

THE MOVING FORWARD ACT

FOR THE PEOPLE

Section by Section Summary

DIVISION A – FEDERAL SURFACE TRANSPORTATION PROGRAMS FOR FISCAL YEAR 2021 (COVID-19 RESPONSE AND RECOVERY)

Sec. 100. Short Title.

Provides that Division A and B of this Act may be cited as the “Investing in a New Vision for the Environment and Surface Transportation in America Act” or the “INVEST in America Act”.

Sec. 101. Extension of Federal surface transportation programs.

Extends fiscal year (FY) 2020 enacted levels for Federal-aid highway, transit, and safety programs through FY21. Provides additional administrative expenses out of the Highway Trust Fund for FHWA and NHTSA and out of the General Fund for FTA.

Sec. 102. Federal Highway Administration.

Authorizes an additional \$14.742 billion in contract authority from the Highway Account above FY20 levels, provides an equal amount of obligation authority to be distributed with these funds, and distributes these amounts according to existing formulas. Funds made available under this section may be used for the broadest construction eligibilities under the Federal-aid highway program, as well as for transportation-related administrative expenses, including salaries and benefits. Allows any highway funds obligated in FY21 to be up to 100 percent Federal share, except for obligations under the Nationally Significant Freight and Highway Projects (INFRA), the TIFIA program, or advanced construction. Distributes the funds among States, Tribes, Puerto Rico, the Territories, and Federal land management agencies in the proportion to their share of total FY20 authorized funds. Suballocates the funds made available to the States in the same proportion as the total funds apportioned to the States in FY20 were suballocated. Any obligation authority that remains available at the end of the fiscal year will be redistributed to the States in August redistribution. Provides additional transparency and oversight for the INFRA program and any funds obligated on administrative expenses. Exempts funds obligated on administrative expenses from transportation planning requirements.

Sec. 103. Federal Transit Administration.

Authorizes an additional \$5.79 billion in contract authority from the Mass Transit Account above FY20 levels and allows funds obligated in FY21 to be up to 100 percent Federal share. Distributes funds through the 5307, 5310, and 5311 programs in the same ratio as such funds were provided in FY20. Allows funds to be used for both capital and operating expenses, including the purchase of personal protective equipment and paying for administrative leave costs due to reductions in service. Requires transit agencies to use these funds, to the maximum extent possible, for payroll and provision of public transit service. Increases the base authorization for the Capital Investment Grants (CIG) program by \$958 million above FY20 levels and provides an additional authorization

for such sums as may be necessary through an emergency CIG authorization to allow project sponsors to increase their Federal share to account for lost local revenue sources due to COVID-19. Provides authority for CIG project sponsors to defer to later years their local share payments. Waives the application of the Rostenkowski test to the Mass Transit Account for FY21.

Sec. 104. National Highway Traffic Safety Administration.

Provides an additional \$244.5 million in contract authority in FY21 for NHTSA highway safety programs. Provides obligation authority to be distributed with the funds authorized under this section and additional administrative expenses provided in section 101. Increases the Federal share to 100 percent for activities carried out in FY21 and extends the period of availability for funds that would otherwise expire in FY21 by one year.

Sec. 105 Federal Motor Carrier Safety Administration.

Provides an additional \$209.9 million in contract authority FY21 for FMCSA motor carrier safety programs. Allows FMCSA to provide financial assistance to States for carrying out motor carrier safety activities in FY21 at a Federal share of up to 100 percent, to waive maintenance of effort requirements in FY21, and to extend the period of availability for grant funds by one year.

Sec. 106. Definitions.

Provides definitions for Division A.

DIVISION B – SURFACE TRANSPORTATION REAUTHORIZATION

Sec. 1001. Applicability of division.

Delays the applicability and effective date of Division B until October 1, 2022, except for section 1105.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Program Conditions

Sec. 1101. Authorization of appropriations.

Authorizes \$257.4 billion in contract authority for FY22 through FY25 for the Federal-aid highway program. Reauthorizes U.S. DOT’s Disadvantaged Business Enterprise program and updates the findings to reflect the continued serious and significant obstacles posed by race and gender discrimination.

Sec. 1102. Obligation limitation.

Provides obligation authority to match the contract authority authorized for FY22 through FY25. Makes the Federal Land Transportation Program under 23 USC 203 exempt from obligation limitation to ensure Federal land management agencies can enter into contracts at the beginning of the fiscal year. Ensures that Tribes, territories, and Puerto Rico receive a dollar of obligation authority for every dollar of contract authority authorized.

Sec. 1103. Definitions and declaration of policy. [23 USC 101]

Adds new definitions to 23 USC 101. Incorporates new Departmental policy goals for safety, climate change, resilience, and environmental protection.

Sec. 1104. Apportionment. [23 USC 104]

Authorizes administrative expenses for the Federal Highway Administration for FY22 through FY25. Establishes the distribution formulas for the nine Federal-aid highway programs apportioned to States— the National Highway Performance Program (NHPP), the Surface Transportation Program (STP), the Highway Safety Improvement Program (HSIP), the Congestion Mitigation and Air Quality Improvement Program (CMAQ), the National Highway Freight Program (NHFP), metropolitan planning, the railway crossing program, the Predisaster Mitigation Program (PDM), and the Carbon Pollution Reduction Program.

Sec. 1105. Additional deposits into Highway Trust Fund. [23 USC 105]

Extends a provision to allow any additional sums deposited into the Highway Trust Fund to be distributed through existing statutory formulas without a need for further authorization and ensures that set-asides are included in this calculation.

Sec. 1106. Transparency. [23 USC 104(g); 106]

Revises the reporting requirements in 23 USC 104(g) to ensure the Federal Highway Administration (FHWA) publishes programmatic and project-level information about the Federal-aid highway program online in a user-friendly format. Project-level information includes detailed data on the cost, funding source, status, and location of all projects funded under title 23 with a total cost of over \$5 million. In addition, the website must provide an interactive map searchable by project number, State, and Congressional district.

Revises 23 USC 106 to ensure transparency and accountability in the Federal-aid highway program. Provides additional technical assistance to States and subrecipients to ensure that Federal requirements are met. Establishes guardrails to ensure that Federal-State funds exchange programs do not circumvent labor and Buy America requirements. Ensures that major projects carried out through a public private partnership conduct an analysis demonstrating that the procurement process provides the best value for money. Establishes additional oversight of “megaprojects” with a cost of over \$2 billion, including the establishment of an independent peer review group to monitor the progress of the project and provide project reports to the Secretary. Requires that all Special Experimental Projects be subject to public notice, an opportunity to comment, and Congressional reporting for any activities conducted under this authority.

In 2019, the Government Accountability Office issued a report finding that the Infrastructure for Rebuilding America discretionary grant program administered by the Secretary of Transportation lacked consistency and transparency (GAO-19-541 issued on July 18, 2019). The report found that the Department only followed up with certain applicants with missing information, and did not clearly communicate and document its process regarding applicant follow-up. In addition, some projects received awards even though they did not address all merit criteria. The Department’s documentation of grant awards does not provide insight into why projects were selected for awards, an issue GAO had previously identified.

To address these significant transparency, accountability, and fairness concerns, the bill significantly strengthens Congressional oversight and required documentation for the discretionary grant programs administered by the Department. Requires that project selection be based on data driven determinations, quantified, and documented. Provides all unsuccessful grant applicants with an opportunity to be debriefed by the Department. Ensures that Congress receives and is given the

opportunity to review the proposed list of grant awards and the basis of selections prior to award of grant funds.

Sec. 1107. Complete and context sensitive street design. [23 USC 109]

Revises roadway design standards under 23 USC 109 to require consideration of all users of the transportation facility, including pedestrians, bicyclists, public transit users, children, older individuals, individuals with disabilities, motorists, and freight vehicles. Instructs project sponsors to design in a manner that is tailored to the context of that facility, rather than a “one size fits all” approach.

Ensures that the plans and specifications for all Federal-aid highways take into consideration context sensitive design principles. Requires the Secretary to publish guidance outlining context sensitive design, including providing model policies and procedures that States and other project sponsors can use when adopting their plans to implement context sensitive design principles.

Replaces the requirement that Interstate design accommodate strict 20-year traffic forecasts on the Interstate, and instead allows States to focus on the existing and future operational performance of the facility. Requires the Secretary, in consultation with AASHTO, to approve design standards for the National Highway System (NHS) that take into consideration context sensitive design principles and authorizes design flexibility for local governments for Federal-aid projects off the NHS.

Sec. 1108. Innovative project delivery Federal share. [23 USC 120]

Increases the Federal share for projects that use innovative materials or processes that reduce greenhouse gas emissions, certain innovative bridge construction technologies, and advanced digital construction systems.

Sec. 1109. Transferability of Federal-aid highway funds. [23 USC 126]

Limits the transferability of Transportation Alternatives Program (TAP) funds unless the State runs a competition and is unable to distribute the suballocated funds. Limits the transferability of railway crossing program funds unless the State demonstrates that it has met all its needs for the installation of protective devices at railway highway grade crossings. Limits transfer out of programs related to carbon pollution reduction and air quality but maintains flexibility by allowing up to 50 percent of apportioned contract authority per year to be transferred between the Carbon Pollution Reduction Program and CMAQ.

Sec. 1110. Tolling. [23 USC 129]

Ensures, by reinstating a requirement for tolling agreements with FHWA, that project sponsors seeking to institute tolls on any Federal-aid highway project or for conversion of any part of the NHS (including the Interstate) consider the following factors: congestion and air quality impacts on both the toll facility and non-tolled routes onto which traffic might be diverted; planned investments to improve public transportation or other non-tolled alternatives in the corridor; environmental justice and equity impacts; impacts on freight movement; and economic impacts. Ensures that public transportation vehicles and intercity buses can use new toll facilities without paying a toll. Requires that any new toll facilities provide for electronic interoperability with other providers in the region.

Provides mainstream authority for congestion pricing, subject to the considerations above, as well as impacts on congestion on the facility, adjacent routes, and the corridor to ensure that any planned

investments in operational improvements or in alternate travel options reduce congestion in the corridor.

Strengthens the limitations on surplus revenues to ensure that any additional funds must be used within the corridor to improve operations or capacity of public transportation, operational improvements, or other alternatives to the tolled facility. Allows toll revenues to be used to fund toll rebate programs for commuters with no reasonable alternative to the toll facility. Toll revenues may only be invested outside the corridor if all the needs of both the facility and the corridor have been met.

Repeals the Interstate System Reconstruction and Rehabilitation Pilot program, and sunsets the Value Pricing Pilot Program from accepting new projects. It is the sense of the Committee that the Department of Transportation carry out the Value Pricing Pilot Program consistent with the statutory requirements of that program and the Department's longstanding interpretation of title 23. Section 1012(b)(3) of ISTEA, as amended, clearly states that any project revenues in excess of pilot project operating costs may be used for any projects eligible under title 23. Under 23 USC 133(b)(4), "transit safety infrastructure improvements and programs" are eligible under the Surface Transportation Block Grant Program, and it has been FHWA's longstanding interpretation that Congestion Mitigation and Air Quality funds may be used for new transit service, system or service expansion, new vehicles, and fare subsidies, if such projects or programs improve air quality.

Requires the Secretary, within 180 days of enactment, to submit to Congress a report on the implementation of the interoperability of toll collection required under section 1512(b) of MAP-21.

Sec. 1111. HOV facilities. [23 USC 166]

Ensures that only low emission and hybrid single occupancy vehicles can utilize HOV lanes. Lowers the HOV degradation standard from 45 miles per hour to 35 miles per hour to align with the degradation standards for congestion pricing established under section 1110.

Sec. 1112. Buy America. [23 USC 313]

Adds "construction materials" to the materials covered by Buy America. Ensures a transparent public process before waiving Buy America requirements. Strengthens existing domestic content requirements by requiring the Secretary to reevaluate any standing nationwide waivers every five years, including the manufactured products waiver, to determine whether those waivers remain necessary. Codifies existing Congressional reporting requirements.

Sec. 1113. Federal-aid highway project requirements.

Ensures that 23 USC 113(a) applies to any funds made available for construction work under title I of this Act or title 23, United States Code. Non-highway or multimodal projects that are awarded funding under sections 1301, 1302, 1304, or 1306 shall follow the relevant requirements of the applicable mode, as described in such sections.

Sec. 1114. State assumption of responsibility for categorical exclusions. [23 USC 326]

Increases the allowable agreement term under 23 USC 326 from 3 to 5 years for a State that has assumed the responsibility under that section for at least 10 years.

Sec. 1115. Surface transportation project delivery program written agreements. [23 USC 327]

Increases the allowable agreement under 23 USC 327 from 5 to 10 years for a State that has assumed the responsibility under that section for at least 10 years. For any agreement with a term of greater than 5 years, requires an audit of the first 5 years of the agreement term. Clarifies that a State that has assumed the responsibility under that section is treated as a Federal agency for the purposes of any applicable laws pursuant to which the responsibility under that section is exercised.

Sec. 1116. Corrosion prevention for bridges.

Requires State DOTs to implement corrosion management systems to improve the lifespan of bridges and ensure state of good repair. Ensures that federally funded bridge corrosion prevention projects are carried out by certified contractors that provide appropriate training for employees.

1117. Sense of Congress.

States the sense of Congress that States should utilize life-cycle cost analysis to evaluate the total economic cost of a transportation project over its expected lifetime.

Subtitle B—Programmatic Infrastructure Investments

Sec. 1201. National highway performance program. [23 USC 119]

Revises the NHPP to emphasize state of good repair needs identified in the transportation asset management plan before constructing new highway capacity. States must also consider whether an operational improvement or transit project would be more cost-effective than a capacity expansion for single occupancy vehicles. Any new capacity project must support the achievement of the State's performance targets. The cost effectiveness analysis shall take into consideration the maintenance cost of a new capacity project and ensure that any travel demand modeling has a documented record of accuracy. Adds eligibilities for resilience improvements (including undergrounding utilities while undertaking a transportation project), natural infrastructure, evacuation routes, reducing carbon pollution, and wildlife crossings. Requires States to consider climate change when preparing their transportation asset management plans.

Sec. 1202. Increasing the resilience of transportation assets. [new 23 USC 124]

Revises sections 134 and 135 of title 23 to require the Metropolitan Planning Organization (MPO) and State-prepared long-range transportation plans to include strategies to mitigate and reduce climate impacts and a vulnerability assessment of critical transportation assets, evacuation routes, and facilities repeatedly damaged by disasters. The MPO and State must identify projects to address identified vulnerabilities, and these projects are eligible for funding under the newly established pre-disaster mitigation program.

Establishes a pre-disaster mitigation program under 23 USC 124, which receives \$6.25 billion in apportioned funds over the life of the bill for resilience projects identified in the State and MPO vulnerability assessments. Construction of resilience improvements, including construction of natural infrastructure or protective features, are eligible on any existing highway or transit asset eligible under titles 23 or 49. Funds can also be used to relocate or construct alternatives to transportation infrastructure that is repeatedly damaged by extreme weather events, to address current and future vulnerabilities to evacuation routes designated in an MPO or State's vulnerability assessment, or for disaster recovery, training, and telework programs. Projects eligible for funding under this section must be designed to ensure resilience over the life of the facility and take into

consideration current and projected changes in flooding based on climate science and projected land use.

Sec. 1203. Emergency relief. [23 USC 125]

Clarifies that cost-justified resilience improvements are eligible for Emergency Relief (ER) funding. Ensures that wildfires are covered under the definition of natural disaster. Gives eligible entities additional time after a disaster to carry out an ER project. Authorizes a “Pre-Disaster Hazard Mitigation Pilot Program” that, on a semi-annual basis, automatically distributes funds from the highway trust fund, in an amount equal to 5% of the total amount of funds made available to each eligible entity under the emergency relief program. Total obligations under this pilot program are not limited.

Sec. 1204. Railway crossings. [23 USC 130]

Establishes a standalone railway crossing program, based on the railway-highway grade crossing set aside, raising the overall level of investment in safety projects under the bill. Requires railroads to contribute the share for projects that provide a benefit to the railroad. Expands eligibilities to include projects to mitigate lost access from a crossing closure and strategies to prevent or reduce trespasser fatalities and injuries along railroad rights-of-way. Allows railway crossing funds to be used toward the cost of projects selected for the Federal Railroad Administration’s Consolidated Rail Infrastructure and Safety Improvements discretionary grant program. Directs the Government Accountability Office to assess the effectiveness of the railway crossing program. Emphasizes Congressional intent that U.S. DOT should coordinate Departmental efforts to reduce trespasser deaths at railroad rights-of-way.

Sec. 1205. Surface transportation program. [23 USC 133]

Adds eligibilities for resilience improvements, natural infrastructure, reducing carbon pollution, bus frequency and ridership enhancement projects, and wildlife crossings. Allows for up to 15 percent of STP funds suballocated to rural areas to invest in local roads and rural minor collectors. Increases the percentage of STP funds that are suballocated based on population from 55 percent under current law to 57 percent to 60 percent over the life of the bill. Revises the suballocation to four population bands: 200,000 and above; 50,000-200,000; 5,000-50,000; and under 5,000. Provides for additional transparency and coordination requirements for suballocated funds to ensure that local governments receive their equitable share of funds based on population.

Establishes a technical assistance program for areas with a population of 200,000 and above to ensure efficient project delivery and facilitate compliance with applicable requirements. Such technical assistance can include a State DOT liaison to help local governments carry out Federal aid highway projects. Increases the off-system bridge set-aside to 20 percent of STP funds made available in any area of the State for FY20, which will provide an approximately \$1 billion investment annually in off-system bridges. A State can receive an exemption from this requirement if it can demonstrate insufficient off-system bridge rehabilitation needs to justify the expenditure. Amounts expended under the off-system bridge set-aside can be used to meet a State’s minimum bridge investment requirement under 23 USC 144(l).

Sec. 1206. Transportation alternatives program. [23 USC 133(h)]

Provides funding for the Transportation Alternatives Program (TAP) as a 10 percent set-aside out of STP. Increases the share of the program’s funds that must be suballocated to areas of the State based on population from 50 percent to 66 percent. A State may suballocate up to 100 percent of its

TAP funding if certain conditions are met and upon approval of the Secretary. Boosts the recreational trails set-aside in proportion to the increase for TAP. Requires States to provide sufficient obligation authority over the life of the bill to ensure this suballocated contract authority is obligated in a timely manner.

Lists eligibilities under the program directly in 23 USC 133(h), and adds vulnerable road user safety planning as an eligibility. Adds metropolitan planning organizations that serve urbanized areas with a population of 200,000 or fewer as eligible recipients. Allows a State DOT to carry out TAP projects at the request of any other eligible applicant. Allows a State to set aside up to five percent of the program's funds to assist project sponsors with improving their applications and expediting project delivery. Allows a State to use HSIP funds to cover the non-Federal share of the cost of a TAP project, and places restrictions on the ability of the State to transfer TAP funds out of the program. Provides flexibility for a State to meet the non-Federal match on a multiple-project or programmatic basis.

Sec. 1207. Bridge investment. [23 USC 144]

Streamlines bridge project delivery by removing the prohibition against using multiple sources of Federal funding for one bundle of bridge projects and allows the bundling of bridge resiliency projects. Creates a new minimum bridge investment requirement that ensures States spend no less than 20 percent of their two largest apportioned programs on bridge repair and rehabilitation projects. Provides States with flexibility to meet that goal over the four-year period from FY22 through FY25. Establishes program goals that include improving state of good repair for bridges; improving the safety, efficiency, and reliability of bridges; and reducing the number of bridges in poor condition, or at risk of falling into poor condition, that do not meet current geometric design standards, or that are insufficient to meeting load or traffic requirements. Includes projects such as seismic retrofits, corrosion control, systematic preventative maintenance, bridge inspections, bridge resiliency and natural infrastructure, and removal of structurally deficient bridges to improve community connectivity as eligible projects towards the minimum bridge investment requirement. Requires the Secretary to annually issue a bridge investment report detailing State-by-State expenditure of Federal funding on bridge projects.

Sec. 1208. Construction of ferry boats and ferry terminal facilities. [23 USC 147]

Amends the authorization for ferry boats and related infrastructure, which receives a 50 percent increase under section 1101.

Sec. 1209. Highway safety improvement program. [23 USC 148]

Revises HSIP to require each State, in consultation with regional and local partners, to establish a vulnerable road user safety assessment as part of its strategic highway safety plan. This assessment will identify corridors and hot spots that pose a high risk to bicyclists and pedestrians. It will further require States to develop a program of projects or strategies to reduce identified safety risks. States with high levels of bicyclist and pedestrian serious injuries and fatalities per capita will be required to undertake projects, from their STP funds, to address these identified safety issues. Makes vision zero planning under section 1601 an eligible HSIP expense.

Similarly, for each MPO that represents an urbanized area with a population of over 200,000 with high levels of bicyclist and pedestrian serious injuries and fatalities per capita, directs those MPOs to conduct a streamlined version of the assessment and direct funds towards identified safety hot spots.

If the urbanized area is within a State that triggers the vulnerable road user special rule, amounts obligated in an urbanized area will count toward that State's obligation floor under the special rule.

Amends strategic highway safety plan requirements to take into consideration a multimodal approach to safety. The plan must take into consideration a "safe system approach" to roadway design that incorporates the likelihood of human error in order to prevent fatalities. Requires the State strategic highway safety plan to take tribal safety planning processes into consideration. Provides additional flexibility to use a data-driven, multidisciplinary approach to reducing fatalities and serious injuries and empowers each State to develop a program of projects to address its unique safety needs. Restores the ability, rescinded in MAP-21, to use up to 10 percent of a State's HSIP funds for public awareness, education, and other non-infrastructure efforts.

Ensures that penalties and set-asides do not divert from safety needs identified in the State strategic highway safety plan. Replaces the railway-highway grade crossing set-aside, which was a 10 percent takedown of HSIP, with a standalone railway crossing program under 23 USC 130. Provides additional flexibility for States to meet any special rule obligation requirements within a two-year window, rather than within the fiscal year, to ensure that States have adequate time to plan and program the best projects. Strengthens the emphasis on high risk rural roads by increasing total investment in rural roads while reducing variances among the States that trigger the special rule to provide States with more certainty when planning these projects. Requires FHWA update guidance on rural road safety.

Sec. 1210. Congestion mitigation and air quality improvement program. [23 USC 149]

Adds eligibility for shared micromobility projects, including bikeshare and shared scooters. Adds eligibility for projects to mitigate seasonal or temporary traffic congestion from travel or tourism. Amends the program's clean vehicle provisions to include hydrogen fueling stations as an eligible activity. Modifies the eligibility of program funds to be used for operating assistance, including providing additional assistance for projects that continue to demonstrate net air quality benefits.

Sec. 1211. Electric vehicle charging stations. [23 USC 155; 111]

Requires electric vehicle charging stations that receive title 23 funds to be usable by the majority of EV drivers and accessible to all members of the public. Allows EV charging within an Interstate rest area or park and ride. Requires a certification by the Secretary of Commerce regarding the materials used to install EV charging stations.

Sec. 1212. National highway freight program. [23 USC 167]

Revises the program's goals to include further consideration of environmental and equity impacts. Provides for additional critical rural freight corridor and critical urban freight corridor mileage for States that have used at least 90 percent of their currently allotted mileage. Eliminates program eligibility restrictions for States with higher percentages of the primary freight network mileage. Removes the cap on funding multimodal freight projects, provided that the projects contribute to the efficient movement of goods on the National Freight Network.

Sec. 1213. Carbon pollution reduction. [new 23 USC 171]

Creates a new carbon pollution reduction apportionment program. Provides broad flexibility to the States to fund projects eligible under title 23 or chapter 53 of title 49, provided that the projects reduce greenhouse gas emissions. Includes eligibility for intercity passenger rail projects that reduce greenhouse gas emissions and improve mobility on public roads. Allows States to use up to 10

percent of funds for operating costs of public transportation and intercity passenger rail. Requires the Secretary to annually evaluate carbon dioxide emissions per capita on public roads in each State and issue an accompanying progress report. States that achieve the most significant reductions in carbon dioxide emissions will receive additional flexibility in project Federal share and program transferability. States making the least progress in emissions reduction are required to dedicate additional Federal funds to projects that will reduce emissions. The Secretary, in consultation with the Environmental Protection Agency, will periodically issue a report detailing which types of projects eligible under this section prove most effective in reducing carbon pollution.

Sec. 1214. Recreational trails. [23 USC 206]

Allows project sponsors to apply recreational trails program requirements to trails projects funded with any apportioned program dollars, to facilitate more efficient project delivery.

Sec. 1215. Safe routes to school program. [23 USC 211]

Codifies elements of the Safe Routes to School (SRTS) program enacted in section 1404 of SAFETEA-LU. Projects under this section are eligible for funding under the Transportation Alternatives Program and the Highway Safety Improvement Program. Expands eligibility under SRTS to include high schools. Removes the 30 percent non-infrastructure project cap to provide additional flexibility to project sponsors. Adds provisions to ensure rural school district outreach under the program.

Sec. 1216. Bicycle transportation and pedestrian walkways. [23 USC 217]

Ensures that the State pedestrian and bicycle coordinator is a full-time position. Aligns the definition of electric bicycle with other existing standards, subject to State and local safety regulations.

Subtitle C—Project Level Investments

Sec. 1301. Projects of national and regional significance. [23 USC 117]

Establishes a Projects of National and Regional Significance (PNRS) program, which provides more than \$9 billion over the life of the bill for large highway, transit, and passenger and freight rail projects that reduce congestion on roadways and that cannot be funded through annual apportionments or other discretionary sources. Grants are at least \$25 million and for projects with total costs of at least \$100 million or exceeding a percentage of the applicable entity's apportionment. Includes the authority for the Secretary to award grants over multiple years for projects with anticipated total costs over \$500 million. Directs the Secretary to make grant selections based on merit criteria specified in statute, including the extent to which a project contributes to a state of good repair; cost savings generated by the project over the life of the asset; safety, mobility, economic, resilience, and environmental benefits generated by the project; benefits to all users of the project; and the average number of people or volume of freight supported by the project. Additional considerations include whether the project serves an area of persistent poverty; the degree to which the project utilizes innovative technologies or construction techniques; whether the project improves connectivity between modes of transportation; and whether the project provides new or improved connections between metropolitan areas of a population least 500,000.

Sec. 1302. Community transportation investment grant program. [new 23 USC 173]

Establishes a \$600 million per year grant program to support local investments in projects to improve safety, state of good repair, accessibility, and environmental quality through infrastructure investments. Sets aside a minimum of 25 percent of program funds for projects in rural

communities and a minimum of 25 percent of program funds for projects in communities between 50,000 and 200,000 in population. Requires the Secretary to evaluate projects on their benefits to transportation safety, including reductions in traffic fatalities and serious injuries; to state of good repair, including improved condition of bridges and pavements; to transportation system access, including improved access to jobs and services; and in reducing greenhouse gas emissions, and to rate each project based on these criteria. Allows the Secretary to use different weighting of these criteria based on project type, population served by the project, and other context-sensitive considerations. Instructs the Secretary to compare each project's benefits with its costs, rank projects based on that comparison, and to select grant recipients from among those projects ranked most highly. Requires the Secretary to make public information on the evaluation and rating process prior to issuing a notice of funding opportunity. Requires the Secretary to submit to Congress the ratings and rankings of all projects, and a list of all projects being considered by the Secretary to receive an award, prior to making such award.

Sec. 1303. Grants for charging and fueling infrastructure to modernize and reconnect America for the 21st century. [23 USC 151]

Establishes a \$350 million annual competitive grant program to deploy electric vehicle charging and hydrogen, natural gas, and propane fueling infrastructure. The primary merit criteria for project selection is the extent to which the project would reduce estimated greenhouse gas emissions and air pollution from vehicle emissions, weighted by the total Federal investment in the project. Projects must be installed on alternative fueling corridors designated by FHWA or a State or group of States, unless the applicant demonstrates that the proposal would expand the deployment of alternative fueling infrastructure to a greater number of users than any other comparable investment on the corridor. Electric vehicle charging stations installed under this section must be usable by the majority of electric vehicle drivers and accessible to all members of the public. Requires FHWA, in consultation with the Department of Energy, to provide guidance on the deployment of alternative fueling infrastructure. Prohibits a grant recipient from charging fees for the use of a project assisted with a grant under this section.

Sec. 1304. Community climate innovation grants. [new 23 USC 172]

Establishes a new \$250 million per year competitive grant program to support local investments in innovative strategies to reduce greenhouse gas emissions. Provides broad flexibility to grantees to fund projects eligible under title 23 or chapter 53 of title 49, provided the project reduces greenhouse gas emissions. Includes eligibility for intercity passenger rail projects that reduce greenhouse gas emissions and improve mobility on public roads. Prioritizes projects that show the most promise in reducing greenhouse gas emissions, and provides further consideration for a project's cost-effectiveness, provision of diverse transportation choices, accessibility, equity and environmental justice impacts, benefits to low-income communities, and use of innovative materials.

Sec. 1305. Metro performance program.

Provides \$750 million over the life of the bill for direct allocations to MPOs to advance locally-selected projects. Authorizes the Secretary to designate a high-performance tier of MPOs based on technical capacity to manage Federal-aid highway funds. Provides between \$10 and \$50 million per year for the MPOs designated. Projects are subject to all Federal-aid highway requirements, including environmental laws, labor projections, and Buy America. Participating MPOs will report annually on the status of the program and the projects advanced with program funds to FHWA, and FHWA will report to Congress on the lessons learned from the program and provide recommendations on ways to improve suballocation of Federal-aid highway funds under STP.

Sec. 1306. Gridlock reduction grant program.

Establishes a \$250 million grant program to reduce traffic gridlock in large metropolitan areas. Supports projects to reduce and mitigate the adverse impacts of traffic congestion; make better use of existing capacity; and employ innovative, integrated, and multimodal solutions to reducing gridlock. Includes eligibility for intelligent transportation systems, real-time traveler information, transportation demand management, and multimodal solutions. Dedicates half of program funds for freight-specific projects including first-mile and last-mile delivery solutions, use of centralized delivery points, curb space management, and real-time freight parking and routing. Prioritizes projects in areas that are experiencing a high degree of recurrent congestion. Requires the Secretary to report on recommendations and best practices following the implementation of projects.

Sec. 1307. Rebuild rural grant program.

Establishes a \$250 million grant program to support infrastructure investment in rural communities. Focuses on projects that will improve transportation safety, including on high-risk rural roads, on Federal lands, and at vehicle-wildlife crossings; improve state of good repair, including on off-system bridges; and improve access to jobs and services in support of rural economies. Includes consideration for projects that coordinate transportation projects in the highway right-of-way with proposed broadband infrastructure.

Sec. 1308. Parking for commercial motor vehicles.

Establishes a \$250 million grant program to address the shortage of parking for commercial motor vehicles to improve the safety of commercial motor vehicle drivers.

Sec. 1309. Active transportation connectivity grant program.

Establishes a \$250 million grant program to support infrastructure investment in connected active transportation networks. Supports the development of active transportation networks to connect points within a community, and active transportation spines to connect communities to one another. Supports the development of complete streets and the use of safe systems approaches to enhance safety for vulnerable road users. Includes considerations for the environmental justice and equity impacts of a project and the extent to which the project improves connectivity to public transportation.

Subtitle D—Planning, Performance Management, and Asset Management

Sec. 1401. Metropolitan transportation planning. [23 USC 134]

Requires MPOs to consider carbon pollution and emissions reduction, climate change, resilience, and hazard mitigation throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies. Consistent with Section 1403, incorporates performance-based planning and transportation system access into project selection. Revises the MPO designation and consultation processes to facilitate better regional coordination. Membership of newly designated or redesignated MPOs must reflect the population of the area, while ensuring continuity for existing MPOs. Clarifies that MPOs can use electronic platforms to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

Sec. 1402. Statewide and nonmetropolitan transportation planning. [23 USC 135]

Makes similar resilience and climate-related changes as detailed under section 1401 to statewide planning. Requires States to consider carbon pollution and emissions reduction, climate change,

hazard mitigation, and resilience throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies. Emphasizes the importance of a performance-based project selection approach. Requires U.S. DOT to submit an updated edition of the performance-based planning and programming report to Congress once every four years to provide recommendations for ways to improve performance-based planning. Consistent with section 1403, incorporates performance-based planning and transportation system access into project selection. Clarifies that States can use electronic platforms, such as social media, to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

Sec. 1403. National goals and performance management measures. [23 USC 150]

Requires U.S. DOT to establish new performance measures for greenhouse gas emissions and transportation system access. Section 150(d)(3) prohibits States from setting regressive targets related to safety and carbon pollution reduction. The transportation system access measure leverages modern data tools to improve the way States and MPOs assess the level of safe, reliable, and convenient access to jobs and services (including shopping, healthcare, childcare, education and workforce training, and financial institutions). Considers the level of access for various modes of travel. Establishes a working group of State, local, and non-governmental experts to advise U.S. DOT on the establishment of the measure. Requires the Secretary to acquire, using research funds, transportation system access data sets and analytical tools to facilitate the implementation of requirements under this section.

Sec. 1404. Transportation demand data and modeling study.

Requires the Secretary to compare observed data to transportation demand forecasts from a sampling of States and MPOs. These comparisons will examine traffic count, mode share, public transit ridership, and vehicle occupancy data in order to inform future planning and forecasting and evaluate the impacts of transportation investments on transportation demand. Requires the Secretary to publish best practices and guidance on forecasting and transportation demand management strategies that most effectively reduce congestion travel times and carbon pollution. Encourages the Secretary to work with UTCs and the private sector to carry out this section. Make the activities described under this section explicitly eligible for funding under 23 USC 503(b).

Sec. 1405. Fiscal constraint on long-range transportation plans.

Directs the Secretary to revise the metropolitan planning regulations in 23 CFR part 450 to define the “outer years” to cover the first four years, rather than the first 10 years of the plan. The four-year window is consistent with other metropolitan and performance planning requirements.

Subtitle E—Federal Lands, Tribes, and Territories

Sec. 1501. Territorial and Puerto Rico highway program. [23 USC 165]

Significantly increases the amount of funds for the Territorial and Puerto Rico highway program, providing \$100 million per year for territories and \$210 million per year for Puerto Rico from the Highway Trust Fund.

Sec. 1502. Tribal transportation program. [23 USC 202]

Under section 1101, the bill significantly increases funding levels for the Tribal Transportation Program (TTP), providing \$800 million per year for the program out of the Highway Trust Fund. Expands eligibility under the Tribal Transportation Bridge Program to allow construction of new

bridges. Expands eligibility for safety projects under the TTP to include projects that educate the public and increase awareness concerning highway safety matters and to better enforce highway safety laws in tribal nations.

Sec. 1503. Tribal High Priority Projects program.

Provides \$50 million annually out of the Highway Trust Fund for a reestablished grant program that was authorized in MAP-21, but never funded, to award grants to the highest priority project for tribes whose annual transportation funding is insufficient. Provides emergency relief to tribes who cannot access other emergency relief funds and sets a maximum grant award of \$5 million.

Sec. 1504. Federal lands transportation program. [23 USC 203]

Under section 1101, the bill significantly increases funding levels for the Federal Lands Transportation Program, providing \$550 million per year out of the Highway Trust Fund for the program. The bill also provides an additional \$345 million per year out of the Highway Trust Fund for the Federal Lands Access Program. Allows the head of a Federal agency that owns a transportation facility to request assistance from a State in paying the project costs when a high-commuter corridor (defined as a transportation facility administered by a Federal agency that has average annual daily traffic of not less than 20,000 vehicles) within that State is in need of repair. Directs GAO to study the National Park Service maintenance prioritization of Federal lands transportation facilities and specifically their prioritization of maintenance on high commuter corridors.

Sec. 1505. Federal lands and Tribal major projects program. [23 USC 208]

Transforms the Nationally Significant Federal Lands and Tribal Projects Program into the Federal Lands and Tribal Major Projects program, codifies it, and provides an annual authorization of \$400 million from the Highway Trust Fund under Section 1101. Expands project eligibility and eligible uses of funds to allow for preconstruction activities. Lowers the minimum project cost threshold to \$12.5 million for Federal lands projects and \$5 million for tribal projects. Increases Federal cost share to 100 percent for tribal projects and requires program funds to be split 50-50 between tribal and Federal lands projects.

Sec. 1506. Office of Tribal Government Affairs.

Establishes an Office of Tribal Government Affairs within U.S. DOT and creates a new Assistant Secretary for Tribal Government Affairs position. The Office and the Assistant Secretary will oversee administration of the Tribal Transportation Self Governance Program, policies and programs serving Indian Tribes and Tribal Organizations, and will provide technical assistance to tribes.

Sec. 1507. Alternative contracting methods. [23 USC 201]

Allows tribes and Federal land management agencies to use the same alternative contracting methods available to States.

Sec. 1508. Divestiture of Federally-owned bridges.

Authorizes the transfer of Federally-owned bridges from the Bureau of Reclamation to a State, provided the State concurs; an agreement from the State to operate and maintain the bridge; compliance with all applicable Federal laws; and a joint notification by the Bureau and the State to the Secretary of Transportation prior to the transfer of ownership. Specifies that the Bureau is not required to transfer ownership of the land on which the bridge is located or any adjacent lands but

requires the Bureau to provide access for the State for the purposes of construction, maintenance, and bridge inspections.

Sec. 1509. Study on Federal funding available to Indian Tribes.

Requires the Secretary to report to Congress annually on the number of Indian Tribes who were direct recipients of Federal transportation grants and the total amount of funds awarded, and the number of Indian Tribes who were indirect recipients of Federal transportation formula funding and the total amount of such funds.

Sec. 1510. GAO study.

Directs GAO to study the deferred maintenance backlog on U.S. Forest Service roads.

Subtitle F—Additional Provisions

Sec. 1601. Vision zero.

Provides for the establishment of vision zero plans to significantly reduce or eliminate transportation related fatalities and serious injuries within a specified timeframe, but not to exceed 20 years. The vision zero plan includes a complete streets prioritization plan to ensure safe, accessible, and connected active transportation networks. Allows local governments, MPOs, or regional transportation planning organizations to use HSIP or STP funds for these purposes. A vision zero plan may include a complete streets prioritization plan that identifies a list of projects to provide safe and convenient active transportation access to jobs, housing, and other essential services.

Sec. 1602. Speed limits.

Requires the Secretary to revise the Manual on Uniform Traffic Control Devices (MUTCD) to require States and local governments to use a “safe systems approach” to setting speed limits, consistent with NTSB recommendations. Requires the Secretary to update and report on the implementation progress of the Department’s Speed Management Program Plan.

Sec. 1603. Broadband infrastructure deployment.

Creates a new “dig once” provision to ensure better coordination of transportation and broadband infrastructure projects, while ensuring State flexibility and preventing unfunded mandates. Creates a Dig Once Funding Task Force to estimate the cost of a nationwide “dig once” requirement, and to propose and evaluate options for funding such a requirement. Ensures Task Force consultation with stakeholders that represent rural communities and communities with limited access to broadband infrastructure.

Sec 1604. Balance exchanges for infrastructure program.

Takes funding from the TIFIA program and redistributes it to States within the Appalachian region to be used for projects eligible under the Surface Transportation Program at 100 percent federal share. In order to access these funds, requires Appalachian States to return unused funding under the Appalachian Development Highway System (ADHS) program to the Secretary. Allows the Secretary to redistribute returned ADHS funds to other Appalachian States to carry out projects to complete the ADHS.

Sec. 1605. Stormwater best management practices.

Authorizes U.S. DOT and EPA to commission a Transportation Research Board study of stormwater runoff best practices and to report to Congress on the results not later than 18 months after enactment. Requires EPA to update best management practices on stormwater runoff.

Sec. 1606. Pedestrian facilities in the public right-of-way.

Requires the U.S. Access Board to finalize guidelines setting minimum accessibility standards for pedestrians in the public right-of-way. Requires such guidelines to be substantially similar to the notice of proposed rulemaking published on July 26, 2011, titled “Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way” and the supplemental notice of proposed rulemaking published on February 13, 2013, titled “Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way; Shared Use Paths.” Requires U.S. DOT to issue corresponding regulations following the issuance of the guidelines.

Sec. 1607. Highway formula modernization report.

Requires FHWA, in consultation with state DOTs, to provide recommendations on how to revise the apportionment methodology under 23 USC 104 to best achieve the goals of the Federal-aid highway program. The report will consider whether the apportionment factors established in SAFETEA-LU, the performance goals and measures under 23 USC 150, or any other factors would yield a more data-driven or equitable apportionment of funding. In addition, FHWA will consult with the EPA to determine whether the CMAQ apportionment formula best achieves the air quality goals under 23 USC 149.

Sec. 1608. Consolidation of programs.

Increases funding for operation lifesaver, work zone safety grants, the national work zone information safety clearinghouse, and the public road safety clearinghouse. Clarifies that these amounts are available at 100 percent Federal cost share.

Sec. 1609. Student outreach report to Congress.

Requires the Secretary to report on U.S DOT’s efforts to encourage students to pursue careers in the surface transportation sector.

Sec. 1610. Task force on developing a 21st century surface transportation workforce.

Establishes a task force comprised of representatives from surface transportation industry sectors, labor, and other experts to develop recommendations and strategies to address surface transportation workforce needs and ways to increase representation of women and minorities in surface transportation careers.

Sec. 1611. On-the-job training and supportive services. [23 USC 140(b)]

Establishes transparency and reporting requirements for the On-the-Job Training and Supportive Services program. Requires States to develop annual statewide workforce development plans to identify and address workforce gaps and underrepresentation of women and minorities and to establish annual workforce development compacts with State workforce development boards and other appropriate agencies.

Sec. 1612. Work zone safety. [23 USC 504(e)]

Adds eligibility for States to use apportioned funds dedicated to workforce training and education on work zone safety training and certification for State and local employees as well as surface transportation construction workers.

Sec. 1613. Transportation education development program. [23 USC 504(f)]

Adds transparency and reporting requirements to track the program objectives of grant recipients and progress made toward developing new curricula and education programs to train individuals at all levels of the transportation workforce.

Sec. 1614. Working group on construction resources.

Establishes a Working Group consisting of State, local, and tribal officials and relevant industry stakeholders to assess the availability of certain transportation-related construction materials. The Working Group will report to the Secretary with any findings and recommendations to reduce the cost and environmental impacts of the transportation construction supply chain.

Sec. 1615. Numbering system of highway interchanges.

Prevents the imposition of a penalty for States that fail to comply with certain requirements for numbering of highway interchanges in effect on the date of enactment of this Act.

Sec. 1616. Toll credits.

Directs the Department of Transportation to analyze the impact of the toll credits on transportation expenditures and the viability of establishing a toll credit exchange.

Sec. 1617. Transportation construction materials procurement.

Directs the Secretary to conduct a review of the procurement processes used by State DOTs to select construction materials for projects utilizing Federal-aid highway funds.

Sec. 1618. Construction of certain access and development roads. [23 USC 118(d)]

Allows territories to use funds made available under title 23 to be expended for certain access and development roads.

Sec. 1619. Nationwide road safety assessment.

Directs the Secretary of Transportation to conduct, every 2 years, a nationwide, on-the-ground road safety assessments focused on pedestrian and bicycle safety in each State.

Sec. 1620. Wildlife crossings.

Requires States to obligate a portion of their National Highway Performance Program funds for projects eligible under that program that include project components that would reduce vehicle-cause wildlife mortality or restore and maintain connectivity among aquatic or terrestrial habitats. A State may opt out of the obligation requirement if the Governor of the State notifies the Secretary of Transportation that the State has inadequate needs to justify the expenditure.

Sec. 1621. Climate resilient transportation infrastructure study.

Directs DOT to enter into an agreement with the Transportation Research Board to conduct a climate resilient transportation infrastructure study.

Sec. 1622. Elimination of duplication of environmental reviews and approvals.

Requires DOT to finalize the rulemaking for the program described under 23 USC 330.

Sec. 1623. AMBER Alerts along major transportation routes.

Expands eligibility for the AMBER Alert program to U.S. territories, and allows the Secretary to waive local match requirements for the territories. Modifies the Amber Alert program to cover

major transportation routes and facilities in addition to highways, including airports, maritime ports, and border crossings.

Sec. 1624. Natural gas, electric battery, and zero emission vehicles.

Expands the existing 2,000-pound additional weight allowance for natural gas vehicles and electric battery vehicles to other zero emission vehicles.

Sec. 1625. Guidance on evacuation routes.

Directs FHWA, in consultation with FEMA, to issue or revise guidance on evacuation routes, or report to Congress describing existing guidance that satisfies the considerations listed in this section.

Sec. 1626. Prohibiting use of Federal funds for payments in support of congressional campaigns.

Provides that no amounts assessed on funds collected pursuant to the blocked rail crossing requirement in section 9553 of Division D may be used in support of a congressional campaign.

Sec. 1627. High priority corridors on the National Highway System.

Designates the Louisiana Capital Region High Priority Corridor under section 1105(c) of ISTEA.

Sec. 1628. Guidance on inundated and submerged roads.

Directs FHWA, in consultation with the FEMA Administrator, to review guidance required under section 1228 of the Disaster Recovery Reform Act of 2018 and issue guidance regarding repair, restoration, and replacement of inundated and submerged roads damaged by a declared major disaster.

Sec. 1629. Airport innovative financing techniques.

Authorizes the Secretary of Transportation to permit up to 30 non-large hub airports each fiscal year to use Airport Improvement Program grant funds for innovative financing techniques related to an airport development project for the purpose of reducing the total cost of a project or safely expediting the delivery or completion of a project. Innovative financing techniques include payments of interest, commercial bond insurance, non-Federal matching, and other techniques the Secretary may approve.

Sec. 1630. Small airport letters of intent.

Expands Federal Aviation Administration (FAA) authority to issue letters of intent indicating an amount of future FAA funds the agency intends to obligate to small and non-primary U.S. airports for certain airport development projects.

Sec. 1631. Dry bulk weight tolerance.

Allows an up to 10 percent weight variance on an axle of a commercial motor vehicle transporting dry bulk goods to accommodate cargo that may have shifted in transport.

TITLE II—PUBLIC TRANSPORTATION

Subtitle A—Federal Transit Administration

Sec. 2101. Authorizations.

Authorizes \$66.3 billion in contract authority for FY22 through FY25 for the Federal transit program. Creates a new set aside for administrative costs for Buy America.

Sec. 2102. Chapter 53 definitions. [49 USC 5302]

Adds definitions for “resilience” and “assault on a transit worker.” Includes bike share under the definition for associated transit improvements. Amends the FTA Joint Development Program to remove the fair share revenue requirement for transit-oriented development projects that include 50 percent affordable housing. This is a higher threshold than other programs because FTA provides direct funding for Joint Development.

Sec. 2103. General provisions. [49 USC 5323]

Provides transit agencies more flexibility to meet community needs with limited exemptions to the charter service rule. Requires transit agencies to respond to intercity and charter bus requests for reasonable access to public transit facilities within 75 days. Restores the ability to incorporate art into transit facilities. Creates a uniform and customer-friendly ADA complaint process.

Sec. 2104. Miscellaneous provisions.

Increases Federal cost share to 90 percent for ADA accessibility in state of good repair projects. Treats the District of Columbia as a State in the high-density States formula. Authorizes FTA to provide technical assistance on the impacts of a new census count. Requires transit agencies to collect data on the assault of transit workers, pedestrian/bus fatalities, and bus frequency. Relaxes the phaseout of the Special Bus Rule to provide more flexibility.

Sec. 2105. Policies and purposes.

Adds reductions in carbon emissions and improvements to resiliency to the purpose of a Federal transit program.

Sec. 2106. Fiscal year 2022 formulas.

Ensures that transit data from fiscal year 2020 and impacted by COVID-19 will not be used in the calculation of transit formula apportionments.

Sec. 2107 Metropolitan transportation planning. [49 USC 5303]

Requires MPOs to consider carbon pollution and emissions reduction, climate change, resilience, and hazard mitigation throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies. Consistent with Section 1403, incorporates performance-based planning and transportation system access into project selection. Revises the MPO designation and consultation processes to facilitate better regional coordination. Membership of newly designated or redesignated MPOs must reflect the population of the area, while ensuring continuity for existing MPOs. Clarifies that MPOs can use electronic platforms to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

Sec. 2108. Statewide and nonmetropolitan transportation planning. [49 USC 5304]

Makes similar resilience and climate-related changes as detailed under section 1401 to statewide planning. Requires States to consider carbon pollution and emissions reduction, climate change, hazard mitigation, and resilience throughout the planning process. Adds additional planning considerations for accessibility and equity, including a holistic look at housing and land use policies. Emphasizes the importance of a performance-based project selection approach. Requires U.S. DOT to submit an updated edition of the performance-based planning and programming report to Congress once every four years to provide recommendations for ways to improve performance-based planning. Consistent with section 1403, incorporates performance-based planning and transportation system access into project selection. Clarifies that States can use electronic platforms, such as social media, to solicit public feedback during the planning process. Such electronic outreach is in addition to, not in lieu of, public meetings.

Sec. 2109. Obligation limitation.

Provides obligation authority to match the contract authority authorized for FY22 through FY25.

Sec. 2110. Public transportation emergency relief funds

Increases the deadline for projects to advance to construction under the emergency relief (ER) program to 6 years, to give eligible entities additional time after a disaster to carry out an ER project.

Sec. 2111. General provisions.

Requires transit agencies to respond to intercity and charter bus requests for reasonable access to public transit facilities within 90 days, and denials require a response in writing. Permits the Secretary to waive, exempt, defer or establish a simplified level of compliance for transit agencies with 10 or fewer vehicles in service or that receive 5307 and 5311 funding. Establishes a new policy for proceeds from the sale of old equipment allowing some funds to be retained by the transit agency but returning the remaining funds to the Highway Trust Fund.

Sec. 2112. Certification requirements.

Establishes a new certification that bus or rail rolling stock being procured do not contain or use any covered telecommunications equipment as defined by section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232).

Subtitle B—Improving Frequency and Ridership

Sec. 2201. Multi-jurisdictional bus frequency and ridership competitive grants. [49 USC 5308]

Creates a new competitive program, funded at \$100 million annually, to increase bus frequency, ridership and total person throughput by redesigning urban streets and corridors to efficiently move transit vehicles in congested major urban areas. The program is structured to require a partnership between transit agencies and State or local government agencies responsible for roadways.

Sec. 2202. Incentivizing frequency in the urban formula. [49 USC 5336]

Replaces the current incentive formula based on low operating costs with a formula based on vehicles per hour during peak service in the highest 25 percent of routes by ridership. This will incentivize ridership rather than low-cost bus operations. This formula change begins in 2023, providing time to collect the data and improve frequency on the highest ridership routes.

Sec. 2203. Mobility Innovation. [49 USC 5316]

Creates a new set of Federal rules for mobility on demand services integrated with mobility as a service. Transit agencies are allowed to shift funding provided for the urban, rural, and seniors and individuals with disabilities programs to this program to take advantage of waivers under certain conditions. Retains basic requirements for safety, Buy America, and labor protections. Includes restrictions on single passenger trips, carbon and particulate emissions, and 3rd party contractors. Requires a negotiated rulemaking to bring the diverse stakeholders together to negotiate an open data standard necessary to bring the benefits of mobility on demand to more people. This section is effective once the rulemaking is complete.

Sec. 2204. Formula grants for rural areas. [49 USC 5311]

Revises the rural transit formula to increase the funding attributed to actual transit service. Provides flexibility to States for areas transitioning from rural to urban after a new census designation. Increases tribal rural funds by 57 percent, with \$10 million for competitive grants and \$45 million for tribal formula funds. Provides flexibility to fund continuous intercity bus service across state lines and requires public documentation of state certifications to waive the 15 percent of funds for intercity service. Clarifies that volunteer hours satisfy local cost share requirements for social service trips.

Sec. 2205. One-stop paratransit program. [49 USC 5310]

Creates a grant program to examine the costs and benefits of allowing flexibility in paratransit trips that allow one stop for certain needs like dropping children off at daycare or school or stopping briefly at the pharmacy, grocery store, or the bank. The grant will cover reporting costs and costs associated with the extra stops.

Subtitle C—Buy America and Other Procurement Reforms

Sec. 2301. Buy America. [49 USC 5320]

Recodifies Buy America into section 5320, closes loopholes, removes bureaucratic burdens, clarifies waiver reporting requirements, and provides new incentives to boost domestic job production. Closes loopholes that allow waived components and components exceeding 70 percent domestic content to receive credit for 100 percent domestic content. Incentivizes higher domestic content by including final assembly costs into the domestic content calculation, providing an automatic 2.5 percent increase in domestic content if a zero-emission vehicle uses domestic battery cells, providing a bonus of 10 percent of domestic content for any component that exceeds 70 percent, and providing a bonus of 15 percent of domestic content for any component that exceeds 75 percent.

Requires FTA to conduct rolling stock certifications to remove the burden from transit agencies, allows certifications to be used for multiple procurements, sets a standard for recertifications, and provides fair competition by ensuring certifications are consistently applied. The DOT Inspector General will provide annual audits of the program. Creates a refined waiver process for passenger vehicles, allowing automatic waivers for passenger vehicles that are domestically assembled and have a 60 percent domestic content as measured by the American Automobile Labeling Act. Requires domestic components use domestic steel and iron. Prohibits imported components from becoming domestic components. Applies Buy America to local funding. Requires FTA to review its bus and rail component and final assembly regulations to maximize domestic job creation and align with modern manufacturing techniques. Phases in the modifications of Buy America over a 5-year timeframe.

Sec. 2302. Bus procurement streamlining. [49 USC 5323(v)]

Requires bus procurements to use performance-based specifications in a procurement instead of specifying individual components. Requires a negotiated rulemaking to establish a list of components and subcomponents that are waived from the performance-based specification requirement.

Sec. 2303. Bus testing facility. [49 USC 5318]

Puts the Secretary on a deadline to grant a manufacturer's request for testing, requires a public estimate of the backlog at the testing facility to begin a new bus test, and provides additional funds to expedite testing. Designates The Ohio State University as the autonomous and advanced driver-assistance systems test development facility for all bus testing with autonomous or advanced driver-assistance systems technology and provides that The Ohio State University will also serve as the over-flow new model bus testing facility to Altoona.

Sec. 2304. Repayment requirement.

Requires repayment of CARES Act transit funds if those funds were used to purchase rollingstock from a state-owned enterprise.

Sec. 2305. Definition of urbanized areas following a major disaster.

Allows an urbanized area impacted by a major disaster to retain its urban area designation after a reduction in population below 50,000.

Sec. 2306. Special rule for certain rolling stock procurements.

Section 5323(u) is amended by removing an exemption for transit agencies who have previously purchased restricted rail rolling stock.

Sec. 2307 Certification requirements.

Tightens the definition of Buy America for components of bus and rail rolling stock if those components contain materials supplied by entities that have violated fair trade laws of the United States, are owned or controlled by entities subject to United States sanctions, or are owned by a foreign government.

Subtitle D—Bus Grant Reforms

Sec. 2401. Formula grants for buses. [49 USC 5339(a)]

Provides \$5 billion for FY22 through FY25. Provides \$327 million for FY22 through FY25 to States for additional rural bus funds.

Sec. 2402. Bus facility and fleet expansion competitive grants. [49 USC 5339(b)]

Provides \$1.6 billion for FY22 through FY25. Modifies the competitive bus program to focus on large one-time needs for bus garages, bus stations, and fleet expansions. Grant considerations are limited to age and condition of facilities, resilience, and multimodal connections at stations.

Sec. 2403. Zero-emission bus grants. [49 USC 5339(c)]

Provides \$1.7 billion for FY22 through FY25 and an average annual increase of 500 percent over FAST Act funding. Sets procurement minimums to ensure transit agencies are investing appropriately in zero-emission bus fleets and the necessary charging infrastructure. Directs the

funding to areas of the largest need to resolve Clean Air Act compliance issues. Requires an agency plan for long term zero-emission bus needs and a fleet transition study.

Sec. 2404. Restoration to state of good repair formula subgrant. [49 USC 5339(d)]

Creates a subgrant, administered through the bus formula grant, that provides an increase in funding for transit agencies with the oldest buses. As these buses are replaced, the formula will automatically allocate funds to the agencies with the next oldest buses, creating a rolling funding increase that targets the agencies with the oldest buses.

Subtitle E—Supporting All Riders

Sec. 2501. Low-income urban formula funds. [49 USC 5336(j)]

Doubles the urban formula low-income set aside from 3 to 6 percent. Expands the formula to include an emphasis on the low-income population in urban census tracts with a poverty rate above 20 percent. Requires transit agencies to ensure they are serving low-income individuals.

Sec. 2502. Rural persistent poverty formula. [49 USC 5311(a)]

Sets aside \$50 million a year, administered through the rural formula grant, but based on rural areas with persistent poverty counties, defined as a county with a poverty rate above 20 percent since 1990. Requires States to distribute these Federal funds to persistent poverty counties.

Sec. 2503. Demonstration grants to support reduced fare transit.

Creates a demonstration grant to provide for a reduced fare for low-income riders to help close transit equity gaps. Requires collaboration with a University Transportation Research Center to study the impacts of these demonstration grants.

Subtitle F—Supporting Frontline Workers and Passenger Safety

Sec. 2601. National transit frontline workforce training center. [49 USC 5314(b)]

Creates a training center modeled on the successful National Transit Institute, but with a frontline employee mandate. Establishes labor-management partnerships to provide standards-based training in maintenance and operations occupations. The focus will include developing training standards, local training partnerships, training for new technologies including zero-emission buses, and training on safety and emergency preparedness.

Sec. 2602. Public transportation safety program. [49 USC 5329]

Expands the national safety plan to include driver assist technologies and driver protection infrastructure. Expands the transit agency safety plan to include a focus on passenger and personnel injuries, assaults, and fatalities; a risk management process to address transit worker assaults, a joint labor-management safety committee empowered to approve the safety plan; and a comprehensive frontline workforce training program on safety and de-escalation.

Sec. 2603. Innovation workforce standards.

Prevents a transit agency from deploying an automated vehicle that duplicates, eliminates, or reduces the frequency of existing public transportation service or a mobility on demand service unless it meets section 5316 requirements. Requires transit agencies considering transit automated vehicles and mobility on demand service to develop a workforce development plan describing how the

automated vehicle will affect transit workers. Ensures transit workers are given fair notice if their job is jeopardized by a transit automated vehicle or mobility on demand service.

Sec. 2604. Safety performance measures and set asides. [49 USC 5329]

The safety committee must establish performance measures for the risk reduction program using a 3-year rolling average of the data in the National Transit Database. Transit agencies must set aside at least 0.75 percent of their 5307 funds, which are eligible for any purpose under 5307. If an agency fails to meet the performance measures, then their safety set aside must be used for projects that are reasonably likely to meet the performance measures established in subparagraph (A), including modifications to rolling stock and de-escalation training.

Sec. 2605. U.S. Employment Plan. [49 USC 5341]

For rolling stock purchases over \$10 million, agencies shall include in their request for proposals an incentive for manufacturers to include fair wages, apprenticeships, local hire, and traditionally underrepresented labor.

Sec. 2606. Technical assistance and workforce development.

Provides technical assistance to rural and tribal public transit focused on innovation and capacity-building.

Subtitle G—Transit-Supportive Communities

Sec. 2701. Transit-supportive communities. [49 USC 5328]

Establishes an Office of Transit-Supportive Communities to make grants, provide technical assistance, coordinate transit-housing policies across the Federal government, and incorporate strategies to promote equity for underrepresented and underserved communities. The office will make grants available under the Transit Oriented Development Planning grant program, for eligible grantees who are designing or building a fixed guideway transit line, or serving an existing fixed guideway transit line, a station that is part of a fixed guideway transit system, or the immediate corridor surrounding a high-frequency transit line.

Sec. 2702. Property disposition for affordable housing. [49 USC 5334(h)]

Allows a grantee to transfer property no longer needed to a local government authority, non-profit, or other third party for the purpose of transit-oriented development and releases the Federal interest in that asset. Requires that at least 40 percent of the housing units in such a project be offered as affordable housing.

Sec. 2703. Affordable housing incentives in capital investment grants. [49 USC 5309]

Provides multiple incentives in the CIG ratings process if the project preserves or encourages higher density affordable housing near the project. Allows Economic Development Administration Public Works grants and Department of Housing and Urban Development Community Development Block Grants to be counted as part of the local share, provided that the funds are used in conjunction with an affordable housing development.

Subtitle H—Innovation

Sec. 2801. Mobility innovation sandbox program. [49 USC 5312(d)]

Authorizes Mobility on Demand research and ties it to the types of projects eligible under Section 5316 - Mobility Innovation.

Sec. 2802. Transit bus operator compartment redesign program. [49 USC 5312(d)]

Authorizes FTA research on redesigning bus driver compartments to improve driver visibility, expand driver functionality, and reduce driver assault.

Sec. 2803. Federal Transit Administration Every Day Counts initiative. [49 USC 5312]

Establishes a new FTA Every Day Counts initiative, which currently exists within FHWA as a successful State DOT deployment program for innovative technologies and practices.

Sec. 2804. Technical corrections. [49 USC 5312]

Replaces research and deployment of “low-no” emission buses with zero-emission buses. Fixes several clerical errors.

Sec. 2805. National advanced technology transit bus development program.

Authorizes a national advanced technology transit bus development program to facilitate the development and testing of commercially viable advanced technology transit buses that do not exceed a Level 3 automated driving system.

Subtitle I—Other Program Reauthorizations

Sec. 2901. Reauthorization for capital and preventive maintenance projects for Washington Metropolitan Area Transit Authority. [PL 110-432, Division B, Title IV, Sec. 601]

Reauthorizes capital and preventive maintenance projects for WMATA and provides greater independence and a dedicated budget for the WMATA Inspector General.

Sec. 2902. Other apportionments. [49 USC 5336]

Provides \$245 million for FY22 through FY25 for passenger ferries. Increases the Small Transit Intensive Cities (STIC) program set-aside to three percent and provides a three year phase out for prior STIC recipients who no longer qualify under a new census designation.

Subtitle J—Streamlining

Sec. 2911. Fixed guideway capital investment grants. [49 USC 5309]

Reduces the bureaucratic burden within the Capital Investment Grant (CIG) approval process. The Federal approval process for a new transit project is burdensome in comparison to the Federal approval process for a new highway project. Modifications to the CIG program include:

- Small Starts: The Federal cost cap for small starts projects increases to \$320 million and the total cost cap increases to \$400 million, providing more small projects a streamlined approval process.
- Core Capacity: Adds station expansion eligibility to core capacity projects. Allows these projects to start planning additional capacity 10 years before the corridor reaches capacity.

- Engineering phase: Increases to three years the time projects have to move through the engineering phase.
- Project Development phase: Cost and risk assessments may not be required in the project development phase, but applicants may choose to do their own assessments and FTA can provide technical assistance.
- Federal Cost Share: Reestablishes an 80 percent CIG cost cap for all CIG projects. Replaces the requirement on FTA to minimize Federal cost share, with an option for a transit agency to choose a CIG cost share under 60 percent. Transit agencies that remain under 60 percent cost share are subject to less strenuous requirements for project approval by allowing the applicant to: determine the amount of the contingency funds; certify that local resources are available to continue running their current service; and secure only 75 percent of the local financial commitment to sign the Full Funding Grant Agreement (FFGA), with the remaining 25 percent budgeted, but not committed.
- Contingency Funds: For projects that seek the higher cost share, FTA will now provide 50 percent of the contingency amount required.
- Project Rating Incentives: Expands the use of incentives (warrants) for projects with a total cost under \$1 billion or projects that selected the lower cost share. This allows more projects to get automatic ratings when they meet certain criteria.
- Transparency: Provides an opportunity for applicants to seek clarification, at several key stages of the approval process, of what information FTA still requires from the applicant to secure project approval. Requires FTA to create a publicly-accessible CIG dashboard to post monthly updates on the status of each CIG project in the approval process or under construction including the status of pending approvals.
- Congressional Notification: Reduces the number of days before a project can be signed after Congressional notification to accelerate project approval.
- Interrelated Projects: Allows a rating improvement in mobility for projects that have another related project in the planning process that has secured initial NEPA guidance and will boost ridership on the current project seeking a rating.
- Timely ROD Publication: Requires the Secretary to publish a Record of Decision within two years of issuing a draft environmental impact statement in the New Starts tranche.

Sec. 2912. Rural and small urban apportionment deadline. [49 USC 5336]

Requires FTA to apportion formula funds made available by appropriation continuing resolutions to States by December 15th of the fiscal year. States may choose to apply for these funds or wait for the full-year apportionment. This will provide better access to Federal formula funds to small urban areas, rural areas, and service providers for seniors or individuals with disabilities.

Sec. 2913. Disposition of assets beyond useful life. [49 USC 5334]

Establishes a new policy for proceeds from the sale of old equipment. The original Federal share of the proceeds shall be retained by each transit agency and available for new capital projects following Federal rules.

Sec. 2914. Innovation coordinated access and mobility. [49 USC 5311]

Expands an existing program designed to streamline the coordination of public transportation services and non-emergency medical transportation. Creates start-up grants designed to launch a coordinated approach of delivering better service by reducing duplication of services from different

local, State, and Federal healthcare agencies. Creates incentive grants to capture the savings from the coordination and reduced health care costs and redirects those savings back into better service.

Sec. 2915. Passenger ferry grants.

Authorizes the Secretary to make grants for zero or reduced emission passenger ferries.

Sec. 2916. Evaluation of benefits and Federal investment.

Amends the Capital Investment Grant program criteria to include projects that improve transportation options to economically distressed areas.

TITLE III—HIGHWAY TRAFFIC SAFETY

Sec. 3001. Authorization of appropriations.

Authorizes \$4.3 billion in contract authority for FY22 through FY25 for National Highway Traffic Safety Administration (NHTSA) programs.

Sec. 3002. Highway safety programs. [23 USC 402]

Creates new State highway safety program requirements to address: the risk of leaving children or other unattended occupants in vehicles when there is a risk of hyperthermia; the proper use of child safety seats, including booster seats, with an emphasis on underserved populations; and to reduce deaths and injuries resulting from violations of State ‘move over laws’ which require drivers to reduce their speed or change lanes when there is an emergency or other vehicle parked on or near a roadway. Requires States which have legalized marijuana to consider additional programs to increase public awareness of the dangers of marijuana-impaired driving and to reduce injuries and fatalities resulting from marijuana-impaired driving. Allows an exemption from the prohibition on Sec. 402 funds being used for automated traffic enforcement systems if the system is being used in either a school zone or work zone. Directs the Secretary to enhance the ability for public review of State highway safety plans and reports by publishing each State’s plan and report on a public-facing website which can be easily navigated and searched. The website must have a means for the public to search a plans’ content, including by performance measures, program areas and expenditures, and additional funding sources.

Sec. 3003. Traffic safety enforcement grants. [23 USC 402(l)]

Establishes a \$35 million grant program to increase use of top-rated traffic safety countermeasures proven to reduce traffic fatalities and injuries. Provides additional resources for up to ten States to carry-out countermeasures rated 3, 4, or 5 stars in the most recent edition of the National Highway Traffic Safety Administration’s Countermeasures That Work highway safety guide. Funds must be targeted to areas with the highest risk of traffic fatalities and injuries, and States must report traffic safety data to the Secretary in order to determine effectiveness of the program.

Sec. 3004. Highway safety research and development. [23 USC 403]

Makes technical changes to clarify the Secretary’s authority to use certain funds for a cooperative program to research and evaluate priority highway safety countermeasures. Removes the set-aside for the in-vehicle alcohol detection device research program.

Sec. 3005. Grant program to prohibit racial profiling. [23 USC 403(h)]

Provides \$7.5 million for a grant program to encourage States to enact and enforce a law that prohibits the use of racial profiling in highway law enforcement and to maintain and allow public

inspection of statistical information for each motor vehicle stop in the State regarding the race and ethnicity of the driver and any passengers.

Sec. 3006. High visibility enforcement program. [23 USC 404]

Establishes individual campaigns dedicated to reducing drug-impaired driving and drunk driving. Expands focus of occupant protection campaigns to include proper use of child restraints. Creates new campaigns focused on distracted driving and violations of ‘move over laws’ which protect roadside first responders and law enforcement. Doubles the number of campaigns from three to six per year and requires drunk driving campaigns to occur twice per year. Improves visibility and education efforts of campaigns through coordinated use of dynamic highway messaging signs.

Sec. 3007. National priority safety programs. [23 USC 405]

Makes targeted improvements to certain priority safety grant programs which have been previously underutilized, including programs for: the use of ignition interlocks; enactment and enforcement of State distracted driving laws; and State graduated driver’s licensing laws. Reforms will increase State participation while maintaining strong safety standards. Amends the occupant protection grant program to increasing funding for child passenger safety restraints and to implement child passenger safety programs in areas with low-income and underserved populations. Expands eligibility under the State traffic safety information system improvements grant to improve data sharing and interoperability between States’ driver record systems. Allows States to perform mandatory assessments of their traffic safety record systems once every ten years instead of once every five. Creates new grant program which incentives States to develop and implement driver and law enforcement training programs to educate both groups on proper traffic stop procedure in order to reduce the potential for conflict during traffic stops. Enables the Secretary to transfer any funds remaining under this section at the end of the fiscal year to carry out activities under either Sec. 402 or Sec. 405.

Sec. 3008. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence. [23 USC 164]

Expands eligible uses of penalty funds for States which haven’t enacted or aren’t enforcing a repeat intoxicated driver law to include ‘poly-substance impaired driving’ in addition to ‘alcohol-impaired driving’ countermeasures.

Sec. 3009. National priority safety program grant eligibility.

Requires NHTSA to report a list of all deficiencies which disqualified a State from receiving a national priority safety program grant, if the State’s application is denied.

Sec 3010. Implicit bias research and training grants.

Establishes a new discretionary grant program for higher education institutions to conduct research and train law enforcement on implicit bias as it relates to racial profiling during traffic stops.

Sec. 3011. Stop motorcycle checkpoint funding. [23 USC 153 note]

Ensures that DOT funds may not be used for any program that would profile or stop motorcyclists based on clothing or mode of transportation.

Sec. 3012. Electronic driver’s license.

Allows a State-issued electronic driver’s license to qualify as acceptable identification under the REAL ID Act.

Sec. 3013. Motorcyclist Advisory Council.

Reauthorizes the Motorcyclist Advisory Council to advise NHTSA and FHWA on transportation issues important to motorcyclists.

TITLE IV—MOTOR CARRIER SAFETY

Subtitle A—Motor Carrier Safety Grants, Operations, and Programs

Sec 4101. Motor carrier safety grants. [49 USC 31104]

Authorizes \$2.2 billion in contract authority for FY22 through FY25 for motor carrier safety grants under the Federal Motor Carrier Safety Administration (FMCSA) to assist States in truck and bus safety oversight and enforcement activities, commercial driver licensing, and technology improvements to support those efforts. Includes \$1.6 billion for Motor Carrier Safety Assistance Program (MCSAP) grants; \$300 million for High Priority Activities grants; \$232 million for Commercial Driver’s License Program Implementation grants; and \$4.3 million for Commercial Motor Vehicle Operators grants. Authorizes the Administrator to carry out training for State enforcement personnel in partnership with one or more not-for-profit organizations. Extends the grant period of performance by one year to ensure program funds do not lapse and allows the Secretary to redistribute unobligated funds. Amends Commercial Driver’s License Program Implementation grants to limit to \$250,000 the amount a State can receive under the program in any fiscal year that a State has a delay of more than seven days for scheduling a CDL skills test and if the State does not allow private commercial driving schools from administering the skills test.

Sec 4102. Motor carrier safety operations and programs. [49 USC 31101]

Authorizes \$1.5 billion for FY22 through FY25 for FMCSA’s motor carrier safety operations and programs. Directs the Administrator to utilize additional program amounts to accelerate investments to modernize the agency’s information technology and information management systems, complete any outstanding statutory mandates, and undertake a new Large Truck Causation study.

Sec. 4103. Immobilization grant program. [49 USC 31102(l)]

Establishes a new grant program for States to impound or immobilize passenger-carrying commercial motor vehicles found to have significant safety violations. Requires FMCSA, in consultation with the States, to establish a list of current safety violations that are serious enough to warrant immediate removal of a passenger-carrying commercial motor vehicle from the roadway. States can use the grant funds to impound or otherwise immobilize a passenger-carrying commercial motor vehicle found to have such a violation.

Subtitle B—Motor Carrier Safety Oversight

Sec 4201. Motor carrier safety advisory committee.

Extends the authorization for the Motor Carrier Safety Advisory Committee through FY25 and adds small carriers among those required to be represented on the Committee.

Sec 4202. Compliance, safety, accountability.

Requires the Secretary, within one year of enactment, to revise the methodology used to identify and prioritize motor carriers for safety interventions under the Compliance, Safety, Accountability (CSA) program. Requires the Secretary to make safety data publicly available as part of this process. Requires progress reports to Congress 30 days after enactment, and every 90 days thereafter on the

status of the development of the revised methodology and related data modifications. Requires the Secretary to publish regulations to revise the process for issuing safety fitness determinations for motor carriers no later than one year after implementing the new CSA methodology.

Sec 4203. Terms and conditions for exemptions. [49 USC 31315]

Requires the Secretary to establish terms and conditions for carriers and drivers operating under an exemption from safety rules, including requiring the regular submission of safety data, carrying documentation of the exemption, and for exemptions related to hours of service rules, participation in a recognized fatigue management plan.

Sec 4204. Safety fitness of motor carriers of passengers. [49 USC 31144]

Requires the Secretary to review the safety of entities that offer and sell tickets for scheduled motorcoach transportation, regardless of ownership or control of the vehicles or drivers used to provide the transportation.

Sec. 4205. Providers of recreational activities.

Exempts providers of recreational activities operating small passenger vehicles from Federal registration requirements if they operate within 150 air mile radius.

Sec. 4206. Amendments to regulations relating to transportation of household goods in interstate commerce.

Directs DOT to update regulations related to the interstate transportation of household goods, and to consider changes recommended by the FAST Act's Household Goods Consumer Protection Working Group.

Subtitle C—Commercial Motor Vehicle Driver Safety

Sec 4301. Commercial driver's license for passenger carriers. [49 USC 31301]

Requires drivers of passenger vehicles designed or used to transport more than eight passengers, for compensation, to hold a Commercial Driver's License.

Sec 4302. Alcohol and controlled substances testing. [49 USC 31306]

Makes a technical change to 49 USC 31306 to ensure that FMCSA has the authority to implement oral fluids testing if the Department of Transportation amends its drug and alcohol testing regulations to permit oral fluids testing.

Sec 4303. Entry-level driver training.

Requires progress reports to Congress 30 days after enactment, and every 90 days thereafter until full implementation of FMCSA's Entry Level Driver Training rule, including: a schedule and benchmarks to finalize implementation of the requirements; reporting of any anticipated delays in meeting the benchmarks; progress made in updating FMCSA's information technology infrastructure to support the training rule; and progress made by States in implementing the rule.

Sec 4304. Driver detention time.

Requires the Secretary to begin collecting data on delays experienced by drivers in the loading and unloading of goods, or detention time, within 30 days of enactment. Requires such data to be made publicly available in anonymized manner. Requires a rulemaking, no later than one year after

enactment, to establish limits on the amount of time that a driver may be reasonably detained, unless compensated for the time.

Sec 4305. Truck Leasing Task Force.

Requires the Secretary of Transportation, in consultation with the Secretary of Labor, to establish a Truck Leasing Task Force to examine common truck leasing agreements, and the terms of such agreements, available to truck drivers, including port drayage drivers specifically. The Task Force shall also examine the impact of truck leasing agreements on the net compensation of drivers, and resources available to assist drivers in assessing the impacts of leasing agreements.

Sec 4306. Hours of service.

Requires FMCSA to conduct a comprehensive review of the impacts of current hours of service rules, including exemptions, and prohibits expansions of on-duty time for commercial truck drivers proposed by the agency from taking effect until 60 days after the submission of the results of the review to Congress. The Secretary must document existing exemptions from hours of service rules and conduct a safety analysis and a driver impact analysis as part of the comprehensive review. Directs FMCSA to revise the agency's guidance with respect to the use of a commercial motor vehicle for personal conveyance, to establish specific mileage or time limits on the use of this exception.

Sec 4307. Driver recruitment.

Requires the DOT Inspector General to examine and report to Congress on the prevalence of the operation of commercial motor vehicles by drivers admitted to the United States under temporary business visas, and the safety impacts of such operations.

Sec. 4308. Screening for obstructive sleep apnea.

Directs the Federal Motor Carrier Safety Administration (FMCSA) to, within six months, assess the risks posed by untreated obstruction sleep apnea, and within 12 months, to initiate a rulemaking to establish screening criteria for obstructive sleep apnea among commercial vehicle drivers.

Sec. 4309. Women of Trucking Advisory Board.

Directs the FMCSA Administrator to establish and facilitate a "Women of Trucking Advisory Board" to encourage organizations and programs that provide education, training, mentorship, or outreach to women in the trucking industry; and recruit women into the trucking industry.

Subtitle D—Commercial Motor Vehicle and School Bus Safety

Sec 4401. Schoolbus safety standards.

Directs the Secretary to review the costs and benefits of requiring lap/shoulder belts in large school buses and to consider requiring seat belts in newly manufactured school buses. Requires newly manufactured school buses to be equipped with automatic emergency braking and electronic stability control systems. Directs the Secretary to conduct research and testing on fire prevention and mitigation standards - including firewalls, fire suppression systems, and interior flammability and smoke emissions characteristics - for large school buses and consider issuing updated standards.

Sec 4402. Illegal passing of schoolbuses.

Requires the Secretary to review State laws prohibiting passing of school buses and barriers to effective enforcement, and issue recommendations on best practices. Requires the Secretary to carry

out a public messaging campaign to highlight the dangers of illegal passing and educate students and the public on safe loading and unloading of school buses. Directs the Secretary to conduct an evaluation of safety technologies surrounding loading zone safety, such as motion activated detection systems, lighting, cameras, and other technologies. The Secretary is also required to research connections between illegal passing of school buses and factors such as distracted driving, school bus stop locations, and illumination and reach of vehicle headlights. Requires the Secretary to review State driver education materials on school bus passing and make recommendation to States on how to improve driver education.

Sec 4403. State inspection of passenger-carrying commercial motor vehicles.

Requires the Secretary to issue final regulations on whether to require State-based vehicle inspection programs for passenger-carrying commercial motor vehicles, and to consider the impacts of the Secretary's current regulations allowing self-inspections to satisfy periodic inspection requirements.

Sec 4404. Automatic emergency braking.

Requires the Secretary, no later than one year after enactment, to prescribe a motor vehicle safety standard and accompanying performance requirements for all newly manufactured commercial motor vehicles to be equipped with an automatic emergency braking system, and to require that systems installed in a vehicle be in use during operation. The Secretary is directed to consult with representatives of commercial motor vehicle drivers regarding their experiences with automatic emergency braking systems already in use, including malfunctions or unwarranted activations of such systems.

Sec 4405. Underride protection.

Directs the Secretary to strengthen rear underride guard standards within one year of enactment, and to conduct additional research on the design and development of rear impact guards to prevent underride crashes at higher speeds. Requires the Secretary to amend regulations on minimum periodic inspections to include rear impact guards and rear end protection. Requires the Secretary to complete additional research on side underride guards and consider the feasibility, benefits, and costs associated with installing side underride guards, and if warranted, develop performance standards. Requires the Secretary to report to Congress on the findings of the research and the analysis that leads to the determination whether to develop performance standards. Creates an Advisory Committee on Underride Protection.

Sec 4406. Transportation of horses. [49 USC 80502]

Prohibits the interstate transportation of horses in a motor vehicle containing two or more levels stacked on top of one another and authorizes civil penalties of at least \$100 but not more than \$500 for each violation of this prohibition.

Sec. 4407. Additional State authority.

Provides limited authority for a State to modify the total length of a longer combination vehicle (LCV) permitted to operate in such State, if the modification is solely to allow a larger tractor, and provided that none of the additional length can be to increase the length of a trailer, semi-trailer, or other cargo-carrying unit of the LCV.

Sec. 4408. Updating the required amount of insurance for commercial motor vehicles.

Increases the minimum amount of insurance required for commercial motor vehicles from \$750,000 to \$2 million and directs this amount to be adjusted for inflation by FMCSA every five years.

TITLE V—INNOVATION

Sec. 5001. Authorization of appropriations.

Authorizes \$2.2 billion in contract authority for FY22 through FY25 for research programs.

Subtitle A—Research and Development

Sec. 5101. Highway research and development program. [23 USC 503(b)]

Increases funding to \$144 million for FY22 through FY25 for the Highway Research and Development Program and removes set-asides that previously took funding away from critical research activities. Adds greenhouse gas emissions reduction to the objectives of the Highway Research and Development Program. Adds ferry systems to the Conditions and Performance report. Directs DOT to develop modeling tools and databases to track highway assets, traffic flows, and long-distance network connectivity to better inform planning for both passenger and freight travel. Authorizes FHWA to obtain and develop datasets and tools that enable States, MPOs, and others to better evaluate performance management and accessibility to jobs and services.

Sec. 5102. Materials to reduce greenhouse gas emissions program. [23 USC 503(d)]

Establishes a new comprehensive research, development, and deployment pipeline to advance the use of greener construction materials. The program will award grants to universities to research greener material designs and practices during the production and construction process, including the ability for materials to sequester carbon from the atmosphere.

Sec. 5103. Transportation research and development 5-year strategic plan. [49 USC 6503]

Requires the Secretary to issue the Department's research and development plan every five years. Amends the 5-year plan to include greenhouse gas emissions reduction and workforce issues.

Sec. 5104. University transportation centers program. [49 USC 5505]

Increases funding to \$96 million for FY22 through FY25 for the University Transportation Centers Program. Adds FTA to the administration of the program. Increases Federal share and increases maximum grant amounts. Requires that two grantees be Historically Black Colleges and Universities. Adds focused research on transit, rail, connected and automated vehicles, bicyclist and pedestrian safety, surface transportation workforce issues, planning, and climate change. Provides flexibility to transfer surplus funds to support further research in the Unsolicited Research Initiative in section 5105.

Sec. 5105. Unsolicited research initiative. [23 USC 5506]

Establishes a new program through which local governments, universities, and nonprofits may, at any time, propose research projects to the Secretary. This will expand opportunities for fundamental, non-applied research in the Department.

Sec. 5106. National cooperative multimodal freight transportation research program. [49 USC 70205]

Reestablishes the freight transportation cooperative research program in conjunction with the National Academies. Guides research efforts through an advisory committee consisting of regulators, industry representatives, labor representatives, environmental experts, and safety groups. Research will include the effects of growing freight demands on the environment, safety, and congestion; technological solutions and challenges for freight movement; improving the National

Multimodal Freight Network; truck parking; and planning for the changing nature of freight movements, including first and last-mile challenges.

Sec. 5107. Wildlife-vehicle collision reduction and habitat connectivity improvement.

Authorizes a study on wildlife-vehicle collisions and habitat connectivity, to update previous FHWA research. Directs the Secretary to create workforce development and training courses based on the study. Requires the Secretary to issue voluntary guidance to develop a joint plan for wildlife crossings among participating States. Directs the Secretary to standardize wildlife-vehicle collisions and habitat connectivity data. Authorizes additional voluntary guidance to establish a threshold for determining whether a highway could benefit from wildlife crossing infrastructure.

Sec. 5108. Research activities. [49 USC 330]

Reauthorizes the set-aside for coordination, evaluation, and oversight of research programs.

Sec. 5109. Innovative materials innovation hubs.

Establishes Innovative Materials Innovation Hubs program to conduct research and development on innovative materials used in infrastructure projects.

Subtitle B—Technology Deployment

Sec. 5201. Technology and innovation deployment program. [23 USC 503(c)]

More than doubles funding to \$152 million for FY22 through FY25 for the Technology and Innovation Deployment Program. Adds greenhouse gas emissions reduction to the objectives of the FHWA Technology and Innovation Deployment Program (TIDP).

Sec. 5202. Accelerated implementation and deployment of pavement technologies. [23 USC 503(c)(3)]

Adds to this program an emphasis on innovative pavement designs, materials, and practices that will reduce greenhouse gas emissions. Expands program reporting requirements to include extensive GHG-reducing and resilience factors, such as stormwater management, pavement durability, and energy efficiency. This program will complement the deployment efforts of the MRGGE program in section 5102.

Sec. 5203. Federal Highway Administration Every Day Counts initiative. [23 USC 520]

Codifies the FHWA Every Day Counts initiative, a successful deployment effort among the Department and State DOTs.

Subtitle C—Emerging Technologies

Sec. 5301. Safe, efficient mobility through advanced technologies. [23 USC 503(c)(4)]

Renames the ATCMTD program to the Safe, Efficient Mobility through Advanced Technology (SEMAT) Program. Focuses the program's objectives on mobility, safety, and greenhouse gas emissions reduction. Requires the Secretary to prioritize programs that will improve mobility, decrease congestion, increase safety, and reduce emissions. Expands eligible uses of funds to include vehicle-to-pedestrian safety systems, vulnerable road user safety systems, and mobility-on-demand activities. Enhances reporting requirements. Increases funding to \$70 million per year and expands the Federal share of the program to 80 percent.

Sec. 5302. Intelligent transportation systems program. [23 USC 513-516]

Adds consideration of greenhouse gas emissions reduction throughout the Intelligent Transportation Systems program. Reauthorizes the ITS Program Advisory Committee. Removes set-asides that previously took funding away from intelligent transportation activities.

Sec. 5303. National highly automated vehicle and mobility innovation clearinghouse. [49 USC 5507]

Establishes a national clearinghouse at a university to research the impacts of highly automated vehicles and mobility innovation (Mobility on Demand and Mobility as a Service) on land use, urban design, transportation, real estate, accessibility, municipal budgets, social equity, and the environment.

Sec. 5304. Study on safe interactions between automated vehicles and road users.

Directs DOT to study how automated vehicles will safely interact with general road users, including vulnerable road users such as bicyclists and pedestrians. Includes numerous safety considerations to ensure that the study accounts for the complexities of the surface transportation system and its many users. Establishes a working group of road users to guide the study.

Sec. 5305. Non-traditional and emerging transportation technology council. [49 USC 118]

Authorizes the Non-Traditional and Emerging Transportation Technology (NETT) Council to develop cohesive regulatory practices for novel transportation technologies presented to the Department of Transportation.

Sec. 5306. Hyperloop transportation.

Directs the NETT Council to issue guidance within 18 months of enactment to establish a clear regulatory framework for hyperloop transportation.

Sec. 5307. Surface transportation workforce retraining grant program.

Establishes a workforce retraining grant program for surface transportation workers whose jobs have been or will be affected by automation. The program will award grants to eligible entities to test new roles for existing jobs, to develop degree or certification-granting programs, and for direct worker training or train-the-trainer programs.

Sec. 5308. Third-party data integration pilot program.

Establishes a pilot program to leverage anonymous crowdsourced data from third-party entities to implement integrated traffic management systems that will improve traffic flow.

Sec. 5309. Third-party data planning integration pilot program.

Establishes a pilot program to leverage anonymous crowdsourced data from third-party entities to improve transportation planning.

Subtitle D—Surface Transportation Funding Pilot Programs

Sec. 5401. State surface transportation system funding pilots.

Nearly doubles funding for State-level VMT pilot programs and directs program dollars towards implementation of successful State programs. Adds cybersecurity to the scope of the pilot programs.

Sec. 5402. National surface transportation system funding pilot.

Establishes a new 5-year national VMT pilot program. Directs the Secretary to solicit participants from all 50 States and the District of Columbia. Incorporates passenger and commercial vehicles, including vehicle fleets. Provides flexibility for the type of revenue-collection mechanism used in the pilot, including successful VMT pilots implemented at the State level. Directs collected revenue to the Highway Trust Fund. Establishes advisory board to help carry out the pilot.

Subtitle E—Miscellaneous

Sec. 5501. Ergonomic seating working group.

Establishes a working group to improve the musculoskeletal health of transit and commercial vehicle drivers by developing stronger ergonomic seating standards in transit and commercial vehicles.

Sec. 5502. Repeal of section 6314 of title 49, United States Code. [49 USC 6314]

Repeals the Port Performance Freight Statistics Program.

Sec. 5503. Transportation workforce outreach program. [49 USC 5508]

Directs the Secretary to establish a public service announcement campaign to increase awareness of transportation sector career opportunities and to increase diversity in the transportation sector.

Sec. 5504. Certification on ensuring no human rights abuses.

Requires certification by the Secretary of Commerce regarding the minerals used for programs to reduce greenhouse gas emissions.

TITLE VI—MULTIMODAL TRANSPORTATION

Sec. 6001. National multimodal freight policy. [49 USC 70101]

Revises the National Multimodal Freight Policy to include further consideration of environmental and equity impacts.

Sec. 6002. National freight strategic plan. [49 USC 70102]

Revises the National Freight Strategic Plan to include further consideration of environmental and equity impacts.

Sec. 6003. National multimodal freight network. [49 USC 70103]

Amends the National Multimodal Freight Network to include ports that have a total annual cargo value of at least \$1 billion. Establishes a new deadline for the Secretary to designate a final National Multimodal Freight Network and requires the Secretary to report to Congress on the resources that will be used to meet this deadline. Allows for the establishment of critical urban multimodal freight corridors in the same manner as the establishment of critical rural multimodal freight corridors.

Sec. 6004. State freight advisory committees. [49 USC 70201]

Provides for the participation of additional stakeholders in State freight advisory committees, including metropolitan planning organizations, State environmental departments, and State air quality departments.

Sec. 6005. State freight plans. [49 USC 70202]

Revises the requirements for State Freight Plans to include further consideration of environmental and equity impacts.

Sec. 6006. Study of freight transportation fee.

Establishes a joint task force between the DOT and the Internal Revenue Service to study the establishment and administration of a fee on multimodal freight surface transportation services. Includes an assessment of the revenue such a fee would generate, the entities that would be impacted by such a fee, and assessments of related operational and administrative issues. Requires the Secretary to report to Congress on the outcome of the study.

Sec. 6007. National Surface Transportation and Innovative Finance Bureau. [49 USC 116]

Modifies the purpose of the Bureau to include proactive outreach to communities located outside of metropolitan or micropolitan statistical areas and to coordinate with the Department of Agriculture's Office of Rural Development, the Environmental Protection Agency's Office of Community Revitalization, and any other agencies that provide technical assistance for rural communities.

Sec. 6008. Local hire.

Authorizes a pilot program to allow FHWA or FTA grantees, including States, local recipients, and subrecipients, to utilize local or other geographic labor hiring preferences, economic-based labor hiring preferences, and labor hiring preferences for veterans.

Sec. 6009. FTE Cap.

Establishes the number of full-time equivalent positions that may be employed in any fiscal year in the immediate office of the Secretary of Transportation.

Sec. 6010. Identification of COVID-19 testing needs of critical infrastructure employees.

Requires the Secretary to adopt the Department of Homeland Security's categorization of essential critical infrastructure workers. Requires the Secretary to coordinate with the Centers for Disease Control and Prevention and the Federal Emergency Management Agency to support State and local efforts to provide such workers with COVID-19 testing and access to personal protective equipment.

**TITLE VII—TRANSPORTATION INFRASTRUCTURE FINANCE AND
INNOVATION ACT**

Sec. 7001. Transportation Infrastructure Finance and Innovation Act. [23 USC Chapter 6]

Streamlines the TIFIA program by raising the threshold above which projects are required to secure multiple credit rating agency opinions. Further clarifies that the proceeds of a secured loan under TIFIA shall be considered part of the non-Federal share of a project under title 23 or chapter 53 of title 49 if the loan is repayable from non-Federal funds. Allows territories to use funds made available under this section for the non-Federal match under the TIFIA program. Clarifies the criteria under which projects are eligible for the streamlined application process. Provides additional funding to allow the Department to waive fees for small projects. Modifies reporting requirements to include information on whether a TIFIA project is located in a metropolitan or micropolitan area. Requires the Department to issue public monthly status reports on TIFIA applications and projects.

DIVISION C – HAZARDOUS MATERIALS TRANSPORTATION

Sec. 8001. Short title.

States that this division may be cited as the “Improving Hazardous Materials Safety Act of 2020”.

TITLE I—AUTHORIZATIONS

Sec. 8101. Authorization of appropriations.

Authorizes the Pipeline and Hazardous Materials Safety Administration (PHMSA) hazardous materials safety program at \$347 million over five years.

TITLE II—HAZARDOUS MATERIAL SAFETY AND IMPROVEMENT

Sec. 8201. Repeal of Certain Requirements Related to Lithium Cells and Batteries.

Repeals Section 828 of the FAA Modernization and Reform Act of 2012. That section prohibits DOT from issuing any regulation ensuring the safety of transporting lithium batteries in air cargo compartments of passenger and cargo planes if the regulations are more stringent than the lowest common denominator of international standards. Repealing this provision helps protect the safety of all passengers flying in the U.S. from safety risks associated with lithium batteries.

Sec. 8202. Transportation of Liquefied Natural Gas by Rail Tank Car.

Requires DOT to rescind any authorization for the transport of liquefied natural gas (LNG) by rail tank car issued before the date of enactment. Also prohibits DOT from issuing a regulation or special permit to authorize the transport of LNG by rail tank car until DOT conducts a further safety evaluation. Directs the Federal Railroad Administration (FRA) and PHMSA to initiate an evaluation of the safety, security, and environmental risks of transporting LNG by rail, which must include performance evaluation of tank cars, including physical testing of rail tank cars. The evaluation also must examine the impact of a discharge of LNG from a rail tank car and consider several related issues, including the benefits of route, speed, and consist restrictions, the needs of first responders to prepare and safely respond to incidents involving LNG, and the types of safety enhancements required to make tank cars and certain rail containers capable of moving LNG by rail safely. GAO must verify that DOT has complied with this mandate.

Sec. 8203. Hazardous Materials Training Requirements and Grants.

Authorizes the Assistance for Local Emergency Response Training (ALERT) grant, which promotes hazmat response training for volunteer or remote emergency responders, at \$9 million over five years.

DIVISION D – RAIL

Sec. 9001. Short title.

States that this division may be cited as the “Transforming Rail by Accelerating Investment Nationwide Act” or the “TRAIN Act”.

TITLE I—AUTHORIZATIONS

Sec. 9101. Authorization of Appropriations.

Provides \$29.3 billion over five years in grants to support Amtrak’s intercity passenger rail service on the Northeast Corridor (NEC) and the National Network. Provides higher Amtrak funding levels for FY 2021 and FY 2022 than subsequent years in order to mitigate the effects of the COVID-19 pandemic on its network. Additionally, \$2 billion over five years of the National Network grants will go to offset allocated national costs that Amtrak charges states for state-supported routes. Authorizes five-year appropriations for the State-Amtrak Intercity Passenger Rail Committee at \$15 million and the Northeast Corridor Commission at \$30 million. Further, authorizes appropriations for the Amtrak Office of Inspector General at \$137.5 million over five years. The Federal Railroad Administration (FRA) Safety and Operations account is authorized at \$1.165 billion over five years. FRA’s Railroad Research and Development account is authorized at \$230 million over five years. Funding is specifically provided for research on the safety of liquefied natural gas (LNG) by rail, grants for improving Class II and Class III railroad safety, and to research the feasibility of expanding railroad safety culture assessments and training to include tourist, passenger, and commuter railroads.

Sec. 9102. Passenger Rail Improvement, Modernization, and Expansion (PRIME) Grants.

This new intercity passenger rail funding program authorizes grant funding of \$19 billion over five years for state of good repair projects, service improvement projects, and rail expansion projects. High speed rail projects are eligible for the funds, and priority is given for projects that incorporate regional planning and/or have the support of multiple states and to projects that provide environmental benefits, such as greenhouse gas reduction and other air quality benefits. Within the grant program, 40% is reserved for NEC projects and 40% is reserved for projects outside the NEC, with a Federal cost-share of up to 90%.

Sec. 9103. Consolidated Rail Infrastructure and Safety Improvements (CRISI) Grants.

Reauthorizes the FRA’s discretionary grant program, CRISI, at \$7 billion over five years. Commuter rail authorities are newly eligible, and project eligibilities are extended to commuter rail transportation improvement projects, maintenance and upgrades of railroad safety technology (including positive train control), and the establishment of new quiet zones. The section establishes a 50 percent set-aside for projects over \$100 million and removes a preference for projects with a lower percentage of Federal funding.

It also establishes a preference for projects that benefit stations that are serviced by Amtrak and commuter rail and are among the top 25 busiest Amtrak-serviced stations, and such projects have the support of Amtrak and the commuter operator. Grants awarded to commuter rail authorities are transferred to the Federal Transit Administration for grant administration, and commuter railroad authorities must provide protective arrangements to employees covered by railroad labor and retirement statutes who are adversely affected by grant-funded projects. Additionally, the provision defines “capital project.”

Sec. 9104. Railroad Rehabilitation and Improvement Financing (RRIF).

Through the RRIF program, the DOT provides direct loans and loan guarantees to finance development of railroad infrastructure. New provisions direct the Secretary to repay the credit risk premium (CRP) with interest for each loan defined in cohort 3 (made between 2009 and 2015) not

later than 60 days after all obligations attached to each such loan has been satisfied. The section also authorizes \$130 million per year for the Secretary to pay the CRP in whole or in part for loan and loan guarantees for state and local governments, congressionally consented interstate compacts, and government-sponsored authorities and corporations. Of this, \$25 million per year is reserved for passenger rail projects. Allows for an alternative Credit Risk Premium payment schedule for certain loans where the loan amount is 50% or less of the total project cost. The section makes permanent the authority for transit-oriented development project loans, and it clarifies that RRIF loans may be used as the non-Federal share of project costs if such loans are repaid from non-Federal funds.

Sec. 9105. Buy America.

Requires DOT to provide notice and opportunity for public comment on requests for waivers from FRA's Buy America standards at least 30 days before making a finding on such request. Also requires DOT to annually report to Congress on the waivers granted during the preceding fiscal year.

Sec. 9106. Rail Network Climate Change Vulnerability Assessment.

In light of the risks posed to the passenger and freight rail network from climate change and related ecological disturbances, this section directs the Secretary of Transportation to sponsor the National Academies to conduct an assessment and submit a subsequent report on the potential impacts of climate change on the national rail network. The report will also address mitigation strategies to lessen adverse impacts, including emergency preparedness measures and resiliency best practices for infrastructure planning.

TITLE II—AMTRAK REFORMS

Sec. 9201. Amtrak Findings, Mission, and Goals.

Amtrak's findings, mission, and goals have been revised to reflect Congressional priorities for Amtrak. Amtrak must provide reliable national intercity passenger rail service now and, in the future, reflect the needs of all passengers, and support the U.S. workforce.

Sec. 9202. Amtrak Status.

Clarifies that Amtrak serves the public interest in providing reliable passenger rail service.

Sec. 9203. Amtrak Board of Directors.

Effective 60 days after enactment, realigns the makeup of Amtrak's board of directors to better reflect the interests of passengers and Amtrak-served states. The board must represent the interests of areas served by Amtrak, Amtrak's passengers and employees, in addition to the Amtrak president and DOT. Also clarifies that the board members provide advice and oversight of Amtrak operations, with consideration for the travelling public's safety and interests, and the long-term viability of national passenger rail service.

Sec. 9204. Amtrak Preference Enforcement.

Amtrak's preferential access to freight-owned corridors dates to Amtrak's early years and is key to the future success of intercity passenger rail transportation. This provision provides a means for Amtrak to enforce its statutory right of preference directly in Federal court without intermediaries.

Sec. 9205. Use of Facilities and Providing Services to Amtrak.

Revises the Surface Transportation Board provisions that govern when Amtrak seeks to operate additional trains over rail lines owned by another carrier by establishing a process for the Board to determine whether the additional trains unreasonably impair freight transportation and initiate a proceeding to evaluate what additional investments are required.

Sec. 9206. Prohibition on Mandatory Arbitration.

Prohibits Amtrak from imposing mandatory arbitration. This reverses Amtrak's recent change to its ticket policy to include a mandatory arbitration clause that forces passengers who purchase tickets to waive their right to file a lawsuit or participate in a class action.

Sec. 9207. Amtrak ADA Assessment.

Amtrak's trains, stations, facilities, policies, and decision-making processes must serve passengers with disabilities. Existing facilities, including trains, stations, and parking, should be fully accessible in accordance with the Americans with Disabilities Act (ADA). This provision requires Amtrak to perform a comprehensive review of all policies, protocols, and guidelines for compliance with the ADA.

Sec. 9208. Prohibition on Smoking on Amtrak Trains.

Prohibits smoking on Amtrak trains, including electronic cigarettes.

Sec. 9209. State Supported Routes Operated by Amtrak.

Increases transparency of the costs Amtrak assigns to states for state-supported routes and calls for procedures to improve financial planning. The section directs the State-Amtrak Intercity Passenger Rail Committee to report on potential improvements to the methodology that would promote accountability and transparency. Further, the section requires Amtrak to engage in early stakeholder engagement when developing new state-supported routes, and Amtrak must receive affirmative state permission before initiating such service. The section also allows states and Amtrak to pursue an alternative cost allocation method to facilitate the development, construction, and operation of new state-supported routes.

Sec. 9210. Amtrak Police Department.

Requires Amtrak to identify the mission of the Amtrak Police Department, including the scope and priorities of the Department, in mitigating risks to and ensuring the safety and security of Amtrak passengers, employees, trains, stations, facilities, and other infrastructure. After doing so, Amtrak must develop a workforce planning process that ensures adequate employment levels of personnel necessary for fulfilling the Department's mission and sets Department goals and metrics.

Sec. 9211. Amtrak Food and Beverage.

Requires that any individual onboard a train who prepares onboard food and beverage service is an Amtrak employee. The section also establishes a working group charged with developing recommendations, and issuing a report within one year, on how to improve onboard food and beverage services. Amtrak is prohibited from making changes to its food and beverage service until 30 days after issuing a response to the working group recommendations. The provision also requires Amtrak to ensure that all long-distance passengers traveling overnight have access to hot meals, not just sleeping car passengers, and it removes statutory language limiting Amtrak's ability to provide food and beverage service due to costs.

Sec. 9212. Clarification on Amtrak Contracting Out.

Requires Amtrak to honor prohibitions or limitations on contracting-out work that are covered by a collective bargaining agreement (CBA) that Amtrak has entered into with a union representing its workers. The section states that Amtrak cannot contract out the work performed by an employee if such employee has been laid off and has not been recalled to perform such work. Also states that Amtrak and a union can include in a CBA an allowance for contracting out the work of an employee who is laid off.

Sec. 9213. Amtrak Staffing.

Prevents Amtrak from contracting out work performed at Amtrak call centers. The section also requires an Amtrak ticket agent to staff each station with recent workforce cuts or where there was more than an average of 40 Amtrak passengers boarding or deboarding a long-distance train per day in the previous fiscal year.

Sec. 9214. Special Transportation.

Requires Amtrak to offer reduced fares for certain passenger groups, including veterans, young children, and members of the military and their families.

Sec. 9215. Disaster and Emergency Relief Program.

Enables DOT to make grants to Amtrak for capital projects and continued operations during disruptions due to natural disasters and emergency events.

Sec. 9216. Recreational Trail Access.

Requires Amtrak to report to Congress before implementing a new policy or operation that may impede recreational trail access.

Sec. 9217. Investigation of Substandard Performance

Clarifies that a Surface Transportation Board investigation of substandard performance may be triggered by either of the following: (1) failure to achieve the on-time performance standard measured by all station stops on a route, or (2) failure to achieve the on-time performance standards established under section 207 of the Passenger Rail Investment and Improvement Act of 2008.

Sec. 9218. Amtrak Cybersecurity Enhancement Grant Program.

Enables the Secretary to make grants to Amtrak for cyber resiliency improvements, consistent with cybersecurity standards set by the National Institute of Standards and Technology.

Sec. 9219. Amtrak and Private Cars.

Requires Amtrak to review recent policy changes regarding the transportation of private railcars by Amtrak trains and evaluate opportunities to strengthen the service.

Sec. 9220. Amtrak Office of Community Outreach.

Requires Amtrak to establish an Office of Community Outreach to improve engagement with local communities affected by Amtrak operations. Also requires an annual report from Amtrak of changes made to capital improvement project plans and general operations after engagement with affected communities.

TITLE III—INTERCITY PASSENGER RAIL POLICY

Sec. 9301. Northeast Corridor Commission.

Incorporates minor updates to the Northeast Corridor Commission provisions, including terminology changes and slight modifications to the Commission's membership provisions.

Sec. 9302. Northeast Corridor Planning.

Requires the Northeast Corridor Commission to submit a strategic development plan that identifies key state-of-good repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor.

Sec. 9303. Protective Arrangements.

Directs the FRA Administrator to adhere to current law that requires that applicants seeking FRA grants for some types of projects agree to comply with protective arrangements that are equivalent to those established under the Railroad Revitalization and Regulatory Reform Act of 1976. Those protective arrangements are intended to ensure that workers are not harmed as a result of a project funded by an FRA grant.

Sec. 9304. High Speed Rail Funds.

Directs DOT to re-obligate funds for high speed rail projects back to their intended recipients.

TITLE IV—COMMUTER RAIL POLICY

Sec. 9401. Surface Transportation Board Mediation of Trackage Use Requests.

Requires that a rail carrier must provide good faith consideration to a provider of commuter rail transportation's reasonable request for access to trackage and provision of related services.

Sec. 9402. Surface Transportation Board Mediation of Rights-of-Way Use Requests.

Requires that a rail carrier must provide good faith consideration to a provider of commuter rail transportation's reasonable request for access to rail right of way.

Sec. 9403. Chicago Union Station Improvement Plans.

Directs Metra and Amtrak to develop 1-year and 5-year capital improvement plans for Chicago Union Station.

TITLE V—RAIL SAFETY

Subtitle A—Passenger and Freight Safety

Sec. 9501. National Academies Study on Safety Impact of Trains Longer than 7,500 Feet.

Long trains place different operational demands on the rail network and workforce. This provision begins a National Academies study on the safety impacts of trains longer than 7,500 feet in a variety of terrains and conditions. The study will consider safety factors, such as loss of communication between crew members and train load composition.

Sec. 9502. GAO Study on Changes in Freight Railroad Operating and Scheduling Practices.
Initiates a GAO report on the industry-wide impacts of the Precision Scheduled Railroading model. Directs GAO to take a holistic look at the impacts on freight rail shippers, Amtrak, commuter railroads, and railroad employees.

Sec. 9503. FRA Safety Reporting.

Amends FRA accident report forms to collect information on train length and crew size.

Sec. 9504. Waiver Notice Requirements.

This section requires FRA to engage in a public process before granting waivers from railroad safety standards and regulations. FRA must give the public notice of a waiver request, make available a waiver application and any supporting data, and provide the public with notice and an opportunity to comment on waivers before they are finalized.

Sec. 9505. Notice of FRA Comprehensive Safety Assessments.

Requires that, not later than 10 business days after the FRA initiates a comprehensive safety assessment of an entity providing regularly scheduled intercity or commuter rail transportation, the FRA must notify the House Transportation and Infrastructure Committee, the Senate Commerce, Science, and Transportation Committee, and each member of Congress representing a state in which the service that is the subject of the assessment being conducted is located. Additionally, not later than 90 days after the comprehensive safety assessment is complete, FRA must transmit the findings of the assessment to such Committees and Members of Congress.

Sec. 9506. FRA Accident and Incident Investigations.

Requires DOT to create a standard process during FRA accident and incident investigations for gathering information about the accident or incident, and consulting for technical expertise with railroad carriers, contractors or employees or employee representatives, and other relevant entities. In developing the process, the Secretary shall factor in ways to maintain confidentiality of such entities when requested and appropriate.

Sec. 9507. Rail Safety Improvements.

In response to the recommendations the National Transportation Safety Board (NTSB) issued following the December 2017 Amtrak derailment near DuPont, Washington, this provision directs DOT to complete a study on how signage can improve rail safety, reevaluate seat securement mechanisms and identify means to prevent their failure, develop policies for the safe use of child safety seats, and conduct research to evaluate the causes of passenger injuries in passenger railcar derailments and overturns, and use such findings to develop occupant protection standards. The section also directs Amtrak to improve its training and skill proficiency requirements for operating crewmembers, to ensure that wayside signs and plaques are highly noticeable and strategically located, to ensure all operating documents are current before starting new or revised operations, to take measures to improve its system safety plan and conduct risk assessments on all new or upgraded services. FRA and Amtrak must report on their progress within 18 months.

Sec. 9508. Annual Review of Speed Limit Action Plans.

The FAST Act mandated that railroad carriers providing intercity or commuter rail passenger transportation survey their systems and develop plans that identify each main track location where a reduction of more than 20 miles-per-hour exist, ensure compliance with the maximum authorized

speed at each location, describe actions to enable warning and enforcement of maximum authorized speed, and set milestones for implementing such actions. As recommended in the NTSB DuPont derailment accident report, this section expands the mandate to require that carriers review their plans annually to ensure they are effective, and that carriers submit revised plans to the Secretary for approval prior to implementing any operational or territorial change. New intercity or commuter rail passenger transportation service must comply with the safety requirement prior to beginning operation.

Sec. 9509. Freight Train Crew Size Safety Standards.

Includes a two-person crew requirement that generally requires that freight trains have a certified engineer and a certified conductor. Limited exemptions are included for short line and small railroads, but no exemptions are available for trains carrying dangerous hazmat and long trains, which must be staffed with two crewmembers.

Sec. 9510. Safe Cross Border Operations.

Prohibits the Secretary from granting or modifying a waiver to allow mechanical or brake inspections of rail cars to be performed in Mexico in lieu of complying with the certification requirements of section 416 of the Rail Safety Improvement Act of 2008. This section also prohibits railroad employees whose primary reporting point is in Mexico from entering the U.S. to perform train or dispatching service unless the Secretary certifies that such workers are subject to certain specific safety standards that apply to U.S.-based crews. If the Secretary certifies that such safety standards are met, the Secretary must publicly notice, seek public comment, and hold a public hearing on such certification notice, and notify Congress.

Sec. 9511. Yardmasters Hours of Service.

Makes yardmaster employees subject to FRA's hours of service protections, defined as individuals responsible for supervising and coordinating the control of trains and engines operating within a rail yard.

Sec. 9512. Leaking Brakes.

Directs the FRA to take such actions as are necessary to ensure that certain air brake control valves that leak in cold weather conditions are phased out on rail cars operating in cold regions of the United States. The section also requires the FRA to report annually on the progress made to phase out the air brake control valves and any actions the agency has taken.

Sec. 9513. Annual Report on PTC System Failures.

Establishes an annual reporting requirement for positive train control (PTC) system failures.

Sec. 9514. Fatigue Reduction Pilot Projects.

Requires the Secretary to conduct fatigue pilot projects mandated in the Rail Safety Improvement Act of 2008 and directs that the projects be developed and evaluated in coordination with the labor organizations representing impacted employees. The section also permits the Secretary to reimburse participating railroads for associated costs and authorizes funds for such purpose. If the pilot projects have not begun one year after the date of enactment, then the Secretary must report to Congress on the pilot project status, FRA efforts and challenges, and other details associated with their development.

Sec. 9515. Assault Prevention and Response Plans.

Requires passenger and commuter railroad carriers to implement response plans and employee training in order to address assaults against both passengers and employees. The section also requires railroads to report annual assault data to FRA.

Sec. 9516. Critical Incident Stress Plans.

Amends FRA regulations to include assault in the definition of a critical incident, after which railroad carriers must offer support services to employees who witness or experience such events.

Sec. 9517. Study on Safety Culture Assessments.

Requires the FRA to conduct a study on the feasibility of expanding the scope of railroad safety culture assessments and training to include tourist, passenger, and commuter railroads.

Subtitle B—Grade Crossing Safety

Sec. 9551. Grade Crossing Separation Grants.

To reflect the significant demand for funds to support grade separation projects, this section creates a new grant program authorized at \$2.5 billion over five years to build or improve grade crossing separations. Right-of-way owners must contribute at least 10% of the total project costs. No more than 50% of the funds can go to projects that cost \$100 million or more. For projects over \$40 million the cost-share is 80 percent and for projects under \$40 million the cost-share is 85 percent.

Sec. 9552. Rail Safety Public Awareness Grants.

This section authorizes a new FRA grant program at \$30 million over five years with a focus on reducing rail-related accidents and improving safety along railroad rights-of-way and highway-rail grade crossings. Eligible programs include public service announcements and media campaigns, school and driver education safety presentations, and dissemination of safety information to communities.

Sec. 9553. Establishment of a 10-minute Time Limit for Blocking Public Grade Crossings.

This section mirrors many state laws by prohibiting a stopped freight train from blocking a public crossing for more than 10 minutes and allows the Secretary to impose penalties. Enforcement of the blocked crossing regulations may also be delegated to states.

Sec. 9554. National Strategy to Address Blocked Crossings.

Directs DOT to develop a national strategy to address blocked crossings.

Sec. 9555. Railroad Point of Contact for Blocked Crossing Matters.

Adds blocked crossings to the grade crossing problems that the public may report to a railroad under existing law.

Sec. 9556. National Highway-Rail Crossing Inventory Review.

Requires the Secretary to review the National Highway-Rail Crossing Inventory for accuracy and make appropriate changes.

Sec. 9557. Counting Railroad Suicides.

Specifies that the Secretary must include suicides within its rail crossing and rail right-of-way trespasser death data.

DIVISION E – AVIATION

TITLE I—AIRPORT AND AIRWAY INFRASTRUCTURE

Sec. 10101. Airport Planning and Development and Noise Compatibility Planning and Programs.

Authorizes from the Airport and Airway Trust Fund for the Federal Aviation Administration’s (FAA) Airport Improvement Program (AIP) account \$4.0 billion for fiscal years 2021 through 2025.

Sec. 10102. Supplemental Funding for Airports.

Authorizes from the general fund of the Treasury supplemental funding for airports in the following amounts: \$3.0 billion for fiscal year 2021; \$3.25 billion for fiscal year 2022; \$3.50 billion for fiscal year 2023; \$3.75 billion for fiscal year 2024; and \$4.0 billion for 2025. Directs grant amounts to be distributed based on airport passenger enplanement levels, with 12 percent in total set-asides for cargo airports, general aviation, reliever, and nonprimary commercial service airports, and airport projects that increase climate resiliency, reduce greenhouse gas emissions, and mitigate airplane noise, among other things. Allows the supplemental funding authorized for fiscal year 2021 to be spent on AIP-eligible projects and uses related to the effects of COVID-19 on airport operations; and for fiscal years 2022 through 2025 on AIP-eligible projects, airport terminal projects, and other airport development projects.

Sec. 10103. Airport Resiliency Projects.

Allows airports to use AIP grant funding on critical infrastructure projects that increase the resiliency of the airport against earthquakes, hurricanes, flooding, tornadoes, and other natural disasters.

Sec. 10104. FAA Air Traffic Control Facilities.

Authorizes \$1 billion from the general fund of the Treasury to the FAA to be used exclusively to bring air traffic control facilities into acceptable condition, including sustaining, rehabilitating, replacing, or modernizing such facilities and associated costs.

TITLE II—ENVIRONMENT

Sec. 10201. Alternative Fuel and Low Emissions Aviation Technology Program.

Authorizes \$200 million in funding for fiscal years 2021 through 2025 for DOT to award grants or enter into cost-sharing arrangements with State and local governments, airports, air carriers, and other entities for projects to develop, demonstrate, or apply low-emission aviation technologies or produce, transport, blend, or store sustainable aviation fuels to reduce aircraft greenhouse gas emissions.

Sec. 10202. Expansion of Voluntary Airport Low Emissions Program.

Expands the FAA’s Voluntary Airport Low Emissions (VALE) program, which airports use to purchase low emission vehicles, refueling and recharging stations, and other airport air quality

improvements, to all commercial airports. Continues prioritization of Federal funding for airports in compromised air quality areas of the country.

Sec. 10203. Study and Development of Sustainable Aviation Fuels.

Authorizes \$30 million in additional funding for fiscal years 2021 through 2025 for the study and development of sustainable aviation fuels.

Sec. 10204. Center of Excellence for Alternative Jet Fuels and Environment.

Authorizes \$5 million each year in additional funding for fiscal years 2021 through 2025 for work by the Aviation Sustainability Center to assess and reduce the environmental effects of aviation and to improve the health and quality of life of individuals living near airports.

Sec. 10205. National Evaluation of Aviation and Aerospace Solutions to Climate Change.

Directs the Secretary of Transportation to enter into an agreement with the National Academies of Sciences to conduct a study on climate change mitigation efforts with respect to civil aviation and aerospace industries.

DIVISION F – INVESTMENT IN WATER RESOURCES AND WATER-RELATED INFRASTRUCTURE

Sec. 20001. Short Title.

Provides that this division may be cited as the “Water Infrastructure Investment, Job Creation, and Economic Stability Act”.

TITLE I—CRITICAL WATER RESOURCES INVESTMENTS

Sec. 21001. Use of Harbor Maintenance Trust Fund to Support Navigation.

Provides a technical correction to align the expenditure of Harbor Maintenance Trust Fund dollars (under section 210 of the Water Resources Development Act of 1986) (33 U.S.C. 2238) with the new budgetary mechanism to count such expenditures outside the discretionary budget cap.

Sec. 21002. Annual Report to Congress.

Amends section 330 of the Water Resources Development Act of 1992 (26 U.S.C. 9505 note; 106 Stat. 4851) to ensure that the annual report to Congress on Harbor Maintenance Trust Fund Deposits and Expenditures is submitted concurrently with the President's annual budget request to Congress.

Sec. 21003. Harbor Maintenance Trust Fund Discretionary Spending Limit Adjustment.

Amends Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (27 U.S.C. 901(b)(2)) to provide the authority to appropriate additional funds for harbor maintenance needs from the existing balance in the Trust Fund. The current estimate of the balance in the trust fund is approximately \$10 billion.

Sec. 21004. Appropriations for Construction, Inland Waterways, Operation and Maintenance.

Provides \$10 billion to the U.S. Army Corps of Engineers (Civil Works) Construction account to carry out the backlog of authorized water resources development projects. Of these funds \$3 billion must be used for the Inland Waterways System, and \$500 million for water-related environmental infrastructure projects. Also provides an additional \$5 billion in Operation and Maintenance funding to address the backlog of operation and maintenance needs at existing Corps' projects.

TITLE II—CRITICAL CLEAN WATER INVESTMENTS

Subtitle A—Water Quality Protection and Job Creation Act

Sec. 22101. Short Title.

Provides that this subtitle may be cited as the “Water Quality Protection and Job Creation Act of 2020”.

Sec. 22102. Wastewater Infrastructure Workforce Investment.

Requires the EPA Administrator to issue a report to Congress on the current and future workforce needs of public wastewater treatment utilities and actions, including Federal investments, that can be taken to promote workforce development to address these needs.

Sec. 22103. State Management Assistance.

Authorizes a total of \$1.5 billion over fiscal years 2021 through 2025 in grants to States to assist in implementing State water quality improvement programs (under section 106 of the Clean Water Act).

Sec. 22104. Watershed, Wet Weather, and Resiliency Projects.

Amends section 122 of the Clean Water Act to authorize a new grant eligibility for public wastewater utilities to assess and address future risks posed by manmade or natural disasters, including extreme weather events and sea-level rise. This section authorizes a total of \$1 billion to municipalities to carry out watershed, wet weather, and resiliency projects. The section also provides that not less than 15 percent of the amounts appropriated pursuant to this section in a fiscal year shall be used to provide assistance to municipalities with a population of less than 10,000, to the extent there are sufficient eligible applications.

Sec. 22105. Pilot Program for Alternative Water Source Projects.

Amends section 220 of the Clean Water Act to authorize a total of \$600 million for grants to eligible entities to carry out alternative water source projects. Expands the types of projects eligible to receive funding under this authority to include projects that reclaim stormwater, as well as certain projects that may be authorized under the Reclamation Projects Authorization and Adjustment Act of 1992 (Reclamation Act). Also provides that not less than 15 percent of the amounts appropriated pursuant to this section in a fiscal year shall be used to provide assistance to eligible entities for projects designed to serve fewer than 10,000 individuals, to the extent there are sufficient eligible applications.

Sec. 22106. Sewer Overflow and Stormwater Reuse Municipal Grants.

Increases the authorization of appropriations for sewer overflow and stormwater reuse grants under section 221 of the Clean Water Act to \$400 million annually (\$2 billion total) through fiscal year

2025, as well as provides for a greater Federal cost share of projects that serve financially distressed communities. Also provides that, of the amounts granted to municipalities in a State, not less than 20 percent shall be granted to municipalities with a population of less than 20,000, to the extent there are sufficient eligible applications.

Sec. 22107. Reports to Congress.

Directs the Administrator to include in its statutorily required, biennial needs assessment report, an estimate of the costs to implement resiliency and sustainability measures at publicly owned treatment works.

Sec. 22108. Indian Tribes.

Codifies in the Clean Water Act the annual reservation of funds from the Clean Water State Revolving Fund (SRF) (2 percent of annual SRF capitalization grant or \$30 million, whichever is greater) for projects, training, technical assistance, or education for Indian Tribes, Reservations, and Native Villages. This provision has been included in annual Congressional appropriations legislation covering the Clean Water SRF over the past several years.

Sec. 22109. Capitalization Grants.

Amends section 602 of the Clean Water Act to: (1) require utilities that utilize the Clean Water SRF to consider modifications that promote efficient energy use at the utility (such as technologies that capture and reuse methane produced in the treatment of wastewater), and (2) requires a minimum of 15 percent of Clean Water SRF capitalization grants be directed towards projects which address green infrastructure, water or energy efficiency improvements, or other environmentally innovative projects. Potentially eligible projects include, but are not limited to, replacing inefficient pumps or pumping systems, rain gardens, permeable pavements, green roofs, bioswales, and rainwater harvesting.

Sec. 22110. Water Pollution Control Revolving Loan Funds.

Authorizes the use of grants as an eligible means of providing State assistance and directs States, for each of fiscal years 2021 through 2025, to utilize a minimum of 10 percent of their annual Clean Water SRF funding to provide additional subsidization (including grants) to municipalities that use SRF funds.

Sec. 22111. Allotment of Funds.

Authorizes States to use up to one percent of their annual Clean Water SRF capitalization grant to promote workforce development and utility worker training and education programs using existing Clean Water Act authorities.

Sec. 22112. Reservation of Funds for Territories of the United States.

Codifies the annual reservation of 1.5 percent of Clean Water SRF funding for the U.S. Territories, and authorizes the U.S. Territories to use this funding for projects and activities eligible under section 603(c) of the Clean Water Act. This provision has been included in annual Congressional appropriations legislation covering the Clean Water SRF over the past several years.

Sec. 22113. Authorization of Appropriations.

Provides a total of \$40 billion (\$8 billion annually) in funding authorizations for the Clean Water SRF program for fiscal years 2021 through 2025.

Sec. 22114. Technical Assistance by Municipal Ombudsman.

Amends the existing authority for EPA to establish a Municipal Ombudsman Office within the agency to include assistance to rural, small, and tribal communities.

Sec. 22115. Report on Financial Capability of Municipalities.

Directs the Administrator to review existing EPA guidance on evaluating the financial resources a municipality has available to implement the requirements of the Clean Water Act. Directs the Administrator to consult with, and solicit advice and recommendations from, State and local government officials and other stakeholders, and to consider several public reports, as well as recommendations of the Environmental Financial Advisory Board. Also directs the Administrator to report to Congress, within 18 months, on the results of this review, including any recommendations for revisions to the guidance.

Sec. 22116. Emerging Contaminants.

Authorizes the Administrator to award up to \$1 billion (\$200 million annually) in grants during the period from fiscal year 2021 through 2025 to owners and operators of publicly owned treatment works to implement Clean Water permit limits for the discharge of PFAS-related chemicals or other pollutants identified by the Administrator as potential contaminants of emerging concern.

Subtitle B—Local Water Protection

Sec. 22201. Nonpoint Source Management Programs.

Reauthorizes a total of \$1 billion in appropriations for grants to States to address nonpoint sources of pollution under section 319 of the Clean Water Act. This legislation is the same as H.R. 1331 (Craig – MN) which was approved by the House under suspension of the Rules on April 8, 2019.

Subtitle C—Critical Regional Infrastructure Investments

Sec. 22301. Reauthorization of Chesapeake Bay Program.

Reauthorizes a total of \$455 million in Federal appropriations for EPA’s Chesapeake Bay Program Office (Section 117 of the Clean Water Act) for fiscal years 2021 through 2025. This section is the same as H.R. 1620 (Luria – VA) which was approved by the House under suspension of the Rules on February 5, 2020.

Sec. 22302. San Francisco Bay Restoration Grant Program.

Authorizes a total of \$125 million in Federal appropriations for a new EPA Program Office for San Francisco Bay, California, for fiscal years 2021 through 2025. This section is the same as H.R. 1132 (Speier – CA) which was approved by the House under suspension of the Rules on February 5, 2020.

Sec. 22303. Puget Sound Coordinated Recovery.

Authorizes a total of \$250 million in Federal appropriations for a new EPA Program Office for Puget Sound, Washington, for fiscal years 2021 through 2025. This section is the same as H.R. 2247 (Heck – WA) which was approved by the House under suspension of the Rules on February 5, 2020.

Sec. 22304. Great Lakes Restoration Initiative Reauthorization.

Reauthorizes a total of \$2.125 billion in Federal appropriations for EPA’s Great Lakes Restoration Initiative (Section 118 of the Clean Water Act) for fiscal years 2022 through 2025. This section is the same as H.R. 4031 (Joyce - OH) which was approved by the House under suspension of the Rules on February 5, 2020.

Sec. 22305. National Estuary Program Reauthorization.

Reauthorizes a total of \$250 million in Federal appropriations for EPA’s National Estuaries Program (Section 320 of the Clean Water Act) for fiscal years 2022 through 2026. This section is the same as H.R. 4044 (Malinowski - NJ) which was approved by the House under suspension of the Rules on February 5, 2020.

Sec. 22306. Lake Pontchartrain Basin Restoration Program Reauthorization.

Reauthorizes a total of \$250 million in Federal appropriations for EPA’s Lake Pontchartrain Basin Restoration Program (Section 121 of the Clean Water Act) for fiscal years 2021 through 2025. This section is the same as H.R. 4275 (Graves, G. - LA) which was approved by the House under suspension of the Rules on February 5, 2020.

Sec. 22307. Long Island Sound Program Reauthorization.

Reauthorizes \$40 million annually in Federal appropriations for EPA’s Long Island Sound Program (Section 119 of the Clean Water Act) through fiscal year 2025.

Sec. 22308. Columbia River Basin Restoration Program Reauthorization.

This section reauthorizes \$30 million annually in Federal appropriations for EPA’s Columbia River Basin Restoration Program (Section 123 of the Clean Water Act) through fiscal year 2025.

TITLE III—RESILIENCE REVOLVING LOAN FUND

Sec. 23001. Short Title.

Provides that this title may be cited as the “Resilience Revolving Loan Fund Act of 2020”.

Sec. 23002. Grants to Entities for Establishment of Hazard Mitigation Revolving Loan Funds.

Establishes an option for state revolving loan funds under the Federal Emergency Management Agency (FEMA) for hazard mitigation projects, with the intent of reducing future risks and costs of natural hazards. Loans would be available to eligible local governments for the purpose of preventing the loss of life and property, the cost of insurance claims, and Federal disaster payments via projects to mitigate the risk of wildfires, earthquakes, floods, storm surges, chemical spills and seepage, and any other event deemed catastrophic by FEMA.

TITLE IV—SPORTS FISHING

Sec. 24001. Short title.

Provides that this title may be cited as the “Sport Fish Restoration, Recreational Boating Safety, and Wildlife Restoration Act of 2020”.

Sec. 24002. Division of Annual Appropriations.

Reauthorizes funding through fiscal year 2025 for the Sport Fish Restoration and Boating Safety Trust Fund to enable the U.S. Fish and Wildlife Service (Service) to support State and territory sport fishery research and management, habitat restoration, hatchery operations, aquatic resource education, and boat access construction. Also increases annual caps on administrative allowances for the Service, provides additional administrative flexibility for the Service to address State needs and more efficiently use administrative funds, and directs the Sport Fishing and Boating Partnership Council to conduct a study on the impact of abandoned and derelict vessels on recreational fishing and boating.

Sec. 24003. Recreational Boating Access.

Authorizes the Government Accountability Office to examine the increased use of non-motorized recreational boats and impacts on motorized boating access.

Sec. 24004. Wildlife Restoration Fund Administration.

Provides an increase in the administrative cap to allow the Service to administer the Wildlife Restoration Program.

Sec. 24005. Sport Fish Restoration and Boating Trust Fund.

Reauthorizes funding to allow the U.S. Coast Guard to support boating safety programs.

TITLE V—CLIMATE SMART PORTS

Sec. 25001. Short Title.

Provides that this title may be cited as the “Climate Smart Ports Act”.

Sec. 25002. Climate Smart Ports Grant Program.

Creates a \$500 million a year zero emissions ports infrastructure program through fiscal year 2030 to assist ports and port users with replacing cargo handling equipment, port harbor craft, drayage trucks, and more with zero emissions equipment and technology. Additionally, it assists ports in the development of clean energy microgrids onsite to power their facilities and equipment and to provide ship-to-shore power, or “cold ironing”, to vessels in port. To ensure that money in this program finds its way to communities that need it the most, this section sets aside a minimum of 25 percent of funding for areas in non-attainment with Clean Air Act criteria pollutants. In addition, applications for grant funding are scored in part on how they will reduce public health disparities in communities and reduce toxic air pollution.

Sec. 25003. Energy Policy Act of 2005 authorization of appropriations for port authorities.

Authorizes an additional \$50 million a year for fiscal years 2021 through 2025 for the Diesel Emissions Reduction Act specifically to reduce port emissions.

DIVISION G – ENERGY AND COMMERCE

TITLE I—BROADBAND INFRASTRUCTURE

Sec. 31001. Definitions.

Provides definitions that apply throughout the title.

Sec. 31002. Sense of Congress.

States that it is the Sense of Congress that broadband service and digital literacy are increasingly critical to how Americans participate in modern society, including accessing health care and education, and that lack of internet service harms individual and community opportunities and exacerbates wealth gaps.

Sec. 31003. Severability.

States that if any section of the title is held to be invalid, the other sections remain valid.

Subtitle A—Digital Equity

Sec. 31100. Definitions.

Provides definitions that apply throughout the subtitle.

Chapter 1 – Office of Internet Connectivity and Growth

Sec. 31101. Establishment of the Office of Internet Connectivity and Growth.

Requires the Assistant Secretary of Commerce for Communications and Information to establish, within the National Telecommunications and Information Administration (NTIA), an Office of Internet Connectivity and Growth (OICG).

Sec. 31102. Duties.

Establishes the duties of the OICG, including conducting outreach to communities in need of better access to, or adoption of, internet service, specifically through organizing regional workshops, trainings, and publications to provide guidance and insights for these communities. OICG will also be responsible for tracking all Federal money being used for both the construction and use of broadband infrastructure and will coordinate with other Federal agencies to conduct a study on the extent to which affordability is a contributing factor to the lack of broadband adoption and on ways to improve Federal subsidies to households to make broadband affordable.

Sec. 31103. Streamlined Applications for Support.

Requires the OICG to coordinate with other Federal agencies to streamline the application process for assistance for Federal programs supporting broadband deployment and adoption.

Sec. 31104. Coordination of Support.

Requires the OICG to coordinate with other Federal agencies to ensure broadband-related support is being administered in an efficient, technology-neutral, and financially sustainable manner.

Sec. 31105. Rule of Construction.

Provides that this chapter should not conflict or alter anything within section 254 of the Communications Act of 1934.

Sec. 31106. Appropriation for Office of Internet Connectivity and Growth.

Appropriates \$26 million for costs related to the establishment of the OICG and authorizes \$26 million annually for continued costs to carry out its responsibilities established under in this chapter.

Chapter 2 – Digital Equity Programs

Sec. 31121. State Digital Equity Capacity Grant Program.

Establishes the State Digital Equity Capacity Grant Program to aid States in digital equity and digital inclusion activities. States applying to receive grants must have an established State Digital Equity Plan and a designated administering entity. Grants are determined by formula and must be used within a five-year period to implement the State's Digital Equity Plan and to pursue digital inclusion activities consistent with that plan. Appropriates \$60 million for grants to States to develop their digital equity plans and \$625 million is provided for grants to implement these plans. No less than five percent of the funds must be used to award grants to Indian tribes, Alaska Native entities, and Native Hawaiian organizations.

Sec. 31122. Digital Equity Competitive Grant Program.

Establishes the State Digital Equity Competitive Grant Program, which will be administered by the OICG, to award grants to local entities, tribal governments, Alaska Native entities, Native Hawaiian organizations, non-profits, anchor institutions, educational entities, and workforce development programs for digital inclusion activities. Appropriates \$625 million to carry out this program, and no less than five percent of the funds must be used to award grants for Indian tribes, Alaska Native entities, and Native Hawaiian organizations.

Sec. 31123. Policy Research, Data Collection, Analysis and Modeling, Evaluation and Dissemination.

Requires that the Assistant Secretary of Commerce for Communications and Information report to Congress annually on the grants awarded under the State Digital Equity Capacity Grant Program and the Digital Equity Competitive Grant Program and evaluate how each grant has been implemented.

Sec. 31124. General Provisions.

Provides for requirements of non-discrimination, technology neutrality, and audits throughout the chapter.

Chapter 3 – Broadband Service for Low-Income Consumers

Sec. 31141. Additional Broadband Benefit.

Establishes a broadband benefit program that entitles households with a member who qualifies for Lifeline, free/reduced school lunch, or are recently unemployed to receive a \$50 benefit, or a \$75 benefit on tribal lands, to put toward the monthly price of internet service. Internet service providers would be required to provide eligible households service at a price reduced by an amount up to the benefit, and those providers can seek a reimbursement from the Federal Communications Commission (FCC) for such amount. The program is appropriated \$9 billion.

Sec. 31142. Grants to States to Strengthen National Lifeline Eligibility Verifier.

Appropriates \$200 million in funding to help States participate in the National Lifeline Eligibility Verifier.

Sec. 31143. Federal Coordination Between Lifeline and SNAP Verification.

Requires the FCC to coordinate with the Department of Agriculture to set up automated connections between the National Lifeline Eligibility Verifier and the National Accuracy Clearinghouse for the Supplemental Nutrition Assistance Program (SNAP).

Chapter 4 – E-Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices

Sec. 31161. E-Rate Support for Wi-Fi Hotspots, Other Equipment, and Connected Devices.

Establishes a grant program at the FCC, using the authorities that established the E-Rate program, for schools and libraries to fund connectivity for students and teachers in the digital classroom. The program could be used to fund wired and wireless broadband connections at home, and provide connected devices, including laptops and tablets, to homes of students and teachers. The program also supports mobile hotspot-lending by schools or libraries, among other things. The section appropriates \$5 billion to carry out this program, of which five percent of funds is set aside for use on Tribal Lands.

Subtitle B—Broadband Transparency

Sec. 31201. Definitions.

Provides definitions that apply throughout the subtitle.

Sec. 31202. Broadband Transparency.

Requires the FCC to adopt rules to collect from service providers certain data regarding price of broadband service plans and subscription rates and data to determine the resiliency of the network in the event of a natural disaster or emergency.

Sec. 31203. Distribution of Data.

Requires the FCC to make all data collected under Section 31202 available to other Federal agencies, State-run broadband entities, a unit of local government, and an individual conducting research for noncommercial purposes. The FCC may not share any of this data with an entity or individual unless the agency has determined that they have the capacity to properly protect any personally identifiable information contained in the data.

Sec. 31204. Coordination with Certain Other Federal Agencies.

Amends the BROADBAND DATA Act to require the FCC to coordinate with the Postmaster General, or any other agency that operates delivery fleet vehicles, whenever coordination would be beneficial for data collection.

Sec. 31205. Broadband Consumer Labels.

Requires the FCC to issue rules to promote and incentivize a standard format for broadband internet service providers to disclose to consumers the price and terms of their service offerings.

Sec. 31206. Appropriation for Broadband DATA Act.

Appropriates \$24 million to the FCC to collect data and generate broadband availability maps required under the BROADBAND DATA Act.

Subtitle C—Broadband Access

Chapter 1 – Expansion of Broadband Access

Sec. 31301. Expansion of Broadband Access in Unserved Areas and Areas With Low-Tier or Mid-Tier Service.

Appropriates \$80 billion to fund competitive bidding systems to build broadband infrastructure. Seventy-five percent of the funding is to be used for a nationwide system of competitive bidding to fund broadband deployment in unserved areas, defined as areas with service below 25/25 Megabits per second (Mbps), and areas with low-tier service, defined as areas with service between 25/25 and 100/100 Mbps. The remaining funds (25 percent) are to be distributed among States, by population, for States to conduct statewide systems of competitive bidding for broadband deployment in unserved areas, areas with low-tier service, and to unserved anchor institutions (anchor institutions with speeds less than 1 gigabit per 1,000 users). If a State does not have unserved areas or areas with low-tier service, funding may be used for broadband deployment in areas with mid-tier service, defined as greater than 100/100 Mbps but less than 1 gigabit per second symmetrical. The section also establishes certain preferences for the projects, including where access will be expanded in unserved areas and on Tribal lands; where higher speeds than the minimum specified will be offered; where the project will result in new open access networks where providers may use certain network elements to deliver their own internet service; where the project will increase access for persistent poverty counties or high-poverty areas at subsidized rates; and where completion will happen in advance of the maximum allowed buildout of four years.

The section also establishes certain requirements for projects funded under the program, including offering broadband service that provides at least 100/100 Mbps with sufficiently low latency, offering broadband service at prices that are comparable to, or lower than, the prices charged for comparable service, and offering an affordable service plan.

Anyone awarded funding in the nationwide system of competitive bidding must pay wages to employees working on the project funded through this program at rates not less than those prevailing on projects of a similar character in the locality and meet prevailing Federal labor and environmental requirements.

Chapter 2 – Broadband Infrastructure Finance and Innovation

Sec. 31321. Definitions.

Establishes definitions that apply throughout the chapter.

Sec. 31322. Determination of Eligibility and Project Selection.

Creates the Broadband Infrastructure Financing Innovation (BIFIA) program, administered by the NTIA, to provide State and local governments, public authorities, and public-private partnerships financial assistance in the form of secured loans, lines of credit, and loan guarantees for eligible broadband infrastructure financing projects. To be eligible, NTIA must determine that BIFIA funding for the project will: (a) foster partnerships that will attract private and public investment for the project; (b) enable the project to proceed at an earlier date than the project would otherwise be able to proceed or reduce the lifecycle costs; and (c) reduce the Federal contribution for the project.

Preference will be given for open access projects. Applicants must be able to demonstrate that construction on the project would begin within 90 days after receiving financial assistance.

Sec. 31323. Secured Loans.

Provides additional restrictions regarding secured loans made under the BIFIA program. The secured loans, which cannot exceed 49 percent of project costs, may be used to finance a project or to refinance interim or long-term obligations for projects that otherwise meet program requirements. In the case of bankruptcy or insolvency, the Federal government is in senior position to other debt holders.

Sec. 31324. Lines of Credit.

Provides additional restrictions regarding lines of credit available under the BIFIA program. Eligible entities may apply for lines of credit to be used to finance eligible project costs, extraordinary repair and replacement costs, operations and maintenance expenses, and costs of unexpected environmental restrictions. In the case of bankruptcy or insolvency, the Federal government is in senior position to other debt holders.

Sec. 31325. Alternative Prudential Lending Standards for Small Projects.

Requires the NTIA to establish alternate, streamlined lending standards for projects reasonably expected to incur less than \$20 million in eligible costs to ensure they pose no additional risks to the Federal government.

Sec. 31326. Program Administration.

Requires the NTIA to establish a program for servicing the credit instruments authorized under the program. It authorizes the NTIA to collect and spend fees to cover the expense of outside experts and firms to underwrite and service the instruments.

Sec. 31327. State and Local Permits.

Clarifies that the program does not preempt, supersede, or otherwise limit state and local laws governing construction, permitting, or rate of return.

Sec. 31328. Regulations.

Allows the Assistant Secretary of Commerce for Communications and Information to promulgate regulations necessary to administer the program.

Sec. 31329. Funding.

Appropriates \$5 billion to carry out the BIFIA program.

Sec. 31330. Reports to Congress.

Requires) a report, due 12 months after passage and biannually thereafter, summarizing the financial performance of the projects funded by the program, and an additional annual report identifying and providing the status of all of the letters of interest and applications for funding received in the prior fiscal year (FY).

Chapter 3 – Wi-Fi on School Buses

Sec. 31341. E-Rate Support for School Bus Wi-Fi.

Requires the FCC to update its rules to permit Wi-Fi access on school buses as eligible for support under the E-Rate program.

Subtitle D—Community Broadband

Sec. 31401. State, Local, Public-Private Partnership, and Co-op Broadband Services.

Prohibits State governments from enforcing laws or regulations that inhibit local governments, public-private partnerships, and cooperatives from delivering broadband service.

Subtitle E—Repeal of Rule and Prohibition on Use of NPRM

Sec. 31501. Repeal of Rule and Prohibition on Use of NPRM.

Repeals the FCC’s Fourth Report and Order, Order on Reconsideration, Memorandum Opinion and Order, Notice of Proposed Rulemaking, and Notice of Inquiry related to its Lifeline program that was adopted in November 2017. It also prohibits the FCC from finalizing a proposed rule that would cap the Universal Service Fund programs.

Subtitle F—Next Generation 9-1-1

Sec. 31601. Sense of Congress.

Describes the Sense of Congress, including that the transition from legacy 9-1-1 communications systems to next generation 9-1-1 technology is a national imperative.

Sec. 31602. Statement of Policy.

Describes the policy of Congress in transition to Next Generation 9-1-1, including technology neutrality and interoperability, that the governance and control of 9-1-1 should remain at the State, regional, and local level, and that Americans should receive information about the best way to utilize Next Generation 9-1-1.

Sec. 31603. Coordination of Next Generation 9-1-1 Implementation.

Authorizes the Next Generation 9-1-1 Implementation Coordination Office to provide \$12 billion in grants over five years for the implementation of Next Generation 9-1-1 services.

Sec. 31604. Savings Provision.

Provides that nothing in the subtitle shall affect any pending application or grant awarded under Section 158 of the National Telecommunications and Information Organization Act prior to enactment of this Act.

TITLE II—MOTOR VEHICLE SAFETY

Sec. 32001. Safety Warning for Occupants of Hot Cars.

Directs the National Highway Traffic Safety Administration (NHTSA) to issue a final rule requiring vehicles to be equipped with a system that detects the presence of a child or other occupant left unattended in a vehicle and issues warnings to prevent vehicular heatstroke.

Sec. 32002. Protecting Americans from the Risks of Keyless Ignition Technology.

Requires manufactures to install technology that prevents carbon monoxide poisoning and vehicle rollaways in each motor vehicle equipped with a keyless ignition device.

Sec. 32003. 21st Century Smart Cars.

Establishes minimum performance standards for and requires all new passenger motor vehicles to be equipped with advanced driver assistance systems (ADAS) and updates safety standards for headlamps. Requires that clear and concise information about the capabilities and limitations of ADAS be provided to consumers.

Sec. 32004. Updating the 5-Star Safety Rating System.

Updates the New Car Assessment Program (NCAP) to require NHTSA to publish a biannual roadmap detailing efforts to update the program; directs the Secretary of Transportation to update or create new tests and ratings for crashworthiness features, crash avoidance systems, pedestrian safety, post-crash safety, and drunk driving prevention technology; and mandates that the Secretary regularly update the program.

Sec. 32005. Advanced Drunk Driving Prevention Technology.

Directs NHTSA to prescribe a motor vehicle safety standard requiring passenger motor vehicles to be equipped with an advanced drunk driving prevention system that detects if the driver is intoxicated.

Sec. 32006. Limousine Compliance with Federal Safety Standards.

Mandates that limousines meet Federal standards for safety belts, seats, and seat assemblies and closes a loophole allowing used vehicles to be converted into limousines without meeting Federal safety standards. Requires limousine manufacturers to detail how they will comply with Federal standards and directs the Secretary of Transportation to research and set standards, as appropriate, for side impact protection, roof crush resistance, air bag systems, and emergency exits for limousines. Requires limousine operators to prominently display last inspection dates, results, and any corrective action taken.

TITLE III—ENERGY AND ENVIRONMENT INFRASTRUCTURE

Subtitle A—Infrastructure

Chapter 1 — Drinking Water

Subchapter A — PFAS Infrastructure Grant Program

Sec. 33101. Establishment of PFAS Infrastructure Grant Program.

Establishes a grant program under the Safe Drinking Water Act to provide assistance to water utilities to pay for capital costs associated with treatment for per- and polyfluoroalkyl substances (PFAS).

Sec. 33102. Definition.

Adds a definition of PFAS to the Safe Drinking Water Act.

Subchapter B — Extensions

Sec. 33103. Funding.

Increases and extends the authorization for the Drinking Water State Revolving Fund, the Drinking Water System Resilience Funding program, the Indian Reservation Drinking Water Program, and the Voluntary School and Child Care Program Lead Testing Grant Program.

Sec. 33104. American iron and steel products.

Provides permanent extension of Buy American provisions of the Safe Drinking Water Act.

Chapter 2 — Grid Security and Modernization

Sec. 33111. 21st Century Power Grid.

Directs the Secretary of Energy to establish a program to provide funding to eligible partners for projects that improve resiliency, performance, or efficiency of the electricity grid. Partnerships may include (a) a State or local government, a National Laboratory, an institution of higher education, an Indian Tribe, a Federal power marketing administration, or an entity that develops or provides grid technology and (b) either an electric utility, a Regional Transmission Organization, or an Independent System Operator. Authorizes \$700 million each year for fiscal years 2021 through 2025.

Sec. 33112. Energy efficient transformer rebate program.

Directs the Secretary of Energy to establish a program to provide rebates to eligible entities that replace inefficient transformers with a qualified energy efficient transformer. Defines the terms “qualified energy inefficient transformer”, “qualified energy efficient transformer”, and “qualified entity”. Establishes requirements for an applicant to receive rebates under the program and provides minimum requirements for the information an applicant must provide to the Secretary. Authorizes amounts of a rebate for specific transformers and authorizes \$10 million each year for fiscal years 2021 through 2025.

Sec. 33113. Interregional transmission planning report.

Requires the Federal Energy Regulatory Commission (FERC) to review and report on its progress in encouraging deployment of transmission technologies that increase the capacity and efficiency of existing transmission infrastructure.

Sec. 33114. Promoting grid storage.

Establishes a research program within the Department of Energy (DOE) for energy storage systems, components, and materials. The program requires the Secretary to coordinate across all relevant DOE program offices and adopt long-term targets for energy storage system applications. Authorizes \$175 million for the research program each year for fiscal years 2021 through 2025.

Establishes a technical assistance and grant program that disseminates information, offers technical assistance, and provides grants to entities to identify, evaluate, plan, design, and develop processes to procure energy storage systems. Authorizes \$100 million annually for the technical assistance and grant program for fiscal years 2021 through 2025.

Directs DOE to conduct workshops where lessons learned from the research and technical and grant programs can be shared. Establishes a demonstration program to provide grants for the

development of pilot energy storage systems. Authorizes \$150 million for the demonstration program annually for fiscal years 2021 through 2025.

Sec. 33115. Expanding access to sustainable energy.

Establishes an energy storage and microgrid grant and technical assistance program at DOE. The program will provide grants and technical assistance to a rural electric cooperative or non-profit entity, working with at least six rural electric cooperatives, to assist with designing and demonstrating energy storage and microgrid projects that utilize energy from renewable energy sources. Authorizes \$5 million annually for the program from fiscal years 2021 through 2025.

Sec. 33116. Interregional transmission planning rulemaking.

Requires FERC to initiate a rulemaking to increase the effectiveness of the interregional transmission planning process.

Chapter 3 — Controlling Methane Leaks from Pipelines

Sec. 33121. Improving the natural gas distribution system.

Directs the Secretary of Energy to establish a program to award grants to States to improve the performance of the natural gas distribution program. Sets requirements for State grant applications to the program. Describes eligible projects to be conducted by natural gas distribution companies and requires a company receiving funds through a State grant to use such funds only to offset the near-term incremental costs to low-income households. Sets priorities for grant funding. Directs the Secretary to establish auditing and reporting requirements for the States. Defines terms used in the section. Authorizes \$250 million each year for fiscal years 2021 through 2025.

Chapter 4 — Renewable Energy

Sec. 33131. Grant program for solar installations located in, or that serve, low-income and underserved areas.

Defines terms used in the section. Directs the Secretary of Energy to establish a program to provide loans and grants to eligible entities to construct or install community solar facilities or solar generating facilities to serve multi-family affordable housing. Sets conditions for loan and grant applications. Requires funding received through the program to be used for solar generating equipment, job training, deployment support, or administrative expenses. Authorizes \$200 million each year for fiscal years 2021 through 2025.

Chapter 5 — Smart Communities

Sec. 33141. 3C Energy program.

Authorizes DOE's proposed Cities, Counties, and Communities energy program to provide technical assistance and competitive grants for clean energy solutions in development and redevelopment efforts.

Sec. 33142. Federal technology assistance.

Requires the Secretary of Energy to implement a pilot program to provide technical assistance through the national laboratories to cities and communities for the purpose of promoting smart city or smart community technologies.

Sec. 33143. Technology demonstration grant program.

Expands the Department of Commerce smart cities demonstration project to include small and medium cities and towns.

Sec. 33144. Smart city or community.

Defines the terms Smart City or Smart Community for the purposes of the chapter.

Sec. 33145. Clean cities coalition program.

Directs the Secretary of Energy to carry out a Clean Cities Coalition Program. Proscribes specific program elements and duties of the Secretary. Describes projects and activities that are eligible for awards and specific goals of the projects and activities. Requires each designated Clean Cities Coalition to submit an annual report to the Secretary. Defines terms used in the section. Authorizes \$50 million for fiscal year 2021 and increases the authorization each year, reaching \$100 million in fiscal year 2025.

Chapter 6 — Brownfields

Sec. 33151. Brownfields funding.

Increases and extends funding for the Brownfields program.

Chapter 7 — Indian Energy

Sec. 33161. Indian energy.

Amends section 2601(2) of the Energy Policy Act of 1992 to include any land occupied by a majority of residents who are members of Alaskan Native Tribes in the definition of Indian Land. This section also allows the Secretary of Energy to reduce any required cost share for energy projects funded through the Office of Indian Energy. Funding for the program is reauthorized at \$50 million each year for fiscal years 2021 through 2025.

Sec. 33162. Report on electricity access and reliability.

Requires the Secretary of Energy to assess electricity access and reliability by Tribal communities and to produce a report based on the findings of the assessment. The Secretary is required to consult with Tribal governments in the design and conduct of the study and to consult with the North American Electricity Reliability Council and the FERC in conducting the study.

Chapter 8 — Hydropower and Dam Safety

Sec. 33171. Hydroelectric production incentives and efficiency improvements.

Reauthorizes section 242 of the Energy Policy Act of 2005 to provide incentives for owners and operators of hydroelectric projects to make hydroelectric production and efficiency improvements to hydropower facilities from fiscal year 2021 through fiscal year 2036, and to expand eligibility for

the program to hydropower facilities at existing dams or conduits with generating capacities of 10 megawatts or less.

Sec. 33172. FERC briefing on Edenville Dam and Sanford Dam failures.

Requires FERC to provide a briefing and a report to Congress on the findings of the independent forensic analysis of the Edenville Dam and Sanford Dam failures.

Sec. 33173. Dam safety conditions.

Adds a new requirement to section 10 of the Federal Power Act to mandate dam and project works meet the FERC's dam safety requirements and to require the licensee to manage, operate, and maintain the dam and project works consistent with dam safety requirements.

Sec. 33174. Dam safety requirements.

Amends section 15 of the Federal Power Act to require FERC to issue a new license only if the Commission determines the dam and other project works meet the Commission's dam safety requirements and that the operating conditions of the license are consistent with those requirements.

Sec. 33175. Viability procedures.

Requires FERC to establish procedures for evaluating the financial health of prospective hydropower licensees.

Sec. 33176. FERC dam safety technical conference with States.

Requires FERC to convene a technical conference with State representatives to examine best practices for Dam Safety.

Sec. 33177. Required dam safety communications between FERC and States.

Establishes requirements for FERC to inform a State in which a project is located when a licensee is required to take actions to repair a dam or other project works following a dam safety inspection, if a licensee who has been so notified fails to take actions to make repairs for a period of five years, or if the Commission takes steps to revoke a license for failure to make such repairs. Requires FERC to provide specific documents to the State if the Commission issues an order to revoke or approve the surrender of a license.

Chapter 9 — Loan Program Office Reform

Sec. 33181. Loan program office title XVII reform.

Amends Section 1702 of the Energy Policy Act of 2005 to require the Secretary of Energy to provide, upon request by an applicant, detailed updates on the status of an application that is pending for more than 270 days; defers payment of fees charged by the Secretary to closing of the guaranteed loan; and directs the Secretary to bear the full credit subsidy cost using appropriated funds, subject to the availability of such an appropriation.

This section also amends section 1703 of the Energy Policy Act of 2005 by expanding the list of eligible projects, allowing projects utilizing multiple technologies and receiving Federal financial assistance for one technology to be eligible for this loan guarantee program, and prohibiting the Secretary from deeming a project ineligible because a similar project exists in a different region of the country.

Finally, this section amends section 1701 of the Energy Policy Act of 2005 to add definitions for States and State Energy Financing Institutions, and amends section 1702 to make projects receiving funds from such institutions eligible for the Title XVII loan guarantee program.

Subtitle B—Energy Efficiency

Chapter 1 — Energy Efficiency Retrofits

Subchapter A — HOMES

Sec. 33201. Definitions.

Defines terms used in this subchapter.

Sec. 33202. Establishment of Home Energy Savings Retrofit Rebate Program.

Requires DOE to establish a Home Energy Savings Retrofit Rebate Program to provide rebates to homeowners for retrofits that achieve home energy savings.

Sec. 33203. Partial system rebates.

Specifies rebate amounts for partial system rebates, including \$800 for the installation of insulation and air sealing or \$1,500 for the installation of insulation, air sealing, and replacement of a heating, ventilation, and air conditioning system.

Sec. 33204. State administered rebates.

Establishes minimum criteria for States to receive grant funding under the program. Homeowners performing retrofits that are projected to save at least 20 percent of energy usage would be eligible for a \$2,000 rebate; those performing retrofits projected to save at least 40 percent of energy usage would be eligible for a \$4,000 rebate.

Sec. 33205. Evaluation reports to Congress.

Requires a report to Congress evaluating the use of funds for the program.

Sec. 33206. Administration.

Requires DOE to provide technical support to contractors, rebate aggregators, States, and Indian Tribes to assist in carrying out the program.

Sec. 33207. Authorization of appropriations.

Authorizes \$1 billion each year for fiscal years 2021 through 2025. Requires DOE to provide technical support to contractors, rebate aggregators, States, and Indian Tribes to assist in carrying out the program.

Subchapter B — Public Buildings

Sec. 33211. Energy efficient public buildings.

Amends section 125 of the Energy Policy Act of 2005 (EPACT05). Subsection 312(a) amends Section 125(a)(1) of EPACT05 by adding a reference to Standard 90.1 of the American Society of Heating, Refrigerating, and Air-Conditioning Engineers and by adding benchmarking programs to enable monitoring and use of energy performance data in buildings as an eligible use of grant funds. Subsection 312(b) re-designates section 125(b) as 125(c) of EPACT05 and adds a new

subsection that includes a requirement for any local government receiving a grant to obtain third-party verification of the energy efficiency improvements obtained using grant funds. It also authorizes the Secretary of Energy to provide guidance to State agencies to enable compliance with the requirement to obtain third-party verification and directs the Secretary to consider available third-party verification tools in preparation of guidance. Subsection 312(c) adds a requirement that all State energy offices receiving grants ensure that all contractors and subcontractors performing work with grant funds are paid prevailing wage rates. Subsection 312(d) authorizes \$100 million each year for fiscal years 2021 through 2025.

Subchapter C — Schools

Sec. 33221. Energy retrofitting assistance for schools.

Directs DOE to establish a clearinghouse to disseminate information regarding Federal programs and financing mechanisms that may be used to help initiate, develop, and finance energy efficiency, distributed generation, and retrofitting projects at schools. DOE must consult with appropriate Federal agencies to develop the clearinghouse and coordinate with them to develop an education and outreach effort to promote it.

Sec. 33222. Grants for energy efficiency improvements and renewable energy improvements at public school facilities.

Directs DOE to establish a competitive grant program to award funding for energy improvements in public school facilities. Qualifying improvements include measures that reduce school energy costs, improve student and teacher health (such as through improved air quality, daylighting, ventilation, electrical lighting, and acoustics), and facilitate the installation of renewable energy technologies. Eligible recipients must include a consortium of one local educational agency and one or more schools, nonprofit organizations, for-profit organizations, or community partners with expertise in energy improvements. In awarding funds, DOE must prioritize grants to either high-need local educational agencies or rural educational agencies.

Chapter 2 — Weatherization

Sec. 33231. Weatherization assistance program.

Subsection (a) amends section 422 of the Energy Conservation and Production Act to reauthorize the program for five years beginning in fiscal year 2021 at \$350 million, increasing to \$1 billion in fiscal year 2025. It amends the definition of weatherization materials to add renewable energy technologies and other advanced technologies to the list of weatherization materials that may be installed in residences under the program, and permits the Secretary of Energy to take improvements in health and safety of building occupants into consideration when setting standards under the program. The section allows entities receiving funds through the program to use private contractors in performing work of the projects and to use funding for contractor training.

It adds a new competitive grant program to expand the number of dwelling units receiving weatherization assistance, deploy renewable energy, ensure healthy indoor environments, disseminate new methods and practices in weatherization, and encourage the hiring and retention of individuals from groups that are underrepresented in the weatherization and home energy performance workforce. It directs the Secretary to make the first award under the program within 270 days of enactment and directs the Secretary to submit an annual report to the Congress to

report the accomplishments of the program. The new program is authorized beginning in fiscal year 2021 through fiscal year 2025. The specific amount authorized is determined by the appropriated funds for the weatherization assistance program in a given fiscal year and is capped within a fiscal year to be the lesser of \$25 million or six percent of the funding for the weatherization assistance program if the weatherization assistance program's annual appropriation is \$300 million or more.

The section also encourages entities receiving funds through the weatherization assistance program to prioritize and retain employees who reside in the community where the weatherization project is located or from communities or groups that are underrepresented in the home energy performance workforce. It increases the cap on the percent of funds awarded under the weatherization program that may be used for administration from 10 percent to 15 percent and amends the date when a dwelling unit may become eligible to receive weatherization assistance for further projects to be 15 years after the date when that unit's previous weatherization project was completed.

Finally, it requires the Secretary to produce an annual report enumerating the number of multifamily buildings in which dwelling units were weatherized during the previous year and the number of individual dwelling units in multifamily buildings that were weatherized using program funds in the previous year.

Sec. 33232. Report on waivers.

Requires the Secretary of Energy to report on requests for waivers of specific requirements of the weatherization assistance program.

Chapter 3 — Energy Efficient Conservation Block Grants

Sec. 33241. Energy Efficiency and Conservation Block Grant Program.

Amends Section 542(b)(1) of the Energy Independence and Security Act of 2007 (EISA) by adding the additional purpose of diversifying energy supplies by facilitating and promoting the use of alternative fuels to the Energy Efficiency and Conservation Block Grant Program's purposes. Amends section 544(9) of EISA to clarify that funds provided under this program may be used to deploy infrastructure for delivering alternative fuels. Amends section 546(c)(2) of EISA to clarify that projects to expand the use of alternative fuels are eligible for funding through competitive grants awarded through the program. Authorizes \$3.5 billion each year for fiscal year 2021 through fiscal year 2025 and caps administrative costs of the program at one percent of the amount appropriated for a fiscal year. Makes technical and conforming changes to EISA.

Chapter 4 — Federal Energy and Water Management Performance

Sec. 33251. Energy and water performance requirement for Federal facilities.

Amends the National Energy Conservation Policy Act to direct each Federal agency to reduce each year average building energy intensity by 2.5 percent relative to their respective energy intensities in 2018. Additionally, each agency must improve water use efficiency and management through a number of prescribed actions. These actions include reducing potable water consumption; lowering industrial, landscaping, and agricultural water consumption; and installing infrastructure features on Federally-owned properties to improve stormwater and wastewater management.

Sec. 33252. Federal Energy Management Program.

Establishes in law the Federal Energy Management Program to facilitate the implementation of cost-effective energy and water management and energy-related investment practices. The program, which would bear responsibility for monitoring and implementing Federal efficiency standards, provides strategic planning and technical assistance, establishes best practices, maintains information resources and tools, and recognizes efficiency achievements. The program would also be responsible for providing accredited training as well as guidance with portfolio-wide planning and project integration. The section authorizes \$36 million each year for FY 2021 through 2025.

Subtitle C—Vehicles

Chapter 1 — DERA

Sec. 33301. Reauthorization of diesel emissions reduction program.

Amends section 797(a) of the Energy Policy Act of 2005 to reauthorize the diesel emissions reduction program at \$500 million each year for fiscal years 2021 through 2025.

Chapter 2 — Clean Commute for Kids

Sec. 33311. Reauthorization of Clean School Bus Program.

Amends section 741(b)(2) of the Energy Policy Act of 2005 (EPACT05) to include clean school buses with low or zero emissions. It directs the Environmental Protection Agency (EPA) Administrator to give priority for grants to applicants that propose to retrofit school buses to become clean, low-, or zero-emission buses. Amends section 741(b)(5) of EPACT05 to allow the Administrator to award grants, rebates, or low-cost loans for up to 60 percent of the replacement costs of a clean school bus and to include acquisition of charging and fueling infrastructure as eligible costs. Directs the Administrator to develop an outreach program to promote the grant program. Reauthorizes section 741(d) of EPACT05 at \$65 million each year for fiscal years 2021 through 2025 with \$15 million of the amount designated for replacing or retrofitting buses that serve underserved or disadvantaged communities.

Chapter 3 — Refrigerated Vehicles

Sec. 33321. Pilot program for the electrification of certain refrigerated vehicles.

Directs the EPA Administrator to establish a pilot program to award grants, rebates, or low-cost loans to eligible entities to retrofit a heavy-duty vehicle by replacing a diesel-powered transport refrigeration unit with an electric unit, to purchase and install shore power infrastructure to enable transport refrigeration units to connect to electric power, or to operate and maintain vehicles and equipment related to electric transport refrigeration units. Sets maximum amounts of individual grants, proscribes contents of a grant application, and sets priorities for the Administrator to consider when making awards. Requires the Administrator to make specific data on the program available to the public. Requires the Administrator to produce an annual report to Congress on the program with a summary report of all annual reports provided to Congress within five years of initiating the program. Defines terms used in this section.

Chapter 4 — EV Infrastructure

Sec. 33331. Definitions.

Defines terms used throughout the chapter.

Sec. 33332. Electric vehicle supply equipment rebate program.

Directs the Secretary of Energy to establish a program to provide rebates to eligible entities that install publicly accessible electric vehicle supply equipment.

Sec. 33333. Expanding access to electric vehicles in underserved communities.

Requires the Secretary to conduct an assessment and produce a report within one year of enactment on the availability, opportunities for additional deployment, and best practices to encourage deployment of electric vehicle charging infrastructure in underserved communities.

Sec. 33334. Ensuring program benefits for underserved and disadvantaged communities.

Directs the Secretary to ensure to the extent practicable that programs in the chapter consider the needs of underserved or disadvantaged communities and provide those communities access to electric vehicle infrastructure, access to clean transportation, and improved air quality.

Sec. 33335. Model building code for electric vehicle supply equipment.

Requires the Secretary to update model building codes for integrating electric vehicle supply equipment into multi-family buildings.

Sec. 33336. Electric vehicle supply equipment coordination.

Requires the Assistant Secretary of the Office of Electricity Delivery and Reliability to convene a group to assess the development of standards necessary to support expanded deployment of a nationwide electric vehicle charging network.

Sec. 33337. State consideration of electric vehicle charging.

Amends section 111(d) of the Public Utility Regulatory Policies Act of 1978 to require States to consider authorizing measures to encourage deployment of electric vehicle charging stations, authorizing recovery of capital investments in equipment to enable deployment of an electric vehicle charging network by utilities, and allowing other private or public entities that are not regulated electric utilities to sell electricity to the public only through electric vehicle chargers.

Sec. 33338. State energy plans.

Amends the Energy Policy and Conservation Act of 1975 (EPCA) to authorize funding for State Energy Conservation plans and for preparation of State Energy Transportation plans by State energy offices. It also amends EPCA to allow the Secretary of Energy to provide funding to a State to develop an energy transportation plan as part of the State's energy conservation plan. The purpose of the plan is to promote electrification of the transportation system, reduce consumption of fossil fuels, and improve air quality.

Sec. 33339. Transportation electrification.

Amends the definition of a qualified electric transportation project in section 131(a)(6) of the EISA to include projects that facilitate electrification of the transportation sector, projects involving ground support equipment at ports, and projects deploying plug-in electric vehicle charging

infrastructure. Directs the Secretary to give priority to applicants that include written assurance that all laborers working on the project will be paid prevailing wages. Reauthorizes the program to provide \$2 billion each year for fiscal years 2021 through 2025 for the grants to State and local governments and private entities. Also provides \$2.5 billion each year over the same period for large-scale projects to electrify the transportation sector.

Sec. 33340. Federal fleets.

Amends section 303 of the Energy Policy Act of 1992 to increase the percent of alternative fueled vehicles that are acquired in Federal agencies' fleets and sets minimum requirements for the percentage of alternative fueled vehicles that must be zero-emission vehicles, including percentages for light-, medium-, and heavy-duty vehicles acquired by Federal agencies. Amends EPCA to direct Federal agencies to increase alternative fuel consumption and to reduce vehicle greenhouse gas emissions.

Sec. 33341. Domestic Manufacturing Conversion Grant Program.

Amends subtitle B of Title VII of the Energy Policy Act of 2005 to include plug-in electric vehicles and directs the Secretary of Energy to accelerate domestic manufacturing of batteries, power electronics, and other technologies for use in plug-in vehicles. Sets priorities for awards that would be provided to manufacturing facilities that have recently ceased operation or that will cease operation in the near term, as well as to applications that include assurance that laborers employed on a project will be paid prevailing wages. Includes a condition that the recipient of a grant must continue operations at the facility for a period of at least 10 years after the completion of construction. Provides an authorization of \$2.5 billion each year for fiscal years 2021 through 2025.

Sec. 33342. Advanced technology vehicles manufacturing incentive program.

Amends section 136 of the EISA to modify and broaden the definition of an "Advanced Technology Vehicle" to include: ultra-efficient vehicles which is revised to include hydrogen fuel cell electric vehicles; light-duty vehicles or medium-duty passenger vehicles that (A) are produced in model years 2021 through 2025 and meet the regulatory standards for such model years promulgated by the EPA Administrator on October 15, 2012 or (B) emit zero emissions of greenhouse gases; and heavy-duty vehicles that (A) comply early with and demonstrate achievement below the regulatory standards promulgated for model year 2027 for heavy-duty vehicles by the EPA Administrator on October 25, 2016 or (B) emit zero emissions of greenhouse gases. Revises the definition of qualifying components and adds a new subcategory of ultra efficient components. This section also increases the Federal cost-share of the facility funding awards from 30 percent to 50 percent, except that facility funding awards for ultra efficient components may be up to 80 percent.

This section also strengthens labor standards for funded projects. It revises the selection criteria used by the Secretary to require the award recipient to have a reasonable prospect of repaying principal and interest on the loan. This section also adds projects to manufacture zero-emission medium-duty passenger vehicles or heavy-duty vehicles and ultra efficient components to the list of prioritized projects. Finally, it reauthorizes this program from fiscal year 2021 through fiscal year 2025.

Subtitle D—Buy American and Wage Rate Requirements

Sec. 33401. Use of American iron, steel, and manufactured goods.

Requires that any project funded under this title or laws amended by this title to construct, alter, maintain, or repair a public building or public work must only use iron, steel, and manufactured goods produced in the United States. Provides for certain exceptions, including if compliance would be inconsistent with the public interest, when materials are not readily available in the United States, or if compliance would increase overall project cost by more than 25 percent.

Sec. 33402. Wage rate requirements.

Mandates that all laborers and mechanics employed by contractors or subcontractors on projects fully or partially funded by this title or laws amended by this title be paid wages no less than the local prevailing wage for similar projects. Allows Federal agencies to require the use of project labor agreements by contractors, on a case-by-case basis, when awarding contracts under provisions of the Act. In doing so, agencies may require that every contractor or subcontractor on a project agree to negotiate (or become party to a project labor agreement) with the relevant labor organization(s).

TITLE V—HEALTH CARE INFRASTRUCTURE

Sec. 34101. Hospital Infrastructure.

Reestablishes the Hill-Burton program by providing \$10 billion in total funding for fiscal years 2021 through 2025 for the construction and modernization of hospitals and medical facilities. It prioritizes awards for projects that include modernization for public health preparedness or protecting against cybersecurity threats. As a condition of receipt of funds under this program, an entity must ensure it will use iron and steel products produced in the United States and ensure the project will increase energy efficiency, energy resiliency, or a greater use of renewable energy.

Sec. 34102. Community Health Center Capital Project Funding.

Authorizes \$10 billion in total funding for community health center capital project grants for fiscal years 2021 through 2025. This provision also requires that any awards for capital project grants be for projects that will increase energy efficiency, energy resiliency, or a greater use of renewable energy.

Sec. 34103. Pilot Program to Improve Laboratory Infrastructure.

Authorizes \$4.5 billion in total funding for FY 2021 through FY 2025 for a pilot program to award grants for the improvement, renovation, or modernization of clinical laboratories that will improve SARS-CoV-2 and COVID-19 testing and response activities, including the expansion and enhancement of testing capacity at such laboratories. This provision also requires that any awards under this section be for projects that will increase energy efficiency, energy resiliency, or a greater use of renewable energy.

Sec. 34104. 21st Century Indian Health Program Hospitals and Outpatient Health Care Facilities.

Provides \$5 billion in total funding for fiscal years 2021 through 2025 for the planning, design, construction, modernization, and renovation of hospitals and outpatient health care facilities within the Indian Health Service (IHS). This provision also requires that any awards under this section be for projects that will increase energy efficiency, energy resiliency, or a greater use of renewable energy.

Sec. 34105. Pilot Program to Improve Community-Based Care Infrastructure.

Provides \$500 million in funding, to remain available until expended, for grants to qualified teaching health centers and behavioral health centers to support the improvement, renovation, or modernization of infrastructure at such centers, including to address COVID-19 or other subsequent public health crises. This provision also requires that any awards under this section be for projects that will increase energy efficiency, energy resiliency, or a greater use of renewable energy.

DIVISION H – ADDITIONAL PROGRAMS

Sec. 40001. National Scenic Byways Program.

Reauthorizes the National Scenic Byways Program at \$55 million for fiscal year 2021 and increases it by \$5 billion every year through fiscal year 2025.

DIVISION I – ZERO-EMISSION POSTAL FLEET AND OTHER MATTERS

Sec. 50001. Authorization of Appropriation for United States Postal Service for modernization of postal infrastructure.

Authorizes \$25 billion in funding for the Postal Service for the modernization of postal infrastructure and operations, including through capital expenditures to purchase delivery vehicles, processing equipment, and other goods. The section reserves \$6 billion for the purchase of new vehicles.

Sec. 50002. Electric or Zero-emission Vehicles for United States Postal Service Fleet.

Requires the Postal Service to use any of the authorized funds to purchase electric or zero-emission vehicles to replace its current right-hand-drive vehicles to the maximum extent practicable. However, at least 75 percent of the new fleet must be such vehicles. The section would also require that the fleet of medium and heavy-duty trucks consist of at least 30 percent of electric vehicles by 2030 and that any vehicle purchased after 2040 be electric or zero-emission. The section would require the Postal Service to provide at least one charging station at each publicly accessible facility it owns or leases by 2026 and ensure that it has adequate charging facilities to keep its fleet operating. The Buy American and any applicable labor and civil service statutes would apply to this program. Finally, the Postal Service would be required to submit a plan to Congress to implement this section within 180 days of enactment and report on implementation every two years thereafter.

Sec. 50003. Clarification of Authority of District of Columbia to Carry Out Long Bridge Project.

Clarifies the authority of the District of Columbia to participate in the construction of a new railroad bridge over the Potomac River and related projects.

DIVISION J – COMMITTEE ON FINANCIAL SERVICES

Section 60001. Short Title.

Establishes the short title for this division as the “Housing is Infrastructure Act of 2020”.

Section 60002. Findings.

Provides a set of findings around the importance of investing in our nation’s affordable housing infrastructure.

Section 60003. Public Housing Capital Fund.

Authorizes \$70 billion to the public housing capital fund so that public housing agencies (PHAs) can address the estimated backlog of physical repairs needed to maintain safe and decent housing. The Department of Housing and Urban Development (HUD) would distribute not less than 35 percent but no more than 75 percent of the funds to PHAs using the same formula used for amounts made available for the Capital Fund for fiscal year 2019. HUD would distribute the remaining amounts by competition for priority investments, such as investments that address lead hazards and other urgent health and safety concerns, and would give priority to PHAs located in states and localities that have a plan to increase water and energy efficiency when developing or rehabilitating public housing.

Section 60004. Rural Multifamily Preservation and Revitalization Demonstration Program.

Authorizes \$1 billion for the Multifamily Preservation and Revitalization Demonstration program of the Rural Housing Service to address the backlog of capital needs for affordable rental housing backed by the U.S. Department of Agriculture under the Section 514, 515, and 516 programs. At least 10 percent of the funding in this section must be used for green housing investments.

Section 60005. Flood Mitigation Assistance Program.

Authorizes \$1 billion for the Flood Mitigation Assistance Grant Program, which supports flood mitigation efforts that protect communities from future flooding and reduce post-disaster federal spending.

Section 60006. Housing Trust Fund.

Authorizes \$5 billion to the National Housing Trust Fund, which supports the creation, rehabilitation, or preservation of housing that would be affordable to the lowest income households. Funds provided for under this section would be prioritized for people who are experiencing homelessness, or at risk of homelessness and at least 10 percent of the funding in this section must be used for green housing investments.

Section 60007. Single- Family Housing Repair Loans and Grants.

Authorizes \$100 million for the Section 504 Single Family Housing Repair Loans and Grants, which helps very low income, rural, elderly homeowners remove health and safety hazards from their homes and other very low income, rural homeowners make repairs or improvements to their homes. At least 10 percent of the funding in this section must be used for green housing investments.

Section 60008. Native American Housing Block Grant Program.

Authorizes \$1 billion to the Native American Housing Block Grant (NAHBG) program, which provides flexible funds for affordable housing activities to benefit low-income tribal households. At least 10 percent of the funding in this section must be used for green housing investments.

Section 60009. Home Investment Partnerships Program.

Authorizes \$5 billion to the Home Investment Partnerships (HOME) program, which provides flexible funds for the construction, purchase, or rehabilitation of affordable rental and homeownership opportunities for low-income and very low-income people. At least 10 percent of the funding in this section must be used for green housing investments.

Section 60010. Program for Supportive Housing for Persons with Disabilities.

Authorizes \$2.5 billion for the Section 811 Supportive Housing for Persons with Disabilities program, which provides affordable and accessible housing designated for low-income persons with disabilities. At least 10 percent of the funding in this section must be used for green housing investments.

Section 60011. Program for Supportive Housing for the Elderly.

Authorizes \$2.5 billion for the Section 202 Supportive Housing for the Elderly program, which provides affordable housing with supportive services for low-income older adults. At least 10 percent of the funding in this section must be used for green housing investments.

Section 60012. Capital Magnet Fund.

Authorizes \$2.5 billion for the Capital Magnet Fund, which provides competitive grants to Community Development Financial Institutions to create and preserve affordable homes. At least 10 percent of the funding in this section must be used for green housing investments.

Section 60013. Community Development Block Grant Funding for Affordable Housing and Infrastructure.

Authorizes \$10 billion for a new competitive allocation of the Community Development Block Grant program, which provides flexible funding to states, localities and territories for a broad range of affordable housing and community development activities. The competition would be designed to encourage applicants to responsibly streamline the local processes for approval of affordable housing development and remove local barriers to affordable housing development such as zoning requirements. At least 10 percent of the funding in this section must be used for green housing investments.

Section 60014. Inclusion of Minority and Women Owned Business Enterprises.

Requires the relevant agency heads to consult with grantees and recipients to promote the inclusion of minority and women's business enterprises for funds provided for under this act. This includes special outreach to minority and women's business enterprises to inform such businesses of hiring opportunities created through such funds, procurement goals for the utilization of minority and women's business enterprises, and to convene meetings with leaders and officials of State and local governments, tribal entities, and public housing authorities for the purpose of recommending and promoting funding opportunities and initiatives needed to advance the position of minority and women's business enterprises when competing for funds provided for under this Act.

Section 60015. Reports on Outcomes.

Requires the Secretary of HUD, in coordination with the other Federal agency heads implicated in this division, to annually report Census tract and block group level data on several outcomes associated with funding in this division, including: the number of units produced, rehabilitated, or mitigated using authorized funds in this division, the percent of units that are affordable to the lowest-income households, where housing units are located in relation to high- and low-poverty

Census tracts and racially/ethnically concentrated areas, and any other information the Secretary considers appropriate to illustrate the number of housing units made available and accessible to populations of households protected under the Fair Housing Act.

DIVISION K – THE REOPEN AND REBUILD AMERICA’S SCHOOLS **ACT OF 2020**

Section 70000. Short Title; Table of Contents.

Cites the short title of the division as the “Reopen and Rebuild America’s Schools Act of 2020” and provides the table of contents for the Act.

Section 70001. Definitions.

Provides definitions for the terms “appropriate congressional committees,” “Bureau-funded school,” “covered funds,” “elementary school,” “local educational agency,” “outlying area,” “secondary school,” “public school facilities,” “qualified local educational agency,” “school infrastructure bond,” “Secretary,” “State”, and “zero energy school”.

TITLE I—GRANTS FOR THE LONG-TERM IMPROVEMENT OF PUBLIC SCHOOL FACILITIES

Subtitle A—Reservation and Allocation of Funds

Section 70101. Purpose and Reservation.

States the purpose of this title, which is to support “long-term improvements to public school facilities.” Reserves 0.5 percent of funds for the outlying areas proportionate to their share of funds under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), and 0.5 percent of funds for schools funded by the Bureau of Indian Education (BIE).

Section 70102. Allocation to States.

Outlines the allocation of funds to States, provides for an expedited allocation process for fiscal year 2020 funds as well as State responsibilities under this Act. States shall be allocated funds in proportion to the funds that all Local Education Agencies (LEAs) in the State receive under Title I, Part A of the ESEA. Requires States to issue regulations to ensure safe, healthy, and high-performing buildings and develop an online, publicly searchable database that outlines the condition of all public school facilities in the State. Other State requirements include a 10 percent matching requirement to be met within 10 years of the Act, a maintenance of effort provision, and a supplement-not-supplant provision. The matching requirement additionally allows States to use Federal sources in fiscal years when appropriations exceed \$7 billion. Requires that States submit a plan to the Secretary of Education (Secretary) for approval to carry out the competitive grant program described in Section 70111.

Subtitle B—Grants to Local Educational Agencies

Section 70111. Need-Based Grants to Qualified Local Educational Agencies.

Includes eligibility requirements and other provisions for the competitive grant program. States shall allocate all funds competitively to LEAs based on the poverty level of the school, fiscal limitations

to raise funds to improve school facilities, and the severity of the need to improve school facilities. For the fiscal year 2020 funds, States must prioritize subgrants to fund projects necessary to reopen schools in line with Center for Disease and Control and Prevention (CDC) guidelines. States must also ensure that the distribution of grants represents the geographic diversity of the State. States must set reasonable thresholds for whether schools meet high percentages or high numbers of students living in poverty for eligibility. States may distribute up to 10 percent of the total allocation of grants to enable LEAs to leverage existing public programs or public-private partnerships to expand access to high-speed broadband sufficient for digital learning. Also includes the requirements for an LEA application.

Section 70112. Allowable Uses of Funds.

Outlines the allowable uses of funds for Title I.

Section 70113. Prohibited Uses.

Outlines the prohibited use of funds for Title I.

Section 70114. Requirements for Hazard-Resistance, Energy and Water Conservation, and Air Quality.

Requires LEAs that receive funds for new construction to meet or exceed the requirements of a nationally recognized, consensus-based model building code, and the performance criteria under the WaterSense program of the Energy Policy and Conservation Act (42 U.S.C. 6294b).

Section 70115. Green Practices.

Outlines the requirements for green practices for Title I.

Section 70116. Use of American Iron, Steel, and Manufactured Products.

Includes a Buy America provision for iron, steel, and manufactured products.

Section 70117. Prohibition on Use of Funds for Facilities of For-Profit Charter Schools.

Prohibits funds from being used on charter schools operated by a for-profit entity.

Section 70118. Prohibition on Use of Funds for Certain Charter Schools.

Prohibits funds from being used on charter schools that lease their facility from an individual or private sector entity that has a direct or indirect interest in the school and has a governance role in the school.

Subtitle C—Annual Report and Authorization of Appropriations

Section 70121. Annual Report on Grant Program.

Requires that the Secretary annually submit to Congress a report that includes a description of the projects carried out under the grant program as well as the demographic information of students attending schools that used funds from the grant program.

Section 70122. Authorization of Appropriations.

Authorizes to be appropriated \$100 billion total for Title I of this Act from fiscal 2020 through fiscal year 2024 and provides States until September 30, 2029 to spend allocations.

TITLE II—OTHER REPORTS, DEVELOPMENT OF STANDARDS, AND INFORMATION CLEARINGHOUSE

Section 70201. Comptroller General.

Requires the Comptroller General to submit to Congress a report that must include the geographic distribution of projects, the impact of projects on student and staff health and safety, and how funds under these projects could be made more accessible to high-poverty schools and those with limited fiscal capacities.

Section 70202. Study and Report of Physical Conditions of Public Schools.

Requires that the Institute of Educational Sciences carry out a national study that includes the condition of public school facilities, the impact of such facilities on students and staff, and a cost estimate for bringing schools to good condition.

Section 70203. Development of Data Standards.

Requires that the Secretary, in consultation with the Environmental Protection Agency, CDC, Department of Energy, and the National Institute for Occupational Safety and Health, develop guidance on data to be collected by States under Section 70102.

Section 70204. Information Clearinghouse.

Requires that the Secretary, in consultation with the officials in Section 70203, to disseminate information to schools on financing for green projects.

Section 70205. Sense of Congress on Opportunity Zones.

Provides that opportunity zones, when combined with public infrastructure investment, can provide an innovative approach to help rebuild local schools and economies.

TITLE III—IMPACT AID CONSTRUCTION

Section 70301. Temporary Increase in Funding for Impact Aid Construction.

Temporarily increases authorized funding for the Impact Aid Construction program under the Elementary and Secondary Education Act by \$500 million for each of fiscal years 2020 through 2024.

TITLE IV—ASSISTANCE FOR REPAIR OF SCHOOL FOUNDATIONS AFFECTED BY PYRRHOTITE

Section 70401. Allocations to States.

Requires the Secretary to create a program, within 180 days of enactment, that would provide federal funding to states to distribute grants to LEAs for the repair or replacement of crumbling foundations due to pyrrhotite. Requires the Secretary to publish on the Department of Education's website instructions on how a state may receive funding for this program.

**DIVISION L – PUBLIC LANDS, TRIBAL COMMUNITIES, AND
RESILIENT NATURAL INFRASTRUCTURE**

TITLE I—WATER RESOURCES INFRASTRUCTURE

Subtitle A—Water Settlements Infrastructure

Sec. 81101. Reclamation water settlements fund.

Extends the Reclamation Water Settlements Fund (Settlements Fund) to meet the Federal government’s legal trust obligation to tribal nations. The Settlements Fund provides \$120 million per year to pay for Indian water rights settlements, which fund clean water and wastewater infrastructure across Indian Country. Currently, Native American households are 19 times as likely as white households to lack running water and indoor plumbing due to insufficient or non-existent infrastructure. Because the Settlements Fund will be exhausted on a handful of Indian water rights settlements authorized by Congress over the past decade, a long-term Settlements Fund extension is needed for the remaining settlements with many of the west’s 280 tribal nations in the decades to come. The Federal government has only completed settlements with 36 tribes over the past 40 years. A long-term Settlements Funds extension will address this generational infrastructure challenge and secure the basic clean water infrastructure needed for western tribes to have viable homelands. This section is the same as H.R. 1904 (Grijalva – AZ) which was approved by the Committee on Natural Resources on February 12, 2020.

Secs. 81102—81103. Funding for water management goals and restoration goals.

Provides responsible investments to repair the Friant-Kern Canal as contemplated in the San Joaquin River Restoration Settlement Act and funds related river restoration infrastructure and activities to restore California’s second longest river. These sections are the same as H.R. 5316 (Cox – CA) which was approved by the Committee on Natural Resources on February 12, 2020.

Subtitle B—FUTURE Western Water Infrastructure and Drought Resiliency

Sec. 81201—81252.

Provides approximately \$3.5 billion for western water infrastructure and drought resiliency measures, including \$750 million for sustainable, multi-benefit water storage projects; \$500 for water recycling and reuse projects; and \$260 million for innovative water desalination projects. Significant investment and support are also provided for important water infrastructure projects and measures needed to reverse widespread fish and wildlife species decline across the west. Restoring healthy fish and wildlife populations will significantly boost the outdoor recreation economy and provide numerous additional benefits for the American people, including domestic seafood supply security and enhanced hunting, fishing and outdoor recreation opportunities across the western states. This subtitle includes numerous bills approved by the Committee on Natural Resources during the 116th Congress, including H.R. 3723 (Levin – CA), H.R. 5347 (Cox – CA), H.R. and 1162 (Napolitano – CA), as well as western water infrastructure priorities publicly requested and informed by numerous stakeholder organizations, including major water utilities, cities, water districts, conservation organizations, and tribes.

Subtitle C—Western Water Security

Secs. 81301—81335.

Provides much needed funding for western water infrastructure while advancing water conservation, water-use efficiency, and environmental restoration in the Southwest and other western states. This subtitle is the same as H.R. 4891 (Torres Small – NM) which was approved by the Committee on Natural Resources on March 11, 2020.

Subtitle D—Water Resources Research Amendments

Sec. 81411. Water Resources Research Amendments.

Reauthorizes and funds Federal grants for water research institutes in all 50 states and the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands. Each state and territory currently have a water institute focused on new research and technological development needed to address state and regional challenges related to water supply and water quality. This section is the same as H.R. 3510 (Harder–CA).

Subtitle E—Ground Water Recharge Planning

Sec. 81511. Ground water recharge planning.

Directs the Department of the Interior to investigate and identify beneficial groundwater storage and recharge locations across the western United States and future water infrastructure conveyance needs to facilitate groundwater storage and aquifer recharge in western states. This section is included in H.R. 2473 (Harder–CA), which was approved by the Committee on Natural Resources on March 11, 2020.

Subtitle F—Tribal Water Infrastructure

Sec. 81611—81612.

Provides needed funding for the planning, design, construction, modernization, improvement, and renovation of water, sewer, and solid waste sanitation facilities located on tribal land that are listed on the Indian Health Service’s Sanitation Facilities Deficiency List. This subtitle is the same as H.R. 7056 (O’Halleran–AZ).

Subtitle G—Navajo Utah Water Rights Settlement

Sec. 81711—81721.

Authorizes and implements the Navajo Utah Water Rights Settlement Agreement negotiated between the state of Utah, the Navajo Nation, and the United States. The settlement would provide water supply certainty to non-tribal water users in Utah that face a legal risk to their water use from competing Navajo Nation water claims while authorizing funds for a water project, expected to be built in 2024 or later, to deliver water to approximately 2,500 people on the Utah portion of the Navajo Nation. This subtitle is the same as H.R. 644 (Bishop–UT) which was approved by the Committee on Natural Resources on February 12, 2020.

TITLE II—NATIONAL PARKS, FORESTS, AND PUBLIC LANDS

Subtitle A—Public Lands Telecommunications

Sec. 82101 — 82104.

Expedites the deployment and enhancement of broadband and telecommunications infrastructure and services on and adjacent to public lands managed by DOI through the retention and use of rental fees for rights-of-way and other telecommunications infrastructure use authorizations. This subtitle is the same as H.R. 2611 (Huffman–CA).

Subtitle B—Outdoors for All

Sec. 82201—82206.

Establishes guaranteed funding to enhance access to greenspace and develop recreational infrastructure in park-poor urban areas and traditionally underserved communities. This subtitle is similar to H.R. 4512 (Barragán–CA).

Subtitle C—Updated Borrowing Authority

Sec. 82301. Presidio Trust borrowing authority.

Updates existing borrowing authority to facilitate the maintenance and repair of facilities and infrastructure at the Presidio of San Francisco, a unit of the National Park System managed in partnership with the Presidio Trust.

Subtitle D—Forest Service Legacy Roads and Trails Remediation Program

Sec. 82401. Forest Service Legacy Roads and Trails Remediation Program.

Directs the U.S. Forest Service to prioritize storm proofing roads, bridges, and trails for more extreme weather; culvert replacement; fish passageway; trail repair; and decommissioning of unneeded or environmentally hazardous roads.

TITLE III—OCEANS AND WILDLIFE

Subtitle A—Coastal and Great Lakes Resiliency and Restoration

Sec. 83101. Shovel-Ready Restoration and Resiliency Grant Program.

Authorizes a \$3 billion coastal resiliency fund managed by the National Oceanic and Atmospheric Administration (NOAA) to provide funding for shovel-ready coastal restoration projects that restores habitat for fish and wildlife or assists in adaptation to the impacts of climate change. Priority projects include, among other things, projects that stimulate the economy, create jobs for fishermen, or are located in under-resourced communities.

Sec. 83102. Living Shoreline Grant Program.

Authorizes \$50 million per year for grants for living shoreline projects through NOAA to increase climate resilience of shorelines. Priority living shoreline projects include those located in disaster areas, those affecting military installations, and projects located in under-resourced communities. A 50% non-Federal match is required but can be waived if funds are unavailable. At least 10 percent of the living shoreline funds must go to projects in the Great Lakes. This section is similar to H.R.

3115 (Pallone–NJ) and the same text as section 102 of H.R. 729 (Kilmer –WA) which was approved by the House on December 10, 2019.

Subtitle B—Wildlife Corridors Conservation Act

Sec. 83201—83402.

Establishes a National Wildlife Corridors system to provide for the protection and restoration of certain native fish, wildlife, and plant species on Federal lands, and authorizes a voluntary grant program for restoration, maintenance, and preservation of wildlife corridors on State and private lands. It also creates a Tribal wildlife corridors system and authorizes \$5 million per year for that program. This subtitle is similar to H.R. 2795 (Beyer–VA) and includes H.R. 5179 (Gallego–AZ), which were approved by the Committee on Natural Resources on January 29, 2020.

TITLE IV—ENERGY

Subtitle A—Establishment of Federal Orphaned Well Remediation Program

Sec. 84101. Establishment of federal orphaned well remediation program.

Authorizes a total of \$2 billion over five years for funding to properly close and remediate orphaned oil and gas wells on Federal, tribal, state, and private lands. BLM would receive 12.5 percent of the funding directly to address wells on Federal and tribal land, while 87.5 percent of the money would be provided to states in the form of grants to address wells on state and private land.

Sec. 84102. Federal bonding reform.

Increases the amount of financial assurances required of companies drilling on Federal land in order to reduce the likelihood of future wells becoming orphaned without a revenue stream for reclamation. The section increases minimum oil and gas bonding amounts to \$50,000, \$250,000, and \$1,000,000 for all an operator’s wells on an individual lease, in a state, and nationwide, respectively (up from the current values of \$10,000, \$25,000, and \$150,000). These amounts would be adjusted regularly for inflation. The section also requires submission of interim and final reclamation plans with each drilling permit application.

Subtitle B—Surface Mining Control and Reclamation Act Amendments

Sec. 84201—84203.

Reauthorizes the Abandoned Mine Land program for coal mines, which is expiring at the end of September 2021, for 15 years; increases the minimum amount of money that each state or tribe receives annually from \$3 million to \$5 million; and allows states to spend funds directly for abandoned mine related emergencies and then get reimbursed by the Office of Surface Mining Reclamation and Enforcement. This subtitle is the same as H.R. 4248 (Cartwright–PA) which was approved by the Committee on Natural Resources on January 15, 2020.

Subtitle C—Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More

Sec. 84301—84305.

Authorizes the use of \$1 billion over five years in unobligated money from the Abandoned Mine Land fund for distribution to States and tribes to accelerate the cleanup of abandoned coal mine sites that have been identified by States, tribes, and local communities as prime opportunities for

economic redevelopment and job creation. This subtitle is similar to H.R. 2156 (Cartwright–PA) which was approved by the Committee on Natural Resources on October 4, 2019.

Subtitle D—Public Land Renewable Energy Development

Sec. 84401—84412.

Promotes wind, solar, and geothermal energy projects on public lands by creating priority areas for development and by giving the Department of the Interior more tools to speed up permitting. The section also directs revenue from renewable energy projects to local communities and the new Renewable Energy Resource Conservation Fund, which will be used for conservation and recreation projects. This subtitle is similar to H.R. 3794 (Gosar–AZ, Levin - CA) which was approved by the Committee on Natural Resources on November 20, 2019.

Subtitle E—Offshore Wind Jobs and Opportunity

Sec. 84501. Offshore Wind Career Training Grant Program.

Authorizes \$25 million a year for a new grant program at the Department of the Interior to help institutions of higher education and labor unions provide training opportunities for jobs in the offshore wind industry. This section is similar to H.R. 3068 (Keating–MA) which was approved by the Committee on Natural Resources on January 15, 2020.

Subtitle F—Community Reclamation Partnerships

Sec. 84601—84604.

Increases the ability for third-party groups, such as environmental or wildlife organizations—referred to as “Community Reclaimers”—to use their own funds to clean up streams and watershed affected by abandoned coal mine sites. States with approved Abandoned Mine Land programs would be allowed to enter into a Memorandum of Understanding with the Environmental Protection Agency to set up a program that would extend certain liability protections to Community Reclaimers under the Surface Mining Control and Reclamation Act of 1977. This subtitle is the same as H.R. 315 (LaHood–IL) which was approved by the Committee on Natural Resources on May 1, 2019.

DIVISION M – REVENUE PROVISIONS

Sec. 90001. Short Title, etc.

Provides that this division may be cited as the Renewable Energy, Efficiency and Infrastructure Tax Act of 2020”.

TITLE I—INFRASTRUCTURE FINANCING

Subtitle A—Bond Financing Enhancements

Sec. 90101. Credit to issuer for certain infrastructure bonds (§6431A).

Based on the successful Build America Bonds program enacted in the 2009 American Recovery and Reinvestment Act, issuers of qualified infrastructure bonds would receive a tax credit equal to an

applicable percentage of the interest, providing direct financing support for infrastructure investments made by state and local governments.

The applicable percentage of the credit for interest paid with respect to qualified bonds is determined in the year the bond is issued as follows:

2020 through 2024.....	42%
2025.....	38%
2026.....	34%
2027 and thereafter.....	30%

State and local governments may claim this credit for bonds whose interest would otherwise be eligible for tax-exempt status in the Internal Revenue Code, and the entirety of whose net proceeds are used for capital expenditures or the operation and maintenance of capital expenditures. In the event that the credit is subject to sequestration, the credit amount will be grossed up to equal the applicable percentage of the interest payments. This provision applies to qualified infrastructure bonds issued more than 30 days after date of enactment of this Act.

Sec. 90102. Advance refunding bonds (§149).

Advance refunding refers to a state or local government holding the proceeds of a refunding issue for longer than 90 days before using such proceeds to pay off a refunded issue, allowing State and municipal governments to take advantage of lower interest rates to refinance long-term debt obligations. Prior to repeal in the 2017 Tax Cuts and Jobs Act, interest on advance refunding bonds was exempt from tax. This provision would once again allow interest on advance refunding bonds issued by state and local governments to be exempt from tax. This provision applies to advance refunding bonds issued more than 30 days after date of enactment of this Act.

Sec. 90103. Permanent modification of small issuer exception to tax-exempt interest expense allocation rules for financial institutions (§265).

As a general rule, no deductions are allowed for expenses that are allocable to tax-exempt income, including tax-exempt interest received by holders of certain municipal bonds. The same general rule applies to financial institutions to disallow a deduction for interest expense that is allocable to tax-exempt interest income. However, present law provides an exception for interest expense allocable to certain tax-exempt obligations issued by qualified small issuers, which are defined (in part) as issuers that are not reasonably expected to issue more than \$10 million in tax-exempt obligations during a calendar year. This provision revises the definition of qualified small issuers by increasing the \$10 million limit to \$30 million (indexed annually for inflation). In addition, this provision treats qualified 501(c)(3) bonds as tax-exempt obligations for purposes of the small issuer exception, and makes permanent certain rules related to qualified financings.

Sec. 90104. Volume cap on private activity bonds (§146).

Increases the annual state volume cap on private activity bonds from the greater of \$75 per capita or \$225,000,000 to the greater of \$135 per capita or \$402,220,000.

Sec. 90105. Modifications to qualified small issue bonds (§144).

This provision expands the definition of eligible manufacturing facilities eligible for financing through qualified small issue bonds to include facilities used for the creation or production of intangible property, and facilities functionally related and subordinate to facilities used for the manufacturing, creation, or productions of tangible or intangible property. This provision also raises the aggregate cap for prior issues from \$10 million to \$30 million, indexed annually for inflation.

Sec. 90106. Expansion of certain exceptions to the private activity bond rules for first-time farmers (§§147, 144).

This provision increases the limitation on the exemption of the use of private activity bond proceeds for first-time farmers from \$450,000 to \$552,500, indexed annually for inflation.

Sec. 90107. Exempt facility bonds for zero-emission vehicle infrastructure (§142).

This provision expands the definition of exempt facility bond eligible for tax-exempt private activity bond financing to include any bond issued if 95 percent or more of the net proceeds are to be used to provide zero-emission vehicle infrastructure. Zero-emission vehicle infrastructure is defined as any depreciable property (not including a building and its structural components) used to charge or fuel zero-emissions vehicles. Charging infrastructure that is not exclusively for governmental or commercial fleets must be made available for use by members of the general public, accepts payment by use of a credit card reader, and is capable of charging or fueling vehicles produced by more than one manufacturer.

Sec. 90108. Exempt-facility bonds for sewage and water supply facilities (§146).

This provision adds to the list of private activity bonds that are not subject to the volume cap to include bonds for water and sewerage facilities.

Sec. 90109. Qualified highway or surface freight transfer facility bonds (§ 142).

This provision increases the limitation on the use of qualified highway or surface transfer facility bonds from \$15,000,000,000 to \$18,750,000,000 and applies Davis-Bacon prevailing wage requirements to projects funded with bond proceeds.

Subtitle B—School Infrastructure Bonds

Sec. 90111. Restoration of Certain Qualified Tax Credit Bonds (§ 54A, § 6431, § 54E).

This provision restores Qualified Zone Academy Bonds (QZABs) to the tax code, having been previously repealed in the 2017 Tax Cuts and Jobs Act. It further allows proceeds from QZABs to be used for construction and retrofitting of public school facilities. This provision permanently increases the national limitation for QZABs from \$400 million annually to \$1.4 billion annually and removes the private business contribution requirement for local educational agencies to participate in the QZAB program.

Sec. 90112. School Infrastructure Bonds (§ 54BB).

This provision adds new section 54BB of the Code, which designates a total national bond limitation of \$30 billion for qualified school infrastructure bonds (QSIBs), \$10 billion each for fiscal year 2020, fiscal year 2021, and fiscal year 2022. States may distribute up to 10% of the total bond limitation to enable local educational agencies to leverage existing public programs or public-private partnerships to expand access to high-speed broadband sufficient for digital learning.

The provision also:

- Allocates bond authority to states based on the proportion of funds that States receive under Title I, Part A of ESEA;
- Requires that the federal government provide a tax credit of 100 percent of the interest on any QSIB— such credit may be issued as a tax credit to the bondholder or as a direct payment to the bond issuer;

- Reserves 0.5% of the bond allocation for outlying areas, and 0.5% of the bond allocation for schools funded by the Bureau of Indian Affairs; and

Sec. 90113. Annual Report on Bond Program.

This provision requires the Secretary of Education to annually submit to Congress a report that includes the local educational agencies that participated in the bond program as well as local educational agencies that were unable to participate due to fiscal challenges.

Subtitle C—Other Provisions Related to Infrastructure Financing

Sec. 90121. Credit for operations and maintenance costs of government-owned Broadband (§ 6431B).

This provision creates a 30% tax credit for State, local, and tribal governments for the operations and maintenance costs of government owned broadband systems. To be eligible for the credit the broadband service must provide a download speed of at least 25 Mbps and an upload speed of at least 3 Mbps. Expenses taken into account for purposes of this credit are capped at \$400 per newly subscribed household living within a low-income community. This credit phases down to 26% in 2027, 24% in 2027, and expires at the beginning of 2028.

Sec. 90122. Treatment of financial guaranty insurance companies as qualifying insurance corporations under passive foreign investment company rules (§ 1297).

This provision provides that a financial guarantee insurance company that satisfies certain conditions may include unearned premium reserves in its applicable insurance liabilities for purposes of determining whether it is a passive foreign investment company. The provision contains financial statement reporting requirements and provides regulatory authority to impose additional tax reporting requirements on financial guarantee insurance companies. This provision is generally effective for taxable years beginning in 2018, except for reporting provisions, which are effective for reports made after the date of enactment.

Sec. 90123. Infrastructure Grants to Improve Child Care Safety (§ 418A).

This provision authorizes \$10 billion over the 2020-2024 period to finance grants to improve child care infrastructure, including constructing, renovating, and improving facilities to address long-standing issues and to respond to the COVID-19 pandemic. The Secretary of HHS would conduct an immediate needs assessment of the condition of child care facilities in order to inform the grant process and ensure that funds are distributed to areas of high need and in a way that increases availability of quality child care for poor children, young children, and children of essential workers, and also assists providers in complying with new public health rules and remaining open. The Secretary of HHS would also conduct a long-term needs assessment within 4 years to assess the condition of childcare facilities nationwide.

State priority granting would be based on improving child care facilities across a range of geographic areas, and collaboration across public and private sectors. State, tribal, and territorial grants would be capped at \$35 million per year, and additional grants of up to \$10 million would be available to intermediary organizations with demonstrated experience in child care facilities financing, for the purpose of providing technical assistance, capacity building, and financial products to help develop or finance child care facilities. Three percent each of total funding would be reserved Indian tribes and U.S. territories, and at least 10 percent but not more than 15 percent of total funding would be reserved for grants to intermediary organizations that support facility financing. States and territories

(but not tribes and tribal organizations) would be required to provide a cash or in-kind match for 10 percent of the grant funds. The provision disregards any grants provided from the limitation on total payments to U.S. territories in Section 1108 of the Social Security Act.

TITLE II—NEW MARKETS TAX CREDIT

Sec. 90201. Improvement and permanent extension of new markets tax credit (§ 45D).

This provision makes the New Markets Tax Credit program permanent. For the 2019 allocation round, it provides an additional allocation of \$500 million (increasing the total allocation from \$3.5 billion to \$4.0 billion). It also provides a temporary increase in allocation amounts for 2020 (\$7 billion) and 2021 (\$6 billion). Finally, it sets the allocation amounts at \$5 billion for 2022 and all years thereafter. Beginning in 2022, it indexes the allocation amount to inflation and provides AMT relief to taxpayers claiming the NMTC.

TITLE III—REHABILITATION TAX CREDIT

Sec. 90301. Increase in rehabilitation credit (§ 47).

This provision increases the historic rehabilitation tax credit (HTC) percentage from 20 percent to 30 percent for 2020 through 2024. The credit percentage is phased down to 26 percent in 2025, 23 percent in 2026, and returns to 20 percent in 2027 and thereafter.

Sec. 90302. Increase in the rehabilitation credit for certain small projects (§ 47).

This provision permanently increases the HTC percentage from 20 percent to 30 percent for certain smaller projects to ensure rural and non-urban areas have a better ability to take advantage of the credit. The increased small project credit would cap Qualified Rehabilitation Expenses (QREs) at \$2.5 million, or approximately \$750,000 in credits, with a provision ensuring there is not a cliff as between the small project credit and the HTC for all projects. The provision is at the election of the taxpayer to allow taxpayers to choose between the HTC and the small project credit.

Sec. 90303. Modification of definition of substantially rehabilitated (§ 47).

This provision would change the threshold to qualify for use of the HTC by reducing the rehabilitation investment from 100% to 50% of adjusted basis.

Sec. 90304. Temporary extension of period for completing rehabilitation (§ 47).

HTC-eligible projects have a limited time in which to complete their substantial rehabilitation – either 24 months or 60 months. This provision extends the 24-month-period and 60-month-period, each by 12 months, to ensure those projects impacted by the pandemic do not fail to qualify for the HTC.

Sec. 90305. Elimination of rehabilitation credit basis adjustment (§ 50).

This provision changes the amount of the depreciable basis adjustment from 100 percent to zero, eliminating the requirement that the HTC be deducted from a building's basis at the time of transfer. This change would place the HTC in line with other development credits and make it easier to use with programs like LIHTC.

Sec. 90306. Modifications regarding certain tax-exempt use property (§ 47).

This provision would amend the disqualified lease rules, making the HTC easier to access by non-profits and other tax-exempt entities. Leases disqualified under current law that inhibit the

rehabilitation of these buildings, like those with purchase options, leases in excess of 20 years, and leases in buildings that use tax-exempt financing, would be permitted. These changes would make projects like health care centers, arts organizations, community services, workforce training providers, and others better able to use the HTC.

Sec. 90307. Qualification of rehabilitation expenditures for public school buildings for rehabilitation credit (§ 47).

This provision would allow public school buildings to better use the HTC by excepting public school buildings that have been used as public schools within the past five years from certain tax-exempt use rules. In particular, the “prior use” limitations related to leases by tax-exempt entities currently prevent public school buildings from being rehabilitated using the HTC program.

TITLE IV—GREEN ENERGY

Sec. 90400. Short title.

Provides that this title may be cited as the “Growing Renewable Energy and Efficiency Now Act of 2020” or the “GREEN Act of 2020”.

Subtitle A—Renewable Electricity and Reducing Carbon Emissions

Sec. 90401. Extension of credit for electricity produced from certain renewable resources ((§§ 45 and 48(a)(5)).

The provision extends the production tax credit (PTC), which allows energy producers to claim a credit based on electricity produced from renewable energy resources. In most cases, including producers electing into the § 48 investment tax credit, these credits are extended for facilities for which construction begins by the end of 2025.

Most facilities: The PTC for the following facilities is revived and extended through the end of 2025:

- closed loop biomass,
- open loop biomass,
- landfill gas (municipal solid waste),
- trash (municipal solid waste),
- qualified hydropower, and
- marine and hydrokinetic renewable energy facilities.

Geothermal: The PTC for geothermal energy is revived and extended through the end of 2020. Geothermal is then made eligible for a higher investment tax credit (ITC) under § 48.

Wind: The PTC for wind energy is preserved at the current phaseout levels for 2019 and 2020 (60% and 40%, respectively), and then is extended at 60% through the end of 2025.

Sec. 90402. Extension and modification of energy credit (§ 48).

The provision extends the ITC, which allows taxpayers to claim a credit for up to 30% of the cost of qualified energy property. In most cases, the provision extends the credit at full value for property for which construction begins by the end of 2025, and then phases down over two years.

Solar: The ITC for solar energy property is extended at 30% through the end of 2025. The ITC then phases down to 26% in 2026, 22% in 2027, and 10% thereafter.

Geothermal: The ITC for geothermal energy property is modified to match the credit timeline for solar energy property. Therefore, the ITC for geothermal energy property is 30% through the end of 2025. The ITC then phases down to 26% in 2026, 22% in 2027, and 10% thereafter.

Geothermal will not be eligible for the PTC after 2020. *See* § 101 of this legislation.

Other currently eligible property: The ITC for fiber-optic solar equipment, fuel cell property, microturbine property, combined heat and power property, and small wind energy property is extended at 30% through the end of 2025. The ITC then phases down to 26% in 2026 and 22% in 2027.

Newly eligible property: The ITC is expanded to include energy storage technology, waste energy recovery property, qualified biogas property, and linear generators. These technologies are eligible for the 30% ITC through the end of 2025. The ITC then phases down to 26% in 2026 and 22% in 2027. These technologies are briefly described as follows:

- Energy storage technology uses batteries and other storage technology to store energy for conversion to electricity and has a minimum capacity of 5 kWh, or to store energy to heat or cool a structure.
- Waste energy recovery property generates electricity solely from heat (such as exhaust heat) from buildings or equipment the primary purpose of which is not the generation of electricity and has a maximum capacity of 50 MW. If property would qualify as both waste energy recovery property and combined heat and power property, the taxpayer elects between the two.
- Biogas property converts biomass into a gas (which is at least 52% methane) for productive use, such as generating electricity. Electricity produced from property receiving an ITC under this provision is not also eligible for benefit under the PTC.
- Linear generators convert fuel into electricity through electromechanical means using a linear generator assembly without the use of rotating parts. The credit for linear generators is limited to systems with a nameplate capacity of at least 1 kW.

Sec. 90403. Extension of credit for carbon oxide sequestration (§ 45Q).

The provision extends the credit for carbon oxide sequestration facilities that begin construction before the end of 2025.

Sec. 90404. Elective payment for energy property and electricity produced from certain renewable resources, etc. (§ 6431).

The provision allows taxpayers to elect to be treated as having made a payment of tax equal to 85% of the value of the credit they would otherwise be eligible for under the ITC or the PTC. Rather than opting to carry forward credits to years when their credits exceed their tax liability, taxpayers can take a reduced credit and request a refund of any resulting overpayment of tax.

This allows entities with little or no tax liability to accelerate utilization of these credits.

Tribal governments are treated as making a payment equal to the full value of the credit, instead of 85%.

Sec. 90405. Extension of energy credit for offshore wind facilities (§ 48(a)(5)).

The provision exempts offshore wind facilities that elect into the ITC (rather than the PTC) from reductions in the credit from the onshore wind facility phaseout. The credit expires for facilities that begin construction after the later of 1) the end of 2025 or 2) the end of the year that national offshore wind capacity is 3,000 MW above the capacity at the start of 2021. The provision directs

the Secretary of the Treasury to issue an annual report starting in January 2024 of the status of the increase in offshore wind capacity.

Sec. 90406. Green energy publicly traded partnerships (§ 7704).

The provision expands the definition of qualified income for publicly traded partnerships from certain income derived from minerals and natural resources to include income derived from green and renewable energy. These additions include income from certain activities related to energy production eligible for the PTC, property eligible for the ITC, renewable fuels, and energy and fuel from certain carbon sequestration or gasification projects eligible for credits under §§ 48B or 45Q.

Subtitle B—Renewable Fuels

Sec. 90411. Biodiesel and renewable diesel (§§ 40A, 6426, and 6427).

The provision extends the income and excise tax credits for biodiesel and biodiesel mixtures at \$1.00 per gallon through 2022 and phases the credit down to \$0.75 in 2023, \$0.50 in 2024, and \$0.33 in 2025. The credit expires at the end of 2025. The provision also extends the \$0.10-per-gallon small agri-biodiesel producer credit through the end of 2025.

Sec. 90412. Extension of excise tax credits relating to alternative fuels (§§ 6426 and 6427).

The provision extends the excise tax credits for alternative fuels and alternative fuel mixtures at the pre-expiration level of \$0.50 per gallon through 2022 and phases the credit down to \$0.38 in 2023, \$0.25 in 2024, and \$0.17 in 2025. The credit expires at the end of 2025.

Sec. 90413. Extension of second generation biofuel incentives (§ 40).

The provision extends the second generation biofuel income tax credit through 2025. It also extends the 50% special allowance for depreciation of second generation biofuel plant property placed in service by the end of 2025.

Subtitle C—Green Energy and Efficiency Incentives for Individuals

Sec. 90421. Extension, increase, and modifications of nonbusiness energy property credit (§ 25C).

The provision extends the § 25C nonbusiness energy property credit to property placed in service by the end of 2025. For expenditures and property placed in service starting in 2021, the provision modifies and expands the credit, including by:

- increasing the percentage of the credit for installing qualified energy efficiency improvements from 10% of the cost to 15%,
- increasing the lifetime cap on credits allowed under this provision from \$500 to \$1,200 and restarting the lifetime limit beginning in 2021,
- updating various standards and associated limits to reflect advances in energy efficiency and removing eligibility of roofs and advanced main air circulating fans, and
- expanding the credit to cover the costs of home energy audits, allowing a credit of 30% of such costs up to a maximum credit of \$150.

Sec. 90422. Residential energy efficient property (§ 25D).

The provision extends the credit for the cost of qualified residential energy efficient property expenditures, including solar electric, solar water heating, fuel cell, small wind energy, and

geothermal heat pumps. The provision extends the full 30% credit for eligible expenditures through the end of 2025. The credit then phases down to 26% in 2026 and 22% in 2027. The credit expires after the end of 2027. The provision also expands the definition of eligible property to include battery storage technology and energy efficient biomass fuel property. Correspondingly, biomass stoves are removed from § 25C to prevent a double benefit.

Sec. 90423. Energy efficient commercial buildings deduction (§ 179D).

The provision extends the 179D energy efficient commercial building deduction through 2025. Starting in 2021, the provision also updates and expands the deduction by increasing the maximum deduction from \$1.80 per square foot to \$3.00 per square foot (with corresponding increases for the partial deduction). It also changes this maximum from a lifetime cap to a three-year cap. The provision updates the eligibility requirements so that property must reduce associated energy costs by 30% or more in comparison to a building that meets the ASHRAE standards as of two years prior to the date of construction. Under present law, property must reduce energy costs by 50% in comparison to the 2007 ASHRAE standard.

Sec. 90424. Extension, increase, and modifications of new energy efficient home credit (§ 45L).

The provision extends the § 45L new energy efficient home credit through 2025. The provision expands the maximum credit for eligible new energy efficient homes from \$2,000 to \$2,500 and makes eligible units with energy expenditures at least 15% below the expenditures of a comparable unit based on the 2018 International Energy Conservation Code standards. It also replaces the eligibility requirements for units eligible for the \$1,000 credit to correspond with the Energy Star Labeled Homes program.

Sec. 90425. Modifications to income exclusion for conservation subsidies (§ 136).

The provision excludes from gross income water conservation, storm water management, and wastewater management subsidies provided by public utilities, state or local governments, or storm water management providers.

Subtitle D—Greening the Fleet and Alternative Vehicles

Sec. 90431. Modification of limitations on new qualified plug-in electric drive motor vehicle credit (§ 30D).

The provision expands the qualified plug-in electric drive motor vehicle credit under § 30D to apply a new transition period for vehicle sales of a manufacturer between 200,000 and 600,000 electric vehicles (EVs), under which the credit is reduced by \$500. The provision replaces the current phaseout period (which begins at 200,000 vehicles) with a phaseout period that instead begins during the second calendar quarter after the 600,000-vehicle threshold is reached. At the start of the new phaseout period, the credit is reduced by 50% for one quarter and terminates thereafter. For manufacturers that pass the 200,000-vehicle threshold before the enactment of this bill, the number of vehicles sold in between 200,000 and those sold on the date of enactment are excluded to determine when the 600,000-vehicle threshold is reached. The provision extends the 2-wheeled plug-in electric vehicle credit through 2025. It also extends the 3-wheeled plug-in electric vehicle credit through 2025.

Sec. 90432. Credit for previously-owned qualified plug-in electric drive motor vehicles (§ 25E).

The provision creates a new credit for buyers of used plug-in electric cars from date of enactment through 2025. Buyers can claim a base credit of \$1,250 for the purchase of qualifying used EVs, with additional incentives for battery capacity. The credit is capped at the lesser of \$2,500 credit or 30% of the sale price. To qualify for this credit, used EVs must generally meet the eligibility requirements in the existing § 30D credit for new EVs, not exceed a sale price of \$25,000, and be a model year that is at least two years earlier than the date of sale. Buyers with up to \$30,000 (\$60,000 for married couples filing jointly) in adjusted gross income can claim the full amount of the credit. The credit phases out so that buyers with below \$40,000 (\$70,000 for married couples filing a joint return) in AGI may be eligible for a reduced credit. Buyers must purchase the vehicle from a dealership for personal use and cannot claim the credit more than once every three years. The credit only applies to the first resale of a used EV and includes restrictions on sales between related parties.

Sec. 90433. Credit for zero-emission heavy vehicles and zero-emission buses (§ 45T).

This provision creates a manufacturer credit for the sale of zero-emission heavy vehicles starting after the date of enactment through the end of 2025. Eligible manufacturers may claim a credit of 10% of the sale price of an eligible vehicle, capped at a credit of \$100,000 per sale. To be eligible, vehicles must be for domestic use, must weigh no less than 14,000 pounds, must not include an internal combustion engine, and must be propelled solely by an electric motor which draws electricity from a battery or fuel cell.

Sec. 90434. Qualified fuel cell motor vehicles (§ 30B).

This provision extends the credit for the purchase of a qualified fuel cell motor vehicle through 2025.

Sec. 90435. Alternative fuel refueling property credit (§ 30C).

The provision extends the alternative fuel vehicle refueling property credit through 2025. Beginning in 2021, the provision expands the credit for electric charging infrastructure by allowing a 20% credit for expenses in excess of \$100,000 (i.e., it allows a credit for expenses beyond the current limit if certain requirements are met). To qualify for this uncapped credit, the property must: 1) be intended for general public use and either accept credit cards as a form of payment or not charge a fee, or 2) be intended for exclusive use by government or commercial vehicle fleets.

Sec. 90436. Modification of employer-provided fringe for bicycle commuting (§ 132).

This provision restores and improves the tax exclusion for employer-provided fringe benefits for bicycle commuting. Specifically, the provision (1) repeals the suspension (for the period between 2020 and the end of 2025) of the exclusion, (2) includes bikeshare (a bicycle rental operation providing for pick up and drop off) and low-speed electric bicycle within the definition of bicycle for purposes of the exclusion, and (3) modifies the limitation on the exclusion to provide for a specified monthly limitation amount (i.e., 20% of the parking fringe benefit amount).

Subtitle E—Investment in the Green Workforce

Sec. 90441. Extension of the advanced energy project credit (§ 48C).

The provision revives the § 48C qualified advanced energy property credit, allowing the Secretary to allocate an additional \$2.5 billion in credits for each year from 2021 through and including 2025.

Similar requirements to the original credit apply, with a few notable changes. The Secretary will determine allocations to projects each year with a requirement that property is placed in service within 4 years of the date of the allocation. Projects will be given priority if the manufacturing is not for assembly of parts, if prevailing wages are paid to applicable workers, or if it has the greatest potential for commercial deployment to new applications. The Secretary will provide a progress report to Congress by 2025 on the domestic job creation, and wages associated with such jobs, attributable to these projects.

Sec. 90442. Labor costs of installing mechanical insulation property (§ 45U).

The provision provides a credit for up to 10% of the labor costs incurred by a taxpayer in installing mechanical insulation property into a mechanical system which was originally placed in service not less than 1 year before the date on which such mechanical insulation property is installed. The credit is available for costs paid starting in 2021 through the end of 2025.

Subtitle F—Environmental Justice

Sec. 90451. Qualified environmental justice program credit (§ 36C).

The provision creates a capped refundable competitive credit of \$1 billion for each year from 2021 through and including 2025 to institutions of higher education for environmental justice (EJ) programs. The base credit is 20% of costs to be spent within five years by the receiving institution. Programs with material participation from Historically Black Colleges and Universities (HBCUs) and Minority Serving Institutions (MSIs) are eligible for a higher credit of 30%. Qualifying EJ programs shall be designed to address or improve data about environmental stressors for the primary purpose of improving or facilitating the improvement of health and economic outcomes of individuals residing in low-income areas or areas populated disproportionately by racial or ethnic minorities. Institutions receiving allocations shall make publicly available the application submitted to the Secretary and submit annual reports describing the amounts paid for and expected impact of the projects. The Secretary shall publicly disclose the identity of the institutions receiving the allocation and the amount of the allocation.

Subtitle G—Treasury Report on Data From the Greenhouse Gas Reporting Program

Sec. 90461. Report on Greenhouse Gas Reporting Program.

The provision requires the Secretary of the Treasury to assess and report on the utility of the data from the Environmental Protection Agency’s Greenhouse Gas Reporting Program for determining the amount of greenhouse gases emitted by each taxpayer for the purpose of imposing a fee on such taxpayers with respect to such emissions.

TITLE V—DISASTER AND RESILIENCY

Sec. 90501. Exclusion of amounts received from State-based catastrophe loss mitigation Programs (§ 139).

The provision excludes from gross income certain state-based grants made to homeowners that support mitigation efforts for earthquakes, fires, windstorms, and other disasters.

Sec. 90502. Repeal of temporary limitation on personal casualty losses (§ 165).

This provision repeals the temporary limitation on the casualty loss deduction, enacted in the 2017 Tax Cuts and Jobs Act. This change is made retroactive to casualty losses incurred beginning in 2018.

TITLE VI—HOUSING

Subtitle A—Low-income Housing Tax Credit Improvements

Sec. 90601. Extension of period for rehabilitation expenditures.

This provision provides deadline relief for low income housing projects undergoing development by extending the minimum expenditure requirement period from 24 months to 36 months for rehabilitation projects receiving a LIHTC allocation after December 31, 2016 and before January 1, 2022.

Sec. 90602. Extension of basis expenditure deadline.

This provision provides deadline relief for low income housing projects undergoing development by extending the deadline to expend 10% of basis from one year to two years after the date of the LIHTC allocation. This provision applies to projects receiving their allocation after December 31, 2016 and before January 1, 2022

Sec. 90603. Tax exempt bond financing requirement.

Under current law, a low-income housing project may qualify for the 4% credit only if it is at least 50% financed by volume-capped tax-exempt bonds. This provision reduces the threshold from 50% to 25%, for buildings placed in service in taxable years beginning after December 31, 2019 and ending before January 1, 2022.

Sec. 90604. Minimum Credit Rate.

This provision establishes a permanent minimum 4% credit rate for low income housing projects using tax-exempt bonds to finance project development. This provision applies to buildings receiving allocations or determinations and placed in service after December 31, 2019.

Sec. 90605. Increase in State allocations.

This provision permanently increases, over 2021 and 2022, the state low-income housing tax credit allocation from the greater of \$1.75 per capita or \$2,000,000 to the greater of \$4.56 per capita or \$5,214,051.

Sec. 90606. Increase in credit for certain projects designated to serve extremely low income households.

This provision allows projects intended to serve extremely low income individuals to receive a 50% boost in their eligible basis for the project. This provision defines projects intended to serve extremely low income individuals as a building in which 20% or more of the units are designated for tenants with household income of maximum 30% of area median income or 100% of the federal poverty line, and the units are rent restricted based on an imputed income limitation of 30% of area median income. This provision provides a separate allocation above the state's annual LIHTC allocation, equal to 10% of such allocation, reserved for projects intended to serve extremely low income individuals as defined in this provision.

Sec. 90607. Inclusion of Indian areas as difficult development areas for purposes of certain buildings.

This provision includes Indian areas, as defined in the Native American Housing Assistance and Self Determination Act of 1996, as difficult development areas and makes certain projects built in such areas eligible for the 30% basis boost.

Sec. 90608. Inclusion of rural areas as difficult development areas.

This provision includes rural areas, as defined as non-metropolitan areas or areas defined in section 520 of the Housing Act of 1949, as difficult development areas. Projects built in difficult development areas are eligible for a 30% basis boost.

Sec. 90609. Increase in credit for bond financed projects designated by housing credit agency.

This provision allows state housing credit agencies to designate projects financed with tax-exempt bonds to be treated as located in difficult development areas if the state housing agency determines the project would not otherwise be financially feasible. Projects given such designation by a state housing credit agency are eligible for a 30% basis boost.

Sec. 90610. Repeal of qualified contract option.

This provision terminates the qualified contract option (available to property owners who want to exit the LIHTC program at any time after the 14th year of the 15-year compliance period) for buildings receiving their credit allocation or determination on or after January 1, 2020. This provision also amends the formula for the qualified contracts option related to existing buildings to use the fair market price, taking into account rent restrictions on low-income units.

Sec. 90611. Prohibition of local approval and contribution requirements.

This provision amends the responsibilities of housing credit agencies to prohibit the consideration of local approval and preferencing of local contributions over other contributions in State qualified allocation plans.

Sec. 90612. Adjustment of credit to provide relief during COVID-19 outbreak.

This provision allows the owner of an eligible low-income building to receive an accelerated credit stream of their low income housing credit by certifying to a housing credit agency that they have experienced delays due to COVID-19. It allows the taxpayer to elect to receive 150% of the credit which would otherwise be allocated to the building for the taxable year, provided the building's first year of the credit period ends on or after July 1, 2020 and before July 1, 2022. In the event the building owner elects this provision, the aggregate credit of the subsequent taxable years are reduced on a pro rata basis.

Sec. 90613. Credit for low-income housing supportive services.

This provision creates a new 25% credit for contributions to a qualified supportive housing reserve fund exclusively for providing supportive services to building tenants. Total eligible contributions to a building's fund are limited to the product of \$120,000 and the number of low-income units at the end of the first year of the credit period. For purposes of this credit, supportive services are defined as services provided by the owner of the building to tenants including health services, coordination of tenant benefits, job training, financial counseling, resident engagement services, or services the principal purpose of which is to help tenants retain permanent housing, or such other services as

defined by the Secretary. Services must be voluntary to and provided at no cost to tenants. There must be an extended low-income supportive services commitment between the building and the housing credit agency, which requires the funds only be used for appropriate uses within the extended use period of the building, appropriate documentation, a designated service coordinator, and maintenance of appropriate certification for the services provided. This credit applies to buildings placed in service beginning on or after January 1, 2020.

Subtitle B—Other Housing Provisions

Sec. 90621. Neighborhood Homes Investment Act (§ 42B).

This provision establishes a new federal tax credit to encourage the rehabilitation of deteriorated homes in distressed neighborhoods. States would receive Neighborhood Homes Investment Act (NHIA) tax credit authority and administer and allocate credits on a competitive basis. NHIA tax credits would be used to cover the gap between development costs and sales prices, up to 35 percent of eligible development costs. Rehabilitated homes must be owner-occupied for investors to receive the credits. Homeowners must be below certain income limitations and qualifying neighborhoods must have elevated poverty rates, lower incomes, and modest home values. Sales prices are capped and any homeowner who sells the home within five years must repay part of the gain from the home to further encourage neighborhood investment activities.

TITLE VII—TRIBAL DEVELOPMENT

Sec. 90701. Treatment of Indian Tribes as States with respect to bond issuance (§ 7871).

This provision amends rules related to the issuance of tax-exempt debt by Indian tribal governments. It instructs the Secretary to establish and allocate a national bond volume cap for such governments. Indian tribal governments are defined to include governing bodies of tribes, including agencies, subdivisions, instrumentalities, and certain intertribal consortiums or other organizations that are authorized by Indian tribal governments. The provision repeals the essential government functions test, providing tribal governments with greater access to tax-exempt financing, on par with the States.

Sec. 90702. Treatment of Tribal foundations and charities like charities funded and controlled by other governmental funders and sponsors (§ 7871).

This provision treats foundations and charities formed to support tribal governments the same as foundations and charities formed to support state and local governments. Under current law, tribal governments can form 501(c)(3) charities that are private foundations only. State and local governments, on the other hand, may form public charities.

Sec. 90703. New markets tax credit (§ 45D).

This provision amends the New Markets Tax Credit program to ensure that tribal areas that otherwise meet NMTC eligibility requirements but may be in census tracts that do not meet those requirements, are nonetheless eligible for the NMTC program. It also instructs Treasury to provide a proportional allocation to tribal areas, similar to the proportional allocation provided under current law for nonmetropolitan areas.

TITLE VIII—HIGHWAY TRUST FUND AND RELATED TAXES

Sec. 90801. Extension of Highway Trust Fund expenditure authority (§§ 9503 and 9504).

This provision extends expenditure authority for the Highway Trust Fund, the Sport Fish Restoration and Boating Trust Fund, and the Leaking Underground Storage Tank Trust Fund, each through October 1, 2025.

Sec. 90802. Extension of highway-related taxes (§ 4041, 4051, *et seq.*).

This provision extends certain other trust fund taxes that otherwise expire on September 30, 2022 for an additional five years. Those taxes relate to the taxation of gasoline, diesel fuel and kerosene, and alternative fuels. Additionally, the provision extends certain non-fuel highway trust funds for an additional five years: the tax on heavy trucks and trailers sold at retail, an excise tax imposed on certain highway tires, and an annual use tax on certain highway vehicles.

Sec. 90803. Additional transfers to highway trust fund (§ 9503).

This provision transfers \$106,700,000,000 to the Highway Account in the Highway Trust Fund and \$38,600,000,000 to the Mass Transit Account in the Highway Trust Fund.