



MEMORANDUM

To: Sustainable Strategies DC Clients & Associates
From: Matt Ward and Sarah Marin
Date: September 28, 2021
Subject: **Key Federal Budget & Infrastructure Bills Need Your Support Now**

This memorandum provides a status report on four highly critical pieces of legislation:

- (1) The Fiscal Year 2022 (**FY22**) **congressional appropriations bill** to keep the federal government funded past the end of the fiscal year ending on Thursday, September 30;
- (2) Legislation to raise the **U.S. debt ceiling** before that limit is reached in October;
- (3) **“Infrastructure Investment & Jobs Act”** legislation to provide **\$1.2 trillion in infrastructure spending**; and
- (4) Newly-released House **“Build Back Better Act”** legislation with **\$3.5 trillion** for a variety of “human infrastructure”, hard infrastructure, jobs, and climate resilience programs.

These four issues are critical to the future of American communities. They can only pass by the thinnest of vote margins, and now is the time for local officials to call your Members of Congress and U.S. Senators to urge enactment of these laws (further instructions below).

FY22 CONGRESSIONAL APPROPRIATIONS

The federal appropriations or spending bills keep the federal government funded and, if not passed by the end of the federal fiscal year September 30, the federal government will shut down, with many adverse impacts. At this time with just days before the end of the FY2021 fiscal year, the U.S. House has completed and passed nine (9) of its 12 federal spending bills. In the U.S. Senate, three (3) bills (Agriculture, Energy & Water, and Military Construction) have been passed out of Senate Appropriations Committee, but the remaining nine (9) bills have stalled completely, as the parties cannot agree on the top-line amounts for those bills. It is highly likely that the Democratic Chairman of the Senate Appropriations Committee Patrick Leahy and the Democratic Senate Majority Leader Chuck Schumer will combine those nine (9) unfinished Senate bills into a “Chairman’s Mark” (that is, the complete bills done only by Democrats), use that as a basis to reach final agreement on all 12 federal spending bills with the U.S. House, and then bring it back to the Senate for a floor vote. Note that this “Chairman’s Mark” method is how then-Senate Majority Leader Mitch McConnell passed FY21 appropriations a year ago, after no hearings or legislation of any kind drafted for any of the Senate appropriations bills in that year’s process.

We also understand that it is the intention of the Democrats in the Senate and House to include all of the appropriations **“earmarks”** that have been attached to these federal agency spending bills in both sides of the Capitol in a process which started in Spring 2021, which could benefit many

S² clients who have home-district projects requested or secured by your Members of Congress for your priority community projects. At this time we know which House earmarks are included in the House bills but, as Senate hearings have not yet taken place for nine (9) of the funding packages, the lists of earmarks in the Senate are mostly still not known.

The problem is that this cannot get completed by September 30. Typically, Congress does not complete its appropriations bills by the end of the fiscal year September 30, and thus must pass a stopgap “continuing resolution” to keep the federal government funded and running for a short period of time until the process can be completed. The House has now passed a Continuing Resolution to fund the government until December 3.

However, the U.S. Treasury also reports that the statutorily-set U.S. debt ceiling on the amount of money the Treasury may borrow will be reached in October 2021. After that point, Treasury must take so-called “extraordinary measures” to continue government operations. If extraordinary measures are exhausted without a congressional increase in the permitted debt ceiling, the U.S. would default on its debt, which has never happened in the nation’s history and is fully expected to lead to massive recession and other highly negative economic consequences. Since 1960, the U.S. Congress has raised the debt ceiling 78 separate times, essentially always with bipartisan votes. However, this year, the Senate Republicans have vowed that they will not support a debt ceiling rise in what, for the sake of a simple summation, is an act of political theater.

The Senate Democrats have attached the U.S. debt ceiling increase needed to the continuing resolution funding the federal government from October 1 to December 3, 2021. The Republicans say they will filibuster that legislation and, indeed on September 27, the Republicans prevented the stopgap spending bill and debt ceiling suspension from moving forward.

The failure to fund the federal government and/or the failure to raise the U.S. debt ceiling would be disastrous for U.S. communities and our citizens and families. **If you are represented by any Republican Senators, please contact those U.S. Senators to urge them to vote for the continuing resolution and debt ceiling increase this week. Consider a letter to the editor in your newspaper and social media posts on your local government page, to convey that your city, town, or county has enough economic challenges without worrying about the federal government failing and sending the economy into worse recession.**

“INFRASTRUCTURE INVESTMENT & JOBS ACT”

On August 10, 2021, 69 Senators from both parties passed the “Infrastructure Investment & Jobs Act” (H.R. 3684), also known as the “Bipartisan Infrastructure Framework” or “BIF”, which contains \$1.2 trillion in funding for surface transportation, water, sewer, broadband, community development, and other infrastructure. We re-attach our August 2021 “S² Client Alert” memorandum with a detailed summary of the funding in the BIF, which could be of tremendous value to U.S. local communities and the economy.

The House has not yet taken action on the Infrastructure Act, because progressive Democrats insist on action on the human infrastructure reconciliation legislation first, and this dispute has divided the moderates and progressive Democrats in the House. Speaker Pelosi extended the vote promised on the BIF for September 27, until this Thursday, September 30 (the day that the 2015-passed surface transportation infrastructure legislation expires).

We encourage you to contact your U.S. House Member of Congress to urge passage of the H.R. 3684 Bipartisan Infrastructure Framework now – it is time to make forward progress on this critical legislation.

“BUILD BACK BETTER” \$3.5 TRILLION BUDGET RECONCILIATION LEGISLATION

On September 25, the U.S. House Budget Committee marked up a 2,465 page piece of legislation that combines various federal programs that were developed in a number of other House committees over the past month. This legislation, dubbed the “**Build Back Better Act**” (H.R. number not yet assigned), or sometimes referred to as the “human infrastructure legislation”, proposes \$3.5 trillion in spending and tax incentives to support lower health care costs and lower drug prices, lower child care costs, investments in education, tax cuts for the middle class and poor, and funding to address the climate crisis and support a clean energy economy, primarily funded by tax increases on corporations and the wealthiest individuals. The House bill follows from Senate Concurrent Resolution 14, which provides for the legislation to be considered under the “budget reconciliation” rules, which allow passage in the Senate by majority vote, avoiding the Senate filibuster requirement that the legislation may not proceed without a supermajority of 60 votes. There is no indication that any Republicans in the Senate or House will support this Build Back Better legislation, and it must carry all of the Senate Democrats and nearly all of the House Democrats to be enacted. Speaker Pelosi conveyed on September 26 that this draft legislation would now be taken to the Senate and White House for negotiations on the final funding levels and provisions that will be included in legislation. There is a wide mix of views among Democratic Members of Congress and Senators on how quickly this package should move, and we would expect negotiations to last at least for weeks more.

Below, we provide a very high-level summary of the provisions of the House Build Back Better legislation with respect to programs of interest to local governments and other S² clients. We encourage you to review this summary, consider the many programs that could be of tremendous benefit to communities, and prepare to reach out to your Members of Congress and Senators soon to encourage them to move toward enactment; that time is probably premature right now, and S² will follow-up with calls for advocacy when the right time emerges.

WHAT SHOULD LOCAL LEADERS DO NOW?

In the midst of this tussle over federal spending and infrastructure packages, local government leaders should be speaking now with your Members of Congress. Please reach out to your congressional district directors, staff contacts in Washington DC offices, and most importantly, your two Senators and your House Members. Find contact information here www.house.gov/representatives and here <https://www.senate.gov/senators/senators-contact.htm> or on their individual Member web pages, or ask Sustainable Strategies DC for help in reaching these officials. Again the key points are:

- Urge your Republican U.S. Senators to pass the continuing resolution funding the federal government into fiscal year 2022, and raising the U.S. debt limit.
- Urge your House Members to pass the HR 3684 Infrastructure Investment & Jobs Act

Attachments (2) – Summary of House Build Back Better Act
August 2021 Summary of Infrastructure Investment & Jobs Act

Please contact any member of the S² team at www.StrategiesDC.com, or Client Services Manager Sarah Marin at Sarah.Marin@StrategiesDC.com or 202.308.7125

SUMMARY OF HOUSE-PROPOSED “BUILD BACK BETTER ACT” INFRASTRUCTURE LEGISLATION

On September 25, the U.S. House Budget Committee marked up and moved forward a 2,465 page piece of legislation dubbed the “[Build Back Better Act](#)” to provide \$3.5 trillion in spending and tax incentives to support lower health care costs and lower drug prices, lower child care costs, investments in education, tax cuts for the middle class and poor, and funding to address the climate crisis and support a clean energy economy, primarily funded by tax increases on corporations and the wealthiest individuals. The House will use this draft bill to continue negotiations with the U.S. Senate and White House to seek a final deal that can be passed by Democrats in the Senate using the “budget reconciliation” process, which avoids the filibuster requirement for a supermajority vote.

Below, Sustainable Strategies DC provides a very high-level summary of ~50 provisions and funding levels for programs of most interest to our local government and non-profit clients. We do not summarize or list many of the programs in the Build Back Better Act related to federal entitlements, health care, education, housing, and tax changes that are important to individuals and families, but not as highly relevant to the direct work of our clients. For the programs we do summarize, we reference specific pages of the draft legislation so that you can review those programs more fully. See [here](#) for the draft House legislation. Please contact the team at Sustainable Strategies DC to discuss any aspect of this proposed legislation.

COMMUNITY REVITALIZATION & ECONOMIC DEVELOPMENT

Economic Development Administration

- 1.) ***Economic Development Administration:*** \$4 billion for FY2022 to EDA to “develop regional growth clusters”; \$1 billion annually through 2027 for EDA Economic Adjustment Assistance grants, with \$500 million slated for “energy communities” that seek to diversify away from fossil fuels, and \$50 million annually to help support applicants with EDA grant-writing; \$500 million annually through 2027 for EDA Public Works grants; and \$4 billion for a new EDA “Recompete Pilot Program” grants to support local communities with “persistent economic distress and labor market dislocation”. See bill at pages 1214-1223.
- 2.) ***EDA Trade Adjustment Assistance Grants:*** Establishes \$1 billion annual EDA program through 2026 for “Trade Adjustment Assistance for Communities” (this requires a certification from Labor, Commerce, or Agriculture that companies or jobs have been impacted), which provides grants of up to \$25 million for strategic economic development plans, and for implementing projects in those plans which can include public infrastructure, public facilities, revolving loan funds, demolition of vacant and blighted property, brownfields redevelopment, land banks, energy conservation projects, historic preservation projects, pp. 1458-1471.
- 3.) ***Commerce Regional Innovation Strategies grants:*** \$5 billion for Commerce, Regional Innovation Strategies grants, p. 1048

HUD

- 4.) **HUD “Community Restoration & Revitalization Fund”:** At pp. 826-838, the bill creates a new HUD “Community Restoration & Revitalization Fund” for planning and implementation grants to local partnerships of non-profits/localities/others for a wide variety of “community-led projects that create civic infrastructure to support a community’s social, economic, and civic fabric, create fair, affordable and accessible housing opportunities, prevent residential displacement, acquire and remediate blighted properties, and promote quality job creation and retention” including:
 - a. \$5.7 billion for “community-led projects to stabilize neighborhoods and increase access to economic opportunity for residents by creating equitable civic infrastructure and creating or preserving affordable, accessible housing”
 - b. \$500 million for HUD grants for community land trusts, including for new and rehabbed affordable and accessible housing projects;
 - c. \$1 billion for HUD technical assistance on these issues and projects.
 - d. Also provides funding for “anchor institution” neighborhood improvement efforts.
- 5.) **HUD “Unlocking Possibilities” Grants:** \$4.5 billion for new HUD “Unlocking Possibilities” program including grants, for planning grants on housing strategies, “urban development strategies related to sustainability, fair housing, and location efficiency”, and “livable community investment grants”, at pp. 813-820.
- 6.) **HUD Grants for Community Land Trusts:** \$500 million, pp. 827, 835-36.
- 7.) **HUD Community-Lead Capacity Building:** \$90 million in grants to non-profits to support HUD “Community-Led Capacity Building” program to support community non-profits, community development corporations, community land trusts and other entities including grants to those entities for affordable housing efforts, at pp. 880-882.
- 8.) **HUD CDBG:** \$8.3 billion for CDBG for affordable homes and infrastructure, pp. 799-805.
- 9.) **HUD Lead Hazard Reduction:** \$10 billion for HUD lead-reduction programs, pp. 806-812.

Small Business Administration

- 10.) **Minority Business Development Agency:** \$5.1 billion to the Minority Business Development Agency for variety of economic supports and grants to nonprofits and minority businesses, at pp. 883-891.
- 11.) **SBA Business Incubator Grants:** \$1 billion to SBA for grants for business incubators of up to \$1.25M annually, pp. 1099-1105.
- 12.) **SBA Growth Accelerator Competition:** \$400 million to SBA for a new “Growth Accelerator Competition” to provide grants of at least \$100k each, and other assistance to help small businesses on the innovation economy, provide seed investment, and help leverage private sector investment, pp. 1113-1117.
- 13.) **Venture Small Business Investment Facility:** Funding for SBA to set up federal investment in a “Venture Small Business Investment Facility”, pp. 1123-1135.

- 14.) ***Rebuild America’s Schools funding program:*** \$41 billion for a “Rebuild America’s Schools” program allocated through states with required suballocation to local school authorities, for a variety of planning and construction funds for capital construction, energy and water efficiency, health and safety, facility and equipment upgrades, climate resilience, and educational facility projects. Pp. 53-70.

USDA

- 15.) ***USDA Rural Partnership and Rural Prosperity Innovation grants:*** \$3.5 billion for “Rural Partnership Program” grants (requiring 25% match) for planning and implementing rural development and pre-development projects, pp. 34-39, and an additional \$370M for “Rural Prosperity Innovation Grants” to build rural nonprofit capacity (20% matching grants), pp. 39-41.

National Park Service

- 16.) ***Urban Parks & Recreation grants:*** \$100 million annually through 2026 for National Park Service “urban parks and outdoor recreation” grants, p. 936.
- 17.) ***Historic Preservation Grants:*** \$75 million annually through 2031 for NPS Historic Preservation Fund grants, p. 939.

Tax Incentives

- 18.) ***New Market Tax Credits:*** Permanent extension of New Market Tax Credits with \$5 billion allocated in 2020-21, \$7 billion in 2022, \$6 billion in 2023, and \$5 billion for 2024 and thereafter, pp. 1615-1617.
- 19.) ***Federal Historic Tax Credits:*** Increase in federal historic Rehabilitation Tax Credit from current 20% to 30% through 2025, 26% in 2026, 23% in 2027, and back down to 20% after 2027. For projects with qualified rehabilitation expenses less than \$3.75 million, the credit is 30%, pp. 1616-1620.
- 20.) ***Low Income Housing Tax Credits:*** Increases in Low Income Housing Tax Credits allocations to states, pp. 1632-1634.
- 21.) There are a variety of extremely comprehensive funding and policy changes for ***affordable housing***, at the Build Back Better Act at Title IV, pp. 750-799.

INFRASTRUCTURE

- 1.) ***FHWA Carbon Reduction Project grants:*** \$900 million in FY22 for 100%, no-match grants from Federal Highways Administration to local governments, MPOs and other entities for “carbon reduction projects” including reductions in emissions from surface transportation facilities, zero-emissions transportation projects, projects to reduce VMTs and single-occupancy trips, pp. 1178-1182.
- 2.) ***FHWA Neighborhood Access and Equity Grants:*** \$3.95 billion in FY2022 for a new FHWA “Neighborhood Access and Equity Grants” with 20% waivable match, to be available

through 2026 for states, localities and MPOs to address surface transportation facilities “for which high speeds, grade separation, or other design factors create an obstacle to connectivity within a community; or a surface transportation facility which is a source of air pollution, noise, stormwater, or other burden to a disadvantaged or underserved community.” Grants are for walkability, connectivity, safety, and affordable transportation access for construction to remove, remediate, replace, retrofit facilities which block access; complete streets, multiuse trails, regional greenways, active transportation networks; projects that reduce air emissions impacts, reduce heat islands, boost green infrastructure; and support underserved communities. Also \$50 million in grants for local technical assistance and capacity building in this area. Pp. 1182-1190.

- 3.) ***Drinking Water Upgrades:*** \$495 million for EPA grants to disadvantaged communities for training of drinking water system upgrades, pp. 1127-28.
- 4.) ***CSO & stormwater reuse grants:*** \$2 billion for EPA grants to address combined sewer overflow and stormwater reuse grants to municipalities, with \$1 billion reserved for distressed communities, pp. 1230-31.
- 5.) ***Bond changes:*** Changes to Qualified Infrastructure Bonds at 1585-1593, new exempt facility bonds for Zero-Emission Vehicle Infrastructure, several other bond provisions.
- 6.) ***Transportation Earmarks:*** \$6 billion for “Local Transportation Priorities”. These cover the earmarks from House Members in the House version of the Infrastructure legislation, p. 1192.

CLIMATE RESILIENCE, CLEAN ENERGY & THE GREEN ECONOMY

Environmental Protection Agency

- 1.) ***Greenhouse Gas Reduction Fund projects for localities:*** \$26.5 billion for “Greenhouse Gas Reduction Fund” grants to states, localities and others “to enable low-income and disadvantaged communities to deploy zero-emission technologies including distributed rooftop solar, at pp. 349-353.
- 2.) ***Environmental & Climate Justice Grants:*** \$5 billion for 3-year EPA Environmental & Climate Justice Grants to localities/non-profits for wide variety of activities, at pp. 376-378.
- 3.) ***Lead Pipe Removal:*** \$30 billion to EPA to remove lead drinking water service lines, at pp. 378-79, plus \$700 million for lead line reduction in schools, at p. 380, and an additional \$700 million for grants to disadvantaged communities at p. 382-383.
- 4.) ***Clean Diesel grants:*** \$5 billion to EPA for zero-match grants for Clean Heavy-Duty Vehicles/infrastructure/training, pp. 342-345. \$170 million for EPA diesel-emission reduction grants, at pp. 354-355.

Department of Energy

- 5.) ***Energy Efficiency & Conservation Block Grants:*** \$5 billion for EECBG to local governments, with \$2.5B by formula and \$2.5B in competitive grants, pp. 500-503.
- 6.) ***Weatherization:*** \$3.5 billion for Weatherization, p. 444.

- 7.) **Local Building Energy Upgrades:** \$3.2 billion for efficiency and renewable energy upgrades to local government buildings, schools, public safety facilities, community facilities, libraries, wastewater treatment facilities, nonprofit facilities, and other “critical buildings.” Pp. 444-448.
- 8.) **Zero-emission vehicle infrastructure buildout:** comprehensive set of programs and policies, at pp. 451-473.
- 9.) **Energy Community financing:** \$2 billion for low-cost loans for “Energy Community Reinvestment Financing”, for localities that have to move into economic diversification because of declines in fossil fuel industries and jobs, pp. 478-482.
- 10.) **Solar Installments:** \$2.5 billion to support “Low-Income Solar” planning and installment projects including assistance to low-income households and “community solar” projects of 5MW or less, pp. 503-514.
- 11.) **Clean Manufacturing:** \$1 billion for “domestic manufacturing conversion grants”, p. 477.

National Oceanographic and Atmospheric Administration

- 12.) **Coastal and Great Lakes Resilience:** \$9.5 billion in no-match NOAA grants for “the purposes of restoring a marine, estuarine, coastal, or Great Lake habitat; or providing adaptation to climate change, including by protecting, restoring, or establishing ecological features that protects coastal communities from sea-level rise, coastal storms, or flooding; or designing or implementing blue carbon projects.”, p. 959.
- 13.) **Climate-Ready Workforce and Community Projects:** \$500 million to NOAA to train a “climate-ready workforce” for “on-the-ground community-driven projects to enhance climate adaptation and resilience, support community engagement and participation in monitoring, tracking, and preparing for extreme events, and support local resilience to climate impacts”, at pp. 1073-74.
- 14.) **CCC at NOAA:** \$120 million of NOAA Civilian Climate Corps, p. 965.

U.S. Department of Agriculture

- 15.) **Community Grants for Wildlife Areas and Forestry:** \$35 billion in USDA funding for grants to localities, non-profits, states and tribes as well as to National Forest Service activities for trails, fire protection, watershed management, community forestry, wildlife-urban interface areas, and the new Civilian Climate Corps, on both federal and non-federal lands. Pp. 2-21.
- 16.) **Rural Clean Energy:** \$200 million in USDA funding for energy efficiency projects in rural areas, pp. 28-29, and \$811 million in FY22 and \$277 million annually through 2027, for the “Rural Energy for America Program” (REAP) for renewable and energy efficiency project grants. P. 30.

Civilian Climate Corps (CCC)

- 17.) For use through 2031, \$1.7 billion for National Park Service, Civilian Climate Corps; \$900 million for Bureau of Reclamation Rec CCC, \$400 million for Fish & Wildlife Service CCC, \$500 million for Tribal CCC, at pp. 925-932.

Clean Energy Tax Credits

- 18.) Major tax credit extensions and expansions for renewable energy, see pp. 1695-1748 and 1764-1781.

WORKFORCE TRAINING & DEVELOPMENT PROGRAMS

- 1.) **Department of Labor Job Training:** \$16 billion for U.S. Department of Labor Dislocated Worker grant programs, pp. 178-181, \$15 billion for Adult Worker Training at pp. 181-182, \$9 billion for youth training at pp. 182-183, \$5 billion for apprenticeships and pre-apprenticeship programs at pp. 185-187, \$2 billion funding for partnerships with community colleges for job training, funding for industry partnerships for job training at pp. 187-193, and \$10 billion for industry/sector partnerships for job training for “high-skill, high-wage, or in-demand industry sectors of occupations including information technology, clean energy, arts and entertainment, infrastructure and transportation, advanced manufacturing, health care, public health, home care, and early childhood care and education”, at pp. 193-196.
- 2.) **YouthBuild:** \$500M in FY2022 for YouthBuild grants from the Department of Labor, at p. 200.
- 3.) **AmeriCorps & VISTA:** \$1.3 billion for AmeriCorps and VISTA, and waivers on match requirements for those programs, pp. 229-236.

MANUFACTURING

- 1.) Comprehensive \$10 billion in programs for “Manufacturing Supply Chain” improvements, at pp. 747-749.
- 2.) \$1 billion available through 2031 for Commerce Manufacturing Extension Partnership, \$850 million for advanced manufacturing R&D and testbed activities, \$150 million for new Manufacturing USA Institute on semiconductors, p. 1068



MEMORANDUM

To: Sustainable Strategies DC Clients & Associates
From: Matt Ward, CEO
Date: August 6, 2021
Subject: Senate Infrastructure Investment and Jobs Act

This memo provides a summary listing of programs and appropriations included in the Senate Infrastructure Investment and Jobs Act, listing programs that may be of interest to Sustainable Strategies DC’s local government and community clients.

Sustainable Strategies DC has reviewed the 2,702-page legislative bill introduced in the U.S. Senate on August 2, which details the funds and programs included in the bipartisan Senate infrastructure deal. Titled the [“Infrastructure Investment and Jobs Act”](#) (a Senate bill amending H.R. 3684), this infrastructure package would provide a historic level of \$1.2 trillion in new and reallocated federal spending for transportation, water, sewer, broadband, energy, environmental project, and other infrastructure and public works programs.

This memo is not a comprehensive list of all the programs, provisions, and appropriations contained in the Infrastructure Investment and Jobs Act, and there are additional items/programs/funds that will flow to federal agencies, states, or through formula that may be of interest to your community. Because we do not summarize every potentially relevant program listed in this 2,702-page bill, we encourage you to review the bill’s Table of Contents (attached) in case you wish to review a particular agency or program. At the end of every bullet, we also list the page number(s) of the bill text where the particular program is included, for your reference.

There is significant optimism that this infrastructure legislation will indeed become law soon and be embraced and signed by President Biden, but the legislative process is far from over. The Senate intended to use the week of August 1 for the bill amendment process and a vote to pass the legislation in the full Senate. That amendment process indeed commenced and is underway as of the time this memo was issued. However, an outbreak of COVID-19 infections among some senators may call the timing of the Senate vote into question. Another significant process issue is that there are a good number of House Democrats who believe that the bipartisan Senate infrastructure bill did not include all the programs and provisions that are necessary to meet the nation’s most important infrastructure needs, and progress on climate change. Further, key House Democratic leaders and progressive Democrats have stated that the infrastructure bill should not move forward unless there is real action on a broader, \$3.5 trillion “human infrastructure” package of programs and spending on education, child care, elder care, health, and social services; this human infrastructure package is not expected to have much if any Republican support, and must

secure the vote of every Democrat in the Senate through the unique “budget reconciliation” process which avoids the Senate filibuster.

The outcome of these intertwined and complicated congressional legislative moves is not yet set or over. Sustainable Strategies will continue to keep our communities informed as this proceeds, and to urge you to advocate for congressional action when it makes sense. As these legislative packages get enacted and implemented, we will be providing a variety of client memos, webcasts, and direct counsel on how you can put these programs into action to improve your communities.

Transportation Infrastructure

- **Transportation Infrastructure Finance and Innovation Act (TIFIA)** program, which provides credit assistance for qualified surface transportation projects of regional and national significance, funded at \$250 million annually for 2022-2026 (p. 20) (TIFIA reforms at p. 490-502)
- “**Local and Regional Project Assistance**” grants (TIGER/BUILD/RAISE) reauthorized, essentially the same as now, for \$1.5B per year, with 20% match waivable for “persistent poverty”, “historically disadvantaged community” and “rural” applicants. At least \$75M annually must be for planning grants (p. 636-648)
- \$285-309 million annually over 5 years for the **Federal Land Access Program (FLAP)**, which provides grants to improve transportation facilities that provide access to, are adjacent to, or are located within Federal lands (p. 23)
- \$1 billion annually over 5 years for **Consolidated Rail Infrastructure and Safety Improvements (CRISI)** grants (p. 701)
- **Railroad Crossing Elimination Program** at \$500M annually for 2022-2026, plus \$15M annually for planning grants (p. 701). 100% federal share for highway grade crossing projects (p. 71). Also, I think, a second and different Rail Crossing Elimination competitive grant program (80% federal share) (p. 767-777)
- \$300-\$700M per year from 2022-2026 for **electric vehicle charging and other alt fuel infrastructure** (p. 25, with detailed program requirements at p. 300-325)
- Requires specified percentages of state and MPO funding to be used for a wide variety of “**carbon reduction projects**” that would fund many of our clients’ TAP-like and clean transportation projects (details at p. 328-338)
- \$250-\$300 million annually for 2022-2026 for competitive **Promoting Resilient Operations for Transformative, Efficient, and Cost Saving Transportation (PROTECT)** planning (100% federal share) and construction (80% share) grants for variety of resiliency, emergency evacuation, and similar projects (p. 26, with very extensive details at p. 345-385)
- \$100M annually for new “**Healthy Streets**” grant program for cool and porous pavements and street trees, up to \$15M each with 20% waivable share p. (31, with details at p. 386-392)
- \$110M annually for **ITS** program (p. 32)
- \$200M annually for competitive “**active transportation**” planning and construction grants (biking/pedestrian projects connecting key hubs and anchors) with a total project cost of at least \$15M (p. 479-490)
- \$30M annually for 2022-2026 for “**Reconnecting Communities**” planning grants (up to \$2M each, 20% match) and \$65-\$75M annually over 2022-2026 for capital construction grants (minimum grant \$5M, with 50% waivable match down to 20% match), plus \$15M for

DOT technical assistance on these programs annually for 5 years. To remove barriers to accessibility caused by past transportation investments (p. 35-36, with details at p. 419-432)

- New **definition of “natural infrastructure”** for stormwater management, and **“resilience”** (p. 50)
- Adds eligible use of surface transportation block grants to be “projects to enhance **travel and tourism**” (p. 75)
- **“Rural area”** is codified as urbanized area of less than 200,000 in various places (p. 207)
- Requires states and MPOs to reserve 2.5 percent of their funds for **“complete street”** and other TAP-like projects (p. 245-250)
- Section 22214, **Amtrak Daily Long-Distance Service Study**, providing \$7.5M in 2022 and \$7.5M in 2023 to conduct studies and plans (for West Virginia Cardinal line, and for MT-CO-WY-OR-WA corridor) (p. 749-753)
- New funding/authority for competitive grants up to \$1 million (50% match) for **“Interstate Rail Compacts”** (MARC Train, WV Cardinal, Mountain West projects) (777-781), and another program to fund the implementation of those compacts (781-796) and for creating new intercity rail corridors (p. 796-805)
- \$100M annually for over 2022-2026 for competitive **“SMART Grants”** for smart cities technology (transportation and other aspects), with 40% to localities over 400,000, 30% for small rural, and 30% for mid-sized communities (p. 1089-1104)
- Requires creation of DOT **“National Travel & Tourism Infrastructure Strategic Plan”** and office (p. 1184-1186)
- New **Fixed Guideway** project funding and rules (p. 1236-1253)
- Funds \$13.3B-\$14.6B per year over five years for **FTA 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5335, 5337, 5339, and 5340**, section 20005(b) of the Federal Public Transportation Act of 2012 (49 U.S.C. 5303 note; Public Law 112–141), and section 3006(b) of the Federal Public Transportation Act of 2015 (49 U.S.C. 5310 note; Public Law 114–94) (p. 1287-1297)
- **Bus & Bus Facilities** competitive grants gets \$206M per year over 2022-2026, with 25% dedicated to Low-No buses (p. 1297-1304)
- \$15B total for **Airport Improvement Grants** and \$5B for **airport terminals** (p. 2628-2637)

Energy Infrastructure

- \$6B **electric grid program** including grants to public power and rural cooperatives for greenhouse gas emissions reduction projects from energy generation, energy efficiency, microgrids, and other activities (p. 1332-1338)
- Puts \$200M per year for 5 years into **“Appalachian Regional Energy Hub”** (ethane storage) (p. 412-415)
- \$750 million for new DOE **“Advanced Energy Manufacturing & Recycling Grant”** program to give competitive grants to give to private companies to manufacture renewable energy technologies, energy efficiency technologies, clean fuel vehicles and infrastructure, or for retrofits of manufacturing facilities to use low- or no-carbon heating systems, carbon capture, industrial energy efficiency, or other emissions reducing technologies. Favors low-income communities, coal-impacted communities, and minority-owned manufacturers. (p. 1462-1470)
- New **“Clean Energy Demonstration Program on Current & Former Mine Lands”** sets up \$500 million for a competitive program to select 5 sites for placing solar, geothermal, micro-grids, energy storage, and other energy technologies on SMCRA reclaimed mine lands

(at least 2 must be solar). Competitive factors include coal-impacted and EDA-defined distressed areas. Winners chosen by DOE in consultation with Interior, EPA, and DOL. (p. 1612-1616)

- Sets up \$250M “**Energy Efficiency Revolving Loan Fund Capitalization Grant Program**” for capitalizing state funds for loans and grants (up to 25% of RLFs can be used on grants for smaller businesses and low-income residents) to support commercial energy audits, residential energy audits, commercial and residential efficiency retrofits and upgrades (p. 1665)
- Gives \$225 million annually for 5 years to support **local code programs** for efficiency and resilience (ICC) (p. 1684)
- Sets up \$50M annual program over 2022-2026 for “**Smart Manufacturing**” program to provide small and medium manufacturers support for a variety of industrial efficiency, automation, and other technological improvements (p. 1712-1719)
- Sets up \$500M annually between 2022-2026 for grants for wide variety of energy efficiency, renewable energy improvements, or alt fuel vehicles/infrastructure at **public school facilities** (p. 1719-1729)
- Sets up \$50M annually between 2022-2026 for grants of up to \$200,000 for **nonprofit building energy retrofits** (p. 1729-1731)
- **Weatherization Assistance Program** gets \$3.5 billion in FY2022
- **Energy Efficiency & Conservation Block Grants (EECBG)**, aimed at deploying efficient and impactful energy efficiency and renewable energy technologies and practices, gets \$550 million for FY2022 (p. 1732-1733)
- Sets up \$5 billion program to **cap “orphan wells”** and remediate the areas around them, with \$25M going to each state that submits an application to DOE, plus another state formula grant program up to \$20M for each participating state, plus another up to \$30 million per state for matching grants (p. 1744-1775)
- Gives \$11.293 billion for grants of minimum of \$20 million to States for **abandoned mine land reclamation** (p. 1775-1779)
- **Western Water Infrastructure**, mostly Bureau of Reclamation (p. 1838-1866)

Drinking Water and Wastewater Infrastructure

- \$35 million annually for **EPA assessment of lead in drinking water** (p. 1889)
- \$510 million over 5 years for 90% federal share grants (waivable to 0% match) for assistance to **small and disadvantaged communities to deal with drinking water hazards including lead**, including another \$100M to **hook up houses to public water systems**, including with lead issues (p. 1893-1899), and with an additional \$50M annually for competitive grants to states to deal with **drinking water in underserved communities** (p. 1899-1901)
- \$100 million annually over 2022-2026 to for a pilot program to give grants to municipal drinking water systems that have >30% of service lines having **lead contamination** (p. 1901-1904)
- \$200 million total for grants to address and reduce **lead in drinking water at schools** (p. 1929-1934)
- \$14.65B for **EPA Drinking Water State Revolving Fund (SRFs)** over 5 years, 49% as grants and forgivable loans (p. 1891-1892 and p. 2586-2587)
- \$1 billion in grants over 5 years for Clean Water SRF, \$5 billion over 5 years in Clean Water SRF grants for **underserved communities**, and \$4 billion over 5 years, for **emerging chemicals** (PFAFs) (p. 2590-2594)

- \$50 million annually between 2022-2026 for a new “**Midsized and Large Drinking Water System Infrastructure Resilience and Sustainability Program**” for grants for planning and construction of resilience, water efficiency, desalination, watershed management, source water protection, energy efficiency and renewable energy projects in water infrastructure, water reuse, and cybersecurity (p. 1912-1917)
- EPA **Wastewater Efficiency Grant Pilot Program** to POTWs for waste-to-energy projects (p. 1951)
- \$280 million annually for 5 years for **Sewer Overflow and Stormwater Reuse Municipal Grants** (p. 1955-1960)
- \$25 million annually over 2022-2025 for grants for **Clean Water Infrastructure Resiliency and Sustainability Program** for planning or construction of efficiency, clean energy, green infrastructure, resilience, and other programs for wastewater and stormwater (p. 1966)
- **\$11.35B funds EPA Clean Water SRF**, with 49% in form of grants or forgivable loans (p. 1981 and p. 2584-2585)
- \$75 million up front (p. 2495), plus \$50 million annually between 2022-2026 added for **Water Infrastructure Finance & Innovation Act (WIFIA)**, , a federal credit program administered by EPA for eligible water and wastewater infrastructure projects (p. 1992)
- \$10M annually between 2022-2026 for competitive EPA planning/design/partnership grants up to \$200,000 and implementation grants up to \$2 million for “**Stormwater Control Infrastructure Projects**” with preference for CSO communities and small, rural, and disadvantaged communities, with 20% non-federal match (p. 1999-2006)

Broadband

- \$42.5 billion for **NTIA broadband grants** for most unserved, with 25mbps download and 3 mbps upload, as well as “underserved” with 100mbps download and 25 mbps upload, with minimum allocation to each state of \$100M. Whole new program, with tons of details in statute (p. 2016-2081)
- \$1 billion annually between 2022-2026 for “**middle mile broadband infrastructure**” for census tracts which are “underserved” (100/25 mbps) and unserved areas. Preference for projects that include 1/1 gbps service to “anchor institutions”. 70% federal share. (p. 2150-
- Creates **Appalachian Regional Commission (ARC) broadband** program (p. 408-412)

Wildfire Mitigation

- Establishes a commission to make recommendations to improve Federal policies and assess federal spending related to the **prevention, mitigation, suppression, and management of wildland fires** and the **rehabilitation of land in the U.S. devastated by wildland fires**. (p. 2194-2214)

EPA

- \$1 billion annually 2022-2026 for **Great Lakes Restoration Fund** (waived match) (p. 2577)
- \$238 million annually 2022-2026 for **Chesapeake Bay** (waived match) (p. 2577)
- \$106 million annually 2022-2026 for **Long Island Sound** (waived match) (p. 2577)
- \$16 million annually for **South Florida** (waived match) (p. 2577)
- \$1B annually over 2022-2026 split between **alt fuel school buses and zero-emission school buses** (p. 2386-2397)
- \$1.5 billion for **brownfields** over 5 years (\$300M annually) over 2022-2026, with \$1.2 billion for cleanup grants up to \$5 million each, multipurpose grants up to \$10 million each, \$10 million each for community-wide assessment grants with no limitation on individual site

assessments, \$10 million each for Brownfields Cleanup RLFs, and \$1 million each for Environmental Workforce grants; and the other \$300 million for Section 128 grants to States (p. 2594-2597)

- \$100 million for **EPA Pollution Prevention Act programs** (p. 2597)
- \$275M for **municipal recycling** program, at \$55M per year over 2022-2026 (p. 2598), plus \$75M over 5 years for other material recycling, recovery, management, and reduction projects for an EPA Consumer Recycling Education & Outreach Grant program (p. 2226-2235)

Other

- \$150 million for **Corps Investigations** and \$11.6 billion for **Corps Construction**, divided up among various Corps authorities and programs. Accessing these will require very close work with USACE and Congress. (p. 2482-2494)
- \$200 million annually between 2022-2026 (\$1 billion) for the **Appalachian Regional Commission** (p. 2538)

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

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

H. R. 3684

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

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

Viz:

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

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

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

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

Sec. 1. Short title; table of contents.

Sec. 2. References.

DIVISION A—SURFACE TRANSPORTATION

Sec. 10001. Short title.

Sec. 10002. Definitions.

Sec. 10003. Effective date.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

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

Subtitle B—Planning and Performance Management

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

Subtitle C—Project Delivery and Process Improvement

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

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

Subtitle D—Climate Change

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

Subtitle E—Miscellaneous

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

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

TITLE II—TRANSPORTATION INFRASTRUCTURE FINANCE AND
INNOVATION

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

TITLE III—RESEARCH, TECHNOLOGY, AND EDUCATION

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

TITLE IV—INDIAN AFFAIRS

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

DIVISION B—SURFACE TRANSPORTATION INVESTMENT ACT OF
2021

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

TITLE I—MULTIMODAL AND FREIGHT TRANSPORTATION

Subtitle A—Multimodal Freight Policy

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

Subtitle B—Multimodal Investment

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

Subtitle C—Railroad Rehabilitation and Improvement Financing Reforms

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

TITLE II—RAIL

- Sec. 22001. Short title.

Subtitle A—Authorization of Appropriations

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

Subtitle B—Amtrak Reforms

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

Subtitle C—Intercity Passenger Rail Policy

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

Subtitle D—Rail Safety

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

TITLE III—MOTOR CARRIER SAFETY

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

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

TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

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

Subtitle B—Vehicle Safety

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

TITLE V—RESEARCH AND INNOVATION

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

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

TITLE VI—HAZARDOUS MATERIALS

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

TITLE VII—GENERAL PROVISIONS

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

TITLE VIII—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY

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

DIVISION C—TRANSIT

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

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

DIVISION D—ENERGY

- Sec. 40001. Definitions.

TITLE I—GRID INFRASTRUCTURE AND RESILIENCY

Subtitle A—Grid Infrastructure Resilience and Reliability

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

Subtitle B—Cybersecurity

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

TITLE II—SUPPLY CHAINS FOR CLEAN ENERGY TECHNOLOGIES

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

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

TITLE III—FUELS AND TECHNOLOGY INFRASTRUCTURE
INVESTMENTS

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

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

Subtitle B—Hydrogen Research and Development

- Sec. 40311. Findings; purpose.
- Sec. 40312. Definitions.
- Sec. 40313. Clean hydrogen research and development program.
- Sec. 40314. Additional clean hydrogen programs.
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1 **SEC. 2. REFERENCES.**

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

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

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

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

11 **SEC. 10002. DEFINITIONS.**

12 In this division: