Date: August 10, 2021

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager

Subject: Bipartisan Infrastructure Legislation

On July 28, 2021, the Biden Administration announced an agreement with a bipartisan group of legislators to advance a nearly $1 trillion infrastructure package, the Bipartisan Infrastructure Investment and Jobs Act (Bipartisan Act). The proposal would provide $550 billion in new spending and almost $400 billion in baseline reauthorization spending over five years for roads and highways, public transit, rail, water, safety, broadband, energy resiliency, and more. This funding prioritizes investments that advance equity and racial justice, workforce development in infrastructure-related sectors, and climate resiliency and sustainability.

Attachment A highlights the main funding categories in the Bipartisan Act most aligned with City infrastructure priorities, and Attachment B is a comprehensive overview presentation from our federal representative, Dentons. Unlike earlier this year, there has not been an opportunity to request earmarks through this legislation, nor are there direct allocations to cities as we have received in recent COVID-19 relief bills. Rather, the Bipartisan Act would expand funding opportunities through State apportionments, formula and discretionary grant programs, block grants, and other competitive grants for which the City could apply.

A number of important steps must be taken before the legislation is finalized, and there are still opportunities for the legislation to be amended. On July 28, 2021, the Senate voted 67-32 to invoke cloture on the motion to proceed to the measure and, on July 30, 2021, voted 66-28 to formally proceed. Draft legislative text for the Bipartisan Act was released on August 1, 2021. The Senate voted to approve the legislation 69-30 on August 10, 2021.

Reception in the House, however, has been less favorable and could slow the process. One key issue at stake is the five-year reauthorization funding included in the Bipartisan Act. In July 2021, the House passed the INVEST in America Act, which would authorize $715 billion over five years for highway, transit, rail, and water infrastructure. The House bill is not only substantially larger than the almost $400 billion in baseline funding in the Bipartisan Act, but there are also significant policy differences between the proposals. Furthermore, the House-passed reauthorization bill contains Congressionally-directed spending for infrastructure projects, including several Long Beach requests outlined in a June 18, 2021 memorandum, whereas the Senate Bipartisan Act does not include earmarks. House Transportation and Infrastructure Chair Peter DeFazio has pressed for a House-Senate conference to address these issues, but it remains unclear how these discrepancies will be resolved.
The Biden Administration and Democratic leadership have also stated that they plan to build on the bipartisan proposal with a larger reconciliation package. Following passage of the bipartisan legislation in the Senate, Democrats intend to introduce a budget resolution that would set up a $3.5 trillion reconciliation bill to further expand infrastructure spending, to include health and child care programs, child tax credit, climate investments, and create a path to citizenship, among other things. That measure would require only a simple majority for passage in the Senate, rather than the 60 votes typically required, though budgetary rules limit what can be included in the legislation. House Speaker Nancy Pelosi and other House Democrats have stated they would not take up the bipartisan legislation until they finalize a larger deal through reconciliation.

The House is currently on August recess, and Congress is likely to continue negotiations on the infrastructure package through September or perhaps later into the fall. Even if legislation is enacted, it will take time for grant programs to be developed and available for the City to apply. Meanwhile, City staff are preparing for funding opportunities that may be made available through the legislation. Public Works has coordinated across departments to create a comprehensive list of infrastructure projects and needs in the short-, medium-, and long-term, and the Citywide Grants Coordination Committee has also begun identifying strategies to leverage federal infrastructure investments. Since the proposed funding would be appropriated over at least five years, it is critical that we prepare a plan to best position the City to compete for these grants when they are released.

Staff will continue to provide updates as information is available. If you have questions, please contact Tyler Bonanno-Curley, Manager of Government Affairs, at (562) 570-5715 or Tyler.Curley@longbeach.gov.

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Funding Categories

1) Highways

The Bipartisan Act will invest $110 billion of new funds for roads, bridges, and major projects, and reauthorize the surface transportation program for the next five years. This investment will repair and rebuild roads and bridges with a focus on climate change mitigation, resilience, equity, and safety for all users, including cyclists and pedestrians. The bill includes a total of $40 billion of new funding for bridge repair, replacement, and rehabilitation in addition to around $16 billion for major projects that are too large or complex for traditional funding programs but will deliver significant economic benefits to communities.

The legislation creates a first-ever program to reconnect communities divided by transportation infrastructure. The program will fund planning, design, demolition, and reconstruction of street grids, parks, or other infrastructure through $1 billion of dedicated funding in addition to historic levels of major projects funding, for which these investments could also qualify.

- Highway Trust Fund (HTF)
  - Transfer $90 billion to the trust fund for highways and $28 billion for mass transit
- Highway Programs: $273.2 billion
  - $52.5 billion in FY 22, increasing 2% every year and reaching $56.8 billion in FY 26
  - Included are state apportionments for federal highway construction, Surface Transportation Block Grants, and other programs
- Bridge Investment: $6.54 billion
  - $3.27 billion from the HTF and $3.27 billion from the Treasury general fund for new grants to repair and replace bridges
- Other Programs
  - $10.8 billion for Nationally Significant Multimodal Freight and Highway Projects
  - $570 million for ferry boats and terminal facilities
  - $500 million for equity grant program to remove or retrofit transportation facilities that create community barriers to mobility or economic development
  - $1 billion for walking and biking infrastructure grants

Climate Change and Alternative Vehicles

The bill invests $7.5 billion to build out the first-ever national network of electric vehicle (EV) chargers, a critical element in the Biden Administration’s plan to accelerate the adoption of EVs to address the climate crisis and support domestic manufacturing
jobs. The bill will provide funding for deployment of EV chargers along highway corridors to facilitate long-distance travel and within communities to provide convenient charging where people live, work, and shop. Federal funding will have focus on rural, disadvantaged, and hard-to-reach communities.

- **Resilience**
  - $7.3 billion from main federal-aid highway allocation and an additional $1.4 billion from the HTF to promote resiliency to storms and natural disasters
  - $500 million to establish Transportation Resilience and Adaptation Centers of Excellence to study transportation resiliency to extreme weather and climate change
- **Carbon Reduction**
  - $6.42 billion for a new program to reduce transportation-related carbon emissions; eligible projects include: truck stop electrification, trail facilities for pedestrians and bicyclists, congestion management tech, intelligent transportation systems, energy-efficient alternatives, EV charging infrastructure, port electrification
- **Charging and Refueling**
  - $2.5 billion for grants to EV charging stations and alternative fuel infrastructure
- **Other Programs**
  - $500 million for Health Streets program to deploy cool pavements and expand tree cover
  - $250 million from the HTF for grants to reduce congestion
  - $250 million from the HTF for grants to reduce truck idling and emissions at port facilities

**Regulatory Processes and Other Provisions**
- The bill requires agencies to coordinate reviews and authorization decisions for major infrastructure projects and set goal for completing environmental reviews within two years
- Allow the Transportation Department to use alternative contracting methods—such as bundling or design-build contracting—on behalf of federal land management agencies and tribal governments.
- Reauthorize the State Infrastructure Bank Program through fiscal 2026.

**Research and Innovation**
- Smart Transportation: $500 million over for five years for the Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program that would support demonstration projects on smart technologies that improve transportation efficiency and safety, such as autonomous vehicles and smart grids to support electric vehicles.

**Emergency Appropriations**
- $47.3 billion in supplemental emergency appropriations for highway infrastructure programs from the general fund:
$27.5 billion to repair and replace bridges and a separate $9.24 billion for the Bridge Investment Program.

- $5 billion for states to deploy electric vehicle charging infrastructure and a data-sharing network.
- $3.2 billion for renamed Nationally Significant Multimodal Freight and Highway Projects.
- $500 million for a pilot program to remove transportation barriers in communities.

2) Safety

The legislation invests $11 billion in transportation safety programs, including a new $5 billion Safe Streets for All program to help states and localities reduce crashes and fatalities in their communities, especially for cyclists and pedestrians. It also includes a new program to provide grants to community-owned utilities to replace leaky and obsolete cast iron and bare steel natural gas pipelines, some of which are over 100 years old. It will more than double funding directed to programs that improve the safety of people and vehicles in our transportation system, including highway safety, truck safety, and pipeline and hazardous materials safety.

**Highway Traffic Safety**
- $6.9 billion over five years for the National Highway Traffic Safety Administration (NHTSA) and related driver safety programs.
  - $1.89 billion for highway safety programs.
  - $1.76 billion for national priority safety programs.
  - $970 million for highway safety research and development.
  - $205.8 million for NHTSA administrative expenses.

**New Grant Programs**
- $200 million annually from fiscal 2022 through 2026 for a “Safe Streets and Roads for All” program that would make competitive grants for state projects that significantly reduce or eliminate transportation-related fatalities. The federal share of such a project couldn’t exceed 80%.
- $150 million annually from fiscal 2022 through 2026 for the department to establish a grant program to modernize state data collection systems.

**Emergency Appropriations**
- $5 billion for grants to implement “Vision Zero” plans to prevent transportation-related fatalities and serious injuries.
- $1 billion for the Pipeline and Hazardous Materials Safety Administration to upgrade natural gas distribution pipelines.

3) Public Transit

The legislation includes $39 billion of new investment to modernize transit and improve accessibility for the elderly and people with disabilities, in addition to continuing existing programs.
transit programs for five years as part of surface transportation reauthorization. It will
repair and upgrade aging infrastructure, modernize bus and rail fleets, make stations
accessible to all users and bring transit service to new communities. Additionally, funding
would replace thousands of transit vehicles, including buses, with clean, zero-emission
vehicles and provide dedicated training the transit workforce to maintain and operate
these vehicles. This will benefit communities of color, as these households are twice as
likely to take public transportation and many of these communities lack sufficient public
transit options. The Federal Transit Administration (FTA) programs that the bill would
reauthorize feature a mix of formula programs that receive money from the Mass Transit
Account of the Highway Trust Fund and programs covered by the general fund of the
Treasury.

**Trust Fund Programs**
- $69.9 billion in contract authority from the mass transit account for the main
  formula-based transit grant programs.
- Allocations of grant funds over the five-year period would include:
  - $33.5 billion for Urbanized Area Formula Grants.
  - $18.4 billion for the State of Good Repair Grants Program for upgrading
    older rail and bus systems in urbanized areas.
  - $4.58 billion for public transportation in rural areas.
  - $3.16 billion for bus and facility formula grants.
  - $2.34 billion for low- or zero-emission bus grants. At least 5% would be used
    for training workers to use the buses.
  - $1.94 billion for improving transit services for seniors and individuals with
    disabilities in urbanized and rural areas.

**Capital Investment Grants and Emergency Appropriations**
- $15 billion from the general fund over five years for Capital Investment Grants for
  fixed guideway projects such as rapid and commuter rail, streetcars, bus rapid
  transit, and ferries.
- The measure also would provide supplemental emergency appropriations over five
  years for public transit programs, including:
  - $10.3 billion for Transit Infrastructure Grants, with $5.25 billion set aside for
    low- and zero-emission bus grants, and $4.75 billion for State of Good
    Repair grants.
  - $8 billion for Capital Investment Grants. $1.75 billion to upgrade
    accessibility at transit stations for people with disabilities.
  - $1 billion to provide scheduled ferry transportation service in rural areas.

**4) Multimodal and Freight Programs**

Rail lacks a multi-year funding stream to address deferred maintenance, enhance existing
corridors, and build new lines in high-potential locations. The legislation positions Amtrak
and rail to play a central role in the nation’s transportation and economic future. The
legislation invests $66 billion in rail to eliminate the Amtrak maintenance backlog,
modernize the Northeast Corridor, and bring world-class rail service to areas outside the northeast and mid-Atlantic.

- $10 billion for grants supporting infrastructure projects with national or regional significance, including highway and bridges on national freight networks, freight rail projects with public benefits, railway-highway grade elimination, intercity passenger rail, and certain public transit projects.
- $7.5 billion for projects with local or regional significance, including highways, bridges, public transit, passenger rail, port infrastructure, parts of airport projects, and culvert replacement.
- $12.5 billion for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary surface transportation grants.

5) Ports, Waterways, and Airports

The bill invests in port infrastructure and in airports to address repair and maintenance backlogs, reduce congestion and emissions near ports and airports, and drive electrification and other low-carbon technologies. Modern, resilient, and sustainable port, airport, and freight infrastructure will support competitiveness by removing bottlenecks and expediting commerce and reduce the environmental impact on neighboring communities.

Ports
- $9.55 billion for the US Army Corps of Engineers projects
- $3.85 billion to modernize land ports of entry
- $400 million over five years to reduce truck emissions at ports
- $912 million over five years for ferry and terminal construction

Airports
- $15 billion in formula funding for Airport Improvement Program projects.
- $5 billion for airport terminal development projects.
- $5 billion for Federal Aviation Administration facilities and equipment, including FAA-owned contract towers.

6) Water Infrastructure

People of color are more likely to live in areas most vulnerable to flooding and other climate change-related weather events. The legislation aims to invest in infrastructure that makes communities safer and more resilient to the impacts of climate change. This includes funds to protect against droughts, floods, and wildfires, in addition to a major investment in weatherization. The legislation invests in replacing all the nation’s lead pipes and service lines and includes dedicated funding to support address contaminants.

Drinking Water
• $14.7 billion for the Environmental Protection Agency’s Drinking Water State Revolving Fund program, which provides capitalization grants to states for loans supporting water infrastructure projects.
• The bill would extend an EPA grant program to support replacement of lead water lines by five years and increase the annual authorization to $100 million, from $60 million.

*Clean Water Infrastructure*
• $14.7 billion for the EPA’s Clean Water State Revolving Funds program, which provides capitalization grants to states for loans supporting water quality improvement projects, through fiscal 2026.
•Extend the annual $50 million authorization for the Water Infrastructure Finance and Innovation Act (WIFIA) loan program through fiscal 2026.
•$280 million in each of fiscal 2022 through 2026 for grants to states to support municipal planning and construction of projects to address combined sewer overflows, including systems to notify the public when untreated overflows are released into waterways.

*Emergency Appropriations*
• $55.4 billion in supplemental emergency appropriations for EPA state and tribal assistance grants, including for capitalization grants through the Clean Water State Revolving Funds and Drinking Water State Revolving Funds.
  o $15 billion to replace lead service lines.
  o $5 billion to support disadvantaged communities affected by emerging contaminants.
  o $5 billion for clean and zero-emission school buses.
  o $4 billion to address emerging contaminants with a focus on per- and polyfluoroalkyl substances (PFAS).

7) *Energy Infrastructure*

The legislation upgrades power infrastructure, by building thousands of miles of new, resilient transmission lines to facilitate the expansion of renewable energy. It creates a new Grid Deployment Authority, invests in research and development for advanced transmission and electricity distribution technologies, and promotes smart grid technologies that deliver flexibility and resilience. It invests in demonstration projects and research hubs for next-generation technologies like advanced nuclear, carbon capture, and clean hydrogen.

The legislation also invests $21 billion in environmental remediation, creating good-paying union jobs in hard-hit energy communities and advancing economic and environmental justice. The bill includes funds to clean up Superfund and brownfield sites, reclaim abandoned mine land and cap orphaned gas wells.

*Electric Grid Security*
• $5 billion over five years for grants to stakeholders in the electricity generation and distribution sector to supplement their own efforts to improve resiliency to disruptive events including natural disasters.
• $5 billion for competitively awarded financial assistance to utilities to demonstrate new approaches to improve grid resilience.
• $3 billion for a program to award grants to match investments in smart grid technologies.

**Energy Cybersecurity**
• $250 million for competitive grants, cooperative agreements, and technical assistance to small, municipal, and rural utilities to prevent and respond to cyberthreats.
• $250 million to develop cybersecurity applications for the energy sector to identify and mitigate vulnerabilities and advance the security of devices and third-party systems.

**Emergency Appropriations**
• $21.5 billion for the department’s Office of Clean Energy Demonstrations, with $8 billion set aside for regional clean hydrogen hubs and $5 billion for electric grid grants.
• $16.3 billion for energy efficiency and renewable energy activities, with funds set aside each for battery grants and other programs that the measure would authorize.
• $8.1 billion for the department’s Office of Electricity, with $5 billion set aside for grants to prevent outages and enhance electric grid resilience.
• $7.5 billion for the Office of Fossil Energy and Carbon Management, with $3.5 billion set aside to develop regional direct air capture hubs.
• $4.68 billion to carry out orphaned well site plugging and restoration.

**8) Broadband**

The legislation’s $65 billion investment will help ensure access to reliable high-speed internet. The bill will also help lower prices for internet service by requiring funding recipients to offer a low-cost affordable plan, requiring providers to display a “Broadband Nutrition Label” that will help families comparison shop for a better deal, and boosting competition in areas that currently have inadequate service. It will also help close the digital divide by passing the Digital Equity Act, which creates new grant programs for digital inclusion, requires the Federal Communications Commission to adopt rules banning digital redlining, and creates a permanent program to help more low-income households access the internet.

**Connectivity Grants**
• $42.5 billion for a Broadband Equity, Access, and Deployment Program within the Commerce Department that would provide grants to increase connectivity to underserved and high-cost areas.
A minimum of $100 million to each state. Remaining funds would be allocated using a formula based on the number of underserved or high-cost areas within a potential grantee’s jurisdiction relative to the number across the U.S.

Grantees could provide subgrants for service projects, connecting “anchor institutions” such as a library or school, providing internet-capable devices, or other projects that further the goal of increasing connectivity. Recipients would generally be required to provide a 25% match, which could be reduced or waived and could come from COVID-19 relief funds, among other sources.

**Digital Equity Grants**

- Create a State Digital Equity Capacity Grant Program and authorize: $60 million for grants to states to develop digital equity plans; and $1.44 billion for capacity grants to states to implement their plans.
- $1.25 billion for a Digital Equity Competitive Grant Program to support state, local, and tribal governments, as well as nonprofits or private entities that aren’t responsible for carrying out the state program.
- $1 billion for grants to support the construction, improvement, or acquisition of “middle-mile” projects that connect network infrastructure to limit single points of failure.

**Emergency Appropriations**

- $42.5 billion for National Telecommunications and Information Administration (NTIA) grants to states, territories, and the District of Columbia for broadband deployment.
- $14.2 billion for a renamed Affordable Connectivity Program, through which the Federal Communications Commission reimburses broadband service providers for discounts to eligible households.
- $2.75 billion for NTIA grant programs to promote digital inclusion and equity for underserved communities.
- $1 billion for NTIA grants to construct “middle-mile” broadband infrastructure.

**9) Cybersecurity**

The measure would authorize competitive grants, cooperative agreements, and technical assistance to small, municipal, and rural utilities to prevent and respond to cyberthreats. It would develop cybersecurity applications to mitigate vulnerabilities in the energy sector and issue rules for establishing incentive-based rate treatments for public utilities that participate in threat information-sharing programs.

**Cyber Response and Recovery Fund**

- $140 million and appropriate $100 million, to create a Cyber Response and Recovery Fund. The fund would be used to provide grants, technical assistance, and other support to federal, state, local, and tribal entities for significant cybersecurity incidents.

**Cybersecurity Grants**
• $1 billion from fiscal 2022 through 2025 to create a grant program to help states and tribal governments address cybersecurity threats. DHS could also award grants to multistate or tribal government groups.

• Eligible entities would have to develop a cybersecurity plan that would provide details on existing strategies to mitigate risks and enhance information system resilience, among other requirements. Grant funding would be used to implement or revise plans, pay administrative expenses, or assist with other activities to address imminent cybersecurity threats.

10) Other Provisions

The measure would authorize funding for a new grant program to improve residential and community recycling programs through public outreach. Some of the funding will be for low-income communities, rural areas, and American Indian communities.

**EPA Recycling Programs**

• $75 million over five years for a new grant program to improve residential and community recycling programs through public outreach.

• $15 million in fiscal 2022 for a program to reduce battery waste by increasing accessibility to battery collection locations, developing voluntary labeling guidelines and other materials about recycling batteries, and reducing safety concerns related to improper battery disposal.
Bipartisan Infrastructure Bill

(As Introduced 8/1/21)
**Highway Trust Fund:** The Highway Trust Fund (HTF), which funds most major highway programs, is estimated to become insolvent starting in fiscal 2022, according to the Congressional Budget Office’s February 2021 baseline estimate.

The main source of federal money for the trust fund—the gasoline tax—hasn’t increased since 1993, and the measure wouldn’t change its rate. Instead, it would transfer $90 billion to the trust fund for highways and $28 billion for mass transit.

**Highway Programs:** The bill’s authorization for the main federal-aid highway programs would be $52.5 billion in fiscal 2022, increasing 2% every year and reaching $56.8 billion in fiscal 2026, from the HTF. The five-year total would be $273.2 billion. The authorization covers state apportionments for federal highway construction, as well as Surface Transportation Block Grants and other programs.

The funding would be provided as contract authority, a type of mandatory spending that allows the Federal Highway Administration (FHWA) to obligate money before appropriations have been provided. Annual appropriations bills provide the liquidating appropriation to pay for what’s been obligated.

The measure also would set obligation limits on federal-aid highway and highway safety construction programs, totaling $300.3 billion over the five-year period, limiting the amount of contract authority that can be obligated in a single fiscal year. Some expenses would be exempt from the caps, meaning total spending could be higher.

**Bridge Investment:** The measure would authorize $3.27 billion over five years from the HTF and $3.27 billion over the same period from the Treasury general fund for new grants to repair and replace bridges.
• **Tribal, Territorial, & Federal Lands:** The bill would authorize the following amounts through 2026, largely from the HTF:

  • $3.01 billion for the Tribal Transportation Program.
  • $2.19 billion for the Federal Lands Transportation Program.
  • $1.5 billion from the Treasury general fund and $275 million from the HTF for Nationally Significant Federal Lands and Tribal Projects.
  • $1.49 billion for the Federal Lands Access Program.
  • $1.14 billion for the Territorial and Puerto Rico Highway Program.
  
  • **Additional Funding:** The measure would authorize the following amounts over five years, mostly from the HTF:

    • $2.56 billion for FHWA administrative expenses.
    • $2 billion for the Rural Surface Transportation Grant Program.

  
• $4.8 billion for renamed Nationally Significant Multimodal Freight and Highway Projects, also referred to as the Infrastructure for Rebuilding America (INFRA) grant program. An additional $6 billion would be authorized from the Treasury general fund.

  • $1.25 billion for the Transportation Infrastructure Finance and Innovation Act (TIFIA) program.
  • $570 million to construct ferry boats and terminal facilities.
  • $500 million for a pilot program offering grants to explore removing or retrofitting transportation facilities that created community barriers to mobility or economic development.
  • The measure also would authorize $1 billion over five years from the general fund for grants to connect walking and biking infrastructure.
• **Resilience:** The bill would set aside $7.3 billion from the main federal-aid highway allocation and authorize an additional $1.4 billion from the HTF from fiscal 2022 through 2026 as part of a new Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program, according to a funding table from the Environment and Public Works Committee on identical provisions in its highway bill (S. 1931). The program would fund improvements to make infrastructure more resilient to storms and natural disasters.

• The measure would reduce the program’s nonfederal cost-sharing requirements for states and other entities that develop resilience improvement plans.

• It also would authorize $500 million over five years to establish Transportation Resilience and Adaptation Centers of Excellence to study how to make transportation more resilient to extreme weather and climate change.

• Eligibility for several federal-aid highway programs, including the National Highway Performance Program, would be expanded to include transportation resilience and extreme weather mitigation projects.

• **Carbon Reduction:** The measure would allocate $6.42 billion over five years from federal-aid highway funds for a new program to reduce transportation-related carbon emissions, according to the funding table. Eligible projects would include truck stop electrification systems, trail facilities for pedestrians and bicyclists, congestion management technologies, intelligent transportation system capital improvements, energy-efficient alternatives to street lights, electric vehicle charging infrastructure, and port electrification.

• **Charging & Refueling:** The measure would authorize $2.5 billion over five years for grants for electric vehicle charging stations and alternative fuel infrastructure. Half of the funds would be set aside to install alternative fuel stations and infrastructure in publicly accessible locations, with priority for rural areas, low- and moderate-income neighborhoods, and communities with a low ratio of private parking to households or a high ratio of multiunit dwellings to single-family homes.
• **Additional Programs**: The measure would authorize the following amounts from fiscal 2022 through 2026:
  
  • $500 million from the general fund for a Healthy Streets program to deploy cool pavements and expand tree cover.
  
  • $250 million from the HTF for grants to reduce congestion in the busiest metropolitan areas.
  
  • $250 million from the HTF for grants to reduce truck idling and emissions at port facilities.
The bill would codify elements of the Trump administration’s “one federal decision” policy that required agencies to coordinate reviews and authorization decisions for major infrastructure projects. It also set a goal for completing environmental reviews within two years.

Under the bill, the lead agency would develop an environmental review schedule with the project sponsor that would be consistent with an agency average of not more than two years for major projects. It would specify conditions under which the schedule could be modified.

Authorization decisions for construction of a major project would have to be completed within 90 days of the issuance of a record of decision for the project, although the lead agency could extend the deadline in some cases.

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Authorization decisions for construction of a major project would have to be completed within 90 days of the issuance of a record of decision for the project, although the lead agency could extend the deadline in some cases.
• The measure would set aside $50 million over five years from highway research and development funds for a new pilot program to explore the use of a national motor vehicle per-mile user fee to bolster the HTF. The Transportation Department would solicit voluntary participants from across the country and set user fees for passenger motor vehicles, light trucks, and medium- and heavy-duty trucks.
• The bill also would set aside $75 million over five years to reauthorize and expand a separate program offering grants to states for pilot projects to test road usage fees and other alternative revenue mechanisms.
• Require the FHWA to develop a tool to help transportation authorities identify and respond to cyber incidents.

• Stipulate that at least 10% of the bill’s funds have to flow through small businesses owned by socially and economically disadvantaged individuals, though the Transportation Department could waive the requirement.

• Authorize grant recipients for transportation projects to implement a local, geographical, or economic hiring preference for construction workers. Such preferences couldn’t be construed to “unduly limit competition.”

• Modify eligibility rules for Surface Transportation Block Grants to include wildlife crossing structures, electric vehicle charging infrastructure, intelligent transportation technologies, and projects that facilitate intermodal connections with emerging technologies such as magnetic levitation and hyperloop.

• Extend eligibility for TIFIA loans to airport projects and economic development projects related to rail stations, among other program changes.

• Make several changes to the INFRA grant program, including directing at least 15% of funds, instead of 10%, toward smaller projects, and establishing set-asides for projects with a higher nonfederal match or that would address certain critical freight needs.

• Require the Transportation Department to provide notice and opportunity for comment before waiving Buy America requirements.
The measure also would provide $47.3 billion in supplemental emergency appropriations for highway infrastructure programs from the general fund. Amounts would be provided from fiscal 2022 through 2026, including totals of:

- $27.5 billion to repair and replace bridges and a separate $9.24 billion for the Bridge Investment Program.
- $5 billion for states to deploy electric vehicle charging infrastructure and a data-sharing network. The measure would establish a joint office for the Energy and Transportation departments to coordinate their work on EV infrastructure, which would include new installation and interoperability standards.
- $3.2 billion for renamed Nationally Significant Multimodal Freight and Highway Projects, currently referred to as INFRA grants.
- $1.25 billion for the Appalachian Development Highway System.
- $500 million for a pilot program to remove transportation barriers in communities.
• The Federal Transit Administration (FTA) programs that the bill would reauthorize feature a mix of formula programs that receive money from the Mass Transit Account of the Highway Trust Fund and programs covered by the general fund of the Treasury.

**TRANSIT Trust Fund Programs**

• The measure includes $69.9 billion in contract authority from the mass transit account from fiscal 2022 through 2026 for the main formula-based transit grant programs. The fiscal 2022 allocation would be $13.4 billion, compared with $10.2 billion for fiscal 2021 under the one-year extension of the FAST Act (Public Law 114-94).

• Allocations of grant funds over the five-year period would include:
  • $33.5 billion for Urbanized Area Formula Grants.
  • $18.4 billion for the State of Good Repair Grants Program for upgrading older rail and bus systems in urbanized areas.
  • $4.58 billion for public transportation in rural areas.
  • $3.16 billion for bus and facility formula grants.
  • $2.34 billion for low- or zero-emission bus grants. At least 5% would be used for training workers to use the buses.
  • $1.94 billion for improving transit services for seniors and individuals with disabilities in urbanized and rural areas.
The measure would authorize a total of $15 billion from the general fund over five years for Capital Investment Grants for fixed guideway projects such as rapid and commuter rail, streetcars, bus rapid transit, and ferries.

The bill would increase the federal cost cap for small starts projects to $150 million, from $100 million, and the limit on total capital costs to $400 million, from $300 million.

**Other Provisions**

**WMATA:** The measure would authorize a total of $1.35 billion from fiscal 2022 through 2030 for the Washington Metropolitan Area Transit Authority, while requiring changes to its Office of Inspector General, including independent hiring and budget authority.

**Housing:** The measure would require housing, and the connection between housing and employment, to be considered as part of metropolitan planning processes.
The measure also would provide supplemental emergency appropriations over five years for public transit programs, including:

- $10.3 billion for Transit Infrastructure Grants, with $5.25 billion set aside for low- and zero-emission bus grants, and $4.75 billion for State of Good Repair grants.
- $8 billion for Capital Investment Grants. $1.75 billion to upgrade accessibility at transit stations for people with disabilities.
- $1 billion to provide scheduled ferry transportation service in rural areas.
• The measure would authorize the following amounts for Amtrak grants from fiscal 2022 through 2026:
  • $12.7 billion for National Network grants.
  • $6.57 billion for Northeast Corridor grants.
  • The Transportation Department could withhold as much as 0.5% of appropriated funds for each fiscal year for oversight-related costs. It would also have to withhold as much as $50 million from appropriated funds each year to upgrade Amtrak facilities to ensure compliance with the Americans with Disabilities Act.

• The bill also would authorize the following amounts from fiscal 2022 through 2026 for Rail Improvement Grants:
  • $7.5 billion for renamed Federal-State Partnership for Intercity Passenger Rail Grants.
  • $5 billion for Consolidated Rail Infrastructure and Safety Improvements (CRISI) grants. The department could withhold 10% for project management oversight costs.
  • $2.5 billion to eliminate railroad crossings. At least 20% would be allocated to projects in rural areas or on tribal lands. At least 5% of funds would be reserved for projects in counties with 20 or fewer residents per square mile based on the most recent census.
• **Intercity Passenger Rail:** The measure would rename the current Federal-State Partnership for State of Good Repair program and allow funds to be used for projects to expand or establish a new intercity passenger rail service. The Transportation Department would use at least 45% of program funds for projects that are not located along the Northeast Corridor and 45% for projects that are listed on the Northeast Corridor project inventory.

• The department would also have to establish a program to develop intercity passenger rail corridors and could withhold as much as 5% of grant funding for it.
Amtrak Policy Changes

- **Personnel**: Amtrak would be required to employ one ticket agent at each station where there was an average of at least 40 passengers per day in fiscal 2017. This would exclude stations where commuter rail ticket agents sell Amtrak tickets.

- **Contractors**: Amtrak couldn’t contract out work of furloughed employees who are covered by a collective bargaining agreement and haven’t been provided the opportunity to return. The measure wouldn’t affect any existing agreement that limits contract work or prevent future agreements allowing it.

- **Passenger Experience**: The measure would also:
  - Ban the use of e-cigarettes on trains.
  - Remove a limitation that bars food and beverage services unless revenue is sufficient to cover the cost of the service.
  - Require Amtrak to establish a working group to provide recommendations to improve its food and beverage service. No employees on long distance or Northeast Corridor routes could be involuntarily separated due to the implementation of any recommendation.

- **State-Supported Routes**: Amtrak would have to enter into an agreement with a state before starting construction on any new state-supported route that outlines how they will share capital and operating costs for the route.

- **Rural Service**: The measure would bar Amtrak from suspending, significantly altering, or reducing the frequency of rail service on any long-distance route in rural communities in any fiscal year it receives federal funds for the route.
  - The prohibition wouldn’t apply in emergencies or cases where construction or maintenance outages affect routes.
  - It would also require Amtrak to notify Congress 210 days in advance if it plans to discontinue service.
• Freight cars manufactured one year following enactment could only operate in the U.S. if:

• The manufacturer isn’t owned or controlled by a foreign government of concern.

• Sensitive technology on the freight car doesn’t originate from a state-owned company.

• None of the content of the freight car originates from a country of concern or a company that has violated U.S. intellectual property rights.

• The ban would effectively apply to freight cars manufactured by China.

• Freight cars couldn’t have more than 20% of such content one year after the department issues the new regulations. The maximum would drop to 15% three years after regulations are issued.

• Manufacturers could be fined between $100,000 to $250,000 for each freight car that’s in violation. The Transportation Department could prohibit repeat violators from providing additional freight cars for operation on the U.S. freight railroad system. Manufacturers would also have to certify that they meet the requirements annually.
• The Transportation Department would be required to:
  • Issue rules requiring passenger and commuter rail carriers to implement inspection plans that comply with regulations, including having adequate emergency lighting.
  • Conduct audits of passenger rail operator training, qualification, and certification programs for locomotive engineers and conductors once every five years.
  • Issue safety regulations for high-speed rail services in consultation with related experts.
  • Expand the data the Federal Railroad Administration collects related to accidents and incidents to include the train length and crew size.
  • Require all mechanical employees to take breath or body fluid testing for controlled substances, including preemployment and random testing.
• The measure would codify and amend the Railroad Rehabilitation and Improvement Financing program, which offers loans to finance the development of railroad infrastructure.

• It would authorize $250 million over five years to provide credit assistance under the program. It also would authorize $70 million to refund credit risk premiums paid by borrowers.
The measure also would provide supplemental emergency appropriations for fiscal 2022 through 2026 for rail programs, including:

- $36 billion for the Federal-State Partnership for Intercity Passenger Rail Grants, with as much as $24 billion set aside for the Northeast Corridor.
- $16 billion for Amtrak’s National Network and $6 billion for the Northeast Corridor.
- $5 billion for the CRISI program.
- $3 billion to eliminate hazards at railway-highway crossings.
The measure would authorize about $6.9 billion over five years for the National Highway Traffic Safety Administration (NHTSA) and related driver safety programs.

Total authorized funding from fiscal 2022 through 2026 would include the following amounts from the Highway Trust Fund:

- $1.89 billion for highway safety programs.
- $1.76 billion for national priority safety programs.
- $970 million for highway safety research and development.
- $205.8 million for NHTSA administrative expenses.

The bill would require states to include in their highway safety programs efforts to:

- Encourage widespread and correct use of child restraints.
- Reduce crashes caused by misuse or misunderstanding of new vehicle technology.
- Provide information relating to child heatstroke death in vehicles.
- Reduce injury caused by drivers not moving over for stopped service vehicles.
- Educate drivers about the risks associated with marijuana-impaired driving.
The measure would also:

• Allow states to use highway safety funds to operate automated traffic enforcement systems in a work or school zone.
• Require states to submit highway safety plans at least once every three years beginning in fiscal 2022.
• Mandate states submit annual grant applications demonstrating their alignment with their approved highway safety plans.

**New Grant Programs:** The measure would authorize $200 million annually from fiscal 2022 through 2026 for a “Safe Streets and Roads for All” program that would make competitive grants for state projects that significantly reduce or eliminate transportation-related fatalities. The federal share of such a project couldn’t exceed 80%.

• It would also authorize $150 million annually from fiscal 2022 through 2026 for the department to establish a grant program to modernize state data collection systems.
• The measure would authorize $1.04 billion for motor vehicle safety from fiscal 2022 through 2026.
• The bill would require the Transportation Department to issue rules that:
  • Require manufacturers to install automatic shutoff systems in vehicles with keyless ignitions.
  • Establish a performance standard for crash avoidance technology.
  • Require new passenger motor vehicles to have forward collision warning, automatic braking, lane departure warning, and lane keeping assist systems.
• Provide performance standards for vehicle headlamp systems and allow for adaptive driving beam headlamps.
• Require new passenger motor vehicles to have advanced drunk and impaired driving prevention technology.
• Require new passenger vehicles have alerts to remind drivers to check the rear-passenger seats for passengers—especially children—after the vehicle is turned off.
• It would also require the Transportation Department to cooperate as much as practicable with foreign governments, nongovernmental groups, the motor vehicle industry, and consumer groups on harmonizing vehicle regulations.
• The measure would authorize $4.46 billion over five years from the Highway Trust Fund for the Federal Motor Carrier Safety Administration and related programs covering commercial drivers and vehicles. That would include:
  • $2.03 billion for the Motor Carrier Safety Assistance Program.
  • $1.88 billion for FMCSA administrative expenses.
  • $300 million for the High Priority Program for motor carrier safety projects.

• **Human Trafficking:** The measure would amend the High Priority Program to include projects that address human trafficking in a commercial motor vehicle or by any driver or passenger.

• **New Grant Programs:** The measure would direct the Transportation Department to establish:
  • A grant program for states to immobilize or impound passenger-carrying commercial motor vehicles that are unsafe or fail inspection. States could also use funds to conduct safety inspections of those vehicles. A commercial motor vehicle enforcement training and support grant program.
• **Apprenticeship Pilot Program:** The measure would direct the Transportation Department to establish a driver pilot program allowing apprentices younger than 21 to drive commercial motor vehicles, with probationary periods and other restrictions. It would be limited to 3,000 apprentices at any one time and conclude in 3 years.

• **Regulatory Changes:** The measure would direct the Transportation Department to conduct rulemakings to:
  
  • Issue a new safety standard requiring new commercial motor vehicles to have automatic emergency braking systems and require the system’s use when the vehicle is in operation within two years of the bill’s enactment.
  
  • Require trailers and semitrailers to have rear impact guards that prevent passenger compartment intrusion within one year of the bill’s enactment.
  
  • Mandate, if feasible, side and rear underride guards on trailers or semitrailers within one year of the bill’s enactment.
  
  • Create a limousine crashworthiness safety standard within four years of the bill’s enactment and a limousine evacuation safety standard within two years of enactment after feasibility studies.
  
  • Provide an exemption to maximum driving times for drivers transporting livestock within a 150-mile radius.
  
  • Stipulate that restricted commercial driver’s licenses issued to farm-related workers be limited to the applicable seasons.
  
  • Limousine operators would be prohibited from introducing a vehicle into interstate commerce without displaying the most recent state and federal inspection dates and their results.
The measure would authorize $345 million over five years for the Pipeline and Hazardous Materials Safety Administration’s hazardous material safety programs. It also would reauthorize spending from the Hazardous Materials Emergency Preparedness Fund for the same period.

The measure would formally authorize the agency’s Assistance for Local Emergency Response Training (ALERT) grant program, which offers training materials for emergency responders on the transportation of hazardous materials.

Emergency Appropriations

The measure also would provide supplemental emergency appropriations over five years for safety programs, including:

- $5 billion for grants to implement “Vision Zero” plans to prevent transportation-related fatalities and serious injuries.
- $1 billion for the Pipeline and Hazardous Materials Safety Administration to upgrade natural gas distribution pipelines.
- $750 million for NHTSA crash data and $548 million for its vehicle safety and behavioral research programs.
- $622.5 million for FMCSA motor carrier safety grants.
• **ARPA-I**: An “Advanced Research Projects Agency-Infrastructure” would be established within the Transportation Department. It would support research projects that develop innovative solutions to reduce long-term costs of infrastructure development, mitigate transportation’s lifecycle effects on the environment, such as to greenhouse gas emissions, and promote resilience from physical and cyber threats.

• The measure would authorize “such sums as are necessary” for ARPA-I. The agency’s budget request and appropriations would be separate from the rest of the Transportation Department. Funds couldn’t be used build a new facility for five years after the bill’s enactment.

• **Smart Transportation**: The measure would authorize a total of $500 million over for five years for the Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program that would support demonstration projects on smart technologies that improve transportation efficiency and safety, such as autonomous vehicles and smart grids to support electric vehicles.

• **Permits & Environmental Reviews**: The measure would establish a center within the Transportation Department to improve interagency coordination and expedite projects related to permits and environmental reviews for major transportation infrastructure projects. The center could also provide technical assistance for compliance with the National Environmental Policy Act.
• **Drug-Related Research**: The Transportation Department, in consultation with federal agencies, state highway safety offices, state toxicologists, and other stakeholders, would have to submit a report to Congress with recommendations to address the barriers states face in submitting alcohol and drug toxicology results to the Fatality Analysis Reporting System, which provides nationwide data on fatal injuries related to motor vehicle crashes. The report also would have to outline how the National Highway Traffic Safety Administration would support states in improving toxicology testing and reporting of results.

• The department also would have to submit to Congress and make publicly available on its website a report with recommendations on establishing a national clearinghouse to collect and share samples of marijuana for research related to marijuana-impaired driving.

• **Travel and Tourism**: The measure would establish a chief travel and tourism officer within the Transportation Department. The officer would implement a strategy for the department and other agencies to use infrastructure investments to support the travel and tourism industry during the Covid-19 pandemic.
The measure also would provide supplemental emergency appropriations for aviation programs for fiscal 2022 through 2026, including:

• $15 billion in formula funding for Airport Improvement Program projects.

$5 billion for airport terminal development projects.

$5 billion for Federal Aviation Administration facilities and equipment, including FAA-owned contract towers.

**Multimodal & Freight Programs**

**National & Local Infrastructure:** The measure would authorize the following amounts for fiscal 2022 through 2026:

• $10 billion for grants supporting infrastructure projects with national or regional significance, including highway and bridges on national freight networks, freight rail projects with public benefits, railway-highway grade elimination, intercity passenger rail, and certain public transit projects. Lawmakers could pass a joint resolution blocking funds for selected projects.

• $7.5 billion for projects with local or regional significance, including highways, bridges, public transit, passenger rail, port infrastructure, parts of airport projects, and culvert replacement.

**Culvert Replacement:** The measure would authorize $4 billion from fiscal 2022 through 2026 for grants to remove culverts that impede the passage of fish swimming upstream.

**Other Provisions:** The measure also would:

• Establish and authorize “such sums as are necessary” for an Office of Multimodal Freight Infrastructure and Policy at the Transportation Department, headed by a presidentially appointed assistant secretary.

• Increase how much mileage states can propose adding to the national multimodal freight network established under the FAST Act. Each state could propose as much as 30% of the total mileage designated by the Transportation Department for the state, instead of 20%.

• Expand the national freight strategic plan established by the Transportation Department under the FAST Act to consider how the national freight system affects the environment and underserved communities, and how it’s affected by e-commerce.
Emergency Appropriations: The measure also would provide supplemental emergency appropriations for multimodal transportation projects over five years, including:

- $12.5 billion for Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary surface transportation grants, referred to in the bill as National Infrastructure Investments. That would include $7.5 billion for projects with significant local or regional effects and $5 billion for multimodal projects of national or regional significance.
- $1 billion for grants to remove culverts that impede the passage of fish swimming upstream.
• **State Revolving Funds:** The bill would authorize $14.7 billion from fiscal 2022 through 2026 for the Environmental Protection Agency’s [Drinking Water State Revolving Fund](#) program, which provides capitalization grants to states for loans supporting water infrastructure projects.

  - The measure would require at least 12% of such funding to be used to subsidize loans to disadvantaged communities, increased from 6% under current law, if there are enough applications for loans to those communities.

  - The measure also would permanently extend a requirement, set to expire in fiscal 2023, that projects funded through the Drinking Water SRF use only U.S.-produced iron and steel.

• **Lead Reduction:** The bill would extend an EPA grant program to support replacement of lead water lines by five years, through fiscal 2026, and increase the annual authorization to $100 million, from $60 million.

  - The measure would authorize $200 million over five years to address lead contamination in school drinking water, including through testing and remediation.

• **Small and Disadvantaged Communities:** The bill would extend the authorization for compliance assistance grants to public water systems in small and disadvantaged communities through fiscal 2026. The bill would authorize $70 million in fiscal 2022, increasing to $140 million by fiscal 2026.

  - The measure would authorize $50 million annually through fiscal 2026 for a pilot program to award competitive grants to states to implement improvements to water systems, with priority for states with a high proportion of underserved communities.

• **Leak Detection and Repair:** The measure would authorize $50 million annually through 2026 for grants for leak detection, repair, and monitoring in small public and nonprofit water systems.

  - An additional $50 million per year would be authorized for larger systems for infrastructure resilience and sustainability. Half the funds would go to systems serving populations from 10,000 to 100,000, and half would go to systems serving 100,000 or more.
• **State Revolving Funds**: The measure would authorize $14.7 billion from fiscal 2022 through 2026 for the EPA’s Clean Water State Revolving Funds program, which provides capitalization grants to states for loans supporting water quality improvement projects, through fiscal 2026.

• Under the bill, states would have to use at least 10% and as much as 30% of the capitalization grants for “additional subsidization,” such as loan forgiveness. The minimum would apply only if there are sufficient applications for assistance.

• **WIFIA**: The bill would extend the annual $50 million authorization for the Water Infrastructure Finance and Innovation Act (WIFIA) loan program through fiscal 2026.

• The bill also would reduce to one, from two, the number of opinion letters from credit rating agencies required in each application for funding.

• **Sewer Overflows**: The bill would authorize $280 million in each of fiscal 2022 through 2026 for grants to states to support municipal planning and construction of projects to address combined sewer overflows, including systems to notify the public when untreated overflows are released into waterways.

• At least 25% of the grant funding in each state would have to be allocated to projects in rural or financially distressed communities, if there are enough eligible project applications, with at least 60% of that allocation dedicated to rural areas.

• **Research Grants**: The bill would authorize $75 million per year through fiscal 2026 for research grants to address water pollution and training at water treatment works. The current $25 million-per-year authorization runs through fiscal 2023. At least $50 million per year would be for grants to nonprofits supporting small, rural, and tribal water treatment operations.
The measure also would provide $55.4 billion in supplemental emergency appropriations for EPA state and tribal assistance grants, including for capitalization grants through the Clean Water State Revolving Funds and Drinking Water State Revolving Funds. Amounts set aside for specified activities for fiscal 2022 through 2026 would include:

- $15 billion to replace lead service lines.
- $5 billion to support disadvantaged communities affected by emerging contaminants.
- $5 billion for clean and zero-emission school buses.
- $4 billion to address emerging contaminants with a focus on per- and polyfluoroalkyl substances (PFAS).

The measure would also provide $8.3 billion for the Bureau of Reclamation’s water and related resources activities, with $3.2 billion set aside for the aging infrastructure account for maintenance of bureau-owned water infrastructure.
• **Resilience Grants:** The bill would authorize $5 billion over five years for grants to stakeholders in the electricity generation and distribution sector to supplement their own efforts to improve resiliency to disruptive events including natural disasters.

  Half of the grant funding would be awarded by the Energy Department, and the other half would be distributed through states and American Indian tribes that submit distribution plans. A portion of grant funding would have to go to eligible recipients that sell 4 million megawatt hours or less of electricity per year.

• **Grid Programs:** The measure would authorize the following amounts for fiscal 2022 through 2026:
  • $5 billion for competitively awarded financial assistance to utilities to demonstrate new approaches to improve grid resilience.
  • $3 billion for a program to award grants to match investments in smart grid technologies.
  • $1 billion to improve resilience and environmental protection in rural areas.

• **Transmission Facilitation:** The bill would authorize $10 million per year through fiscal 2026, along with as much as $2.5 billion in loans from the Treasury Department, for an Energy Department program to support construction of nonfederal electric transmission lines and other facilities by entering into capacity contracts and offering loans. The department could also participate in the design, operation, and ownership of projects.
Other Grid Provisions: The bill also would:

- Provide an additional $10 billion in borrowing authority available to the Bonneville Power Administration, the federal power marketing administration in the Pacific Northwest.
- Authorize $500 million for state energy conservation planning.
- Require electric utilities to promote use of demand-response and demand flexibility practices to reduce consumption during periods of unusually high demand.
- Direct the Energy Department to consult with states and tribes at least every three years to establish electric transmission corridors of national interest.
The measure would authorize the following totals for fiscal 2022 through 2026:

- $250 million for competitive grants, cooperative agreements, and technical assistance to small, municipal, and rural utilities to prevent and respond to cyberthreats.
- $250 million to develop cybersecurity applications for the energy sector to identify and mitigate vulnerabilities and advance the security of devices and third-party systems.

The bill would direct FERC to issue rules establishing incentive-based rate treatments for public utilities that invest in advanced cybersecurity technology and participate in threat information-sharing programs.

The measure also includes language similar to House-passed measures that would promote cybersecurity in the electric grid, including:

- **H.R. 2931**, under which the Energy Department would conduct a program to promote the physical and cyber security of electric utilities.
- **H.R. 2928**, which would direct the Energy Department to establish a voluntary program to test cybersecurity products and technologies that are used in the bulk power system.
• **Batteries:** The bill would authorize $3 billion over five years for grants through the Energy Department's Office of Fossil Energy for demonstration projects to process battery materials and for constructing or retrofitting processing facilities.

• An additional $3 billion over five years would be authorized for Office of Energy Efficiency and Renewable Energy grants for similar activities related to manufacturing and recycling batteries.

• The legislation would also authorize the following totals for fiscal 2022 through 2026:
  • $750 million for grants supporting manufacturing and recycling of advanced and low-carbon energy materials and retrofitting industrial facilities to reduce emissions.
  • $200 million for a grant program to support research and development of recycling and reuse applications for electric vehicle batteries.

• **USGS Mineral Mapping:** The bill would authorize $320 million over five years for a U.S. Geological Survey initiative to improve mapping of critical minerals by integrating several sources of surface and subsurface mapping and data.

• **Critical Mineral Extraction & Resource Mapping:** The measure would authorize $140 million in fiscal 2022 for the Energy Department, working with an academic partner, to design and build a facility to demonstrate the commercial feasibility of an integrated rare earth element extraction facility and refinery.

• The measure would also authorize $320 million over five years for an “Earth Mapping Initiative” that would include information relating to the location of critical mineral resources, mine waste, and geothermal resources, among other things.
The bill would authorize $3.5 billion over five years for Energy Department financial support for projects that help develop four regional hubs to capture carbon dioxide from the atmosphere and transport, store, and use it.

The measure would create a “carbon dioxide transportation infrastructure finance and innovation” or CIFIA program to leverage federal funding to make loan guarantees and secured loans supporting large projects for infrastructure to transport carbon dioxide. It would authorize $600 million per year in fiscal 2022 and 2023 and $300 million each year afterward through fiscal 2026.

The measure would direct the Interior Department to adopt rules to allow for leases of offshore areas to be used to inject captured carbon dioxide below the seafloor for long-term sequestration.
• **Hydrogen:** The bill would authorize $8 billion over five years to support hydrogen fuel production from different sources, use of hydrogen for electricity and industrial processes, and hydrogen fuel transportation. The Energy Department would establish at least four regional clean hydrogen hubs that locate clean hydrogen producers, users, and transport infrastructure near one another.

• The measure would also authorize $1 billion over five years for a research, demonstration, and commercialization program aimed at reducing the cost of hydrogen produced from electrolysis to less than $2 per kilogram of hydrogen by 2026.

• **Nuclear Credit Program:** The bill would authorize $6 billion from fiscal 2022 through 2026 for an Energy Department civil nuclear credit program to support reactors projected to cease operations because of economic factors. Credits would be provided for a commitment to generate a specific amount of power over a four-year period. No credits could be issued after Sept. 30, 2031.
**Energy Efficiency**

- **Revolving Loan Fund:** The bill would authorize $250 million for fiscal 2022 to create an Energy Efficiency Revolving Loan Fund Capitalization Grant Program for states to conduct energy audits and energy upgrades or retrofit projects.

- **School Improvements:** The measure would authorize $500 million over five years for a grant program for schools to make improvements that reduce energy costs, improve health and indoor air quality, or involve renewable energy technologies or alternative fueled vehicles.

**Abandoned Mines**

- The bill would authorize $11.3 billion for the Abandoned Mine Land Reclamation Fund for fiscal 2022, which would be available until expended. The funding would be used to provide grants to states and tribes for reclamation projects.

- The measure would reduce abandoned mine reclamation fees to 22.4 cents per ton of coal produced by surface mining, 9.6 cents for underground mining, and 6.4 cents for lignite coal. It would extend the fees through until Sept. 30, 2034, from 2021 and distributions from the fund until fiscal 2036.

- The measure would also authorize $3 billion to establish a program in the Interior Department to remediate abandoned hardrock mines and address hazardous substance releases. Half of the funds would be for grants to States and tribes and half would be for Interior Department activities on federal land.
The measure would increase authorizations for existing Energy Department research and demonstration projects, including:

- $3.21 billion over six years for advanced nuclear reactor demonstrations.
- $2.54 billion over four years for demonstration projects related to carbon capture at coal- and natural gas-fired operations, and an additional $937 million over four years for large-scale carbon capture pilot projects.
- $600 million over four years to develop alternatives to critical minerals and their sources, including through recycling.

- **Western Water:** The bill would authorize $3.2 billion for aging infrastructure rehabilitation, of which $100 million would be reserved for Bureau of Reclamation facilities that have suffered critical failures. It would also authorize $1.2 billion for water storage and conveyance projects, $1 billion for rural water projects authorized before July 1, $1 billion for water recycling and reuse initiatives, and $500 million for dam safety.

- **Wildfire Mitigation:** The measure would authorize $3.37 billion from fiscal 2022 through 2026 for wildfire risk reduction, including to use National Oceanic and Atmospheric Administration satellites; acquire radio equipment; remove flammable vegetation; and provide financial assistance to states, local governments, and tribes for wildfire mitigation activities.
Energy Infrastructure
Other Authorizations

• **Mitigation**: The measure would authorize $3.37 billion from fiscal 2022 through 2026 for wildfire risk reduction, including to use National Oceanic and Atmospheric Administration satellites; acquire radio equipment; remove flammable vegetation; and provide financial assistance to states, local governments, and tribes for wildfire mitigation activities.

• **Ecosystem Restoration**: The Interior and Agriculture departments would be authorized to receive $2.13 billion over five years for ecosystem restoration activities.

• **Energy Department Loans**: The measure would allow loans for projects that increase domestic production of critical minerals under the Energy Department’s Innovative Energy Loan Guarantee Program. It also would expand the list vehicles eligible for loans under the Advanced Technology Vehicle Manufacturing Program, including medium and heavy duty vehicles, aircraft, and hyperloop technology.

• The bill would also provide loan guarantees for some natural gas transportation projects in Alaska.
• **Use of Covid-19 Funds**: The measure would allow states to use Covid-19 fiscal recovery funds to satisfy nonfederal matching requirements for Bureau of Reclamation water projects.

• **Prevailing Wage Requirements**: The measure includes language to require all workers on projects funded under the bill’s energy division to be paid locally prevailing wages.
The measure also would provide supplemental emergency appropriations for Energy Department programs for fiscal 2022 through 2026, including:

- $21.5 billion for the department’s Office of Clean Energy Demonstrations, with $8 billion set aside for regional clean hydrogen hubs and $5 billion for electric grid grants.

- $16.3 billion for energy efficiency and renewable energy activities, with funds set aside each for battery grants and other programs that the measure would authorize.

- $8.1 billion for the department’s Office of Electricity, with $5 billion set aside for grants to prevent outages and enhance electric grid resilience.

- $7.5 billion for the Office of Fossil Energy and Carbon Management, with $3.5 billion set aside to develop regional direct air capture hubs.

- $6 billion to carry out the Civil Nuclear Credit Program.

Emergency funding for Interior Department programs would include:

- $11.3 billion for the Abandoned Mine Reclamation Fund.

- $4.68 billion to carry out orphaned well site plugging and restoration.
Connectivity Grants: The bill would authorize $42.5 billion for a Broadband Equity, Access, and Deployment Program within the Commerce Department that would provide grants to increase connectivity to underserved and high-cost areas.

- The measure would provide a minimum of $100 million to each state, Washington, D.C., and certain territories. Remaining funds would be allocated using a formula based on the number of underserved or high-cost areas within a potential grantee’s jurisdiction relative to the number across the U.S.
- Grantees could provide subgrants for service projects, connecting “anchor institutions” such as a library or school, providing internet-capable devices, or other projects that further the goal of increasing connectivity. Recipients would generally be required to provide a 25% match, which could be reduced or waived and could come from Covid-19 relief funds, among other sources.

Digital Equity Grants: The measure includes several programs to increase “digital equity” to ensure that communities and populations “have the information technology capacity that is needed for full participation in the society and economy of the United States.” It also would call for “digital inclusion” that ensures access to and use of affordable and reliable fixed and wireless broadband and internet-connected devices with awareness of privacy and cybersecurity, as well as digital literacy that includes knowledge of how to find, evaluate, and create content.

- It would create a State Digital Equity Capacity Grant Program and authorize:
  - $60 million for grants to states to develop digital equity plans.
  - $1.44 billion from 2022 through 2026 for capacity grants to states to implement their plans.

The measure would also authorize $1.25 billion over five years for a Digital Equity Competitive Grant Program to support state, local, and tribal governments, as well as nonprofits or private entities that aren't responsible for carrying out the state program.

The measure would authorize such sums as necessary for the five years after the initial authorization for the initiatives.
‘Middle Mile’ Grants: The measure would authorize $1 billion over five years for grants to support the construction, improvement, or acquisition of “middle-mile” projects that connect network infrastructure to limit single points of failure. Middle mile refers to utility connections that don’t link a producer or service provider to an end-user.

Affordable Internet Program: The measure would direct the Federal Communications Commission to issue rules to extend the emergency broadband benefit enacted under the fiscal 2021 omnibus spending law (Public Law 116-260). Under the measure, a purchaser could apply the benefit to any internet service.

Digital Discrimination: The FCC would have to adopt rules to facilitate equal access to broadband internet services within two years of the measure’s enactment. The rules would bar discrimination based on an area’s income level, the predominant race or ethnic groups in an area, and any other factors deemed relevant by the commission.

Emergency Appropriations: The measure would provide supplemental emergency Appropriations for broadband programs, including the following amounts over five years:

- $42.5 billion for National Telecommunications and Information Administration (NTIA) grants to states, territories, and the District of Columbia for broadband deployment.
- $14.2 billion for a renamed Affordable Connectivity Program, through which the Federal Communications Commission reimburses broadband service providers for discounts to eligible households. The maximum monthly subsidy would be reduced to $30 from $50.
- $2.75 billion for NTIA grant programs to promote digital inclusion and equity for underserved communities.
- $2 billion for rural broadband loans and grants through the Agriculture Department.
- $2 billion for the Tribal Broadband Connectivity Program.
- $1 billion for NTIA grants to construct “middle-mile” broadband infrastructure.
• **Cyber Response and Recovery Fund:** The measure would authorize $140 million from fiscal 2022 through 2028, and appropriate $100 million, to create a Cyber Response and Recovery Fund.

• The fund would be used to provide grants, technical assistance, and other support to federal, state, local, and tribal entities for significant cybersecurity incidents.

• Amounts in the fund, which would include direct appropriations and reimbursements from federal agencies allowed in advance by appropriations measures, would be in addition to other appropriated funding for the Cybersecurity and Infrastructure Security Agency.

• **Significant Cybersecurity Incidents:** The Homeland Security secretary could make a declaration in the event of a significant cyber incident or an imminent incident, or when available resources are insufficient for an effective response.

• After making a declaration, the Homeland Security Department would coordinate a response effort with federal agencies, law enforcement, and public and private entities.

• A declaration would terminate at the discretion of the department or 120 days after the declaration is made. The secretary could renew the declaration. This authority would expire seven years after the bill’s enactment.
Cybersecurity Grants: The measure would authorize $1 billion from fiscal 2022 through 2025 to create a grant program to help states and tribal governments address cybersecurity threats. DHS could also award grants to multistate or tribal government groups.

Eligible entities would have to develop a cybersecurity plan that would provide details on existing strategies to mitigate risks and enhance information system resilience, among other requirements.

Grant funding would be used to implement or revise plans, pay administrative expenses, or assist with other activities to address imminent cybersecurity threats.

The department would have to allocate 3% of grant funding to tribal governments; 1% to each state, Puerto Rico and Washington, D.C., and 0.25% each for American Samoa, Guan, the Northern Mariana Islands, and the U.S. Virgin Islands. Of the remaining amounts 50% would be split between states based on their overall population and 50% based on their rural population compared to that of other states.

The federal share of the cost of an activity supported by the grant program couldn’t be more than 90% in fiscal 2022, decreasing to 60% in fiscal 2025. The federal share for multi-entity projects would be 100% in fiscal 2022, decreasing to 70% by fiscal 2025. The department could waive the matching requirement for any recipient if an entity demonstrates economic hardship. The department could waive or modify the cost-share requirement for tribal governments if it is in the public interest.
• **Buy America Preference:** The bill would require the iron, steel, manufactured products, and construction materials used in infrastructure projects to be produced in the U.S. Cement and aggregates such as stone, sand, and gravel, wouldn’t be covered.

• The bill would permit waivers to the “Buy America” preference, including if there were insufficient supplies or meeting the requirement would increase costs by more than 25%.

• The bill would require publication of any waivers on a publicly available website and require review of waivers every five years for waivers granted 180 days before the legislation’s enactment.

• **Federal Agency Duties:** The measure would direct the head of each federal agency to report to Congress and the Office of Management and Budget on all its infrastructure financial assistance programs, applicable domestic content requirements, waivers to those requirements, projects receiving funding, and any projects that aren’t meeting requirements.

• **OMB Documents:** The measure would direct OMB to issue:
  - Regulations that standardize and simplify Buy American Act compliance, reporting, and enforcement.
  - Materials to help with new “Buy America” preferences and reporting requirements under the bill.
  - Guidelines for minimizing waivers that could reduce employment or inadvertently use dumped or subsidized foreign goods.
• **End Product Definition:** Within a year of enactment, the Federal Acquisition Regulatory Council would have to amend the definition of “end product manufactured in the United States” to ensure all processes involved in the production occur in the U.S. The bill would express the sense of Congress that the domestic content requirement should generally be 75%, or 60% if there aren’t qualifying offers.

• **New Office:** OMB would be directed to establish the “Made in America Office” to enforce compliance with domestic content statutes, review waiver requests, review reciprocal defense agreements with foreign governments, and report the percentage of federal procurements made in the U.S.

• **Website:** The measure would also require the General Services Administration to create a “Buyamerican.gov” website or repurpose an existing one. It would be used to publish all information on waivers or exemptions to Buy American laws, audits, and contract violations. The GSA would have to create a mechanism for collecting information on waiver requests to provide an early notice on the website.

• **PPE Contract Requirements:** Any contracts for personal protective equipment (PPE) awarded by the Homeland Security, Health and Human Services, or Veterans Affairs departments would have to last at least two years and require the products to be made in the U.S., except in limited circumstances.

• The bill would also allow the transfer of excess PPE or medical equipment from HHS during a public health emergency and allow for the sale of drugs, vaccines, medical devices, or other supplies from the Strategic National Stockpile.
• **Clean School Buses and Ferries:** The measure would authorize $5 billion over five years for the Environmental Protection Agency to award grants and rebates to replace school buses with zero-emission buses or buses that the EPA certifies reduces emissions and use alternative fuels.

• Grant recipients would include state and local government agencies, contractors, or nonprofit school transportation associations. The EPA would prioritize applicants from school districts that serve a high percentage of children from low-income families.

• The measure also would authorize the following amounts over five years:

  • $1 billion for the Transportation Department to establish a program to provide funding to states to ensure basic essential ferry service in rural areas.

  • $250 million for the

• **EPA Recycling Programs:** The measure would authorize the following amounts for Environmental Protection Agency grant programs:

  • $75 million over five years for a new grant program to improve residential and community recycling programs through public outreach. At least 20% of funds would be for low-income communities, rural areas, and American Indian communities. States, local governments, American Indian tribes, Native Hawaiian organizations, and the Hawaiian Home Lands Department would be eligible for the program.

  • $15 million in fiscal 2022 for a program to reduce battery waste by increasing accessibility to battery collection locations, developing voluntary labeling guidelines and other materials about recycling batteries, and reducing safety concerns related to improper battery disposal.
• **Reforestation Activities**: The measure would remove a $30 million cap on the amount that can be transferred each year to the Reforestation Trust Fund, which is used to pay for reforestation and other activities to enhance forest health and reduce hazardous fuel loads. Money for the fund comes from tariffs on wood products.

• The measure also would direct the Agriculture Department to create a 10-year plan for addressing its backlog of replanting needs on national forest land and would set 2030 as the target year for reducing the national forest reforestation backlog.

• **Wildfire Commission**: The Interior, Agriculture, and Homeland Security departments would have to establish a commission to study and make recommendations regarding federal policies to prevent, mitigate, and suppress wildfires and to rehabilitate land devastated by wildfires. It would terminate 180 days after submitting reports on mitigating and managing wildfires, in addition to a report on aerial wildland firefighting equipment strategy and inventory assessment.

• **Infrastructure Assets**: The Transportation Department would have to establish a program to provide grants to help increase the technical capacity of state and local governments to evaluate partnerships with private sector entities that could assume a greater role in infrastructure-related projects, including through “asset concessions.”

• The department would have to ensure that asset concessions—in which private or publicly chartered entities enter into a contract to own, control, or maintain a transportation asset—don’t:
  • Prohibit state and local governments from constructing new infrastructure or providing transportation services.
  • Result in displacement, job loss, or wage reduction for the existing public workforce.
  • Increase costs to households earning less than $400,000 annually, including through taxes, user fees, or tolls.

• The measure would authorize the transfer of $20 million each year from fiscal 2022 through 2026 from the general fund of the Treasury to the department to carry out the grant program.
**Additional Emergency Appropriations**

- **Army Corps:** The measure would provide $11.6 billion for Army Corps construction, including $2.55 billion for coastal and hurricane-related projects and $2.5 billion for inland waterway projects.
- The Corps would receive another $4 billion for operations and maintenance.
- **FEMA:** The measure would provide the following amounts for programs run by the Federal Emergency Management Agency:
  - $3.5 billion for the National Flood Insurance Fund for flood mitigation assistance.
  - $2.23 billion for federal assistance programs, including $1 billion for grants to help state, local, tribal, and territorial governments upgrade their cybersecurity and critical infrastructure.
  - $1 billion for the Disaster Relief Fund to be used for predisaster hazard mitigation assistance under FEMA’s renamed Building Resilient Infrastructure and Communities program.
- **Environment:** The EPA’s Hazardous Substance Superfund would receive $3.5 billion from its trust fund and as much as $3.5 billion from general revenues for remedial activities.
- The agency also would receive $1.96 billion for environmental programs and management.
- **Indian Health Service:** The measure would provide $3.5 billion for the Indian Health Service.
- **Border Facilities:** The measure would provide $3.42 billion through the General Services Administration to build and repair Customs and Border Protection stations and land ports-of-entry.
- **Forests and Wildfires:** The Agriculture Department’s U.S. Forest Service would receive $2.85 billion for the national forest system and $1.53 billion for state and private forestry. The Interior Department would receive $1.46 billion for wildland fire management.
- **NOAA:** The measure would provide $2.61 billion to the National Oceanic and Atmospheric Administration for grants, mapping and forecasting, and other activities.
- **MARAD:** The measure would provide $2.25 billion for the Maritime Administration’s port infrastructure development program.
- Eligible projects would be expanded to include those that make ports more resilient to rising sea levels, extreme weather, earthquakes, and tsunamis, as well as those that reduce port-related greenhouse gas emissions.
The measure would extend required cuts to mandatory spending, known as sequestration, for one year, through fiscal 2031. It also would extend the 2% cap on sequestration from Medicare programs through fiscal 2031, at which point the cap would be increased to 4% for the first six months of the year and decreased to zero for the second half.

**Drug Changes**

- The measure would bar the Health and Human Services Department from implementing or enforcing a November 2020 final rule related to drug rebates before Jan. 1, 2026. The rule generally prohibits plan sponsors under Medicare Part D or pharmacy benefit managers from receiving pharmaceutical manufacturers' rebates.
- HHS would conduct periodic audits of the manufacturers and of claims submitted by providers. It could impose civil monetary penalties on drugmakers that don't comply with the refund requirement.
- Beginning on Jan. 1, 2023, the measure also would require drugmakers to provide refunds to HHS based on the amount of Medicare Part B single-use drugs that were unused or discarded each quarter. Amounts would be deposited into the Federal Supplementary Medical Insurance Trust Fund.
The measure also would:

• Rescind a total of $41.8 billion in unobligated coronavirus relief funds.
• Direct the Energy Department to draw down and sell a maximum of $6.1 billion in crude oil from the Strategic Petroleum Reserve from fiscal 2028 through 2031.
• Extend guarantee fees to 2032, from 2021, for government-sponsored enterprises.
• Beginning Nov. 30, 2024, direct the Federal Communications Commission to start a system of competitive bidding to grant new licenses for certain spectrum frequencies. The authority would expire seven years after enactment.
• The measure also includes a findings section that estimates $53 billion in savings from unused pandemic-related unemployment insurance funds.
Revenue Provisions

- **Highway Taxes:** The measure would extend several highway-related taxes, including taxes on fuel for buses, alcohol fuels, and aviation fuels, through Sept. 30, 2028. Taxes on the use of motor vehicles weighing at least 55,000 pounds would be extended to Oct. 1, 2029.

- **Cryptocurrency Reporting:** The measure would require brokers to report certain transactions of digital assets to the Internal Revenue Service (IRS), beginning in 2023.

- It also would require businesses to report cryptocurrency transactions of more than $10,000, which is the current threshold for cash transactions subject to IRS reporting requirements.

- **Other Provisions:** The measure also would:
  - Terminate the employee retention credit on Oct. 1. It was established under Public Law 116-136 and was expanded through Dec. 31 under Public Law 117-2.
  - Increase the cap on tax-exempt bonds issued to $30 billion, from $15 billion, for certain highway or surface freight transfer facility projects. It also would exempt 75% of bonds issued for qualified broadband projects and carbon dioxide capture facilities from the cap.
  - Double the per-ton tax on sales of about 40 chemicals. The taxes would range from $0.44 to $9.74 per ton. Covered chemicals would include acetylene, benzene, butane, ethylene, and methane, among others. Substances with more than 20% of a taxable chemical would be subject to tax, instead of 50%. The taxes would effectively terminate after 2031.
  - Extend through Sept. 30, 2031, user fees for certain custom services related to commercial vessels and trucks, as well as passenger and freight rail.
  - Extend higher interest rates used to calculate pension fund liabilities, known as “pension smoothing” as well as the phase downs by five years.
Thank you