirements of Reference Standard
14 90.1 (as defined in section 179D(c)(2)).

15 “(c) TERMINATION.—This section shall not apply to
16 mechanical insulation labor costs paid or incurred after
17 December 31, 2025.”.

18 (b) CREDIT ALLOWED AS PART OF GENERAL BUSI-
19 NESS CREDIT.—Section 38(b), as amended by the pre-
20 ceding provisions of this Act, is further amended by strik-
21 ing “plus” at the end of paragraph (33), by striking the
22 period at the end of paragraph (34) and inserting “, plus”,
23 and by adding at the end the following new paragraph:

24 “(35) the mechanical insulation labor costs
25 credit determined under section 45V(a).”.

1 (c) CONFORMING AMENDMENTS.—

2 (1) Section 280C is amended by adding at the
3 end the following new subsection:

4 “(i) MECHANICAL INSULATION LABOR COSTS CRED-
5 IT.—

6 “(1) IN GENERAL.—No deduction shall be al-
7 lowed for that portion of the mechanical insulation
8 labor costs (as defined in section 45V(b)) otherwise
9 allowable as deduction for the taxable year which is
10 equal to the amount of the credit determined for
11 such taxable year under section 45V(a).

12 “(2) SIMILAR RULE WHERE TAXPAYER CAP-
13 ITALIZES RATHER THAN DEDUCTS EXPENSES.—If—

14 “(A) the amount of the credit determined
15 for the taxable year under section 45V(a), ex-
16 ceeds

17 “(B) the amount of allowable as a deduc-
18 tion for such taxable year for mechanical insu-
19 lation labor costs (determined without regard to
20 paragraph (1)),

21 the amount chargeable to capital account for the
22 taxable year for such costs shall be reduced by the
23 amount of such excess.”.

24 (2) The table of sections for subpart D of part
25 IV of subchapter A of chapter 1, as amended by the

1 preceding provisions of this Act, is further amended
2 by adding at the end the following new item:

“Sec. 45V. Labor costs of installing mechanical insulation property.”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 this section shall apply to amounts paid or incurred after
5 December 31, 2020, in taxable years ending after such
6 date.

7 **SEC. 90443. LABOR STANDARDS FOR CERTAIN ENERGY**
8 **JOBS.**

9 (a) **DEPARTMENT OF LABOR CERTIFICATION OF**
10 **QUALIFIED ENTITIES.**—

11 (1) **DEFINITIONS.**—In this subsection—

12 (A) **APPLICABLE CONSTRUCTION**
13 **PROJECT.**—The term “applicable construction
14 project” means, with respect to any entity—

15 (i) the installation of any qualified al-
16 ternative fuel vehicle refueling property (as
17 defined in section 30C(c) of the Internal
18 Revenue Code of 1986),

19 (ii) the installation of any qualified
20 energy property described in section
21 48D(a)(1) of such Code,

22 (iii) the installation of any qualified
23 property referred to in paragraph (2) of
24 section 48D(a) of such Code as part of any

1 qualified investment credit facility de-
2 scribed in such paragraph, and

3 (iv) the installation of any energy effi-
4 cient commercial building property (as de-
5 fined in section 179D(c)(1) of such Code).

6 (B) COVERED PROJECT LABOR AGREE-
7 MENT.—The term “covered project labor agree-
8 ment” means a project labor agreement that—

9 (i) binds all contractors and sub-
10 contractors on the construction project
11 through the inclusion of appropriate speci-
12 fications in all relevant solicitation provi-
13 sions and contract documents,

14 (ii) allows all contractors and sub-
15 contractors to compete for contracts and
16 subcontracts without regard to whether
17 they are otherwise a party to a collective
18 bargaining agreement,

19 (iii) contains guarantees against
20 strikes, lockouts, and other similar job dis-
21 ruptions,

22 (iv) sets forth effective, prompt, and
23 mutually binding procedures for resolving
24 labor disputes arising during the covered
25 project labor agreement, and

1 (v) provides other mechanisms for
2 labor-management cooperation on matters
3 of mutual interest and concern, including
4 productivity, quality of work, safety, and
5 health.

6 (C) PROJECT LABOR AGREEMENT.—The
7 term “project labor agreement” means a pre-
8 hire collective bargaining agreement with one or
9 more labor organizations that establishes the
10 terms and conditions of employment for a spe-
11 cific construction project and is described in
12 section 8(f) of the National Labor Relations
13 Act (29 U.S.C. 158(f)).

14 (D) INSTALLATION INCLUDES ON-SITE
15 CONSTRUCTION.—Any reference in this sub-
16 section to the installation of any property shall
17 include the construction of such property if
18 such construction is performed on the site
19 where such property is installed.

20 (E) QUALIFIED ENTITY.—The term
21 “qualified entity” means an entity that the Sec-
22 retary of Labor certifies as a qualified entity in
23 accordance with paragraph (2).

24 (F) REGISTERED APPRENTICESHIP PRO-
25 GRAM.—The term “registered apprenticeship

1 program” means an apprenticeship program
2 registered under the Act of August 16, 1937
3 (commonly known as the “National Apprenticeship
4 Act”; 50 Stat. 664, chapter 663; 29
5 U.S.C. 50 et seq.), including any requirement,
6 standard, or rule promulgated under such Act,
7 as such requirement, standard, or rule was in
8 effect on December 30, 2019.

9 (2) CERTIFICATION OF QUALIFIED ENTITIES.—

10 (A) IN GENERAL.—The Secretary of Labor
11 shall establish a process for certifying entities
12 that submit an application under subparagraph
13 (B) as qualified entities with respect to applica-
14 ble construction projects for purposes of the
15 amendments made by subsections (b), (c), and
16 (d).

17 (B) APPLICATION PROCESS.—

18 (i) IN GENERAL.—An entity seeking
19 certification as a qualified entity under this
20 paragraph shall submit an application to
21 the Secretary of Labor at such time, in
22 such manner, and containing such infor-
23 mation as the Secretary may reasonably
24 require, including information to dem-

1 onstrate compliance with the requirements
2 under subparagraph (C).

3 (ii) REQUESTS FOR ADDITIONAL IN-
4 FORMATION.—Not later than 1 year after
5 receiving an application from an entity
6 under clause (i)—

7 (I) the Secretary of Labor may
8 request additional information from
9 the entity in order to determine
10 whether the entity is in compliance
11 with the requirements under subpara-
12 graph (C), and

13 (II) the entity shall provide such
14 additional information.

15 (iii) DETERMINATION DEADLINE.—
16 The Secretary of Labor shall make a de-
17 termination on whether to certify an entity
18 under this subsection not later than—

19 (I) in a case in which the Sec-
20 retary requests additional information
21 described in paragraph (2)(B)(ii), 1
22 year after the Secretary receives such
23 additional information from the enti-
24 ty, or

1 (II) in a case that is not de-
2 scribed in subclause (I), 1 year after
3 the date on which the entity submits
4 the application under clause (i).

5 (iv) PRECERTIFICATION REMEDIES.—

6 The Secretary shall consider any corrective
7 actions taken by an entity seeking certifi-
8 cation under this paragraph to remedy an
9 administrative merits determination, arbi-
10 tral award or decision, or civil judgment
11 identified under subparagraph (C)(iii) and
12 shall impose as a condition of certification
13 any additional remedies necessary to avoid
14 further or repeated violations.

15 (C) LABOR STANDARDS REQUIREMENTS.—

16 The Secretary of Labor shall require an entity,
17 as a condition of certification under this sub-
18 section, to satisfy each of the following require-
19 ments:

20 (i) The entity shall ensure that all la-
21 borers and mechanics employed by contrac-
22 tors and subcontractors in the performance
23 of any applicable construction project shall
24 be paid wages at rates not less than those
25 prevailing on projects of a similar char-

1 acter in the locality as determined by the
2 Secretary of Labor in accordance with sub-
3 chapter IV of chapter 31 of title 40,
4 United States Code (commonly known as
5 the “Davis-Bacon Act”).

6 (ii) In the case of any applicable con-
7 struction project the cost of which exceeds
8 \$25,000,000, the entity shall be a party to,
9 or require contractors and subcontractors
10 in the performance of such applicable con-
11 struction project to consent to, a covered
12 project labor agreement.

13 (iii) The entity, and all contractors
14 and subcontractors in performance of any
15 applicable construction project, shall rep-
16 resent in the application submitted under
17 subparagraph (B) (and periodically there-
18 after during the performance of the appli-
19 cable construction project as the Secretary
20 of Labor may require) whether there has
21 been any administrative merits determina-
22 tion, arbitral award or decision, or civil
23 judgment, as defined in guidance issued by
24 the Secretary of Labor, rendered against
25 the entity in the preceding 3 years (or, in

1 the case of disclosures after the initial dis-
2 closure, during such period as the Sec-
3 retary of Labor may provide) for violations
4 of—

5 (I) the Fair Labor Standards Act
6 of 1938 (29 U.S.C. 201 et seq.),

7 (II) the Occupational Safety and
8 Health Act of 1970 (29 U.S.C. 651 et
9 seq.),

10 (III) the Migrant and Seasonal
11 Agricultural Worker Protection Act
12 (29 U.S.C. 1801 et seq.),

13 (IV) the National Labor Rela-
14 tions Act (29 U.S.C. 151 et seq.),

15 (V) subchapter IV of chapter 31
16 of title 40, United States Code (com-
17 monly known as the “Davis-Bacon
18 Act”),

19 (VI) chapter 67 of title 41,
20 United States Code (commonly known
21 as the “Service Contract Act”),

22 (VII) Executive Order No. 11246
23 (42 U.S.C. 2000e note; relating to
24 equal employment opportunity),

1 (VIII) section 503 of the Reha-
2 bilitation Act of 1973 (29 U.S.C.
3 793),

4 (IX) section 4212 of title 38,
5 United States Code,

6 (X) the Family and Medical
7 Leave Act of 1993 (29 U.S.C. 2601 et
8 seq.),

9 (XI) title VII of the Civil Rights
10 Act of 1964 (42 U.S.C. 2000e et
11 seq.),

12 (XII) the Americans with Dis-
13 abilities Act of 1990 (42 U.S.C.
14 12101 et seq.),

15 (XIII) the Age Discrimination in
16 Employment Act of 1967 (29 U.S.C.
17 621 et seq.),

18 (XIV) Federal Government
19 standards establishing a minimum
20 wage for contractors, or

21 (XV) equivalent State laws, as
22 defined in guidance issued by the Sec-
23 retary of Labor.

24 (iv) The entity, and all contractors
25 and subcontractors in the performance of

1 any applicable construction project, shall
2 not require mandatory arbitration for any
3 dispute involving a worker engaged in a
4 service for the entity unless such worker is
5 covered by a collective bargaining agree-
6 ment that provides otherwise.

7 (v) The entity, and all contractors and
8 subcontractors in the performance of any
9 applicable construction project, shall con-
10 sider an individual performing any service
11 in such performance as an employee (and
12 not an independent contractor) of the enti-
13 ty, contractor, or subcontractor, respec-
14 tively, unless—

15 (I) the individual is free from
16 control and direction in connection
17 with the performance of the service,
18 both under the contract for the per-
19 formance of the service and in fact,

20 (II) the service is performed out-
21 side the usual course of the business
22 of the entity, contractor, or subcon-
23 tractor, respectively, and

24 (III) the individual is customarily
25 engaged in an independently estab-

1 lished trade, occupation, profession, or
2 business of the same nature as that
3 involved in such service.

4 (vi) The entity shall prohibit all con-
5 tractors and subcontractors in the per-
6 formance of any applicable construction
7 project from hiring employees through a
8 temporary staffing agency unless the rel-
9 evant State workforce agency certifies that
10 temporary employees are necessary to ad-
11 dress an acute, short-term labor demand.

12 (vii) The entity shall require all con-
13 tractors, subcontractors, successors in in-
14 terest of the entity, and other entities that
15 may acquire the entity, in the performance
16 or acquisition of any applicable construc-
17 tion project, to have an explicit neutrality
18 policy on any issue involving the organiza-
19 tion of employees of the entity, and all con-
20 tractors and subcontractors in the per-
21 formance of any applicable construction
22 project, for purposes of collective bar-
23 gaining.

24 (viii) The entity shall require all con-
25 tractors and subcontractors to participate

1 in a registered apprenticeship program for
2 each skilled craft employed on any applica-
3 ble construction project.

4 (ix) The entity, and all contractors
5 and subcontractors in the performance of
6 any applicable construction project, shall
7 not request or otherwise consider the
8 criminal history of an applicant for em-
9 ployment before extending a conditional
10 offer to the applicant, unless—

11 (I) a background check is other-
12 wise required by law,

13 (II) the position is for a Federal
14 law enforcement officer (as defined in
15 section 115(c)(1) of title 18, United
16 States Code) position, or

17 (III) the Secretary of Labor,
18 after consultation with the Secretary
19 of Energy, certifies that precluding
20 criminal history prior to the condi-
21 tional offer would pose a threat to na-
22 tional security.

23 (D) DAVIS-BACON ACT.—The Secretary of
24 Labor shall have, with respect to the labor
25 standards described in subparagraph (C)(i), the

1 authority and functions set forth in Reorganiza-
2 tion Plan Numbered 14 of 1950 (64 Stat.
3 1267; 5 U.S.C. App.) and section 3145 of title
4 40, United States Code.

5 (E) PERIOD OF VALIDITY FOR CERTIFI-
6 CATIONS.—A certification made under this sub-
7 section shall be in effect for a period of 5 years.
8 An entity may reapply to the Secretary of
9 Labor for an additional certification under this
10 subsection in accordance with the application
11 process under paragraph (2)(B).

12 (F) REVOCATION OF QUALIFIED ENTITY
13 STATUS.—The Secretary of Labor may revoke
14 the certification of an entity under this sub-
15 section as a qualified entity at any time in
16 which the Secretary reasonably determines the
17 entity is no longer in compliance with para-
18 graph (2)(C).

19 (G) CERTIFICATION MAY COVER MORE
20 THAN ONE SUBSTANTIALLY SIMILAR
21 PROJECT.—The Secretary of Labor may make
22 certifications under this paragraph which apply
23 with respect to more than one project if the
24 projects to which such certification apply are
25 substantially similar projects which meet the re-

1 quirements of this subsection. Such projects
2 shall be treated as a specific construction
3 project for purposes of paragraph (1)(C).

4 (3) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated to carry out
6 this section \$10,000,000 for fiscal year 2020 and
7 each fiscal year thereafter.

8 (b) JOBS IN ENERGY CREDIT.—

9 (1) IN GENERAL.—Subpart E of part IV of
10 subchapter A of chapter 1 of the Internal Revenue
11 Code of 1986 is amended by inserting after section
12 48C the following new section:

13 **“SEC. 48D. JOBS IN ENERGY CREDIT.**

14 “(a) INVESTMENT CREDIT FOR QUALIFIED PROP-
15 ERTY.—For purposes of section 46, the jobs in energy
16 credit for any taxable year is an amount equal to 10 per-
17 cent of the basis of any qualified energy property placed
18 in service by the taxpayer during such taxable year if the
19 installation of such property is performed by a qualified
20 entity with respect to such property.

21 “(b) QUALIFIED ENERGY PROPERTY.—For purposes
22 of this section, the term ‘qualified energy property’
23 means—

24 “(1) energy property (as defined in section
25 48(a)(3)), or

1 “(2) qualified property which is part of a quali-
2 fied investment credit facility (as defined in section
3 48(a)(5) without regard to clause (a)(5)(C)(iii))
4 which is originally placed in service after December
5 31, 2020.

6 “(c) QUALIFIED ENTITY.—For purposes of this sec-
7 tion—

8 “(1) IN GENERAL.—The term ‘qualified entity’
9 means, with respect to the installation of any quali-
10 fied energy property, an entity which is certified by
11 the Secretary of Labor as being in compliance with
12 all of the applicable requirements under section
13 90443(a) of the GREEN Act of 2020 with respect
14 to such installation at all times during the period be-
15 ginning on the date on which the installation of such
16 property begins and ending on the date on which
17 such property is placed in service.

18 “(2) CERTIFICATION OF FACILITY REQUIRED.—
19 In the case of any qualified property referred to in
20 subsection (b)(2), an entity shall be treated as a
21 qualified entity with respect to the installation of
22 such property only if the Secretary of Labor has cer-
23 tified that the construction of the qualified invest-
24 ment credit facility of which such qualified property
25 is a part as being in compliance with all of the appli-

1 cable requirements under section 90443(a) of the
2 GREEN Act of 2020 for the period referred to in
3 paragraph (1).

4 “(d) SPECIAL RULES.—

5 “(1) CERTAIN PROGRESS EXPENDITURE RULES
6 MADE APPLICABLE.—Rules similar to the rules of
7 subsections (c)(4) and (d) of section 46 (as in effect
8 on the day before the date of the enactment of the
9 Revenue Reconciliation Act of 1990) shall apply for
10 purposes of subsection (a).

11 “(2) SPECIAL RULE FOR PROPERTY FINANCED
12 BY SUBSIDIZED ENERGY FINANCING OR INDUSTRIAL
13 DEVELOPMENT BONDS.—For purposes of subsection
14 (a), rules similar to the rules of section 48(a)(4)
15 shall apply for purposes of determining the basis of
16 any qualified energy property.

17 “(3) INSTALLATION INCLUDES ON-SITE CON-
18 STRUCTION.—Any reference in this section to the in-
19 stallation of any property shall include the construc-
20 tion of such property if such construction is per-
21 formed on the site where such property is installed.

22 “(4) RECAPTURE.—If the Secretary of Labor
23 revokes the certification of a qualified entity with re-
24 spect to the installation of any property, the tax im-
25 posed under this chapter on the taxpayer to whom

1 the credit determined under this section is allowed
2 shall be increased for the taxable year which in-
3 cludes the date of such revocation by an amount
4 equal to the aggregate decrease in the credits al-
5 lowed under section 38 for all prior taxable years
6 which would have resulted solely from reducing to
7 zero any credit determined under this section with
8 respect to such property.

9 “(5) ELECTION NOT TO HAVE SECTION
10 APPLY.—This section shall not apply with respect to
11 any taxpayer for any taxable year if such taxpayer
12 elects (at such time and in such manner as the Sec-
13 retary may prescribe) not to have this section
14 apply.”.

15 (2) CONFORMING AMENDMENTS.—

16 (A) Section 46 of such Code is amended by
17 striking “and” at the end of paragraph (5), by
18 striking the period at the end of paragraph (6)
19 and inserting “, and”, and by adding at the end
20 the following new paragraph:

21 “(7) the jobs in energy credit.”.

22 (B) Section 49(a)(1)(C) of such Code is
23 amended by striking “and” at the end of clause
24 (iv), by striking the period at the end of clause

1 (v) and inserting a comma, and by adding at
2 the end the following new clause:

3 “(vi) the basis of any qualified energy
4 property under section 48D.”.

5 (C) Section 50(a)(2)(E) of such Code is
6 amended by striking “ or 48C(b)(2)” and in-
7 serting “48C(b)(2), or 48D(d)(1)”.

8 (D) The table of sections for subpart E of
9 part IV of subchapter A of chapter 1 of such
10 Code is amended by inserting after the item re-
11 lating to section 48C the following new item:

“Sec. 48D. Jobs in energy credit.”.

12 (3) EFFECTIVE DATE.—The amendments made
13 by this subsection shall apply to periods after De-
14 cember 31, 2020, under rules similar to the rules of
15 section 48(m) of the Internal Revenue Code of 1986
16 (as in effect on the day before the date of the enact-
17 ment of the Revenue Reconciliation Act of 1990).

18 (c) INCREASE IN ENERGY EFFICIENT COMMERCIAL
19 BUILDING DEDUCTION FOR INSTALLATION BY QUALI-
20 FIED ENTITIES.—

21 (1) IN GENERAL.—Section 179D(d) of the In-
22 ternal Revenue Code of 1986 is amended by adding
23 at the end the following:

24 “(7) ADJUSTMENT FOR QUALIFIED ENTITIES.—
25 In the case of any energy efficient commercial build-

1 ing property which was installed (within the mean-
2 ing of section 48D(d)(3)) by an entity which is cer-
3 tified by the Secretary of Labor as being in compli-
4 ance with all of the applicable requirements under
5 section 90443(a) of the GREEN Act of 2020 with
6 respect to such installation, subsection (b)(1)(A)
7 shall be applied by substituting ‘\$3.20’ for ‘\$3.’.”

8 (2) CONFORMING AMENDMENT.—Section
9 179D(d)(1)(A) of such Code is amended by inserting
10 “(or, in the case of property to which paragraph (7)
11 applies, by substituting ‘\$1.07’ for ‘\$3.20’ in such
12 paragraph)” before the period at the end.

13 (3) EFFECTIVE DATE.—The amendments made
14 by this subsection shall apply to property placed in
15 service after December 31, 2020.

16 (d) INCREASE IN ALTERNATIVE FUEL VEHICLE RE-
17 FUELING PROPERTY CREDIT FOR INSTALLATION BY
18 QUALIFIED ENTITIES.—

19 (1) IN GENERAL.—Section 30C(a), as amended
20 by the preceding provisions of this Act, is amended
21 by striking “plus” at the end of paragraph (1), by
22 striking the period at the end of paragraph (2) and
23 inserting “, plus”, and by adding at the end the fol-
24 lowing new paragraph:

1 “(3) in the case of any qualified alternative fuel
2 vehicle refueling property which was installed (within
3 the meaning of section 48D(d)(3)) by an entity
4 which is certified by the Secretary of Labor as being
5 in compliance with all of the applicable requirements
6 under section 90443(a) of the GREEN Act of 2020
7 with respect to such installation, 10 percent of the
8 amount of costs taken into account under paragraph
9 (1) with respect to such property.”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by this subsection shall apply to property placed in
12 service after December 31, 2020.

13 **Subtitle F—Environmental Justice**

14 **SEC. 90451. QUALIFIED ENVIRONMENTAL JUSTICE PRO-** 15 **GRAM CREDIT.**

16 (a) IN GENERAL.—Subpart C of part IV of sub-
17 chapter A of chapter 1 is amended by adding at the end
18 the following new section:

19 **“SEC. 36C. QUALIFIED ENVIRONMENTAL JUSTICE PRO-** 20 **GRAMS.**

21 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-
22 gible educational institution, there shall be allowed as a
23 credit against the tax imposed by this subtitle for any tax-
24 able year an amount equal to the applicable percentage
25 of the amounts paid or incurred by such taxpayer during

1 such taxable year which are necessary for a qualified envi-
2 ronmental justice program.

3 “(b) QUALIFIED ENVIRONMENTAL JUSTICE PRO-
4 GRAM.—For purposes of this section—

5 “(1) IN GENERAL.—The term ‘qualified envi-
6 ronmental justice program’ means a program con-
7 ducted by one or more eligible educational institu-
8 tions that is designed to address, or improve data
9 about, qualified environmental stressors for the pri-
10 mary purpose of improving, or facilitating the im-
11 provement of, health and economic outcomes of indi-
12 viduals residing in low-income areas or areas popu-
13 lated disproportionately by racial or ethnic minori-
14 ties.

15 “(2) QUALIFIED ENVIRONMENTAL STRESSOR.—
16 The term ‘qualified environmental stressor’ means,
17 with respect to an area, a contamination of the air,
18 water, soil, or food with respect to such area or a
19 change relative to historical norms of the weather
20 conditions of such area.

21 “(c) ELIGIBLE EDUCATIONAL INSTITUTION.—For
22 purposes of this section, the term ‘eligible educational in-
23 stitution’ means an institution of higher education (as
24 such term is defined in section 101 or 102(c) of the High-

1 er Education Act of 1965) that is eligible to participate
2 in a program under title IV of such Act.

3 “(d) APPLICABLE PERCENTAGE.—For purposes of
4 this section, the term ‘applicable percentage’ means—

5 “(1) in the case of a program involving material
6 participation of faculty and students of an institu-
7 tion described in section 371(a) of the Higher Edu-
8 cation Act of 1965, 30 percent, and

9 “(2) in all other cases, 20 percent.

10 “(e) CREDIT ALLOCATION.—

11 “(1) ALLOCATION.—

12 “(A) IN GENERAL.—The Secretary shall
13 allocate credit dollar amounts under this section
14 to eligible educational institutions, for qualified
15 environmental justice programs, that—

16 “(i) submit applications at such time
17 and in such manner as the Secretary may
18 provide, and

19 “(ii) are selected by the Secretary
20 under subparagraph (B).

21 “(B) SELECTION CRITERIA.—The Sec-
22 retary, after consultation with the Secretary of
23 Energy, the Secretary of Education, the Sec-
24 retary of Health and Human Services, and the
25 Administrator of the Environmental Protection

1 Agency, shall select applications on the basis of
2 the following criteria:

3 “(i) The extent of participation of fac-
4 ulty and students of an institution de-
5 scribed in section 371(a) of the Higher
6 Education Act of 1965.

7 “(ii) The extent of the expected effect
8 on the health or economic outcomes of in-
9 dividuals residing in areas within the
10 United States that are low-income areas or
11 areas populated disproportionately by ra-
12 cial or ethnic minorities.

13 “(iii) The creation or significant ex-
14 pansion of qualified environmental justice
15 programs.

16 “(2) LIMITATIONS.—

17 “(A) IN GENERAL.—The amount of the
18 credit determined under this section for any
19 taxable year to any eligible educational institu-
20 tion for any qualified environmental justice pro-
21 gram shall not exceed the excess of—

22 “(i) the credit dollar amount allocated
23 to such institution for such program under
24 this subsection, over

1 “(ii) the credits previously claimed by
2 such institution for such program under
3 this section.

4 “(B) FIVE-YEAR LIMITATION.—No
5 amounts paid or incurred after the 5-year pe-
6 riod beginning on the date a credit dollar
7 amount is allocated to an eligible educational
8 institution for a qualified environmental justice
9 program shall be taken into account under sub-
10 section (a) with respect to such institution for
11 such program.

12 “(C) ALLOCATION LIMITATION.—The total
13 amount of credits that may be allocated under
14 the program shall not exceed—

15 “(i) \$1,000,000,000 for each of 2021,
16 2022, 2023, 2024, and 2025, and

17 “(ii) \$0 for each subsequent year.

18 “(f) REQUIREMENTS.—

19 “(1) IN GENERAL.—An eligible educational in-
20 stitution that has been allocated credit dollar
21 amounts under this section for a qualified environ-
22 mental justice project for a taxable year shall—

23 “(A) make publicly available the applica-
24 tion submitted to the Secretary under sub-
25 section (e) with respect to such project, and

1 “(B) submit an annual report to the Sec-
2 retary that describes the amounts paid or in-
3 curred for, and expected impact of, such
4 project.

5 “(2) FAILURE TO COMPLY.—In the case of an
6 eligible education institution that has failed to com-
7 ply with the requirements of this subsection, the
8 credit dollar amount allocated to such institution
9 under this section is deemed to be \$0.

10 “(g) PUBLIC DISCLOSURE.—The Secretary, upon
11 making an allocation of credit dollar amounts under this
12 section, shall publicly disclose—

13 “(1) the identity of the eligible educational in-
14 stitution receiving the allocation, and

15 “(2) the amount of such allocation.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 6211(b)(4)(A) is amended by insert-
18 ing “36C,” after “36B,”.

19 (2) Paragraph (2) of section 1324(b) of title
20 31, United States Code, is amended by inserting
21 “36C,” after “36B,”.

22 (c) CLERICAL AMENDMENT.—The table of sections
23 for subpart C of part IV of subchapter A of chapter 1
24 is amended by inserting after the item relating to section
25 36B the following new item:

“Sec. 36C. Qualified environmental justice programs.”.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this section shall take effect on the date of the enactment
3 of this Act.

4 **Subtitle G—Treasury Report on**
5 **Data From the Greenhouse Gas**
6 **Reporting Program**

7 **SEC. 90461. REPORT ON GREENHOUSE GAS REPORTING**
8 **PROGRAM.**

9 (a) IN GENERAL.—Not later than 180 days after the
10 date of the enactment of this Act, the Secretary of the
11 Treasury (or the Secretary’s delegate) shall submit a re-
12 port to Congress on the utility of the data from the Green-
13 house Gas Reporting Program for determining the amount
14 of greenhouse gases emitted by each taxpayer for the pur-
15 pose of imposing a fee on such taxpayers with respect to
16 such emissions. Such report shall include a detailed de-
17 scription and analysis of any administrative or other chal-
18 lenges associated with using such data for such purpose.

19 (b) GREENHOUSE GAS REPORTING PROGRAM.—For
20 purposes of this section, the term “Greenhouse Gas Re-
21 porting Program” means the reporting program estab-
22 lished by the Administrator of the Environmental Protec-
23 tion Agency under title II of division F of the Consolidated
24 Appropriations Act, 2008.

1 **TITLE V—DISASTER AND**
2 **RESILIENCY**

3 **SEC. 90501. EXCLUSION OF AMOUNTS RECEIVED FROM**
4 **STATE-BASED CATASTROPHE LOSS MITIGA-**
5 **TION PROGRAMS.**

6 (a) IN GENERAL.—Section 139 of the Internal Rev-
7 enue Code of 1986 is amended by redesignating subsection
8 (h) as subsection (i) and by inserting after subsection (g)
9 the following new subsection:

10 “(h) STATE-BASED CATASTROPHE LOSS MITIGATION
11 PROGRAMS.—

12 “(1) IN GENERAL.—Gross income shall not in-
13 clude any amount received by an individual as a
14 qualified catastrophe mitigation payment under a
15 program established by a State, or a political sub-
16 division or instrumentality thereof, for the purpose
17 of making such payments.

18 “(2) QUALIFIED CATASTROPHE MITIGATION
19 PAYMENT.—For purposes of this section, the term
20 ‘qualified catastrophe mitigation payment’ means
21 any amount which is received by an individual to
22 make improvements to such individual’s residence
23 for the sole purpose of reducing the damage that
24 would be done to such residence by a windstorm,
25 earthquake, or wildfire.

1 **TITLE VI—HOUSING**
2 **Subtitle A—Low-Income Housing**
3 **Tax Credit Improvements**

4 **SEC. 90601. EXTENSION OF PERIOD FOR REHABILITATION**
5 **EXPENDITURES.**

6 (a) **IN GENERAL.**—Clause (ii) of section 42(e)(3)(A)
7 is amended by inserting “(any 36-month period, in the
8 case of buildings receiving an allocation of housing credit
9 dollar amount before January 1, 2022)” after “24-month
10 period”.

11 (b) **CONFORMING AMENDMENT.**—Subparagraph (A)
12 of section 42(e)(4) is amended by inserting “(or 36-month
13 period, if applicable)” after “24-month period”.

14 (c) **EFFECTIVE DATE.**—The amendments made by
15 this section shall apply to buildings receiving an allocation
16 of housing credit dollar amount after December 31, 2016.

17 **SEC. 90602. EXTENSION OF BASIS EXPENDITURE DEADLINE.**

18 (a) **IN GENERAL.**—Clause (i) of section 42(h)(1)(E)
19 is amended by inserting “(the third calendar year, in the
20 case of an allocation made before January 1, 2022)” after
21 “second calendar year”.

22 (b) **QUALIFIED BUILDING.**—Clause (ii) of section
23 42(h)(1)(E) is amended—

1 (1) by striking “the date which is 1 year after
2 the date that the allocation was made” and inserting
3 “the applicable date”,

4 (2) by inserting “(or third, if applicable)” after
5 “second” in the first sentence,

6 (3) by inserting “(or third)” after “second” in
7 the second sentence,

8 (4) by striking “BUILDING.—For purposes of”
9 and inserting “BUILDING.—

10 “(I) IN GENERAL.—For purposes
11 of”, and

12 (5) by adding at the end the following new sub-
13 clause:

14 “(II) APPLICABLE DATE.—For
15 purposes of subclause (I), the applica-
16 ble date is 1 year after the date that
17 the allocation was made with respect
18 to the building (2 years, in the case of
19 allocations made before January 1,
20 2022).”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to buildings receiving an allocation
23 of housing credit dollar amount after December 31, 2016.

1 **SEC. 90603. TAX-EXEMPT BOND FINANCING REQUIREMENT.**

2 (a) IN GENERAL.—Subparagraph (B) of section
3 42(h)(4) is amended by adding at the end the following:
4 “In the case of buildings financed by an obligation issued
5 in calendar years ending before January 1, 2022, the pre-
6 ceding sentence shall be applied by substituting ‘25 per-
7 cent’ for ‘50 percent’.”

8 (b) EFFECTIVE DATE.—The amendment made by
9 this section shall apply to buildings placed in service in
10 taxable years beginning after December 31, 2019.

11 **SEC. 90604. MINIMUM CREDIT RATE.**

12 (a) IN GENERAL.—Subsection (b) of section 42 is
13 amended—

14 (1) by redesignating paragraph (3) as para-
15 graph (4), and

16 (2) by inserting after paragraph (2) the fol-
17 lowing new paragraph:

18 “(3) MINIMUM CREDIT RATE.—In the case of
19 any new or existing building to which paragraph (2)
20 does not apply, the applicable percentage shall not
21 be less than 4 percent.”

22 (b) EFFECTIVE DATE.—The amendments made by
23 this section shall apply to buildings which receive alloca-
24 tions of housing credit dollar amount or, in the case of
25 projects financed by tax-exempt bonds as described in sec-
26 tion 42(h)(4) of the Internal Revenue Code of 1986, which

1 are placed in service by the taxpayer after January 20,
2 2020.

3 **SEC. 90605. INCREASES IN STATE ALLOCATIONS.**

4 (a) IN GENERAL.—Clause (ii) of section 42(h)(3)(C)
5 is amended—

6 (1) by striking “\$1.75” in subclause (I) and in-
7 serting “\$4.56 (\$3.58 in the case of calendar year
8 2021)”, and

9 (2) by striking “\$2,000,000” in subclause (II)
10 and inserting “\$5,214,051 (\$4,097,486 in the case
11 of calendar year 2021)”.

12 (b) COST-OF-LIVING ADJUSTMENT.—Subparagraph
13 (H) of section 42(h)(3) is amended—

14 (1) by striking “2002” in clause (i) and insert-
15 ing “2020”,

16 (2) by striking “the \$2,000,000 and \$1.75
17 amounts in subparagraph (C)” in clause (i) and in-
18 serting “the dollar amounts applicable to such cal-
19 endar year under subclauses (I) and (II) of subpara-
20 graph (C)(ii)”,

21 (3) by striking “2001” in clause (i)(II) and in-
22 serting “2019”,

23 (4) by striking “\$2,000,000 amount” in clause
24 (ii)(I) and inserting “amount under subparagraph
25 (C)(ii)(II)”, and

1 (5) by striking “\$1.75 amount” in clause
2 (ii)(II) and inserting “amount under subparagraph
3 (C)(ii)(I)”.

4 (c) EFFECTIVE DATE.—The amendments made by
5 this section shall apply to calendar years beginning after
6 December 31, 2020.

7 **SEC. 90606. INCREASE IN CREDIT FOR CERTAIN PROJECTS**
8 **DESIGNATED TO SERVE EXTREMELY LOW-IN-**
9 **COME HOUSEHOLDS.**

10 (a) IN GENERAL.—Paragraph (5) of section 42(d) is
11 amended by adding at the end the following new subpara-
12 graph:

13 “(C) INCREASE IN CREDIT FOR PROJECTS
14 DESIGNATED TO SERVE EXTREMELY LOW-IN-
15 COME HOUSEHOLDS.—In the case of any build-
16 ing—

17 “(i) 20 percent or more of the resi-
18 dential units in which are rent-restricted
19 (determined as if the imputed income limi-
20 tation applicable to such units were 30
21 percent of area median gross income) and
22 are designated by the taxpayer for occu-
23 pancy by households the aggregate house-
24 hold income of which does not exceed the
25 greater of—

1 “(I) 30 percent of area median
2 gross income, or

3 “(II) 100 percent of an amount
4 equal to the Federal poverty line
5 (within the meaning of section
6 36B(d)(3)), and

7 “(ii) which is designated by the hous-
8 ing credit agency as requiring the increase
9 in credit under this subparagraph in order
10 for such building to be financially feasible
11 as part of a qualified low-income housing
12 project,

13 subparagraph (B) shall not apply to the portion
14 of such building which is comprised of such
15 units, and the eligible basis of such portion of
16 the building shall be 150 percent of such basis
17 determined without regard to this subpara-
18 graph.”.

19 (b) RESERVED STATE ALLOCATION.—Subparagraph
20 (C) of section 42(h)(3) is amended—

21 (1) by striking “plus” at the end of clause (iii),

22 (2) by striking the period at the end of clause
23 (iv) and inserting “, plus”,

24 (3) by inserting after clause (iv) the following
25 new clause:

1 “(v) an amount equal to 10 percent of
2 the sum of the amounts determined under
3 clauses (i), (ii), (iii), and (iv) (if any).”,
4 and

5 (4) by adding at the end the following: “Any
6 amount allocated pursuant to clause (v) shall be ac-
7 counted for separately and shall be allocated only to
8 buildings to which subsection (d)(5)(C) applies.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this section shall apply to buildings which receive alloca-
11 tions of housing credit dollar amount or, in the case of
12 projects financed by tax-exempt bonds as described in sec-
13 tion 42(h)(4) of the Internal Revenue Code of 1986, which
14 receive a determination of housing credit dollar amount,
15 after the date of the enactment of this Act.

16 **SEC. 90607. INCLUSION OF INDIAN AREAS AS DIFFICULT**
17 **DEVELOPMENT AREAS FOR PURPOSES OF**
18 **CERTAIN BUILDINGS.**

19 (a) IN GENERAL.—Subclause (I) of section
20 42(d)(5)(B)(iii) is amended by inserting before the period
21 the following: “, and any Indian area”.

22 (b) INDIAN AREA.—Clause (iii) of section
23 42(d)(5)(B) is amended by redesignating subclause (II)
24 as subclause (IV) and by inserting after subclause (I) the
25 following new subclauses:

1 “(II) INDIAN AREA.—For pur-
2 poses of subclause (I), the term ‘In-
3 dian area’ means any Indian area (as
4 defined in section 4(11) of the Native
5 American Housing Assistance and
6 Self Determination Act of 1996 (25
7 U.S.C. 4103(11))).

8 “(III) SPECIAL RULE FOR
9 BUILDINGS IN INDIAN AREAS.—In the
10 case of an area which is a difficult de-
11 velopment area solely because it is an
12 Indian area, a building shall not be
13 treated as located in such area unless
14 such building is assisted or financed
15 under the Native American Housing
16 Assistance and Self Determination
17 Act of 1996 (25 U.S.C. 4101 et seq.)
18 or the project sponsor is an Indian
19 tribe (as defined in section
20 45A(c)(6)), a tribally designated hous-
21 ing entity (as defined in section 4(22)
22 of such Act (25 U.S.C. 4103(22))), or
23 wholly owned or controlled by such an
24 Indian tribe or tribally designated
25 housing entity.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to buildings placed in service after
3 December 31, 2019.

4 **SEC. 90608. INCLUSION OF RURAL AREAS AS DIFFICULT DE-**
5 **VELOPMENT AREAS.**

6 (a) IN GENERAL.—Subclause (I) of section
7 42(d)(5)(B)(iii), as amended by the preceding sections of
8 this Act, is amended by inserting “, any rural area” after
9 “median gross income”.

10 (b) RURAL AREA.—Clause (iii) of section
11 42(d)(5)(B), as amended by the preceding sections of this
12 Act, is further amended by redesignating subclause (IV)
13 as subclause (V) and by inserting after subclause (III) the
14 following new subclause:

15 “(IV) RURAL AREA.—For pur-
16 poses of subclause (I), the term ‘rural
17 area’ means any non-metropolitan
18 area, or any rural area as defined by
19 section 520 of the Housing Act of
20 1949, which is identified by the quali-
21 fied allocation plan under subsection
22 (m)(1)(B).”.

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to buildings placed in service after
25 December 31, 2019.

1 **SEC. 90609. INCREASE IN CREDIT FOR BOND-FINANCED**
2 **PROJECTS DESIGNATED BY HOUSING CREDIT**
3 **AGENCY.**

4 (a) **IN GENERAL.**—Clause (v) of section 42(d)(5)(B)
5 is amended by striking the second sentence.

6 (b) **TECHNICAL AMENDMENT.**—Clause (v) of section
7 42(d)(5)(B), as amended by subsection (a), is further
8 amended—

9 (1) by striking “STATE” in the heading, and

10 (2) by striking “State housing credit agency”
11 and inserting “housing credit agency”.

12 (c) **EFFECTIVE DATE.**—The amendments made by
13 this section shall apply to buildings which receive a deter-
14 mination of housing credit dollar amount after the date
15 of the enactment of this Act.

16 **SEC. 90610. REPEAL OF QUALIFIED CONTRACT OPTION.**

17 (a) **TERMINATION OF OPTION FOR CERTAIN BUILD-**
18 **INGS.**—

19 (1) **IN GENERAL.**—Subclause (II) of section
20 42(h)(6)(E)(i) is amended by inserting “in the case
21 of a building described in clause (iii),” before “on
22 the last day”.

23 (2) **BUILDINGS DESCRIBED.**—Subparagraph
24 (E) of section 42(h)(6) is amended by adding at the
25 end the following new clause:

1 “(iii) BUILDINGS DESCRIBED.—A
2 building described in this clause is a build-
3 ing—

4 “(I) which received its allocation
5 of housing credit dollar amount before
6 January 1, 2020, or

7 “(II) in the case of a building
8 any portion of which is financed as
9 described in paragraph (4), which re-
10 ceived before January 1, 2020, a de-
11 termination from the issuer of the
12 tax-exempt bonds or the housing cred-
13 it agency that the building is eligible
14 to receive an allocation of housing
15 credit dollar amount under the rules
16 of paragraphs (1) and (2) of sub-
17 section (m).”.

18 (b) RULES RELATING TO EXISTING PROJECTS.—
19 Subparagraph (F) of section 42(h)(6) is amended by strik-
20 ing “the nonlow-income portion” and all that follows and
21 inserting “the nonlow-income portion and the low-income
22 portion of the building for fair market value (determined
23 by the housing credit agency by taking into account the
24 rent restrictions required for the low-income portion of the
25 building to continue to meet the standards of paragraphs

1 (1) and (2) of subsection (g)). The Secretary shall pre-
2 scribe such regulations as may be necessary or appropriate
3 to carry out this paragraph.”.

4 (c) CONFORMING AMENDMENTS.—

5 (1) Paragraph (6) of section 42(h) is amended
6 by striking subparagraph (G) and by redesignating
7 subparagraphs (H), (I), (J), and (K) as subpara-
8 graphs (G), (H), (I), and (J), respectively.

9 (2) Subclause (II) of section 42(h)(6)(E)(i), as
10 amended by subsection (a), is further amended by
11 striking “subparagraph (I)” and inserting “subpara-
12 graph (H)”.

13 (d) TECHNICAL AMENDMENT.—Subparagraph (I) of
14 section 42(h)(6), as redesignated by subsection (c), is
15 amended by striking “agreement” and inserting “commit-
16 ment”.

17 (e) EFFECTIVE DATE.—The amendments made by
18 this section shall apply to buildings with respect to which
19 a written request described in section 42(h)(6)(H) of the
20 Internal Revenue Code of 1986 is submitted after the date
21 of the enactment of this Act.

22 **SEC. 90611. PROHIBITION OF LOCAL APPROVAL AND CON-**
23 **TRIBUTION REQUIREMENTS.**

24 (a) IN GENERAL.—Paragraph (1) of section 42(m)
25 is amended—

1 (1) by striking clause (ii) of subparagraph (A)
2 and by redesignating clauses (iii) and (iv) thereof as
3 clauses (ii) and (iii), and

4 (2) by adding at the end the following new sub-
5 paragraph:

6 “(E) LOCAL APPROVAL OR CONTRIBUTION
7 NOT TAKEN INTO ACCOUNT.—The selection cri-
8 teria under a qualified allocation plan shall not
9 include consideration of—

10 “(i) any support or opposition with re-
11 spect to the project from local or elected
12 officials, or

13 “(ii) any local government contribu-
14 tion to the project, except to the extent
15 such contribution is taken into account as
16 part of a broader consideration of the
17 project’s ability to leverage outside funding
18 sources, and is not prioritized over any
19 other source of outside funding.”.

20 (b) EFFECTIVE DATE.—The amendments made by
21 this section shall apply to allocations of housing credit dol-
22 lar amounts made after December 31, 2020.

1 **SEC. 90612. ADJUSTMENT OF CREDIT TO PROVIDE RELIEF**
2 **DURING COVID-19 OUTBREAK.**

3 (a) IN GENERAL.—At the election of a taxpayer who
4 is an owner of an eligible low-income building—

5 (1) the credit determined under section 42 of
6 the Internal Revenue Code of 1986 for the first or
7 second taxable year of such building’s credit period
8 ending on or after July 1, 2020, shall be 150 per-
9 cent of the amount which would (but for this sub-
10 section) be so allowable with respect to such building
11 for such taxable year, and

12 (2) the aggregate credits allowable under such
13 section with respect to such building shall be re-
14 duced, on a pro rata basis for each subsequent tax-
15 able year in the credit period, by the increase in the
16 credit allowed by reason of paragraph (1) with re-
17 spect to such first or second taxable year.

18 The preceding sentence shall not be construed to affect
19 whether any taxable year is part of the credit, compliance,
20 or extended use periods for purposes of such section 42.

21 (b) ELIGIBLE LOW-INCOME BUILDING.—For pur-
22 poses of this section, the term “eligible low-income build-
23 ing” means a qualified low-income building with respect
24 to which—

25 (1) the first year in the credit period ends on
26 or after July 1, 2020, and before July 1, 2022, and

1 (2) construction or leasing delays have occurred
2 after January 31, 2020, due to the outbreak of
3 coronavirus disease 2019 (COVID–19) in the United
4 States.

5 (c) ELECTION.—

6 (1) IN GENERAL.—The election under sub-
7 section (a) shall be made at such time and in such
8 manner as shall be prescribed by the Secretary of
9 the Treasury (or the Secretary’s delegate) and, once
10 made, shall be irrevocable by the taxpayer and any
11 successor in ownership.

12 (2) PARTNERSHIPS.—In the case of an eligible
13 low-income building owned by a partnership or S
14 corporation, such election shall be made at the entity
15 level.

16 (3) CERTIFICATION.—An owner making such
17 election shall provide to the housing credit agency,
18 at the same time and in addition to such other infor-
19 mation as may be required under section 42(l)(1) of
20 the Internal Revenue Code of 1986 with respect to
21 the building, a certification that the purpose of mak-
22 ing such election is to offset any reductions in cap-
23 ital or additional costs arising by reason of the out-
24 break of coronavirus disease 2019 (COVID–19) in
25 the United States. Such certification shall include

1 any documentation which the housing credit agency
2 may request.

3 (d) DEFINITIONS.—Any term used in this section
4 which is also used in section 42 of the Internal Revenue
5 Code of 1986 shall have the same meaning as when used
6 in such section.

7 **SEC. 90613. CREDIT FOR LOW-INCOME HOUSING SUP-**
8 **PORTIVE SERVICES.**

9 (a) IN GENERAL.—Subpart D of part IV of sub-
10 chapter A of chapter 1 is amended by inserting after sec-
11 tion 42 the following new section:

12 **“SEC. 42A. CREDIT FOR CONTRIBUTIONS TO LOW-INCOME**
13 **HOUSING SUPPORTIVE SERVICES.**

14 “(a) IN GENERAL.—For purposes of section 38, the
15 amount of the low-income housing supportive services
16 credit determined under this section for the applicable tax-
17 able year is an amount equal to 25 percent of the qualified
18 supportive housing contribution made by the taxpayer.

19 “(b) QUALIFIED SUPPORTIVE HOUSING CONTRIBU-
20 TION.—For purposes of this section—

21 “(1) IN GENERAL.—The term ‘qualified sup-
22 portive housing contribution’ means the total
23 amount contributed in cash by the taxpayer to a
24 qualified supportive housing reserve fund with re-

1 spect to a qualified low-income building, determined
2 as of the date the building is placed in service.

3 “(2) QUALIFIED SUPPORTIVE HOUSING RE-
4 SERVE FUND.—The term ‘qualified supportive hous-
5 ing reserve fund’ means, with respect to any quali-
6 fied low-income building, a separate fund reserved
7 exclusively for payment for qualified supportive serv-
8 ices provided to tenants of the building pursuant to
9 an extended supportive services commitment. The
10 owner of such building shall designate an adminis-
11 trator to separately account for the amounts in the
12 fund in such manner as the Secretary may prescribe.

13 “(3) LIMITATIONS.—

14 “(A) IN GENERAL.—No amount attrib-
15 utable to any governmental grant, including
16 grants provided by the government of any
17 State, possession, tribe, or locality, shall be
18 taken into account under paragraph (1).

19 “(B) DOLLAR LIMITATION.—The total
20 qualified supportive housing contributions taken
21 into account under this section with respect to
22 any qualified low-income building shall not ex-
23 ceed—

24 “(i) \$120,000, multiplied by

1 “(ii) the number of low-income units
2 in the building which are occupied at the
3 close of the applicable taxable year.

4 “(c) APPLICABLE TAXABLE YEAR.—For purposes of
5 this section, the term ‘applicable taxable year’ means the
6 1st taxable year in the credit period with respect to the
7 qualified low-income building described in subsection
8 (b)(1).

9 “(d) QUALIFIED SUPPORTIVE SERVICES.—For pur-
10 poses of this section, the term ‘qualified supportive serv-
11 ices’ means services—

12 “(1) provided by the owner of a qualified low-
13 income building (directly or through contracts with
14 a third party service provider) to tenants of the
15 building,

16 “(2) which include health services (including
17 mental health services), coordination of tenant bene-
18 fits, job training, financial counseling, resident en-
19 gagement services, or services the principal purpose
20 of which is to help tenants retain permanent hous-
21 ing, or such other services as the Secretary may by
22 regulation provide,

23 “(3) which are provided at no cost to tenants,
24 and

1 “(4) usage of or participation in which is not
2 required for tenants.

3 Such term includes reasonable and necessary measures for
4 the provision of such services, including measures to en-
5 gage tenants in and coordinate such services and measures
6 required to obtain the certification described in subsection
7 (e)(4).

8 “(e) EXTENDED SUPPORTIVE SERVICES COMMIT-
9 MENT.—The term ‘extended supportive services commit-
10 ment’ means any agreement between the owner of a quali-
11 fied low-income building and the housing credit agency
12 which—

13 “(1) requires that amounts in a qualified sup-
14 portive housing reserve fund are spent exclusively on
15 the provision of qualified supportive services to ten-
16 ants of such building,

17 “(2) requires that the amounts in such fund be
18 spent entirely during the extended use period, and
19 provides for the manner in which such spending will
20 be distributed across such period,

21 “(3) requires the designation of one or more in-
22 dividuals to engage tenants regarding and coordinate
23 delivery of qualified supportive services,

24 “(4) requires the maintenance of an appro-
25 priate certification, as determined by the Secretary

1 after consultation with housing credit agencies, for
2 qualified supportive services, subject to recertifi-
3 cation at least once every 5 years,

4 “(5) requires appropriate annual reporting to
5 the housing credit agency on expenditures and out-
6 comes, as determined by such agency, and

7 “(6) is binding on all successors in ownership of
8 such building.

9 “(f) RECAPTURE OF QUALIFIED SUPPORTIVE HOUS-
10 ING RESERVE AMOUNTS.—

11 “(1) IN GENERAL.—If the owner of a qualified
12 low-income building is determined to be noncompli-
13 ant with the extended supportive services commit-
14 ment or extended low-income housing commitment
15 with respect to such building, any remaining
16 amounts in the qualified supportive housing reserve
17 fund with respect to such building shall be trans-
18 ferred to the housing credit agency.

19 “(2) USE OF REPAYMENTS.—A housing credit
20 agency shall use any amount received pursuant to
21 paragraph (1) only for purposes of qualified low-in-
22 come buildings.

23 “(g) SPECIAL RULES.—

24 “(1) IN GENERAL.—Notwithstanding any other
25 provision of this section, no credit shall be allowed

1 under this section for any taxable year with respect
2 to any qualified low-income building unless—

3 “(A) the building has received an alloca-
4 tion of the low-income housing credit under sec-
5 tion 42 by a housing credit agency which is ap-
6 proved by the governmental unit (in accordance
7 with rules similar to the rules of section
8 147(f)(2) (other than subparagraph (B)(ii)
9 thereof)) of which such agency is a part,

10 “(B) the housing credit agency sets forth
11 selection criteria to determine appropriate, evi-
12 dence-based supportive services and provides a
13 procedure that the agency (or an agent or other
14 private contractor of such agency) will follow in
15 monitoring for noncompliance with the provi-
16 sions of this section and in reporting such non-
17 compliance to the Secretary,

18 “(C) an extended low-income housing com-
19 mitment is in effect with respect to such build-
20 ing as of the end of such taxable year,

21 “(D) an extended supportive services com-
22 mitment is in effect with respect to such build-
23 ing as of the end of such taxable year, and

24 “(E) appropriate books and records for
25 itemized expenses and expenditures with respect

1 to the qualified supportive housing reserve fund
2 are maintained on an annual basis, and are
3 available for inspection upon request by the
4 housing credit agency.

5 “(2) DENIAL OF DOUBLE BENEFIT.—The de-
6 ductions otherwise allowed under this chapter for the
7 taxable year shall be reduced by the amount of the
8 credit allowed under this section for such taxable
9 year.

10 “(h) DEFINITIONS.—Any term used in this section
11 which is also used in section 42 shall have the same mean-
12 ing as when used in such section.”

13 (b) CREDIT TO BE PART OF GENERAL BUSINESS
14 CREDIT.—

15 (1) IN GENERAL.—Section 38(b), as amended
16 by the preceding provisions of this Act, is amended
17 by striking “plus” at the end of paragraph (34), by
18 striking the period at the end of paragraph (35) and
19 inserting “, plus”, and by adding at the end the fol-
20 lowing new paragraph:

21 “(36) the low-income housing supportive serv-
22 ices credit determined under section 42A(a).”

23 (2) TREATMENT AS SPECIFIED CREDIT.—
24 Clause (iii) of section 38(c)(4)(B) is amended by in-

1 serting “, and the credit determined under section
2 42A” after “2007”.

3 (c) TREATMENT FOR PURPOSES OF TAX ON BASE
4 EROSION PAYMENTS.—Paragraph (4) of section 59A(b)
5 is amended by redesignating subparagraphs (B) and (C)
6 as subparagraphs (C) and (D), respectively, and by insert-
7 ing after subparagraph (A) the following new subpara-
8 graph:

9 “(B) the low-income housing supportive
10 services credit determined under section
11 42A(a),”.

12 (d) PASSIVE ACTIVITY CREDITS.—

13 (1) IN GENERAL.—Section 469 is amended by
14 striking “42” each place it appears in subsections
15 (i)(3)(C), (i)(6)(B)(i), and (k)(1) and inserting “42
16 or 42A”.

17 (2) CONFORMING AMENDMENTS.—The head-
18 ings of subsections (i)(3)(C) and (i)(6)(B) of section
19 469 are each amended by striking “CREDIT” and in-
20 sserting “CREDITS”.

21 (e) CLERICAL AMENDMENT.—The table of sections
22 for subpart D of part IV of subchapter A of chapter 1
23 of the Internal Revenue Code of 1986 is amended by in-
24 sserting after the item relating to section 42 the following
25 new item:

“Sec. 42A. Credit for contributions to low-income housing supportive services.”.

1 (f) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to buildings placed in service after
3 December 31, 2020.

4 **Subtitle B—Neighborhood Homes** 5 **Credit**

6 **SEC. 90621. NEIGHBORHOOD HOMES CREDIT.**

7 (a) IN GENERAL.—Subpart D of part IV of sub-
8 chapter A of chapter 1, as amended by the preceding pro-
9 visions of this Act, is amended by inserting after section
10 42A the following new section:

11 **“SEC. 42B. NEIGHBORHOOD HOMES CREDIT.**

12 “(a) ALLOWANCE OF CREDIT.—For purposes of sec-
13 tion 38, the amount of the neighborhood homes credit de-
14 termined under this section for a taxable year for a quali-
15 fied project shall be, with respect to each qualified resi-
16 dence that is part of such qualified project and that expe-
17 riences a qualified completion event during such taxable
18 year, an amount equal to—

19 “(1) in the case of an affordable sale, with re-
20 spect to the seller, the excess of—

21 “(A) the qualified development cost in-
22 curred by such seller for such qualified resi-
23 dence, over

24 “(B) the sale price of such qualified resi-
25 dence, or

1 “(2) in the case of any other qualified comple-
2 tion event, with respect to a taxpayer other than the
3 owner of the qualified residence (or a related person
4 with respect to such owner), the excess of—

5 “(A) the development cost incurred by
6 such taxpayer for such qualified residence, over

7 “(B) the amount received by such taxpayer
8 as payment for such rehabilitation.

9 “(b) LIMITATIONS.—

10 “(1) AMOUNT.—The amount determined under
11 subsection (a) with respect to a qualified residence
12 shall not exceed 35 percent of the lesser of—

13 “(A) the qualified development cost, or

14 “(B) 80 percent of the national median
15 sale price for new homes (as determined pursu-
16 ant to the most recent census data available as
17 of the date on which the neighborhood homes
18 credit agency makes an allocation for the quali-
19 fied project).

20 “(2) ALLOCATIONS.—

21 “(A) IN GENERAL.—The amount deter-
22 mined under subsection (a) with respect to a
23 qualified residence that is part of a qualified
24 project and that experiences a qualified comple-
25 tion event shall not exceed the excess of—

1 “(i) the amount determined under
2 subparagraph (B), over

3 “(ii) the amounts previously deter-
4 mined under subsection (a) with respect to
5 such qualified project.

6 “(B) ALLOCATION AMOUNT.—The amount
7 determined under this paragraph with respect
8 to a qualified residence that is part of a quali-
9 fied project and that experiences a qualified
10 completion event is the least of—

11 “(i) the amount allocated to such
12 project by the neighborhood homes credit
13 agency under this section,

14 “(ii) pursuant to subparagraph (C),
15 the amount such agency determines at the
16 time of the qualified completion event is
17 necessary to ensure the financial feasibility
18 of the project, or

19 “(iii) in the case of a qualified com-
20 pletion event that occurs after the 5-year
21 period beginning on the date of the alloca-
22 tion referred to in clause (i), \$0.

23 “(C) FINANCIAL FEASIBILITY.—For pur-
24 poses of subparagraph (B)(ii), the neighborhood
25 homes credit agency shall consider—

1 “(i) the sources and uses of funds and
2 the total financing planned for the quali-
3 fied project,

4 “(ii) any proceeds or receipts expected
5 to be generated by reason of tax benefits,

6 “(iii) the percentage of the amount al-
7 located to such project under this section
8 used for project costs other than the cost
9 of intermediaries, and

10 “(iv) the reasonableness of the devel-
11 opmental costs and fees of the qualified
12 project.

13 “(c) QUALIFIED DEVELOPMENT COST.—For pur-
14 poses of this section—

15 “(1) IN GENERAL.—The term ‘qualified devel-
16 opment cost’ means, with respect to a qualified resi-
17 dence, so much of the allowable development cost as
18 the neighborhood homes credit agency certifies, at
19 the time of the completion event, meets the stand-
20 ards promulgated under subsection (h)(1)(C).

21 “(2) ALLOWABLE DEVELOPMENT COST.—The
22 term ‘allowable development cost’ means—

23 “(A) the cost of construction, substantial
24 rehabilitation, demolition of any structure, and
25 environmental remediation, and

1 “(B) in the case of an affordable sale, so
2 much of the cost of acquiring buildings and
3 land as does not exceed an amount equal to 75
4 percent of the costs described in subparagraph
5 (A).

6 “(3) CONDOMINIUM AND COOPERATIVE HOUS-
7 ING UNITS.—In the case of a qualified residence de-
8 scribed in subparagraph (B) or (C) of subsection
9 (f)(1), the allowable development cost of such quali-
10 fied residence shall be an amount equal to the total
11 allowable development cost of the entire condo-
12 minium or cooperative housing property in which
13 such qualified residence is located, multiplied by a
14 fraction—

15 “(A) the numerator of which is the total
16 floor space of such qualified residence, and

17 “(B) the denominator of which is the total
18 floor space of all residences within such prop-
19 erty.

20 “(d) QUALIFIED PROJECT.—For purposes of this
21 section, the term ‘qualified project’ means a project that—

22 “(1) a neighborhood homes credit agency cer-
23 tifies will build or substantially rehabilitate one or
24 more qualified residences located in one or more
25 qualified census tracts, and

1 “(2) is designated by such agency as a qualified
2 project under this section and is allocated (before
3 such building or substantial rehabilitation begins) a
4 portion of the amount allocated to such agency
5 under subsection (g).

6 “(e) QUALIFIED CENSUS TRACT.—For purposes of
7 this section—

8 “(1) IN GENERAL.—The term ‘qualified census
9 tract’ means a census tract—

10 “(A) with—

11 “(i) a median gross income which
12 does not exceed 80 percent of the applica-
13 ble area median gross income,

14 “(ii) a poverty rate that is not less
15 than 130 percent of the applicable area
16 poverty rate, and

17 “(iii) a median value for owner-occu-
18 pied homes that does not exceed applicable
19 area median value for owner-occupied
20 homes,

21 “(B) which is located in a city with a pop-
22 ulation of not less than 50,000 and a poverty
23 rate that is not less than 150 percent of the ap-
24 plicable area poverty rate, and which has—

1 “(i) a median gross income which
2 does not exceed the applicable area median
3 gross income, and

4 “(ii) a median value for owner-occu-
5 pied homes that does not exceed 80 per-
6 cent of the applicable area median value
7 for owner-occupied homes, or

8 “(C) which is located in a nonmetropolitan
9 county and which has—

10 “(i) a median gross income which
11 does not exceed the applicable area median
12 gross income, and

13 “(ii) been designated by a neighbor-
14 hood homes credit agency under this
15 clause.

16 “(2) ADDITIONAL CENSUS TRACTS FOR SUB-
17 STANTIAL REHABILITATION.—In the case of a quali-
18 fied residence that is intended for substantial reha-
19 bilitation described in subsection (f)(5)(B), the term
20 ‘qualified census tract’ includes a census tract that
21 meets the requirements of paragraph (1)(A), without
22 regard to clause (iii), and that is designated by the
23 neighborhood homes credit agency under this para-
24 graph.

1 “(3) LIST OF QUALIFIED CENSUS TRACTS.—
2 The Secretary of Housing and Urban Development
3 shall, for each year, make publicly available a list of
4 qualified census tracts under—

5 “(A) on a combined basis, subparagraphs
6 (A) and (B) of paragraph (1),

7 “(B) subparagraph (C) of such paragraph,
8 and

9 “(C) paragraph (2).

10 “(f) OTHER DEFINITIONS.—For purposes of this sec-
11 tion—

12 “(1) QUALIFIED RESIDENCE.—The term ‘quali-
13 fied residence’ means a residence that consists of—

14 “(A) a single-family home containing 4 or
15 fewer residential units,

16 “(B) a condominium unit, or

17 “(C) a house or an apartment owned by a
18 cooperative housing corporation (as defined in
19 section 216(b)).

20 “(2) AFFORDABLE SALE.—

21 “(A) IN GENERAL.—

22 “(i) IN GENERAL.—The term ‘afford-
23 able sale’ means a sale to a qualified home-
24 owner of a qualified residence that the
25 neighborhood homes credit agency certifies

1 as meeting the standards promulgated
2 under subsection (h)(1)(D) for a price that
3 does not exceed—

4 “(I) in the case of any qualified
5 residence not described in subclause
6 (II), (III), or (IV), the amount equal
7 to the product of 4 multiplied by the
8 applicable area median gross income,

9 “(II) in the case of a single-fam-
10 ily home containing two residential
11 units, 125 percent of the amount de-
12 scribed in subclause (I),

13 “(III) in the case of a single-fam-
14 ily home containing three residential
15 units, 150 percent of the amount de-
16 scribed in subclause (I), or

17 “(IV) in the case of a single-fam-
18 ily home containing four residential
19 units, 175 percent of the amount de-
20 scribed in subclause (I).

21 “(ii) RELATED PERSONS.—

22 “(I) IN GENERAL.—A sale be-
23 tween related persons shall not be
24 treated as an affordable sale.

1 “(II) DEFINITION.—For pur-
2 poses of this section, a person (in this
3 clause referred to as the ‘related per-
4 son’) is related to any person if the
5 related person bears a relationship to
6 such person specified in section
7 267(b) or 707(b)(1), or the related
8 person and such person are engaged
9 in trades or businesses under common
10 control (within the meaning of sub-
11 sections (a) and (b) of section 52).
12 For purposes of the preceding sen-
13 tence, in applying section 267(b) or
14 707(b)(1), ‘10 percent’ shall be sub-
15 stituted for ‘50 percent’.

16 “(3) APPLICABLE AREA.—The term ‘applicable
17 area’ means—

18 “(A) in the case of a metropolitan census
19 tract, the metropolitan area in which such cen-
20 sus tract is located, and

21 “(B) in the case of a census tract other
22 than a census tract described in subparagraph
23 (A), the State.

24 “(4) SUBSTANTIAL REHABILITATION.—The
25 term ‘substantial rehabilitation’ means rehabilitation

1 efforts involving qualified development costs that are
2 not less than the greater of—

3 “(A) \$20,000, or

4 “(B) 20 percent of the cost of acquiring
5 buildings and land.

6 “(5) QUALIFIED COMPLETION EVENT.—The
7 term ‘qualified completion event’ means—

8 “(A) in the case of a qualified residence
9 that is built or substantially rehabilitated as
10 part of a qualified project and sold, an afford-
11 able sale, or

12 “(B) in the case of a qualified residence
13 that is substantially rehabilitated as part of a
14 qualified project and owned by the same quali-
15 fied homeowner throughout such rehabilitation,
16 the completion of such rehabilitation (as deter-
17 mined by the neighborhood homes credit agen-
18 cy) to the standards promulgated under sub-
19 section (h)(1)(D).

20 “(6) QUALIFIED HOMEOWNER.—

21 “(A) IN GENERAL.—The term ‘qualified
22 homeowner’ means, with respect to a qualified
23 residence, an individual—

1 “(i) who owns and uses such qualified
2 residence as the principal residence of such
3 individual, and

4 “(ii) whose income is 140 percent or
5 less of the applicable area median gross in-
6 come for the location of the qualified resi-
7 dence.

8 “(B) OWNERSHIP.—For purposes of a co-
9 operative housing corporation (as such term is
10 defined in section 216(b)), a tenant-stockholder
11 shall be treated as owning the house or apart-
12 ment which such person is entitled to occupy.

13 “(C) INCOME.—For purposes of this para-
14 graph, income shall be a determined in accord-
15 ance with sections 143(f)(2) and 143(f)(4).

16 “(D) TIMING.—For purposes of this para-
17 graph, the income of a taxpayer shall be deter-
18 mined—

19 “(i) in the case of a qualified resi-
20 dence that is built or substantially rehabili-
21 tated as part of a qualified project and
22 sold, at the time a binding contract for
23 purchase is made, or

24 “(ii) in the case of a qualified resi-
25 dence that is occupied by a qualified home-

1 owner and intended to be substantially re-
2 habilitated as part of a qualified project, at
3 the time a binding contract to undertake
4 such rehabilitation is made.

5 “(7) NEIGHBORHOOD HOMES CREDIT AGEN-
6 CY.—The term ‘neighborhood homes credit agency’
7 means the agency designated by the governor of a
8 State as the neighborhood homes credit agency of
9 the State.

10 “(g) ALLOCATION.—

11 “(1) STATE NEIGHBORHOOD HOMES CREDIT
12 CEILING.—The State neighborhood homes credit
13 amount for a State for a calendar year is an amount
14 equal to the greater of—

15 “(A) the product of \$6, multiplied by the
16 State population (determined in accordance
17 with section 146(j)), or

18 “(B) \$8,000,000.

19 “(2) UNUSED AMOUNT.—The State neighbor-
20 hood homes credit amount for a calendar year shall
21 be increased by the sum of—

22 “(A) any amount certified by the neighbor-
23 hood homes credit agency of the State as hav-
24 ing been previously allocated to a qualified

1 project and not used during the 5-year period
2 described in subsection (b)(2)(B)(iii), plus

3 “(B) sum of the amount by which the
4 amount determined under paragraph (1) (with-
5 out application of this paragraph) exceeded the
6 amount allocated to qualified projects in each of
7 the three immediately preceding calendar years.

8 “(3) PORTION OF STATE CREDIT CEILING FOR
9 CERTAIN PROJECTS INVOLVING QUALIFIED NON-
10 PROFIT ORGANIZATIONS.—Rules similar to the rules
11 of section 42(h)(5) shall apply.

12 “(h) RESPONSIBILITIES OF NEIGHBORHOOD HOMES
13 CREDIT AGENCIES.—

14 “(1) IN GENERAL.—Notwithstanding subsection
15 (g), the State neighborhood homes credit dollar
16 amount shall be zero for a calendar year unless the
17 neighborhood homes credit agency of the State—

18 “(A) allocates such amount pursuant to a
19 qualified allocation plan of the neighborhood
20 homes credit agency,

21 “(B) allocates not more than 20 percent of
22 such amount for the previous year to projects
23 with respect to qualified residences in census
24 tracts under subsection (e)(1)(C) or (e)(2),

1 “(C) promulgates standards with respect
2 to reasonable qualified development costs and
3 fees,

4 “(D) promulgates standards with respect
5 to construction quality, and

6 “(E) submits to the Secretary (at such
7 time and in such manner as the Secretary may
8 prescribe) an annual report specifying—

9 “(i) the amount of the neighborhood
10 homes credits allocated to each qualified
11 project for the previous year,

12 “(ii) with respect to each qualified
13 residence completed in the preceding cal-
14 endar year—

15 “(I) the census tract in which
16 such qualified residence is located,

17 “(II) with respect to the qualified
18 project that includes such qualified
19 residence, the year in which such
20 project received an allocation under
21 this section,

22 “(III) whether such qualified res-
23 idence was new or substantially reha-
24 bilitated,

1 “(IV) the eligible basis of such
2 qualified residence,

3 “(V) the amount of the neighbor-
4 hood homes credit with respect to
5 such qualified residence,

6 “(VI) the sales price of such
7 qualified residence or, in the case of a
8 qualified residence that is substan-
9 tially rehabilitated as part of a quali-
10 fied project and is owned by the same
11 qualified homeowner during the en-
12 tirety of such rehabilitation, the cost
13 of the substantial rehabilitation, and

14 “(VII) the income of the quali-
15 fied homeowner (expressed as a per-
16 centage of the applicable area median
17 gross income for the location of the
18 qualified residence), and

19 “(iii) such other information as the
20 Secretary may require.

21 “(2) QUALIFIED ALLOCATION PLAN.—For pur-
22 poses of this subsection, the term ‘qualified alloca-
23 tion plan’ means any plan which—

24 “(A) sets forth the selection criteria to be
25 used to prioritize qualified projects for alloca-

1 tions of State neighborhood homes credit dollar
2 amounts, including—

3 “(i) the need for new or substantially
4 rehabilitated owner-occupied homes in the
5 area addressed by the project,

6 “(ii) the expected contribution of the
7 project to neighborhood stability and re-
8 talization,

9 “(iii) the capability of the project
10 sponsor, and

11 “(iv) the likelihood the project will re-
12 sult in long-term homeownership,

13 “(B) has been made available for public
14 comment, and

15 “(C) provides a procedure that the neigh-
16 borhood homes credit agency (or any agent or
17 contractor of such agency) shall follow for pur-
18 poses of—

19 “(i) identifying noncompliance with
20 any provisions of this section, and

21 “(ii) notifying the Internal Revenue
22 Service of any such noncompliance of
23 which the agency becomes aware.

1 “(i) POSSESSIONS TREATED AS STATES.—For pur-
2 poses of this section, the term ‘State’ includes the District
3 of Columbia and a possession of the United States.

4 “(j) REPAYMENT.—

5 “(1) IN GENERAL.—

6 “(A) SOLD DURING 5-YEAR PERIOD.—If a
7 qualified residence is sold during the 5-year pe-
8 riod beginning on the date of the qualified com-
9 pletion event described in subsection (a) with
10 respect to such qualified residence, the seller
11 shall transfer an amount equal to the repay-
12 ment amount from the amount realized on such
13 sale to the relevant neighborhood homes credit
14 agency.

15 “(B) USE OF REPAYMENTS.—A neighbor-
16 hood homes credit agency shall use any amount
17 received pursuant to subparagraph (A) only for
18 purposes of qualified projects.

19 “(2) REPAYMENT AMOUNT.—For purposes of
20 paragraph (1)(A), the repayment amount is an
21 amount equal to 50 percent of the gain from such
22 resale, reduced by 20 percent for each year of the
23 5-year period referred to in paragraph (1)(A) which
24 ends before the date of the sale referred to in such
25 paragraph.

1 “(3) LIEN FOR REPAYMENT AMOUNT.—A
2 neighborhood homes credit agency receiving an allo-
3 cation under this section shall place a lien on each
4 qualified residence that is built or rehabilitated as
5 part of a qualified project for an amount such agen-
6 cy deems necessary to ensure potential repayment
7 pursuant to paragraph (1)(A).

8 “(4) DENIAL OF DEDUCTIONS IF CONVERTED
9 TO RENTAL HOUSING.—If, during the 5-year period
10 beginning on the date of the qualified completion
11 event described in subsection (a), an individual who
12 owns a qualified residence fails to use such qualified
13 residence as such individual’s principal residence for
14 any period of time, no deduction shall be allowed for
15 expenses paid or incurred by such individual with re-
16 spect to renting, during such period of time, such
17 qualified residence.

18 “(5) WAIVER.—The neighborhood homes credit
19 agency may waive the repayment required under
20 paragraph (1)(A) in the case of homeowner experi-
21 encing a hardship.

22 “(k) REPORT.—

23 “(1) IN GENERAL.—The Secretary shall annu-
24 ally issue a report, to be made available to the pub-

1 lic, which contains the information submitted pursu-
2 ant to subsection (h)(1)(E).

3 “(2) DE-IDENTIFICATION.—The Secretary shall
4 ensure that any information made public pursuant
5 to paragraph (1) excludes any information that
6 would allow for the identification of qualified home-
7 owners.

8 “(1) INFLATION ADJUSTMENT.—

9 “(1) IN GENERAL.—In the case of a calendar
10 year after 2020, the dollar amounts in this section
11 shall be increased by an amount equal to—

12 “(A) such dollar amount, multiplied by

13 “(B) the cost-of-living adjustment deter-
14 mined under section 1(f)(3) for such calendar
15 year by substituting ‘calendar year 2019’ for
16 ‘calendar year 2016’ in subparagraph (A)(ii)
17 thereof.

18 “(2) ROUNDING.—

19 “(A) In the case of the dollar amount in
20 subsection (f)(4), any increase under paragraph
21 (1) which is not a multiple of \$1,000 shall be
22 rounded to the nearest multiple of \$1,000.

23 “(B) In the case of the dollar amount in
24 subsection (g)(1)(A)(i), any increase under
25 paragraph (1) which is not a multiple of \$0.01

1 shall be rounded to the nearest multiple of
2 \$0.01.

3 “(C) In the case of the dollar amount in
4 subsection (g)(1)(A)(ii), any increase under
5 paragraph (1) which is not a multiple of
6 \$100,000 shall be rounded to the nearest mul-
7 tiple of \$100,000.”.

8 (b) CURRENT YEAR BUSINESS CREDIT CALCULA-
9 TION.—Section 38(b), as amended by the preceding provi-
10 sions of this Act, is amended by striking “plus” at the
11 end of paragraph (35), by striking the period at the end
12 of paragraph (36) and inserting “, plus”, and by adding
13 at the end the following new paragraph:

14 “(37) the neighborhood homes credit deter-
15 mined under section 42B(a),”.

16 (c) CONFORMING AMENDMENTS.—Subsections
17 (i)(3)(C), (i)(6)(B)(i), and (k)(1) of section 469 are each
18 amended by inserting “or 42A” and inserting “42A, or
19 42B”.

20 (d) CLERICAL AMENDMENT.—The table of sections
21 for subpart D of part IV of subchapter A of chapter 1,
22 as amended by the preceding provisions of this Act, is
23 amended by inserting after the item relating to section
24 42A the following new item:

“Sec. 42B. Neighborhood homes credit.”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2020.

4 **TITLE VII—TRIBAL** 5 **DEVELOPMENT**

6 **SEC. 90701. TREATMENT OF INDIAN TRIBES AS STATES** 7 **WITH RESPECT TO BOND ISSUANCE.**

8 (a) IN GENERAL.—Subsection (c) of section 7871 is
9 amended to read as follows:

10 “(c) SPECIAL RULES FOR TAX-EXEMPT BONDS.—

11 “(1) IN GENERAL.—In applying section 146 to
12 bonds issued by Indian Tribal Governments the Sec-
13 retary shall annually—

14 “(A) establish a national bond volume cap
15 based on the greater of—

16 “(i) the State population formula ap-
17 proach in section 146(d)(1)(A) (using na-
18 tional Tribal population estimates supplied
19 annually by the Department of the Interior
20 in consultation with the Census Bureau),
21 and

22 “(ii) the minimum State ceiling
23 amount in section 146(d)(1)(B) (as ad-
24 justed in accordance with the cost of living
25 provision in section 146(d)(2)),

1 “(B) allocate such national bond volume
2 cap among all Indian Tribal Governments seek-
3 ing such an allocation in a particular year
4 under regulations prescribed by the Secretary.

5 “(2) APPLICATION OF GEOGRAPHIC RESTRIC-
6 TION.—In the case of national bond volume cap allo-
7 cated under paragraph (1), section 146(k)(1) shall
8 not apply to the extent that such cap is used with
9 respect to financing for a facility located on qualified
10 Indian lands.

11 “(3) DEFINITIONS AND SPECIAL RULES.—For
12 purposes of this subsection—

13 “(A) INDIAN TRIBAL GOVERNMENT.—The
14 term ‘Indian Tribal Government’ means the
15 governing body of an Indian Tribe, band, na-
16 tion, or other organized group or community
17 which is recognized as eligible for the special
18 programs and services provided by the United
19 States to Indians because of their status as In-
20 dians, and also includes any agencies, instru-
21 mentalities or political subdivisions thereof.

22 “(B) INTERTRIBAL CONSORTIUMS, ETC.—
23 In any case in which an Indian Tribal Govern-
24 ment has authorized an intertribal consortium,
25 a Tribal organization, or an Alaska Native re-

1 regional or village corporation, as defined in, or
2 established pursuant to, the Alaska Native
3 Claims Settlement Act, to plan for, coordinate
4 or otherwise administer services, finances, func-
5 tions, or activities on its behalf under this sub-
6 section, the authorized entity shall have the
7 rights and responsibilities of the authorizing In-
8 dian Tribal Government only to the extent pro-
9 vided in the Authorizing resolution.

10 “(C) QUALIFIED INDIAN LANDS.—The
11 term ‘qualified Indian lands’ shall mean an In-
12 dian reservation as defined in section 3(d) of
13 the Indian Financing Act of 1974 (25 U.S.C.
14 1452(d)), including lands which are within the
15 jurisdictional area of an Oklahoma Indian Tribe
16 (as determined by the Secretary of the Interior)
17 and shall include lands outside a reservation
18 where the facility is to be placed in service in
19 connection with the active conduct of a trade or
20 business by an Indian Tribe on or near an In-
21 dian reservation or Alaska Native village or in
22 connection with infrastructure (including roads,
23 power lines, water systems, railroad spurs, and
24 communication facilities) serving an Indian res-
25 ervation or Alaska Native village.”.

1 (b) REPEAL OF ESSENTIAL GOVERNMENTAL FUNC-
2 TION REQUIREMENTS.—Section 7871 is amended—

3 (1) by striking subsections (b) and (e), and
4 (2) by striking “subject to subsection (b),” in
5 subsection (a)(2).

6 (c) CONFORMING AMENDMENT.—Subparagraph (B)
7 of section 45(c)(9) is amended to read as follows:

8 “(B) INDIAN TRIBE.—For purposes of this
9 paragraph, the term ‘Indian tribe’ has the
10 meaning given the term ‘Indian Tribal Govern-
11 ment’ by section 7871(c)(3)(A).”.

12 (d) EFFECTIVE DATE.—

13 (1) IN GENERAL.—Except as otherwise pro-
14 vided in this subsection, the amendments made by
15 this section shall apply to obligations issued in cal-
16 endar years beginning after the date of the enact-
17 ment of this Act.

18 (2) REPEAL OF ESSENTIAL GOVERNMENTAL
19 FUNCTION REQUIREMENTS.—The amendments made
20 by subsection (b) shall apply to transactions after,
21 and obligations issued in calendar years beginning
22 after, the date of the enactment of this Act.

1 **SEC. 90702. TREATMENT OF TRIBAL FOUNDATIONS AND**
2 **CHARITIES LIKE CHARITIES FUNDED AND**
3 **CONTROLLED BY OTHER GOVERNMENTAL**
4 **FUNDERS AND SPONSORS.**

5 (a) IN GENERAL.—Section 7871(a) is amended by
6 striking “and” at the end of paragraph (6), by striking
7 the period at the end of paragraph (7) and inserting “,
8 and”, and by adding at the end the following new para-
9 graph:

10 “(8) for purposes of—

11 “(A) determining support of an organiza-
12 tion described in section 170(b)(1)(A)(vi), and

13 “(B) determining whether an organization
14 is described in paragraph (1) or (2) of section
15 509(a) for purposes of section 509(a)(3).”.

16 (b) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to taxable years beginning after
18 the date of the enactment of this Act.

19 **SEC. 90703. NEW MARKETS TAX CREDIT.**

20 (a) EXPANDING LOW-INCOME COMMUNITY DEFINI-
21 TION TO INCLUDE TRIBAL COMMUNITIES.—

22 (1) IN GENERAL.—Paragraph (1) of section
23 45D(e) is amended to read as follows:

24 “(1) IN GENERAL.—The term ‘low-income com-
25 munity’ means any area—

1 “(A) comprising a population census tract
2 if—

3 “(i) the poverty rate for such tract is
4 at least 20 percent, or

5 “(ii)(I) in the case of a tract not lo-
6 cated within a metropolitan area, the me-
7 dian family income for such tract does not
8 exceed 80 percent of statewide median
9 family income, or

10 “(II) in the case of a tract located
11 within a metropolitan area, the median
12 family income for such tract does not ex-
13 ceed 80 percent of the greater of statewide
14 median family income or the metropolitan
15 area median family income,

16 “(B) comprising a Tribal Statistical Area.
17 Subparagraph (A)(ii) shall be applied using posses-
18 sion wide median family income in the case of cen-
19 sus tracts located within a possession of the United
20 States.”.

21 (2) TRIBAL STATISTICAL AREA DEFINED.—Sec-
22 tion 45D(e) is amended by adding at the end the fol-
23 lowing new paragraph:

1 “(6) TRIBAL STATISTICAL AREA.—For purposes
2 of paragraph (1)(B), the term ‘Tribal Statistical
3 Area’ means—

4 “(A) any Tribal Census Tract, Oklahoma
5 Tribal Statistical Area, Tribal-Designated Sta-
6 tistical Area, or Alaska Native Village Statis-
7 tical Area if—

8 “(i) the poverty rate for such tract or
9 area is at least 20 percent, or

10 “(ii) the median family income for
11 such tract or area does not exceed 80 per-
12 cent of the statewide median family income
13 for a State with boundaries that encom-
14 pass or intersect the boundaries of such
15 area, and

16 “(B) any area that will be used for the
17 construction, reconstruction or improvement of
18 a community facility or an infrastructure
19 project that—

20 “(i) services Tribal or Alaska Native
21 village members of any tract or area de-
22 scribed in subparagraph (A), and

23 “(ii) has documented its eligibility
24 with respect to clause (i) to the satisfaction

1 of the relevant Indian Tribal Government
2 (within the meaning of section 7871(c)).”.

3 (b) TRIBAL INVESTMENT PROPORTIONALITY
4 GOAL.—Section 45D(i) is amended by striking “and” at
5 the end of paragraph (5), by striking the period at the
6 end of paragraph (6) and inserting “, and”, and by adding
7 at the end the following new paragraph:

8 “(7) which ensure that Tribal Statistical Areas
9 (as defined in subsection (e)(6)) receive a propor-
10 tional allocation of qualified equity investments
11 based on the overall number of Native Americans
12 relative to the portion of the United States popu-
13 lation which is at or below the poverty line (as deter-
14 mined for purposes of determining poverty rates
15 under subsection (e)).”.

16 (c) EFFECTIVE DATE.—The amendments made by
17 this section shall apply to taxable years beginning after
18 the date of the enactment of this Act.

19 **TITLE VIII—HIGHWAY TRUST**
20 **FUND AND RELATED TAXES**

21 **SEC. 90801. EXTENSION OF HIGHWAY TRUST FUND EXPEND-**
22 **ITURE AUTHORITY.**

23 (a) HIGHWAY TRUST FUND.—Section 9503 is
24 amended—

1 (1) by striking “October 1, 2020” in sub-
2 sections (b)(6)(B), (c)(1), and (e)(3) and inserting
3 “October 1, 2025”, and

4 (2) by striking “FAST Act” in subsections
5 (c)(1) and (e)(3) and inserting “Moving Forward
6 Act”.

7 (b) SPORT FISH RESTORATION AND BOATING TRUST
8 FUND.—Section 9504 is amended—

9 (1) by striking “FAST Act” each place it ap-
10 pears in subsection (b)(2) and inserting “Moving
11 Forward Act”, and

12 (2) by striking “October 1, 2020” in subsection
13 (d)(2) and inserting “October 1, 2025”.

14 (c) LEAKING UNDERGROUND STORAGE TANK TRUST
15 FUND.—Section 9508(e)(2) is amended by striking “Octo-
16 ber 1, 2020” and inserting “October 1, 2025”.

17 **SEC. 90802. EXTENSION OF HIGHWAY-RELATED TAXES.**

18 (a) IN GENERAL.—

19 (1) Each of the following provisions of the In-
20 ternal Revenue Code of 1986 is amended by striking
21 “September 30, 2022” and inserting “September
22 30, 2027”:

23 (A) Section 4041(a)(1)(C)(iii)(I).

24 (B) Section 4041(m)(1)(B).

25 (C) Section 4081(d)(1).

1 (2) Each of the following provisions of the In-
2 ternal Revenue Code of 1986 is amended by striking
3 “October 1, 2022” and inserting “October 1, 2027”:

4 (A) Section 4041(m)(1)(A).

5 (B) Section 4051(c).

6 (C) Section 4071(d).

7 (D) Section 4081(d)(3).

8 (b) EXTENSION OF TAX, ETC., ON USE OF CERTAIN
9 HEAVY VEHICLES.—Each of the following provisions of
10 the Internal Revenue Code of 1986 is amended by striking
11 “2023” each place it appears and inserting “2028”:

12 (1) Section 4481(f).

13 (2) Subsections (c)(4) and (d) of section 4482.

14 (c) FLOOR STOCKS REFUNDS.—Section 6412(a)(1)
15 is amended—

16 (1) by striking “October 1, 2022” each place it
17 appears and inserting “October 1, 2027”,

18 (2) by striking “March 31, 2023” each place it
19 appears and inserting “March 31, 2028”, and

20 (3) by striking “January 1, 2023” and insert-
21 ing “January 1, 2028”.

22 (d) EXTENSION OF CERTAIN EXEMPTIONS.—

23 (1) Section 4221(a) is amended by striking
24 “October 1, 2022” and inserting “October 1, 2027”.

1 (2) Section 4483(i) is amended by striking “Oc-
2 tober 1, 2023” and inserting “October 1, 2028”.

3 (e) EXTENSION OF TRANSFERS OF CERTAIN
4 TAXES.—

5 (1) IN GENERAL.—Section 9503 is amended—

6 (A) in subsection (b)—

7 (i) by striking “October 1, 2022”
8 each place it appears in paragraphs (1)
9 and (2) and inserting “October 1, 2027”,

10 (ii) by striking “OCTOBER 1, 2022” in
11 the heading of paragraph (2) and inserting
12 “OCTOBER 1, 2027”,

13 (iii) by striking “September 30,
14 2022” in paragraph (2) and inserting
15 “September 30, 2027;”, and

16 (iv) by striking “July 1, 2023” in
17 paragraph (2) and inserting “July 1,
18 2028”, and

19 (B) in subsection (c)(2), by striking “July
20 1, 2013” and inserting “July 1, 2028”.

21 (2) MOTORBOAT AND SMALL-ENGINE FUEL TAX
22 TRANSFERS.—

23 (A) IN GENERAL.—Paragraphs (3)(A)(i)
24 and (4)(A) of section 9503(c) are each amended

1 by striking “October 1, 2022” and inserting
2 “October 1, 2027”.

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”
8 each place it appears and inserting “Octo-
9 ber 1, 2028”, and

10 (ii) by striking “October 1, 2022” and
11 inserting “October 1, 2027”.

12 **SEC. 90803. ADDITIONAL TRANSFERS TO HIGHWAY TRUST**
13 **FUND.**

14 Section 9503(f) is amended by redesignating para-
15 graph (10) as paragraph (11) and by inserting after para-
16 graph (9) the following new paragraph:

17 “(10) ADDITIONAL TRANSFERS TO TRUST
18 FUND.—Out of money in the Treasury not otherwise
19 appropriated, there is hereby appropriated—

20 “(A) \$106,700,000,000 to the Highway
21 Account (as defined in subsection (e)(5)(B)) in
22 the Highway Trust Fund, and

23 “(B) \$38,600,000,000 to the Mass Transit
24 Account in the Highway Trust Fund.”.

1 **DIVISION N—RIGHTS FOR**
2 **TRANSPORTATION SECURITY**
3 **OFFICERS**

4 **SEC. 91001. SHORT TITLE.**

5 This division may be cited as the “Rights for Trans-
6 portation Security Officers Act of 2020”.

7 **SEC. 91002. DEFINITIONS.**

8 For purposes of this division—

9 (1) the term “adjusted basic pay” means—

10 (A) the rate of pay fixed by law or admin-
11 istrative action for the position held by a cov-
12 ered employee before any deductions; and

13 (B) any regular, fixed supplemental pay-
14 ment for non-overtime hours of work creditable
15 as basic pay for retirement purposes, including
16 any applicable locality payment and any special
17 rate supplement;

18 (2) the term “Administrator” means the Ad-
19 ministrator of the Transportation Security Adminis-
20 tration;

21 (3) the term “covered employee” means an em-
22 ployee who holds a covered position;

23 (4) the term “covered position” means a posi-
24 tion within the Transportation Security Administra-
25 tion;

1 (5) the term “conversion date” means the date
2 as of which paragraphs (1) through (4) of section
3 91003(c) take effect;

4 (6) the term “2019 Determination” means the
5 publication, entitled “Determination on Transpor-
6 tation Security Officers and Collective Bargaining”,
7 issued on July 13, 2019, by Administrator David P.
8 Pecoske;

9 (7) the term “employee” has the meaning given
10 such term by section 2105 of title 5, United States
11 Code;

12 (8) the term “Secretary” means the Secretary
13 of Homeland Security; and

14 (9) the term “TSA personnel management sys-
15 tem” means any personnel management system es-
16 tablished or modified under—

17 (A) section 111(d) of the Aviation and
18 Transportation Security Act (49 U.S.C. 44935
19 note); or

20 (B) section 114(n) of title 49, United
21 States Code.

22 **SEC. 91003. CONVERSION OF TSA PERSONNEL.**

23 (a) RESTRICTIONS ON CERTAIN PERSONNEL AU-
24 THORITIES.—Notwithstanding any other provision of law,
25 effective as of the date of the enactment of this division—

1 (1) any TSA personnel management system in
2 use for covered employees and covered positions on
3 the day before such date of enactment, and any TSA
4 personnel management policy, letters, guideline, or
5 directive in effect on such day may not be modified;

6 (2) no TSA personnel management policy, let-
7 ter, guideline, or directive that was not established
8 before such date issued pursuant to section 111(d)
9 of the Aviation and Transportation Security Act (49
10 U.S.C. 44935 note) or section 114(n) of title 49,
11 United States Code, may be established; and

12 (3) any authority to establish or adjust a
13 human resources management system under chapter
14 97 of title 5, United States Code, shall terminate
15 with respect to covered employees and covered posi-
16 tions.

17 (b) PERSONNEL AUTHORITIES DURING TRANSITION
18 PERIOD.—Any TSA personnel management system in use
19 for covered employees and covered positions on the day
20 before the date of enactment of this division and any TSA
21 personnel management policy, letter, guideline, or direc-
22 tive in effect on the day before the date of enactment of
23 this division shall remain in effect until the effective date
24 under subsection (c).

1 (c) TRANSITION TO GENERAL PERSONNEL MANAGE-
2 MENT SYSTEM APPLICABLE TO CIVIL SERVICE EMPLOY-
3 EES.—Effective as of the date determined by the Sec-
4 retary, but in no event later than 180 days after the date
5 of the enactment of this division—

6 (1) each provision of law cited in section
7 91002(9) is repealed;

8 (2) any TSA personnel management policy, let-
9 ter, guideline, and directive, including the 2019 De-
10 termination, shall cease to be effective;

11 (3) any human resources management system
12 established or adjusted under chapter 97 of title 5,
13 United States Code, with respect to covered employ-
14 ees or covered positions shall cease to be effective;
15 and

16 (4) covered employees and covered positions
17 shall be subject to the provisions of title 5, United
18 States Code.

19 (d) SAFEGUARDS ON GRIEVANCES.—In carrying out
20 this division, the Secretary shall take such actions as are
21 necessary to provide an opportunity to each covered em-
22 ployee with a grievance or disciplinary action (including
23 an adverse action) pending within TSA on the date of en-
24 actment of this division or at any time during the transi-
25 tion period described in subsection (c) to have such griev-

1 ance removed to proceedings pursuant to title 5, United
2 States Code, or continued within TSA.

3 **SEC. 91004. TRANSITION RULES.**

4 (a) NONREDUCTION IN PAY AND COMPENSATION.—
5 Under pay conversion rules as the Secretary may prescribe
6 to carry out this division, a covered employee converted
7 from a TSA personnel management system to the provi-
8 sions of title 5, United States Code, pursuant to section
9 91002(c)(4) shall not be subject to any reduction in the
10 rate of adjusted basic pay payable, or total compensation
11 provided, to such covered employee.

12 (b) PRESERVATION OF OTHER RIGHTS.—In the case
13 of each covered employee as of the conversion date, the
14 Secretary shall take any actions necessary to ensure
15 that—

16 (1) any annual leave, sick leave, or other paid
17 leave accrued, accumulated, or otherwise available to
18 a covered employee immediately before the conver-
19 sion date shall remain available to the employee
20 until used; and

21 (2) the Government share of any premiums or
22 other periodic charges under chapter 89 of title 5,
23 United States Code, governing group health insur-
24 ance shall remain at least the same as was the case
25 immediately before the conversion date.

1 (c) GAO STUDY ON TSA PAY RATES.—Not later
2 than the date that is 9 months after the date of enactment
3 of this division, the Comptroller General shall submit a
4 report to Congress on the differences in rates of pay, clas-
5 sified by pay system, between Transportation Security Ad-
6 ministration employees—

7 (1) with duty stations in the contiguous 48
8 States; and

9 (2) with duty stations outside of such States,
10 including those employees located in any territory or
11 possession of the United States.

12 (d) RULE OF CONSTRUCTION.—During the transition
13 period and after the conversion date, the Secretary shall
14 ensure that the Transportation Security Administration
15 continues to prevent the hiring of individuals who have
16 been convicted of a sex crime, an offense involving a
17 minor, a crime of violence, or terrorism.

18 **SEC. 91005. CONSULTATION REQUIREMENT.**

19 (a) EXCLUSIVE REPRESENTATIVE.—The labor orga-
20 nization certified by the Federal Labor Relations Author-
21 ity on June 29, 2011, or successor labor organization shall
22 be treated as the exclusive representative of full- and part-
23 time non-supervisory TSA personnel carrying out screen-
24 ing functions under section 44901 of title 49, United
25 States Code, and shall be the exclusive representative for

1 such personnel under chapter 71 of title 5, United States
2 Code, with full rights under such chapter. Any collective
3 bargaining agreement covering such personnel on the date
4 of enactment of this division shall remain in effect, con-
5 sistent with subsection (d).

6 (b) CONSULTATION RIGHTS.—Not later than 7 days
7 after the date of the enactment of this division, the Sec-
8 retary shall consult with the exclusive representative for
9 the personnel described in subsection (a) under chapter
10 71 of title 5, United States Code, on the formulation of
11 plans and deadlines to carry out the conversion of covered
12 employees and covered positions under this division. Prior
13 to the conversion date, the Secretary shall provide (in writ-
14 ing) to such exclusive representative the plans for how the
15 Secretary intends to carry out the conversion of covered
16 employees and covered positions under this division, in-
17 cluding with respect to such matters as—

- 18 (1) the anticipated conversion date; and
19 (2) measures to ensure compliance with sections
20 91003 and 91004.

21 (c) REQUIRED AGENCY RESPONSE.—If any views or
22 recommendations are presented under subsection (b) by
23 the exclusive representative, the Secretary shall consider
24 the views or recommendations before taking final action
25 on any matter with respect to which the views or rec-

1 ommendations are presented and provide the exclusive
2 representative a written statement of the reasons for the
3 final actions to be taken.

4 (d) SUNSET PROVISION.—The provisions of this sec-
5 tion shall cease to be effective as of the conversion date.

6 **SEC. 91006. NO RIGHT TO STRIKE.**

7 Nothing in this division shall be considered—

8 (1) to repeal or otherwise affect—

9 (A) section 1918 of title 18, United States
10 Code (relating to disloyalty and asserting the
11 right to strike against the Government); or

12 (B) section 7311 of title 5, United States
13 Code (relating to loyalty and striking); or

14 (2) to otherwise authorize any activity which is
15 not permitted under either provision of law cited in
16 paragraph (1).

17 **SEC. 91007. RULE OF CONSTRUCTION WITH RESPECT TO**
18 **CERTAIN CRIMES RELATING TO TERRORISM.**

19 Nothing in this division may be construed to con-
20 tradict chapter 113B of title 18, United States Code, in-
21 cluding with respect to—

22 (1) section 2332b (relating to acts of terrorism
23 transcending national boundaries);

24 (2) section 2339 (relating to harboring or con-
25 cealing terrorists); and

1 (3) section 2339A (relating to providing mate-
2 rial support to terrorists).

3 **SEC. 91008. REPORT BY GAO REGARDING TSA RECRUIT-**
4 **MENT.**

5 Not later than 1 year after the date of the enactment
6 of this division, the Comptroller General of the United
7 States shall submit to Congress a report on the efforts
8 of the Transportation Security Administration regarding
9 recruitment, including recruitment efforts relating to vet-
10 erans and the dependents of veterans and members of the
11 Armed Forces and the dependents of such members. Such
12 report shall also include recommendations regarding how
13 the Administration may improve such recruitment efforts.

14 **SEC. 91009. SENSE OF CONGRESS.**

15 It is the sense of Congress that the Transportation
16 Security Administration's personnel system provides in-
17 sufficient benefits and workplace protections to the work-
18 force that secures the nation's transportation systems and
19 that the Transportation Security Administration's work-
20 force should be provided protections and benefits under
21 title 5, United States Code.

22 **SEC. 91010. ASSISTANCE FOR FEDERAL AIR MARSHAL**
23 **SERVICE.**

24 The Administrator of the Transportation Security
25 Administration shall engage and consult with public and

1 private entities associated with the Federal Air Marshal
2 Service to address concerns regarding Federal Air Mar-
3 shals related to the following:

4 (1) Mental health.

5 (2) Suicide rates.

6 (3) Morale and recruitment.

7 (4) Any other personnel issues the Adminis-
8 trator determines appropriate.

9 **SEC. 91011. PROHIBITION ON CERTAIN SOCIAL MEDIA AP-**
10 **PLICATION.**

11 Beginning on the date of the enactment of this divi-
12 sion, covered employees may not use or have installed on
13 United States Government-issued mobile devices the social
14 media video application known as “TikTok” or any suc-
15 cessor application.

16 **SEC. 91012. VETERANS HIRING.**

17 The Secretary shall prioritize the hiring of veterans,
18 including disabled veterans, and other preference eligible
19 individuals, including widows and widowers of veterans, as
20 defined in section 2108 of title 5, United States Code, for
21 covered positions.

22 **SEC. 91013. PREVENTION AND PROTECTION AGAINST CER-**
23 **TAIN ILLNESS.**

24 The Administrator of the Transportation Security
25 Administration, in coordination with the Director of Cen-

1 ters for Disease Control and Prevention and the Director
2 of the National Institute of Allergy and Infectious Dis-
3 eases, shall ensure that covered employees are provided
4 proper guidance regarding prevention and protections
5 against coronavirus, including appropriate resources.

6 **DIVISION O—AGRICULTURE IN-**
7 **FRASTRUCTURE IMPROVE-**
8 **MENTS**

9 **SEC. 92001. REFORESTATION TRUST FUND.**

10 Section 303(b)(2) of Public Law 96–451 (16 U.S.C.
11 1606a(b)(2)) is amended by striking “\$30,000,000” and
12 inserting “\$60,000,000”.

13 **DIVISION P—BUDGETARY**
14 **EFFECTS**

15 **SEC. 93001. BUDGETARY EFFECTS.**

16 (a) **STATUTORY PAYGO SCORECARDS.**—The budg-
17 etary effects of each division of this Act shall not be en-
18 tered on either PAYGO scorecard maintained pursuant to
19 section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

20 (b) **SENATE PAYGO SCORECARDS.**—The budgetary
21 effects of each division of this Act shall not be entered
22 on any PAYGO scorecard maintained for purposes of sec-
23 tion 4106 of H. Con. Res. 71 (115th Congress).

1 **DIVISION Q—STATE-OWNED**
2 **ENTERPRISES**

3 **SEC. 94001. STATE-OWNED ENTERPRISES PROHIBITION.**

4 (a) BUY AMERICA.—None of the funds authorized or
5 made available by this Act, or the amendments made by
6 this Act, may be used in awarding a contract, subcontract,
7 grant, or loan to an entity that—

8 (1) is owned or controlled by, is a subsidiary of,
9 or is otherwise related legally or financially to a cor-
10 poration based in a country that—

11 (A) is identified as a nonmarket economy
12 country (as defined in section 771(18) of the
13 Tariff Act of 1930 (19 U.S.C. 1677(18))) as of
14 the date of enactment of this Act;

15 (B) was identified by the United States
16 Trade Representative in the most recent report
17 required by section 182 of the Trade Act of
18 1974 (19 U.S.C. 2242) as a priority foreign
19 country under subsection (a)(2) of that section;
20 and

21 (C) is subject to monitoring by the Trade
22 Representative under section 306 of the Trade
23 Act of 1974 (19 U.S.C. 2416); or

