CITY OF
LONG BEACH

Memorandum

Date: November 22, 2021

To: Mayor and Members of the City Council

From: Thomas B. Modica, City Manager

Subject: **Bipartisan Infrastructure Legislation Update**

On November 15, 2021, President Biden signed the Bipartisan Infrastructure Investment and Jobs Act (Bipartisan Act), which will invest $1.2 trillion over eight years in physical infrastructure. The bill passed the Senate on August 10, 2021, and after months of extensive negotiations on a companion social infrastructure package, the House approved the Bipartisan Act on November 5, 2021.

The legislation reauthorizes surface transportation and water infrastructure programs over the next five years and provides $550 billion in new spending for roads and highways, bridges, public transit, rail, water, traffic safety, broadband, energy resiliency, and more.

Attached for your information is an executive summary memorandum (Attachment A) and a legislative analysis presentation (Attachment B) from the City of Long Beach (City) federal advocacy representative, Dentons, which outlines the main funding categories and opportunities in the Bipartisan Act. The legislation funds roughly 100 programs, which consist predominantly of State apportionments, formula and discretionary grants, and competitive grants for which the City can apply.

Over the coming months, City staff will continue to prepare for funding and grant opportunities made available through the Bipartisan Act as federal agencies shift their focus to program development and implementation. Throughout this year, the Public Works Department has coordinated across City departments to create an initial list of proposed infrastructure projects and needs in the short-, medium-, and long-term, which was presented to City Council during a study session on September 7, 2021. The Citywide Grants Coordination Committee has also begun identifying strategies to leverage federal infrastructure investments across departments, and the Long Beach Recovery Office has convened an interdepartmental infrastructure working group to develop a Citywide approach to ensure the City is well-positioned for funding when it becomes available. A report on potential priorities for infrastructure and how they line up with available funding is expected to be ready in early January.

Alongside the Bipartisan Act, Congress has been negotiating a larger social infrastructure package through the reconciliation process, which would not require bipartisan support in order to pass Congress. On October 28, 2021, President Biden released the Build Back Better Framework to invest $1.75 trillion in infrastructure—over and above the funding approved in the Bipartisan Act. On November 19, 2021, the House passed their version of the social infrastructure legislation, and the Senate is expected to revise the proposal in the coming weeks. Together, the two proposals would fund nearly $3 trillion for infrastructure over the next decade.

Staff will continue to provide updates regarding the funding opportunities in the Bipartisan Act and the negotiations on the companion social infrastructure package as information becomes 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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ATTACHMENT A

MEMORANDUM

To: Tom Modica, City Manager

From: Darry Sragow and John R. Russell IV

Date: November 10, 2021

Subject: IIJA Executive Summary

The House passed the biggest U.S. infrastructure package in decades, marking a victory for President Joe Biden and unleashing $550 billion of fresh spending on roads, bridges, public transit and other projects in coming years.

Surface transportation programs would be reauthorized for five years, through fiscal 2026, while additional funding would be authorized for energy, water, and broadband infrastructure, under the Infrastructure Investment and Jobs Act.

The legislation—which would increase spending on infrastructure by $550 billion over five years—would extend highway, safety, transit, rail, and research programs that are typically included in surface transportation reauthorizations and are operating under a short-term extension through Dec. 3.

It also includes provisions to address climate change, codify parts of a Trump-era policy on environmental reviews, impose domestic content requirements, authorize programs to enhance the electric grid and replace lead pipes, and appropriate $445.9 billion in emergency funds.

The measure includes provisions to offset some of the spending, such as extending the annual sequestration of mandatory funding, blocking a drug rebate rule that hasn't taken effect, selling oil from the Strategic Petroleum Reserve, and requiring transactions of digital assets such as cryptocurrency to be reported to the IRS.

Below is a summary of the provisions.

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HIGHWAYS

Highway Trust Fund: The Highway Trust Fund (HTF), which funds most major highway programs, could become insolvent as soon as the 2022 calendar year, according to estimates from the Congressional Budget Office and the Transportation Department.

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:

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

Climate Change & Alternative Vehicles

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.

Regulatory Processes

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.

The Transportation Department would have to establish a performance accountability system to track each major project.

The department would also have to provide other relevant agencies with a list of categorical exclusions under the National Environmental Policy Act that are applicable to highway projects and that would accelerate project delivery if available to those agencies. The agencies would initiate rulemakings to adopt them.

User Fees

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.

Other Provisions

The measure also would:

- 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.
- Direct public entities in public-private partnerships that cost $100 million or more to review the private entity's compliance with the terms of their agreement within three years of when the project opens to traffic.
- 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.
- Authorize $1 billion through fiscal 2026 for the Appalachian Regional Commission, which funds economic development projects.
- Reauthorize the State Infrastructure Bank Program through fiscal 2026.
- Direct the Transportation Department, in coordination with state transportation agencies, to carry out a study to determine the direct costs of highway use by various types of users. The Transportation and Treasury departments would have to submit recommendations to Congress on revenue options to fully recover those costs, including changes to existing revenue streams and new ones based on user fees.

Emergency Appropriations

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.

PUBLIC TRANSIT

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

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.

Capital Investment Grants

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.

Emergency Appropriations

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.

RAIL

Amtrak Grants

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.

Other Rail Grants

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.

Foreign Freight Car Ban

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.

Safety and Other Provisions

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.

Railroad Improvement Financing

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.

Emergency Appropriations

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.

SAFETY

Highway Traffic Safety

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.

Vehicle Safety

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.

Motor Carrier Safety

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.

Limousines: The measure would:

- Require limousines to have lap and shoulder belts for each designated seating position and to meet minimum safety standards for seat strength. The rules would apply to limo manufacturers modifying used vehicles.
- Create a limousine crashworthiness safety standard within four years of the bill's enactment and a limo evacuation safety standard within two years of enactment after feasibility studies.
- Prohibit limousine operators from introducing a vehicle into interstate commerce without displaying the most recent state and federal inspection dates and their results.

Other 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.
- 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.

Hazardous Materials

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.

RESEARCH & INNOVATION

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.

AVIATION

Emergency Appropriations

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.

WATER INFRASTRUCTURE

Drinking Water

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.

Clean Water Infrastructure

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.

Emergency Appropriations

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.

ENERGY INFRASTRUCTURE

Electric Grid Security

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.

Energy Cybersecurity

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.

Clean Energy Supply Chains

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.

Carbon Capture Infrastructure

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.

Other Fuels Infrastructure

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.

Other Authorizations

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.

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.

Emergency Appropriations

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.

BROADBAND

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.

CYBERSECURITY

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.

DOMESTIC CONTENT PROVISIONS

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.

OTHER PROVISIONS

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 department to establish a pilot program to provide grants to purchase electric or low-emission ferries.

Minority Businesses: The measure would authorize $550 million over five years for the Commerce Department's Minority Business Development Agency (MBDA) and related activities, including:

- The agency's "MBDA Business Center Program," which would award assistance of at least $250,000 to eligible entities to operate centers that support minority businesses in accessing capital, contracts, and grants and creating jobs. The agency could also establish MBDA Rural Business Centers.
- Grants to nonprofit organizations that have annual budgets less than $1 million and support minority businesses.
- Grants to higher education institutions to develop entrepreneurship curricula.
- A council consisting of members from the government and the private sector to advise the agency on measures to better support such businesses. The council would terminate five years after enactment.

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.

OFFSETS

Mandatory Sequestration

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.

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.

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.

Other Provisions

The measure also would:

- Rescind a total of $41.8 billion in unobligated coronavirus relief funds.
- Direct the Energy Department to drawn 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 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.

The cryptocurrency provisions were estimated to generate $28 billion in revenue over 10 years.

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. 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.

JR:

Attachment B

INFRASTRUCTURE & INVESTMENT JOBS ACT

Legislative Analysis

HIGHWAYS, ROADS & BRIDGES

Highways, Roads & Bridges

AUTHORIZES HIGHWAY TRUST FUND (HTF) CONTRACT AUTHORITY FOR HIGHWAYS, ROADS AND BRIDGES FOR FY 2022 THROUGH FY 2026

$273.15 BILLION OVER FIVE YEARS

Contract authority is authorized at the following levels over five fiscal years:

- **FY 2022:** $52.49 billion
- **FY 2023:** $53.54 billion
- **FY 2024:** $54.61 billion
- **FY 2025:** $55.70 billion
- **FY 2026:** $56.81 billion

Funds will be apportioned to states through nine federal-aid highway formula programs, including two new programs:

PROGRAM	5-YEAR TOTAL
Carbon Reduction Program – NEW	$6.41 billion
Congestion Mitigation and Air Quality Improvement Program	$13.2 billion
Highway Safety Improvement Program	$15.56 billion
Metropolitan Planning	$2.28 billion
National Highway Freight Program	$7.15 billion
National Highway Performance Program	$148 billion
Promoting Resilient Operations for Transformative, Efficient and Cost Saving Transportation (PROTECT) Program – NEW	$7.30 billion
Railway-Highway Crossing Program	$1.23 billion
Surface Transportation Block Grant Program	$72 billion (before TAP)

MAKES CHANGES TO THE SURFACE TRANSPORTATION BLOCK GRANT (STBG)

$72 BILLION OVER FIVE YEARS

- **Increases the off-system bridge set-aside | $5.18 billion over five years**
  The set-aside will increase from 15 percent to 20 percent of a state's FY 2009 share of the no-longer-existent Highway Bridge Program, resulting in an increase of $258 million annually from current law. Low-water crossings will become eligible.
- **Establishes a fourth population band for sub-allocations.** A fourth population band for communities between 50,000 and 200,000 will be created, ensuring greater equity within the program for communities of different sizes.
- **Creates new eligibilities.** New projects will become eligible for STBG funds, including the:
  - Installation of electric vehicle (EV) charging infrastructure
  - Installation of measures to protect a transportation facility from cyber threats
  - Projects to increase tourism
  - Wildlife collisions mitigation
  - Resiliency improvements

Makes changes to the Surface Transportation Block Grant (STBG) cont.

- **Increases threshold for the STBG Special Rule.** The population threshold for eligibility under the STBG Special Rule will increase from 5,000 to 50,000 and make rural minor collectors on rural roads and critical rural freight corridors eligible for funding under the rule.
- **Increases funding for the Transportation Alternatives Program (TAP) | $7.2 billion over five years.**
  Funding for TAP will increase by becoming 10 percent of the entire STBGP before other set-asides. The percentage states are required to sub-allocate to local governments based on population increases from 50 to 59 percent, and an option is available for states to sub-allocate up to 100 percent.

ESTABLISHES NEW NATIONAL INFRASTRUCTURE PROJECT ASSISTANCE GRANTS

- **$15 BILLION OVER FIVE YEARS**

Counties can apply directly to USDOT for these competitive funds to assist with a number of eligible projects, including:

- Highway and bridge projects
- At-grade rail crossings
- Intercity passenger rail systems
- Public transit

Above projects may also be bundled if total costs can reasonably be expected to exceed $500 million. Projects of regional and national significance that also provide public benefit will be given priority in award selection.

SIGNIFICANTLY INCREASES THE CAP ON STATE INCENTIVE PAYMENTS TO LOCAL GOVERNMENTS TO ADDRESS AT-GRADE CROSSINGS

The cap established by the Section 130 program will increase from $7,500 to $100,000. The federal cost share will also increase to 100 percent for projects eliminating at-grade rail-highway crossings.

INCREASES FUNDING FOR THE NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS (INFRA) GRANT PROGRAM

$8 BILLION OVER FIVE YEARS

The bill will appropriate $3.2 billion over five years, in addition to authorizing $4.8 billion in Highway Trust Fund contract authority. Thirty percent of the funds are be reserved for small projects in rural areas, and the federal share for those projects will increase from 60 to 80 percent.

CREATES NEW BRIDGE INVESTMENT PROGRAM (BIP)

- $40 BILLION OVER FIVE YEARS ($27.5 BILLION FORMULA | $12.51 BILLION COMPETITIVE)

Counties own 38 percent of the National Bridge Inventory, more than any other level of government.

- Reducing the number of bridges already in poor condition or those that are in fair condition but are at risk of falling into poor condition in the next three years
- Reducing the number of bridges and the amount of individual vehicle miles traveled (VMT) over bridges in poor or vulnerable condition, as well the VMT over bridges that do not meet current design standards or that have weight restrictions

The federal share for projects is no more than 50 percent for large projects (defined as those costing more than $100 million) and no more than 80 percent for any other project. Off-system bridges are eligible.

While states will receive the BIP formula funds, the bill will create a 15 percent set-aside within the program to address off-system bridges, much like STBG.

CREATES NEW RECONNECTING COMMUNITIES PILOT PROGRAM

$1 BILLION OVER FIVE YEARS

- **Planning Grants | $150 million over five years.** Counties can apply directly to USDOT for planning funds to carry out feasibility studies on the impact of removing or mitigating physical infrastructure barriers, including within communities, to improve accessibility and facilitate economic development at an 80 percent federal share. Applications will be evaluated on criteria including the age of the facility, its impact on accessibility and its current role in meeting traffic demands.
- **Capital Construction Grants | $350 million over five years.** USDOT will make awards to the owner of an eligible facility, including at-grade crossings, limited access highways, viaducts and other principal arterial facilities acting as a barrier. The facility owner could partner with a county to carry out eligible projects, including the removal, retrofit or mitigation of an eligible facility and the replacement of an existing facility with a new facility that restores connectivity.

ESTABLISHES A NEW WILDLIFE CROSSINGS PILOT PROGRAM

$350 MILLION OVER FIVE YEARS

Counties can apply directly to USDOT for this new competitive grant program to carry out eligible projects that reduce collisions and/or improve habitat connectivity.

CODIFIES THE RURAL OPPORTUNITIES TO USE TRANSPORTATION FOR ECONOMIC SUCCESS (ROUTES) COUNCIL

- ROUTES, an initiative of the previous administration, seeks to address disparities in rural transportation. Under IIJA, USDOT is required to create an internal ROUTES Council tasked with providing technical assistance to rural areas for grant applications, researching and developing strategies to resolve rural transportation issues; and gathering information from stakeholders.

ADDRESSES THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD)

- **Allows counties to determine local roadway design.** The MUTCD will be updated to remove the requirement that local roads must be built to state standards, allowing for counties and other local governments to use the FHWA-approved roadway design of their choice. The IIJA also creates new standards to facilitate the rollout of EV charging stations.
- **Requires USDOT to update the MUTCD.** The required update will provide for the protection of vulnerable road users, testing and integrating automated vehicle technology, the installation of electronic traffic. It also incorporates recommendations issued by the National Committee on Uniform Traffic Control Devices that have not yet been incorporated.

CREATES A NEW COMPETITIVE GRANT PROGRAM TO ADDRESS THREATS TO PEDESTRIANS

$25 MILLION OVER FIVE YEARS

- Counties can apply directly to USDOT for funds for bollard installation, defined as a "project to install raised concrete or other metal posts on a sidewalk adjacent to a roadway to are designed to slow or stop a vehicle." The federal share is up to 100 percent.

ESTABLISHES A NEW RURAL SURFACE TRANSPORTATION GRANT PROGRAM

$2 BILLION OVER FIVE YEARS

A rural area is defined as "an area outside an urbanized area with a population over 200,000." Eligible counties can apply directly to USDOT for these funds to carry out a wide variety of highway and bridge projects that increase connectivity, improve safety, and facilitate the movement of goods and people at a federal cost share of 80 percent. Counties can also bundle projects.

FY 2022	FY 2023	FY 2024	FY 2025	FY 2026
$300 million	$350 million	$400 million	$450 million	$500 million

ESTABLISHES NEW CRITERIA FOR METROPOLITAN PLANNING ORGANIZATIONS (MPOS) TO CONSIDER WHEN DESIGNATING COUNTY AND OTHER LOCAL REPRESENTATIVES

- MPOs will be required to consider the equitable and proportional representation of the population of the metropolitan area when designating officials or representatives. This section will also enhance coordination among MPOs designated within the same area.

ADDRESSES THE APPALACHIAN REGIONAL COMMISSION AND THE DENALI COMMISSION

The number of **Applachian Regional Commission** (ARC) counties increase, and the ARC will become eligible for new funding initiatives to provide technical assistance, make grants and facilitate projects to deploy broadband and improve energy and economic resilience, including the:

- **High-Speed Broadband Deployment Initiative | $100 million over five years**
- **Appalachian Regional Energy Hub Initiative | $25 million over five years**

The bill also clarifies that any funds transferred to Alaska's Denali Commission (Alaska) from another federal agency are no longer be subject to any requirements previously attached to those funds, including any regulatory actions by the transferring agency.

PERMIT STREAMLINING

Permit Streamlining

CODIFIES "ONE FEDERAL DECISION" PERMIT STREAMLINING PROVISIONS

USDOT will be required to take several steps to implement new streamlining policies, including:

- Developing a two-year timeline for completing environmental reviews on major projects—defined as a project requiring multiple reviews, permits or studies
- Issuing any related authorizations no later than 90 days following a record of decision issuance
- Limiting reviews to 200 pages
- Requiring federal agencies to identify existing categorical exclusions that, if also applied by another agency, will have the potential to expedite project delivery. Finally
- Requiring USDOT to annually report to Congress the time it takes to complete reviews required by the National Environmental Protection Act (NEPA)

Permit Streamlining (cont.)

EXPEDITES EVALUATIONS FOR PROJECTS WITHIN AN OPERATIONAL RIGHT-OF-WAY

- Federal agencies will be required to provide, at minimum, a preliminary review of applications for projects within an operational right-of-way within 45 days of submission. Other deadlines are also created, and federal agencies not meeting a prescribed timeline is subject to reporting requirements.

INCREASES COST THRESHOLDS ELIGIBLE FOR CATEGORICAL EXCLUSIONS

- For small projects, the threshold increases from $5 million to $6 million; for large projects, it increases from $30 million to $35 million, thereby making more projects eligible.

CLIMATE

CLIMATE

CHARGING AND FUELING INFRASTRUCTURE GRANTS

$2.5 BILLION OVER FIVE YEARS

Counties can apply directly to USDOT for funds to carry out eligible projects that promote the deployment of infrastructure for EVs and hydrogen, propane and natural gas in designated areas. Propane refueling infrastructure is restricted to medium and heavy-duty vehicles.

Fifty percent of total program funds will be distributed annually through Community Grants for the installation of EV and alternative fueling infrastructure on public roads, schools and in other publicly accessible locations. Rural areas, low- and middle-income neighborhoods, and communities with either limited parking or a high number of multiunit housing will be prioritized for awards. The federal cost share will be 80 percent, with an additional requirement that – as a condition of contracting with an eligible entity to carry out a project under this section – a private entity is responsible for the local match.

REDUCTION OF TRUCK EMISSIONS AT PORT FACILITIES

$250 MILLION OVER FIVE YEARS

- Counties can apply to USDOT to carry out projects that reduce port emissions, including the advancement of port electrification at an 80 percent federal cost share. USDOT will be required to issue a Notice of Funding Opportunity to solicit applications by no later than April 1 each year.

CARBON REDUCTION FORMULA PROGRAM

$6.42 BILLION OVER FIVE YEARS

A state will be required to sub-allocate 65 percent of funds apportioned for this purpose on a per-capita basis to counties and other local governments in the same way STBGP funds are distributed. Eligible projects include public transit projects, trails and other projects to facilitate non-motorized users of the road, the replacement of streetlights with energy-efficient alternatives, purchase or lease of zero-emissions construction equipment, among several others.

For areas of 50,000 or more, a state will be required to provide obligation authority (OA). When obligation authority is provided alongside contract authority, the entity in receipt of OA is able to obligate – or spend – the funds designated for their area, versus OA remaining with the state and the state retaining control over project selection.

PROTECT GRANT PROGRAM

$8.7 BILLION OVER FIVE YEARS ($7.3 BILLION FORMULA | $1.4 BILLION COMPETITIVE)

In addition to a formula component, the new PROTECT program will also provides competitive grants counties can apply for directly through USDOT to enhance the resiliency of infrastructure assets, including projects to improve coastal infrastructure and evacuation routes.

The program creates four subgrants to distribute the funds:

- Planning Grants ($140 million)
- Resilience Improvement Grants ($980 million)
- Community Resilience and Evacuation Route Grants ($140 million)
- At-Risk Coastal Infrastructure Grants ($140 million)

The federal cost share ranges from 80 to 100 percent for various projects eligible under this section. There are also opportunities to reduce the local match requirements by meeting a voluntary resiliency planning requirement.

HEALTHY STREETS PROGRAM

$500 MILLION OVER FIVE YEARS

Counties with a disproportionate number of communities of color, defined in the legislation as, in a state, a Census block where the total percentage of residents who identify as nonwhite is more than 50 percent, or USDOT determines it to be eligible for funding under this program.

Eligible projects include the installation of cool and/or porous pavements and the expansion of tree cover with the goal of reducing urban heat centers and improving air quality. The federal cost share for this program is 80 percent, with a waiver of up to 100 percent available at the discretion of USDOT.

RAIL

RAIL

ESTABLISHES A NEW COMPETITIVE GRANT PROGRAM FOR INFRASTRUCTURE

$10 BILLION OVER FIVE YEARS

Counties can apply directly to USDOT for a new competitive program to provide single or multi-year grants to carry out projects that generate national or regional economic mobility or safety benefits. Other federal assistance could be used to meet local match requirements, not to exceed a maximum of 80 percent federal share. Eligible projects include:

- Highway or bridge projects
- Freight intermodal or freight rail projects with a public benefit, including ports
- Rail-highway grade separation or elimination projects
- Intercity passenger rail projects and public transportation projects

Certain projects can also be bundled. Eligible project costs include:

- Development phase activities
- Construction, reconstruction and rehabilitation
- Real property procurement
- Environmental mitigation

USDOT will be required to ensure geographical diversity and a balance between rural and urban areas in project selections, with 50 percent of the funding reserved for projects between $100 million and $500 million. Should a project not be selected, the applicant can request technical assistance.

CREATES A NEW COMPETITIVE GRANT PROGRAM TO ELIMINATE AT-GRADE RAIL-HIGHWAY CROSSINGS

$2.5 BILLION OVER FIVE YEARS

Counties can apply directly to USDOT for these competitive grants funds, at an 80 percent federal cost share, to meet the following goals of:

- Eliminating frequently blocked at-grade crossings
- Improving the health and safety of communities
- Reducing the impacts of rail operations on underserved communities
- Improving mobility and commerce

$500 million will be provided annually for eligible projects, including:

- Closing or separating at-grade crossings
- Track relocation
- Installing protective devices and other technological solutions that improve safety
- Planning, environmental review and design activities related to an eligible project

AUTHORIZES THE REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT PROGRAM (FORMERLY BUILD/TIGER) FOR THE FIRST TIME

$7.5 BILLION OVER FIVE YEARS

The RAISE program will become an authorized program for the first time. This flexible, competitive grant program – formerly named both BUILD and TIGER by previous administrations – is widely utilized by counties to carry out a variety of eligible infrastructure projects.

Similar to current law, surface transportation projects with significant local or regional impacts are be eligible, including projects to replace and rehabilitate culverts or prevent stormwater runoff. Grant award amounts are limited to $25 million, and the 50/50 split for urban-rural project selection remain.

ESTABLISHES A NEW CULVERT REMOVAL, REPLACEMENT AND RESTORATION GRANT PROGRAM

$1 BILLION OVER FIVE YEARS

Counties can apply directly to USDOT for a new competitive grant program to carry out eligible projects that replace, remove or repair culverts that would improve or restore fish passage for certain fish, with a priority given those species who are endangered or at risk of becoming endangered, or projects that address fresh-water runoff that impact certain marine life.

USDOT will be required to provide technical assistance to underserved communities. The section authorizes $800 million annually, with a federal share of no more than 80 percent.

AUTHORIZES ADDITIONAL FUNDING FOR THE NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS (INFRA) GRANT PROGRAM

$3 BILLION OVER FIVE YEARS

Similar to the RAISE program, counties can apply directly to USDOT for INFRA grants, which are awarded on a competitive basis, have a variety of eligible uses under current law. Funding is authorized at the following levels:

- FY 2022: $1.1 billion
- FY 2023: $1.2 billion
- FY 2024: $1.3 billion
- FY 2025: $1.4 billion
- FY 2026: $1.5 billion

ALLOWS LOCAL PUBLIC AUTHORITIES TO ENTER INTO MULTI-STATE FREIGHT COMPACTS

$25 MILLION OVER FIVE YEARS

Counties and other local public authorities, including ports, can enter into multi-state compacts to improve the movement of goods, including assembling rights-of-way and performing capital improvements. A compact could subsequently establish a multi-state advisory freight corridor advisory committee with state departments of transportation and other entities, including local governments.

USDOT will be required to establish a grant program to facilitate the efforts of these compacts within the first three years of their inception, authorized at $5 million annually over the life of the bill with a 50 percent non-federal match requirement.

REQUIRES USDOT TO ESTABLISH AN INTERGOVERNMENTAL RESEARCH GROUP FOR FREIGHT

USDOT will be required to create a National Cooperative Freight Transportation Research Program to be administered in conjunction with the National Academy of Sciences (NAS). NAS will be required to establish an advisory committee with public and private stakeholders, including local governments and local public authorities, which will be tasked with recommending national research agenda for the program and developing a multi-year strategic plan. NACo will track the creation of this group and push for county inclusion.

ESTABLISHES A NEW RURAL ASSISTANCE PROGRAM THROUGH THE BUILD AMERICA BUREAU

Counties located outside of an urbanized area with a population of more than 150,000 will be eligible to apply directly to USDOT for a new Rural and Tribal Assistance Pilot Program. The program will provide financial, technical and legal assistance; assistance with development-phase activities; and information on innovative financing practices to rural and Tribal communities. It will sunset after five years.

Funding, which will come from "any amount made available to the Secretary to provide credit assistance under an eligible program that is not otherwise obligated," will be authorized at no more than the following levels each year:

- **FY 2022**: $1.6 million
- **FY 2023**: $1.8 million
- **FY 2024**: $2.0 million
- **FY 2025**: $2.2 million
- **FY 2026**: $2.4 million

REQUIRES CONSULTATION WITH LOCAL GOVERNMENTS TO DEVELOP NEW ROUTES

- Amtrak will be required to consult with states, local governments including counties, relevant commuter and regional transportation authorities, host railroads, the FRA and other stakeholders on the development of new state-supported routes.

CREATES NEW REPORTING REQUIREMENTS FOR SOME PUBLIC TRANSIT AGENCIES

- A public transit entity that owns infrastructure used for intercity rail passengers in the Northeast Corridor (NEC) will be required to develop an asset management system to inform Amtrak's NEC capital investment program.

EXPANDS ELIGIBILITIES UNDER THE CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS (CRISI) GRANT PROGRAM

$5 BILLION OVER FIVE YEARS

CRISI program eligibilities will be expanded to include eligibilities for the following:

- Development and implementation of measures to prevent trespassing
- Research and development to advance innovative rail projects
- Preparation of emergency plans for communities through which hazardous materials are transported by rail

EXTENDS RESTORATION AND ENHANCEMENT GRANT (REG) PROGRAM PROJECT TIMELINES

$250 MILLION OVER FIVE YEARS

The amount of time the Restoration and Enhancement grant program can provide funds to support a route will be extended from three to six years.

ESTABLISHES A NEW RAILROAD CROSSING ELIMINATION PROGRAM

$3 BILLION OVER FIVE YEARS

Counties can apply directly to USDOT for competitive awards to carry out highway-rail or pathway rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods. Eligible projects include:

- Grade separations or closures
- Track relocations
- Installment of protective devices
- Using intelligent transportation solutions

At least 20 percent of the funds will be reserved for rural or tribal areas. The federal cost share cannot exceed 80 percent.

• REFORMS AND RENAMES THE FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR GRANT PROGRAM

$42.5 BILLION OVER FIVE YEARS ($7.5 BILLION AUTHORIZATION | $36 BILLION APPROPRIATION)

The Federal-State Partnership for State of Good Repair grant program will be renamed the Federal-State Partnership for Intercity Passenger Rail grant program, and project eligibilities will be expanded to allow for new capacity, including by:

- Expanding or establishing new intercity passenger rail service
- Improving intercity rail service performance and efficiency
- Carrying out planning and environmental studies associated with an eligible project

ESTABLISHES A NEW CORRIDOR IDENTIFICATION AND IMPLEMENTATION PROGRAM

A new Corridor Identification and Development Program will be created to facilitate the development of intercity passenger rail corridors. Counties will be eligible to submit corridor proposals.

REQUIRES AN EVALUATION OF THE RAILWAY-HIGHWAY CROSSINGS PROGRAM

USDOT will be required to evaluate the requirements of the railway-highway crossings program and whether the structure of the program provides sufficient incentives and resources to states and local agencies to make changes at highway-rail grade crossings that are most effective at reducing deaths, among other goals.

ESTABLISHES A BLOCKED CROSSING PORTAL PILOT PROGRAM

The FRA will be required to establish a blocked crossing portal to collect information about blocked highway-rail grade crossings from the public in order to identify frequent and long-duration blocked highway-rail grade crossings; conduct outreach to communities, emergency responders and railroads; support collaboration in the prevention of incidents at highway-rail grade crossings, and assess the impacts of blocked crossings. The program will last for three years.

ESTABLISHES A NEW SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM

$5 BILLION OVER FIVE YEARS

Counties can apply directly to USDOT for competitive awards to support and implement local safety initiatives to prevent death and serious injury on roads and streets, known as Vision Zero and Toward Zero Deaths national strategies. $200 million is authorized annually to carry out the program; however, the appropriations portion of the bill will provide $1 billion annually.

REQUIRES EVALUATION AND IMPROVEMENT OF LOCAL INFRASTRUCTURE DATA ANALYSIS TOOLS

The Bureau of Transportation Statistics (BTS) will be directed to perform outreach to state and local planning and infrastructure decision-making officials to determine the data analysis tools needed to assist local communities in making infrastructure decisions. Based on the outreach, BTS will be required to create a plan for reviewing and updating existing data analysis tools and developing any new tools necessary to assist local communities in making infrastructure investments.

ESTABLISHES A NEW STRENGTHENING MOBILITY AND REVOLUTIONIZING TRANSPORTATION (SMART) GRANT PROGRAM

$500 MILLION OVER FIVE YEARS

Counties can apply directly to USDOT for competitive awards to carry out demonstration projects focused on smart city or community technologies and systems, including those focused on:

- Coordinated automation
- Connected vehicles
- Intelligent, sensor-based infrastructure
- Systems integration
- Commerce delivery and logistics
- Drones
- Smart grid technologies

Both development and construction phase activities are eligible costs. Certain restrictions apply, including:

- No more than 40 percent of the funds awarded to primarily benefit large communities
- No more than 30 percent awarded to benefit midsized communities
- No more than 30 percent awarded to benefit rural communities

ESTABLISHES A NEW INTERGOVERNMENTAL WORKING GROUP FOR ELECTRIC VEHICLES (EVS)

USDOT, in conjunction with the U.S. Department of Energy, will be required to establish an EV working group tasked with making recommendations regarding the "development, adoption, and integration of light-, medium-, and heavy-duty EVs into the transportation and energy systems of the U.S." An organization representing local governments, such as NACo, will be among other required members of the group.

ESTABLISHES A RISK AND SYSTEM RESILIENCE ASSESSMENT INTERGOVERNMENTAL PROCESS

USDOT will be required to work with federal, state and local agencies to develop a process for quantifying annual risk in order to increase system resilience within the nation's surface transportation system. USDOT will be instructed to provide guidance and technical assistance to state and local agencies on the process.

AUTHORIZES THE USE OF LOCAL HIRING PREFERENCE IN FEDERALLY FUNDED INFRASTRUCTURE PROJECTS

Federal transportation grant recipients, including counties, are authorized to implement a local hiring preference, including through pre-hire agreements.

PUBLIC TRANSIT

Public Transit

AUTHORIZES HIGHWAY TRUST FUND (HTF) CONTRACT AUTHORITY FOR MASS TRANSIT FOR FY 2022 THROUGH FY 2026

$69.9 BILLION OVER FIVE YEARS

Contract authority will be authorized at the following levels over five fiscal years:

- FY 2022: $13.36 billion
- FY 2023: $13.63 billion
- FY 2024: $13.99 billion
- FY 2025: $14.28 billion
- FY 2026: $14.64 billion

MAKES CHANGES TO THE CAPITAL INVESTMENT GRANT (CIG) PROGRAM

The bill makes several changes to the program, including:

- Raising the threshold for federal assistance from $100 million to $150 million and total project cost from $300 million to $400 million for Small Starts projects
- Requiring New Starts, Small Starts and core capacity improvement project applicants to make progress toward meeting the performance targets set in section 5326(c)(2) in order to receive a grant
- Requiring core capacity improvement projects be located in a corridor that is projected to be at or over capacity within the next ten years, rather than the next five years, before moving into the engineering phase
- Allowing applicants to bundle multiple projects that meet certain requirements and restrictions
- Requiring USDOT to establish a CIG Dashboard displaying information on each project seeking a grant agreement

INCREASES RURAL SET-ASIDE FOR BUS GRANTS

The bill raises the Buses and Bus Facilities competitive grant set aside for rural projects from 10 to 15 percent. The bill also requires that 25 percent of the competitive funding go to projects related to the acquisition of low or no emission buses or bus facilities rather than zero-emission vehicles and facilities. Further, it requires that recipients of grants related to zero-emissions vehicles or related infrastructure use at least 5 percent of their award to fund workforce development training to address the impact of the transition to zero-emission vehicles.

CREATES NEW REQUIREMENTS FOR FEDERAL TRANSIT FUND RECIPIENTS

URBANIZED AREA FORMULA GRANTS (5307)

The bill requires that section 5307 recipients serving an urbanized area with a population of 200,000 or more include in their comprehensive agency safety plan a risk reduction program for transit operations to improve safety by reducing the number and rates of accidents, injuries, and assaults on transit workers. It also requires that a joint labor-management safety committee be formed to approve the safety plan.

The bill also establishes a new safety set aside. These 5307 recipients will be required to allocate at least .75 percent of their funds to safety-related projects eligible under section 5307. If the recipient failed to meet the performance targets for risk reduction established by the safety committee, the recipient will be required to use the set-aside for projects reasonably likely to meet help meet those targets.

PUBLIC TRANSPORTATION EMERGENCY RELIEF (PTER)

The bill requires PTER applicants, including counties, to demonstrate proof of all necessary and required insurance coverage prior to receiving a grant.

TRANSIT SAFETY

The bill requires recipients of federal funding provided by the Federal Transit Administration (FTA) to report additional data for inclusion in the National Transit Database, including data on assaults of transit workers and bus-related fatalities.

FUNDING & FINANCING

Funding & Financing

AUTHORIZES GENERAL FUND TRANSFER TO BAIL OUT THE HIGHWAY TRUST FUND

The trust fund, which is facing imminent insolvency, will receive a transfer from the U.S. Treasury's general fund in the amount of $118 billion, including $90 billion for the highway account and $28 billion for the mass transit account.

RAISES THE CAP ON PRIVATE ACTIVITY BONDS

- The cap will increase from $15 billion to $30 billion, which will allow counties to enter into additional public-private partnerships to supplement future surface transportation projects with private investments, which ultimately supports broader community and economic development.

MAKES AMENDMENTS TO THE TIFIA PROGRAM

Several changes include:

- Lifting the requirement that counties and other borrowers prepay their loans with excess revenues if those revenues are used for surface transportation
- Increasing the threshold for TIFIA projects from $75 million to $150 million
- Adding new eligibilities, including infrastructure projects located near transportation facilities, airport-related projects, and the acquisition of plant and wildlife habitats to mitigate any project-related environmental impacts

MAKES LOCAL GOVERNMENTS ELIGIBLE FOR THE SURFACE TRANSPORTATION SYSTEM FUNDING ALTERNATIVES PROGRAM

Counties can apply directly to USDOT for funds to carry out eligible activities, including testing the design and equity of implementing an alternative user fee among income groups and rural and urban drivers and other activities associated with transitioning away from the federal gas tax. The federal cost share will be 80 percent for entities who have not received a previous grant under the program and 70 percent for those who have.

AIRPORTS

Airports

FUNDS THE AIRPORT IMPROVEMENT PROGRAM

$15 BILLION OVER FIVE YEARS

$3 billion will be provided annually over FY 2022 through FY 2026 from the general fund of the U.S. Treasury and remain available for the following three years after the year in which it was provided. Funding will be distributed annually in the following ways:

- No more than $2.4 billion through formulas to primary airports
- No more than $500 million apportioned for general aviation and commercial service airports
- $20 million for recipients of contract tower program competitive awards

The bill also clarifies that no AIP funds can go toward debt service.

CREATES NEW "GROUNDSIDE" COMPETITIVE GRANT PROGRAM FOR AIRPORT IMPROVEMENTS

$5 BILLION OVER FIVE YEARS

The new program provides $1 billion annually for competitive awards to carry out eligible projects to improve the aging infrastructure of airport terminals, which will be confined to:

- On-airport rail access projects
- Relocating, reconstructing, repairing or improving an airport-owned traffic control tower

No more than 55 percent for large hubs, 15 percent for medium hubs; 20 percent for small hubs; and 10 percent for nonprimary airports could be awarded annually. The federal cost share of a project will be 80 percent for large and medium-size airports and 95 percent for small and nonprimary airports. Projects that would increase access and capacity will be prioritized.

PORTS

Ports

INCREASES FUNDING FOR THE PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

$2.25 BILLION OVER FIVE YEARS

$450 million will be provided annually over FY 2022 through FY 2026 from the general fund of the U.S. Treasury and remain available for the following ten years after the year in which it was provided. Newly eligible projects include:

- Improvements to address sea-level rise, flooding and/or extreme weather
- Port electrification
- Procuring new equipment
- Installing electric vehicle/alternative refueling infrastructure

ENERGY & ENVIRONMENT

CREATES A NEW COMPETITIVE GRANT PROGRAM TO ENHANCE THE RESILIENCE OF THE ELECTRIC GRID

$5 BILLION OVER FIVE YEARS

Counties that serve as the local electric grid operator, electric storage operator, electric generator, transmission ower or operator, distribution provider or fuel supplier are eligible to apply for the program. USDOE would make competitive awards to carry out a variety of eligible activities to reduce the likelihood and consequence of impacts to the electric grid due to extreme weather, wildfire and natural disaster.

AUTHORIZES FUNDING FOR THE WEATHERIZATION ASSISTANCE PROGRAM

$3.5 BILLION IN FY 2022

Funds will remain available until expended for eligible projects that reduce energy costs for low-income households by improving energy efficiency. Counties are eligible to apply directly to the program.

CREATES A NEW CARBON UTILIZATION GRANT PROGRAM

$310.14 MILLION OVER FIVE YEARS

State and local governments are eligible for new grants to procure and use products derived from captured carbon oxides. It expands the U.S. Department of Energy (USDOE) Carbon Utilization Program objectives to include developing standards and certifications to support the commercialization of carbon oxide products. Funding is authorized at the following levels:

- FY 2022: $41.00 million
- FY 2023: $65.25 million
- FY 2024: $66.56 million
- FY 2025: $67.94 million
- FY 2026: $69.39 million

CREATES A NEW COMPETITIVE GRANT PROGRAM FOR MODERNIZING ENERGY INFRASTRUCTURE

$3 BILLION OVER FIVE YEARS

Counties can apply directly to USDOE for the new Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program to carry out demonstration projects focusing on advancing smart community technologies. Selection criteria includes the extent to which an entity has:

- A public transportation system capable of integration with other systems to improve mobility
- A population density and needs that will be suitable for a demonstration project under this program
- A community with the capacity and leadership to carry out the proposed project transparently and who is likely to be successful
- Access to advanced data and technology USDOE would be required to ensure geographic diversity in making awards

Eligible projects include:

- Planning activities and environmental reviews
- Pre-engineering and design work
- Procurement of real property
- Construction phase activities

Certain projects will be prioritized. At the request of an applicant, USDOE will provide technical assistance. Finally, a successful applicant will be required to submit to USDOE two years after the date of award a report containing a benefit-cost analysis assessing the cost of deploying the project to the compared benefits, as well as the data supporting how an entity is meeting the project goals.

ESTABLISHES A CARBON DIOXIDE TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION (CIFIA) PROGRAM

$2.1 BILLION OVER FIVE YEARS

$600 million is authorized annually in FY 2022 and FY 2023 and $300 million in each FY 2024 through FY 2026 to establish a CIFIA loan program that will provide flexible, low-interest loans for carbon dioxide transportation infrastructure projects and grants for new infrastructure to facilitate future growth.

ADDRESSES NEEDS OF TRANSMISSIONS LINES

NEW REVOLVING LOAN FUND | $2.5 BILLION OVER FIVE YEARS

USDOE can issue loans to or enter into public-private partnerships with counties and other eligible entities to carry out replacement or enhancement projects on eligible transmission lines.

NEW TRANSMISSION FACILITATION PROGRAM | $50 MILLION OVER FIVE YEARS

Counties can apply directly to USDOE for these competitive funds to carry out eligible projects, including:

- Constructing or replacing an electric power transmission line
- Increasing transmission capacities
- Connecting an isolated microgrid to an existing infrastructure corridor

MAKES GRANTS TO STATE AND LOCAL GOVERNMENTS FOR BATTERY PROCESSING

$3 BILLION OVER FIVE YEARS

Counties can apply directly to USDOE for these competitive grant funds that will remain available until expended to carry out eligible projects, including:

- Demonstration projects for advanced battery component manufacturing and recycling (no less than $50 million)
- Construction of one or more new commercial-scale advanced battery component manufacturing or recycling facility (no more than $100 million)
- Retooling, retrofitting or expanding existing battery processing facilities (no more than $50 million)

ENHANCES ENERGY EFFICIENCY IN PUBLIC SCHOOLS

$500 MILLION OVER FIVE YEARS

Local education agencies and public schools are eligible to apply to USDOE for competitive grants to carry out eligible activities, including:

- Improvements, repairs or renovations to schools that directly decrease energy costs
- Improvements teacher and student health
- Installation of alternative fueling infrastructure on school grounds for buses or the public
- Procurement of alternative fueled vehicles for bus fleets and other school-related operations

A successful applicant will be required to, upon request of USDOE, submit a report describing how the funds were used, estimated cost-saving, metrics and other requirements outlined in the IIJA.

EXPANDS ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM ELIGIBILITIES

$550 MILLION IN FY 2022

Funds will remain available until expended. New eligibilities include:

- Programs for financing energy efficiency, renewable energy, and zero-emission transportation
- Capital investments
- Projects and programs that leverage public-private partnerships
- Programs allowing rebates, grants or other incentives for the purchase and installation of renewable energy technologies

PROVIDES RESOURCES FOR COUNTY-OWNED OR -OPERATED HYDROELECTRIC FACILITIES

$628.6 MILLION IN FY 2022

Hydroelectric efficiency improvement incentives: $75 million is authorized in FY 2022 for hydroelectric efficiency improvement incentives. Counties that own or operate a turbine or other generating device which generates hydroelectric energy for sale that will be added to an existing dam or conduit are eligible for these funds.

Hydroelectric capital improvement incentives: $553.6 million is authorized in FY 2022 for incentive payments to the owners and operators of hydroelectric facilities for capital improvements related to maintaining and enhancing hydroelectricity generation by improvising grid resiliency, improving dam safety, and environmental improvements. Counties that are the owners or operators of hydroelectric facilities at existing dams are eligible for these payments to make the capital improvements.

FUNDS BROWNFIELDS RESTORATION PROJECTS

$1.2 BILLION OVER FIVE YEARS

The funds can be used to carry out Brownfields projects authorized under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This CERCLA funding will be available in grants, interagency agreements and associated program support costs.

Counties are eligible to apply for multipurpose grants, assessment grants, revolving loan fund grants, cleanup and job training grants, technical assistant, training and research grants under CERCLA.

PUBLIC LANDS & WESTERN WATER STORAGE

EXTENDS THE SECURE RURAL SCHOOLS (SRS) PROGRAM FOR THREE YEARS

The annual 5 percent funding reduction will end, and funding will increase for the next three years to FY 2017 levels, resulting in an increase of approximately $60 million per year compared to FY 2020 payments. Counties can decide whether to accept SRS payments or federal timber harvest receipts for FY 2022 and FY 2023.

The bill creates a new Resource Advisory Committee (RAC) appointment pilot program that will allow the U.S. Forest Service Chief or the Bureau of Land Management (BLM) Director to present the Secretaries of Agriculture or Interior with recommended RAC members. The Secretaries will have 30 days to confirm or reject the appointees, who will be automatically appointed if no action is taken within that 30-day period. This is similar to an existing pilot program that allows regional foresters and BLM state directors only in Arizona and Montana to appoint RAC members, which has cut down on waiting periods from two years to a few weeks in most instances.

Title III funds can be used for expanding broadband access in schools, which will be key to improving educational quality in rural areas.

PROVIDES RESOURCES FOR WILDFIRE RISK MITIGATION

$5.5 BILLION OVER FIVE YEARS

$3.4 billion will be directed to the U.S. Forest Service and the U.S. Department of the Interior to reduce the threat of wildfire on federal lands through mechanical thinning, timber harvests, prescribed burns, community wildfire protection grants and collaborative led projects. Agencies will have to come up with a plan to treat 10 million acres of forestland by 2027 for wildfire risk reduction within the Wildland-Urban Interface and near critical drinking water sources.

The bill creates a new categorical exclusion for forest management activities to establish fuel breaks to protect critical infrastructure from wildfire, including roads, water infrastructure, pipelines and transmission lines.

An additional $2.1 billion is provided for ecosystem restoration through Good Neighbor Agreements, invasive species eradication, cross-boundary management projects and stewardship contracts.

Finally, the U.S. Department of Agriculture will have the authority to determine when an emergency situation exists on the national forests, which will allow for expanded forest management activities, such as harvesting dead or dying trees and post-fire reforestation, to be conducted on the National Forest System to meet the emergency threat.

ADDRESSES U.S. FOREST SERVICE LEGACY ROADS AND TRAILS

$250 MILLION OVER FIVE YEARS

$A new Forest Service Legacy Roads and Trails program is established to prioritize maintenance of authorized roads and trails within the National Forest System.

Additionally, the Forest Service will be allowed to decommission existing and previously closed roads and trails after proposed closures have undergone public comment, and the agency ensures closures do not impede resource, recreational or emergency access. The Forest Service will also be able to close some unauthorized user-created roads and trails not identified on agency maps, which may create conflict with users, local governments and other interested parties.

INVESTS IN WESTERN WATER INFRASTRUCTURE, EXPANDS ELIGIBLE USES OF AMERICAN RESCUE PLAN COUNTY RELIEF FUNDS

Counties and other entities that can demonstrate a need for a project that is technically and financially feasible, is in compliance with applicable laws and guidelines, and provides a federal benefit will be eligible to apply for $100 million in competitive grant funds for small water storage and groundwater storage projects.

The bill allows counties to use aid from the American Rescue Plan Act to satisfy the non-federal match requirement for Bureau of Reclamation projects.

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DRINKING WATER & WASTEWATER

The bill uses S. 914, the Drinking Water and Wastewater Infrastructure Act of 2021, as a framework for the water infrastructure provisions. The primary differences between S. 914 and the Infrastructure Investment and Jobs Act revolve around lead service lines, emerging contaminants and PFAS.

AMENDS STATE REVOLVING LOAN FUNDS FOR WATER

$29.3 BILLION OVER FIVE YEARS

Counties are eligible for grants under both state revolving funds (SRFs). Investments levels for both the drinking water and clean water SRFs are authorized at the following levels:

- **FY 2022:** $2.40 billion
- **FY 2023:** $2.75 billion
- **FY 2024:** $3.00 billion
- **FY 2025:** $3.25 billion
- **FY 2026:** $3.25 billion

Drinking Water State Revolving Fund: The minimum percentage of funds that must go to disadvantaged communities would increase from 6 percent to 12 percent. Buy America requirements will apply to any upgrades made with these funds.

Clean Water State Revolving Fund (CWSRF): To the extent there are sufficient applications, a state will be required to use a minimum of 10 percent of CWSRF for grants, negative interest loans, and loan forgiveness, or to buy, refinance or restructure debt for disadvantaged communities as determined by the state. The amount for additional subsidies cannot exceed 30 percent.

ADDRESSES WATER CONTAMINANTS

Capitalization grants | $15 billion over five years

Forty-nine percent of funds provided to states for capitalization grants will be made available through grants to counties and other local governments to address lead in drinking water by replacing service lines and carrying out associated activities that are directly connected to identifying, planning, designing, and replacing lead service lines.

Emerging contaminants | $1 billion over five years

Funding to address emerging contaminants will be deposited into the state revolving fund and would be provided to eligible recipients as loans with 100 percent forgiveness or as grants.

PFAS | $4 billion over five years

Additional funding is provided to further address emerging contaminants in drinking water, with a focus on perfluoroalkyl and polyfluoroalkyl substances (PFAS). This funding will provided to eligible recipients as loans with 100 percent forgiveness or as loans.

BROADBAND

MAKES GRANTS TO STATES FOR BROADBAND DEPLOYMENT

$42.45 BILLION IN FY 2022

The bill allocates $42.45 billion to the Broadband Equity, Access and Deployment Program, which will make grants to states. If a state fails to apply for funding, a local government could apply on their behalf.

Eliminating the digital divide is critical for the nation's counties, many of which still lack reliable, high-access to broadband in both urban and rural settings. NACo's Broadband Task Force recently published a new report with policy recommendations that, if enacted, would facilitate the deployment of broadband throughout America's 3,069 counties.

CREATES NEW "MIDDLE MILE" COMPETITIVE GRANTS TO FACILITATE BROADBAND DEPLOYMENT

$1 BILLION OVER FIVE YEARS

Counties can apply directly to the National Telecommunications and Information Administration (NTIA) for grants to construct, improve or acquire middle-mile infrastructure. Applications that connect middle mile and last mile networks or plan to provide service in unserved areas, among other criteria, will be prioritized.

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EXTENDS THE EMERGENCY BROADBAND BENEFIT PROGRAM

The program will be renamed the "Affordable Connectivity Program," and the monthly benefit will be reduced from $50 to $30 for consumers.

CREATES A NEW COMPETITIVE GRANT PROGRAM FOR BROADBAND

$1.25 BILLION OVER FIVE YEARS

A county is an eligible recipient of a subgrant, in addition to being eligible to serve as an "administering entity" for a state seeking funding under the newly established State Digital Equity Capacity Grant Program. In an administrator role, a county can do the following:

- Act as the recipient and administrator of awarded funds
- Develop and implement a State Digital Equity Plan
- Make subgrants to eligible entities
- Serve as an advocate for digital equity and inclusion and repository of best practices

CYBERSECURITY

Cybersecurity

CREATES A NEW COMPETITIVE GRANT PROGRAM FOR CYBERSECURITY

$250 MILLION OVER FIVE YEARS

A rural electric cooperative or county-owned utility can apply directly to the USDOE for competitive grants and technical assistance, as well as to enter into cooperative agreements with other eligible entities to meet the program's goal of protecting and responding to cyber threats against electric utility systems.

ESTABLISHES A NEW STATE AND LOCAL CYBERSECURITY GRANT PROGRAM

$1.3 BILLION OVER FOUR YEARS

Counties are eligible for these funds as subgrantees of states following apportionments made to states by the U.S. Department of Homeland Security based on total population and rural population figures. No later than 45 days after a state received its apportionment, it will be required to obligate no less than 80 percent of grant funds to local governments. If a state fails to obligate the funds, a local government can petition DHS for direct funding. Twenty-five percent of the obligated funds are reserved for rural areas. DHS will be required to consult with local representatives in carrying out this program, which will sunset in FY 2025.

REQUIRES USDOT TO CREATE A CYBERSECURITY TOOL FOR STATE AND LOCAL PUBLIC TRANSPORTATION AUTHORITIES

USDOT will be required to develop a tool and an office within the Department to assist public transportation agencies, an owner or operator of a highway, and manufacturers producing transportation-related products to protect against cyber incidents within two years of the bill's enactment.

RESILIENCE

AMENDS THE STAFFORD ACT

The Robert T. Stafford Disaster Relief and Emergency Assistance Act will be amended to expand eligibilities within the Hazard Mitigation Grant Program (HMGP) to include the replacement or installation of wildfire resilient electrical transmissions or utility poles. HMGP provides vital funding to counties following major disaster declarations to make resilience improvements.

ESTABLISHES INTERGOVERNMENTAL COMMISSION ON WILDFIRE MITIGATION AND PREVENTION

The Wildland Fire Mitigation and Management Commission will be made up of representatives from the Bureau of Land Management, FEMA, National Park Service, Fish and Wildfire Service and the Forest Service – to study and make recommendations to improve federal policies relating to the prevention, mitigation, suppression and management of wildland fires across the United States. The bill also specifically identifies counties as one of 18 non-federal stakeholders that will hold a place on the Commission.

FULLY FUNDS THE SAFEGUARDING TOMORROW THROUGH ONGOING RISK MITIGATION (STORM) ACT

$500 MILLION OVER FIVE YEARS

The STORM Act will provide state and local governments with the ability to create resilience revolving loan funds for infrastructure projects.

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FUNDS THE BUILDING RESILIENT INFRASTRUCTURE AND COMMUNITIES (BRIC) PROGRAM

$1 BILLION OVER FIVE YEARS

BRIC, which replaced the FEMA Pre-Disaster Mitigation Program, provides funding to states and local governments to strengthen the resilience of critical infrastructure, such as transportation, energy, water supply and communications.

FUNDS FLOOD MITIGATION ASSISTANCE GRANTS

$3.5 BILLION OVER FIVE YEARS

The competitive grant program provides funding to state and local governments for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the National Flood Insurance Program.