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Public Law 117–58
117th Congress

An Act

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

Nov. 15, 2021
 [H.R. 3684]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Infrastructure
 Investment and
 Jobs Act.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

23 USC 101 note.

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

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SEC. 2. REFERENCES.

Except as expressly provided otherwise, any reference to “this Act” contained in any division of this Act shall be treated as referring only to the provisions of that division.

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DIVISION A—SURFACE TRANSPORTATION

Surface
Transportation
Reauthorization
Act of 2021.

SEC. 10001. SHORT TITLE.

This division may be cited as the “Surface Transportation Reauthorization Act of 2021”.

23 USC 101 note.

SEC. 10002. DEFINITIONS.

In this division:

(1) **DEPARTMENT.**—The term “Department” means the Department of Transportation.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

23 USC 101 note.

SEC. 10003. EFFECTIVE DATE.

Except as otherwise provided, this division and the amendments made by this division take effect on October 1, 2021.

23 USC 101 note.

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Time periods.

SEC. 11101. AUTHORIZATION OF APPROPRIATIONS.

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

(1) **FEDERAL-AID HIGHWAY PROGRAM.**—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation block grant program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, the national highway freight program under section 167 of that title, the carbon reduction program under section 175 of that title, to carry out subsection (c) of the PROTECT program under section 176 of that title, and to carry out section 134 of that title—

- (A) \$52,488,065,375 for fiscal year 2022;
- (B) \$53,537,826,683 for fiscal year 2023;
- (C) \$54,608,583,217 for fiscal year 2024;
- (D) \$55,700,754,881 for fiscal year 2025; and
- (E) \$56,814,769,844 for fiscal year 2026.

(2) **TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.**—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code, \$250,000,000 for each of fiscal years 2022 through 2026.

(3) **FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.**—

(A) **TRIBAL TRANSPORTATION PROGRAM.**—For the tribal transportation program under section 202 of title 23, United States Code—

- (i) \$578,460,000 for fiscal year 2022;
- (ii) \$589,960,000 for fiscal year 2023;
- (iii) \$602,460,000 for fiscal year 2024;

- (iv) \$612,960,000 for fiscal year 2025; and
 - (v) \$627,960,000 for fiscal year 2026.
- (B) FEDERAL LANDS TRANSPORTATION PROGRAM.—
- (i) IN GENERAL.—For the Federal lands transportation program under section 203 of title 23, United States Code—
 - (I) \$421,965,000 for fiscal year 2022;
 - (II) \$429,965,000 for fiscal year 2023;
 - (III) \$438,965,000 for fiscal year 2024;
 - (IV) \$447,965,000 for fiscal year 2025; and
 - (V) \$455,965,000 for fiscal year 2026.
 - (ii) ALLOCATION.—Of the amount made available for a fiscal year under clause (i)—
 - (I) the amount for the National Park Service is—
 - (aa) \$332,427,450 for fiscal year 2022;
 - (bb) \$338,867,450 for fiscal year 2023;
 - (cc) \$346,237,450 for fiscal year 2024;
 - (dd) \$353,607,450 for fiscal year 2025; and
 - (ee) \$360,047,450 for fiscal year 2026;
 - (II) the amount for the United States Fish and Wildlife Service is \$36,000,000 for each of fiscal years 2022 through 2026; and
 - (III) the amount for the Forest Service is—
 - (aa) \$24,000,000 for fiscal year 2022;
 - (bb) \$25,000,000 for fiscal year 2023;
 - (cc) \$26,000,000 for fiscal year 2024;
 - (dd) \$27,000,000 for fiscal year 2025; and
 - (ee) \$28,000,000 for fiscal year 2026.
- (C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code—
- (i) \$285,975,000 for fiscal year 2022;
 - (ii) \$291,975,000 for fiscal year 2023;
 - (iii) \$296,975,000 for fiscal year 2024;
 - (iv) \$303,975,000 for fiscal year 2025; and
 - (v) \$308,975,000 for fiscal year 2026.
- (4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code—
- (A) \$219,000,000 for fiscal year 2022;
 - (B) \$224,000,000 for fiscal year 2023;
 - (C) \$228,000,000 for fiscal year 2024;
 - (D) \$232,500,000 for fiscal year 2025; and
 - (E) \$237,000,000 for fiscal year 2026.
- (5) NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.—For nationally significant freight and highway projects under section 117 of title 23, United States Code—
- (A) \$1,000,000,000 for fiscal year 2022;
 - (B) \$1,000,000,000 for fiscal year 2023;
 - (C) \$1,000,000,000 for fiscal year 2024;
 - (D) \$900,000,000 for fiscal year 2025; and
 - (E) \$900,000,000 for fiscal year 2026.
- (b) OTHER PROGRAMS.—
- (1) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(A) BRIDGE INVESTMENT PROGRAM.—To carry out the bridge investment program under section 124 of title 23, United States Code—

- (i) \$600,000,000 for fiscal year 2022;
- (ii) \$640,000,000 for fiscal year 2023;
- (iii) \$650,000,000 for fiscal year 2024;
- (iv) \$675,000,000 for fiscal year 2025; and
- (v) \$700,000,000 for fiscal year 2026.

(B) CONGESTION RELIEF PROGRAM.—To carry out the congestion relief program under section 129(d) of title 23, United States Code, \$50,000,000 for each of fiscal years 2022 through 2026.

(C) CHARGING AND FUELING INFRASTRUCTURE GRANTS.—To carry out section 151(f) of title 23, United States Code—

- (i) \$300,000,000 for fiscal year 2022;
- (ii) \$400,000,000 for fiscal year 2023;
- (iii) \$500,000,000 for fiscal year 2024;
- (iv) \$600,000,000 for fiscal year 2025; and
- (v) \$700,000,000 for fiscal year 2026.

(D) RURAL SURFACE TRANSPORTATION GRANT PROGRAM.—To carry out the rural surface transportation grant program under section 173 of title 23, United States Code—

- (i) \$300,000,000 for fiscal year 2022;
- (ii) \$350,000,000 for fiscal year 2023;
- (iii) \$400,000,000 for fiscal year 2024;
- (iv) \$450,000,000 for fiscal year 2025; and
- (v) \$500,000,000 for fiscal year 2026.

(E) PROTECT GRANTS.—

(i) IN GENERAL.—To carry out subsection (d) of the PROTECT program under section 176 of title 23, United States Code, for each of fiscal years 2022 through 2026—

- (I) \$250,000,000 for fiscal year 2022;
- (II) \$250,000,000 for fiscal year 2023;
- (III) \$300,000,000 for fiscal year 2024;
- (IV) \$300,000,000 for fiscal year 2025; and
- (V) \$300,000,000 for fiscal year 2026.

(ii) ALLOCATION.—Of the amounts made available under clause (i)—

(I) for planning grants under paragraph (3) of that subsection—

- (aa) \$25,000,000 for fiscal year 2022;
- (bb) \$25,000,000 for fiscal year 2023;
- (cc) \$30,000,000 for fiscal year 2024;
- (dd) \$30,000,000 for fiscal year 2025; and
- (ee) \$30,000,000 for fiscal year 2026;

(II) for resilience improvement grants under paragraph (4)(A) of that subsection—

- (aa) \$175,000,000 for fiscal year 2022;
- (bb) \$175,000,000 for fiscal year 2023;
- (cc) \$210,000,000 for fiscal year 2024;
- (dd) \$210,000,000 for fiscal year 2025; and
- (ee) \$210,000,000 for fiscal year 2026;

(III) for community resilience and evacuation route grants under paragraph (4)(B) of that subsection—

- (aa) \$25,000,000 for fiscal year 2022;
- (bb) \$25,000,000 for fiscal year 2023;
- (cc) \$30,000,000 for fiscal year 2024;
- (dd) \$30,000,000 for fiscal year 2025; and
- (ee) \$30,000,000 for fiscal year 2026; and

(IV) for at-risk coastal infrastructure grants under paragraph (4)(C) of that subsection—

- (aa) \$25,000,000 for fiscal year 2022;
- (bb) \$25,000,000 for fiscal year 2023;
- (cc) \$30,000,000 for fiscal year 2024;
- (dd) \$30,000,000 for fiscal year 2025; and
- (ee) \$30,000,000 for fiscal year 2026.

(F) REDUCTION OF TRUCK EMISSIONS AT PORT FACILITIES.—

(i) IN GENERAL.—To carry out the reduction of truck emissions at port facilities under section 11402, \$50,000,000 for each of fiscal years 2022 through 2026.

(ii) TREATMENT.—Amounts made available under clause (i) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code.

(G) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS.—

(i) IN GENERAL.—To carry out the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94), \$55,000,000 for each of fiscal years 2022 through 2026.

(ii) TREATMENT.—Amounts made available under clause (i) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code.

(2) GENERAL FUND.—

(A) BRIDGE INVESTMENT PROGRAM.—

(i) IN GENERAL.—In addition to amounts made available under paragraph (1)(A), there are authorized to be appropriated to carry out the bridge investment program under section 124 of title 23, United States Code—

- (I) \$600,000,000 for fiscal year 2022;
- (II) \$640,000,000 for fiscal year 2023;
- (III) \$650,000,000 for fiscal year 2024;
- (IV) \$675,000,000 for fiscal year 2025; and
- (V) \$700,000,000 for fiscal year 2026.

(ii) ALLOCATION.—Amounts made available under clause (i) shall be allocated in the same manner as if made available under paragraph (1)(A).

(B) NATIONALLY SIGNIFICANT FEDERAL LANDS AND TRIBAL PROJECTS PROGRAM.—In addition to amounts made available under paragraph (1)(G), there is authorized to be appropriated to carry out section 1123 of the FAST Act (23 U.S.C. 201 note; Public Law 114–94) \$300,000,000 for each of fiscal years 2022 through 2026.

(C) HEALTHY STREETS PROGRAM.—There is authorized to be appropriated to carry out the Healthy Streets program under section 11406 \$100,000,000 for each of fiscal years 2022 through 2026.

(D) TRANSPORTATION RESILIENCE AND ADAPTATION CENTERS OF EXCELLENCE.—There is authorized to be appropriated to carry out section 520 of title 23, United States Code, \$100,000,000 for each of fiscal years 2022 through 2026.

(E) OPEN CHALLENGE AND RESEARCH PROPOSAL PILOT PROGRAM.—There is authorized to be appropriated to carry out the open challenge and research proposal pilot program under section 13006(e) \$15,000,000 for each of fiscal years 2022 through 2026.

(c) RESEARCH, TECHNOLOGY, AND EDUCATION AUTHORIZATIONS.—

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

(A) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out section 503(b) of title 23, United States Code, \$147,000,000 for each of fiscal years 2022 through 2026.

(B) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code, \$110,000,000 for each of fiscal years 2022 through 2026.

(C) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code—

- (i) \$25,000,000 for fiscal year 2022;
- (ii) \$25,250,000 for fiscal year 2023;
- (iii) \$25,500,000 for fiscal year 2024;
- (iv) \$25,750,000 for fiscal year 2025; and
- (v) \$26,000,000 for fiscal year 2026.

(D) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code, \$110,000,000 for each of fiscal years 2022 through 2026.

(E) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code—

- (i) \$80,000,000 for fiscal year 2022;
- (ii) \$80,500,000 for fiscal year 2023;
- (iii) \$81,000,000 for fiscal year 2024;
- (iv) \$81,500,000 for fiscal year 2025; and
- (v) \$82,000,000 for fiscal year 2026.

(F) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code—

- (i) \$26,000,000 for fiscal year 2022;
- (ii) \$26,250,000 for fiscal year 2023;
- (iii) \$26,500,000 for fiscal year 2024;
- (iv) \$26,750,000 for fiscal year 2025; and
- (v) \$27,000,000 for fiscal year 2026.

(2) ADMINISTRATION.—The Federal Highway Administration shall—

(A) administer the programs described in subparagraphs (A), (B), and (C) of paragraph (1); and

(B) in consultation with relevant modal administrations, administer the programs described in paragraph (1)(D).

Consultation.

(3) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Amounts authorized to be appropriated by paragraph (1) shall—

Determination.

(A) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this division (including the amendments by this division) or otherwise determined by the Secretary; and

(B) remain available until expended and not be transferable, except as otherwise provided by this division.

(d) PILOT PROGRAMS.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) WILDLIFE CROSSINGS PILOT PROGRAM.—For the wildlife crossings pilot program under section 171 of title 23, United States Code—

(A) \$60,000,000 for fiscal year 2022;

(B) \$65,000,000 for fiscal year 2023;

(C) \$70,000,000 for fiscal year 2024;

(D) \$75,000,000 for fiscal year 2025; and

(E) \$80,000,000 for fiscal year 2026.

(2) PRIORITIZATION PROCESS PILOT PROGRAM.—

(A) IN GENERAL.—For the prioritization process pilot program under section 11204, \$10,000,000 for each of fiscal years 2022 through 2026.

(B) TREATMENT.—Amounts made available under subparagraph (A) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code.

(3) RECONNECTING COMMUNITIES PILOT PROGRAM.—

(A) PLANNING GRANTS.—For planning grants under the reconnecting communities pilot program under section 11509(c), \$30,000,000 for each of fiscal years 2022 through 2026.

(B) CAPITAL CONSTRUCTION GRANTS.—For capital construction grants under the reconnecting communities pilot program under section 11509(d)—

(i) \$65,000,000 for fiscal year 2022;

(ii) \$68,000,000 for fiscal year 2023;

(iii) \$70,000,000 for fiscal year 2024;

(iv) \$72,000,000 for fiscal year 2025; and

(v) \$75,000,000 for fiscal year 2026.

(C) TREATMENT.—Amounts made available under subparagraph (A) or (B) shall be available for obligation in the same manner as if those amounts were apportioned under chapter 1 of title 23, United States Code, except that those amounts shall remain available until expended.

23 USC 101 note.

(e) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in Federally assisted surface transportation markets across the United States;

(B) the continuing barriers described in subparagraph (A) merit the continuation of the disadvantaged business enterprise program;

(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

(2) DEFINITIONS.—In this subsection:

(A) SMALL BUSINESS CONCERN.—

(i) IN GENERAL.—The term “small business concern” means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) EXCLUSIONS.—The term “small business concern” does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of \$26,290,000, as adjusted annually by the Secretary for inflation.

(B) SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.—The term “socially and economically disadvantaged individuals” has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) AMOUNTS FOR SMALL BUSINESS CONCERNS.—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under this division (other than section 14004), division C, and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

Determination.

(4) ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.—Each State shall annually—

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

Surveys.

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

Notification.

- (i) women;
- (ii) socially and economically disadvantaged individuals (other than women); and
- (iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.
- (5) UNIFORM CERTIFICATION.—
- Criteria. (A) IN GENERAL.—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.
- (B) INCLUSIONS.—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—
- Analyses. (i) on-site visits;
- Lists. (ii) personal interviews with personnel;
- Analyses. (iii) issuance or inspection of licenses;
- Lists. (iv) analyses of stock ownership;
- Examination. (v) listings of equipment;
- (vi) analyses of bonding capacity;
- (vii) listings of work completed;
- (viii) examination of the resumes of principal owners;
- Analyses. (ix) analyses of financial capacity; and
- Analyses. (x) analyses of the type of work preferred.
- Requirements. (6) REPORTING.—The Secretary shall establish minimum requirements for use by State governments in reporting to the Secretary—
- (A) information concerning disadvantaged business enterprise awards, commitments, and achievements; and
- Determination. (B) such other information as the Secretary determines to be appropriate for the proper monitoring of the disadvantaged business enterprise program.
- (7) COMPLIANCE WITH COURT ORDERS.—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under this division, division C, and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (3) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (3) is unconstitutional.
- (8) SENSE OF CONGRESS ON PROMPT PAYMENT OF DBE SUB-CONTRACTORS.—It is the sense of Congress that—
- (A) the Secretary should take additional steps to ensure that recipients comply with section 26.29 of title 49, Code of Federal Regulations (the disadvantaged business enterprises prompt payment rule), or any corresponding regulation, in awarding Federally funded transportation contracts under laws and regulations administered by the Secretary; and
- (B) such additional steps should include increasing the ability of the Department to track and keep records of complaints and to make that information publicly available.
- 23 USC 104 note. **SEC. 11102. OBLIGATION CEILING.**
- (a) GENERAL LIMITATION.—Subject to subsection (e), and notwithstanding any other provision of law, the obligations for Federal-

aid highway and highway safety construction programs shall not exceed—

- (1) \$57,473,430,072 for fiscal year 2022;
- (2) \$58,764,510,674 for fiscal year 2023;
- (3) \$60,095,782,888 for fiscal year 2024;
- (4) \$61,314,170,545 for fiscal year 2025; and
- (5) \$62,657,105,821 for fiscal year 2026.

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

- (1) section 125 of title 23, United States Code;
- (2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);
- (3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);
- (4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);
- (5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);
- (6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);
- (7) section 157 of title 23, United States Code (as in effect on June 8, 1998);
- (8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- (9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;
- (10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- (11) section 1603 of SAFETEA-LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation;
- (12) section 119 of title 23, United States Code (as in effect for fiscal years 2013 through 2015, but only in an amount equal to \$639,000,000 for each of those fiscal years);
- (13) section 119 of title 23, United States Code (as in effect for fiscal years 2016 through 2021, but only in an amount equal to \$639,000,000 for each of those fiscal years); and
- (14) section 119 of title 23, United States Code (but, for fiscal years 2022 through 2026, only in an amount equal to \$639,000,000 for each of those fiscal years).

(c) DISTRIBUTION OF OBLIGATION AUTHORITY.—For each of fiscal years 2022 through 2026, the Secretary—

- (1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—
 - (A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

Federal share requirements under the pilot program.

“(ii) REQUIREMENT.—For each of fiscal years 2022 through 2026, the Secretary shall select not more than 10 States to be participating States.”.

SEC. 11108. RAILWAY-HIGHWAY GRADE CROSSINGS.

(a) IN GENERAL.—Section 130(e) of title 23, United States Code, is amended—

(1) in the heading, by striking “PROTECTIVE DEVICES” and inserting “RAILWAY-HIGHWAY GRADE CROSSINGS”; and

(2) in paragraph (1)—

(A) in subparagraph (A), by striking “and the installation of protective devices at railway-highway crossings” in the matter preceding clause (i) and all that follows through “2020.” in clause (v) and inserting the following: “, the installation of protective devices at railway-highway crossings, the replacement of functionally obsolete warning devices, and as described in subparagraph (B), not less than \$245,000,000 for each of fiscal years 2022 through 2026.”; and

(B) by striking subparagraph (B) and inserting the following:

“(B) REDUCING TRESPASSING FATALITIES AND INJURIES.—A State may use funds set aside under subparagraph (A) for projects to reduce pedestrian fatalities and injuries from trespassing at grade crossings.”.

(b) FEDERAL SHARE.—Section 130(f)(3) of title 23, United States Code, is amended by striking “90 percent” and inserting “100 percent”.

(c) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING CLOSURES.—Section 130(i)(3)(B) of title 23, United States Code, is amended by striking “\$7,500” and inserting “\$100,000”.

(d) EXPENDITURE OF FUNDS.—Section 130(k) of title 23, United States Code, is amended by striking “2 percent” and inserting “8 percent”.

(e) GAO STUDY.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that includes an analysis of the effectiveness of the railway-highway crossings program under section 130 of title 23, United States Code.

Reports.
Analysis.

(f) SENSE OF CONGRESS RELATING TO TRESPASSER DEATHS ALONG RAILROAD RIGHTS-OF-WAY.—It is the sense of Congress that the Department should, where feasible, coordinate departmental efforts to prevent or reduce trespasser deaths along railroad rights-of-way and at or near railway-highway crossings.

SEC. 11109. SURFACE TRANSPORTATION BLOCK GRANT PROGRAM.

(a) IN GENERAL.—Section 133 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by adding “or” at the end;

(II) by striking “facilities eligible” and inserting the following: “facilities—

“(i) that are eligible”; and

(III) by adding at the end the following:

Determination.

- “(ii) that are privately or majority-privately owned, but that the Secretary determines provide a substantial public transportation benefit or otherwise meet the foremost needs of the surface transportation system described in section 101(b)(3)(D);”;
- (ii) in subparagraph (E), by striking “and” at the end;
- (iii) in subparagraph (F), by striking the period at the end and inserting “; and”; and
- (iv) by adding at the end the following:
 “(G) wildlife crossing structures.”;
- (B) in paragraph (3), by inserting “148(a)(4)(B)(xvii),” after “119(g).”;
- (C) by redesignating paragraphs (4) through (15) as paragraphs (5), (6), (7), (8), (9), (10), (11), (12), (13), (20), (21), and (22), respectively;
- (D) in paragraph (5) (as so redesignated), by striking “railway-highway grade crossings” and inserting “projects eligible under section 130 and installation of safety barriers and nets on bridges”;
- (E) in paragraph (7) (as so redesignated)—
- (i) by inserting “including the maintenance and restoration of existing recreational trails,” after “section 206”; and
- (ii) by striking “the safe routes to school program under section 1404 of SAFETEA–LU (23 U.S.C. 402 note)” and inserting “the safe routes to school program under section 208”;
- (F) by inserting after paragraph (13) (as so redesignated) the following:
 “(14) Projects and strategies designed to reduce the number of wildlife-vehicle collisions, including project-related planning, design, construction, monitoring, and preventative maintenance.
 “(15) The installation of electric vehicle charging infrastructure and vehicle-to-grid infrastructure.
 “(16) The installation and deployment of current and emerging intelligent transportation technologies, including the ability of vehicles to communicate with infrastructure, buildings, and other road users.
 “(17) Planning and construction of projects that facilitate intermodal connections between emerging transportation technologies, such as magnetic levitation and hyperloop.
 “(18) Protective features, including natural infrastructure, to enhance the resilience of a transportation facility otherwise eligible for assistance under this section.
 “(19) Measures to protect a transportation facility otherwise eligible for assistance under this section from cybersecurity threats.”; and
- (G) by adding at the end the following:
 “(23) Rural barge landing, dock, and waterfront infrastructure projects in accordance with subsection (j).
 “(24) Projects to enhance travel and tourism.”;
- (2) in subsection (c)—
- (A) in paragraph (2), by striking “paragraphs (4) through (11)” and inserting “paragraphs (5) through (15) and paragraph (23)”;

- (B) in paragraph (3), by striking “and” at the end;
 - (C) by redesignating paragraph (4) as paragraph (5);
- and
- (D) by inserting after paragraph (3) the following:
 - “(4) for a bridge project for the replacement of a low water crossing (as defined by the Secretary) with a bridge; and”;
- (3) in subsection (d)—
- (A) in paragraph (1)—
 - (i) in the matter preceding subparagraph (A), by striking “reservation” and inserting “set aside”; and
 - (ii) in subparagraph (A)—
 - (I) in the matter preceding clause (i), by striking “the percentage specified in paragraph (6) for a fiscal year” and inserting “55 percent for each of fiscal years 2022 through 2026”; and
 - (II) by striking clauses (ii) and (iii) and inserting the following:
 - “(ii) in urbanized areas of the State with an urbanized area population of not less than 50,000 and not more than 200,000;
 - “(iii) in urban areas of the State with a population not less than 5,000 and not more than 49,999; and
 - “(iv) in other areas of the State with a population less than 5,000; and”;
 - (B) by striking paragraph (3) and inserting the following:
 - “(3) LOCAL CONSULTATION.—
 - “(A) CONSULTATION WITH METROPOLITAN PLANNING ORGANIZATIONS.—For purposes of clause (ii) of paragraph (1)(A), a State shall—
 - “(i) establish a process to consult with all metropolitan planning organizations in the State that represent an urbanized area described in that clause; and
 - “(ii) describe how funds allocated for areas described in that clause will be allocated equitably among the applicable urbanized areas during the period of fiscal years 2022 through 2026.
 - “(B) CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.—For purposes of clauses (iii) and (iv) of paragraph (1)(A), before obligating funding attributed to an area with a population less than 50,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.”; and
 - (C) by striking paragraph (6);
 - (4) in subsection (e)(1), in the matter preceding subparagraph (A), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”;
 - (5) in subsection (f)—
 - (A) in paragraph (1)—
 - (i) by inserting “or low water crossing (as defined by the Secretary)” after “a highway bridge”; and
 - (ii) by inserting “or low water crossing (as defined by the Secretary)” after “other than a bridge”;
 - (B) in paragraph (2)(A)—
 - (i) by striking “activities described in subsection (b)(2) for off-system bridges” and inserting “activities

described in paragraphs (1)(A) and (10) of subsection (b) for off-system bridges, projects and activities described in subsection (b)(1)(A) for the replacement of low water crossings with bridges, and projects and activities described in subsection (b)(10) for low water crossings (as defined by the Secretary);” and

(ii) by striking “15 percent” and inserting “20 percent”; and

(C) in paragraph (3), in the matter preceding subparagraph (A)—

(i) by striking “bridge or rehabilitation of a bridge” and inserting “bridge, rehabilitation of a bridge, or replacement of a low water crossing (as defined by the Secretary) with a bridge”; and

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(ii) by inserting “or, in the case of a replacement of a low water crossing with a bridge, is determined by the Secretary on completion to have improved the safety of the location” after “no longer a deficient bridge”;

(6) in subsection (g)—

(A) in the subsection heading, by striking “LESS THAN 5,000” and inserting “LESS THAN 50,000”; and

(B) by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—Notwithstanding subsection (c), and except as provided in paragraph (2), up to 15 percent of the amounts required to be obligated by a State under clauses (iii) and (iv) of subsection (d)(1)(A) for each fiscal year may be obligated on—

“(A) roads functionally classified as rural minor collectors or local roads; or

“(B) on critical rural freight corridors designated under section 167(e).”; and

(7) by adding at the end the following:

“(j) RURAL BARGE LANDING, DOCK, AND WATERFRONT INFRASTRUCTURE PROJECTS.—

“(1) IN GENERAL.—A State may use not more than 5 percent of the funds apportioned to the State under section 104(b)(2) for eligible rural barge landing, dock, and waterfront infrastructure projects described in paragraph (2).

“(2) ELIGIBLE PROJECTS.—An eligible rural barge landing, dock, or waterfront infrastructure project referred to in paragraph (1) is a project for the planning, designing, engineering, or construction of a barge landing, dock, or other waterfront infrastructure in a rural community or a Native village (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)) that is off the road system.

“(k) PROJECTS IN RURAL AREAS.—

“(1) SET ASIDE.—Notwithstanding subsection (c), in addition to the activities described in subsections (b) and (g), of the amounts apportioned to a State for each fiscal year to carry out this section, not more than 15 percent may be—

“(A) used on eligible projects under subsection (b) or maintenance activities on roads functionally classified as rural minor collectors or local roads, ice roads, or seasonal roads; or

“(B) transferred to—

“(i) the Appalachian Highway System Program under 14501 of title 40; or

“(ii) the Denali access system program under section 309 of the Denali Commission Act of 1998 (42 U.S.C. 3121 note; Public Law 105-277).

“(2) SAVINGS CLAUSE.—Amounts allocated under subsection (d) shall not be used to carry out this subsection, except at the request of the applicable metropolitan planning organization.”

(b) SET-ASIDE.—

(1) IN GENERAL.—Section 133(h) of title 23, United States Code, is amended—

(A) in paragraph (1)—

(i) in the heading, by striking “RESERVATION OF FUNDS” and inserting “IN GENERAL”; and

(ii) in the matter preceding subparagraph (A), by striking “for each fiscal year” and all that follows through “and” at the end of subparagraph (A)(ii) and inserting the following: “for fiscal year 2022 and each fiscal year thereafter—

“(A) the Secretary shall set aside an amount equal to 10 percent to carry out this subsection; and”;

(B) by striking paragraph (2) and inserting the following:

“(2) ALLOCATION WITHIN A STATE.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), funds set aside for a State under paragraph (1) shall be obligated within that State in the manner described in subsection (d), except that, for purposes of this paragraph (after funds are made available under paragraph (5))—

“(i) for fiscal year 2022 and each fiscal year thereafter, the percentage referred to in paragraph (1)(A) of that subsection shall be deemed to be 59 percent; and

“(ii) paragraph (3) of subsection (d) shall not apply.

“(B) LOCAL CONTROL.—A State may allocate up to 100 percent of the funds referred to in subparagraph (A)(i) if—

“(i) the State submits to the Secretary a plan that describes—

“(I) how funds will be allocated to counties, metropolitan planning organizations, regional transportation planning organizations as described in section 135(m), or local governments;

“(II) how the entities described in subclause (I) will carry out a competitive process to select projects for funding and report selected projects to the State;

“(III) the legal, financial, and technical capacity of the entities described in subclause (I);

“(IV) how input was gathered from the entities described in subclause (I) to ensure those entities will be able to comply with the requirements of this subsection; and

“(V) how the State will comply with paragraph (8); and

“(ii) the Secretary approves the plan submitted under clause (i).”;

(C) by striking paragraph (3) and inserting the following:

“(3) ELIGIBLE PROJECTS.—Funds set aside under this subsection may be obligated for—

“(A) projects or activities described in section 101(a)(29) or 213, as those provisions were in effect on the day before the date of enactment of the FAST Act (Public Law 114-94; 129 Stat. 1312);

“(B) projects and activities under the safe routes to school program under section 208; and

“(C) activities in furtherance of a vulnerable road user safety assessment (as defined in section 148(a)).”;

(D) in paragraph (4)—

(i) by striking subparagraph (A);

(ii) by redesignating subparagraph (B) as subparagraph (A);

(iii) in subparagraph (A) (as so redesignated)—

(I) by redesignating clauses (vii) and (viii) as clauses (viii) and (ix), respectively;

(II) by inserting after clause (vi) the following:

“(vii) a metropolitan planning organization that serves an urbanized area with a population of 200,000 or fewer.”;

(III) in clause (viii) (as so redesignated), by striking “responsible” and all that follows through “programs; and” and inserting a semicolon;

(IV) in clause (ix) (as so redesignated)—

(aa) by inserting “that serves an urbanized area with a population of over 200,000” after “metropolitan planning organization”; and

(bb) by striking the period at the end and inserting “; and”; and

(V) by adding at the end the following:

“(x) a State, at the request of an entity described in clauses (i) through (ix).”; and

(iv) by adding at the end the following:

“(B) COMPETITIVE PROCESS.—A State or metropolitan planning organization required to obligate funds in accordance with paragraph (2) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection.

“(C) SELECTION.—A metropolitan planning organization for an area described in subsection (d)(1)(A)(i) shall select projects under the competitive process described in subparagraph (B) in consultation with the relevant State.

“(D) PRIORITIZATION.—The competitive process described in subparagraph (B) shall include prioritization of project location and impact in high-need areas as defined by the State, such as low-income, transit-dependent, rural, or other areas.”;

(E) in paragraph (5)(A), by striking “reserved under this section” and inserting “set aside under this subsection”;

(F) in paragraph (6)—

(i) in subparagraph (B), by striking “reserved” and inserting “set aside”; and

(ii) by adding at the end the following:

“(C) IMPROVING ACCESSIBILITY AND EFFICIENCY.—

“(i) IN GENERAL.—A State may use an amount equal to not more than 5 percent of the funds set aside for the State under this subsection, after allocating funds in accordance with paragraph (2)(A), to improve the ability of applicants to access funding for projects under this subsection in an efficient and expeditious manner by providing—

“(I) to applicants for projects under this subsection application assistance, technical assistance, and assistance in reducing the period of time between the selection of the project and the obligation of funds for the project; and

“(II) funding for 1 or more full-time State employee positions to administer this subsection.

“(ii) USE OF FUNDS.—Amounts used under clause (i) may be expended—

“(I) directly by the State; or

“(II) through contracts with State agencies, private entities, or nonprofit entities.”;

(G) by redesignating paragraph (7) as paragraph (8);

(H) by inserting after paragraph (6) the following:

“(7) FEDERAL SHARE.—

“(A) REQUIRED AGGREGATE NON-FEDERAL SHARE.—The average annual non-Federal share of the total cost of all projects for which funds are obligated under this subsection in a State for a fiscal year shall be not less than the average non-Federal share of the cost of the projects that would otherwise apply.

“(B) FLEXIBLE FINANCING.—Subject to subparagraph (A), notwithstanding section 120—

“(i) funds made available to carry out section 148 may be credited toward the non-Federal share of the costs of a project under this subsection if the project—

“(I) is an eligible project described in section 148(e)(1); and

“(II) is consistent with the State strategic highway safety plan (as defined in section 148(a));

“(ii) the non-Federal share for a project under this subsection may be calculated on a project, multiple-project, or program basis; and

“(iii) the Federal share of the cost of an individual project in this section may be up to 100 percent.

“(C) REQUIREMENT.—Subparagraph (B) shall only apply to a State if the State has adequate financial controls, as certified by the Secretary, to account for the average annual non-Federal share under this paragraph.”; and

(I) in subparagraph (A) of paragraph (8) (as so redesignated)—

(i) in the matter preceding clause (i), by striking “describes” and inserting “includes”; and

(ii) by striking clause (ii) and inserting the following:

“(i) a list of each project selected for funding for each fiscal year, including, for each project—

Applicability.
Certification.

- “(I) the fiscal year during which the project was selected;
- “(II) the fiscal year in which the project is anticipated to be funded;
- “(III) the recipient;
- “(IV) the location, including the congressional district;
- “(V) the type;
- “(VI) the cost; and
- “(VII) a brief description.”.

(2) STATE TRANSFERABILITY.—Section 126(b)(2) of title 23, United States Code, is amended—

(A) by striking the period at the end and inserting “; and”;

(B) by striking “reserved for a State under section 133(h) for a fiscal year may” and inserting the following: “set aside for a State under section 133(h) for a fiscal year—

“(A) may”; and

(C) by adding at the end the following:

Certification.

“(B) may only be transferred if the Secretary certifies that the State—

“(i) held a competition in compliance with the guidance issued to carry out section 133(h) and provided sufficient time for applicants to apply;

“(ii) offered to each eligible entity, and provided on request of an eligible entity, technical assistance; and

“(iii) demonstrates that there were not sufficiently suitable applications from eligible entities to use the funds to be transferred.”.

SEC. 11110. NATIONALLY SIGNIFICANT FREIGHT AND HIGHWAY PROJECTS.

(a) IN GENERAL.—Section 117 of title 23, United States Code, is amended—

(1) in the section heading, by inserting “**multimodal**” before “**freight**”;

(2) in subsection (a)(2)—

(A) in subparagraph (A), by inserting “in and across rural and urban areas” after “people”;

(B) in subparagraph (C), by inserting “or freight” after “highway”;

(C) in subparagraph (E), by inserting “or freight” after “highway”; and

(D) in subparagraph (F), by inserting “, including highways that support movement of energy equipment” after “security”;

(3) in subsection (b), by adding at the end the following:

Reviews.

“(3) GRANT ADMINISTRATION.—The Secretary may—
“(A) retain not more than a total of 2 percent of the funds made available to carry out this section for the National Surface Transportation and Innovative Finance Bureau to review applications for grants under this section; and

Transfer authority.

“(B) transfer portions of the funds retained under subparagraph (A) to the relevant Administrators to fund

(B) by adding at the end the following:

“(3) RURAL STATES.—Notwithstanding paragraph (2), a State with a population per square mile of area that is less than the national average, based on the 2010 census, may designate as critical rural freight corridors a maximum of 600 miles of highway or 25 percent of the primary highway freight system mileage in the State, whichever is greater.”;

(2) in subsection (f)(4), by striking “75 miles” and inserting “150 miles”; and

(3) in subsection (i)(5)(B)—

(A) in the matter preceding clause (i), by striking “10 percent” and inserting “30 percent”;

(B) in clause (i), by striking “and” at the end;

(C) in clause (ii), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(iii) for the modernization or rehabilitation of a lock and dam, if the Secretary determines that the project—

“(I) is functionally connected to the National Highway Freight Network; and

“(II) is likely to reduce on-road mobile source emissions; and

“(iv) on a marine highway corridor, connector, or crossing designated by the Secretary under section 55601(c) of title 46 (including an inland waterway corridor, connector, or crossing), if the Secretary determines that the project—

“(I) is functionally connected to the National Highway Freight Network; and

“(II) is likely to reduce on-road mobile source emissions.”.

Determinations.

SEC. 11115. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

Section 149 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsections (d) and (m)(1)(B)(ii)”

(B) in paragraph (7), by inserting “shared micro-mobility (including bikesharing and shared scooter systems),” after “carsharing,”;

(C) in paragraph (8)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by inserting “replacements or” before “retrofits”;

(II) by striking clause (i) and inserting the following:

“(i) verified technologies (as defined in section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131)) for motor vehicles (as defined in section 216 of the Clean Air Act (42 U.S.C. 7550)); or”;

(III) in clause (ii)(II), by striking “or” at the end; and

(ii) in subparagraph (B), by inserting “replacements or” before “retrofits”; and

(iii) by adding at the end the following:

“(C) the purchase of medium- or heavy-duty zero emission vehicles and related charging equipment;”;

(D) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

“(10) if the project is for the modernization or rehabilitation of a lock and dam that—

“(A) is functionally connected to the Federal-aid highway system; and

“(B) the Secretary determines is likely to contribute to the attainment or maintenance of a national ambient air quality standard; or

“(11) if the project is on a marine highway corridor, connector, or crossing designated by the Secretary under section 55601(c) of title 46 (including an inland waterway corridor, connector, or crossing) that—

“(A) is functionally connected to the Federal-aid highway system; and

“(B) the Secretary determines is likely to contribute to the attainment or maintenance of a national ambient air quality standard.”;

(2) in subsection (c), by adding at the end the following:

“(4) LOCKS AND DAMS; MARINE HIGHWAYS.—For each fiscal year, a State may not obligate more than 10 percent of the funds apportioned to the State under section 104(b)(4) for projects described in paragraphs (10) and (11) of subsection (b).”;

(3) in subsection (f)(4)(A), by inserting “and nonroad vehicles and nonroad engines used in construction projects or port-related freight operations” after “motor vehicles”;

(4) in subsection (g)—

(A) in paragraph (1)(B)—

(i) in the subparagraph heading, by inserting “REPLACEMENT OR” before “RETROFIT”;

(ii) by striking “The term ‘diesel retrofit’” and inserting “The term ‘diesel replacement or retrofit’”;

and

(iii) by inserting “or retrofit” after “replacement”;

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting “replacement or” before “retrofit”;

and

(C) in paragraph (3), by inserting “replacements or” before “retrofits”;

(5) in subsection (k)(1), by striking “that reduce such fine particulate matter emissions in such area, including diesel retrofits.” and inserting “that—

“(A) reduce such fine particulate matter emissions in such area, including diesel replacements or retrofits; and

“(B) to the extent practicable, prioritize benefits to disadvantaged communities or low-income populations living in, or immediately adjacent to, such area.”;

(6) in subsection (l), by adding at the following:

“(3) ASSISTANCE TO METROPOLITAN PLANNING ORGANIZATIONS.—

Determinations.

“(A) IN GENERAL.—On the request of a metropolitan planning organization, the Secretary may assist the metropolitan planning organization tracking progress made in minority or low-income populations as part of a performance plan under this subsection.

“(B) SAVINGS PROVISION.—Nothing in this paragraph provides the Secretary the authority—

“(i) to change the performance measures under section 150(c)(5) or the performance targets established under section 134(h)(2) or 150(d); or

“(ii) to establish any other Federal requirement.”;

and

(7) by striking subsection (m) and inserting the following:

“(m) OPERATING ASSISTANCE.—

“(1) IN GENERAL.—A State may obligate funds apportioned under section 104(b)(4) in an area of the State that is otherwise eligible for obligations of such funds for operating costs—

“(A) under chapter 53 of title 49; or

“(B) on—

“(i) a system for which CMAQ funding was eligible, made available, obligated, or expended in fiscal year 2012; or

“(ii) a State-supported Amtrak route with a valid cost-sharing agreement under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note; Public Law 110-432) and no current nonattainment areas under subsection (d).

“(2) NO TIME LIMITATION.—Operating assistance provided under paragraph (1) shall have no imposed time limitation if the operating assistance is for—

“(A) a route described in subparagraph (B) of that paragraph; or

“(B) a transit system that is located in—

“(i) a non-urbanized area; or

“(ii) an urbanized area with a population of 200,000 or fewer.”.

SEC. 11116. ALASKA HIGHWAY.

Section 218 of title 23, United States Code, is amended to read as follows:

Canada.

“§ 218. Alaska Highway

“(a) Recognizing the benefits that will accrue to the State of Alaska and to the United States from the reconstruction of the Alaska Highway from the Alaskan border at Beaver Creek, Yukon Territory, to Haines Junction in Canada and the Haines Cutoff Highway from Haines Junction in Canada to Haines, Alaska, the Secretary may provide for the necessary reconstruction of the highway using funds awarded through an applicable competitive grant program, if the highway meets all applicable eligibility requirements for the program, except for the specific requirements established by the agreement for the Alaska Highway Project between the Government of the United States and the Government of Canada. In addition to the funds described in the previous sentence, notwithstanding any other provision of law and on agreement with the State of Alaska, the Secretary is authorized to expend on such highway or the Alaska Marine Highway System

“(B) 50 percent shall be used for eligible projects on tribal transportation facilities (as defined in section 101(a) of title 23, United States Code).

“(2) REQUIREMENT.—Not less than 1 eligible project carried out using the amount described in paragraph (1)(A) shall be in a unit of the National Park System with not less than 3,000,000 annual visitors.

“(3) AVAILABILITY.—Amounts made available to carry out this section shall remain available for a period of 3 fiscal years following the fiscal year for which the amounts are appropriated.”.

SEC. 11128. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.

Section 1123(h) of MAP-21 (23 U.S.C. 202 note; Public Law 112-141) is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) in paragraph (3) (as so redesignated), in the matter preceding subparagraph (A), by striking “paragraph (1)” and inserting “paragraphs (1) and (2)”; and

(3) by striking the subsection designation and heading and all that follows through the period at the end of paragraph (1) and inserting the following:

“(h) FUNDING.—

“(1) SET-ASIDE.—For each of fiscal years 2022 through 2026, of the amounts made available to carry out the tribal transportation program under section 202 of title 23, United States Code, for that fiscal year, the Secretary shall use \$9,000,000 to carry out the program.

“(2) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts made available under paragraph (1), there is authorized to be appropriated \$30,000,000 out of the general fund of the Treasury to carry out the program for each of fiscal years 2022 through 2026.”.

SEC. 11129. STANDARDS.

Section 109 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) by striking “(d) On any” and inserting the following:

“(d) MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.—

“(1) IN GENERAL.—On any”;

(B) in paragraph (1) (as so designated), by striking “promote the safe” and inserting “promote the safety, inclusion, and mobility of all users”; and

(C) by adding at the end the following:

“(2) UPDATES.—Not later than 18 months after the date of enactment of the Surface Transportation Reauthorization Act of 2021 and not less frequently than every 4 years thereafter, the Secretary shall update the Manual on Uniform Traffic Control Devices.”;

(2) in subsection (o)—

(A) by striking “Projects” and inserting:

“(A) IN GENERAL.—Projects”; and

(B) by inserting at the end the following:

“(B) LOCAL JURISDICTIONS.—Notwithstanding subparagraph (A), a local jurisdiction may use a roadway design guide recognized by the Federal Highway Administration and adopted by the local jurisdiction that is different from the roadway design guide used by the State in which

Deadline.

the local jurisdiction is located for the design of projects on all roadways under the ownership of the local jurisdiction (other than a highway on the National Highway System) for which the local jurisdiction is the project sponsor, provided that the design complies with all other applicable Federal laws.”; and

(3) by adding at the end the following:

“(s) ELECTRIC VEHICLE CHARGING STATIONS.—

“(1) STANDARDS.—Electric vehicle charging infrastructure installed using funds provided under this title shall provide, at a minimum—

“(A) non-proprietary charging connectors that meet applicable industry safety standards; and

“(B) open access to payment methods that are available to all members of the public to ensure secure, convenient, and equal access to the electric vehicle charging infrastructure that shall not be limited by membership to a particular payment provider.

“(2) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project to install electric vehicle charging infrastructure using funds provided under this title shall be treated as if the project is located on a Federal-aid highway.”.

SEC. 11130. PUBLIC TRANSPORTATION.

(a) **IN GENERAL.**—Section 142(a) of title 23, United States Code, is amended by adding at the end the following:

“(3) **BUS CORRIDORS.**—In addition to the projects described in paragraphs (1) and (2), the Secretary may approve payment from sums apportioned under paragraph (2) or (7) of section 104(b) for carrying out a capital project for the construction of a bus rapid transit corridor or dedicated bus lanes, including the construction or installation of—

“(A) traffic signaling and prioritization systems;

“(B) redesigned intersections that are necessary for the establishment of a bus rapid transit corridor;

“(C) on-street stations;

“(D) fare collection systems;

“(E) information and wayfinding systems; and

“(F) depots.”.

(b) **TECHNICAL CORRECTION.**—Section 142 of title 23, United States Code, is amended by striking subsection (i).

SEC. 11131. RESERVATION OF CERTAIN FUNDS.

(a) **OPEN CONTAINER REQUIREMENTS.**—Section 154(c)(2) of title 23, United States Code, is amended—

(1) in the paragraph heading, by striking “2012” and inserting “2022”;

(2) by striking subparagraph (A) and inserting the following:

“(A) **RESERVATION OF FUNDS.**—

“(i) **IN GENERAL.**—On October 1, 2021, and each October 1 thereafter, in the case of a State described in clause (ii), the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the State will

Effective dates.
Certification.

23 USC 109 note. **SEC. 11135. UPDATES TO MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.**

In carrying out the first update to the Manual on Uniform Traffic Control Devices under section 109(d)(2) of title 23, United States Code, to the greatest extent practicable, the Secretary shall include updates necessary to provide for—

(1) the protection of vulnerable road users (as defined in section 148(a) of title 23, United States Code);

(2) supporting the safe testing of automated vehicle technology and any preparation necessary for the safe integration of automated vehicles onto public streets;

(3) appropriate use of variable message signs to enhance public safety;

(4) the minimum retroreflectivity of traffic control devices and pavement markings; and

(5) any additional recommendations made by the National Committee on Uniform Traffic Control Devices that have not been incorporated into the Manual on Uniform Traffic Control Devices.

Subtitle B—Planning and Performance Management

SEC. 11201. TRANSPORTATION PLANNING.

(a) **METROPOLITAN TRANSPORTATION PLANNING.**—Section 134 of title 23, United States Code, is amended—

(1) in subsection (d)—

(A) in paragraph (3), by adding at the end the following:

“(D) **CONSIDERATIONS.**—In designating officials or representatives under paragraph (2) for the first time, subject to the bylaws or enabling statute of the metropolitan planning organization, the metropolitan planning organization shall consider the equitable and proportional representation of the population of the metropolitan planning area.”; and

(B) in paragraph (7)—

(i) by striking “an existing metropolitan planning area” and inserting “an existing urbanized area (as defined by the Bureau of the Census)”; and

(ii) by striking “the existing metropolitan planning area” and inserting “the area”;

(2) in subsection (g)—

(A) in paragraph (1), by striking “a metropolitan area” and inserting “an urbanized area (as defined by the Bureau of the Census)”; and

(B) by adding at the end the following:

“(4) **COORDINATION BETWEEN MPOS.**—If more than 1 metropolitan planning organization is designated within an urbanized area (as defined by the Bureau of the Census) under subsection (d)(7), the metropolitan planning organizations designated within the area shall ensure, to the maximum extent practicable, the consistency of any data used in the planning process, including information used in forecasting travel demand.

(b) **NON-INTERSTATE PROJECTS.**—Notwithstanding any other provision of law, a State shall not be required to develop or implement a transportation management plan (as described in section 630.1012 of title 23, Code of Federal Regulations (or successor regulations)) for a highway project not on the Interstate System if the project requires not more than 3 consecutive days of lane closures.

SEC. 11304. INTELLIGENT TRANSPORTATION SYSTEMS.

23 USC 502 note.

(a) **IN GENERAL.**—The Secretary shall develop guidance for using existing flexibilities with respect to the systems engineering analysis described in part 940 of title 23, Code of Federal Regulations (or successor regulations).

(b) **IMPLEMENTATION.**—The Secretary shall ensure that any guidance developed under subsection (a)—

(1) clearly identifies criteria for low-risk and exempt intelligent transportation systems projects, with a goal of minimizing unnecessary delay or paperwork burden;

Criteria.

(2) is consistently implemented by the Department nationwide; and

(3) is disseminated to Federal-aid recipients.

(c) **SAVINGS PROVISION.**—Nothing in this section prevents the Secretary from amending part 940 of title 23, Code of Federal Regulations (or successor regulations), to reduce State administrative burdens.

SEC. 11305. ALTERNATIVE CONTRACTING METHODS.

(a) **ALTERNATIVE CONTRACTING METHODS FOR FEDERAL LAND MANAGEMENT AGENCIES AND TRIBAL GOVERNMENTS.**—Section 201 of title 23, United States Code, is amended by adding at the end the following:

“(f) **ALTERNATIVE CONTRACTING METHODS.**—

“(1) **IN GENERAL.**—Notwithstanding any other provision of law (including the Federal Acquisition Regulation), a contracting method available to a State under this title may be used by the Secretary, on behalf of—

“(A) a Federal land management agency, in using any funds pursuant to section 203, 204, or 308;

“(B) a Federal land management agency, in using any funds pursuant to section 1535 of title 31 for any of the eligible uses described in sections 203(a)(1) and 204(a)(1) and paragraphs (1) and (2) of section 308(a); or

“(C) a Tribal government, in using funds pursuant to section 202(b)(7)(D).

“(2) **METHODS DESCRIBED.**—The contracting methods referred to in paragraph (1) shall include, at a minimum—

“(A) project bundling;

“(B) bridge bundling;

“(C) design-build contracting;

“(D) 2-phase contracting;

“(E) long-term concession agreements; and

“(F) any method tested, or that could be tested, under an experimental program relating to contracting methods carried out by the Secretary.

“(3) **EFFECT.**—Nothing in this subsection—

“(A) affects the application of the Federal share for the project carried out with a contracting method under this subsection; or

submit to Congress a report on covered projects of the Department, which shall include, for each covered project—

- (1) a brief description of the covered project, including—
 - (A) the purpose of the covered project;
 - (B) each location in which the covered project is carried out;
 - (C) the contract or award number of the covered project, if applicable;
 - (D) the year in which the covered project was initiated;
 - (E) the Federal share of the total cost of the covered project; and
 - (F) each primary contractor, subcontractor, grant recipient, and subgrantee recipient of the covered project;
- (2) an explanation of any change to the original scope of the covered project, including by the addition or narrowing of the initial requirements of the covered project;
- (3) the original expected date for completion of the covered project;
- (4) the current expected date for completion of the covered project;
- Cost estimate. (5) the original cost estimate for the covered project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;
- Cost estimate. (6) the current cost estimate for the covered project, as adjusted to reflect increases in the Consumer Price Index for All Urban Consumers, as published by the Bureau of Labor Statistics;
- (7) an explanation for a delay in completion or an increase in the original cost estimate for the covered project, including, where applicable, any impact of insufficient or delayed appropriations; and
- (8) the amount of and rationale for any award, incentive fee, or other type of bonus, if any, awarded for the covered project.

Subtitle D—Climate Change

SEC. 11401. GRANTS FOR CHARGING AND FUELING INFRASTRUCTURE.

23 USC 151 note.

(a) **PURPOSE.**—The purpose of this section is to establish a grant program to strategically deploy publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, and natural gas fueling infrastructure along designated alternative fuel corridors or in certain other locations that will be accessible to all drivers of electric vehicles, hydrogen vehicles, propane vehicles, and natural gas vehicles.

(b) **GRANT PROGRAM.**—Section 151 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “Not later than 1 year after the date of enactment of the FAST Act, the Secretary shall” and inserting “The Secretary shall periodically”; and

(B) by striking “to improve the mobility” and inserting “to support changes in the transportation sector that help achieve a reduction in greenhouse gas emissions and improve the mobility”;

(2) in subsection (b)(2), by inserting “previously designated by the Federal Highway Administration or” before “designated by”;

(3) by striking subsection (d) and inserting the following: “(d) REDESIGNATION.—

“(1) INITIAL REDESIGNATION.—Not later than 180 days after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall update and redesignate the corridors under subsection (a).

“(2) SUBSEQUENT REDESIGNATION.—The Secretary shall establish a recurring process to regularly update and redesignate the corridors under subsection (a).”;

(4) in subsection (e)—

(A) in paragraph (1), by striking “and” at the end;

(B) in paragraph (2)—

(i) by striking “establishes an aspirational goal of achieving” and inserting “describes efforts, including through funds awarded through the grant program under subsection (f), that will aid efforts to achieve”;

and
(ii) by striking “by the end of fiscal year 2020.” and inserting “; and”;

(C) by adding at the end the following:

“(3) summarizes best practices and provides guidance, developed through consultation with the Secretary of Energy, for project development of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure and natural gas fueling infrastructure at the State, Tribal, and local level to allow for the predictable deployment of that infrastructure.”; and

(5) by adding at the end the following:

“(f) GRANT PROGRAM.—

“(1) DEFINITION OF PRIVATE ENTITY.—In this subsection, the term ‘private entity’ means a corporation, partnership, company, or nonprofit organization.

“(2) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall establish a grant program to award grants to eligible entities to carry out the activities described in paragraph (6).

“(3) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this subsection is—

“(A) a State or political subdivision of a State;

“(B) a metropolitan planning organization;

“(C) a unit of local government;

“(D) a special purpose district or public authority with a transportation function, including a port authority;

“(E) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

“(F) a territory of the United States;

“(G) an authority, agency, or instrumentality of, or an entity owned by, 1 or more entities described in subparagraphs (A) through (F); or

“(H) a group of entities described in subparagraphs (A) through (G).

Updates.
Deadline.

Consultation.

Deadline.

“(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall require, including—

“(A) a description of how the eligible entity has considered—

“(i) public accessibility of charging or fueling infrastructure proposed to be funded with a grant under this subsection, including—

“(I) charging or fueling connector types and publicly available information on real-time availability; and

“(II) payment methods to ensure secure, convenient, fair, and equal access;

“(ii) collaborative engagement with stakeholders (including automobile manufacturers, utilities, infrastructure providers, technology providers, electric charging, hydrogen, propane, and natural gas fuel providers, metropolitan planning organizations, States, Indian tribes, and units of local governments, fleet owners, fleet managers, fuel station owners and operators, labor organizations, infrastructure construction and component parts suppliers, and multi-State and regional entities)—

“(I) to foster enhanced, coordinated, public-private or private investment in electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure;

“(II) to expand deployment of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure;

“(III) to protect personal privacy and ensure cybersecurity; and

“(IV) to ensure that a properly trained workforce is available to construct and install electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure;

“(iii) the location of the station or fueling site, such as consideration of—

“(I) the availability of onsite amenities for vehicle operators, such as restrooms or food facilities;

“(II) access in compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

“(III) height and fueling capacity requirements for facilities that charge or refuel large vehicles, such as semi-trailer trucks; and

“(IV) appropriate distribution to avoid redundancy and fill charging or fueling gaps;

“(iv) infrastructure installation that can be responsive to technology advancements, such as accommodating autonomous vehicles, vehicle-to-grid technology, and future charging methods; and

“(v) the long-term operation and maintenance of the electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, to avoid stranded assets and protect the investment of public funds in that infrastructure; and

“(B) an assessment of the estimated emissions that will be reduced through the use of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, which shall be conducted using the Alternative Fuel Life-Cycle Environmental and Economic Transportation (AFLEET) tool developed by Argonne National Laboratory (or a successor tool).

Assessment.

“(5) CONSIDERATIONS.—In selecting eligible entities to receive a grant under this subsection, the Secretary shall—

“(A) consider the extent to which the application of the eligible entity would—

“(i) improve alternative fueling corridor networks by—

“(I) converting corridor-pending corridors to corridor-ready corridors; or

“(II) in the case of corridor-ready corridors, providing redundancy—

“(aa) to meet excess demand for charging or fueling infrastructure; or

“(bb) to reduce congestion at existing charging or fueling infrastructure in high-traffic locations;

“(ii) meet current or anticipated market demands for charging or fueling infrastructure;

“(iii) enable or accelerate the construction of charging or fueling infrastructure that would be unlikely to be completed without Federal assistance;

“(iv) support a long-term competitive market for electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that does not significantly impair existing electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure providers;

“(v) provide access to electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure in areas with a current or forecasted need; and

“(vi) deploy electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure for medium- and heavy-duty vehicles (including along the National Highway Freight Network established under section 167(c)) and in proximity to intermodal transfer stations;

“(B) ensure, to the maximum extent practicable, geographic diversity among grant recipients to ensure that electric vehicle charging infrastructure, hydrogen fueling

infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure is available throughout the United States;

“(C) consider whether the private entity that the eligible entity contracts with under paragraph (6)—

“(i) submits to the Secretary the most recent year of audited financial statements; and

“(ii) has experience in installing and operating electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure; and

“(D) consider whether, to the maximum extent practicable, the eligible entity and the private entity that the eligible entity contracts with under paragraph (6) enter into an agreement—

“(i) to operate and maintain publicly available electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas infrastructure; and

“(ii) that provides a remedy and an opportunity to cure if the requirements described in clause (i) are not met.

“(6) USE OF FUNDS.—

Contracts.

“(A) IN GENERAL.—An eligible entity receiving a grant under this subsection shall only use the funds in accordance with this paragraph to contract with a private entity for acquisition and installation of publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle.

“(B) LOCATION OF INFRASTRUCTURE.—Any publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure acquired and installed with a grant under this subsection shall be located along an alternative fuel corridor designated under this section, on the condition that any affected Indian tribes are consulted before the designation.

“(C) OPERATING ASSISTANCE.—

Time period.

“(i) IN GENERAL.—Subject to clauses (ii) and (iii), an eligible entity that receives a grant under this subsection may use a portion of the funds to provide to a private entity operating assistance for the first 5 years of operations after the installation of publicly available electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure while the facility transitions to independent system operations.

“(ii) INCLUSIONS.—Operating assistance under this subparagraph shall be limited to costs allocable to operating and maintaining the electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure and service.

“(iii) LIMITATION.—Operating assistance under this subparagraph may not exceed the amount of a contract under subparagraph (A) to acquire and install publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

“(D) TRAFFIC CONTROL DEVICES.—

“(i) IN GENERAL.—Subject to this paragraph, an eligible entity that receives a grant under this subsection may use a portion of the funds to acquire and install traffic control devices located in the right-of-way to provide directional information to publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure acquired, installed, or operated with the grant.

“(ii) APPLICABILITY.—Clause (i) shall apply only to an eligible entity that—

“(I) receives a grant under this subsection; and

“(II) is using that grant for the acquisition and installation of publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

“(iii) LIMITATION ON AMOUNT.—The amount of funds used to acquire and install traffic control devices under clause (i) may not exceed the amount of a contract under subparagraph (A) to acquire and install publicly accessible charging or fueling infrastructure.

“(iv) NO NEW AUTHORITY CREATED.—Nothing in this subparagraph authorizes an eligible entity that receives a grant under this subsection to acquire and install traffic control devices if the entity is not otherwise authorized to do so.

“(E) REVENUE.—

Contracts.

“(i) IN GENERAL.—An eligible entity receiving a grant under this subsection and a private entity referred to in subparagraph (A) may enter into a cost-sharing agreement under which the private entity submits to the eligible entity a portion of the revenue from the electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

“(ii) USES OF REVENUE.—An eligible entity that receives revenue from a cost-sharing agreement under clause (i) may only use that revenue for a project that is eligible under this title.

“(7) CERTAIN FUELS.—The use of grants for propane fueling infrastructure under this subsection shall be limited to infrastructure for medium- and heavy-duty vehicles.

“(8) COMMUNITY GRANTS.—

“(A) IN GENERAL.—Notwithstanding paragraphs (4), (5), and (6), the Secretary shall reserve 50 percent of the amounts made available each fiscal year to carry out this section to provide grants to eligible entities in accordance with this paragraph.

“(B) APPLICATIONS.—To be eligible to receive a grant under this paragraph, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

“(C) ELIGIBLE ENTITIES.—An entity eligible to receive a grant under this paragraph is—

“(i) an entity described in paragraph (3); and

“(ii) a State or local authority with ownership of publicly accessible transportation facilities.

“(D) ELIGIBLE PROJECTS.—The Secretary may provide a grant under this paragraph for a project that is expected to reduce greenhouse gas emissions and to expand or fill gaps in access to publicly accessible electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure, including—

“(i) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, preliminary engineering and design work, and other preconstruction activities; and

“(ii) the acquisition and installation of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle, including any related construction or reconstruction and the acquisition of real property directly related to the project, such as locations described in subparagraph (E), to expand access to electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure.

“(E) PROJECT LOCATIONS.—A project receiving a grant under this paragraph may be located on any public road or in other publicly accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publicly accessible parking facilities owned or managed by a private entity.

“(F) PRIORITY.—In providing grants under this paragraph, the Secretary shall give priority to projects that expand access to electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure within—

“(i) rural areas;

“(ii) low- and moderate-income neighborhoods; and

“(iii) communities with a low ratio of private parking spaces to households or a high ratio of multi-unit dwellings to single family homes, as determined by the Secretary.

“(G) ADDITIONAL CONSIDERATIONS.—In providing grants under this paragraph, the Secretary shall consider the extent to which the project—

“(i) contributes to geographic diversity among eligible entities, including achieving a balance between urban and rural communities; and

“(ii) meets current or anticipated market demands for charging or fueling infrastructure, including faster

Determination.

charging speeds with high-powered capabilities necessary to minimize the time to charge or refuel current and anticipated vehicles.

“(H) PARTNERING WITH PRIVATE ENTITIES.—An eligible entity that receives a grant under this paragraph may use the grant funds to contract with a private entity for the acquisition, construction, installation, maintenance, or operation of electric vehicle charging infrastructure, hydrogen fueling infrastructure, propane fueling infrastructure, or natural gas fueling infrastructure that is directly related to the charging or fueling of a vehicle. Contracts.

“(I) MAXIMUM GRANT AMOUNT.—The amount of a grant under this paragraph shall not be more than \$15,000,000.

“(J) TECHNICAL ASSISTANCE.—Of the amounts reserved under subparagraph (A), the Secretary may use not more than 1 percent to provide technical assistance to eligible entities.

“(K) ADDITIONAL ACTIVITIES.—The recipient of a grant under this paragraph may use not more than 5 percent of the grant funds on educational and community engagement activities to develop and implement education programs through partnerships with schools, community organizations, and vehicle dealerships to support the use of zero-emission vehicles and associated infrastructure.

“(9) REQUIREMENTS.—

“(A) PROJECT TREATMENT.—Notwithstanding any other provision of law, any project funded by a grant under this subsection shall be treated as a project on a Federal-aid highway under this chapter.

“(B) SIGNS.—Any traffic control device or on-premises sign acquired, installed, or operated with a grant under this subsection shall comply with—

“(i) the Manual on Uniform Traffic Control Devices, if located in the right-of-way; and

“(ii) other provisions of Federal, State, and local law, as applicable.

“(10) FEDERAL SHARE.—

“(A) IN GENERAL.—The Federal share of the cost of a project carried out with a grant under this subsection shall not exceed 80 percent of the total project cost.

“(B) RESPONSIBILITY OF PRIVATE ENTITY.—As a condition of contracting with an eligible entity under paragraph (6) or (8), a private entity shall agree to pay the share of the cost of a project carried out with a grant under this subsection that is not paid by the Federal Government under subparagraph (A). Payment.

“(11) REPORT.—Not later than 3 years after the date of enactment of this subsection, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available a report on the progress and implementation of this subsection.”. Public information.

SEC. 11402. REDUCTION OF TRUCK EMISSIONS AT PORT FACILITIES. 23 USC 149 note.

(a) ESTABLISHMENT OF PROGRAM.—

(4) any policy recommendations based on the findings and results described in paragraphs (1) and (2).

SEC. 11403. CARBON REDUCTION PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 11203(a)), is amended by adding at the end the following:

“§ 175. Carbon reduction program

23 USC 175.

“(a) DEFINITIONS.—In this section:

“(1) METROPOLITAN PLANNING ORGANIZATION; URBANIZED AREA.—The terms ‘metropolitan planning organization’ and ‘urbanized area’ have the meaning given those terms in section 134(b).

“(2) TRANSPORTATION EMISSIONS.—The term ‘transportation emissions’ means carbon dioxide emissions from on-road highway sources of those emissions within a State.

“(3) TRANSPORTATION MANAGEMENT AREA.—The term ‘transportation management area’ means a transportation management area identified or designated by the Secretary under section 134(k)(1).

“(b) ESTABLISHMENT.—The Secretary shall establish a carbon reduction program to reduce transportation emissions.

“(c) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—Subject to paragraph (2), funds apportioned to a State under section 104(b)(7) may be obligated for projects to support the reduction of transportation emissions, including—

“(A) a project described in section 149(b)(4) to establish or operate a traffic monitoring, management, and control facility or program, including advanced truck stop electrification systems;

“(B) a public transportation project that is eligible for assistance under section 142;

“(C) a project described in section 101(a)(29) (as in effect on the day before the date of enactment of the FAST Act (Public Law 114–94; 129 Stat. 1312)), including the construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation;

“(D) a project described in section 503(c)(4)(E) for advanced transportation and congestion management technologies;

“(E) a project for the deployment of infrastructure-based intelligent transportation systems capital improvements and the installation of vehicle-to-infrastructure communications equipment, including retrofitting dedicated short-range communications (DSRC) technology deployed as part of an existing pilot program to cellular vehicle-to-everything (C–V2X) technology;

“(F) a project to replace street lighting and traffic control devices with energy-efficient alternatives;

“(G) the development of a carbon reduction strategy in accordance with subsection (d);

“(H) a project or strategy that is designed to support congestion pricing, shifting transportation demand to nonpeak hours or other transportation modes, increasing

vehicle occupancy rates, or otherwise reducing demand for roads, including electronic toll collection, and travel demand management strategies and programs;

“(I) efforts to reduce the environmental and community impacts of freight movement;

“(J) a project to support deployment of alternative fuel vehicles, including—

“(i) the acquisition, installation, or operation of publicly accessible electric vehicle charging infrastructure or hydrogen, natural gas, or propane vehicle fueling infrastructure; and

“(ii) the purchase or lease of zero-emission construction equipment and vehicles, including the acquisition, construction, or leasing of required supporting facilities;

“(K) a project described in section 149(b)(8) for a diesel engine retrofit;

“(L) a project described in section 149(b)(5) that does not result in the construction of new capacity; and

“(M) a project that reduces transportation emissions at port facilities, including through the advancement of port electrification.

Certification.

“(2) FLEXIBILITY.—In addition to the eligible projects under paragraph (1), a State may use funds apportioned under section 104(b)(7) for a project eligible under section 133(b) if the Secretary certifies that the State has demonstrated a reduction in transportation emissions—

“(A) as estimated on a per capita basis; and

“(B) as estimated on a per unit of economic output basis.

“(d) CARBON REDUCTION STRATEGY.—

Deadline.
Consultation.

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, a State, in consultation with any metropolitan planning organization designated within the State, shall develop a carbon reduction strategy in accordance with this subsection.

“(2) REQUIREMENTS.—The carbon reduction strategy of a State developed under paragraph (1) shall—

“(A) support efforts to reduce transportation emissions;

“(B) identify projects and strategies to reduce transportation emissions, which may include projects and strategies for safe, reliable, and cost-effective options—

“(i) to reduce traffic congestion by facilitating the use of alternatives to single-occupant vehicle trips, including public transportation facilities, pedestrian facilities, bicycle facilities, and shared or pooled vehicle trips within the State or an area served by the applicable metropolitan planning organization, if any;

“(ii) to facilitate the use of vehicles or modes of travel that result in lower transportation emissions per person-mile traveled as compared to existing vehicles and modes; and

“(iii) to facilitate approaches to the construction of transportation assets that result in lower transportation emissions as compared to existing approaches;

“(C) support the reduction of transportation emissions of the State;

“(D) at the discretion of the State, quantify the total carbon emissions from the production, transport, and use of materials used in the construction of transportation facilities within the State; and

“(E) be appropriate to the population density and context of the State, including any metropolitan planning organization designated within the State.

“(3) UPDATES.—The carbon reduction strategy of a State developed under paragraph (1) shall be updated not less frequently than once every 4 years. Time period.

“(4) REVIEW.—Not later than 90 days after the date on which a State submits a request for the approval of a carbon reduction strategy developed by the State under paragraph (1), the Secretary shall— Deadline.

“(A) review the process used to develop the carbon reduction strategy; and

“(B)(i) certify that the carbon reduction strategy meets the requirements of paragraph (2); or Certification.

“(ii) deny certification of the carbon reduction strategy and specify the actions necessary for the State to take to correct the deficiencies in the process of the State in developing the carbon reduction strategy.

“(5) TECHNICAL ASSISTANCE.—At the request of a State, the Secretary shall provide technical assistance in the development of the carbon reduction strategy under paragraph (1).

“(e) SUBALLOCATION.—

“(1) IN GENERAL.—For each fiscal year, of the funds apportioned to the State under section 104(b)(7)—

“(A) 65 percent shall be obligated, in proportion to their relative shares of the population of the State—

“(i) in urbanized areas of the State with an urbanized area population of more than 200,000;

“(ii) in urbanized areas of the State with an urbanized population of not less than 50,000 and not more than 200,000;

“(iii) in urban areas of the State with a population of not less than 5,000 and not more than 49,999; and

“(iv) in other areas of the State with a population of less than 5,000; and

“(B) the remainder may be obligated in any area of the State.

“(2) METROPOLITAN AREAS.—Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

“(3) DISTRIBUTION AMONG URBANIZED AREAS OF OVER 50,000 POPULATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the amounts that a State is required to obligate under clauses (i) and (ii) of paragraph (1)(A) shall be obligated in urbanized areas described in those clauses based on the relative population of the areas.

“(B) OTHER FACTORS.—The State may obligate the funds described in subparagraph (A) based on other factors if—

“(i) the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors; and

“(ii) the Secretary grants the request.

“(4) COORDINATION IN URBANIZED AREAS.—Before obligating funds for an eligible project under subsection (c) in an urbanized area that is not a transportation management area, a State shall coordinate with any metropolitan planning organization that represents the urbanized area prior to determining which activities should be carried out under the project.

“(5) CONSULTATION IN RURAL AREAS.—Before obligating funds for an eligible project under subsection (c) in a rural area, a State shall consult with any regional transportation planning organization or metropolitan planning organization that represents the rural area prior to determining which activities should be carried out under the project.

“(6) OBLIGATION AUTHORITY.—

Time period.

“(A) IN GENERAL.—A State that is required to obligate in an urbanized area with an urbanized area population of 50,000 or more under this subsection funds apportioned to the State under section 104(b)(7) shall make available during the period of fiscal years 2022 through 2026 an amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs for use in the area that is equal to the amount obtained by multiplying—

“(i) the aggregate amount of funds that the State is required to obligate in the area under this subsection during the period; and

“(ii) the ratio that—

“(I) the aggregate amount of obligation authority distributed to the State for Federal-aid highways and highway safety construction programs during the period; bears to

“(II) the total of the sums apportioned to the State for Federal-aid highways and highway safety construction programs (excluding sums not subject to an obligation limitation) during the period.

Compliance.

“(B) JOINT RESPONSIBILITY.—Each State, each affected metropolitan planning organization, and the Secretary shall jointly ensure compliance with subparagraph (A).

“(f) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds apportioned to a State under section 104(b)(7) shall be determined in accordance with section 120.

“(g) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under this chapter.”.

23 USC 101 prec.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 11203(b)) is amended by inserting after the item relating to section 174 the following: “175. Carbon reduction program.”.

SEC. 11404. CONGESTION RELIEF PROGRAM.

(a) IN GENERAL.—Section 129 of title 23, United States Code, is amended by adding at the end the following:

“(d) CONGESTION RELIEF PROGRAM.—

(1) by redesignating paragraph (10) as paragraph (11);
and

(2) by inserting after paragraph (9) the following:

“(10) HIGH OCCUPANCY VEHICLE USE OF CERTAIN TOLL FACILITIES.—Notwithstanding section 102(a), in the case of a toll facility that is on the Interstate System and that is constructed or converted after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the public authority with jurisdiction over the toll facility shall allow high occupancy vehicles, transit, and paratransit vehicles to use the facility at a discount rate or without charge, unless the public authority, in consultation with the Secretary, determines that the number of those vehicles using the facility reduces the travel time reliability of the facility.”.

Consultation.
Determination.

SEC. 11405. PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST-SAVING TRANSPORTATION (PROTECT) PROGRAM.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 11403(a)), is amended by adding at the end the following:

“§ 176. Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) program

23 USC 176.

“(a) DEFINITIONS.—In this section:

“(1) EMERGENCY EVENT.—The term ‘emergency event’ means a natural disaster or catastrophic failure resulting in—

“(A) an emergency declared by the Governor of the State in which the disaster or failure occurred; or

“(B) an emergency or disaster declared by the President.

“(2) EVACUATION ROUTE.—The term ‘evacuation route’ means a transportation route or system that—

“(A) is owned, operated, or maintained by a Federal, State, Tribal, or local government;

“(B) is used—

“(i) to transport the public away from emergency events; or

“(ii) to transport emergency responders and recovery resources; and

“(C) is designated by the eligible entity with jurisdiction over the area in which the route is located for the purposes described in subparagraph (B).

“(3) PROGRAM.—The term ‘program’ means the program established under subsection (b)(1).

“(4) RESILIENCE IMPROVEMENT.—The term ‘resilience improvement’ means the use of materials or structural or non-structural techniques, including natural infrastructure—

“(A) that allow a project—

“(i) to better anticipate, prepare for, and adapt to changing conditions and to withstand and respond to disruptions; and

“(ii) to be better able to continue to serve the primary function of the project during and after weather events and natural disasters for the expected life of the project; or

- (ii) describes the buying and selling activities under the pilot program;
- (iii) describes the average sale price of toll credits;
- (iv) determines whether the pilot program could be expanded to more States or all States or to non-State operators of toll facilities;
- (v) provides updated information on the toll credit balance accumulated by each State; and
- (vi) describes the list of projects that were assisted by the pilot program; and

Determination.

(B) make the report under subparagraph (A) publicly available on the website of the Department.

Public information.
Web posting.

(g) TERMINATION.—

(1) IN GENERAL.—The Secretary may terminate the pilot program or the participation of any State in the pilot program if the Secretary determines that—

Determination.

(A) the pilot program is not serving a public benefit;

or

(B) it is not cost effective to carry out the pilot program.

(2) PROCEDURES.—The termination of the pilot program or the participation of a State in the pilot program shall be carried out consistent with Federal requirements for project closeout, adjustment, and continuing responsibilities.

SEC. 11504. STUDY OF IMPACTS ON ROADS FROM SELF-DRIVING VEHICLES.

(a) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Secretary shall initiate a study on the existing and future impacts of self-driving vehicles to transportation infrastructure, mobility, the environment, and safety, including impacts on—

Deadline.

(1) the Interstate System (as defined in section 101(a) of title 23, United States Code);

(2) urban roads;

(3) rural roads;

(4) corridors with heavy traffic congestion;

(5) transportation systems optimization; and

(6) any other areas or issues relevant to operations of the Federal Highway Administration that the Secretary determines to be appropriate.

(b) CONTENTS OF STUDY.—The study under subsection (a) shall include specific recommendations for both rural and urban communities regarding the impacts of self-driving vehicles on existing transportation system capacity.

Recommendations.
Rural and urban areas.

(c) CONSIDERATIONS.—In carrying out the study under subsection (a), the Secretary shall—

(1) consider the need for and recommend any policy changes to be undertaken by the Federal Highway Administration on the impacts of self-driving vehicles as identified under paragraph (2); and

Recommendations.

(2) for both rural and urban communities, include a discussion of—

(A) the impacts that self-driving vehicles will have on existing transportation infrastructure, such as signage and markings, traffic lights, and highway capacity and design;

(B) the impact on commercial and private traffic flows;

(C) infrastructure improvement needs that may be necessary for transportation infrastructure to accommodate self-driving vehicles;

(D) the impact of self-driving vehicles on the environment, congestion, and vehicle miles traveled; and

(E) the impact of self-driving vehicles on mobility.

(d) COORDINATION.—In carrying out the study under subsection (a), the Secretary shall consider and incorporate relevant current and ongoing research of the Department.

(e) CONSULTATION.—In carrying out the study under subsection (a), the Secretary shall convene and consult with a panel of national experts in both rural and urban transportation, including—

(1) operators and users of the Interstate System (as defined in section 101(a) of title 23, United States Code), including private sector stakeholders;

(2) States and State departments of transportation;

(3) metropolitan planning organizations;

(4) the motor carrier industry;

(5) representatives of public transportation agencies or organizations;

(6) highway safety and academic groups;

(7) nonprofit entities with experience in transportation policy;

(8) National Laboratories (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801));

(9) environmental stakeholders; and

(10) self-driving vehicle producers, manufacturers, and technology developers.

(f) REPORT.—Not later than 1 year after the date on which the study under subsection (a) is initiated, the Secretary shall submit a report on the results of the study to—

(1) the Committee on Environment and Public Works of the Senate; and

(2) the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 11505. DISASTER RELIEF MOBILIZATION STUDY.

(a) DEFINITION OF LOCAL COMMUNITY.—In this section, the term “local community” means—

(1) a unit of local government;

(2) a political subdivision of a State or local government;

(3) a metropolitan planning organization (as defined in section 134(b) of title 23, United States Code);

(4) a rural planning organization; or

(5) a Tribal government.

(b) STUDY.—

Determination.

(1) IN GENERAL.—The Secretary shall carry out a study to determine the utility of incorporating the use of bicycles into the disaster preparedness and disaster response plans of local communities.

(2) REQUIREMENTS.—The study carried out under paragraph (1) shall include—

Assessment.

(A) a vulnerability assessment of the infrastructure in local communities as of the date of enactment of this Act that supports active transportation, including bicycling, walking, and personal mobility devices, with a particular focus on areas in local communities that—

Investigation. (D) alert transportation authorities to cyber incidents that affect those transportation authorities;
 (E) investigate unaddressed cyber incidents that affect transportation authorities; and
 (F) provide to transportation authorities educational resources, outreach, and awareness on fundamental principles and best practices in cybersecurity for transportation systems.

SEC. 11511. REPORT ON EMERGING ALTERNATIVE FUEL VEHICLES AND INFRASTRUCTURE.

(a) DEFINITIONS.—In this section:
 (1) EMERGING ALTERNATIVE FUEL VEHICLE.—The term “emerging alternative fuel vehicle” means a vehicle fueled by hydrogen, natural gas, or propane.
 (2) EMERGING ALTERNATIVE FUELING INFRASTRUCTURE.—The term “emerging alternative fueling infrastructure” means infrastructure for fueling an emerging alternative fuel vehicle.
 (b) REPORT.—Not later than 1 year after the date of enactment of this Act, to help guide future investments for emerging alternative fueling infrastructure, the Secretary shall submit to Congress and make publicly available a report that—
 (1) includes an evaluation of emerging alternative fuel vehicles and projections for potential locations of emerging alternative fuel vehicle owners during the 5-year period beginning on the date of submission of the report;
 (2) identifies areas where emerging alternative fueling infrastructure will be needed to meet the current and future needs of drivers during the 5-year period beginning on the date of submission of the report;
 (3) identifies specific areas, such as a lack of pipeline infrastructure, that may impede deployment and adoption of emerging alternative fuel vehicles;
 (4) includes a map that identifies concentrations of emerging alternative fuel vehicles to meet the needs of current and future emerging alternative fueling infrastructure;
 (5) estimates the future need for emerging alternative fueling infrastructure to support the adoption and use of emerging alternative fuel vehicles; and
 (6) includes a tool to allow States to compare and evaluate different adoption and use scenarios for emerging alternative fuel vehicles, with the ability to adjust factors to account for regionally specific characteristics.

Public information.

Evaluation. Time period. Effective date.

Time period. Effective date.

Estimates.

Evaluation.

Determinations. 23 USC 206 note.

SEC. 11512. NONHIGHWAY RECREATIONAL FUEL STUDY.

(a) DEFINITIONS.—In this section:
 (1) HIGHWAY TRUST FUND.—The term “Highway Trust Fund” means the Highway Trust Fund established by section 9503(a) of the Internal Revenue Code of 1986.
 (2) NONHIGHWAY RECREATIONAL FUEL TAXES.—The term “nonhighway recreational fuel taxes” means taxes under section 4041 and 4081 of the Internal Revenue Code of 1986 with respect to fuel used in vehicles on recreational trails or back country terrain (including vehicles registered for highway use when used on recreational trails, trail access roads not eligible for funding under title 23, United States Code, or back country terrain).

SEC. 13004. DATA INTEGRATION PILOT PROGRAM.

23 USC 503 note.

(a) **ESTABLISHMENT.**—The Secretary shall establish a pilot program—

(1) to provide research and develop models that integrate, in near-real-time, data from multiple sources, including geolocated—

(A) weather conditions;

(B) roadway conditions;

(C) incidents, work zones, and other nonrecurring events related to emergency planning; and

(D) information from emergency responders; and

(2) to facilitate data integration between the Department, the National Weather Service, and other sources of data that provide real-time data with respect to roadway conditions during or as a result of severe weather events, including, at a minimum—

(A) winter weather;

(B) heavy rainfall; and

(C) tropical weather events.

(b) **REQUIREMENTS.**—In carrying out subsection (a)(1), the Secretary shall—

(1) address the safety, resiliency, and vulnerability of the transportation system to disasters; and

(2) develop tools for decisionmakers and other end-users who could use or benefit from the integrated data described in that subsection to improve public safety and mobility.

(c) **TREATMENT.**—Except as otherwise provided in this section, the Secretary shall carry out activities under the pilot program under this section as if—

(1) those activities were authorized under chapter 5 of title 23, United States Code; and

(2) the funds made available to carry out the pilot program were made available under that chapter.

(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$2,500,000 for each of fiscal years 2022 through 2026, to remain available until expended.

Time period.

SEC. 13005. EMERGING TECHNOLOGY RESEARCH PILOT PROGRAM.

23 USC 503 note.

(a) **ESTABLISHMENT.**—The Secretary shall establish a pilot program to conduct emerging technology research in accordance with this section.

(b) **ACTIVITIES.**—The pilot program under this section shall include—

(1) research and development activities relating to leveraging advanced and additive manufacturing technologies to increase the structural integrity and cost-effectiveness of surface transportation infrastructure; and

(2) research and development activities (including laboratory and test track supported accelerated pavement testing research regarding the impacts of connected, autonomous, and platooned vehicles on pavement and infrastructure performance)—

(A) to reduce the impact of automated and connected driving systems and advanced driver-assistance systems on pavement and infrastructure performance; and

(B) to improve transportation infrastructure design in anticipation of increased usage of automated driving systems and advanced driver-assistance systems.

(c) TREATMENT.—Except as otherwise provided in this section, the Secretary shall carry out activities under the pilot program under this section as if—

(1) those activities were authorized under chapter 5 of title 23, United States Code; and

(2) the funds made available to carry out the pilot program were made available under that chapter.

Time period.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

SEC. 13006. RESEARCH AND TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended—

(1) in subsection (a)(2), by striking “section 508” and inserting “section 6503 of title 49”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(E) engage with public and private entities to spur advancement of emerging transformative innovations through accelerated market readiness; and

Consultation.

“(F) consult frequently with public and private entities on new transportation technologies.”;

(B) in paragraph (2)(C)—

(i) by redesignating clauses (x) through (xv) as clauses (xi) through (xvi), respectively; and

(ii) by inserting after clause (ix) the following:

“(x) safety measures to reduce the number of wild-life-vehicle collisions.”;

(C) in paragraph (3)—

(i) in subparagraph (B)(viii), by inserting “, including weather,” after “events”; and

(ii) in subparagraph (C)—

(I) in clause (xv), by inserting “extreme weather events and” after “withstand”;

(II) in clause (xviii), by striking “and” at the end;

(III) in clause (xix), by striking the period at the end and inserting “; and”; and

(IV) by adding at the end the following:

Studies.

“(xx) studies on the deployment and revenue potential of the deployment of energy and broadband infrastructure in highway rights-of-way, including potential adverse impacts of the use or nonuse of those rights-of-way.”;

(D) in paragraph (6)—

(B) to improve transportation infrastructure design in anticipation of increased usage of automated driving systems and advanced driver-assistance systems.

(c) TREATMENT.—Except as otherwise provided in this section, the Secretary shall carry out activities under the pilot program under this section as if—

(1) those activities were authorized under chapter 5 of title 23, United States Code; and

(2) the funds made available to carry out the pilot program were made available under that chapter.

Time period.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026, to remain available until expended.

SEC. 13006. RESEARCH AND TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended—

(1) in subsection (a)(2), by striking “section 508” and inserting “section 6503 of title 49”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (C), by striking “and” at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(E) engage with public and private entities to spur advancement of emerging transformative innovations through accelerated market readiness; and

Consultation.

“(F) consult frequently with public and private entities on new transportation technologies.”;

(B) in paragraph (2)(C)—

(i) by redesignating clauses (x) through (xv) as clauses (xi) through (xvi), respectively; and

(ii) by inserting after clause (ix) the following:

“(x) safety measures to reduce the number of wild-life-vehicle collisions.”;

(C) in paragraph (3)—

(i) in subparagraph (B)(viii), by inserting “, including weather,” after “events”; and

(ii) in subparagraph (C)—

(I) in clause (xv), by inserting “extreme weather events and” after “withstand”;

(II) in clause (xviii), by striking “and” at the end;

(III) in clause (xix), by striking the period at the end and inserting “; and”; and

(IV) by adding at the end the following:

Studies.

“(xx) studies on the deployment and revenue potential of the deployment of energy and broadband infrastructure in highway rights-of-way, including potential adverse impacts of the use or nonuse of those rights-of-way.”;

(D) in paragraph (6)—

- (i) in subparagraph (A), by striking “and” at the end;
 - (ii) in subparagraph (B), by striking the period at the end and inserting “; and”; and
 - (iii) by adding at the end the following:
 - “(C) to support research on non-market-ready technologies in consultation with public and private entities.”; Consultation.
 - (E) in paragraph (7)(B)—
 - (i) in the matter preceding clause (i), by inserting “innovations by leading” after “support”;
 - (ii) in clause (iii), by striking “and” at the end;
 - (iii) in clause (iv), by striking the period at the end and inserting “; and”; and
 - (iv) by adding at the end the following:
 - “(v) the evaluation of information from accelerated market readiness efforts, including non-market-ready technologies, in consultation with other offices of the Federal Highway Administration, the National Highway Traffic Safety Administration, and other key partners.”; Evaluation.
 - (F) in paragraph (8)(A), by striking “future highway” and all that follows through “needs.” and inserting the following: “current conditions and future needs of highways, bridges, and tunnels of the United States, including—
 - “(i) the conditions and performance of the highway network for freight movement;
 - “(ii) intelligent transportation systems;
 - “(iii) resilience needs; and
 - “(iv) the backlog of current highway, bridge, and tunnel needs.”; and
 - (G) by adding at the end the following:
 - “(9) ANALYSIS TOOLS.—The Secretary may develop interactive modeling tools and databases that—
 - “(A) track the full condition of highway assets, including interchanges, and the reconstruction history of those assets;
 - “(B) can be used to assess transportation options;
 - “(C) allow for the monitoring and modeling of network-level traffic flows on highways; and
 - “(D) further Federal and State understanding of the importance of national and regional connectivity and the need for long-distance and interregional passenger and freight travel by highway and other surface transportation modes.”; and
- (3) in subsection (c)—
- (A) in paragraph (1)—
 - (i) in the matter preceding subparagraph (A), by inserting “use of rights-of-way permissible under applicable law,” after “structures.”;
 - (ii) in subparagraph (D), by striking “and” at the end;
 - (iii) in subparagraph (E), by striking the period at the end and inserting “; and”; and
 - (iv) by adding at the end the following:
 - “(F) disseminating and evaluating information from accelerated market readiness efforts, including non-market-ready technologies, to public and private entities.”; Evaluation.

(B) in paragraph (2)—

(i) in subparagraph (B)(iii), by striking “improved tools and methods to accelerate the adoption” and inserting “and deploy improved tools and methods to accelerate the adoption of early-stage and proven innovative practices and technologies and, as the Secretary determines to be appropriate, support continued implementation”; and

(ii) by adding at the end the following:

“(D) REPORT.—Not later than 2 years after the date of enactment of this subparagraph and every 2 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives and make publicly available on an internet website a report that describes—

“(i) the activities the Secretary has undertaken to carry out the program established under paragraph (1); and

“(ii) how and to what extent the Secretary has worked to disseminate non-market-ready technologies to public and private entities.”;

(C) in paragraph (3)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(ii) by inserting after subparagraph (B) the following:

“(C) HIGH-FRICTION SURFACE TREATMENT APPLICATION STUDY.—

“(i) DEFINITION OF INSTITUTION.—In this subparagraph, the term ‘institution’ means a private sector entity, public agency, research university or other research institution, or organization representing transportation and technology leaders or other transportation stakeholders that, as determined by the Secretary, is capable of working with State highway agencies, the Federal Highway Administration, and the highway construction industry to develop and evaluate new products, design technologies, and construction methods that quickly lead to pavement improvements.

“(ii) STUDY.—The Secretary shall seek to enter into an agreement with an institution to carry out a study on the use of natural and synthetic calcined bauxite as a high-friction surface treatment application on pavement.

“(iii) REPORT.—Not later than 18 months after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit a report on the results of the study under clause (ii) to—

“(I) the Committee on Environment and Public Works of the Senate;

“(II) the Committee on Transportation and Infrastructure of the House of Representatives;

“(III) the Federal Highway Administration; and

Public
information.
Web posting.

Contracts.

“(IV) the American Association of State Highway and Transportation Officials.”;

(iii) in subparagraph (D) (as so redesignated), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”; and

(iv) in subparagraph (E) (as so redesignated)—
(I) in clause (i), by striking “annually” and inserting “once every 3 years”; and

(II) in clause (ii)—

(aa) in subclause (III), by striking “and” at the end;

(bb) in subclause (IV), by striking the period at the end and inserting a semicolon; and

(cc) by adding at the end the following:
“(V) pavement monitoring and data collection practices;

“(VI) pavement durability and resilience;

“(VII) stormwater management;

“(VIII) impacts on vehicle efficiency;

“(IX) the energy efficiency of the production of paving materials and the ability of paving materials to enhance the environment and promote sustainability; and

“(X) integration of renewable energy in pavement designs.”; and

(D) by adding at the end the following:

“(5) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—

“(A) IN GENERAL.—The Secretary shall establish and implement a program under the technology and innovation deployment program established under paragraph (1) to promote, implement, deploy, demonstrate, showcase, support, and document the application of advanced digital construction management systems, practices, performance, and benefits.

“(B) GOALS.—The goals of the accelerated implementation and deployment of advanced digital construction management systems program established under subparagraph (A) shall include—

“(i) accelerated State adoption of advanced digital construction management systems applied throughout the construction lifecycle (including through the design and engineering, construction, and operations phases) that—

“(I) maximize interoperability with other systems, products, tools, or applications;

“(II) boost productivity;

“(III) manage complexity;

“(IV) reduce project delays and cost overruns; and

“(V) enhance safety and quality;

“(ii) more timely and productive information-sharing among stakeholders through reduced reliance on paper to manage construction processes and deliverables such as blueprints, design drawings,

procurement and supply-chain orders, equipment logs, daily progress reports, and punch lists;

“(iii) deployment of digital management systems that enable and leverage the use of digital technologies on construction sites by contractors, such as state-of-the-art automated and connected machinery and optimized routing software that allows construction workers to perform tasks faster, safer, more accurately, and with minimal supervision;

“(iv) the development and deployment of best practices for use in digital construction management;

“(v) increased technology adoption and deployment by States and units of local government that enables project sponsors—

“(I) to integrate the adoption of digital management systems and technologies in contracts; and

“(II) to weigh the cost of digitization and technology in setting project budgets;

“(vi) technology training and workforce development to build the capabilities of project managers and sponsors that enables States and units of local government—

“(I) to better manage projects using advanced construction management technologies; and

“(II) to properly measure and reward technology adoption across projects of the State or unit of local government;

“(vii) development of guidance to assist States in updating regulations of the State to allow project sponsors and contractors—

“(I) to report data relating to the project in digital formats; and

“(II) to fully capture the efficiencies and benefits of advanced digital construction management systems and related technologies;

“(viii) reduction in the environmental footprint of construction projects using advanced digital construction management systems resulting from elimination of congestion through more efficient projects; and

“(ix) enhanced worker and pedestrian safety resulting from increased transparency.

Time period.

“(C) FUNDING.—For each of fiscal years 2022 through 2026, the Secretary shall obligate from funds made available to carry out this subsection \$20,000,000 to accelerate the deployment and implementation of advanced digital construction management systems.

“(D) PUBLICATION.—

Public information. Web posting. Reports.

“(i) IN GENERAL.—Not less frequently than annually, the Secretary shall issue and make available to the public on a website a report on—

“(I) progress made in the implementation of advanced digital management systems by States; and

“(II) the costs and benefits of the deployment of new technology and innovations that substantially and directly resulted from the program established under this paragraph.

“(ii) INCLUSIONS.—The report under clause (i) may include an analysis of— Analysis.

“(I) Federal, State, and local cost savings;

“(II) project delivery time improvements;

“(III) congestion impacts; and

“(IV) safety improvements for roadway users and construction workers.”.

(b) ADVANCED TRANSPORTATION TECHNOLOGIES AND INNOVATIVE MOBILITY DEPLOYMENT.—Section 503(c)(4) of title 23, United States Code, is amended—

(1) in the heading, by inserting “AND INNOVATIVE MOBILITY” before “DEPLOYMENT”;

(2) by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—The Secretary shall provide grants to eligible entities to deploy, install, and operate advanced transportation technologies to improve safety, mobility, efficiency, system performance, intermodal connectivity, and infrastructure return on investment.”; Grants.

(3) in subparagraph (B)—

(A) in clause (i), by striking “the enhanced use” and inserting “optimization”;

(B) in clause (v)—

(i) by striking “transit,” and inserting “work zone, weather, transit, paratransit,”; and

(ii) by striking “and accessible transportation” and inserting “, accessible, and integrated transportation and transportation services”;

(C) by redesignating clauses (i) through (viii) as clauses (iii), (iv), (v), (vi), (vii), (ix), (x), and (xi), respectively;

(D) by inserting before clause (iii) (as so redesignated) the following:

“(i) improve the mobility of people and goods;

“(ii) improve the durability and extend the life of transportation infrastructure;”;

(E) in clause (iv) (as so redesignated), by striking “deliver” and inserting “protect the environment and deliver”;

(F) by inserting after clause (vii) (as so redesignated) the following:

“(viii) facilitate account-based payments for transportation access and services and integrate payment systems across modes;”;

(G) in clause (x) (as so redesignated), by striking “or” at the end;

(H) in clause (xi) (as so redesignated)—

(i) by inserting “vehicle-to-pedestrian,” after “vehicle-to-infrastructure,”; and

(ii) by striking the period at the end and inserting “; or”; and

(I) by adding at the end the following:

“(xii) incentivize travelers—

- “(I) to share trips during periods in which travel demand exceeds system capacity; or
 “(II) to shift trips to periods in which travel demand does not exceed system capacity.”;
- (4) in subparagraph (C)—
- (A) in clause (i), by striking “Not later” and all that follows through “thereafter” and inserting “Each fiscal year for which funding is made available for activities under this paragraph”; and
- (B) in clause (ii)—
- (i) in subclause (I), by inserting “mobility,” after “safety.”; and
- (ii) in subclause (II)—
- (I) in item (bb), by striking “and” at the end;
- (II) in item (cc), by striking the period at the end and inserting “; and”; and
- (III) by adding at the end the following:
 “(dd) facilitating payment for transportation services.”;
- (5) in subparagraph (D)—
- (A) in clause (i), by striking “Not later” and all that follows through “thereafter” and inserting “Each fiscal year for which funding is made available for activities under this paragraph”; and
- (B) in clause (ii)—
- (i) by striking “In awarding” and inserting the following:
 “(I) IN GENERAL.—Subject to subclause (II), in awarding”; and
- (ii) by adding at the end the following:
 “(II) RURAL SET-ASIDE.—Not less than 20 percent of the amounts made available to carry out this paragraph shall be reserved for projects serving rural areas.”;
- (6) in subparagraph (E)—
- (A) by redesignating clauses (iii) through (ix) as clauses (iv), (v), (vi), (vii), (viii), (xi), and (xiv), respectively;
- (B) by inserting after clause (ii) the following:
 “(iii) advanced transportation technologies to improve emergency evacuation and response by Federal, State, and local authorities.”;
- (C) by inserting after clause (viii) (as so redesignated) the following:
 “(ix) integrated corridor management systems;
 “(x) advanced parking reservation or variable pricing systems.”;
- (D) in clause (xi) (as so redesignated)—
- (i) by inserting “, toll collection,” after “pricing”; and
- (ii) by striking “or” at the end;
- (E) by inserting after clause (xi) (as so redesignated) the following:
 “(xii) technology that enhances high occupancy vehicle toll lanes, cordon pricing, or congestion pricing;
 “(xiii) integration of transportation service payment systems.”;
- (F) in clause (xiv) (as so redesignated)—

(i) by striking “and access” and inserting “, access, and on-demand transportation service”;

(ii) by inserting “and other shared-use mobility applications” after “ridesharing”; and

(iii) by striking the period at the end and inserting a semicolon; and

(G) by adding at the end the following:

“(xv) retrofitting dedicated short-range communications (DSRC) technology deployed as part of an existing pilot program to cellular vehicle-to-everything (C-V2X) technology, subject to the condition that the retrofitted technology operates only within the existing spectrum allocations for connected vehicle systems; or

“(xvi) advanced transportation technologies, in accordance with the research areas described in section 6503 of title 49.”;

(7) in subparagraph (F)(ii)(IV), by striking “efficiency and multimodal system performance” and inserting “mobility, efficiency, multimodal system performance, and payment system performance”;

(8) in subparagraph (G)—

(A) by redesignating clauses (vi) through (viii) as clauses (vii) through (ix), respectively; and

(B) by inserting after clause (v) the following:

“(vi) improved integration of payment systems.”;

(9) in subparagraph (I)(i), by striking “fiscal years 2016 through 2020” and inserting “fiscal years 2022 through 2026”;

(10) in subparagraph (J), by striking “50” and inserting “80”; and

(11) in subparagraph (N)—

(A) in the matter preceding clause (i), by striking “, the following definitions apply”;

(B) in clause (i), by striking “representing a population of over 200,000”; and

(C) in clause (iii), in the matter preceding subclause (I), by striking “a any” and inserting “any”.

(c) CENTER OF EXCELLENCE ON NEW MOBILITY AND AUTOMATED VEHICLES.—Section 503(c) of title 23, United States Code (as amended by subsection (a)(3)(D)), is amended by adding at the end the following:

“(6) CENTER OF EXCELLENCE.—

“(A) DEFINITIONS.—In this paragraph:

“(i) HIGHLY AUTOMATED VEHICLE.—The term ‘highly automated vehicle’ means a motor vehicle that—

“(I) has a taxable gross weight (as defined in section 41.4482(b)–1 of title 26, Code of Federal Regulations (or successor regulations)) of 10,000 pounds or less; and

“(II) is equipped with a Level 3, Level 4, or Level 5 automated driving system (as defined in the SAE International Recommended Practice numbered J3016 and dated June 15, 2018 (or a subsequent standard adopted by the Secretary)).

“(ii) NEW MOBILITY.—The term ‘new mobility’ includes shared services such as—

“(I) docked and dockless bicycles;

Deadline.	<p style="text-align: center;">“(II) docked and dockless electric scooters; and “(III) transportation network companies.</p> <p>“(B) ESTABLISHMENT.—Not later than 1 year after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall establish a Center of Excellence to collect, conduct, and fund research on the impacts of new mobility and highly automated vehicles on land use, urban design, transportation, real estate, equity, and municipal budgets.</p> <p>“(C) REPORT.—Not later than 1 year after the date on which the Center of Excellence is established, the Secretary shall submit a report that describes the results of the research regarding the impacts of new mobility and highly automated vehicles to the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Energy and Commerce of the House of Representatives.</p> <p>“(D) PARTNERSHIPS.—In establishing the Center of Excellence under subparagraph (B), the Secretary shall enter into appropriate partnerships with any institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) or public or private research entity.”.</p>
Reports.	<p>(d) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF ADVANCED DIGITAL CONSTRUCTION MANAGEMENT SYSTEMS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that includes—</p> <p style="padding-left: 20px;">(1) a description of—</p> <p style="padding-left: 40px;">(A) the current status of the use of advanced digital construction management systems in each State; and</p> <p style="padding-left: 40px;">(B) the progress of each State toward accelerating the adoption of advanced digital construction management systems; and</p> <p style="padding-left: 20px;">(2) an analysis of the savings in project delivery time and project costs that can be achieved through the use of advanced digital construction management systems.</p>
Analysis.	<p>(e) OPEN CHALLENGE AND RESEARCH PROPOSAL PILOT PROGRAM.—</p> <p style="padding-left: 20px;">(1) IN GENERAL.—The Secretary shall establish an open challenge and research proposal pilot program under which eligible entities may propose open highway challenges and research proposals that are linked to identified or potential research needs.</p> <p style="padding-left: 20px;">(2) REQUIREMENTS.—A research proposal submitted to the Secretary by an eligible entity shall address—</p> <p style="padding-left: 40px;">(A) a research need identified by the Secretary or the Administrator of the Federal Highway Administration; or</p> <p style="padding-left: 40px;">(B) an issue or challenge that the Secretary determines to be important.</p> <p style="padding-left: 20px;">(3) ELIGIBLE ENTITIES.—An entity eligible to submit a research proposal under the pilot program under paragraph (1) is—</p> <p style="padding-left: 40px;">(A) a State;</p>
23 USC 503 note.	

- (B) a unit of local government;
- (C) a university transportation center under section 5505 of title 49, United States Code;
- (D) a private nonprofit organization;
- (E) a private sector organization working in collaboration with an entity described in subparagraphs (A) through (D); and
- (F) any other individual or entity that the Secretary determines to be appropriate.

(4) PROJECT REVIEW.—The Secretary shall—

(A) review each research proposal submitted under the pilot program under paragraph (1); and

(B) provide to the eligible entity a written notice that— Notice.

(i) if the research proposal is not selected—

(I) notifies the eligible entity that the research proposal has not been selected for funding;

(II) provides an explanation as to why the research proposal was not selected, including if the research proposal does not cover an area of need; and

(III) if applicable, recommend that the research proposal be submitted to another research program and provide guidance and direction to the eligible entity and the proposed research program office; and Recommendations.

(ii) if the research proposal is selected, notifies the eligible entity that the research proposal has been selected for funding. Notification.

(5) FEDERAL SHARE.—

(A) IN GENERAL.—The Federal share of the cost of an activity carried out under this subsection shall not exceed 80 percent.

(B) NON-FEDERAL SHARE.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity carried out under this subsection.

(f) CONFORMING AMENDMENT.—Section 167 of title 23, United States Code, is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (l) as subsections (h) through (k), respectively.

SEC. 13007. WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.

(a) SURFACE TRANSPORTATION WORKFORCE DEVELOPMENT, TRAINING, AND EDUCATION.—Section 504(e) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (D) through (G) as subparagraphs (E), (F), (H), and (I), respectively;

(B) by inserting after subparagraph (C) the following:

“(D) pre-apprenticeships, apprenticeships, and career opportunities for on-the-job training;”;

(C) in subparagraph (E) (as so redesignated), by striking “or community college” and inserting “, college, community college, or vocational school”; and

- Determination. “(E) **CONDITION FOR ACCEPTANCE.**—The Secretary shall accept from a State a designation under subparagraph (D) only if the Secretary determines that the designation meets the applicable requirements of subparagraph (A).”
- SEC. 21104. IMPROVING STATE FREIGHT PLANS.**
- (a) **IN GENERAL.**—Section 70202 of title 49, United States Code, is amended—
- (1) in subsection (b)—
- (A) in paragraph (9), by striking “and” at the end;
- (B) by redesignating paragraph (10) as paragraph (17);
- and
- (C) by inserting after paragraph (9) the following:
- Assessment. “(10) the most recent commercial motor vehicle parking facilities assessment conducted by the State under subsection (f);
- “ (11) the most recent supply chain cargo flows in the State, expressed by mode of transportation;
- Inventory. “ (12) an inventory of commercial ports in the State;
- Recommendations. “ (13) if applicable, consideration of the findings or recommendations made by any multi-State freight compact to which the State is a party under section 70204;
- “ (14) the impacts of e-commerce on freight infrastructure in the State;
- “ (15) considerations of military freight;
- Strategies. “ (16) strategies and goals to decrease—
- “ (A) the severity of impacts of extreme weather and natural disasters on freight mobility;
- “ (B) the impacts of freight movement on local air pollution;
- “ (C) the impacts of freight movement on flooding and stormwater runoff; and
- “ (D) the impacts of freight movement on wildlife habitat loss; and”; and
- (2) by adding at the end the following:
- Consultation. “(f) **COMMERCIAL MOTOR VEHICLE PARKING FACILITIES ASSESSMENTS.**—As part of the development or updating, as applicable, of a State freight plan under this section, each State that receives funding under section 167 of title 23, in consultation with relevant State motor carrier safety personnel, shall conduct an assessment of—
- “ (1) the capability of the State, together with the private sector in the State, to provide adequate parking facilities and rest facilities for commercial motor vehicles engaged in interstate transportation;
- “ (2) the volume of commercial motor vehicle traffic in the State; and
- “ (3) whether there exist any areas within the State with a shortage of adequate commercial motor vehicle parking facilities, including an analysis (economic or otherwise, as the State determines to be appropriate) of the underlying causes of such a shortage.
- Requirement. “(g) **PRIORITY.**—Each State freight plan under this section shall include a requirement that the State, in carrying out activities under the State freight plan—
- “ (1) enhance reliability or redundancy of freight transportation; or

“(2) incorporate the ability to rapidly restore access and reliability with respect to freight transportation.

“(h) APPROVAL.—

“(1) IN GENERAL.—The Secretary of Transportation shall approve a State freight plan described in subsection (a) if the plan achieves compliance with the requirements of this section.

Compliance.

“(2) SAVINGS PROVISION.—Nothing in this subsection establishes new procedural requirements for the approval of a State freight plan described in subsection (a).”

(b) STUDIES.—For the purpose of facilitating the integration of intelligent transportation systems into the freight transportation network powered by electricity, the Secretary, acting through the Assistant Secretary for Multimodal Freight, shall conduct a study relating to—

(1) preparing to supply power to applicable electrical freight infrastructure; and

(2) safely integrating freight into intelligent transportation systems.

(c) ALIGNMENT OF TRANSPORTATION PLANNING.—Section 70202 of title 49, United States Code, is amended—

(1) in subsection (d), by striking “5-year” and inserting “8-year”; and

(2) in subsection (e)(1), by striking “5 years” and inserting “4 years”.

SEC. 21105. IMPLEMENTATION OF NATIONAL MULTIMODAL FREIGHT NETWORK.

Not later than 30 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

Reports.

(1) describes the status of the designation of the final National Multimodal Freight Network required under section 70103 of title 49, United States Code;

(2) explains the reasons why the designation of the network referred to in paragraph (1) has not been finalized, if applicable; and

(3) estimates the date by which that network will be designated.

Estimate.

SEC. 21106. MULTI-STATE FREIGHT CORRIDOR PLANNING.

(a) IN GENERAL.—Chapter 702 of title 49, United States Code, is amended—

(1) by redesignating section 70204 as section 70206; and

(2) by inserting after section 70203 the following:

“§ 70204. Multi-State freight corridor planning

49 USC 70204.

“(a) CONSENT TO MULTI-STATE FREIGHT MOBILITY COMPACTS.—Congress recognizes the right of States, cities, regional planning organizations, federally recognized Indian Tribes, and local public authorities (including public port authorities) that are regionally linked with an interest in a specific nationally or regionally significant multi-State freight corridor to enter into multi-State compacts to promote the improved mobility of goods, including—

“(1) identifying projects along the corridor that benefit multiple States;

	(A) the reasons why vehicle owners do not have repairs performed for vehicles subject to open recalls; and
	(B) whether engagement by third parties, including State and local governments, insurance companies, or other entities, could increase the rate at which vehicle owners have repairs performed for vehicles subject to open recalls; and
Reports. Recommendations.	(2) submit to Congress a report describing the results of the study under paragraph (1), including any recommendations for increasing the rate of repair for vehicles subject to open recalls.
Deadline.	(b) RIDESHARING.—Not later than 18 months after the date of enactment of this Act, the Comptroller General shall—
Study. Determination.	(1) conduct a study to determine the number of passenger motor vehicles in each State that—
	(A) are used by transportation network companies for for-hire purposes, such as ridesharing; and
	(B) have 1 or more open recalls; and
Reports.	(2) submit to Congress a report describing the results of the study under paragraph (1).
	(c) NHTSA STUDY AND REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator of the National Highway Traffic Safety Administration shall—
	(1) conduct a study to determine the ways in which vehicle recall notices could—
	(A) more effectively reach vehicle owners;
	(B) be made easier for all consumers to understand;
	and
	(C) incentivize vehicle owners to complete the repairs described in the recall notices; and
Recommendations.	(2) submit to Congress a report describing the results of the study under paragraph (1), including any recommendations for—
	(A) increasing the rate of repair for vehicles subject to open recalls; or
	(B) any regulatory or statutory legislative changes that would facilitate an increased rate of repair.
Regulations. 49 USC 30111 note. Deadlines.	SEC. 24204. MOTOR VEHICLE SEAT BACK SAFETY STANDARDS.
	(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, subject to subsection (b), the Secretary shall issue an advanced notice of proposed rulemaking to update section 571.207 of title 49, Code of Federal Regulations.
Determination.	(b) COMPLIANCE DATE.—If the Secretary determines that a final rule is appropriate consistent with the considerations described in section 30111(b) of title 49, United States Code, in issuing a final rule pursuant to subsection (a), the Secretary shall establish a date for required compliance with the final rule of not later than 2 motor vehicle model years after the model year during which the effective date of the final rule occurs.
49 USC 30111 note.	SEC. 24205. AUTOMATIC SHUTOFF.
	(a) DEFINITIONS.—In this section:
	(1) KEY.—The term “key” has the meaning given the term in section 571.114 of title 49, Code of Federal Regulations (or a successor regulation).

(2) MANUFACTURER.—The term “manufacturer” has the meaning given the term in section 30102(a) of title 49, United States Code.

(3) MOTOR VEHICLE.—

(A) IN GENERAL.—The term “motor vehicle” has the meaning given the term in section 30102(a) of title 49, United States Code.

(B) EXCLUSIONS.—The term “motor vehicle” does not include—

(i) a motorcycle or trailer (as those terms are defined in section 571.3 of title 49, Code of Federal Regulations (or a successor regulation));

(ii) any motor vehicle with a gross vehicle weight rating of more than 10,000 pounds;

(iii) a battery electric vehicle; or

(iv) a motor vehicle that requires extended periods with the engine in idle to operate in service mode or to operate equipment, such as an emergency vehicle (including a police vehicle, an ambulance, or a tow vehicle) and a commercial-use vehicle (including a refrigeration vehicle).

(b) AUTOMATIC SHUTOFF SYSTEMS FOR MOTOR VEHICLES.—

(1) FINAL RULE.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule amending section 571.114 of title 49, Code of Federal Regulations, to require manufacturers to install in each motor vehicle that is equipped with a keyless ignition device and an internal combustion engine a device or system to automatically shutoff the motor vehicle after the motor vehicle has idled for the period described in subparagraph (B).

Deadline.

(B) DESCRIPTION OF PERIOD.—

(i) IN GENERAL.—The period referred to in subparagraph (A) is the period designated by the Secretary as necessary to prevent, to the maximum extent practicable, carbon monoxide poisoning.

(ii) DIFFERENT PERIODS.—The Secretary may designate different periods under clause (i) for different types of motor vehicles, depending on the rate at which the motor vehicle emits carbon monoxide, if—

(I) the Secretary determines a different period is necessary for a type of motor vehicle for purposes of section 30111 of title 49, United States Code; and

Determination.

(II) requiring a different period for a type of motor vehicle is consistent with the prevention of carbon monoxide poisoning.

(2) DEADLINE.—Unless the Secretary finds good cause to phase-in or delay implementation, the rule issued pursuant to paragraph (1) shall take effect on September 1 of the first calendar year beginning after the date on which the Secretary issues the rule.

Effective date.

(c) PREVENTING MOTOR VEHICLES FROM ROLLING AWAY.—

(1) REQUIREMENT.—The Secretary shall conduct a study of the regulations contained in part 571 of title 49, Code of Federal Regulations, to evaluate the potential consequences

Study.
Evaluation.

and benefits of the installation by manufacturers of technology to prevent movement of motor vehicles equipped with keyless ignition devices and automatic transmissions when—

(A) the transmission of the motor vehicle is not in the park setting;

(B) the motor vehicle does not exceed the speed determined by the Secretary under paragraph (2);

(C) the seat belt of the operator of the motor vehicle is unbuckled;

(D) the service brake of the motor vehicle is not engaged; and

(E) the door for the operator of the motor vehicle is open.

Recommendations.

(2) REVIEW AND REPORT.—The Secretary shall—

(A) provide a recommended maximum speed at which a motor vehicle may be safely locked in place under the conditions described in subparagraphs (A), (C), (D), and (E) of paragraph (1) to prevent vehicle rollaways; and

(B) not later than 1 year after the date of completion of the study under paragraph (1), submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report—

(i) describing the findings of the study; and

(ii) providing additional recommendations, if any.

SEC. 24206. PETITIONS BY INTERESTED PERSONS FOR STANDARDS AND ENFORCEMENT.

Section 30162 of title 49, United States Code, is amended—

(1) in subsection (b), by striking “The petition” and inserting “A petition under this section”;

(2) in subsection (c), by striking “the petition” and inserting “a petition under this section”; and

(3) in subsection (d)—

(A) in the third sentence, by striking “If a petition” and inserting the following:

“(3) DENIAL.—If a petition under this section”;

(B) in the second sentence, by striking “If a petition is granted” and inserting the following:

“(2) APPROVAL.—If a petition under this section is approved”; and

(C) in the first sentence, by striking “The Secretary shall grant or deny a petition” and inserting the following:

Determination.

“(1) IN GENERAL.—The Secretary shall determine whether to approve or deny a petition under this section by”.

SEC. 24207. CHILD SAFETY SEAT ACCESSIBILITY STUDY.

Coordination.

(a) IN GENERAL.—The Secretary, in coordination with other relevant Federal departments and agencies, including the Secretary of Agriculture, the Secretary of Education, and the Secretary of Health and Human Services, shall conduct a study to review the status of motor vehicle child safety seat accessibility for low-income families and underserved populations.

(b) ADDRESSING NEEDS.—In conducting the study under subsection (a), the Secretary shall—

Examination.

(1) examine the impact of Federal funding provided under section 405 of title 23, United States Code; and

seating positions of motor vehicles after deactivation of the motor vehicles by an operator; and

(ii) the potential benefits and burdens, logistical or economic, associated with widespread use of those technologies.

(B) ELEMENTS.—In carrying out the study under subparagraph (A), the Secretary shall—

Survey.
Evaluation.

(i) survey and evaluate a variety of methods used by current and emerging aftermarket technologies or products to reduce the risk of children being left in rear-designated seating positions after deactivation of a motor vehicle; and

Recommendations.

(ii) provide recommendations—

(I) for manufacturers of the technologies and products described in clause (i) to carry out a functional safety performance evaluation to ensure that the technologies and products perform as designed by the manufacturer under a variety of real-world conditions; and

(II) for consumers on methods to select an appropriate technology or product described in clause (i) in order to retrofit existing vehicles.

(2) REPORT BY SECRETARY.—Not later than 180 days after the date on which the Secretary issues the final rule required by section 32304B(b) of title 49, United States Code (as added by subsection (a)(1)), the Secretary shall submit a report describing the results of the study carried out under paragraph (1) to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

TITLE V—RESEARCH AND INNOVATION

SEC. 25001. INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM ADVISORY COMMITTEE.

Section 515(h) of title 23, United States Code, is amended—

(1) in paragraph (1), by inserting “(referred to in this subsection as the ‘Advisory Committee’)” after “an Advisory Committee”;

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking “20 members” and inserting “25 members”;

(B) in subparagraph (O) (as redesignated by section 13008(a)(2))—

(i) by striking “utilities,”; and

(ii) by striking the period at the end and inserting a semicolon;

(C) by redesignating subparagraphs (F), (G), (H), (I), (J), (K), (L), (M), (N), and (O) (as added or redesignated by section 13008(a)) as subparagraphs (H), (J), (K), (L), (M), (N), (O), (S), (T), and (U), respectively;

(D) by inserting after subparagraph (E) (as redesignated by section 13008(a)(2)) the following:

“(F) a representative of a national transit association;

“(G) a representative of a national, State, or local transportation agency or association;”;

(E) by inserting after subparagraph (H) (as redesignated by subparagraph (C)) the following:

“(I) a private sector developer of intelligent transportation system technologies, which may include emerging vehicle technologies;”;

(F) by inserting after subparagraph (O) (as so redesignated) the following:

“(P) a representative of a labor organization;

“(Q) a representative of a mobility-providing entity;

“(R) an expert in traffic management;”;

(G) by adding at the end the following:

“(V) an expert in cybersecurity; and

“(W) an automobile manufacturer.”;

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “section 508” and inserting “section 6503 of title 49”; and

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by inserting “programs and” before “research”; and

(ii) in clause (iii), by striking “research and” and inserting “programs, research, and”;

(4) by redesignating paragraphs (3) through (5) as paragraphs (5) through (7); and

(5) by inserting after paragraph (2) the following:

“(3) TERM.—

“(A) IN GENERAL.—The term of a member of the Advisory Committee shall be 3 years.

“(B) RENEWAL.—On expiration of the term of a member of the Advisory Committee, the member—

“(i) may be reappointed; or

“(ii) if the member is not reappointed under clause

(i), may serve until a new member is appointed.

“(4) MEETINGS.—The Advisory Committee—

“(A) shall convene not less frequently than twice each year; and

“(B) may convene with the use of remote video conference technology.”.

SEC. 25002. SMART COMMUNITY RESOURCE CENTER.

23 USC 502 note.

(a) DEFINITIONS.—In this section:

(1) RESOURCE CENTER.—The term “resource center” means the Smart Community Resource Center established under subsection (b).

(2) SMART COMMUNITY.—The term “smart community” means a community that uses innovative technologies, data, analytics, and other means to improve the community and address local challenges.

(b) ESTABLISHMENT.—The Secretary shall work with the modal administrations of the Department and with such other Federal agencies and departments as the Secretary determines to be appropriate to make available to the public on an Internet website a resource center, to be known as the “Smart Community Resource Center”, that includes a compilation of resources or links to resources for States and local communities to use in developing and implementing—

Public
information.
Web posting.

- (1) intelligent transportation system programs; or
- (2) smart community transportation programs.
- (c) INCLUSIONS.—The resource center shall include links to—
 - (1) existing programs and resources for intelligent transportation system or smart community transportation programs, including technical assistance, education, training, funding, and examples of intelligent transportation systems or smart community transportation programs implemented by States and local communities, available from—
 - (A) the Department;
 - (B) other Federal agencies; and
 - (C) non-Federal sources;
 - (2) existing reports or databases with the results of intelligent transportation system or smart community transportation programs;
 - (3) any best practices developed or lessons learned from intelligent transportation system or smart community transportation programs; and
 - (4) such other resources as the Secretary determines to be appropriate.
- (d) DEADLINE.—The Secretary shall establish the resource center by the date that is 1 year after the date of enactment of this Act.
- (e) UPDATES.—The Secretary shall ensure that the resource center is updated on a regular basis.

49 USC 6302
note.
Determination.

SEC. 25003. FEDERAL SUPPORT FOR LOCAL DECISIONMAKING.

(a) LOCAL OUTREACH.—To determine the data analysis tools needed to assist local communities in making infrastructure decisions, the Director of the Bureau of Transportation Statistics shall perform outreach to planning and infrastructure decision-making officials in units of local government and other units of government, including a geographically diverse group of individuals from—

- (1) States;
- (2) political subdivisions of States;
- (3) cities;
- (4) metropolitan planning organizations;
- (5) regional transportation planning organizations; and
- (6) federally recognized Indian Tribes.

(b) WORK PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, based on the outreach performed under subsection (a), the Director of the Bureau of Transportation Statistics shall submit to the Secretary a work plan for reviewing and updating existing data analysis tools and developing any additional data analysis tools needed to assist local communities with making infrastructure investment decisions.

(2) CONTENTS.—Based on the needs identified pursuant to the outreach performed under subsection (a), the work plan submitted under paragraph (1) shall include—

- (A) a description of the data analysis tools identified that would benefit infrastructure decision-making by local governments and address the goals described in subsection (c);

Reviews
Updates.
Deadline.

(B) a review of the datasets that local governments need to effectively use the data analysis tools described in subparagraph (A);

(C) an identification of existing or proposed data analysis tools that use publicly available data;

(D) the estimated cost of obtaining each dataset described in subparagraph (B); Cost estimate.

(E) the estimated cost to develop the data analysis tools described in subparagraph (A); Cost estimate.

(F) a prioritization for the development of data analysis tools described in subparagraph (A); and

(G) a determination as to whether it would be appropriate for the Federal Government to develop the data analysis tools described in subparagraph (A). Determination.

(c) GOALS.—

(1) IN GENERAL.—A data analysis tool created pursuant to the work plan submitted under subsection (b)(1) shall be developed to help inform local communities in making infrastructure investments.

(2) SPECIFIC ISSUES.—A data analysis tool created pursuant to the work plan submitted under subsection (b)(1) shall be intended to help units of local government and other units of government address 1 or more of the following:

(A) Improving maintenance of existing assets.

(B) Rebuilding infrastructure to a state of good repair.

(C) Creating economic development through infrastructure development.

(D) Establishing freight plans and infrastructure that connects the community to supply chains.

(E) Increasing options for communities that lack access to affordable transportation to improve access to jobs, affordable housing, schools, medical services, foods and other essential community services.

(F) Reducing congestion.

(G) Improving community resilience to extreme weather events.

(H) Any other subject, as the Director determines to be necessary.

(d) IMPLEMENTATION.—Subject to the availability of appropriations, the Secretary shall develop data analysis tools and purchase datasets as prioritized in the work plan.

(e) COORDINATION.—The Director of the Bureau of Transportation Statistics may utilize existing working groups or advisory committees to perform the local outreach required under subsection (a).

SEC. 25004. BUREAU OF TRANSPORTATION STATISTICS.

(a) FUNDING.—In addition to amounts made available from the Highway Trust Fund, there is authorized to be appropriated to the Secretary for use by the Bureau of Transportation Statistics for data collection and analysis activities \$10,000,000 for each of fiscal years 2022 through 2026. Time period.

(b) AMENDMENT.—Section 6302(b)(3)(B)(vi) of title 49, United States Code, is amended—

(1) by striking subclause (V);

(2) by redesignating subclauses (VI) through (XI) as subclauses (VII) through (XII), respectively; and

(3) by adding after subclause (IV) the following:

“(V) employment in the transportation sector;
 “(VI) the effects of the transportation system,
 including advanced technologies and automation,
 on global and domestic economic competitiveness;”.

23 USC 502 note. **SEC. 25005. STRENGTHENING MOBILITY AND REVOLUTIONIZING TRANSPORTATION GRANT PROGRAM.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE ENTITY.**—The term “eligible entity” means—

- (A) a State;
- (B) a political subdivision of a State;
- (C) a Tribal government;
- (D) a public transit agency or authority;
- (E) a public toll authority;
- (F) a metropolitan planning organization; and
- (G) a group of 2 or more eligible entities described in any of subparagraphs (A) through (F) applying through a single lead applicant.

(2) **ELIGIBLE PROJECT.**—The term “eligible project” means a project described in subsection (e).

(3) **LARGE COMMUNITY.**—The term “large community” means a community with a population of not less than 400,000 individuals, as determined under the most recent annual estimate of the Bureau of the Census.

(4) **MIDSIZED COMMUNITY.**—The term “midsized community” means any community that is not a large community or a rural community.

(5) **REGIONAL PARTNERSHIP.**—The term “regional partnership” means a partnership composed of 2 or more eligible entities located in jurisdictions with a combined population that is equal to or greater than the population of any midsized community.

(6) **RURAL COMMUNITY.**—The term “rural community” means a community that is located in an area that is outside of an urbanized area (as defined in section 5302 of title 49, United States Code).

(7) **SMART GRANT.**—The term “SMART grant” means a grant provided to an eligible entity under the Strengthening Mobility and Revolutionizing Transportation Grant Program established under subsection (b).

(b) **ESTABLISHMENT OF PROGRAM.**—The Secretary shall establish a program, to be known as the “Strengthening Mobility and Revolutionizing Transportation Grant Program”, under which the Secretary shall provide grants to eligible entities to conduct demonstration projects focused on advanced smart city or community technologies and systems in a variety of communities to improve transportation efficiency and safety.

Determination.

(c) **DISTRIBUTION.**—In determining the projects for which to provide a SMART grant, the Secretary shall consider contributions to geographical diversity among grant recipients, including the need for balancing the needs of rural communities, midsized communities, and large communities, consistent with the requirements of subparagraphs (A) through (C) of subsection (g)(1).

(d) **APPLICATIONS.**—

(1) **IN GENERAL.**—An eligible entity may submit to the Secretary an application for a SMART grant at such time,

application of the eligible entity, including an assessment or measurement of the realized improvements or benefits resulting from each SMART grant; and

(v) describes lessons learned and recommendations for future deployment strategies to optimize transportation efficiency and multimodal system performance. (B) BEST PRACTICES.—The Secretary shall—

(i) develop and regularly update best practices based on, among other information, the data, lessons learned, and feedback from eligible entities that received SMART grants;

(ii) publish the best practices under clause (i) on a publicly available website; and

(iii) update the best practices published on the website under clause (ii) regularly.

Public information. Web posting. Updates.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary \$100,000,000 for each of the first 5 fiscal years beginning after the date of enactment of this Act, of which—

Time period.

(A) not more than 40 percent shall be used to provide SMART grants for eligible projects that primarily benefit large communities;

(B) not more than 30 percent shall be provided for eligible projects that primarily benefit midsized communities; and

(C) not more than 30 percent shall be used to provide SMART grants for eligible projects that primarily benefit rural communities or regional partnerships.

(2) ADMINISTRATIVE COSTS.—Of the amounts made available under paragraph (1) for each fiscal year, not more than 2 percent shall be used for administrative costs of the Secretary in carrying out this section.

(3) LIMITATION.—An eligible entity may not use more than 3 percent of the amount of a SMART grant for each fiscal year to achieve compliance with applicable planning and reporting requirements.

(4) AVAILABILITY.—The amounts made available for a fiscal year pursuant to this subsection shall be available for obligation during the 2-fiscal-year period beginning on the first day of the fiscal year for which the amounts were appropriated.

Time period.

SEC. 25006. ELECTRIC VEHICLE WORKING GROUP.

23 USC 151 note.

(a) DEFINITIONS.—In this section:

(1) SECRETARIES.—The term “Secretaries” means—

(A) the Secretary; and

(B) the Secretary of Energy.

(2) WORKING GROUP.—The term “working group” means the electric vehicle working group established under subsection (b)(1).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall jointly establish an electric vehicle working group to make recommendations regarding the development, adoption, and integration of light-, medium-, and heavy-duty electric vehicles into the transportation and energy systems of the United States.

Deadline. Recommendations.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The working group shall be composed of—

(i) the Secretaries (or designees), who shall be cochair of the working group; and

Appointments.

(ii) not more than 25 members, to be appointed by the Secretaries, of whom—

(I) not more than 6 shall be Federal stakeholders as described in subparagraph (B); and

(II) not more than 19 shall be non-Federal stakeholders as described in subparagraph (C).

(B) FEDERAL STAKEHOLDERS.—The working group—

(i) shall include not fewer than 1 representative of each of—

(I) the Department;

(II) the Department of Energy;

(III) the Environmental Protection Agency;

(IV) the Council on Environmental Quality;

and

(V) the General Services Administration; and

(ii) may include a representative of any other Federal agency the Secretaries consider to be appropriate.

(C) NON-FEDERAL STAKEHOLDERS.—

(i) IN GENERAL.—Subject to clause (ii), the working group—

(I) shall include not fewer than 1 representative of each of—

(aa) a manufacturer of light-duty electric vehicles or the relevant components of light-duty electric vehicles;

(bb) a manufacturer of medium- and heavy-duty vehicles or the relevant components of medium- and heavy-duty electric vehicles;

(cc) a manufacturer of electric vehicle batteries;

(dd) an owner, operator, or manufacturer of electric vehicle charging equipment;

(ee) the public utility industry;

(ff) a public utility regulator or association of public utility regulators;

(gg) the transportation fueling distribution industry;

(hh) the energy provider industry;

(ii) the automotive dealing industry;

(jj) the for-hire passenger transportation industry;

(kk) an organization representing units of local government;

(ll) an organization representing regional transportation or planning agencies;

(mm) an organization representing State departments of transportation;

(nn) an organization representing State departments of energy or State energy planners;

(oo) the intelligent transportation systems and technologies industry;

(pp) labor organizations representing workers in transportation manufacturing, construction, or operations;

(qq) the trucking industry;

(rr) Tribal governments; and

(ss) the property development industry; and

(II) may include a representative of any other non-Federal stakeholder that the Secretaries consider to be appropriate.

(ii) REQUIREMENT.—The stakeholders selected under clause (i) shall, in the aggregate—

(I) consist of individuals with a balance of backgrounds, experiences, and viewpoints; and

(II) include individuals that represent geographically diverse regions of the United States, including individuals representing the perspectives of rural, urban, and suburban areas.

(D) COMPENSATION.—A member of the working group shall serve without compensation.

(3) MEETINGS.—

(A) IN GENERAL.—The working group shall meet not less frequently than once every 120 days.

Time period.

(B) REMOTE PARTICIPATION.—A member of the working group may participate in a meeting of the working group via teleconference or similar means.

(4) COORDINATION.—In carrying out the duties of the working group, the working group shall coordinate and consult with any existing Federal interagency working groups on fleet conversion or other similar matters relating to electric vehicles.

(c) REPORTS AND STRATEGY ON ELECTRIC VEHICLE ADOPTION.—

(1) WORKING GROUP REPORTS.—The working group shall complete by each of the deadlines described in paragraph (2) a report describing the status of electric vehicle adoption including—

(A) a description of the barriers and opportunities to scaling up electric vehicle adoption throughout the United States, including recommendations for issues relating to—

(i) consumer behavior;

(ii) charging infrastructure needs, including standardization and cybersecurity;

(iii) manufacturing and battery costs, including the raw material shortages for batteries and electric motor magnets;

(iv) the adoption of electric vehicles for low- and moderate-income individuals and underserved communities, including charging infrastructure access and vehicle purchase financing;

(v) business models for charging personal electric vehicles outside the home, including wired and wireless charging;

(vi) charging infrastructure permitting and regulatory issues;

(vii) the connections between housing and transportation costs and emissions;

(viii) freight transportation, including local, port and drayage, regional, and long-haul trucking;

(ix) intercity passenger travel;

(x) the process by which governments collect a user fee for the contribution of electric vehicles to funding roadway improvements;

(xi) State- and local-level policies, incentives, and zoning efforts;

(xii) the installation of highway corridor signage;

(xiii) secondary markets and recycling for batteries;

(xiv) grid capacity and integration;

(xv) energy storage; and

(xvi) specific regional or local issues that may not appear to apply throughout the United States, but may hamper nationwide adoption or coordination of electric vehicles;

(B) examples of successful public and private models and demonstration projects that encourage electric vehicle adoption;

Analysis.

(C) an analysis of current efforts to overcome the barriers described in subparagraph (A);

Analysis.
Cost estimates.

(D) an analysis of the estimated costs and benefits of any recommendations of the working group; and

(E) any other topics, as determined by the working group.

(2) DEADLINES.—A report under paragraph (1) shall be submitted to the Secretaries, the Committees on Commerce, Science, and Transportation and Appropriations of the Senate and the Committees on Transportation and Infrastructure and Appropriations of the House of Representatives—

(A) in the case of the first report, by not later than 18 months after the date on which the working group is established under subsection (b)(1);

(B) in the case of the second report, by not later than 2 years after the date on which the first report is required to be submitted under subparagraph (A); and

(C) in the case of the third report, by not later than 2 years after the date on which the second report is required to be submitted under subparagraph (B).

(3) STRATEGY.—

Update.

(A) IN GENERAL.—Based on the reports submitted by the working group under paragraph (1), the Secretaries shall jointly develop, maintain, and update a strategy that describes the means by which the Federal Government, States, units of local government, and industry can—

(i) establish quantitative targets for transportation electrification;

(ii) overcome the barriers described in paragraph (1)(A);

(iii) identify areas of opportunity in research and development to improve battery manufacturing, mineral mining, recycling costs, material recovery, fire risks, and battery performance for electric vehicles;

(iv) enhance Federal interagency coordination to promote electric vehicle adoption;

- (v) prepare the workforce for the adoption of electric vehicles, including through collaboration with labor unions, educational institutions, and relevant manufacturers;
- (vi) expand electric vehicle and charging infrastructure;
- (vii) expand knowledge of the benefits of electric vehicles among the general public;
- (viii) maintain the global competitiveness of the United States in the electric vehicle and charging infrastructure markets;
- (ix) provide clarity in regulations to improve national uniformity with respect to electric vehicles; and
- (x) ensure the sustainable integration of electric vehicles into the national electric grid.

(B) NOTICE AND COMMENT.—In carrying out subparagraph (A), the Secretaries shall provide public notice and opportunity for comment on the strategy described in that subparagraph.

(4) INFORMATION.—

(A) IN GENERAL.—The Secretaries may enter into an agreement with the Transportation Research Board of the National Academies of Sciences, Engineering, and Medicine to provide, track, or report data, information, or research to assist the working group in carrying out paragraph (1).

Contracts.

(B) USE OF EXISTING INFORMATION.—In developing a report under paragraph (1) or a strategy under paragraph (3), the Secretaries and the working group shall take into consideration existing Federal, State, local, private sector, and academic data and information relating to electric vehicles and, to the maximum extent practicable, coordinate with the entities that publish that information—

- (i) to prevent duplication of efforts by the Federal Government; and
- (ii) to leverage existing information and complementary efforts.

(d) COORDINATION.—To the maximum extent practicable, the Secretaries and the working group shall carry out this section using all available existing resources, websites, and databases of Federal agencies, such as—

- (1) the Alternative Fuels Data Center;
- (2) the Energy Efficient Mobility Systems program; and
- (3) the Clean Cities Coalition Network.

(e) TERMINATION.—The working group shall terminate on submission of the third report required under subsection (c)(2)(C).

SEC. 25007. RISK AND SYSTEM RESILIENCE.

49 USC 301 note.

(a) IN GENERAL.—The Secretary, in consultation with appropriate Federal, State, and local agencies, shall develop a process for quantifying annual risk in order to increase system resilience with respect to the surface transportation system of the United States by measuring—

Consultation.

- (1) resilience to threat probabilities by type of hazard and geographical location;

“(2) determine whether the practices, materials, or technologies described in paragraph (1) require any statutory or regulatory modifications for adoption; and

Determination.

“(3)(A) if modifications are determined to be required under paragraph (2), develop—

“(i) a proposal for those modifications; and

Proposal.

“(ii) a description of the manner in which any such regulatory modifications would be—

“(I) incorporated into the Unified Regulatory Agenda; or

“(II) adopted into existing regulations as soon as practicable; or

“(B) if modifications are determined not to be required under paragraph (2), develop a description of the means by which the practices, materials, or technologies described in paragraph (1) will otherwise be incorporated into Department of Transportation or modal administration policy or guidance, including as part of the Technology Transfer Program of the Office of the Assistant Secretary for Research and Technology.

“(c) REPORT.—On completion of each review under subsection (a), the Secretary of Transportation shall submit to the appropriate committees of Congress a report describing, with respect to the period covered by the report—

“(1) each new practice, material, or technology identified under subsection (b)(1); and

“(2) any statutory or regulatory modification for the adoption of such a practice, material, or technology that—

“(A) is determined to be required under subsection (b)(2); or

“(B) was otherwise made during that period.”.

(b) CLERICAL AMENDMENT.—The analysis for chapter 65 of title 49, United States Code, is amended by adding at the end the following:

49 USC 6501
prec.

“6504. Incorporation of Department of Transportation research.”.

SEC. 25017. UNIVERSITY TRANSPORTATION CENTERS PROGRAM.

Section 5505 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “of Transportation, acting through the Assistant Secretary for Research and Technology (referred to in this section as the ‘Secretary’),” after “The Secretary”; and

(B) in paragraph (2)—

(i) in subparagraph (B), by inserting “multimodal” after “critical”; and

(ii) in subparagraph (C), by inserting “with respect to the matters described in subparagraphs (A) through (G) of section 6503(c)(1)” after “transportation leaders”;

(2) in subsection (b)—

(A) in paragraph (2)(A), by striking “for each of the transportation centers described under paragraphs (2), (3), and (4) of subsection (c)” and inserting “as a lead institution under this section, except as provided in subparagraph (B)”;

(B) in paragraph (4)—

(i) in subparagraph (A), by striking “identified in chapter 65” and inserting “described in subparagraphs (A) through (G) of section 6503(c)(1)”; and

(ii) in subparagraph (B), in the matter preceding clause (i), by striking “the Assistant Secretary” and all that follows through “modal administrations” and inserting “the heads of the modal administrations of the Department of Transportation,”; and

(C) in paragraph (5)(B), in the matter preceding clause (i), by striking “submit” and all that follows through “of the Senate” and inserting “make available to the public on a website of the Department of Transportation”;

(3) in subsection (c)(3)(E)—

(A) by inserting “, including the cybersecurity implications of technologies relating to connected vehicles, connected infrastructure, and autonomous vehicles” after “autonomous vehicles”; and

(B) by striking “The Secretary” and inserting the following:

“(i) IN GENERAL.—A regional university transportation center receiving a grant under this paragraph shall carry out research focusing on 1 or more of the matters described in subparagraphs (A) through (G) of section 6503(c)(1).

“(ii) FOCUSED OBJECTIVES.—The Secretary”; and

(4) in subsection (d)—

(A) in paragraph (2)—

(i) in the paragraph heading, by striking “ANNUAL REVIEW” and inserting “REVIEW”;

(ii) in the matter preceding subparagraph (A), by striking “annually” and inserting “biennially”; and

(iii) in subparagraph (B), by striking “submit” and all that follows through “of the Senate” and inserting “make available to the public on a website of the Department of Transportation”; and

(B) in paragraph (3), by striking “2016 through 2020” and inserting “2022 through 2026”.

SEC. 25018. NATIONAL TRAVEL AND TOURISM INFRASTRUCTURE STRATEGIC PLAN.

(a) IN GENERAL.—Section 1431(e) of the FAST Act (49 U.S.C. 301 note; Public Law 114-94) is amended—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively, and indenting appropriately;

(2) in the matter preceding subparagraph (A) (as so redesignated)—

(A) by striking “Not later than 3 years after the date of enactment of this Act” and inserting “Not later than 180 days after the date of enactment of the Surface Transportation Investment Act of 2021”; and

(B) by striking “plan that includes” and inserting the following: “plan—

“(1) to develop an immediate-term and long-term strategy, including policy recommendations across all modes of transportation, for the Department and other agencies to use infrastructure investments to revive the travel and tourism industry

Research and development.

Recommendations.

(1) to ensure preapprenticeship programs are established and implemented to meet the needs of employers in transportation and transportation infrastructure construction industries, including with respect to the formal connection of the preapprenticeship programs to registered apprenticeship programs;

(2) to address barriers to employment (within the meaning of the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.)) in transportation and transportation infrastructure construction industries for—

(A) individuals who are former offenders (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));

(B) individuals with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

(C) individuals that represent populations that are traditionally underrepresented in the workforce; and

(3) to encourage a recipient or subrecipient implementing a local or other geographical or economic hiring preference pursuant to subsection (a)(1) to establish, in coordination with nonprofit organizations that represent employees, outreach and support programs that increase diversity within the workforce, including expanded participation from individuals described in subparagraphs (A) through (C) of paragraph (2).

Deadline.
Web posting.

(c) **MODEL PLAN.**—Not later than 1 year after the date of submission of the report under subsection (b), the Secretary shall establish, and publish on the website of the Department, a model plan for use by States, units of local government, and private sector entities to address the issues described in that subsection.

SEC. 25020. TRANSPORTATION WORKFORCE DEVELOPMENT.

Contracts.

(a) **ASSESSMENT.**—The Secretary shall enter into an arrangement with the National Academy of Sciences under which the National Academy shall develop and submit to the Secretary a workforce needs assessment that—

(1) addresses—

(A) the education and recruitment of technical workers for the intelligent transportation technologies and systems industry;

(B) the development of a workforce skilled in various types of intelligent transportation technologies, components, infrastructure, and equipment, including with respect to—

(i) installation;

(ii) maintenance;

(iii) manufacturing;

(iv) operations, including data analysis and review;

and

(v) cybersecurity; and

(C) barriers to employment in the intelligent transportation technologies and systems industry for—

(i) individuals who are former offenders (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102));

(ii) individuals with a disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)); and

(iii) individuals that represent populations that are traditionally underrepresented in the workforce; and

(2) includes recommendations relating to the issues described in paragraph (1).

Recommendations.

(b) WORKING GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish a working group, to be composed of—

(A) the Secretary of Energy;

(B) the Secretary of Labor; and

(C) the heads of such other Federal agencies as the Secretary determines to be necessary.

(2) IMPLEMENTATION PLAN.—

(A) IN GENERAL.—The working group established under paragraph (1) shall develop an intelligent transportation technologies and systems industry workforce development implantation plan.

(B) REQUIREMENTS.—The implementation plan under subparagraph (A) shall address any issues and recommendations included in the needs assessment under subsection (a), taking into consideration a whole-of-government approach with respect to—

(i) using registered apprenticeship and preapprenticeship programs; and

(ii) re-skilling workers who may be interested in working within the intelligent transportation technologies and systems industry.

(3) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of receipt of the needs assessment under subsection (a), the Secretary shall submit to Congress the implementation plan developed under paragraph (2).

(4) TERMINATION.—The working group established under paragraph (1) shall terminate on the date on which the implementation plan developed under paragraph (2) is submitted to Congress under paragraph (3).

(c) TRANSPORTATION WORKFORCE OUTREACH PROGRAM.—

(1) IN GENERAL.—Subchapter I of chapter 55 of title 49, United States Code (as amended by section 25013(a)), is amended by adding at the end the following:

“§ 5507. Transportation workforce outreach program

49 USC 5507.

“(a) IN GENERAL.—The Secretary of Transportation (referred to in this section as the ‘Secretary’) shall establish and administer a transportation workforce outreach program, under which the Secretary shall carry out a series of public service announcement campaigns during each of fiscal years 2022 through 2026.

Public information. Time period.

“(b) PURPOSES.—The purpose of the campaigns carried out under the program under this section shall be—

“(1) to increase awareness of career opportunities in the transportation sector, including aviation pilots, safety inspectors, mechanics and technicians, air traffic controllers, flight attendants, truck and bus drivers, engineers, transit workers, railroad workers, and other transportation professionals; and

	“(2) to target awareness of professional opportunities in the transportation sector to diverse segments of the population, including with respect to race, sex, ethnicity, ability (including physical and mental ability), veteran status, and socioeconomic status.
	“(c) ADVERTISING.—The Secretary may use, or authorize the use of, amounts made available to carry out the program under this section for the development, production, and use of broadcast, digital, and print media advertising and outreach in carrying out a campaign under this section.
Time period.	“(d) FUNDING.—The Secretary may use to carry out this section any amounts otherwise made available to the Secretary, not to exceed \$5,000,000, for each of fiscal years 2022 through 2026.”.
49 USC 5501 prec.	(2) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 55 of title 49, United States Code (as amended by section 25013(b)), is amended by adding at the end the following: “5507. Transportation workforce outreach program.”.
	SEC. 25021. INTERMODAL TRANSPORTATION ADVISORY BOARD REPEAL.
	(a) IN GENERAL.—Section 5502 of title 49, United States Code, is repealed.
49 USC 5501 prec.	(b) CLERICAL AMENDMENT.—The analysis for subchapter I of chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5502.
49 USC 301 note.	SEC. 25022. GAO CYBERSECURITY RECOMMENDATIONS.
Deadline. Updates.	(a) CYBERSECURITY RISK MANAGEMENT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall implement the recommendation for the Department made by the Comptroller General of the United States in the report entitled “Cybersecurity: Agencies Need to Fully Establish Risk Management Programs and Address Challenges”, numbered GAO–19–384, and dated July 2019—
Strategy.	(1) by developing a cybersecurity risk management strategy for the systems and information of the Department; (2) by updating policies to address an organization-wide risk assessment; and (3) by updating the processes for coordination between cybersecurity risk management functions and enterprise risk management functions.
Deadline.	(b) WORK ROLES.—Not later than 3 years after the date of enactment of this Act, the Secretary shall implement the recommendation of the Comptroller General of the United States in the report entitled “Cybersecurity Workforce: Agencies Need to Accurately Categorize Positions to Effectively Identify Critical Staffing Needs”, numbered GAO–19–144, and dated March 2019, by—
Review.	(1) reviewing positions in the Department; and (2) assigning appropriate work roles in accordance with the National Initiative for Cybersecurity Education Cybersecurity Workforce Framework.
Examination.	(c) GAO REVIEW.— (1) REPORT.—Not later than 18 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Commerce, Science,

(ii) by inserting “, subject to the condition that the percentage of the relocation expenses paid with funds made available pursuant to this Act may not exceed the percentage of the work hours of the employee that are spent administering this Act” after “incurred”.

(c) RECREATIONAL BOATING ACCESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Sport Fishing and Boating Partnership Council, the Committee on Natural Resources and the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report that, to the extent practicable, given available data, shall document—

Reports.

(A) the use of nonmotorized vessels in each State and how the increased use of nonmotorized vessels is impacting motorized and nonmotorized vessel access;

(B) user conflicts at waterway access points; and

(C) the use of—

(i) Sport Fish Restoration Program funds to improve nonmotorized access at waterway entry points and the reasons for providing that access; and

(ii) Recreational Boating Safety Program funds for nonmotorized boating safety programs.

(2) CONSULTATION.—The Comptroller General of the United States shall consult with the Sport Fishing and Boating Partnership Council and the National Boating Safety Advisory Council on study design, scope, and priorities for the report under paragraph (1).

(d) SPORT FISHING AND BOATING PARTNERSHIP COUNCIL.—

(1) IN GENERAL.—The Sport Fishing and Boating Partnership Council established by the Secretary of the Interior shall be an advisory committee of the Department of the Interior and the Department of Commerce subject to the Federal Advisory Committee Act (5 U.S.C. App.).

16 USC 1801 note.

(2) FACAs.—The Secretary of the Interior and the Secretary of Commerce shall jointly carry out the requirements of the Federal Advisory Committee Act (5 U.S.C. App.) with respect to the Sport Fishing and Boating Partnership Council described in paragraph (1).

(3) EFFECTIVE DATE.—This subsection shall take effect on January 1, 2023.

DIVISION C—TRANSIT

SEC. 30001. DEFINITIONS.

(a) IN GENERAL.—Section 5302 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) through (24) as paragraphs (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), and (25), respectively; and

(2) by inserting before paragraph (2) (as so redesignated) the following:

“(1) ASSAULT ON A TRANSIT WORKER.—The term ‘assault on a transit worker’ means a circumstance in which an individual knowingly, without lawful authority or permission, and with intent to endanger the safety of any individual, or with a reckless disregard for the safety of human life, interferes with, disables, or incapacitates a transit worker while the transit worker is performing the duties of the transit worker.”; and

(3) in subparagraph (G) of paragraph (4) (as so redesignated)—

(A) by redesignating clauses (iv) and (v) as clauses (v) and (vi), respectively;

(B) by inserting after clause (iii) the following:

“(iv) provides that if equipment to fuel privately owned zero-emission passenger vehicles is installed, the recipient of assistance under this chapter shall collect fees from users of the equipment in order to recover the costs of construction, maintenance, and operation of the equipment;”;

(C) in clause (vi) (as so redesignated)—

(i) in subclause (XIII), by striking “and” at the end;

(ii) in subclause (XIV), by adding “and” after the semicolon; and

(iii) by adding at the end the following:

“(XV) technology to fuel a zero-emission vehicle;”.

(b) CONFORMING AMENDMENTS.—

(1) Section 601(a)(12)(E) of title 23, United States Code, is amended by striking “section 5302(3)(G)(v)” and inserting “section 5302(4)(G)(v)”.

(2) Section 5323(e)(3) of title 49, United States Code, is amended by striking “section 5302(3)(J)” and inserting “section 5302(4)(J)”.

(3) Section 5336(e) of title 49, United States Code, is amended by striking “, as defined in section 5302(4)”.

(4) Section 28501(4) of title 49, United States Code, is amended by striking “section 5302(a)(6)” and inserting “section 5302”.

SEC. 30002. METROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 5303 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by inserting “and better connect housing and employment” after “urbanized areas”;

(2) in subsection (g)(3)(A), by inserting “housing,” after “economic development.”;

(3) in subsection (h)(1)(E), by inserting “, housing,” after “growth”;

(4) in subsection (i)—

(A) in paragraph (4)(B)—

(i) by redesignating clauses (iii) through (vi) as clauses (iv) through (vii), respectively; and

(ii) by inserting after clause (ii) the following:

“(iii) assumed distribution of population and housing;” and

“(A) Activities to oversee the construction of a major capital project.

“(B) Activities to review and audit the safety and security, procurement, management, and financial compliance of a recipient or subrecipient of funds under this chapter.

“(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

“(D) Activities to carry out section 5334.

“(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

“(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

“(d) GRANTS AS CONTRACTUAL OBLIGATIONS.—

“(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

“(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

“(e) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.”.

SEC. 30018. GRANTS FOR BUSES AND BUS FACILITIES.

Section 5339 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (5)(A)—

(i) by striking “\$90,500,000 for each of fiscal years 2016 through 2020” and inserting “\$206,000,000 each fiscal year”;

(ii) by striking “\$1,750,000” and inserting “\$4,000,000”; and

(iii) by striking “\$500,000” and inserting “\$1,000,000”; and

(B) by adding at the end the following:

“(10) MAXIMIZING USE OF FUNDS.—

“(A) IN GENERAL.—Eligible recipients and subrecipients under this subsection should, to the extent practicable, seek to utilize the procurement tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114–94).

“(B) WRITTEN EXPLANATION.—If an eligible recipient or subrecipient under this subsection purchases less than 5 buses through a standalone procurement, the eligible recipient or subrecipient shall provide to the Secretary

a written explanation regarding why the tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114-94) were not utilized.”;

(2) in subsection (b)—

(A) by striking paragraph (5) and inserting the following:

“(5) RURAL PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), not less than 15 percent of the amounts made available under this subsection in a fiscal year shall be distributed to projects in rural areas.

“(B) UNUTILIZED AMOUNTS.—The Secretary may use less than 15 percent of the amounts made available under this subsection in a fiscal year for the projects described in subparagraph (A) if the Secretary cannot meet the requirement of that subparagraph due to insufficient eligible applications.”; and

(B) by adding at the end the following:

“(9) COMPETITIVE PROCESS.—The Secretary shall—

Deadline.

“(A) not later than 30 days after the date on which amounts are made available for obligation under this subsection for a full fiscal year, solicit grant applications for eligible projects on a competitive basis; and

Grants.
Deadlines.

“(B) award a grant under this subsection based on the solicitation under subparagraph (A) not later than the earlier of—

“(i) 75 days after the date on which the solicitation expires; or

“(ii) the end of the fiscal year in which the Secretary solicited the grant applications.

“(10) CONTINUED USE OF PARTNERSHIPS.—

“(A) IN GENERAL.—An eligible recipient of a grant under this subsection may submit an application in partnership with other entities, including a transit vehicle manufacturer that intends to participate in the implementation of a project under this subsection and subsection (c).

“(B) COMPETITIVE PROCUREMENT.—Projects awarded with partnerships under this subsection shall be considered to satisfy the requirement for a competitive procurement under section 5325.

“(11) MAXIMIZING USE OF FUNDS.—

“(A) IN GENERAL.—Eligible recipients under this subsection should, to the extent practicable, seek to utilize the procurement tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114-94).

“(B) WRITTEN EXPLANATION.—If an eligible recipient under this subsection purchases less than 5 buses through a standalone procurement, the eligible recipient shall provide to the Secretary a written explanation regarding why the tools authorized under section 3019 of the FAST Act (49 U.S.C. 5325 note; Public Law 114-94) were not utilized.”;

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—A grant under this subsection shall be subject to—

“(i) with respect to eligible recipients in urbanized areas, section 5307; and

“(ii) with respect to eligible recipients in rural areas, section 5311.”; and

(ii) by adding at the end the following:

“(D) FLEET TRANSITION PLAN.—In awarding grants under this subsection or under subsection (b) for projects related to zero emission vehicles, the Secretary shall require the applicant to submit a zero emission transition plan, which, at a minimum—

“(i) demonstrates a long-term fleet management plan with a strategy for how the applicant intends to use the current application and future acquisitions;

“(ii) addresses the availability of current and future resources to meet costs;

“(iii) considers policy and legislation impacting technologies;

“(iv) includes an evaluation of existing and future facilities and their relationship to the technology transition;

Evaluation.

“(v) describes the partnership of the applicant with the utility or alternative fuel provider of the applicant; and

“(vi) examines the impact of the transition on the applicant’s current workforce by identifying skill gaps, training needs, and retraining needs of the existing workers of the applicant to operate and maintain zero emission vehicles and related infrastructure and avoids the displacement of the existing workforce.”;

Examination.

(B) by striking paragraph (5) and inserting the following:

“(5) CONSIDERATION.—In awarding grants under this subsection, the Secretary—

“(A) shall consider eligible projects relating to the acquisition or leasing of low or no emission buses or bus facilities that make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses; and

“(B) shall, for no less than 25 percent of the funds made available to carry out this subsection, only consider eligible projects related to the acquisition of low or no emission buses or bus facilities other than zero emission vehicles and related facilities.”; and

(C) by adding at the end the following:

“(8) CONTINUED USE OF PARTNERSHIPS.—

“(A) IN GENERAL.—A recipient of a grant under this subsection may submit an application in partnership with other entities, including a transit vehicle manufacturer, that intends to participate in the implementation of an eligible project under this subsection.

“(B) COMPETITIVE PROCUREMENT.—Eligible projects awarded with partnerships under this subsection shall be considered to satisfy the requirement for a competitive procurement under section 5325.”; and

Certification. (4) by adding at the end the following:
“(d) **WORKFORCE DEVELOPMENT TRAINING ACTIVITIES.**—5 percent of grants related to zero emissions vehicles (as defined in subsection (c)(1)) or related infrastructure under subsection (b) or (c) shall be used by recipients to fund workforce development training, as described in section 5314(b)(2) (including registered apprenticeships and other labor-management training programs) under the recipient’s plan to address the impact of the transition to zero emission vehicles on the applicant’s current workforce under subsection (c)(3)(D), unless the recipient certifies a smaller percentage is necessary to carry out that plan.”.

SEC. 30019. WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY SAFETY, ACCOUNTABILITY, AND INVESTMENT.

(a) **DEFINITIONS.**—In this section:

(1) **BOARD.**—The term “Board” means the Board of Directors of the Transit Authority.

(2) **COMPACT.**—The term “Compact” means the Washington Metropolitan Area Transit Authority Compact consented to by Congress under Public Law 89-774 (80 Stat. 1324).

(3) **COVERED RECIPIENT.**—The term “covered recipient” means—

(A)(i) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

(iii) the Committee on Transportation and Infrastructure of the House of Representatives; and

(iv) the Committee on Oversight and Reform of the House of Representatives;

(B)(i) the Governor of Maryland;

(ii) the President of the Maryland Senate; and

(iii) the Speaker of the Maryland House of Delegates;

(C)(i) the Governor of Virginia;

(ii) the President of the Virginia Senate; and

(iii) the Speaker of the Virginia House of Delegates;

(D)(i) the Mayor of the District of Columbia; and

(ii) the Chairman of the Council of the District of Columbia; and

(E) the Chairman of the Northern Virginia Transportation Commission.

(4) **INSPECTOR GENERAL; OFFICE OF THE INSPECTOR GENERAL.**—The terms “Inspector General” and “Office of Inspector General” mean the Inspector General and the Office of Inspector General, respectively, of the Transit Authority.

(5) **TRANSIT AUTHORITY.**—The term “Transit Authority” means the Washington Metropolitan Area Transit Authority established under Article III of the Compact.

(b) **REAUTHORIZATION OF CAPITAL AND PREVENTIVE MAINTENANCE GRANTS TO WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY.**—Section 601(f) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432; 122 Stat. 4970) is amended by striking “an aggregate amount” and all that follows through the period at the end and inserting “\$150,000,000 for each of fiscal years 2022 through 2030.”.

(c) **FUNDS FOR WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY’S INSPECTOR GENERAL.**—Title VI of the Passenger Rail

DIVISION D—ENERGY

SEC. 40001. DEFINITIONS.

42 USC 18701.

In this division:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.

TITLE I—GRID INFRASTRUCTURE AND RESILIENCY

Subtitle A—Grid Infrastructure Resilience and Reliability

SEC. 40101. PREVENTING OUTAGES AND ENHANCING THE RESILIENCE OF THE ELECTRIC GRID.

42 USC 18711.

(a) DEFINITIONS.—In this section:

(1) DISRUPTIVE EVENT.—The term “disruptive event” means an event in which operations of the electric grid are disrupted, preventively shut off, or cannot operate safely due to extreme weather, wildfire, or a natural disaster.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

- (A) an electric grid operator;
- (B) an electricity storage operator;
- (C) an electricity generator;
- (D) a transmission owner or operator;
- (E) a distribution provider;
- (F) a fuel supplier; and
- (G) any other relevant entity, as determined by the Secretary.

(3) NATURAL DISASTER.—The term “natural disaster” has the meaning given the term in section 602(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5195a(a)).

(4) POWER LINE.—The term “power line” includes a transmission line or a distribution line, as applicable.

(5) PROGRAM.—The term “program” means the program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program under which the Secretary shall make grants to eligible entities, States, and Indian Tribes in accordance with this section.

Deadline.

(c) GRANTS TO ELIGIBLE ENTITIES.—

(1) IN GENERAL.—The Secretary may make a grant under the program to an eligible entity to carry out activities that—

(A) are supplemental to existing hardening efforts of the eligible entity planned for any given year; and

(B)(i) reduce the risk of any power lines owned or operated by the eligible entity causing a wildfire; or

(ii) increase the ability of the eligible entity to reduce the likelihood and consequences of disruptive events.

(2) APPLICATION.—

(A) IN GENERAL.—An eligible entity desiring a grant under the program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(B) REQUIREMENT.—As a condition of receiving a grant under the program, an eligible entity shall submit to the Secretary, as part of the application of the eligible entity submitted under subparagraph (A), a report detailing past, current, and future efforts by the eligible entity to reduce the likelihood and consequences of disruptive events.

(3) LIMITATION.—The Secretary may not award a grant to an eligible entity in an amount that is greater than the total amount that the eligible entity has spent in the previous 3 years on efforts to reduce the likelihood and consequences of disruptive events.

(4) PRIORITY.—In making grants to eligible entities under the program, the Secretary shall give priority to projects that, in the determination of the Secretary, will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events.

(5) SMALL UTILITIES SET ASIDE.—The Secretary shall ensure that not less than 30 percent of the amounts made available to eligible entities under the program are made available to eligible entities that sell not more than 4,000,000 megawatt hours of electricity per year.

(d) GRANTS TO STATES AND INDIAN TRIBES.—

(1) IN GENERAL.—The Secretary, in accordance with this subsection, may make grants under the program to States and Indian Tribes, which each State or Indian Tribe may use to award grants to eligible entities.

(2) ANNUAL APPLICATION.—

(A) IN GENERAL.—For each fiscal year, to be eligible to receive a grant under this subsection, a State or Indian Tribe shall submit to the Secretary an application that includes a plan described in subparagraph (B).

(B) PLAN REQUIRED.—A plan prepared by a State or Indian Tribe for purposes of an application described in subparagraph (A) shall—

(i) describe the criteria and methods that will be used by the State or Indian Tribe to award grants to eligible entities;

(ii) be adopted after notice and a public hearing; and

(iii) describe the proposed funding distributions and recipients of the grants to be provided by the State or Indian Tribe.

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—The Secretary shall provide grants to States and Indian Tribes under this subsection based on a formula determined by the Secretary, in accordance with subparagraph (B).

(B) REQUIREMENT.—The formula referred to in subparagraph (A) shall be based on the following factors:

(i) The total population of the State or Indian Tribe.

(ii)(I) The total area of the State or the land of the Indian Tribe; or

(II) the areas in the State or on the land of the Indian Tribe with a low ratio of electricity customers per mileage of power lines.

(iii) The probability of disruptive events in the State or on the land of the Indian Tribe during the previous 10 years, as determined based on the number of federally declared disasters or emergencies in the State or on the land of the Indian Tribe, as applicable, including—

(I) disasters for which Fire Management Assistance Grants are provided under section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187);

(II) major disasters declared by the President under section 401 of that Act (42 U.S.C. 5170);

(III) emergencies declared by the President under section 501 of that Act (42 U.S.C. 5191); and

(IV) any other federally declared disaster or emergency in the State or on the land of the Indian Tribe.

(iv) The number and severity, measured by population and economic impacts, of disruptive events experienced by the State or Indian Tribe on or after January 1, 2011.

(v) The total amount, on a per capita basis, of public and private expenditures during the previous 10 years to carry out mitigation efforts to reduce the likelihood and consequences of disruptive events in the State or on the land of the Indian Tribe, with States or Indian Tribes with higher per capita expenditures receiving additional weight or consideration as compared to States or Indian Tribes with lower per capita expenditures.

(C) ANNUAL UPDATE OF DATA USED IN DISTRIBUTION OF FUNDS.—Beginning 1 year after the date of enactment of this Act, the Secretary shall annually update—

Effective date.

(i) all data relating to the factors described in subparagraph (B); and

(ii) all other data used in distributing grants to States and Indian Tribes under this subsection.

(4) OVERSIGHT.—The Secretary shall ensure that each grant provided to a State or Indian Tribe under the program is allocated, pursuant to the applicable plan of the State or Indian Tribe, to eligible entities for projects within the State or on the land of the Indian Tribe.

(5) PRIORITY.—In making grants to eligible entities using funds made available to the applicable State or Indian Tribe under the program, the State or Indian Tribe shall give priority to projects that, in the determination of the State or Indian Tribe, will generate the greatest community benefit (whether rural or urban) in reducing the likelihood and consequences of disruptive events.

(6) **SMALL UTILITIES SET ASIDE.**—A State or Indian Tribe receiving a grant under the program shall ensure that, of the amounts made available to eligible entities from funds made available to the State or Indian Tribe under the program, the percentage made available to eligible entities that sell not more than 4,000,000 megawatt hours of electricity per year is not less than the percentage of all customers in the State or Indian Tribe that are served by those eligible entities.

(7) **TECHNICAL ASSISTANCE AND ADMINISTRATIVE EXPENSES.**—Of the amounts made available to a State or Indian Tribe under the program each fiscal year, the State or Indian Tribe may use not more than 5 percent for—

- (A) providing technical assistance under subsection (g)(1)(A); and
- (B) administrative expenses associated with the program.

(8) **MATCHING REQUIREMENT.**—Each State and Indian Tribe shall be required to match 15 percent of the amount of each grant provided to the State or Indian Tribe under the program.

(e) **USE OF GRANTS.**—

(1) **IN GENERAL.**—A grant awarded to an eligible entity under the program may be used for activities, technologies, equipment, and hardening measures to reduce the likelihood and consequences of disruptive events, including—

- (A) weatherization technologies and equipment;
- (B) fire-resistant technologies and fire prevention systems;
- (C) monitoring and control technologies;
- (D) the undergrounding of electrical equipment;
- (E) utility pole management;
- (F) the relocation of power lines or the reconductoring of power lines with low-sag, advanced conductors;
- (G) vegetation and fuel-load management;
- (H) the use or construction of distributed energy resources for enhancing system adaptive capacity during disruptive events, including—
 - (i) microgrids; and
 - (ii) battery-storage subcomponents;
- (I) adaptive protection technologies;
- (J) advanced modeling technologies;
- (K) hardening of power lines, facilities, substations, of other systems; and
- (L) the replacement of old overhead conductors and underground cables.

(2) **PROHIBITIONS AND LIMITATIONS.**—

(A) **IN GENERAL.**—A grant awarded to an eligible entity under the program may not be used for—

- (i) construction of a new—
 - (I) electric generating facility; or
 - (II) large-scale battery-storage facility that is not used for enhancing system adaptive capacity during disruptive events; or
 - (ii) cybersecurity.
- (B) **CERTAIN INVESTMENTS ELIGIBLE FOR RECOVERY.**—
- (i) **IN GENERAL.**—An eligible entity may not seek cost recovery for the portion of the cost of any system,

technology, or equipment that is funded through a grant awarded under the program.

(ii) SAVINGS PROVISION.—Nothing in this subparagraph prohibits an eligible entity from recovering through traditional or incentive-based ratemaking any portion of an investment in a system, technology, or equipment that is not funded by a grant awarded under the program.

(C) APPLICATION LIMITATIONS.—An eligible entity may not submit an application for a grant provided by the Secretary under subsection (c) and a grant provided by a State or Indian Tribe pursuant to subsection (d) during the same application cycle.

(f) DISTRIBUTION OF FUNDING.—Of the amounts made available to carry out the program for a fiscal year, the Secretary shall ensure that—

(1) 50 percent is used to award grants to eligible entities under subsection (c); and

(2) 50 percent is used to make grants to States and Indian Tribes under subsection (d).

(g) TECHNICAL AND OTHER ASSISTANCE.—

(1) IN GENERAL.—The Secretary, States, and Indian Tribes may—

(A) provide technical assistance and facilitate the distribution and sharing of information to reduce the likelihood and consequences of disruptive events; and

(B) promulgate consumer-facing information and resources to inform the public of best practices and resources relating to reducing the likelihood and consequences of disruptive events.

(2) USE OF FUNDS BY THE SECRETARY.—Of the amounts made available to the Secretary to carry out the program each fiscal year, the Secretary may use not more than 5 percent for—

(A) providing technical assistance under paragraph (1)(A); and

(B) administrative expenses associated with the program.

(h) MATCHING REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), an eligible entity that receives a grant under this section shall be required to match 100 percent of the amount of the grant.

(2) EXCEPTION FOR SMALL UTILITIES.—An eligible entity that sells not more than 4,000,000 megawatt hours of electricity per year shall be required to match $\frac{1}{3}$ of the amount of the grant.

(i) BIENNIAL REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter through 2026, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the program.

(2) REQUIREMENTS.—The report under paragraph (1) shall include information and data on—

(A) the costs of the projects for which grants are awarded to eligible entities;

(B) the types of activities, technologies, equipment, and hardening measures funded by those grants; and

(C) the extent to which the ability of the power grid to withstand disruptive events has increased.

Time period.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program \$5,000,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40102. HAZARD MITIGATION USING DISASTER ASSISTANCE.

Section 404(f)(12) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c(f)(12)) is amended—

(1) by inserting “and wildfire” after “windstorm”;

(2) by striking “including replacing” and inserting the following: “including—

“(A) replacing”;

(3) in subparagraph (A) (as so designated)—

(A) by inserting “, wildfire,” after “extreme wind”; and

(B) by adding “and” after the semicolon at the end;

and

(4) by adding at the end the following:

“(B) the installation of fire-resistant wires and infrastructure and the undergrounding of wires;”.

42 USC 18712.

SEC. 40103. ELECTRIC GRID RELIABILITY AND RESILIENCE RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) DEFINITION OF FEDERAL FINANCIAL ASSISTANCE.—In this section, the term “Federal financial assistance” has the meaning given the term in section 200.1 of title 2, Code of Federal Regulations.

(b) ENERGY INFRASTRUCTURE FEDERAL FINANCIAL ASSISTANCE PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE ENTITY.—The term “eligible entity” means each of—

(i) a State;

(ii) a combination of 2 or more States;

(iii) an Indian Tribe;

(iv) a unit of local government; and

(v) a public utility commission.

(B) PROGRAM.—The term “program” means the competitive Federal financial assistance program established under paragraph (2).

(2) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program, to be known as the “Program Upgrading Our Electric Grid and Ensuring Reliability and Resiliency”, to provide, on a competitive basis, Federal financial assistance to eligible entities to carry out the purpose described in paragraph (3).

(3) PURPOSE.—The purpose of the program is to coordinate and collaborate with electric sector owners and operators—

(A) to demonstrate innovative approaches to transmission, storage, and distribution infrastructure to harden and enhance resilience and reliability; and

(B) to demonstrate new approaches to enhance regional grid resilience, implemented through States by public and rural electric cooperative entities on a cost-shared basis.

(4) APPLICATIONS.—To be eligible to receive Federal financial assistance under the program, an eligible entity shall

submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of—

- (A) how the Federal financial assistance would be used;
- (B) the expected beneficiaries, and
- (C) in the case of a proposal from an eligible entity described in paragraph (1)(A)(ii), how the proposal would improve regional energy infrastructure.

(5) SELECTION.—The Secretary shall select eligible entities to receive Federal financial assistance under the program on a competitive basis.

(6) COST SHARE.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to Federal financial assistance provided under the program.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection, \$5,000,000,000 for the period of fiscal years 2022 through 2026.

Time period.

(c) ENERGY IMPROVEMENT IN RURAL OR REMOTE AREAS.—

(1) DEFINITION OF RURAL OR REMOTE AREA.—In this subsection, the term “rural or remote area” means a city, town, or unincorporated area that has a population of not more than 10,000 inhabitants.

(2) REQUIRED ACTIVITIES.—The Secretary shall carry out activities to improve in rural or remote areas of the United States—

- (A) the resilience, safety, reliability, and availability of energy; and
- (B) environmental protection from adverse impacts of energy generation.

(3) FEDERAL FINANCIAL ASSISTANCE.—The Secretary, in consultation with the Secretary of the Interior, may provide Federal financial assistance to rural or remote areas for the purpose of—

- (A) overall cost-effectiveness of energy generation, transmission, or distribution systems;
- (B) siting or upgrading transmission and distribution lines;
- (C) reducing greenhouse gas emissions from energy generation by rural or remote areas;
- (D) providing or modernizing electric generation facilities;
- (E) developing microgrids; and
- (F) increasing energy efficiency.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection, \$1,000,000,000 for the period of fiscal years 2022 through 2026.

Time period.

(d) ENERGY INFRASTRUCTURE RESILIENCE FRAMEWORK.—

(1) IN GENERAL.—The Secretary, in collaboration with the Secretary of Homeland Security, the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, and interested energy infrastructure stakeholders, shall develop common analytical frameworks, tools, metrics, and data to assess the resilience, reliability, safety, and security of energy infrastructure in the United States, including by developing

and storing an inventory of easily transported high-voltage recovery transformers and other required equipment.

(2) ASSESSMENT AND REPORT.—

(A) ASSESSMENT.—The Secretary shall carry out an assessment of—

(i) with respect to the inventory of high-voltage recovery transformers, new transformers, and other equipment proposed to be developed and stored under paragraph (1)—

(I) the policies, technical specifications, and logistical and program structures necessary to mitigate the risks associated with the loss of high-voltage recovery transformers;

(II) the technical specifications for high-voltage recovery transformers;

(III) where inventory of high-voltage recovery transformers should be stored;

(IV) the quantity of high-voltage recovery transformers necessary for the inventory;

(V) how the stored inventory of high-voltage recovery transformers would be secured and maintained;

(VI) how the high-voltage recovery transformers may be transported;

(VII) opportunities for developing new flexible advanced transformer designs; and

(VIII) whether new Federal regulations or cost-sharing requirements are necessary to carry out the storage of high-voltage recovery transformers; and

(ii) any efforts carried out by industry as of the date of the assessment—

(I) to share transformers and equipment;

(II) to develop plans for next generation transformers; and

(III) to plan for surge and long-term manufacturing of, and long-term standardization of, transformer designs.

(B) PROTECTION OF INFORMATION.—Information that is provided to, generated by, or collected by the Secretary under subparagraph (A) shall be considered to be critical electric infrastructure information under section 215A of the Federal Power Act (16 U.S.C. 824o-1).

(C) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the assessment carried out under subparagraph (A).

SEC. 40104. UTILITY DEMAND RESPONSE.

(a) CONSIDERATION OF DEMAND-RESPONSE STANDARD.—

(1) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

“(20) DEMAND-RESPONSE PRACTICES.—

“(A) IN GENERAL.—Each electric utility shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers

to reduce electricity consumption during periods of unusually high demand.

“(B) RATE RECOVERY.—

“(i) IN GENERAL.—Each State regulatory authority shall consider establishing rate mechanisms allowing an electric utility with respect to which the State regulatory authority has ratemaking authority to timely recover the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).

“(ii) NONREGULATED ELECTRIC UTILITIES.—A non-regulated electric utility may establish rate mechanisms for the timely recovery of the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A).”.

(2) COMPLIANCE.—

(A) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) is amended by adding at the end the following:

“(7)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated electric utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (20) of section 111(d).”

Deadline.

“(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 111 with respect to the standard established by paragraph (20) of section 111(d).”.

Deadline.

(B) FAILURE TO COMPLY.—

(i) IN GENERAL.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended—

(I) by striking “such paragraph (14)” and all that follows through “paragraphs (16)” and inserting “such paragraph (14). In the case of the standard established by paragraph (15) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (15). In the case of the standards established by paragraphs (16)”;

(II) by adding at the end the following: “In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).”.

(ii) TECHNICAL CORRECTION.—Paragraph (2) of section 1254(b) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 971) is repealed and the amendment made by that paragraph (as in effect on the day before the date of enactment of this Act) is void,

16 USC 2622 and note.

and section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) shall be in effect as if that amendment had not been enacted.

(C) PRIOR STATE ACTIONS.—

(i) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) is amended by adding at the end the following:

“(g) PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (20) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

“(1) the State has implemented for the electric utility the standard (or a comparable standard);

“(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

“(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility.”.

(ii) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634) is amended—

(I) by striking “this subsection” each place it appears and inserting “this section”; and

(II) by adding at the end the following: “In the case of the standard established by paragraph (20) of section 111(d), the reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (20).”.

(b) OPTIONAL FEATURES OF STATE ENERGY CONSERVATION PLANS.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—

(1) in paragraph (16), by striking “and” at the end;

(2) by redesignating paragraph (17) as paragraph (18);

and

(3) by inserting after paragraph (16) the following:

“(17) programs that promote the installation and use of demand-response technology and demand-response practices; and”.

(c) FEDERAL ENERGY MANAGEMENT PROGRAM.—Section 543(i) of the National Energy Conservation Policy Act (42 U.S.C. 8253(i)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) to reduce energy consumption during periods of unusually high electricity or natural gas demand.”; and

(2) in paragraph (3)(A)—

(A) in clause (v), by striking “and” at the end;

(B) in clause (vi), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(vii) promote the installation of demand-response technology and the use of demand-response practices in Federal buildings.”.

(d) COMPONENTS OF ZERO-NET-ENERGY COMMERCIAL BUILDINGS INITIATIVE.—Section 422(d)(3) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(d)) is amended by inserting “(including demand-response technologies, practices, and policies)” after “policies”.

SEC. 40105. SITING OF INTERSTATE ELECTRIC TRANSMISSION FACILITIES.

(a) DESIGNATION OF NATIONAL INTEREST ELECTRIC TRANSMISSION CORRIDORS.—Section 216(a) of the Federal Power Act (16 U.S.C. 824p(a)) is amended—

(1) in paragraph (1)—

(A) by inserting “and Indian Tribes” after “affected States”; and

(B) by inserting “capacity constraints and” before “congestion”;

(2) in paragraph (2)—

(A) by striking “After” and inserting “Not less frequently than once every 3 years, the Secretary, after”; and

(B) by striking “affected States” and all that follows through the period at the end and inserting the following: “affected States and Indian Tribes), shall issue a report, based on the study under paragraph (1) or other information relating to electric transmission capacity constraints and congestion, which may designate as a national interest electric transmission corridor any geographic area that—

“(i) is experiencing electric energy transmission capacity constraints or congestion that adversely affects consumers; or

“(ii) is expected to experience such energy transmission capacity constraints or congestion.”;

(3) in paragraph (3)—

(A) by striking “The Secretary shall conduct the study and issue the report in consultation” and inserting “Not less frequently than once every 3 years, the Secretary, in conducting the study under paragraph (1) and issuing the report under paragraph (2), shall consult”; and

(4) in paragraph (4)—

(A) in subparagraph (C), by inserting “or energy security” after “independence”;

(B) in subparagraph (D), by striking “and” at the end;

(C) in subparagraph (E), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

“(F) the designation would enhance the ability of facilities that generate or transmit firm or intermittent energy to connect to the electric grid;

“(G) the designation—

“(i) maximizes existing rights-of-way; and

“(ii) avoids and minimizes, to the maximum extent practicable, and offsets to the extent appropriate and practicable, sensitive environmental areas and cultural heritage sites; and

“(H) the designation would result in a reduction in the cost to purchase electric energy for consumers.”.

(b) CONSTRUCTION PERMIT.—Section 216(b) of the Federal Power Act (16 U.S.C. 824p(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii), by inserting “or inter-regional benefits” after “interstate benefits”; and

(B) by striking subparagraph (C) and inserting the following:

“(C) a State commission or other entity that has authority to approve the siting of the facilities—

“(i) has not made a determination on an application seeking approval pursuant to applicable law by the date that is 1 year after the later of—

“(I) the date on which the application was filed; and

“(II) the date on which the relevant national interest electric transmission corridor was designated by the Secretary under subsection (a);

“(ii) has conditioned its approval in such a manner that the proposed construction or modification will not significantly reduce transmission capacity constraints or congestion in interstate commerce or is not economically feasible; or

“(iii) has denied an application seeking approval pursuant to applicable law;”.

(c) RIGHTS-OF-WAY.—Section 216(e)(1) of the Federal Power Act (16 U.S.C. 824p(e)(1)) is amended by striking “modify the transmission facilities, the” and inserting “modify, and operate and maintain, the transmission facilities and, in the determination of the Commission, the permit holder has made good faith efforts to engage with landowners and other stakeholders early in the applicable permitting process, the”.

(d) INTERSTATE COMPACTS.—Section 216(i) of the Federal Power Act (16 U.S.C. 824p(i)) is amended—

(1) in paragraph (2), by striking “may” and inserting “shall”; and

(2) in paragraph (4), by striking “the members” and all that follows through the period at the end and inserting the following: “the Secretary determines that the members of the compact are in disagreement after the later of—

“(A) the date that is 1 year after the date on which the relevant application for the facility was filed; and

“(B) the date that is 1 year after the date on which the relevant national interest electric transmission corridor was designated by the Secretary under subsection (a).”.

SEC. 40106. TRANSMISSION FACILITATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CAPACITY CONTRACT.—The term “capacity contract” means a contract entered into by the Secretary and an eligible entity under subsection (e)(1)(A) for the right to the use of the transmission capacity of an eligible project.

(2) ELIGIBLE ELECTRIC POWER TRANSMISSION LINE.—The term “eligible electric power transmission line” means an electric power transmission line that is capable of transmitting not less than—

(A) 1,000 megawatts; or

(B) in the case of a project that consists of upgrading an existing transmission line or constructing a new transmission line in an existing transmission, transportation, or telecommunications infrastructure corridor, 500 megawatts.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means an entity seeking to carry out an eligible project.

(4) ELIGIBLE PROJECT.—The term “eligible project” means a project (including any related facility)—

(A) to construct a new or replace an existing eligible electric power transmission line;

(B) to increase the transmission capacity of an existing eligible electric power transmission line; or

(C) to connect an isolated microgrid to an existing transmission, transportation, or telecommunications infrastructure corridor located in Alaska, Hawaii, or a territory of the United States.

(5) FUND.—The term “Fund” means the Transmission Facilitation Fund established by subsection (d)(1).

(6) PROGRAM.—The term “program” means the Transmission Facilitation Program established by subsection (b).

(7) RELATED FACILITY.—

(A) IN GENERAL.—The term “related facility” means a facility related to an eligible project described in paragraph (4).

(B) EXCLUSIONS.—The term “related facility” does not include—

(i) facilities used primarily to generate electric energy; or

(ii) facilities used in the local distribution of electric energy.

(b) ESTABLISHMENT.—There is established a program, to be known as the “Transmission Facilitation Program”, under which the Secretary shall facilitate the construction of electric power transmission lines and related facilities in accordance with subsection (e).

(c) APPLICATIONS.—

(1) IN GENERAL.—To be eligible for assistance under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) PROCEDURES.—The Secretary shall establish procedures for the solicitation and review of applications from eligible entities.

(d) FUNDING.—

(1) TRANSMISSION FACILITATION FUND.—There is established in the Treasury a fund, to be known as the “Transmission Facilitation Fund”, consisting of—

(A) all amounts received by the Secretary, including receipts, collections, and recoveries, from any source relating to expenses incurred by the Secretary in carrying out the program, including—

(i) costs recovered pursuant to paragraph (4);

(ii) amounts received as repayment of a loan issued to an eligible entity under subsection (e)(1)(B); and

(iii) amounts contributed by eligible entities for the purpose of carrying out an eligible project with respect to which the Secretary is participating with the eligible entity under subsection (e)(1)(C);

(B) all amounts borrowed from the Secretary of the Treasury by the Secretary for the program under paragraph (2); and

(C) any amounts appropriated to the Secretary for the program.

(2) BORROWING AUTHORITY.—The Secretary of the Treasury may, without further appropriation and without fiscal year limitation, loan to the Secretary on such terms as may be fixed by the Secretary and the Secretary of the Treasury, such sums as, in the judgment of the Secretary, are from time to time required for the purpose of carrying out the program, not to exceed, in the aggregate (including deferred interest), \$2,500,000,000 in outstanding repayable balances at any 1 time.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program, including for any administrative expenses of carrying out the program that are not recovered under paragraph (4), \$10,000,000 for each of fiscal years 2022 through 2026.

(4) COST RECOVERY.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the cost of any facilitation activities carried out by the Secretary under subsection (e)(1) shall be collected—

(i) from eligible entities receiving the benefit of the applicable facilitation activity, on a schedule to be determined by the Secretary; or

(ii) with respect to a contracted transmission capacity under subsection (e)(1)(A) through rates charged for the use of the contracted transmission capacity.

(B) FORGIVENESS OF BALANCES.—

(i) TERMINATION OR END OF USEFUL LIFE.—If, at the end of the useful life of an eligible project or the termination of a capacity contract under subsection (f)(5), there is a remaining balance owed to the Treasury under this section, the balance shall be forgiven.

(ii) UNCONSTRUCTED PROJECTS.—Funds expended to study projects that are considered pursuant to this section but that are not constructed shall be forgiven.

(C) RECOVERY OF COSTS OF ELIGIBLE PROJECTS.—The Secretary may collect the costs of any activities carried out by the Secretary with respect to an eligible project in which the Secretary participates with an eligible entity under subsection (e)(1)(C) through rates charged to customers benefitting from the new transmission capability provided by the eligible project.

(e) FACILITATION OF ELIGIBLE PROJECTS.—

(1) IN GENERAL.—To facilitate eligible projects, the Secretary may—

(A) subject to subsections (f) and (i), enter into a capacity contract with respect to an eligible project prior to the date on which the eligible project is completed;

Time period.

(B) subject to subsections (g) and (i), issue a loan to an eligible entity for the costs of carrying out an eligible project; or

(C) subject to subsections (h) and (i), participate with an eligible entity in designing, developing, constructing, operating, maintaining, or owning an eligible project.

(2) REQUIREMENT.—The provision and receipt of assistance for an eligible project under paragraph (1) shall be subject to such terms and conditions as the Secretary determines to be appropriate—

(A) to ensure the success of the program; and

(B) to protect the interests of the United States.

(f) CAPACITY CONTRACTS.—

(1) PURPOSE.—In entering into capacity contracts under subsection (e)(1)(A), the Secretary shall seek to enter into capacity contracts that will encourage other entities to enter into contracts for the transmission capacity of the eligible project.

(2) PAYMENT.—The amount paid by the Secretary to an eligible entity under a capacity contract for the right to the use of the transmission capacity of an eligible project shall be—

(A) the fair market value for the use of the transmission capacity, as determined by the Secretary, taking into account, as the Secretary determines to be necessary, the comparable value for the use of the transmission capacity of other electric power transmission lines; and

(B) on a schedule and in such divided amounts, which may be a single amount, that the Secretary determines are likely to facilitate construction of the eligible project, taking into account standard industry practice and factors specific to each applicant, including, as applicable—

(i) potential review by a State regulatory entity of the revenue requirement of an electric utility; and

(ii) the financial model of an independent transmission developer.

(3) LIMITATIONS.—A capacity contract shall—

(A) be for a term of not more than 40 years; and

(B) be for not more than 50 percent of the total proposed transmission capacity of the applicable eligible project.

(4) TRANSMISSION MARKETING.—

(A) IN GENERAL.—If the Secretary has not terminated a capacity contract under paragraph (5) before the applicable eligible project enters into service, the Secretary may enter into 1 or more contracts with a third party to market the transmission capacity of the eligible project to which the Secretary holds rights under the capacity contract.

(B) RETURN.—Subject to subparagraph (D), the Secretary shall seek to ensure that any contract entered into under subparagraph (A) maximizes the financial return to the Federal Government.

(C) COMPETITIVE SOLICITATION.—The Secretary shall only select third parties for contracts under this paragraph through a competitive solicitation.

(D) REQUIREMENT.—The marketing of capacity pursuant to this subsection, including any marketing by a third party under subparagraph (A), shall be undertaken consistent with the requirements of the Federal Power Act (16 U.S.C. 791a et seq.).

(5) TERMINATION.—

(A) IN GENERAL.—The Secretary shall seek to terminate a capacity contract as soon as practicable after determining that sufficient transmission capacity of the eligible project has been secured by other entities to ensure the long-term financial viability of the eligible project, including through 1 or more transfers under subparagraph (B).

(B) TRANSFER.—On payment to the Secretary by a third party for transmission capacity to which the Secretary has rights under a capacity contract, the Secretary may transfer the rights to that transmission capacity to that third party.

(C) RELINQUISHMENT.—On payment to the Secretary by the applicable eligible entity for transmission capacity to which the Secretary has rights under a capacity contract, the Secretary may relinquish the rights to that transmission capacity to the eligible entity.

(D) REQUIREMENT.—A payment under subparagraph (B) or (C) shall be in an amount sufficient for the Secretary to recover any remaining costs incurred by the Secretary with respect to the quantity of transmission capacity affected by the transfer under subparagraph (B) or the relinquishment under subparagraph (C), as applicable.

(6) OTHER FEDERAL CAPACITY POSITIONS.—The existence of a capacity contract does not preclude a Federal entity, including a Federal power marketing administration, from otherwise securing transmission capacity at any time from an eligible project, to the extent that the Federal entity is authorized to secure that transmission capacity.

(7) FORM OF FINANCIAL ASSISTANCE.—Entering into a capacity contract under subsection (e)(1)(A) shall be considered a form of financial assistance described in section 1508.1(q)(1)(vii) of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(8) TRANSMISSION PLANNING REGION CONSULTATION.—Prior to entering into a capacity contract under this subsection, the Secretary shall consult with the relevant transmission planning region regarding the transmission planning region's identification of needs, and the Secretary shall minimize, to the extent possible, duplication or conflict with the transmission planning region's needs determination and selection of projects that meet such needs.

(g) INTEREST RATE ON LOANS.—The rate of interest to be charged in connection with any loan made by the Secretary to an eligible entity under subsection (e)(1)(B) shall be fixed by the Secretary, taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date of the loan.

Determination.

(h) PUBLIC-PRIVATE PARTNERSHIPS.—The Secretary may participate with an eligible entity with respect to an eligible project under subsection (e)(1)(C) if the Secretary determines that the eligible project—

(1)(A) is located in an area designated as a national interest electric transmission corridor pursuant to section 216(a) of the Federal Power Act 16 U.S.C. 824p(a); or

(B) is necessary to accommodate an actual or projected increase in demand for electric transmission capacity across more than 1 State or transmission planning region;

(2) is consistent with efficient and reliable operation of the transmission grid;

(3) will be operated in conformance with prudent utility practices;

(4) will be operated in conformance with the rules of—

(A) a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)), if applicable; or

(B) a regional reliability organization; and

(5) is not duplicative of the functions of existing transmission facilities that are the subject of ongoing siting and related permitting proceedings.

(i) CERTIFICATION.—Prior to taking action to facilitate an eligible project under subparagraph (A), (B), or (C) of subsection (e)(1), the Secretary shall certify that—

(1) the eligible project is in the public interest;

(2) the eligible project is unlikely to be constructed in as timely a manner or with as much transmission capacity in the absence of facilitation under this section, including with respect to an eligible project for which a Federal investment tax credit may be allowed; and

(3) it is reasonable to expect that the proceeds from the eligible project will be adequate, as applicable—

(A) to recover the cost of a capacity contract entered into under subsection (e)(1)(A);

(B) to repay a loan provided under subsection (e)(1)(B);

or

(C) to repay any amounts borrowed from the Secretary of the Treasury under subsection (d)(2).

(j) OTHER AUTHORITIES, LIMITATIONS, AND EFFECTS.—

(1) PARTICIPATION.—The Secretary may permit other entities to participate in the financing, construction, and ownership of eligible projects facilitated under this section.

(2) OPERATIONS AND MAINTENANCE.—Facilitation by the Secretary of an eligible project under this section does not create any obligation on the part of the Secretary to operate or maintain the eligible project.

(3) FEDERAL FACILITIES.—For purposes of cost recovery under subsection (d)(4) and repayment of a loan issued under subsection (e)(1)(B), each eligible project facilitated by the Secretary under this section shall be treated as separate and distinct from—

(A) each other eligible project; and

(B) all other Federal power and transmission facilities.

(4) EFFECT ON ANCILLARY SERVICES AUTHORITY AND OBLIGATIONS.—Nothing in this section confers on the Secretary or any Federal power marketing administration any additional authority or obligation to provide ancillary services to users of transmission facilities constructed or upgraded under this section.

(5) **EFFECT ON WESTERN AREA POWER ADMINISTRATION PROJECTS.**—Nothing in this section affects—

(A) any pending project application before the Western Area Power Administration under section 301 of the Hoover Power Plant Act of 1984 (42 U.S.C. 16421a); or

(B) any agreement entered into by the Western Power Administration under that section.

(6) **THIRD-PARTY FINANCE.**—Nothing in this section precludes an eligible project facilitated under this section from being eligible as a project under section 1222 of the Energy Policy Act of 2005 (42 U.S.C. 16421).

(7) **LIMITATION ON LOANS.**—An eligible project may not be the subject of both—

(A) a loan under subsection (e)(1)(B); and

(B) a Federal loan under section 301 of the Hoover Power Plant Act of 1984 (42 U.S.C. 16421a).

(8) **CONSIDERATIONS.**—In evaluating eligible projects for possible facilitation under this section, the Secretary shall prioritize projects that, to the maximum extent practicable—

(A) use technology that enhances the capacity, efficiency, resiliency, or reliability of an electric power transmission system, including—

(i) reconditioning of an existing electric power transmission line with advanced conductors; and

(ii) hardware or software that enables dynamic line ratings, advanced power flow control, or grid topology optimization;

(B) will improve the resiliency and reliability of an electric power transmission system;

(C) facilitate interregional transfer capacity that supports strong and equitable economic growth; and

(D) contribute to national or subnational goals to lower electricity sector greenhouse gas emissions.

SEC. 40107. DEPLOYMENT OF TECHNOLOGIES TO ENHANCE GRID FLEXIBILITY.

(a) **IN GENERAL.**—Section 1306 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “the date of enactment of this Act” and inserting “the date of enactment of the Infrastructure Investment and Jobs Act”;

(B) by redesignating paragraph (9) as paragraph (14); and

(C) by inserting after paragraph (8) the following:

“(9) In the case of data analytics that enable software to engage in Smart Grid functions, the documented purchase costs of the data analytics.

“(10) In the case of buildings, the documented expenses for devices and software, including for installation, that allow buildings to engage in demand flexibility or Smart Grid functions.

“(11) In the case of utility communications, operational fiber and wireless broadband communications networks to enable data flow between distribution system components.

“(12) In the case of advanced transmission technologies such as dynamic line rating, flow control devices, advanced conductors, network topology optimization, or other hardware, software, and associated protocols applied to existing transmission facilities that increase the operational transfer capacity of a transmission network, the documented expenditures to purchase and install those advanced transmission technologies.

“(13) In the case of extreme weather or natural disasters, the ability to redirect or shut off power to minimize blackouts and avoid further damage.”; and

(2) in subsection (d)—

(A) by redesignating paragraph (9) as paragraph (16);

and

(B) by inserting after paragraph (8) the following:

“(9) The ability to use data analytics and software-as-a-service to provide flexibility by improving the visibility of the electrical system to grid operators that can help quickly rebalance the electrical system with autonomous controls.

“(10) The ability to facilitate the aggregation or integration of distributed energy resources to serve as assets for the grid.

“(11) The ability to provide energy storage to meet fluctuating electricity demand, provide voltage support, and integrate intermittent generation sources, including vehicle-to-grid technologies.

“(12) The ability of hardware, software, and associated protocols applied to existing transmission facilities to increase the operational transfer capacity of a transmission network.

“(13) The ability to anticipate and mitigate impacts of extreme weather or natural disasters on grid resiliency.

“(14) The ability to facilitate the integration of renewable energy resources, electric vehicle charging infrastructure, and vehicle-to-grid technologies.

“(15) The ability to reliably meet increased demand from electric vehicles and the electrification of appliances and other sectors.”.

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out the Smart Grid Investment Matching Grant Program established under section 1306(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386(a)) \$3,000,000,000 for fiscal year 2022, to remain available through September 30, 2026.

Time period.

SEC. 40108. STATE ENERGY SECURITY PLANS.

(a) **IN GENERAL.**—Part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.) is amended—

(1) in section 361—

42 USC 6321.

(A) by striking the section designation and heading and all that follows through “The Congress” and inserting the following:

“SEC. 361. FINDINGS; PURPOSE; DEFINITIONS.

“(a) **FINDINGS.**—Congress”;

(B) in subsection (b), by striking “(b) It is” and inserting the following:

“(b) **PURPOSE.**—It is”;

(C) by adding at the end the following:

“(c) **DEFINITIONS.**—In this part:”;

(2) in section 366—

42 USC 6326.

(A) in paragraph (3)(B)(i), by striking “approved under section 367, and” ; and inserting “; and”;

(B) in each of paragraphs (1) through (8), by inserting a paragraph heading, the text of which is comprised of the term defined in the paragraph; and

(C) by redesignating paragraphs (6) and (7) as paragraphs (7) and (6), respectively, and moving the paragraphs so as to appear in numerical order;

42 USC 6321,
6326.

(3) by moving paragraphs (1) through (8) of section 366 (as so redesignated) so as to appear after subsection (c) of section 361 (as designated by paragraph (1)(C)); and

(4) by amending section 366 to read as follows:

“SEC. 366. STATE ENERGY SECURITY PLANS.

“(a) DEFINITIONS.—In this section:

“(1) BULK-POWER SYSTEM.—The term ‘bulk-power system’ has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

“(2) STATE ENERGY SECURITY PLAN.—The term ‘State energy security plan’ means a State energy security plan described in subsection (b).

“(b) FINANCIAL ASSISTANCE FOR STATE ENERGY SECURITY PLANS.—Federal financial assistance made available to a State under this part may be used for the development, implementation, review, and revision of a State energy security plan that—

“(1) assesses the existing circumstances in the State; and

“(2) proposes methods to strengthen the ability of the State, in consultation with owners and operators of energy infrastructure in the State—

“(A) to secure the energy infrastructure of the State against all physical and cybersecurity threats;

“(B)(i) to mitigate the risk of energy supply disruptions to the State; and

“(ii) to enhance the response to, and recovery from, energy disruptions; and

“(C) to ensure that the State has reliable, secure, and resilient energy infrastructure.

“(c) CONTENTS OF PLAN.—A State energy security plan shall—

“(1) address all energy sources and regulated and unregulated energy providers;

“(2) provide a State energy profile, including an assessment of energy production, transmission, distribution, and end-use;

“(3) address potential hazards to each energy sector or system, including—

“(A) physical threats and vulnerabilities; and

“(B) cybersecurity threats and vulnerabilities;

“(4) provide a risk assessment of energy infrastructure and cross-sector interdependencies;

“(5) provide a risk mitigation approach to enhance reliability and end-use resilience; and

“(6)(A) address—

“(i) multi-State and regional coordination, planning, and response; and

“(ii) coordination with Indian Tribes with respect to planning and response; and

“(B) to the extent practicable, encourage mutual assistance in cyber and physical response plans.

“(d) COORDINATION.—In developing or revising a State energy security plan, the State energy office of the State shall coordinate, to the extent practicable, with—

“(1) the public utility or service commission of the State;

“(2) energy providers from the private and public sectors;

and

“(3) other entities responsible for—

“(A) maintaining fuel or electric reliability; and

“(B) securing energy infrastructure.

“(e) FINANCIAL ASSISTANCE.—A State is not eligible to receive Federal financial assistance under this part for any purpose for a fiscal year unless the Governor of the State submits to the Secretary, with respect to that fiscal year— Plans.

“(1) a State energy security plan that meets the requirements of subsection (c); or

“(2) after an annual review, carried out by the Governor, of a State energy security plan— Review.

“(A) any necessary revisions to the State energy security plan; or

“(B) a certification that no revisions to the State energy security plan are necessary. Certification.

“(f) TECHNICAL ASSISTANCE.—On request of the Governor of a State, the Secretary, in consultation with the Secretary of Homeland Security, may provide information, technical assistance, and other assistance in the development, implementation, or revision of a State energy security plan.

“(g) REQUIREMENT.—Each State receiving Federal financial assistance under this part shall provide reasonable assurance to the Secretary that the State has established policies and procedures designed to assure that the financial assistance will be used—

“(1) to supplement, and not to supplant, State and local funds; and

“(2) to the maximum extent practicable, to increase the amount of State and local funds that otherwise would be available, in the absence of the Federal financial assistance, for the implementation of a State energy security plan.

“(h) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

“(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

“(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

“(i) SUNSET.—The requirements of this section shall expire on October 31, 2025.”

(b) CLERICAL AMENDMENTS.—The table of contents of the Energy Policy and Conservation Act (Public Law 94-163; 89 Stat. 872) is amended—

(1) by striking the item relating to section 361 and inserting the following:

“Sec. 361. Findings; purpose; definitions.”; and

(2) by striking the item relating to section 366 and inserting the following:

“Sec. 366. State energy security plans.”

(c) CONFORMING AMENDMENTS.—

(1) Section 509(i)(3) of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–8(i)(3)) is amended by striking “prescribed for such terms in section 366 of the Energy Policy and Conservation Act” and inserting “given the terms in section 361(c) of the Energy Policy and Conservation Act”.

(2) Section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6323) is amended—

(A) by striking subsection (e); and

(B) by redesignating subsection (f) as subsection (e).

(3) Section 451(i)(3) of the Energy Conservation and Production Act (42 U.S.C. 6881(i)(3)) is amended by striking “prescribed for such terms in section 366 of the Federal Energy Policy and Conservation Act” and inserting “given the terms in section 361(c) of the Energy Policy and Conservation Act”.

SEC. 40109. STATE ENERGY PROGRAM.

(a) COLLABORATIVE TRANSMISSION SITING.—Section 362(c) of the Energy Policy and Conservation Act (42 U.S.C. 6322(c)) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(7) the mandatory conduct of activities to support transmission and distribution planning, including—

“(A) support for local governments and Indian Tribes;

“(B) feasibility studies for transmission line routes and alternatives;

“(C) preparation of necessary project design and permits; and

“(D) outreach to affected stakeholders.”

(b) STATE ENERGY CONSERVATION PLANS.—Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended by striking paragraph (3) and inserting the following:

“(3) programs to increase transportation energy efficiency, including programs to help reduce carbon emissions in the transportation sector by 2050 and accelerate the use of alternative transportation fuels for, and the electrification of, State government vehicles, fleet vehicles, taxis and ridesharing services, mass transit, school buses, ferries, and privately owned passenger and medium- and heavy-duty vehicles;”

(c) AUTHORIZATION OF APPROPRIATIONS FOR STATE ENERGY PROGRAM.—Section 365 of the Energy Policy and Conservation Act (42 U.S.C. 6325) is amended by striking subsection (f) and inserting the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this part \$500,000,000 for the period of fiscal years 2022 through 2026.

“(2) DISTRIBUTION.—Amounts made available under paragraph (1)—

Time period.

“(A) shall be distributed to the States in accordance with the applicable distribution formula in effect on January 1, 2021; and

“(B) shall not be subject to the matching requirement described in the first proviso of the matter under the heading ‘ENERGY CONSERVATION’ under the heading ‘DEPARTMENT OF ENERGY’ in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a).”.

SEC. 40110. POWER MARKETING ADMINISTRATION TRANSMISSION BORROWING AUTHORITY. 16 USC 838m.

(a) **BORROWING AUTHORITY.**—

(1) **IN GENERAL.**—Subject to paragraph (2), for the purposes of providing funds to assist in the financing of the construction, acquisition, and replacement of the Federal Columbia River Power System and to implement the authority of the Administrator of the Bonneville Power Administration (referred to in this section as the “Administrator”) under the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839 et seq.), an additional \$10,000,000,000 in borrowing authority is made available under the Federal Columbia River Transmission System Act (16 U.S.C. 838 et seq.), to remain outstanding at any 1 time.

(2) **LIMITATION.**—The obligation of additional borrowing authority under paragraph (1) shall not exceed \$6,000,000,000 by fiscal year 2028.

(b) **FINANCIAL PLAN.**—

(1) **IN GENERAL.**—The Administrator shall issue an updated financial plan by the end of fiscal year 2022.

(2) **REQUIREMENT.**—As part of the process of issuing an updated financial plan under paragraph (1), the Administrator shall—

(A) consistent with asset management planning and sound business principles, consider projected and planned use and allocation of the borrowing authority of the Administrator across the mission responsibilities of the Bonneville Power Administration; and

(B) before issuing the final updated financial plan—

(i) engage, in a manner determined by the Administrator, with customers with respect to a draft of the updated plan; and

(ii) consider as a relevant factor any recommendations from customers regarding prioritization of asset investments.

(c) **STAKEHOLDER ENGAGEMENT.**—The Administrator shall—

(1) engage, in a manner determined by the Administrator, with customers and stakeholders with respect to the financial and cost management efforts of the Administrator through periodic program reviews; and

(2) to the maximum extent practicable, implement those policies that would be expected to be consistent with the lowest possible power and transmission rates consistent with sound business principles.

(d) **REPAYMENT.**—Any additional Treasury borrowing authority received under this section shall be fully repaid to the Treasury

in a manner consistent with the applicable self-financed Federal budget accounts.

SEC. 40111. STUDY OF CODES AND STANDARDS FOR USE OF ENERGY STORAGE SYSTEMS ACROSS SECTORS.

(a) **IN GENERAL.**—The Secretary shall conduct a study of types and commercial applications of codes and standards applied to—

- (1) stationary energy storage systems;
- (2) mobile energy storage systems; and
- (3) energy storage systems that move between stationary and mobile applications, such as electric vehicle batteries or batteries repurposed for new applications.

(b) **PURPOSES.**—The purposes of the study conducted under subsection (a) shall be—

- (1) to identify barriers, foster collaboration, and increase conformity across sectors relating to—
 - (A) use of emerging energy storage technologies; and
 - (B) use cases, such as vehicle-to-grid integration;
- (2) to identify all existing codes and standards that apply to energy storage systems;
- (3) to identify codes and standards that require revision or enhancement;
- (4) to enhance the safe implementation of energy storage systems; and
- (5) to receive formal input from stakeholders regarding—
 - (A) existing codes and standards; and
 - (B) new or revised codes and standards.

(c) **CONSULTATION.**—In conducting the study under subsection (a), the Secretary shall consult with all relevant standards-developing organizations and other entities with expertise regarding energy storage system safety.

(d) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under subsection (a).

SEC. 40112. DEMONSTRATION OF ELECTRIC VEHICLE BATTERY SECOND-LIFE APPLICATIONS FOR GRID SERVICES.

Section 3201(c) of the Energy Act of 2020 (42 U.S.C. 17232(c)) is amended—

- (1) in paragraph (1)—
 - (A) by striking the period at the end and inserting “; and”;
 - (B) by striking “including at” and inserting the following: “including—
 - “(A) at”; and
 - (C) by adding at the end the following:
 - “(B) 1 project to demonstrate second-life applications of electric vehicle batteries as aggregated energy storage installations to provide services to the electric grid, in accordance with paragraph (3).”;
- (2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and
- (3) by inserting after paragraph (2) the following:

“(3) **DEMONSTRATION OF ELECTRIC VEHICLE BATTERY SECOND-LIFE APPLICATIONS FOR GRID SERVICES.**—

“(A) **IN GENERAL.**—The Secretary shall enter into an agreement to carry out a project to demonstrate second-

life applications of electric vehicle batteries as aggregated energy storage installations to provide services to the electric grid.

“(B) PURPOSES.—The purposes of the project under subparagraph (A) shall be—

“(i) to demonstrate power safety and the reliability of the applications demonstrated under the program;

“(ii) to demonstrate the ability of electric vehicle batteries—

“(I) to provide ancillary services for grid stability and management; and

“(II) to reduce the peak loads of homes and businesses;

“(iii) to extend the useful life of electric vehicle batteries and the components of electric vehicle batteries prior to the collection, recycling, and reprocessing of the batteries and components; and

“(iv) to increase acceptance of, and participation in, the use of second-life applications of electric vehicle batteries by utilities.

“(C) PRIORITY.—In selecting a project to carry out under subparagraph (A), the Secretary shall give priority to projects in which the demonstration of the applicable second-life applications is paired with 1 or more facilities that could particularly benefit from increased resiliency and lower energy costs, such as a multi-family affordable housing facility, a senior care facility, and a community health center.”.

SEC. 40113. COLUMBIA BASIN POWER MANAGEMENT.

16 UC 838n.

(a) DEFINITIONS.—In this section:

(1) ACCOUNT.—The term “Account” means the account established by subsection (b)(1).

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Bonneville Power Administration.

(3) CANADIAN ENTITLEMENT.—The term “Canadian Entitlement” means the downstream power benefits that Canada is entitled to under Article V of the Treaty Relating to Cooperative Development of the Water Resources of the Columbia River Basin, signed at Washington January 17, 1961 (15 UST 1555; TIAS 5638).

(b) TRANSMISSION COORDINATION AND EXPANSION.—

(1) ESTABLISHMENT.—There is established in the Treasury an account for the purposes of making expenditures to increase bilateral transfers of renewable electric generation between the western United States and Canada.

(2) CRITERIA.—

(A) IN GENERAL.—The Administrator may make expenditures from the Account for activities to improve electric power system coordination by constructing electric power transmission facilities within the western United States that directly or indirectly facilitate non-carbon emitting electric power transactions between the western United States and Canada.

(B) APPLICATION.—Subparagraph (A) shall be effective after the later of—

(i) September 16, 2024; and

Subtitle B—Cybersecurity

SEC. 40121. ENHANCING GRID SECURITY THROUGH PUBLIC-PRIVATE PARTNERSHIPS. 42 USC 18721.

(a) DEFINITIONS.—In this section:

(1) BULK-POWER SYSTEM; ELECTRIC RELIABILITY ORGANIZATION.—The terms “bulk-power system” and “Electric Reliability Organization” has the meaning given the terms in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) ELECTRIC UTILITY; STATE REGULATORY AUTHORITY.—The terms “electric utility” and “State regulatory authority” have the meanings given the terms in section 3 of the Federal Power Act (16 U.S.C. 796).

(b) PROGRAM TO PROMOTE AND ADVANCE PHYSICAL SECURITY AND CYBERSECURITY OF ELECTRIC UTILITIES.—

(1) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as the Secretary determines to be appropriate, the heads of other relevant Federal agencies, State regulatory authorities, industry stakeholders, and the Electric Reliability Organization, shall carry out a program—

(A) to develop, and provide for voluntary implementation of, maturity models, self-assessments, and auditing methods for assessing the physical security and cybersecurity of electric utilities;

(B) to assist with threat assessment and cybersecurity training for electric utilities;

(C) to provide technical assistance for electric utilities subject to the program;

(D) to provide training to electric utilities to address and mitigate cybersecurity supply chain management risks;

(E) to advance, in partnership with electric utilities, the cybersecurity of third-party vendors that manufacture components of the electric grid;

(F) to increase opportunities for sharing best practices and data collection within the electric sector; and

(G) to assist, in the case of electric utilities that own defense critical electric infrastructure (as defined in section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a))), with full engineering reviews of critical functions and operations at both the utility and defense infrastructure levels—

(i) to identify unprotected avenues for cyber-enabled sabotage that would have catastrophic effects to national security; and

(ii) to recommend and implement engineering protections to ensure continued operations of identified critical functions even in the face of constant cyber attacks and achieved perimeter access by sophisticated adversaries.

(2) SCOPE.—In carrying out the program under paragraph (1), the Secretary shall—

(A) take into consideration—

(i) the different sizes of electric utilities; and

(ii) the regions that electric utilities serve;

(B) prioritize electric utilities with fewer available resources due to size or region; and

(C) to the maximum extent practicable, use and leverage—

(i) existing Department and Department of Homeland Security programs; and

(ii) existing programs of the Federal agencies determined to be appropriate under paragraph (1).

Consultation.
Determination.

(c) **REPORT ON CYBERSECURITY OF DISTRIBUTION SYSTEMS.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as the Secretary determines to be appropriate, the heads of other Federal agencies, State regulatory authorities, and industry stakeholders, shall submit to Congress a report that assesses—

(1) priorities, policies, procedures, and actions for enhancing the physical security and cybersecurity of electricity distribution systems, including behind-the-meter generation, storage, and load management devices, to address threats to, and vulnerabilities of, electricity distribution systems; and

(2) the implementation of the priorities, policies, procedures, and actions assessed under paragraph (1), including—

(A) an estimate of potential costs and benefits of the implementation; and

(B) an assessment of any public-private cost-sharing opportunities.

(d) **PROTECTION OF INFORMATION.**—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

42 USC 18722.

SEC. 40122. ENERGY CYBER SENSE PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **BULK-POWER SYSTEM.**—The term “bulk-power system” has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(2) **PROGRAM.**—The term “program” means the voluntary Energy Cyber Sense program established under subsection (b).

Consultation.

(b) **ESTABLISHMENT.**—The Secretary, in coordination with the Secretary of Homeland Security and in consultation with the heads of other relevant Federal agencies, shall establish a voluntary Energy Cyber Sense program to test the cybersecurity of products and technologies intended for use in the energy sector, including in the bulk-power system.

(c) **PROGRAM REQUIREMENTS.**—In carrying out subsection (b), the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the heads of other relevant Federal agencies, shall—

(1) establish a testing process under the program to test the cybersecurity of products and technologies intended for

“(2) PROHIBITION OF DUPLICATE RECOVERY.—Any rule issued pursuant to this section shall preclude rate treatments that allow unjust and unreasonable double recovery for advanced cybersecurity technology.

“(f) SINGLE-ISSUE RATE FILINGS.—The Commission shall permit public utilities to apply for incentive-based rate treatment under a rule issued under this section on a single-issue basis by submitting to the Commission a tariff schedule under section 205 that permits recovery of costs and incentives over the depreciable life of the applicable assets, without regard to changes in receipts or other costs of the public utility.

“(g) PROTECTION OF INFORMATION.—Advanced cybersecurity technology information that is provided to, generated by, or collected by the Federal Government under subsection (b), (c), or (f) shall be considered to be critical electric infrastructure information under section 215A.”.

SEC. 40124. RURAL AND MUNICIPAL UTILITY ADVANCED CYBERSECURITY GRANT AND TECHNICAL ASSISTANCE PROGRAM.

42 USC 18723.

(a) DEFINITIONS.—In this section:

(1) ADVANCED CYBERSECURITY TECHNOLOGY.—The term “advanced cybersecurity technology” means any technology, operational capability, or service, including computer hardware, software, or a related asset, that enhances the security posture of electric utilities through improvements in the ability to protect against, detect, respond to, or recover from a cybersecurity threat (as defined in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501)).

(2) BULK-POWER SYSTEM.—The term “bulk-power system” has the meaning given the term in section 215(a) of the Federal Power Act (16 U.S.C. 824o(a)).

(3) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a rural electric cooperative;

(B) a utility owned by a political subdivision of a State, such as a municipally owned electric utility;

(C) a utility owned by any agency, authority, corporation, or instrumentality of 1 or more political subdivisions of a State;

(D) a not-for-profit entity that is in a partnership with not fewer than 6 entities described in subparagraph (A), (B), or (C); and

(E) an investor-owned electric utility that sells less than 4,000,000 megawatt hours of electricity per year.

(4) PROGRAM.—The term “Program” means the Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program established under subsection (b).

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Homeland Security and in consultation with the Federal Energy Regulatory Commission, the North American Electric Reliability Corporation, and the Electricity Subsector Coordinating Council, shall establish a program, to be known as the “Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program”, to provide grants and technical assistance to, and enter into cooperative agreements with, eligible entities to protect against, detect, respond to, and recover from cybersecurity threats.

Deadline.
Consultation.

- (c) OBJECTIVES.—The objectives of the Program shall be—
- (1) to deploy advanced cybersecurity technologies for electric utility systems; and
 - (2) to increase the participation of eligible entities in cybersecurity threat information sharing programs.

(d) AWARDS.—

(1) IN GENERAL.—The Secretary—

(A) shall award grants and provide technical assistance under the Program to eligible entities on a competitive basis;

(B) shall develop criteria and a formula for awarding grants and providing technical assistance under the Program;

(C) may enter into cooperative agreements with eligible entities that can facilitate the objectives described in subsection (c); and

(D) shall establish a process to ensure that all eligible entities are informed about and can become aware of opportunities to receive grants or technical assistance under the Program.

(2) PRIORITY FOR GRANTS AND TECHNICAL ASSISTANCE.—In awarding grants and providing technical assistance under the Program, the Secretary shall give priority to an eligible entity that, as determined by the Secretary—

(A) has limited cybersecurity resources;

(B) owns assets critical to the reliability of the bulk-power system; or

(C) owns defense critical electric infrastructure (as defined in section 215A(a) of the Federal Power Act (16 U.S.C. 824o–1(a))).

(e) PROTECTION OF INFORMATION.—Information provided to, or collected by, the Federal Government pursuant to this section the disclosure of which the Secretary reasonably foresees could be detrimental to the physical security or cybersecurity of any electric utility or the bulk-power system—

(1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code; and

(2) shall not be made available by any Federal agency, State, political subdivision of a State, or Tribal authority pursuant to any Federal, State, political subdivision of a State, or Tribal law, respectively, requiring public disclosure of information or records.

Time period.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$250,000,000 for the period of fiscal years 2022 through 2026.

42 USC 18724.

SEC. 40125. ENHANCED GRID SECURITY.

(a) DEFINITIONS.—In this section:

(1) ELECTRIC UTILITY.—The term “electric utility” has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(2) E-ISAC.—The term “E-ISAC” means the Electricity Information Sharing and Analysis Center.

(b) CYBERSECURITY FOR THE ENERGY SECTOR RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Homeland Security and in consultation with, as

determined appropriate, other Federal agencies, the energy sector, the States, Indian Tribes, Tribal organizations, territories or freely associated states, and other stakeholders, shall develop and carry out a program—

(A) to develop advanced cybersecurity applications and technologies for the energy sector—

(i) to identify and mitigate vulnerabilities, including—

(I) dependencies on other critical infrastructure;

(II) impacts from weather and fuel supply;

(III) increased dependence on inverter-based technologies; and

(IV) vulnerabilities from unpatched hardware and software systems; and

(ii) to advance the security of field devices and third-party control systems, including—

(I) systems for generation, transmission, distribution, end use, and market functions;

(II) specific electric grid elements including advanced metering, demand response, distribution, generation, and electricity storage;

(III) forensic analysis of infected systems;

(IV) secure communications; and

(V) application of in-line edge security solutions;

(B) to leverage electric grid architecture as a means to assess risks to the energy sector, including by implementing an all-hazards approach to communications infrastructure, control systems architecture, and power systems architecture;

(C) to perform pilot demonstration projects with the energy sector to gain experience with new technologies;

(D) to develop workforce development curricula for energy sector-related cybersecurity; and

(E) to develop improved supply chain concepts for secure design of emerging digital components and power electronics.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$250,000,000 for the period of fiscal years 2022 through 2026.

Time period.

(c) ENERGY SECTOR OPERATIONAL SUPPORT FOR CYBERRESILIENCE PROGRAM.—

(1) IN GENERAL.—The Secretary may develop and carry out a program—

(A) to enhance and periodically test—

(i) the emergency response capabilities of the Department; and

(ii) the coordination of the Department with other agencies, the National Laboratories, and private industry;

(B) to expand cooperation of the Department with the intelligence community for energy sector-related threat collection and analysis;

(C) to enhance the tools of the Department and E-ISAC for monitoring the status of the energy sector;

- (D) to expand industry participation in E-ISAC; and
 (E) to provide technical assistance to small electric utilities for purposes of assessing and improving cybermaturity levels and addressing gaps identified in the assessment.
- Time period. (2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$50,000,000 for the period of fiscal years 2022 through 2026.
- (d) MODELING AND ASSESSING ENERGY INFRASTRUCTURE RISK.—
- (1) IN GENERAL.—The Secretary, in coordination with the Secretary of Homeland Security, shall develop and carry out an advanced energy security program to secure energy networks, including—
- (A) electric networks;
 - (B) natural gas networks; and
 - (C) oil exploration, transmission, and delivery networks.
- (2) SECURITY AND RESILIENCY OBJECTIVE.—The objective of the program developed under paragraph (1) is to increase the functional preservation of electric grid operations or natural gas and oil operations in the face of natural and human-made threats and hazards, including electric magnetic pulse and geomagnetic disturbances.
- (3) ELIGIBLE ACTIVITIES.—In carrying out the program developed under paragraph (1), the Secretary may—
- (A) develop capabilities to identify vulnerabilities and critical components that pose major risks to grid security if destroyed or impaired;
 - (B) provide modeling at the national level to predict impacts from natural or human-made events;
 - (C) add physical security to the cybersecurity maturity model;
 - (D) conduct exercises and assessments to identify and mitigate vulnerabilities to the electric grid, including providing mitigation recommendations;
 - (E) conduct research on hardening solutions for critical components of the electric grid;
 - (F) conduct research on mitigation and recovery solutions for critical components of the electric grid; and
 - (G) provide technical assistance to States and other entities for standards and risk analysis.
- (4) SAVINGS PROVISION.—Nothing in this section authorizes new regulatory requirements.
- Time period. (5) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this subsection \$50,000,000 for the period of fiscal years 2022 through 2026.
- 42 USC 18725. **SEC. 40126. CYBERSECURITY PLAN.**
- (a) IN GENERAL.—The Secretary may require, as the Secretary determines appropriate, a recipient of any award or other funding under this division—
- (1) to submit to the Secretary, prior to the issuance of the award or other funding, a cybersecurity plan that demonstrates the cybersecurity maturity of the recipient in the

(d)(3), in expediting the permitting of activities that will increase exploration for, and development of, domestic critical minerals; and

(3) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(g) INDIVIDUAL PROJECTS.—Each year, using data contained in the reports submitted under subsection (f), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

Data.
Public
information.
Website.

SEC. 40207. BATTERY PROCESSING AND MANUFACTURING.

42 USC 18741.

(a) DEFINITIONS.—In this section:

(1) ADVANCED BATTERY.—The term “advanced battery” means a battery that consists of a battery cell that can be integrated into a module, pack, or system to be used in energy storage applications, including electric vehicles and the electric grid.

(2) ADVANCED BATTERY COMPONENT.—

(A) IN GENERAL.—The term “advanced battery component” means a component of an advanced battery.

(B) INCLUSIONS.—The term “advanced battery component” includes materials, enhancements, enclosures, anodes, cathodes, electrolytes, cells, and other associated technologies that comprise an advanced battery.

(3) BATTERY MATERIAL.—The term “battery material” means the raw and processed form of a mineral, metal, chemical, or other material used in an advanced battery component.

(4) ELIGIBLE ENTITY.—The term “eligible entity” means an entity described in any of paragraphs (1) through (5) of section 989(b) of the Energy Policy Act of 2005 (42 U.S.C. 16353(b)).

(5) FOREIGN ENTITY OF CONCERN.—The term “foreign entity of concern” means a foreign entity that is—

(A) designated as a foreign terrorist organization by the Secretary of State under section 219(a) of the Immigration and Nationality Act (8 U.S.C. 1189(a));

(B) included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (commonly known as the “SDN list”);

(C) owned by, controlled by, or subject to the jurisdiction or direction of a government of a foreign country that is a covered nation (as defined in section 2533c(d) of title 10, United States Code);

(D) alleged by the Attorney General to have been involved in activities for which a conviction was obtained under—

(i) chapter 37 of title 18, United States Code (commonly known as the “Espionage Act”);

(ii) section 951 or 1030 of title 18, United States Code;

(iii) chapter 90 of title 18, United States Code (commonly known as the “Economic Espionage Act of 1996”);

(iv) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(v) section 224, 225, 226, 227, or 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2274, 2275, 2276, 2277, and 2284);

(vi) the Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.); or

(vii) the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

Consultation.

(E) determined by the Secretary, in consultation with the Secretary of Defense and the Director of National Intelligence, to be engaged in unauthorized conduct that is detrimental to the national security or foreign policy of the United States.

(6) **MANUFACTURING.**—The term “manufacturing”, with respect to an advanced battery and an advanced battery component, means the industrial and chemical steps taken to produce that advanced battery or advanced battery component, respectively.

(7) **PROCESSING.**—The term “processing”, with respect to battery material, means the refining of materials, including the treating, baking, and coating processes used to convert raw products into constituent materials employed directly in advanced battery manufacturing.

(8) **RECYCLING.**—The term “recycling” means the recovery of materials from advanced batteries to be reused in similar applications, including the extracting, processing, and recoating of battery materials and advanced battery components.

(b) **BATTERY MATERIAL PROCESSING GRANTS.**—

Deadline.

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish within the Office of Fossil Energy a program, to be known as the “Battery Material Processing Grant Program” (referred to in this subsection as the “program”), under which the Secretary shall award grants in accordance with this subsection.

(2) **PURPOSES.**—The purposes of the program are—

(A) to ensure that the United States has a viable battery materials processing industry to supply the North American battery supply chain;

(B) to expand the capabilities of the United States in advanced battery manufacturing;

(C) to enhance national security by reducing the reliance of the United States on foreign competitors for critical materials and technologies; and

(D) to enhance the domestic processing capacity of minerals necessary for battery materials and advanced batteries.

(3) **GRANTS.**—

(A) **IN GENERAL.**—Under the program, the Secretary shall award grants to eligible entities—

(i) to carry out 1 or more demonstration projects in the United States for the processing of battery materials;

(ii) to construct 1 or more new commercial-scale battery material processing facilities in the United States; and

(iii) to retool, retrofit, or expand 1 or more existing battery material processing facilities located in the United States and determined qualified by the Secretary.

(B) AMOUNT LIMITATION.—The amount of a grant awarded under the program shall be not less than—

(i) \$50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(i);

(ii) \$100,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(ii); and

(iii) \$50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(iii).

(C) PRIORITY; CONSIDERATION.—In awarding grants to eligible entities under the program, the Secretary shall—

(i) give priority to an eligible entity that—

(I) is located and operates in the United States;

(II) is owned by a United States entity;

(III) deploys North American-owned intellectual property and content;

(IV) represents consortia or industry partnerships; and

(V) will not use battery material supplied by or originating from a foreign entity of concern; and

(ii) take into consideration whether a project—

(I) provides workforce opportunities in low- and moderate-income communities;

(II) encourages partnership with universities and laboratories to spur innovation and drive down costs;

(III) partners with Indian Tribes; and

(IV) takes into account—

(aa) greenhouse gas emissions reductions and energy efficient battery material processing opportunities throughout the manufacturing process; and

(bb) supply chain logistics.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program \$3,000,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended.

Time period.

(c) BATTERY MANUFACTURING AND RECYCLING GRANTS.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish within the Office of Energy Efficiency and Renewable Energy a battery manufacturing and recycling grant program (referred to in this subsection as the “program”).

Deadline.

(2) PURPOSE.—The purpose of the program is to ensure that the United States has a viable domestic manufacturing and recycling capability to support and sustain a North American battery supply chain.

(3) GRANTS.—

(A) IN GENERAL.—Under the program, the Secretary shall award grants to eligible entities—

(i) to carry out 1 or more demonstration projects for advanced battery component manufacturing, advanced battery manufacturing, and recycling;

(ii) to construct 1 or more new commercial-scale advanced battery component manufacturing, advanced battery manufacturing, or recycling facilities in the United States; and

(iii) to retool, retrofit, or expand 1 or more existing facilities located in the United States and determined qualified by the Secretary for advanced battery component manufacturing, advanced battery manufacturing, and recycling.

(B) AMOUNT LIMITATION.—The amount of a grant awarded under the program shall be not less than—

(i) \$50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(i);

(ii) \$100,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(ii); and

(iii) \$50,000,000 for an eligible entity carrying out 1 or more projects described in subparagraph (A)(iii).

(C) PRIORITY; CONSIDERATION.—In awarding grants to eligible entities under the program, the Secretary shall—

(i) give priority to an eligible entity that—

(I) is located and operates in the United States;

(II) is owned by a United States entity;

(III) deploys North American-owned intellectual property and content;

(IV) represents consortia or industry partnerships; and

(V)(aa) if the eligible entity will use the grant for advanced battery component manufacturing, will not use battery material supplied by or originating from a foreign entity of concern; or

(bb) if the eligible entity will use the grant for battery recycling, will not export recovered critical materials to a foreign entity of concern; and

(ii) take into consideration whether a project—

(I) provides workforce opportunities in low- and moderate-income or rural communities;

(II) provides workforce opportunities in communities that have lost jobs due to the displacements of fossil energy jobs;

(III) encourages partnership with universities and laboratories to spur innovation and drive down costs;

(IV) partners with Indian Tribes;

(V) takes into account—

(aa) greenhouse gas emissions reductions and energy efficient battery material processing opportunities throughout the manufacturing process; and

(bb) supply chain logistics; and

(VI) utilizes feedstock produced in the United States.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program \$3,000,000,000 for the period of fiscal years 2022 through 2026, to remain available until expended. Time period.

(d) REPORTING REQUIREMENTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report on the grant programs established under subsections (b) and (c), including, with respect to each grant program, a description of—

- (1) the number of grant applications received;
- (2) the number of grants awarded and the amount of each award;
- (3) the purpose and status of each project carried out using a grant; and
- (4) any other information the Secretary determines necessary.

(e) LITHIUM-ION BATTERY RECYCLING PRIZE COMPETITION.—

(1) IN GENERAL.—The Secretary shall continue to carry out the Lithium-Ion Battery Recycling Prize Competition of the Department established pursuant to section 24 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3719) (referred to in this subsection as the “competition”).

(2) AUTHORIZATION OF APPROPRIATIONS FOR PILOT PROJECTS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Secretary to carry out Phase III of the competition, \$10,000,000 for fiscal year 2022, to remain available until expended.

(B) USE OF FUNDS.—The Secretary may use amounts made available under subparagraph (A)—

- (i) to increase the number of winners of Phase III of the competition;
- (ii) to increase the amount awarded to each winner of Phase III of the competition; and
- (iii) to carry out any other activity that is consistent with the goals of Phase III of the competition, as determined by the Secretary.

(f) BATTERY AND CRITICAL MINERAL RECYCLING.—

(1) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(B) BATTERY.—The term “battery” means a device that—

- (i) consists of 1 or more electrochemical cells that are electrically connected; and
- (ii) is designed to store and deliver electric energy.

(C) BATTERY PRODUCER.—The term “battery producer” means, with respect to a covered battery or covered battery-containing product that is sold, offered for sale, or distributed for sale in the United States, including through retail, wholesale, business-to-business, and online sale, the following applicable entity:

(i) A person who—

- (I) manufactures the covered battery or covered battery-containing product; and

(II) sells or offers for sale the covered battery or covered battery-containing product under the brand of that person.

(ii) If there is no person described in clause (i) with respect to the covered battery or covered battery-containing product, the owner or licensee of the brand under which the covered battery or covered battery-containing product is sold, offered for sale, or distributed, regardless of whether the trademark of the brand is registered.

(iii) If there is no person described in clause (i) or (ii) with respect to the covered battery or covered battery-containing product, a person that imports the covered battery or covered battery-containing product into the United States for sale or distribution.

(D) COVERED BATTERY.—The term “covered battery” means a new or unused primary battery or rechargeable battery.

(E) COVERED BATTERY-CONTAINING PRODUCT.—The term “covered battery-containing product” means a new or unused product that contains or is packaged with a primary battery or rechargeable battery.

(F) CRITICAL MINERAL.—The term “critical mineral” has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(G) PRIMARY BATTERY.—The term “primary battery” means a nonrechargeable battery that weighs not more than 4.4 pounds, including an alkaline, carbon-zinc, and lithium metal battery.

(H) RECHARGEABLE BATTERY.—

(i) IN GENERAL.—The term “rechargeable battery” means a battery that—

(I) contains 1 or more voltaic or galvanic cells that are electrically connected to produce electric energy;

(II) is designed to be recharged;

(III) weighs not more than 11 pounds; and

(IV) has a watt-hour rating of not more than 300 watt-hours.

(ii) EXCLUSIONS.—The term “rechargeable battery” does not include a battery that—

(I) contains electrolyte as a free liquid; or

(II) employs lead-acid technology, unless that battery is sealed and does not contain electrolyte as a free liquid.

(I) RECYCLING.—The term “recycling” means the series of activities—

(i) during which recyclable materials are processed into specification-grade commodities, and consumed as raw-material feedstock, in lieu of virgin materials, in the manufacturing of new products;

(ii) that may include collection, processing, and brokering; and

(iii) that result in subsequent consumption by a materials manufacturer, including for the manufacturing of new products.

(2) BATTERY RECYCLING RESEARCH, DEVELOPMENT, AND DEMONSTRATION GRANTS.—

(A) IN GENERAL.—The Secretary, in coordination with the Administrator, shall award multiyear grants to eligible entities for research, development, and demonstration projects to create innovative and practical approaches to increase the reuse and recycling of batteries, including by addressing—

- (i) recycling activities;
- (ii) the development of methods to promote the design and production of batteries that take into full account and facilitate the dismantling, reuse, recovery, and recycling of battery components and materials;
- (iii) strategies to increase consumer acceptance of, and participation in, the recycling of batteries;
- (iv) the extraction or recovery of critical minerals from batteries that are recycled;
- (v) the integration of increased quantities of recycled critical minerals in batteries and other products to develop markets for recycled battery materials and critical minerals;
- (vi) safe disposal of waste materials and components recovered during the recycling process;
- (vii) the protection of the health and safety of all persons involved in, or in proximity to, recycling and reprocessing activities, including communities located near recycling and materials reprocessing facilities;
- (viii) mitigation of environmental impacts that arise from recycling batteries, including disposal of toxic reagents and byproducts related to recycling processes;
- (ix) protection of data privacy associated with collected covered battery-containing products;
- (x) the optimization of the value of material derived from recycling batteries; and
- (xi) the cost-effectiveness and benefits of the reuse and recycling of batteries and critical minerals.

(B) ELIGIBLE ENTITIES.—The Secretary, in coordination with the Administrator, may award a grant under subparagraph (A) to—

- (i) an institution of higher education;
- (ii) a National Laboratory;
- (iii) a Federal research agency;
- (iv) a State research agency;
- (v) a nonprofit organization;
- (vi) an industrial entity;
- (vii) a manufacturing entity;
- (viii) a private battery-collection entity;
- (ix) an entity operating 1 or more battery recycling activities;
- (x) a State or municipal government entity;
- (xi) a battery producer;
- (xii) a battery retailer; or
- (xiii) a consortium of 2 or more entities described in clauses (i) through (xii).

(C) APPLICATIONS.—

(i) IN GENERAL.—To be eligible to receive a grant under subparagraph (A), an eligible entity described in subparagraph (B) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(ii) CONTENTS.—An application submitted under clause (i) shall describe how the project will promote collaboration among—

(I) battery producers and manufacturers;

(II) battery material and equipment manufacturers;

(III) battery recyclers, collectors, and refiners; and

(IV) retailers.

Time period.

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph \$60,000,000 for the period of fiscal years 2022 through 2026.

(3) STATE AND LOCAL PROGRAMS.—

(A) IN GENERAL.—The Secretary, in coordination with the Administrator, shall establish a program under which the Secretary shall award grants, on a competitive basis, to States and units of local government to assist in the establishment or enhancement of State battery collection, recycling, and reprocessing programs.

(B) NON-FEDERAL COST SHARE.—The non-Federal share of the cost of a project carried out using a grant under this paragraph shall be 50 percent of the cost of the project.

(C) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report that describes the number of battery collection points established or enhanced, an estimate of jobs created, and the quantity of material collected as a result of the grants awarded under subparagraph (A).

Time period.

(D) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph \$50,000,000 for the period of fiscal years 2022 through 2026.

(4) RETAILERS AS COLLECTION POINTS.—

Grants.

(A) IN GENERAL.—The Secretary shall award grants, on a competitive basis, to retailers that sell covered batteries or covered battery-containing products to establish and implement a system for the acceptance and collection of covered batteries and covered battery-containing products, as applicable, for reuse, recycling, or proper disposal.

(B) COLLECTION SYSTEM.—A system described in subparagraph (A) shall include take-back of covered batteries—

(i) at no cost to the consumer; and

(ii) on a regular, convenient, and accessible basis.

Time period.

(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this paragraph \$15,000,000 for the period of fiscal years 2022 through 2026.

(5) TASK FORCE ON PRODUCER RESPONSIBILITIES.—

(A) **IN GENERAL.**—The Secretary, in coordination with the Administrator, shall convene a task force to develop an extended battery producer responsibility framework that—

(i) addresses battery recycling goals, cost structures for mandatory recycling, reporting requirements, product design, collection models, and transportation of collected materials;

(ii) provides sufficient flexibility to allow battery producers to determine cost-effective strategies for compliance with the framework; and

(iii) outlines regulatory pathways for effective recycling.

(B) **TASK FORCE MEMBERS.**—Members of the task force convened under subparagraph (A) shall include—

(i) battery producers, manufacturers, retailers, recyclers, and collectors or processors;

(ii) States and municipalities; and

(iii) other relevant stakeholders, such as environmental, energy, or consumer organizations, as determined by the Secretary.

(C) **REPORT.**—Not later than 1 year after the date on which the Secretary, in coordination with Administrator, convenes the task force under subparagraph (A), the Secretary shall submit to Congress a report that—

(i) describes the extended producer responsibility framework developed by the task force;

(ii) includes the recommendations of the task force on how best to implement a mandatory pay-in or other enforcement mechanism to ensure that battery producers and sellers are contributing to the recycling of batteries; and

(iii) suggests regulatory pathways for effective recycling.

(6) **EFFECT ON MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT.**—Nothing in this subsection, or any regulation, guideline, framework, or policy adopted or promulgated pursuant to this subsection, shall modify or otherwise affect the provisions of the Mercury-Containing and Rechargeable Battery Management Act (42 U.S.C. 14301 et seq.).

Recommendations.

SEC. 40208. ELECTRIC DRIVE VEHICLE BATTERY RECYCLING AND SECOND-LIFE APPLICATIONS PROGRAM.

Section 641 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231) is amended—

(1) by striking subsection (k) and inserting the following:

“(k) **ELECTRIC DRIVE VEHICLE BATTERY SECOND-LIFE APPLICATIONS AND RECYCLING.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **BATTERY RECYCLING AND SECOND-LIFE APPLICATIONS PROGRAM.**—The term ‘battery recycling and second-life applications program’ means the electric drive vehicle battery recycling and second-life applications program established under paragraph (3).

“(B) **CRITICAL MATERIAL.**—The term ‘critical material’ has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

“(C) ECONOMICALLY DISTRESSED AREA.—The term ‘economically distressed area’ means an area described in section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161(a)).

“(D) ELECTRIC DRIVE VEHICLE BATTERY.—The term ‘electric *drive* vehicle battery’ means any battery that is a motive power source for an electric drive vehicle.

“(E) ELIGIBLE ENTITY.—The term ‘eligible entity’ means an entity described in any of paragraphs (1) through (5) of section 989(b) of the Energy Policy Act of 2005 (42 U.S.C. 16353(b)).

“(2) PROGRAM.—The Secretary shall carry out a program of research, development, and demonstration of—

“(A) second-life applications for electric drive vehicle batteries that have been used to power electric drive vehicles; and

“(B) technologies and processes for final recycling and disposal of the devices described in subparagraph (A).

“(3) ELECTRIC DRIVE VEHICLE BATTERY RECYCLING AND SECOND-LIFE APPLICATIONS.—

“(A) IN GENERAL.—In carrying out the program under paragraph (2), the Secretary shall establish an electric drive vehicle battery recycling and second-life applications program under which the Secretary shall—

“(i) award grants under subparagraph (D); and

“(ii) carry out other activities in accordance with this paragraph.

“(B) PURPOSES.—The purposes of the battery recycling and second-life applications program are the following:

“(i) To improve the recycling rates and second-use adoption rates of electric drive vehicle batteries.

“(ii) To optimize the design and adaptability of electric drive vehicle batteries to make electric drive vehicle batteries more easily recyclable.

“(iii) To establish alternative supply chains for critical materials that are found in electric drive vehicle batteries.

“(iv) To reduce the cost of manufacturing, installation, purchase, operation, and maintenance of electric drive vehicle batteries.

“(v) To improve the environmental impact of electric drive vehicle battery recycling processes.

“(C) TARGETS.—In carrying out the battery recycling and second-life applications program, the Secretary shall address near-term (up to 2 years), mid-term (up to 5 years), and long-term (up to 10 years) challenges to the recycling of electric drive vehicle batteries.

“(D) GRANTS.—

“(i) IN GENERAL.—In carrying out the battery recycling and second-life applications program, the Secretary shall award multiyear grants on a competitive, merit-reviewed basis to eligible entities—

“(I) to conduct research, development, testing, and evaluation of solutions to increase the rate and productivity of electric drive vehicle battery recycling; and

“(II) for research, development, and demonstration projects to create innovative and practical approaches to increase the recycling and second-use of electric drive vehicle batteries, including by addressing—

“(aa) technology to increase the efficiency of electric drive vehicle battery recycling and maximize the recovery of critical materials for use in new products;

“(bb) expanded uses for critical materials recovered from electric drive vehicle batteries;

“(cc) product design and construction to facilitate the disassembly and recycling of electric drive vehicle batteries;

“(dd) product design and construction and other tools and techniques to extend the lifecycle of electric drive vehicle batteries, including methods to promote the safe second-use of electric drive vehicle batteries;

“(ee) strategies to increase consumer acceptance of, and participation in, the recycling of electric drive vehicle batteries;

“(ff) improvements and changes to electric drive vehicle battery chemistries that include ways to decrease processing costs for battery recycling without sacrificing front-end performance;

“(gg) second-use of electric drive vehicle batteries, including in applications outside of the automotive industry; and

“(hh) the commercialization and scale-up of electric drive vehicle battery recycling technologies.

“(ii) PRIORITY.—In awarding grants under clause (i), the Secretary shall give priority to projects that—

“(I) are located in geographically diverse regions of the United States;

“(II) include business commercialization plans that have the potential for the recycling of electric drive vehicle batteries at high volumes;

“(III) support the development of advanced manufacturing technologies that have the potential to improve the competitiveness of the United States in the international electric drive vehicle battery manufacturing sector;

“(IV) provide the greatest potential to reduce costs for consumers and promote accessibility and community implementation of demonstrated technologies;

“(V) increase disclosure and transparency of information to consumers;

“(VI) support the development or demonstration of projects in economically distressed areas; and

“(VII) support other relevant priorities, as determined to be appropriate by the Secretary.

Deadline.

“(iii) SOLICITATION.—Not later than 90 days after the date of enactment of the Infrastructure Investment and Jobs Act, and annually thereafter, the Secretary shall conduct a national solicitation for applications for grants described in clause (i).

“(iv) DISSEMINATION OF RESULTS.—The Secretary shall publish the results of the projects carried out through grants awarded under clause (i) through—

“(I) best practices relating to those grants, for use in the electric drive vehicle battery manufacturing, design, installation, refurbishing, or recycling industries;

“(II) coordination with information dissemination programs relating to general recycling of electronic devices; and

“(III) educational materials for the public, produced in conjunction with State and local governments or nonprofit organizations, on the problems and solutions relating to the recycling and second-life applications of electric drive vehicle batteries.

“(E) COORDINATION WITH OTHER PROGRAMS OF THE DEPARTMENT.—In carrying out the battery recycling and second-life applications program, the Secretary shall coordinate and leverage the resources of complementary efforts of the Department.

“(F) STUDY AND REPORT.—

“(i) STUDY.—The Secretary shall conduct a study on the viable market opportunities available for the recycling, second-use, and manufacturing of electric drive vehicle batteries in the United States.

“(ii) REPORT.—Not later than 1 year after the date of enactment of the Infrastructure Investment and Jobs Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Science, Space, and Technology of the House of Representatives, and any other relevant committee of Congress a report containing the results of the study under clause (i), including a description of—

“(I) the ability of relevant businesses or other entities to competitively manufacture electric drive vehicle batteries and recycle electric drive vehicle batteries in the United States;

“(II) any existing electric drive vehicle battery recycling and second-use practices and plans of electric drive vehicle manufacturing companies in the United States;

“(III) any barriers to electric drive vehicle battery recycling in the United States;

“(IV) opportunities and barriers in electric drive vehicle battery supply chains in the United States and internationally, including with allies and trading partners;

“(V) opportunities for job creation in the electric drive vehicle battery recycling and manufacturing fields and the necessary skills employees must acquire for growth of those fields in the United States;

“(VI) policy recommendations for enhancing electric drive vehicle battery manufacturing and recycling in the United States; Recommendations.

“(VII) any recommendations for lowering logistics costs and creating better coordination and efficiency with respect to the removal, collection, transportation, storage, and disassembly of electric drive vehicle batteries; Recommendations.

“(VIII) any recommendations for areas of coordination with other Federal agencies to improve electric drive vehicle battery recycling rates in the United States; Recommendations.

“(IX) an aggressive 2-year target and plan, the implementation of which shall begin during the 90-day period beginning on the date on which the report is submitted, to enhance the competitiveness of electric drive vehicle battery manufacturing and recycling in the United States; and

“(X) needs for future research, development, and demonstration projects in electric drive vehicle battery manufacturing, recycling, and related areas, as determined by the Secretary.

“(G) EVALUATION.—Not later than 3 years after the date on which the report under subparagraph (F)(ii) is submitted, and every 4 years thereafter, the Secretary shall conduct, and make available to the public and the relevant committees of Congress, an independent review of the progress of the grants awarded under subparagraph (D) in meeting the recommendations and targets included in the report.”; and Deadline. Time period. Recommendations.

(2) in subsection (p), by striking paragraph (6) and inserting the following:

“(6) the electric drive vehicle battery recycling and second-life applications program under subsection (k) \$200,000,000 for the period of fiscal years 2022 through 2026.”.

SEC. 40209. ADVANCED ENERGY MANUFACTURING AND RECYCLING GRANT PROGRAM. 42 USC 18742.

(a) DEFINITIONS.—In this section:

(1) ADVANCED ENERGY PROPERTY.—The term “advanced energy property” means—

(A) property designed to be used to produce energy from the sun, water, wind, geothermal or hydrothermal (as those terms are defined in section 612 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17191)) resources, enhanced geothermal systems (as defined in that section), or other renewable resources;

(B) fuel cells, microturbines, or energy storage systems and components;

(C) electric grid modernization equipment or components;

(D) property designed to capture, remove, use, or sequester carbon oxide emissions;

(E) equipment designed to refine, electrolyze, or blend any fuel, chemical, or product that is—

- (i) renewable; or
- (ii) low-carbon and low-emission;

(F) property designed to produce energy conservation technologies (including for residential, commercial, and industrial applications);

(G)(i) light-, medium-, or heavy-duty electric or fuel cell vehicles, electric or fuel cell locomotives, electric or fuel cell maritime vessels, or electric or fuel cell planes;

(ii) technologies, components, and materials of those vehicles, locomotives, maritime vessels, or planes; and

(iii) charging or refueling infrastructure associated with those vehicles, locomotives, maritime vessels, or planes;

(H)(i) hybrid vehicles with a gross vehicle weight rating of not less than 14,000 pounds; and

(ii) technologies, components, and materials for those vehicles; and

(I) other advanced energy property designed to reduce greenhouse gas emissions, as may be determined by the Secretary.

(2) COVERED CENSUS TRACT.—The term “covered census tract” means a census tract—

(A) in which, after December 31, 1999, a coal mine had closed;

(B) in which, after December 31, 2009, a coal-fired electricity generating unit had been retired; or

(C) that is immediately adjacent to a census tract described in subparagraph (A) or (B).

(3) ELIGIBLE ENTITY.—The term “eligible entity” means a manufacturing firm—

(A) the gross annual sales of which are less than \$100,000,000;

(B) that has fewer than 500 employees at the plant site of the manufacturing firm; and

(C) the annual energy bills of which total more than \$100,000 but less than \$2,500,000.

(4) MINORITY-OWNED.—The term “minority-owned”, with respect to an eligible entity, means an eligible entity not less than 51 percent of which is owned by 1 or more individuals who are—

(A) citizens of the United States; and

(B) Asian American, Native Hawaiian, Pacific Islander, African American, Hispanic, Puerto Rican, Native American, or Alaska Native.

(5) PROGRAM.—The term “Program” means the grant program established under subsection (b).

(6) QUALIFYING ADVANCED ENERGY PROJECT.—The term “qualifying advanced energy project” means a project that—

(A)(i) re-equips, expands, or establishes a manufacturing or recycling facility for the production or recycling, as applicable, of advanced energy property; or

(ii) re-equips an industrial or manufacturing facility with equipment designed to reduce the greenhouse gas emissions of that facility substantially below the greenhouse gas emissions under current best practices, as determined by the Secretary, through the installation of—

(I) low- or zero-carbon process heat systems;

(II) carbon capture, transport, utilization, and storage systems;

(III) technology relating to energy efficiency and reduction in waste from industrial processes; or

(IV) any other industrial technology that significantly reduces greenhouse gas emissions, as determined by the Secretary;

(B) has a reasonable expectation of commercial viability, as determined by the Secretary; and

(C) is located in a covered census tract.

(b) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall establish a program to award grants to eligible entities to carry out qualifying advanced energy projects.

(c) APPLICATIONS.—

(1) IN GENERAL.—Each eligible entity seeking a grant under the Program shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a description of the proposed qualifying advanced energy project to be carried out using the grant.

(2) SELECTION CRITERIA.—

(A) PROJECTS.—In selecting eligible entities to receive grants under the Program, the Secretary shall, with respect to the qualifying advanced energy projects proposed by the eligible entities, give higher priority to projects that—

(i) will provide higher net impact in avoiding or reducing anthropogenic emissions of greenhouse gases;

(ii) will result in a higher level of domestic job creation (both direct and indirect) during the lifetime of the project;

(iii) will result in a higher level of job creation in the vicinity of the project, particularly with respect to—

(I) low-income communities (as described in section 45D(e) of the Internal Revenue Code of 1986); and

(II) dislocated workers who were previously employed in manufacturing, coal power plants, or coal mining;

(iv) have higher potential for technological innovation and commercial deployment;

(v) have a lower levelized cost of—

(I) generated or stored energy; or

(II) measured reduction in energy consumption or greenhouse gas emission (based on costs of the full supply chain); and

(vi) have a shorter project time.

(B) ELIGIBLE ENTITIES.—In selecting eligible entities to receive grants under the Program, the Secretary shall give priority to eligible entities that are minority-owned.

(d) PROJECT COMPLETION AND LOCATION; RETURN OF UNOBLIGATED FUNDS.—

(1) COMPLETION; RETURN OF UNOBLIGATED FUNDS.—An eligible entity that receives a grant under the Program shall be required—

(A) to complete the qualifying advanced energy project funded by the grant not later than 3 years after the date of receipt of the grant funds; and

Deadline.

SEC. 40343. LEASES, EASEMENTS, AND RIGHTS-OF-WAY FOR ENERGY AND RELATED PURPOSES ON THE OUTER CONTINENTAL SHELF.

Section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) is amended by inserting “storage,” before “or transmission”.

TITLE IV—ENABLING ENERGY INFRA-STRUCTURE INVESTMENT AND DATA COLLECTION

Subtitle A—Department of Energy Loan Program

SEC. 40401. DEPARTMENT OF ENERGY LOAN PROGRAMS.

(a) TITLE XVII INNOVATIVE ENERGY LOAN GUARANTEE PROGRAM.—

(1) REASONABLE PROSPECT OF REPAYMENT.—Section 1702(d)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16512(d)(1)) is amended—

(A) by striking the paragraph designation and heading and all that follows through “No guarantee” and inserting the following:

“(1) REQUIREMENT.—

“(A) IN GENERAL.—No guarantee”; and

(B) by adding at the end the following:

“(B) REASONABLE PROSPECT OF REPAYMENT.—The Secretary shall base a determination of whether there is reasonable prospect of repayment under subparagraph (A) on a comprehensive evaluation of whether the borrower has a reasonable prospect of repaying the guaranteed obligation for the eligible project, including, as applicable, an evaluation of—

“(i) the strength of the contractual terms of the eligible project (if commercially reasonably available);

“(ii) the forecast of noncontractual cash flows supported by market projections from reputable sources, as determined by the Secretary;

“(iii) cash sweeps and other structure enhancements;

“(iv) the projected financial strength of the borrower—

“(I) at the time of loan close; and

“(II) throughout the loan term after the project is completed;

“(v) the financial strength of the investors and strategic partners of the borrower, if applicable; and

“(vi) other financial metrics and analyses that are relied on by the private lending community and nationally recognized credit rating agencies, as determined appropriate by the Secretary.”.

(2) LOAN GUARANTEES FOR PROJECTS THAT INCREASE THE DOMESTICALLY PRODUCED SUPPLY OF CRITICAL MINERALS.—

Determination.

(A) IN GENERAL.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by adding at the end the following:

“(13) Projects that increase the domestically produced supply of critical minerals (as defined in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)), including through the production, processing, manufacturing, recycling, or fabrication of mineral alternatives.”.

(B) PROHIBITION ON USE OF PREVIOUSLY APPROPRIATED FUNDS.—Amounts appropriated to the Department of Energy before the date of enactment of this Act shall not be made available for the cost of loan guarantees made under paragraph (13) of section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)).

(C) PROHIBITION ON USE OF PREVIOUSLY AVAILABLE COMMITMENT AUTHORITY.—Amounts made available to the Department of Energy for commitments to guarantee loans under section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) before the date of enactment of this Act shall not be made available for commitments to guarantee loans for projects described in paragraph (13) of section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)).

(3) CONFLICTS OF INTEREST.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by adding at the end the following:

Certification.

“(r) CONFLICTS OF INTEREST.—For each project selected for a guarantee under this title, the Secretary shall certify that political influence did not impact the selection of the project.”.

(b) ADVANCED TECHNOLOGY VEHICLE MANUFACTURING.—

(1) ELIGIBILITY.—Section 136(a)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(a)(1)) is amended—

(A) in subparagraph (C), by striking the period at the end and inserting a semicolon;

(B) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting appropriately;

(C) in the matter preceding clause (i) (as so redesignated), by striking “means an ultra” and inserting the following: “means—

“(A) an ultra”; and

(D) by adding at the end the following:

“(B) a medium duty vehicle or a heavy duty vehicle that exceeds 125 percent of the greenhouse gas emissions and fuel efficiency standards established by the final rule of the Environmental Protection Agency entitled ‘Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles—Phase 2’ (81 Fed. Reg. 73478 (October 25, 2016));

“(C) a train or locomotive;

“(D) a maritime vessel;

“(E) an aircraft; and

“(F) hyperloop technology.”.

(2) REASONABLE PROSPECT OF REPAYMENT.—Section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)) is amended—

(A) by striking paragraph (3) and inserting the following:

“(3) SELECTION OF ELIGIBLE PROJECTS.—

Determinations.

“(A) IN GENERAL.—The Secretary shall select eligible projects to receive loans under this subsection if the Secretary determines that—

“(i) the loan recipient—

“(I) has a reasonable prospect of repaying the principal and interest on the loan;

“(II) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

“(III) has met such other criteria as may be established and published by the Secretary; and

“(ii) the amount of the loan (when combined with amounts available to the loan recipient from other sources) will be sufficient to carry out the project.

“(B) REASONABLE PROSPECT OF REPAYMENT.—The Secretary shall base a determination of whether there is a reasonable prospect of repayment of the principal and interest on a loan under subparagraph (A)(i)(I) on a comprehensive evaluation of whether the loan recipient has a reasonable prospect of repaying the principal and interest, including, as applicable, an evaluation of—

“(i) the strength of the contractual terms of the eligible project (if commercially reasonably available);

“(ii) the forecast of noncontractual cash flows supported by market projections from reputable sources, as determined by the Secretary;

“(iii) cash sweeps and other structure enhancements;

“(iv) the projected financial strength of the loan recipient—

“(I) at the time of loan close; and

“(II) throughout the loan term after the project is completed;

“(v) the financial strength of the investors and strategic partners of the loan recipient, if applicable; and

“(vi) other financial metrics and analyses that are relied on by the private lending community and nationally recognized credit rating agencies, as determined appropriate by the Secretary.”; and

(B) in paragraph (4)—

(i) in subparagraph (C), by striking “and” after the semicolon;

(ii) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(E) shall be subject to the condition that the loan is not subordinate to other financing.”.

(3) ADDITIONAL REFORMS.—Section 136 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013) is amended—

(A) in subsection (b) by striking “ultra efficient vehicle manufacturers, and component suppliers” and inserting

“ultra efficient vehicle manufacturers, advanced technology vehicle manufacturers, and component suppliers”;

(B) in subsection (h)—

(i) in the subsection heading, by striking “AUTOMOBILE” and inserting “ADVANCED TECHNOLOGY VEHICLE”; and

(ii) in paragraph (1)(B), by striking “automobiles, or components of automobiles” and inserting “advanced technology vehicles, or components of advanced technology vehicles”;

(C) by striking subsection (i);

(D) by redesignating subsection (j) as subsection (i);

and

(E) by adding at the end the following:

“(j) COORDINATION.—In carrying out this section, the Secretary shall coordinate with relevant vehicle, bioenergy, and hydrogen and fuel cell demonstration project activities supported by the Department.

“(k) OUTREACH.—In carrying out this section, the Secretary shall—

“(1) provide assistance with the completion of applications for awards or loans under this section; and

“(2) conduct outreach, including through conferences and online programs, to disseminate information on awards and loans under this section to potential applicants.

“(l) PROHIBITION ON USE OF APPROPRIATED FUNDS.—Amounts appropriated to the Secretary before the date of enactment of this subsection shall not be available to the Secretary to provide awards under subsection (b) or loans under subsection (d) for the costs of activities that were not eligible for those awards or loans on the day before that date.

“(m) REPORT.—Not later than 2 years after the date of enactment of this subsection, and every 3 years thereafter, the Secretary shall submit to Congress a report on the status of projects supported by a loan under this section, including—

List. “(1) a list of projects receiving a loan under this section, including the loan amount and construction status of each project;

“(2) the status of the loan repayment for each project, including future repayment projections;

Data. “(3) data regarding the number of direct and indirect jobs retained, restored, or created by financed projects;

“(4) the number of new projects projected to receive a loan under this section in the next 2 years, including the projected aggregate loan amount over the next 2 years;

Evaluation. “(5) evaluation of ongoing compliance with the assurances and commitments, and of the predictions, made by applicants pursuant to paragraphs (2) and (3) of subsection (d);

“(6) the total number of applications received by the Department each year; and

“(7) any other metrics the Secretary determines appropriate.”.

(4) CONFLICTS OF INTEREST.—Section 136(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)) is amended by adding at the end the following:

Certification. “(5) CONFLICTS OF INTEREST.—For each eligible project selected to receive a loan under this subsection, the Secretary

shall certify that political influence did not impact the selection of the eligible project.”

(c) STATE LOAN ELIGIBILITY.—

(1) DEFINITIONS.—Section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511) is amended by adding at the end the following:

“(6) STATE.—The term ‘State’ has the meaning given the term in section 202 of the Energy Conservation and Production Act (42 U.S.C. 6802).

“(7) STATE ENERGY FINANCING INSTITUTION.—

“(A) IN GENERAL.—The term ‘State energy financing institution’ means a quasi-independent entity or an entity within a State agency or financing authority established by a State—

“(i) to provide financing support or credit enhancements, including loan guarantees and loan loss reserves, for eligible projects; and

“(ii) to create liquid markets for eligible projects, including warehousing and securitization, or take other steps to reduce financial barriers to the deployment of existing and new eligible projects.

“(B) INCLUSION.—The term ‘State energy financing institution’ includes an entity or organization established to achieve the purposes described in clauses (i) and (ii) of subparagraph (A) by an Indian Tribal entity or an Alaska Native Corporation.”

(2) TERMS AND CONDITIONS.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended—

(A) in subsection (a), by inserting “, including projects receiving financial support or credit enhancements from a State energy financing institution,” after “for projects”;

(B) in subsection (d)(1), by inserting “, including a guarantee for a project receiving financial support or credit enhancements from a State energy financing institution,” after “No guarantee”; and

(C) by adding at the end the following:

“(r) STATE ENERGY FINANCING INSTITUTIONS.—

“(1) ELIGIBILITY.—To be eligible for a guarantee under this title, a project receiving financial support or credit enhancements from a State energy financing institution—

“(A) shall meet the requirements of section 1703(a)(1);

and

“(B) shall not be required to meet the requirements of section 1703(a)(2).

“(2) PARTNERSHIPS AUTHORIZED.—In carrying out a project receiving a loan guarantee under this title, State energy financing institutions may enter into partnerships with private entities, Tribal entities, and Alaska Native corporations.

“(3) PROHIBITION ON USE OF APPROPRIATED FUNDS.—Amounts appropriated to the Department of Energy before the date of enactment of this subsection shall not be available to be used for the cost of loan guarantees for projects receiving financing support or credit enhancements under this subsection.”

(d) LOAN GUARANTEES FOR CERTAIN ALASKA NATURAL GAS TRANSPORTATION PROJECTS AND SYSTEMS.—Section 116 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720n) is amended—

- (1) in subsection (a)—
 - (A) in paragraph (1), by striking “to West Coast States”; and
 - (B) in paragraph (3), in the second sentence, by striking “to the continental United States”;
- (2) in subsection (b)(1), in the first sentence, by striking “to West Coast States”; and
- (3) in subsection (g)(4)—
 - (A) by inserting by striking “plants liquification plants and” and inserting “plants, liquification plants, and”;
 - (B) by striking “to the West Coast”; and
 - (C) by striking “to the continental United States”.

Subtitle B—Energy Information Administration

42 USC 18771.

SEC. 40411. DEFINITIONS.

In this subtitle:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Energy Information Administration.

(2) **ANNUAL CRITICAL MINERALS OUTLOOK.**—The term “Annual Critical Minerals Outlook” means the Annual Critical Minerals Outlook prepared under section 7002(j)(1)(B) of the Energy Act of 2020 (30 U.S.C. 1606(j)(1)(B)).

(3) **CRITICAL MINERAL.**—The term “critical mineral” has the meaning given the term in section 7002(a) of the Energy Act of 2020 (30 U.S.C. 1606(a)).

(4) **HOUSEHOLD ENERGY BURDEN.**—The term “household energy burden” means the quotient obtained by dividing—

(A) the residential energy expenditures (as defined in section 440.3 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act)) of the applicable household; by

(B) the annual income of that household.

(5) **HOUSEHOLD WITH A HIGH ENERGY BURDEN.**—The term “household with a high energy burden” has the meaning given the term in section 440.3 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(6) **LARGE MANUFACTURING FACILITY.**—The term “large manufacturing facility” means a manufacturing facility that—

(A) annually consumes more than 35,000 megawatt-hours of electricity; or

(B) has a peak power demand of more than 10 megawatts.

(7) **LOAD-SERVING ENTITY.**—The term “load-serving entity” has the meaning given the term in section 217(a) of the Federal Power Act (16 U.S.C. 824q(a)).

(8) **MISCELLANEOUS ELECTRIC LOAD.**—The term “miscellaneous electric load” means electricity that—

(A) is used by an appliance or device—

(i) within a building; or

(ii) to serve a building; and

(B) is not used for heating, ventilation, air conditioning, lighting, water heating, or refrigeration.

(9) **REGIONAL TRANSMISSION ORGANIZATION.**—The term “Regional Transmission Organization” has the meaning given

the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(10) RURAL AREA.—The term “rural area” has the meaning given the term in section 609(a) of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c(a)).

SEC. 40412. DATA COLLECTION IN THE ELECTRICITY SECTOR.

42 USC 18772.

(a) DASHBOARD.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall establish an online database to track the operation of the bulk power system in the contiguous 48 States (referred to in this section as the “Dashboard”). Deadline.

(B) IMPROVEMENT OF EXISTING DASHBOARD.—The Dashboard may be established through the improvement, in accordance with this subsection, of an existing dashboard of the Energy Information Administration, such as—

(i) the U.S. Electric System Operating Data dashboard; or

(ii) the Hourly Electric Grid Monitor.

(2) EXPANSION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall expand the Dashboard to include, to the maximum extent practicable, hourly operating data collected from the electricity balancing authorities that operate the bulk power system in all of the several States, each territory of the United States, and the District of Columbia. Deadline.

(B) TYPES OF DATA.—The hourly operating data collected under subparagraph (A) may include data relating to—

(i) total electricity demand;

(ii) electricity demand by subregion;

(iii) short-term electricity demand forecasts;

(iv) total electricity generation;

(v) net electricity generation by fuel type, including renewables;

(vi) electricity stored and discharged;

(vii) total net electricity interchange;

(viii) electricity interchange with directly interconnected balancing authorities; and

(ix) where available, the estimated marginal greenhouse gas emissions per megawatt hour of electricity generated—

(I) within the metered boundaries of each balancing authority; and

(II) for each pricing node.

(b) MIX OF ENERGY SOURCES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish, in accordance with section 40419 and this subsection and to the extent the Administrator determines to be appropriate, a system to harmonize the operating data on electricity generation collected under subsection (a) with— Deadline.
Determination.

(A) measurements of greenhouse gas and other pollutant emissions collected by the Environmental Protection Agency;

(B) other data collected by the Environmental Protection Agency or other relevant Federal agencies, as the Administrator determines to be appropriate; and

(C) data collected by State or regional energy credit registries.

(2) OUTCOMES.—The system established under paragraph (1) shall result in an integrated dataset that includes, for any given time—

(A) the net generation of electricity by megawatt hour within the metered boundaries of each balancing authority; and

(B) where available, the average and marginal greenhouse gas emissions by megawatt hour of electricity generated within the metered boundaries of each balancing authority.

(3) REAL-TIME DATA DISSEMINATION.—To the maximum extent practicable, the system established under paragraph (1) shall disseminate data—

(A) on a real-time basis; and

(B) through an application programming interface that is publicly accessible.

(4) COMPLEMENTARY EFFORTS.—The system established under paragraph (1) shall complement any existing data dissemination efforts of the Administrator that make use of electricity generation data, such as electricity demand by sub-region and electricity interchange with directly interconnected balancing authorities.

(c) OBSERVED CHARACTERISTICS OF BULK POWER SYSTEM RESOURCE INTEGRATION.—

Deadline.

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a system to provide to the public timely data on the integration of energy resources into the bulk power system and the electric distribution grids in the United States, and the observed effects of that integration.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Administrator shall seek to improve the temporal and spatial resolution of data relating to how grid operations are changing, such as through—

(A) thermal generator cycling to accommodate intermittent generation;

(B) generation unit self-scheduling practices;

(C) renewable source curtailment;

(D) utility-scale storage;

(E) load response;

(F) aggregations of distributed energy resources at the distribution system level;

(G) power interchange between directly connected balancing authorities;

(H) expanding Regional Transmission Organization balancing authorities;

(I) improvements in real-time—

(i) accuracy of locational marginal prices; and

(ii) signals to flexible demand; and

(J) disruptions to grid operations, including disruptions caused by cyber sources, physical sources, extreme weather events, or other sources.

(d) DISTRIBUTION SYSTEM OPERATIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a system to provide to the public timely data on the operations of load-serving entities in the electricity grids of the United States.

Public information. Deadline.

(2) REQUIREMENTS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall—

(i) not less frequently than annually, provide data on—

Deadline.

(I) the delivered generation resource mix for each load-serving entity; and

(II) the distributed energy resources operating within each service area of a load-serving entity;

(ii) harmonize the data on delivered generation resource mix described in clause (i)(I) with measurements of greenhouse gas emissions collected by the Environmental Protection Agency;

(iii) to the maximum extent practicable, disseminate the data described in clause (i)(I) and the harmonized data described in clause (ii) on a real-time basis; and

(iv) provide historical data, beginning with the earliest calendar year practicable, but not later than calendar year 2020, on the delivered generation resource mix described in clause (i)(I).

Deadline.

(B) DATA ON THE DELIVERED GENERATION RESOURCE MIX.—In collecting the data described in subparagraph (A)(i)(I), the Administrator shall—

(i) use existing voluntary industry methodologies, including reporting protocols, databases, and emissions and energy use tracking software that provide consistent, timely, and accessible carbon emissions intensity rates for delivered electricity;

(ii) consider that generation and transmission entities may provide data on behalf of load-serving entities;

(iii) to the extent that the Administrator determines necessary, and in a manner designed to protect confidential information, require each load-serving entity to submit additional information as needed to determine the delivered generation resource mix of the load-serving entity, including financial or contractual agreements for power and generation resource type attributes with respect to power owned by or retired by the load-serving entity; and

(iv) for any portion of the generation resource mix of a load-serving entity that is otherwise unaccounted for, develop a methodology to assign to the load-serving entity a share of the otherwise unaccounted for resource mix of the relevant balancing authority.

Determination.

42 USC 18773.

SEC. 40413. EXPANSION OF ENERGY CONSUMPTION SURVEYS.

Deadline.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Administrator shall implement measures to expand the Manufacturing Energy Consumption Survey, the Commercial Building Energy Consumption Survey, and the Residential Energy Consumption Survey to include data on energy end use in order to facilitate the identification of—

(1) opportunities to improve energy efficiency and energy productivity;

(2) changing patterns of energy use; and

(3) opportunities to better understand and manage miscellaneous electric loads.

(b) **REQUIREMENTS.**—

(1) **IN GENERAL.**—In carrying out subsection (a), the Administrator shall—

(A) increase the scope and frequency of data collection on energy end uses and services;

(B) use new data collection methods and tools in order to obtain more comprehensive data and reduce the burden on survey respondents, including by—

(i) accessing other existing data sources; and

(ii) if feasible, developing online and real-time reporting systems;

(C) identify and report community-level economic and environmental impacts, including with respect to—

(i) the reliability and security of the energy supply;

and

(ii) local areas with households with a high energy burden; and

(D) improve the presentation of data, including by—

(i) enabling the presentation of data in an interactive cartographic format on a national, regional, State, and local level with the functionality of viewing various economic, energy, and demographic measures on an individual basis or in combination; and

(ii) incorporating the results of the data collection, methods, and tools described in subparagraphs (A) and (B) into existing and new digital distribution methods.

(2) **MANUFACTURING ENERGY CONSUMPTION SURVEY.**—With respect to the Manufacturing Energy Consumption Survey, the Administrator shall—

(A) implement measures to provide more detailed representations of data by region;

(B) for large manufacturing facilities, break out process heat use by required process temperatures in order to facilitate the identification of opportunities for cost reductions and energy efficiency or energy productivity improvements;

(C) collect information on—

(i) energy source-switching capabilities, especially with respect to thermal processes and the efficiency of thermal processes;

(ii) the use of electricity, biofuels, hydrogen, or other alternative fuels to produce process heat; and

(iii) the use of demand response; and

(D) identify current and potential future industrial clusters in which multiple firms and facilities in a defined

Reports.

geographic area share the costs and benefits of infrastructure for clean manufacturing, such as—

- (i) hydrogen generation, production, transport, use, and storage infrastructure; and
- (ii) carbon dioxide capture, transport, use, and storage infrastructure.

(3) RESIDENTIAL ENERGY CONSUMPTION SURVEY.—With respect to the Residential Energy Consumption Survey, the Administrator shall—

(A) implement measures to provide more detailed representations of data by—

- (i) geographic area, including by State (for each State);
- (ii) building type, including multi-family buildings;
- (iii) household income;
- (iv) location in a rural area; and
- (v) other demographic characteristics, as determined by the Administrator; and

(B) report measures of—

- (i) household electrical service capacity;
- (ii) access to utility demand-side management programs and bill credits;
- (iii) characteristics of the energy mix used to generate electricity in different regions; and
- (iv) the household energy burden for households—
 - (I) in different geographic areas;
 - (II) by electricity, heating, and other end-uses; and
 - (III) with different demographic characteristics that correlate with increased household energy burden, including—
 - (aa) having a low household income;
 - (bb) being a minority household;
 - (cc) residing in manufactured or multi-family housing;
 - (dd) being in a fixed or retirement income household;
 - (ee) residing in rental housing; and
 - (ff) other factors, as determined by the Administrator.

SEC. 40414. DATA COLLECTION ON ELECTRIC VEHICLE INTEGRATION WITH THE ELECTRICITY GRIDS. 42 USC 18774.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and implement measures to expand data collection with respect to electric vehicle integration with the electricity grids. Deadline.

(b) SOURCES OF DATA.—The sources of the data collected pursuant to subsection (a) may include—

- (1) host-owned or charging-network-owned electric vehicle charging stations;
- (2) aggregators of charging-network electricity demand;
- (3) electric utilities offering managed-charging programs;
- (4) individual, corporate, or public owners of electric vehicles; and
- (5) balancing authority analyses of—
 - (A) transformer loading congestion; and

(B) distribution-system congestion.

(c) CONSULTATION AND COORDINATION.—In carrying out subsection (a), the Administrator may consult and enter into agreements with other institutions having relevant data and data collection capabilities, such as—

- (1) the Secretary of Transportation;
- (2) the Secretary;
- (3) the Administrator of the Environmental Protection Agency;
- (4) States or State agencies; and
- (5) private entities.

42 USC 18775.

SEC. 40415. PLAN FOR THE MODELING AND FORECASTING OF DEMAND FOR MINERALS USED IN THE ENERGY SECTOR.

(a) PLAN.—

Deadline.
Coordination.

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in coordination with the Director of the United States Geological Survey, shall develop a plan for the modeling and forecasting of demand for energy technologies, including for energy production, transmission, or storage purposes, that use minerals that are or could be designated as critical minerals.

(2) INCLUSIONS.—The plan developed under paragraph (1) shall identify—

(A) the type and quantity of minerals consumed, delineated by energy technology;

(B) existing markets for manufactured energy-producing, energy-transmission, and energy-storing equipment; and

(C) emerging or potential markets for new energy-producing, energy-transmission, and energy-storing technologies entering commercialization.

(b) METRICS.—The plan developed under subsection (a)(1) shall produce forecasts of energy technology demand—

Time periods.

(1) over the 1-year, 5-year, and 10-year periods beginning on the date on which development of the plan is completed;

(2) by economic sector; and

Determination.

(3) according to any other parameters that the Administrator, in collaboration with the Secretary of the Interior, acting through the Director of the United States Geological Survey, determines are needed for the Annual Critical Minerals Outlook.

Consultation.

(c) COLLABORATION.—The Administrator shall develop the plan under subsection (a)(1) in consultation with—

(1) the Secretary with respect to the possible trajectories of emerging energy-producing and energy-storing technologies; and

(2) the Secretary of the Interior, acting through the Director of the United States Geological Survey—

(A) to ensure coordination;

(B) to avoid duplicative effort; and

(C) to align the analysis of demand with data and analysis of where the minerals are produced, refined, and subsequently processed into materials and parts that are used to build energy technologies.

- (11) greater flexibility in—
 - (A) the modeling of the environmental impacts of electricity systems, such as—
 - (i) emissions of greenhouse gases and other pollutants; and
 - (ii) the use of land and water resources; and
 - (B) the ability to support climate modeling, such as the climate modeling performed by the Office of Biological and Environmental Research in the Office of Science of the Department;
- (12) technologies that are in an early stage of commercial deployment and have been identified by the Secretary as candidates for large-scale demonstration projects, such as—
 - (A) carbon capture, transport, use, and storage from any source or economic sector;
 - (B) direct air capture;
 - (C) hydrogen production, including via electrolysis;
 - (D) synthetic and biogenic hydrocarbon liquid and gaseous fuels;
 - (E) supercritical carbon dioxide combustion turbines;
 - (F) industrial fuel cell and hydrogen combustion equipment; and
 - (G) industrial electric boilers;
- (13) increased and improved data sources and tools, including—
 - (A) the establishment of technology and cost baselines, including technology learning rates;
 - (B) economic and employment impacts of energy system policies and energy prices on households, as a function of household income and region; and
 - (C) the use of behavioral economics to inform demand modeling in all sectors; and
- (14) striving to migrate toward a single, consistent, and open-source modeling platform, and increasing open access to model systems, data, and outcomes, for—
 - (A) disseminating reference scenarios that can be transparently and broadly replicated; and
 - (B) promoting the development of the researcher and analyst workforce needed to continue the development and validation of improved energy system models in the future.

SEC. 40418. REPORT ON COSTS OF CARBON ABATEMENT IN THE ELECTRICITY SECTOR.

Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to Congress a report on—

- (1) the potential use of levelized cost of carbon abatement or a similar metric in analyzing generators of electricity, including an identification of limitations and appropriate uses of the metric;
- (2) the feasibility and impact of incorporating levelized cost of carbon abatement in long-term forecasts—
 - (A) to compare technical approaches and understand real-time changes in fossil-fuel and nuclear dispatch;
 - (B) to compare the system-level costs of technology options to reduce emissions; and

(C) to compare the costs of policy options, including current policies, regarding valid and verifiable reductions and removals of carbon; and

(3)(A) a potential process to measure carbon dioxide emissions intensity per unit of output production for a range of—

- (i) energy sources;
- (ii) sectors; and
- (iii) geographic regions; and

(B) a corresponding process to provide an empirical framework for reporting the status and costs of carbon dioxide reduction relative to specified goals.

SEC. 40419. HARMONIZATION OF EFFORTS AND DATA.

Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a system to harmonize, to the maximum extent practicable and consistent with data integrity—

(1) the data collection efforts of the Administrator, including any data collection required under this subtitle, with the data collection efforts of—

(A) the Environmental Protection Agency, as the Administrator determines to be appropriate;

(B) other relevant Federal agencies, as the Administrator determines to be appropriate; and

(C) State or regional energy credit registries, as the Administrator determines to be appropriate;

(2) the data collected under this subtitle, including the operating data on electricity generation collected under section 40412(a), with data collected by the entities described in subparagraphs (A) through (C) of paragraph (1), including any measurements of greenhouse gas and other pollutant emissions collected by the Environmental Protection Agency, as the Administrator determines to be appropriate; and

(3) the efforts of the Administrator to identify and report relevant impacts, opportunities, and patterns with respect to energy use, including the identification of community-level economic and environmental impacts required under section 40413(b)(1)(C), with the efforts of the Environmental Protection Agency and other relevant Federal agencies, as determined by the Administrator, to identify similar impacts, opportunities, and patterns.

Deadline.
Determinations.
42 USC 18777.

Subtitle C—Miscellaneous

SEC. 40431. CONSIDERATION OF MEASURES TO PROMOTE GREATER ELECTRIFICATION OF THE TRANSPORTATION SECTOR.

(a) IN GENERAL.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) (as amended by section 40104(a)(1)) is amended by adding at the end the following:

“(21) ELECTRIC VEHICLE CHARGING PROGRAMS.—Each State shall consider measures to promote greater electrification of the transportation sector, including the establishment of rates that—

“(A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;

“(B) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles;

“(C) accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy-duty vehicles; and

“(D) appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.”

(b) COMPLIANCE.—

(1) TIME LIMITATION.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(b)) (as amended by section 40104(a)(2)(A)) is amended by adding at the end the following:

Deadlines.

“(8)(A) Not later than 1 year after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority) and each nonregulated utility shall commence consideration under section 111, or set a hearing date for consideration, with respect to the standard established by paragraph (21) of section 111(d).

“(B) Not later than 2 years after the date of enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which the State has ratemaking authority), and each nonregulated electric utility shall complete the consideration and make the determination under section 111 with respect to the standard established by paragraph (21) of section 111(d).”

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) (as amended by section 40104(a)(2)(B)(i)) is amended by adding at the end the following: “In the case of the standard established by paragraph (21) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).”

(3) PRIOR STATE ACTIONS.—

(A) IN GENERAL.—Section 112 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622) (as amended by section 40104(a)(2)(C)(i)) is amended by adding at the end the following:

“(h) OTHER PRIOR STATE ACTIONS.—Subsections (b) and (c) shall not apply to the standard established by paragraph (21) of section 111(d) in the case of any electric utility in a State if, before the date of enactment of this subsection—

“(1) the State has implemented for the electric utility the standard (or a comparable standard);

“(2) the State regulatory authority for the State or the relevant nonregulated electric utility has conducted a proceeding to consider implementation of the standard (or a comparable standard) for the electric utility; or

Time period.

“(3) the State legislature has voted on the implementation of the standard (or a comparable standard) for the electric utility during the 3-year period ending on that date of enactment.”

(B) CROSS-REFERENCE.—Section 124 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2634)

(as amended by section 40104(a)(2)(C)(ii)(II)) is amended by adding at the end the following: “In the case of the standard established by paragraph (21) of section 111(d), the reference contained in this section to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of that paragraph (21).”.

SEC. 40432. OFFICE OF PUBLIC PARTICIPATION.

Section 319 of the Federal Power Act (16 U.S.C. 825q–1) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by striking the third sentence;

and

(B) in subparagraph (B)—

(i) by striking the third sentence and inserting the following: “The Director shall be compensated at a rate of pay not greater than the maximum rate of pay prescribed for a senior executive in the Senior Executive Service under section 5382 of title 5, United States Code.”; and

(ii) by striking the first sentence; and

(2) in subsection (b), by striking paragraph (4).

SEC. 40433. DIGITAL CLIMATE SOLUTIONS REPORT.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with appropriate Federal agencies and relevant stakeholders, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that assesses using digital tools and platforms as climate solutions, including—

- (1) artificial intelligence and machine learning;
- (2) blockchain technologies and distributed ledgers;
- (3) crowdsourcing platforms;
- (4) the Internet of Things;
- (5) distributed computing for the grid; and
- (6) software and systems.

(b) **CONTENTS.**—The report required under subsection (a) shall include—

(1) as practicable, a full inventory and assessment of digital climate solutions;

(2) an analysis of how the private sector can utilize the digital tools and platforms included in the inventory under paragraph (1) to accelerate digital climate solutions; and

(3) a summary of opportunities to enhance the standardization of voluntary and regulatory climate disclosure protocols, including enabling the data to be disseminated through an application programming interface that is accessible to the public.

Consultation.
Assessments.

Analysis.

Summary.

SEC. 40434. STUDY AND REPORT BY THE SECRETARY OF ENERGY ON JOB LOSS AND IMPACTS ON CONSUMER ENERGY COSTS DUE TO THE REVOCATION OF THE PERMIT FOR THE KEYSTONE XL PIPELINE.

(a) **DEFINITION OF EXECUTIVE ORDER.**—In this section, the term “Executive Order” means Executive Order 13990 (86 Fed. Reg. 7037; relating to protecting public health and the environment and restoring science to tackle the climate crisis).

- (b) **STUDY AND REPORT.**—The Secretary shall—
- (1) conduct a study to estimate—
- (A) the total number of jobs that were lost as a direct or indirect result of section 6 of the Executive Order over the 10-year period beginning on the date on which the Executive Order was issued; and
- (B) the impact on consumer energy costs that are projected to result as a direct or indirect result of section 6 of the Executive Order over the 10-year period beginning on the date on which the Executive Order was issued; and
- (2) not later than 90 days after the date of enactment of this Act, submit to Congress a report describing the findings of the study conducted under paragraph (1).
- SEC. 40435. STUDY ON IMPACT OF ELECTRIC VEHICLES.**
- Not later than 120 days after the date of enactment of this Act, the Secretary shall conduct, and submit to Congress a report describing the results of, a study on the cradle to grave environmental impact of electric vehicles.
- SEC. 40436. STUDY ON IMPACT OF FORCED LABOR IN CHINA ON THE ELECTRIC VEHICLE SUPPLY CHAIN.**
- Not later than 120 days after the date of enactment of this Act, the Secretary, in coordination with the Secretary of State and the Secretary of Commerce, shall study the impact of forced labor in China on the electric vehicle supply chain.

TITLE V—ENERGY EFFICIENCY AND BUILDING INFRASTRUCTURE

Subtitle A—Residential and Commercial Energy Efficiency

- SEC. 40501. DEFINITIONS.**
- In this subtitle:
- (1) **PRIORITY STATE.**—The term “priority State” means a State that—
- (A) is eligible for funding under the State Energy Program; and
- (B)(i) is among the 15 States with the highest annual per-capita combined residential and commercial sector energy consumption, as most recently reported by the Energy Information Administration; or
- (ii) is among the 15 States with the highest annual per-capita energy-related carbon dioxide emissions by State, as most recently reported by the Energy Information Administration.
- (2) **PROGRAM.**—The term “program” means the program established under section 40502(a).
- (3) **STATE.**—The term “State” means a State (as defined in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202)), acting through a State energy office.
- (4) **STATE ENERGY PROGRAM.**—The term “State Energy Program” means the State Energy Program established under

“(3) the Federal Energy Management Program of the Department of Energy; and

“(4) the private sector and other appropriate agencies, including the National Institute of Standards and Technology.

“(c) RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.—As part of the industrial efficiency programs of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial plants, reduce pollution, and conserve natural resources.”.

(b) CLERICAL AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

“376. Sustainable manufacturing initiative.”.

PART II—SMART MANUFACTURING

42 USC 18811.

SEC. 40531. DEFINITIONS.

In this part:

(1) ENERGY MANAGEMENT SYSTEM.—The term “energy management system” means a business management process based on standards of the American National Standards Institute that enables an organization to follow a systematic approach in achieving continual improvement of energy performance, including energy efficiency, security, use, and consumption.

(2) INDUSTRIAL RESEARCH AND ASSESSMENT CENTER.—The term “industrial research and assessment center” means a center located at an institution of higher education, a trade school, a community college, or a union training program that—

(A) receives funding from the Department;

(B) provides an in-depth assessment of small- and medium-size manufacturer plant sites to evaluate the facilities, services, and manufacturing operations of the plant site; and

(C) identifies opportunities for potential savings for small- and medium-size manufacturer plant sites from energy efficiency improvements, waste minimization, pollution prevention, and productivity improvement.

(3) INFORMATION AND COMMUNICATION TECHNOLOGY.—The term “information and communication technology” means any electronic system or equipment (including the content contained in the system or equipment) used to create, convert, communicate, or duplicate data or information, including computer hardware, firmware, software, communication protocols, networks, and data interfaces.

(4) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM.—The term “North American Industry Classification System” means the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting,

analyzing, and publishing statistical data relating to the business economy of the United States.

(6) **SMALL AND MEDIUM MANUFACTURERS.**—The term “small and medium manufacturers” means manufacturing firms—

(A) classified in the North American Industry Classification System as any of sectors 31 through 33;

(B) with gross annual sales of less than \$100,000,000;

(C) with fewer than 500 employees at the plant site;

and

(D) with annual energy bills totaling more than \$100,000 and less than \$3,500,000.

(7) **SMART MANUFACTURING.**—The term “smart manufacturing” means advanced technologies in information, automation, monitoring, computation, sensing, modeling, artificial intelligence, analytics, and networking that—

(A) digitally—

(i) simulate manufacturing production lines;

(ii) operate computer-controlled manufacturing equipment;

(iii) monitor and communicate production line status; and

(iv) manage and optimize energy productivity and cost throughout production;

(B) model, simulate, and optimize the energy efficiency of a factory building;

(C) monitor and optimize building energy performance;

(D) model, simulate, and optimize the design of energy efficient and sustainable products, including the use of digital prototyping and additive manufacturing to enhance product design;

(E) connect manufactured products in networks to monitor and optimize the performance of the networks, including automated network operations; and

(F) digitally connect the supply chain network.

SEC. 40532. LEVERAGING EXISTING AGENCY PROGRAMS TO ASSIST SMALL AND MEDIUM MANUFACTURERS. 42 USC 18812.

The Secretary shall expand the scope of technologies covered by the industrial research and assessment centers of the Department—

(1) to include smart manufacturing technologies and practices; and

(2) to equip the directors of the industrial research and assessment centers with the training and tools necessary to provide technical assistance in smart manufacturing technologies and practices, including energy management systems, to manufacturers.

SEC. 40533. LEVERAGING SMART MANUFACTURING INFRASTRUCTURE AT NATIONAL LABORATORIES. 42 USC 18813.

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Secretary shall conduct a study on how the Department can increase access to existing high-performance computing resources in the National Laboratories, particularly for small and medium manufacturers. Deadline.

(2) **INCLUSIONS.**—In identifying ways to increase access to National Laboratories under paragraph (1), the Secretary shall—

(A) focus on increasing access to the computing facilities of the National Laboratories; and

(B) ensure that—

(i) the information from the manufacturer is protected; and

(ii) the security of the National Laboratory facility is maintained.

(3) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study.

(b) **ACTIONS FOR INCREASED ACCESS.**—The Secretary shall facilitate access to the National Laboratories studied under subsection (a) for small and medium manufacturers so that small and medium manufacturers can fully use the high-performance computing resources of the National Laboratories to enhance the manufacturing competitiveness of the United States.

42 USC 18814.

SEC. 40534. STATE MANUFACTURING LEADERSHIP.

(a) **FINANCIAL ASSISTANCE AUTHORIZED.**—The Secretary may provide financial assistance on a competitive basis to States for the establishment of programs to be used as models for supporting the implementation of smart manufacturing technologies.

(b) **APPLICATIONS.**—

(1) **IN GENERAL.**—To be eligible to receive financial assistance under this section, a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

Evaluation.

(2) **CRITERIA.**—The Secretary shall evaluate an application for financial assistance under this section on the basis of merit using criteria identified by the Secretary, including—

(A) technical merit, innovation, and impact;

(B) research approach, workplan, and deliverables;

(C) academic and private sector partners; and

(D) alternate sources of funding.

(c) **REQUIREMENTS.**—

Time period.

(1) **TERM.**—The term of an award of financial assistance under this section shall not exceed 3 years.

(2) **MAXIMUM AMOUNT.**—The amount of an award of financial assistance under this section shall be not more than \$2,000,000.

(3) **MATCHING REQUIREMENT.**—Each State that receives financial assistance under this section shall contribute matching funds in an amount equal to not less than 30 percent of the amount of the financial assistance.

(d) **USE OF FUNDS.**—A State may use financial assistance provided under this section—

(1) to facilitate access to high-performance computing resources for small and medium manufacturers; and

(2) to provide assistance to small and medium manufacturers to implement smart manufacturing technologies and practices.

(e) **EVALUATION.**—The Secretary shall conduct semiannual evaluations of each award of financial assistance under this section—

(1) to determine the impact and effectiveness of programs funded with the financial assistance; and

(2) to provide guidance to States on ways to better execute the program of the State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40535. REPORT.

The Secretary annually shall submit to Congress and make publicly available a report on the progress made in advancing smart manufacturing in the United States.

Subtitle D—Schools and Nonprofits

SEC. 40541. GRANTS FOR ENERGY EFFICIENCY IMPROVEMENTS AND RENEWABLE ENERGY IMPROVEMENTS AT PUBLIC SCHOOL FACILITIES.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUELED VEHICLE.—The term “alternative fueled vehicle” has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(2) ALTERNATIVE FUELED VEHICLE INFRASTRUCTURE.—The term “alternative fueled vehicle infrastructure” means infrastructure used to charge or fuel an alternative fueled vehicle.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means a consortium of—

(A) 1 local educational agency; and

(B) 1 or more—

(i) schools;

(ii) nonprofit organizations that have the knowledge and capacity to partner and assist with energy improvements;

(iii) for-profit organizations that have the knowledge and capacity to partner and assist with energy improvements; or

(iv) community partners that have the knowledge and capacity to partner and assist with energy improvements.

(4) ENERGY IMPROVEMENT.—The term “energy improvement” means—

(A) any improvement, repair, or renovation to a school that results in a direct reduction in school energy costs, including improvements to the envelope, air conditioning system, ventilation system, heating system, domestic hot water heating system, compressed air system, distribution system, lighting system, power system, and controls of a building;

(B) any improvement, repair, or renovation to, or installation in, a school that—

(i) leads to an improvement in teacher and student health, including indoor air quality; and

(ii) achieves energy savings;

(C) any improvement, repair, or renovation to a school involving the installation of renewable energy technologies;

(D) the installation of alternative fueled vehicle infrastructure on school grounds for—

(i) exclusive use of school buses, school fleets, or students; or

(ii) the general public; and

(E) the purchase or lease of alternative fueled vehicles to be used by a school, including school buses, fleet vehicles, and other operational vehicles.

(5) HIGH SCHOOL.—The term “high school” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(6) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(7) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means—

(A) an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) a mutual or cooperative electric company described in section 501(c)(12) of such Code.

(8) PARTNERING LOCAL EDUCATIONAL AGENCY.—The term “partnering local educational agency”, with respect to an eligible entity, means the local educational agency participating in the consortium of the eligible entity.

(b) GRANTS.—The Secretary shall award competitive grants to eligible entities to make energy improvements in accordance with this section.

(c) APPLICATIONS.—

(1) IN GENERAL.—An eligible entity desiring a grant under this section shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) CONTENTS.—The application submitted under paragraph (1) shall include each of the following:

Assessment.

(A) A needs assessment of the current condition of the school and school facilities that would receive the energy improvements if the application were approved.

Plan.

(B) A draft work plan of the intended achievements of the eligible entity at the school.

(C) A description of the energy improvements that the eligible entity would carry out at the school if the application were approved.

(D) A description of the capacity of the eligible entity to provide services and comprehensive support to make the energy improvements referred to in subparagraph (C).

Assessment.

(E) An assessment of the expected needs of the eligible entity for operation and maintenance training funds, and a plan for use of those funds, if applicable.

Assessment.

(F) An assessment of the expected energy efficiency, energy savings, and safety benefits of the energy improvements.

Cost estimate.

(G) A cost estimate of the proposed energy improvements.

(H) An identification of other resources that are available to carry out the activities for which grant funds are

requested under this section, including the availability of utility programs and public benefit funds.

(d) PRIORITY.—

(1) IN GENERAL.—In awarding grants under this section, the Secretary shall give priority to an eligible entity—

(A) that has renovation, repair, and improvement funding needs;

(B)(i) that, as determined by the Secretary, serves a high percentage of students, including students in a high school in accordance with paragraph (2), who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

Determination.

(ii) the partnering local educational agency of which is designated with a school district locale code of 41, 42, or 43, as determined by the National Center for Education Statistics in consultation with the Bureau of the Census; and

(C) that leverages private sector investment through energy-related performance contracting.

(2) HIGH SCHOOL STUDENTS.—In the case of students in a high school, the percentage of students eligible for a free or reduced price lunch described in paragraph (1)(B)(i) shall be calculated using data from the schools that feed into the high school.

(e) COMPETITIVE CRITERIA.—The competitive criteria used by the Secretary to award grants under this section shall include the following:

(1) The extent of the disparity between the fiscal capacity of the eligible entity to carry out energy improvements at school facilities and the needs of the partnering local educational agency for those energy improvements, including consideration of—

(A) the current and historic ability of the partnering local educational agency to raise funds for construction, renovation, modernization, and major repair projects for schools;

(B) the ability of the partnering local educational agency to issue bonds or receive other funds to support the current infrastructure needs of the partnering local educational agency for schools; and

(C) the bond rating of the partnering local educational agency.

(2) The likelihood that the partnering local educational agency or eligible entity will maintain, in good condition, any school and school facility that is the subject of improvements.

(3) The potential energy efficiency and safety benefits from the proposed energy improvements.

(f) USE OF GRANT AMOUNTS.—

(1) IN GENERAL.—Except as provided in this subsection, an eligible entity receiving a grant under this section shall use the grant amounts only to make the energy improvements described in the application submitted by the eligible entity under subsection (c).

(2) OPERATION AND MAINTENANCE TRAINING.—An eligible entity receiving a grant under this section may use not more

than 5 percent of the grant amounts for operation and maintenance training for energy efficiency and renewable energy improvements, such as maintenance staff and teacher training, education, and preventative maintenance training.

(3) **THIRD-PARTY INVESTIGATION AND ANALYSIS.**—An eligible entity receiving a grant under this section may use a portion of the grant amounts for a third-party investigation and analysis of the energy improvements carried out by the eligible entity, such as energy audits and existing building commissioning.

(4) **CONTINUING EDUCATION.**—An eligible entity receiving a grant under this section may use not more than 3 percent of the grant amounts to develop a continuing education curriculum relating to energy improvements.

(g) **COMPETITION IN CONTRACTING.**—If an eligible entity receiving a grant under this section uses grant funds to carry out repair or renovation through a contract, the eligible entity shall be required to ensure that the contract process—

(1) through full and open competition, ensures the maximum practicable number of qualified bidders, including small, minority, and women-owned businesses; and

(2) gives priority to businesses located in, or resources common to, the State or geographical area in which the repair or renovation under the contract will be carried out.

Publication.
Guidelines.

(h) **BEST PRACTICES.**—The Secretary shall develop and publish guidelines and best practices for activities carried out under this section.

(i) **REPORT BY ELIGIBLE ENTITY.**—An eligible entity receiving a grant under this section shall submit to the Secretary, at such time as the Secretary may require, a report describing—

(1) the use of the grant funds for energy improvements;

(2) the estimated cost savings realized by those energy improvements;

(3) the results of any third-party investigation and analysis conducted relating to those energy improvements;

(4) the use of any utility programs and public benefit funds; and

(5) the use of performance tracking for energy improvements, such as—

(A) the Energy Star program established under section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a); or

(B) the United States Green Building Council Leadership in Energy and Environmental Design (LEED) green building rating system for existing buildings.

Time period.

(j) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary to carry out this section \$500,000,000 for the period of fiscal years 2022 through 2026.

Grants.
42 USC 18832.

SEC. 40542. ENERGY EFFICIENCY MATERIALS PILOT PROGRAM.

(a) **DEFINITIONS.**—In this section:

(1) **APPLICANT.**—The term “applicant” means a nonprofit organization that applies for a grant under this section.

(2) **ENERGY-EFFICIENCY MATERIAL.**—

(A) **IN GENERAL.**—The term “energy-efficiency material” means a material (including a product, equipment, or

part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) on a project assisted in whole or in part by funding made available under subsection (a), the requirements of section 41101 shall apply only to work performed on multifamily buildings with not fewer than 5 units.

SEC. 40552. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) USE OF FUNDS.—Section 544 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17154) is amended—

(1) in paragraph (13)(D), by striking “and” after the semicolon;

(2) by redesignating paragraph (14) as paragraph (15); and

(3) by inserting after paragraph (13) the following:

“(14) programs for financing energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure), capital investments, projects, and programs, which may include loan programs and performance contracting programs, for leveraging of additional public and private sector funds, and programs that allow rebates, grants, or other incentives for the purchase and installation of energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure) measures; and”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary for the Energy Efficiency and Conservation Block Grant Program established under section 542(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(a)) \$550,000,000 for fiscal year 2022, to remain available until expended.

42 USC 18841.

SEC. 40553. SURVEY, ANALYSIS, AND REPORT ON EMPLOYMENT AND DEMOGRAPHICS IN THE ENERGY, ENERGY EFFICIENCY, AND MOTOR VEHICLE SECTORS OF THE UNITED STATES.

(a) ENERGY JOBS COUNCIL.—

(1) ESTABLISHMENT.—The Secretary shall establish a council, to be known as the “Energy Jobs Council” (referred to in this section as the “Council”).

Appointments.

(2) MEMBERSHIP.—The Council shall be comprised of—

(A) to be appointed by the Secretary—

(i) 1 or more representatives of the Energy Information Administration; and

(ii) 1 or more representatives of a State energy office that are serving as members of the State Energy Advisory Board established by section 365(g) of the Energy Policy and Conservation Act (42 U.S.C. 6325(g));

(B) to be appointed by the Secretary of Commerce—

(i) 1 or more representatives of the Department of Commerce; and

(ii) 1 or more representatives of the Bureau of the Census;

(C) 1 or more representatives of the Bureau of Labor Statistics, to be appointed by the Secretary of Labor; and

(D) 1 or more representatives of any other Federal agency the assistance of which is required to carry out this section, as determined by the Secretary, to be appointed by the head of the applicable agency.

(b) SURVEY AND ANALYSIS.—

(1) IN GENERAL.—The Council shall—

(A) conduct a survey of employers in the energy, energy efficiency, and motor vehicle sectors of the economy of the United States; and

(B) perform an analysis of the employment figures and demographics in those sectors, including the number of personnel in each sector who devote a substantial portion of working hours, as determined by the Secretary, to regulatory compliance matters.

(2) METHODOLOGY.—In conducting the survey and analysis under paragraph (1), the Council shall employ a methodology that—

(A) was approved in 2016 by the Office of Management and Budget for use in the document entitled “OMB Control Number 1910–5179”;

(B) uses a representative, stratified sampling of businesses in the United States; and

(C) is designed to elicit a comparable number of responses from businesses in each State and with the same North American Industry Classification System codes as were received for the 2016 and 2017 reports entitled “U.S. Energy and Employment Report”.

(3) CONSULTATION.—In conducting the survey and analysis under paragraph (1), the Council shall consult with key stakeholders, including—

(A) as the Council determines to be appropriate, the heads of relevant Federal agencies and offices, including—

(i) the Secretary of Commerce;

(ii) the Secretary of Transportation;

(iii) the Director of the Bureau of the Census;

(iv) the Commissioner of the Bureau of Labor

Statistics; and

(v) the Administrator of the Environmental Protection Agency;

(B) States;

(C) the State Energy Advisory Board established by section 365(g) of the Energy Policy and Conservation Act (42 U.S.C. 6325(g)); and

(D) energy industry trade associations.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall—

(A) make publicly available on the website of the Department a report, to be entitled the “U.S. Energy and Employment Report”, describing the employment figures and demographics in the energy, energy efficiency, and motor vehicle sectors of the United States, and the average number of hours devoted to regulatory compliance, based on the survey and analysis conducted under subsection (b); and

(B) subject to the requirements of subchapter III of chapter 35 of title 44, United States Code, make the data collected by the Council publicly available on the website of the Department.

(2) CONTENTS.—

Public
information.
Web posting.

(A) **IN GENERAL.**—The report under paragraph (1) shall include employment figures and demographic data for—

(i) the energy sector of the economy of the United States, including—

(I) the electric power generation and fuels sector; and

(II) the transmission, storage, and distribution sector;

(ii) the energy efficiency sector of the economy of the United States; and

(iii) the motor vehicle sector of the economy of the United States.

(B) **INCLUSION.**—With respect to each sector described in subparagraph (A), the report under paragraph (1) shall include employment figures and demographic data sorted by—

(i) each technology, subtechnology, and fuel type of those sectors; and

(ii) subject to the requirements of the Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note; Public Law 107-347)—

(I) each State;

(II) each territory of the United States;

(III) the District of Columbia; and

(IV) each county (or equivalent jurisdiction) in the United States.

Appropriation authorization.

SEC. 40554. ASSISTING FEDERAL FACILITIES WITH ENERGY CONSERVATION TECHNOLOGIES GRANT PROGRAM.

There is authorized to be appropriated to the Secretary to provide grants authorized under section 546(b) of the National Energy Conservation Policy Act (42 U.S.C. 8256(b)), \$250,000,000 for fiscal year 2022, to remain available until expended.

Appropriation authorization.
Time period.

SEC. 40555. REBATES.

There are authorized to be appropriated to the Secretary for the period of fiscal years 2022 and 2023—

(1) \$10,000,000 for the extended product system rebate program authorized under section 1005 of the Energy Act of 2020 (42 U.S.C. 6311 note; Public Law 116-260); and

(2) \$10,000,000 for the energy efficient transformer rebate program authorized under section 1006 of the Energy Act of 2020 (42 U.S.C. 6317 note; Public Law 116-260).

42 USC 18842.

SEC. 40556. MODEL GUIDANCE FOR COMBINED HEAT AND POWER SYSTEMS AND WASTE HEAT TO POWER SYSTEMS.

(a) **DEFINITIONS.**—In this section:

(1) **ADDITIONAL SERVICES.**—The term “additional services” means the provision of supplementary power, backup or standby power, maintenance power, or interruptible power to an electric consumer by an electric utility.

(2) **WASTE HEAT TO POWER SYSTEM.**—The term “waste heat to power system” means a system that generates electricity through the recovery of waste energy.

(3) **OTHER TERMS.**—

(A) **PURPA.**—The terms “electric consumer”, “electric utility”, “interconnection service”, “nonregulated electric utility”, and “State regulatory authority” have the

TITLE XI—CLEAN SCHOOL BUSES AND FERRIES

SEC. 71101. CLEAN SCHOOL BUS PROGRAM.

Section 741 of the Energy Policy Act of 2005 (42 U.S.C. 16091) is amended to read as follows:

“SEC. 741. CLEAN SCHOOL BUS PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(2) ALTERNATIVE FUEL.—The term ‘alternative fuel’ means liquefied natural gas, compressed natural gas, hydrogen, propane, or biofuels.

“(3) CLEAN SCHOOL BUS.—The term ‘clean school bus’ means a school bus that—

“(A) the Administrator certifies reduces emissions and is operated entirely or in part using an alternative fuel; or

“(B) is a zero-emission school bus.

“(4) ELIGIBLE CONTRACTOR.—The term ‘eligible contractor’ means a contractor that is a for-profit, not-for-profit, or non-profit entity that has the capacity—

“(A) to sell clean school buses, zero-emission school buses, charging or fueling infrastructure, or other equipment needed to charge, fuel, or maintain clean school buses or zero-emission school buses, to individuals or entities that own a school bus or a fleet of school buses; or

“(B) to arrange financing for such a sale.

“(5) ELIGIBLE RECIPIENT.—

“(A) IN GENERAL.—Subject to subparagraph (B), the term ‘eligible recipient’ means—

“(i) 1 or more local or State governmental entities responsible for—

“(I) providing school bus service to 1 or more public school systems; or

“(II) the purchase of school buses;

“(ii) an eligible contractor;

“(iii) a nonprofit school transportation association;

or

“(iv) an Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), Tribal organization (as defined in that section), or tribally controlled school (as defined in section 5212 of the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2511)) that is responsible for—

“(I) providing school bus service to 1 or more Bureau-funded schools (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); or

“(II) the purchase of school buses.

“(B) SPECIAL REQUIREMENTS.—In the case of eligible recipients identified under clauses (ii) and (iii) of subparagraph (A), the Administrator shall establish timely and appropriate requirements for notice and shall establish

timely and appropriate requirements for approval by the public school systems that would be served by buses purchased using award funds made available under this section.

Determinations.

“(6) HIGH-NEED LOCAL EDUCATIONAL AGENCY.—The term ‘high-need local educational agency’ means a local educational agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that is among the local educational agencies in the applicable State with high percentages of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)), on the basis of the most recent satisfactory data available, as determined by the Secretary of Education (or, for a local educational agency for which no such data is available, such other data as the Secretary of Education determines to be satisfactory).

“(7) SCHOOL BUS.—The term ‘school bus’ has the meaning given the term ‘schoolbus’ in section 30125(a) of title 49, United States Code.

“(8) ZERO-EMISSION SCHOOL BUS.—The term ‘zero-emission school bus’ means a school bus that is certified by the Administrator to have a drivetrain that produces, under any possible operational mode or condition, zero exhaust emission of—

“(A) any air pollutant that is listed pursuant to section 108(a) of the Clean Air Act (42 U.S.C. 7408(a)) (or any precursor to such an air pollutant); and

“(B) any greenhouse gas.

“(b) PROGRAM FOR REPLACEMENT OF EXISTING SCHOOL BUSES WITH CLEAN SCHOOL BUSES AND ZERO-EMISSION SCHOOL BUSES.—

Grants.
Contracts.

“(1) ESTABLISHMENT.—The Administrator shall establish a program—

“(A) to award grants and rebates on a competitive basis to eligible recipients for the replacement of existing school buses with clean school buses;

“(B) to award grants and rebates on a competitive basis to eligible recipients for the replacement of existing school buses with zero-emission school buses;

“(C) to award contracts to eligible contractors to provide rebates for the replacement of existing school buses with clean school buses; and

“(D) to award contracts to eligible contractors to provide rebates for the replacement of existing school buses with zero-emission school buses.

“(2) ALLOCATION OF FUNDS.—Of the amounts made available for awards under paragraph (1) in a fiscal year, the Administrator shall award—

“(A) 50 percent to replace existing school buses with zero-emission school buses; and

“(B) 50 percent to replace existing school buses with clean school buses and zero-emission school buses.

Criteria.

“(3) CONSIDERATIONS.—In making awards under paragraph (2)(B), the Administrator shall take into account the following criteria and shall not give preference to any individual criterion:

“(A) Lowest overall cost of bus replacement.

“(B) Local conditions, including the length of bus routes and weather conditions.

“(C) Technologies that most reduce emissions.

“(D) Whether funds will bring new technologies to scale or promote cost parity between old technology and new technology.

“(4) PRIORITY OF APPLICATIONS.—In making awards under paragraph (1), the Administrator may prioritize applicants that—

“(A) propose to replace school buses that serve—

“(i) a high-need local educational agency;

“(ii) a Bureau-funded school (as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)); or

“(iii) a local educational agency that receives a basic support payment under section 7003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)) for children who reside on Indian land;

“(B) serve rural or low-income areas; or

“(C) propose to complement the assistance received through the award by securing additional sources of funding for the activities supported through the award, such as through—

“(i) public-private partnerships;

“(ii) grants from other entities; or

“(iii) issuance of school bonds.

“(5) USE OF SCHOOL BUS FLEET.—All clean school buses and zero-emission school buses acquired with funds provided under this section shall—

“(A) be operated as part of the school bus fleet for which the award was made for not less than 5 years;

“(B) be maintained, operated, and charged or fueled according to manufacturer recommendations or State requirements; and

“(C) not be manufactured or retrofitted with, or otherwise have installed, a power unit or other technology that creates air pollution within the school bus, such as an unvented diesel passenger heater.

“(6) AWARDS.—

“(A) IN GENERAL.—In making awards under paragraph (1), the Administrator may make awards for up to 100 percent of the costs for replacement of existing school buses with clean school buses, zero-emission school buses, and charging or fueling infrastructure.

“(B) STRUCTURING AWARDS.—In making an award under paragraph (1)(A), the Administrator shall decide whether to award a grant or rebate, or a combination thereof, based primarily on how best to facilitate replacing existing school buses with clean school buses or zero-emission school buses, as applicable.

“(7) DEPLOYMENT AND DISTRIBUTION.—

“(A) IN GENERAL.—The Administrator shall—

“(i) to the maximum extent practicable, achieve nationwide deployment of clean school buses and zero-emission school buses through the program under this section; and

“(ii) ensure a broad geographic distribution of awards.

“(B) LIMITATION.—The Administrator shall ensure that the amount received by all eligible entities in a State from grants and rebates under this section does not exceed 10 percent of the amounts made available to carry out this section during a fiscal year.

“(8) ANNUAL REPORT.—Not later than January 31 of each year, the Administrator shall submit to Congress a report that evaluates the implementation of this section and describes—

“(A) the total number of applications received;

“(B) the quantity and amount of grants and rebates awarded and the location of the recipients of the grants and rebates;

“(C) the criteria used to select the recipients; and

“(D) any other information the Administrator considers appropriate.

“(c) EDUCATION AND OUTREACH.—

Deadline.

“(1) IN GENERAL.—Not later than 120 days after the date of enactment of the Infrastructure Investment and Jobs Act, the Administrator shall develop an education and outreach program to promote and explain the award program under this section.

“(2) COORDINATION WITH STAKEHOLDERS.—The education and outreach program under paragraph (1) shall be designed and conducted in conjunction with interested stakeholders.

“(3) COMPONENTS.—The education and outreach program under paragraph (1) shall—

“(A) inform potential award recipients on the process of applying for awards and fulfilling the requirements of awards;

“(B) describe the available technologies and the benefits of using the technologies;

“(C) explain the benefits and costs incurred by participating in the award program;

“(D) make available information regarding best practices, lessons learned, and technical and other information regarding—

“(i) clean school bus and zero-emission school bus acquisition and deployment;

“(ii) the build-out of associated infrastructure and advance planning with the local electricity supplier;

“(iii) workforce development, training, and Registered Apprenticeships that meet the requirements under parts 29 and 30 of title 29, Code of Federal Regulations (as in effect on December 1, 2019); and

“(iv) any other information that is necessary, as determined by the Administrator; and

“(E) include, as appropriate, information from the annual report required under subsection (b)(7).

Determination.

“(d) ADMINISTRATIVE COSTS.—The Administrator may use, for the administrative costs of carrying out this section, not more than 3 percent of the amounts made available to carry out this section for any fiscal year.

“(e) REGULATIONS.—The Administrator shall have the authority to issue such regulations or other guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are

completed in a timely and effective manner, result in emissions reductions, and maximize public health benefits.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this section, to remain available until expended, \$1,000,000,000 for each of fiscal years 2022 through 2026, of which—

“(1) \$500,000,000 shall be made available for the adoption of clean school buses and zero-emission school buses; and

“(2) \$500,000,000 shall be made available for the adoption of zero-emission school buses.”.

SEC. 71102. ELECTRIC OR LOW-EMITTING FERRY PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ALTERNATIVE FUEL.—The term “alternative fuel” means—

(A) methanol, denatured ethanol, and other alcohols;

(B) a mixture containing at least 85 percent of methanol, denatured ethanol, and other alcohols by volume with gasoline or other fuels;

(C) natural gas;

(D) liquefied petroleum gas;

(E) hydrogen;

(F) fuels (except alcohol) derived from biological materials;

(G) electricity (including electricity from solar energy); and

(H) any other fuel the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

(2) ELECTRIC OR LOW-EMITTING FERRY.—The term “electric or low-emitting ferry” means a ferry that reduces emissions by utilizing alternative fuels or onboard energy storage systems and related charging infrastructure to reduce emissions or produce zero onboard emissions under normal operation.

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

(b) ESTABLISHMENT.—The Secretary shall carry out a pilot program to provide grants for the purchase of electric or low-emitting ferries and the electrification of or other reduction of emissions from existing ferries.

(c) REQUIREMENT.—In carrying out the pilot program under this section, the Secretary shall ensure that—

(1) not less than 1 grant under this section shall be for a ferry service that serves the State with the largest number of Marine Highway System miles; and

(2) not less than 1 grant under this section shall be for a bi-State ferry service—

(A) with an aging fleet; and

(B) whose development of zero and low emission power source ferries will propose to advance the state of the technology toward increasing the range and capacity of zero emission power source ferries.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$50,000,000 for each of fiscal years 2022 through 2026.

Time period.

Regulations.

Time period.

projects to improve watershed health in accordance with section 40907 of division D of this Act: *Provided further*, That of the amounts provided under this heading in this Act for fiscal years 2022 through 2026, \$50,000,000 shall be for endangered species recovery and conservation programs in the Colorado River Basin in accordance with Public Law 106-392, title XVIII of Public Law 102-575, and subtitle E of title IX of Public Law 111-11: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program administration and policy expenses: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the House and Senate Committees on Appropriations a detailed spend plan, including a list of project locations of the preceding proviso, to be funded for fiscal year 2022: *Provided further*, That beginning not later than 120 days after the enactment of this Act, the Secretary of the Interior shall provide a monthly report to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of the funds provided under this heading in this Act: *Provided further*, That for fiscal years 2023 through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of the Interior shall submit a detailed spend plan for those fiscal years, including a list of project locations: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.
List.

Reports.

Spend plan.
List.

DEPARTMENT OF ENERGY

ENERGY PROGRAMS

ENERGY EFFICIENCY AND RENEWABLE ENERGY

For an additional amount for “Energy Efficiency and Renewable Energy”, \$16,264,000,000 to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, \$250,000,000 shall be for activities for the Energy Efficiency Revolving Loan Fund Capitalization Grant Program, as authorized under section 40502 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$40,000,000 shall be for grants for the Energy Auditor Training Grant Program, as authorized under section 40503 of division D of this Act: *Provided further*, That of the amount provided under the heading in this Act, \$225,000,000 shall be for grants for implementing of updated building energy codes, as authorized under section 309 of the Energy Conservation and Production Act (42 U.S.C. 6831 et seq.), as amended by section 40511(a) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$45,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$45,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$45,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$45,000,000, to remain available

until expended, shall be made available for fiscal year 2025, and \$45,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$10,000,000 shall be for Building, Training, and Assessment Centers, as authorized under section 40512 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$10,000,000 shall be for grants for Career Skills Training, as authorized under section 40513 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$150,000,000 shall be for activities for Industrial Research and Assessment Centers, as authorized under subsections (a) through (h) of section 457 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111 et seq.), as amended by section 40521(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$30,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$30,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$30,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$30,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$30,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$400,000,000 shall be for activities for Implementation Grants for Industrial Research and Assessment Centers, as authorized under section 457(i) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111 et seq.), as amended by section 40521(b) of division D of this Act: *Provided further*, That of the funds in the preceding two provisos, \$80,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$80,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$80,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$80,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$80,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$50,000,000 shall be for carrying out activities for Manufacturing Leadership, as authorized under section 40534 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$500,000,000 shall be for grants for Energy Efficiency Improvements and Renewable Energy Improvements at Public School Facilities, as authorized under section 40541 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$50,000,000 shall be for grants for the Energy Efficiency Materials Pilot Program, as authorized under section 40542 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act and in addition

to amounts otherwise made available for this purpose, \$3,500,000,000 shall be for carrying out activities for the Weatherization Assistance Program, as authorized under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.): *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$550,000,000 shall be for carrying out activities for the Energy Efficiency and Conservation Block Grant Program, as authorized under section 542(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(a)): *Provided further*, That of the amount provided under this heading in this Act, \$250,000,000 shall be for grants for the Assisting Federal Facilities with Energy Conservation Technologies Grant Program, as authorized under section 546(b) of the National Energy Conservation Policy Act (42 U.S.C. 8256(b)): *Provided further*, That of the amount provided under this heading in this Act, \$10,000,000 shall be for extended product system rebates, as authorized under section 1005 of the Energy Act of 2020 (42 U.S.C. 6311 note; Public Law 116–260): *Provided further*, That of the amount provided under this heading in this Act, \$10,000,000 shall be for energy efficient transformer rebates, as authorized under section 1006 of the Energy Act of 2020 (42 U.S.C. 6317 note; Public Law 116–260): *Provided further*, That of the amount provided under this heading in this Act, \$3,000,000,000, to remain available until expended, shall be for Battery Material Processing Grants, as authorized under section 40207(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$3,000,000,000 shall be for Battery Manufacturing and Recycling Grants, as authorized under section 40207(c) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$125,000,000 shall be to carry out activities, as authorized under section 40207(f) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$10,000,000 shall be for a Lithium-Ion Battery Recycling Prize Competition, as authorized under section 40207(e) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$200,000,000 shall be for grants for the Electric Drive Vehicle Battery Recycling and Second-Life Applications Program, as authorized under subsection (k) of section 641 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17231), as amended by section

40208(1) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$40,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$40,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$40,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$40,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$40,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$750,000,000 shall be for grants for the Advanced Energy Manufacturing and Recycling Grant Program, as authorized under section 40209 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$150,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$150,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$500,000,000 shall be for activities for the Clean Hydrogen Manufacturing Recycling Research, Development, and Demonstration Program, as authorized under section 815 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$100,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$100,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under the heading in this Act, \$1,000,000,000 shall be for activities for the Clean Hydrogen Electrolysis Program, as authorized under section 816 of the Energy Policy Act of 2005 (42 U.S.C. 16151 et seq.), as amended by section 40314 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$500,000,000 shall be for carrying out activities for the State Energy Program, as authorized under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.), as amended by section 40109 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$125,000,000 shall be for carrying out activities under section 242 of the Energy Policy Act of 2005 (42 U.S.C. 15881), as amended by section 40331 of division D of this Act: *Provided*

further, That of the amount provided under this heading in this Act, \$75,000,000 shall be for carrying out activities under section 243 of the Energy Policy Act of 2005 (42 U.S.C. 15882), as amended by section 40332 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$553,600,000 shall be for activities for Hydroelectric Incentives, as authorized under section 247 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 674), as amended by section 40333(a) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$276,800,000, to remain available until expended, shall be made available for fiscal year 2022, \$276,800,000, to remain available until expended, shall be made available for fiscal year 2023: *Provided further*, That of the amount provided under the heading in this Act, \$10,000,000 shall be for activities for the Pumped Storage Hydropower Wind and Solar Integration and System Reliability Initiative, as authorized under section 3201 of the Energy Policy Act of 2020 (42 U.S.C. 17232), as amended by section 40334 of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$36,000,000 shall be for carrying out activities, as authorized under section 634 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213): *Provided further*, That of the amount provided under this heading in this Act, \$70,400,000 shall be for carrying out activities, as authorized under section 635 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17214): *Provided further*, That of the amount provided under this heading in this Act, \$40,000,000 shall be for carrying out activities for the National Marine Energy Centers, as authorized under section 636 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17215): *Provided further*, That of the amount provided under this heading in this Act, \$84,000,000 shall be for carrying out activities under section 615(d) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17194(d)): *Provided further*, That of the amount provided under this heading in this Act, \$60,000,000 shall be for carrying out activities for the Wind Energy Technology Program, as authorized under section 3003(b)(2) of the Energy Act of 2020 (42 U.S.C. 16237(b)(2)): *Provided further*, That of the amount provided under this heading in this Act, \$40,000,000 shall be for carrying out activities for the Wind Energy Technology Recycling Research, Development, and Demonstration Program, as authorized under section 3003(b)(4) of the Energy Act of 2020 (42 U.S.C. 16237(b)(4)): *Provided further*, That of the amount provided under this heading in this Act, \$40,000,000 shall be for carrying out activities under section 3004(b)(2) of the Energy Act of 2020 (42 U.S.C. 16238(b)(2)): *Provided further*, That of the amount provided under this heading in this Act, \$20,000,000 shall be for carrying out activities under section 3004(b)(3) of the Energy Act of 2020 (42 U.S.C. 16238(b)(3)): *Provided further*, That of the amount provided under this heading in this Act, \$20,000,000 shall be for carrying out activities under section 3004(b)(4) of the Energy Act of 2020 (42 U.S.C. 16238(b)(4)): *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations and the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget

Deadline.
Spend plan.

Spend plan.

submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CYBERSECURITY, ENERGY SECURITY, AND EMERGENCY RESPONSE

For an additional amount for “Cybersecurity, Energy Security, and Emergency Response”, \$550,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, \$250,000,000 shall be to carry out activities under the Cybersecurity for the Energy Sector Research, Development, and Demonstration Program, as authorized in section 40125(b) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$50,000,000 shall be to carry out activities under the Energy Sector Operational Support for Cyberresilience Program, as authorized in section 40125(c) of division D of this Act: *Provided further*, That of the amount provided under this heading in this Act, \$250,000,000, to carry out activities under the Rural and Municipal Utility Advanced Cybersecurity Grant and Technical Assistance Program, as authorized in section 40124 of division D of this Act: *Provided further*, That \$50,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations and the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*,

Deadline.
Spend plan.

Spend plan.

That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ELECTRICITY

For an additional amount for “Electricity”, \$8,100,000,000, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, \$5,000,000,000 shall be for grants under section 40101 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,000,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$50,000,000 shall be to carry out the Transmission Facilitation Program, including for any administrative expenses of carrying out the program, as authorized in section 40106(d)(3) of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$10,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$10,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$10,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$10,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$10,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act and in addition to amounts otherwise made available for this purpose, \$3,000,000,000, to remain available until expended, shall be to carry out activities under the Smart Grid Investment Matching Grant Program, as authorized in section 1306 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17386), as amended by section 40107 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$600,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$600,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amount provided under this heading in this Act, \$50,000,000 shall be to carry out an advanced energy security program to secure energy networks, as authorized under section 40125(d) of division D of this Act: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations and the Senate Committee on Energy and Natural Resources and the House Committee on Energy and Commerce a detailed spend plan for fiscal year 2022: *Provided*

Deadline.
Spend plan.

further, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to three percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Spend plan.

NUCLEAR ENERGY

For an additional amount for “Nuclear Energy”, \$6,000,000,000, to remain available until expended, to carry out activities under the Civil Nuclear Credit Program, as authorized in section 40323 of division D of this Act: *Provided*, That \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$1,200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Energy shall submit to the House and Senate Committees on Appropriations a detailed spend plan for fiscal year 2022: *Provided further*, That for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Energy shall submit a detailed spend plan for that fiscal year: *Provided further*, That up to \$36,000,000 of the amount provided under this heading in this Act shall be made available in each of fiscal years 2022 through 2026 for program direction: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Deadline.
Spend plan.

Spend plan.

FOSSIL ENERGY AND CARBON MANAGEMENT

For an additional amount for “Fossil Energy and Carbon Management”, \$7,497,140,781, to remain available until expended: *Provided*, That of the amount provided under this heading in this Act, \$310,140,781 shall be to carry out activities under the Carbon Utilization Program, as authorized in section 969A of the Energy Policy Act of 2005 (42 U.S.C. 16298a), as amended by section 40302 of division D of this Act: *Provided further*, That of the funds in the preceding proviso, \$41,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$65,250,000, to remain available until expended, shall be made available for fiscal year 2023, \$66,562,500, to remain available until expended, shall be made available for fiscal year 2024, \$67,940,625, to remain available until expended, shall be made

control tower: *Provided further*, That in awarding grants for terminal development projects from funds made available under this heading in this Act, the Secretary shall give consideration to projects that increase capacity and passenger access; projects that replace aging infrastructure; projects that achieve compliance with the Americans with Disabilities Act and expand accessibility for persons with disabilities; projects that improve airport access for historically disadvantaged populations; projects that improve energy efficiency, including upgrading environmental systems, upgrading plant facilities, and achieving Leadership in Energy and Environmental Design (LEED) accreditation standards; projects that improve airfield safety through terminal relocation; and projects that encourage actual and potential competition: *Provided further*, That the Federal share of the cost of a project carried out from funds made available under this heading in this Act shall be 80 percent for large and medium hub airports and 95 percent for small hub, nonhub, and nonprimary airports: *Provided further*, That a grant made from funds made available under this heading in this Act shall be treated as having been made pursuant to the Secretary’s authority under section 47104(a) of title 49, United States Code: *Provided further*, That the Secretary may provide grants from funds made available under this heading in this Act for a project at any airport that is eligible to receive a grant from the discretionary fund under section 47115(a) of title 49, United States Code: *Provided further*, That in making awards from funds made available under this heading in this Act, the Secretary shall provide a preference to projects that achieve a complete development objective, even if awards for the project must be phased, and the Secretary shall prioritize projects that have received partial awards: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each fiscal year shall be for personnel, contracting and other costs to administer and oversee grants, of which \$1,000,000 in each fiscal year shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY INFRASTRUCTURE PROGRAM

(INCLUDING TRANSFER OF FUNDS)

State and local
governments.
Electric vehicles.

For an additional amount for “Highway Infrastructure Programs”, \$47,272,000,000, to remain available until expended except as otherwise provided under this heading: *Provided*, That of the amount provided under this heading in this Act, \$9,454,400,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$9,454,400,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$9,454,400,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$9,454,400,000, to remain

available until September 30, 2028, shall be made available for fiscal year 2025, and \$9,454,400,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That the funds made available under this heading in this Act shall be derived from the general fund of the Treasury, shall be in addition to any other amounts made available for such purpose, and shall not affect the distribution or amount of funds provided in any Act making annual appropriations: *Provided further*, That, except for funds provided in paragraph (1) under this heading in this Act, up to 1.5 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for operations and administrations of the Federal Highway Administration, of which \$1,000,000 in each fiscal year shall be transferred to the Office of the Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That the amounts made available in the preceding proviso may be combined with the funds made available in paragraph (1) under this heading in this Act for the same purposes in the same account: *Provided further*, That the funds made available under this heading in this Act shall not be subject to any limitation on obligations for Federal-aid highways or highway safety construction programs set forth in any Act making annual appropriations: *Provided further*, That, of the amount provided under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) \$27,500,000,000 shall be for a bridge replacement, rehabilitation, preservation, protection, and construction program: *Provided further*, That, except as otherwise provided under this paragraph in this Act, the funds made available under this paragraph in this Act shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That a project funded with funds made available under this paragraph in this Act shall be treated as a project on a Federal-aid highway: *Provided further*, That, of the funds made available under this paragraph in this Act for a fiscal year, 3 percent shall be set aside to carry out section 202(d) of title 23, United States Code: *Provided further*, That funds set aside under the preceding proviso to carry out section 202(d) of such title shall be in addition to funds otherwise made available to carry out such section and shall be administered as if made available under such section: *Provided further*, That for funds set aside under the third proviso of this paragraph in this Act to carry out section 202(d) of title 23, United States Code, the Federal share of the costs shall be 100 percent: *Provided further*, That, for the purposes of funds made available under this paragraph in this Act: (1) the term “State” has the meaning given such term in section 101 of title 23, United States Code; (2) the term “off-system bridge” means a highway bridge located on a public road, other than a bridge on a Federal-aid highway; and (3) the term “Federal-aid highway” means a public highway eligible for assistance under chapter 1 of title 23, United States Code, other than a highway functionally classified as a local road or rural minor collector: *Provided further*, That up to one-half of one percent of the amounts made available under this

Definitions.

paragraph in this Act in each fiscal year shall be for the administration and operations of the Federal Highway Administration: *Provided further*, That, after setting aside funds under the third proviso of this paragraph in this Act the Secretary shall distribute the remaining funds made available under this paragraph in this Act among States as follows—

(A) 75 percent by the proportion that the total cost of replacing all bridges classified in poor condition in such State bears to the sum of the total cost to replace all bridges classified in poor condition in all States; and

(B) 25 percent by the proportion that the total cost of rehabilitating all bridges classified in fair condition in such State bears to the sum of the total cost to rehabilitate all bridges classified in fair condition in all States:

Provided further, That the amounts calculated under the preceding proviso shall be adjusted such that each State receives, for each of fiscal years 2022 through 2026, no less than \$45,000,000 under such proviso: *Provided further*, That for purposes of the preceding 2 provisos, the Secretary shall determine replacement and rehabilitation costs based on the average unit costs of bridges from 2016 through 2020, as submitted by States to the Federal Highway Administration, as required by section 144(b)(5) of title 23, United States Code: *Provided further*, That for purposes of determining the distribution of funds to States under this paragraph in this Act, the Secretary shall calculate the total deck area of bridges classified as in poor or fair condition based on the National Bridge Inventory as of December 31, 2020: *Provided further*, That, subject to the following proviso, funds made available under this paragraph in this Act that are distributed to States shall be used for highway bridge replacement, rehabilitation, preservation, protection, or construction projects on public roads: *Provided further*, That of the funds made available under this paragraph in this Act that are distributed to a State, 15 percent shall be set aside for use on off-system bridges for the same purposes as described in the preceding proviso: *Provided further*, That, except as provided in the following proviso, for funds made available under this paragraph in this Act that are distributed to States, the Federal share shall be determined in accordance with section 120 of title 23, United States Code: *Provided further*, That for funds made available under this paragraph in this Act that are distributed to States and used on an off-system bridge that is owned by a county, town, township, city, municipality or other local agency, or federally-recognized Tribe the Federal share shall be 100 percent;

Determination.
Replacement
costs.

Determination.
Bridges.

Determination.

(2) \$5,000,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out a National Electric Vehicle Formula Program (referred to in this paragraph in this Act as the “Program”) to provide funding to States to strategically deploy electric vehicle charging infrastructure and to establish an interconnected network to facilitate data collection, access, and reliability: *Provided*, That funds made available under this paragraph in this Act shall be used for: (1) the acquisition and installation of electric vehicle charging infrastructure to serve as a catalyst for the deployment of such infrastructure and to connect it to a network to facilitate data collection, access, and reliability; (2) proper operation and maintenance of electric vehicle charging infrastructure; and (3) data sharing

about electric vehicle charging infrastructure to ensure the long-term success of investments made under this paragraph in this Act: *Provided further*, That for each of fiscal years 2022 through 2026, the Secretary shall distribute among the States the funds made available under this paragraph in this Act so that each State receives an amount equal to the proportion that the total base apportionment or allocation determined for the State under subsection (c) of section 104 or under section 165 of title 23, United States Code, bears to the total base apportionments or allocations for all States under subsection (c) of section 104 and section 165 of title 23, United States Code: *Provided further*, That the Federal share payable for the cost of a project funded under this paragraph in this Act shall be 80 percent: *Provided further*, That the Secretary shall establish a deadline by which a State shall provide a plan to the Secretary, in such form and such manner that the Secretary requires (to be made available on the Department's website), describing how such State intends to use funds distributed to the State under this paragraph in this Act to carry out the Program for each fiscal year in which funds are made available: *Provided further*, That, not later than 120 days after the deadline established in the preceding proviso, the Secretary shall make publicly available on the Department's website and submit to the House Committee on Transportation and Infrastructure, the Senate Committee on Environment and Public Works, and the House and Senate Committees on Appropriations, a report summarizing each plan submitted by a State to the Department of Transportation and an assessment of how such plans make progress towards the establishment of a national network of electric vehicle charging infrastructure: *Provided further*, That if a State fails to submit the plan required under the fourth proviso of this paragraph in this Act to the Secretary by the date specified in such proviso, or if the Secretary determines a State has not taken action to carry out its plan, the Secretary may withhold or withdraw, as applicable, funds made available under this paragraph in this Act for the fiscal year from the State and award such funds on a competitive basis to local jurisdictions within the State for use on projects that meet the eligibility requirements under this paragraph in this Act: *Provided further*, That, prior to the Secretary making a determination that a State has not taken actions to carry out its plan, the Secretary shall notify the State, consult with the State, and identify actions that can be taken to rectify concerns, and provide at least 90 days for the State to rectify concerns and take action to carry out its plan: *Provided further*, That the Secretary shall provide notice to a State on the intent to withhold or withdraw funds not less than 60 days before withholding or withdrawing any funds, during which time the States shall have an opportunity to appeal a decision to withhold or withdraw funds directly to the Secretary: *Provided further*, That if the Secretary determines that any funds withheld or withdrawn from a State under the preceding proviso cannot be fully awarded to local jurisdictions within the State under the preceding proviso in a manner consistent with the purpose of this paragraph in this Act, any such funds remaining shall be distributed among other States (except States for which funds for that fiscal year

Deadline.
Plan.
Web posting.

Deadline.
Public information.
Web posting.
Reports.
Summaries.
Assessment.

Determination.

Notification.
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Time period.

Notification.
Deadline.
Appeal.

Determination.

have been withheld or withdrawn under the preceding proviso) in the same manner as funds distributed for that fiscal year under the second proviso under this paragraph in this Act, except that the ratio shall be adjusted to exclude States for which funds for that fiscal year have been withheld or withdrawn under the preceding proviso: *Provided further*, That funds distributed under the preceding proviso shall only be available to carry out this paragraph in this Act: *Provided further*, That funds made available under this paragraph in this Act may be used to contract with a private entity for acquisition and installation of publicly accessible electric vehicle charging infrastructure and the private entity may pay the non-Federal share of the cost of a project funded under this paragraph: *Provided further*, That funds made available under this paragraph in this Act shall be for projects directly related to the charging of a vehicle and only for electric vehicle charging infrastructure that is open to the general public or to authorized commercial motor vehicle operators from more than one company: *Provided further*, That any electric vehicle charging infrastructure acquired or installed with funds made available under this paragraph in this Act shall be located along a designated alternative fuel corridor: *Provided further*, That no later than 90 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy, shall develop guidance for States and localities to strategically deploy electric vehicle charging infrastructure, consistent with this paragraph in this Act: *Provided further*, That the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider the following in developing the guidance described in the preceding proviso: (1) the distance between publicly available electric vehicle charging infrastructure; (2) connections to the electric grid, including electric distribution upgrades; vehicle-to-grid integration, including smart charge management or other protocols that can minimize impacts to the grid; alignment with electric distribution interconnection processes, and plans for the use of renewable energy sources to power charging and energy storage; (3) the proximity of existing off-highway travel centers, fuel retailers, and small businesses to electric vehicle charging infrastructure acquired or funded under this paragraph in this Act; (4) the need for publicly available electric vehicle charging infrastructure in rural corridors and underserved or disadvantaged communities; (5) the long-term operation and maintenance of publicly available electric vehicle charging infrastructure to avoid stranded assets and protect the investment of public funds in that infrastructure; (6) existing private, national, State, local, Tribal, and territorial government electric vehicle charging infrastructure programs and incentives; (7) fostering enhanced, coordinated, public-private or private investment in electric vehicle charging infrastructure; (8) meeting current and anticipated market demands for electric vehicle charging infrastructure, including with regard to power levels and charging speed, and minimizing the time to charge current and anticipated vehicles; and (9) any other factors, as determined by the Secretary: *Provided further*, That if a State determines, and the Secretary certifies, that the designated alternative fuel corridors in the States are fully built out, then the State may use funds provided

Contracts.

Deadline.
Coordination.

Coordination.

Determination.
Certification.

under this paragraph for electric vehicle charging infrastructure on any public road or in other publically accessible locations, such as parking facilities at public buildings, public schools, and public parks, or in publically accessible parking facilities owned or managed by a private entity: *Provided further*, That subject to the minimum standards and requirements established under the following proviso, funds made available under this paragraph in this Act may be used for: (1) the acquisition or installation of electric vehicle charging infrastructure; (2) operating assistance for costs allocable to operating and maintaining electric vehicle charging infrastructure acquired or installed under this paragraph in this Act, for a period not to exceed five years; (3) the acquisition or installation of traffic control devices located in the right-of-way to provide directional information to electric vehicle charging infrastructure acquired, installed, or operated under this paragraph in this Act; (4) on-premises signs to provide information about electric vehicle charging infrastructure acquired, installed, or operated under this paragraph in this Act; (5) development phase activities relating to the acquisition or installation of electric vehicle charging infrastructure, as determined by the Secretary; or (6) mapping and analysis activities to evaluate, in an area in the United States designated by the eligible entity, the locations of current and future electric vehicle owners, to forecast commuting and travel patterns of electric vehicles and the quantity of electricity required to serve electric vehicle charging stations, to estimate the concentrations of electric vehicle charging stations to meet the needs of current and future electric vehicle drivers, to estimate future needs for electric vehicle charging stations to support the adoption and use of electric vehicles in shared mobility solutions, such as micro-transit and transportation network companies, and to develop an analytical model to allow a city, county, or other political subdivision of a State or a local agency to compare and evaluate different adoption and use scenarios for electric vehicles and electric vehicle charging stations: *Provided further*, That not later than 180 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and in consultation with relevant stakeholders, shall, as appropriate, develop minimum standards and requirements related to: (1) the installation, operation, or maintenance by qualified technicians of electric vehicle charging infrastructure under this paragraph in this Act; (2) the interoperability of electric vehicle charging infrastructure under this paragraph in this Act; (3) any traffic control device or on-premises sign acquired, installed, or operated under this paragraph in this Act; (4) any data requested by the Secretary related to a project funded under this paragraph in this Act, including the format and schedule for the submission of such data; (5) network connectivity of electric vehicle charging infrastructure; and (6) information on publicly available electric vehicle charging infrastructure locations, pricing, real-time availability, and accessibility through mapping applications: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary shall designate national electric vehicle charging corridors that identify the near- and long-term need for, and the location of, electric vehicle charging

Determination.

Evaluation.
Estimate.Deadline.
Coordination.
Consultation.
Standards.
Requirements.

Deadline.

infrastructure to support freight and goods movement at strategic locations along major national highways, the National Highway Freight Network established under section 167 of title 23, United States Code, and goods movement locations including ports, intermodal centers, and warehousing locations: *Provided further*, That the report issued under section 151(e) of title 23, United States Code, shall include a description of efforts to achieve strategic deployment of electric vehicle charging infrastructure in electric vehicle charging corridors, including progress on the implementation of the Program under this paragraph in this Act: *Provided further*, That, for fiscal year 2022, before distributing funds made available under this paragraph in this Act to States, the Secretary shall set aside from funds made available under this paragraph in this Act to carry out this paragraph in this Act not more than \$300,000,000, which may be transferred to the Joint Office described in the twenty-fourth proviso of this paragraph in this Act, to establish such Joint Office and carry out its duties under this paragraph in this Act: *Provided further*, That, for each of fiscal years 2022 through 2026, after setting aside funds under the preceding proviso, and before distributing funds made available under this paragraph in this Act to States, the Secretary shall set aside from funds made available under this paragraph in this Act for such fiscal year to carry out this paragraph in this Act 10 percent for grants to States or localities that require additional assistance to strategically deploy electric vehicle charging infrastructure: *Provided further*, That not later than 1 year after the date of enactment of this Act, the Secretary shall establish a grant program to administer to States or localities the amounts set aside under the preceding proviso: *Provided further*, That, except as otherwise specified under this paragraph in this Act, funds made available under this paragraph in this Act, other than funds transferred under the nineteenth proviso of this paragraph in this Act to the Joint Office, shall be administered as if apportioned under chapter 1 of title 23, United States Code: *Provided further*, That funds made available under this paragraph in this Act shall not be transferable under section 126 of title 23, United States Code: *Provided further*, That there is established a Joint Office of Energy and Transportation (referred to in this paragraph in this Act as the “Joint Office”) in the Department of Transportation and the Department of Energy to study, plan, coordinate, and implement issues of joint concern between the two agencies, which shall include: (1) technical assistance related to the deployment, operation, and maintenance of zero emission vehicle charging and refueling infrastructure, renewable energy generation, vehicle-to-grid integration, including microgrids, and related programs and policies; (2) data sharing of installation, maintenance, and utilization in order to continue to inform the network build out of zero emission vehicle charging and refueling infrastructure; (3) performance of a national and regionalized study of zero emission vehicle charging and refueling infrastructure needs and deployment factors, to support grants for community resilience and electric vehicle integration; (4) development and deployment of training and certification programs; (5) establishment and implementation of a program to promote renewable

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Grants.

Establishment.
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Public
information.
Data.

Advance notice.
Time period.

Definitions.

energy generation, storage, and grid integration, including microgrids, in transportation rights-of-way; (6) studying, planning, and funding for high-voltage distributed current infrastructure in the rights-of way of the Interstate System and for constructing high-voltage and or medium-voltage transmission pilots in the rights-of-way of the Interstate System; (7) research, strategies, and actions under the Departments' statutory authorities to reduce transportation-related emissions and mitigate the effects of climate change; (8) development of a streamlined utility accommodations policy for high-voltage and medium-voltage transmission in the transportation right-of-way; and (9) any other issues that the Secretary of Transportation and the Secretary of Energy identify as issues of joint interest: *Provided further*, That the Joint Office of Energy and Transportation shall establish and maintain a public database, accessible on both Department of Transportation and Department of Energy websites, that includes: (1) information maintained on the Alternative Fuel Data Center by the Office of Energy Efficiency and Renewable Energy of the Department of Energy with respect to the locations of electric vehicle charging stations; (2) potential locations for electric vehicle charging stations identified by eligible entities through the program; and (3) the ability to sort generated results by various characteristics with respect to electric vehicle charging stations, including location, in terms of the State, city, or county; status (operational, under construction, or planned); and charging type, in terms of Level 2 charging equipment or Direct Current Fast Charging Equipment: *Provided further*, That the Secretary of Transportation and the Secretary of Energy shall cooperatively administer the Joint Office consistent with this paragraph in this Act: *Provided further*, That the Secretary of Transportation and the Secretary of Energy may transfer funds between the Department of Transportation and the Department of Energy from funds provided under this paragraph in this Act to establish the Joint Office and to carry out its duties under this paragraph in this Act and any such funds or portions thereof transferred to the Joint Office may be transferred back to and merged with this account: *Provided further*, That the Secretary of Transportation and the Secretary of Energy shall notify the House and Senate Committees on Appropriations not less than 15 days prior to transferring any funds under the previous proviso: *Provided further*, That for the purposes of funds made available under this paragraph in this Act: (1) the term "State" has the meaning given such term in section 101 of title 23, United States Code; and (2) the term "Federal-aid highway" means a public highway eligible for assistance under chapter 1 of title 23, United States Code, other than a highway functionally classified as a local road or rural minor collector: *Provided further*, That, of the funds made available in this division or division A of this Act for the Federal lands transportation program under section 203 of title 23, United States Code, not less than \$7,000,000 shall be made available for each Federal agency otherwise eligible to compete for amounts made available under that section for each of fiscal years 2022 through 2026;

(3) \$3,200,000,000 shall be to carry out the Nationally Significant Freight and Highway Projects program under section 117 of title 23, United States Code;

(4) \$9,235,000,000 shall be to carry out the Bridge Investment Program under section 124 of title 23, United States Code: *Provided*, That, of the funds made available under this paragraph in this Act for a fiscal year, \$20,000,000 shall be set aside to carry out section 202(d) of title 23, United States Code: *Provided further*, That, of the funds made available under this paragraph in this Act for a fiscal year, \$20,000,000 shall be set aside to provide grants for planning, feasibility analysis, and revenue forecasting associated with the development of a project that would subsequently be eligible to apply for assistance under this paragraph: *Provided further*, That funds set aside under the first proviso of this paragraph in this Act to carry out section 202(d) of such title shall be in addition to funds otherwise made available to carry out such section and shall be administered as if made available under such section: *Provided further*, That for funds set aside under the first proviso of this paragraph in this Act to carry out section 202(d) of title 23, United States Code, the Federal share of the costs shall be 100 percent;

(5) \$150,000,000 shall be to carry out the Reduction of Truck Emissions at Port Facilities Program under section 11402 of division A of this Act: *Provided*, That, except as otherwise provided in section 11402 of division A of this Act, the funds made available under this paragraph in this Act shall be administered as if apportioned under chapter 1 of title 23, United States Code;

(6) \$95,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out the University Transportation Centers Program under section 5505 of title 49, United States Code;

(7) \$500,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out the Reconnecting Communities Pilot Program (referred to under this paragraph in this Act as the “pilot program”) under section 11509 of division A of this Act, of which \$100,000,000 shall be for planning grants under section 11509(c) of division A of this Act and of which \$400,000,000 shall be available for capital construction grants under section 11509(d) of division A of this Act: *Provided*, That of the amounts made available under this paragraph in this Act for section 11509(c) of division A of this Act, the Secretary may use not more than \$15,000,000 during the period of fiscal years 2022 through 2026 to provide technical assistance under section 11509(c)(3) of division A of this Act: *Provided further*, That, except as otherwise provided in section 11509 of division A of this Act, amounts made available under this paragraph in this Act shall be administered as if made available under chapter 1 of title 23, United States Code;

(8) \$342,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be to carry out the Construction of Ferry Boats and Ferry Terminal Facilities program under section 147 of title 23, United States Code: *Provided*, That amounts made

available under this paragraph in this Act shall be administered as if made available under section 147 of title 23, United States Code; and

- (9) \$1,250,000,000, to remain available until expended for amounts made available for each of fiscal years 2022 through 2026, shall be for construction of the Appalachian Development Highway System as authorized under section 1069(y) of Public Law 102–240: *Provided*, That, for the purposes of funds made available under this paragraph in this Act for construction of the Appalachian Development Highway System, the term “Appalachian State” means a State that contains 1 or more counties (including any political subdivision located within the area) in the Appalachian region, as defined in section 14102(a) of title 40, United States Code: *Provided further*, That a project carried out with funds made available under this paragraph in this Act for construction of the Appalachian Development Highway System shall be made available for obligation in the same manner as if apportioned under chapter 1 of title 23, United States Code, except that: (1) the Federal share of the cost of any project carried out with those amounts shall be determined in accordance with section 14501 of title 40, United States Code; and (2) the amounts shall be available to construct highways and access roads under section 14501 of title 40, United States Code: *Provided further*, That, subject to the following two provisos, in consultation with the Appalachian Regional Commission, the funds made available under this paragraph in this Act for construction of the Appalachian Development Highway System shall be apportioned to Appalachian States according to the percentages derived from the 2021 Appalachian Development Highway System Cost-to-Complete Estimate, dated March 2021, and confirmed as each Appalachian State’s relative share of the estimated remaining need to complete the Appalachian Development Highway System, adjusted to exclude those corridors that such States have no current plans to complete, as reported in the 2013 Appalachian Development Highway System Completion Report, unless those States have modified and assigned a higher priority for completion of an Appalachian Development Highway System corridor, as reported in the 2020 Appalachian Development Highway System Future Outlook: *Provided further*, That the Secretary shall adjust apportionments made under the third proviso in this paragraph in this Act so that no Appalachian State shall be apportioned an amount in excess of 30 percent of the amount made available for construction of the Appalachian Development Highway System under this heading: *Provided further*, That the Secretary shall adjust apportionments made under the third proviso in this paragraph in this Act so that: (1) each State shall be apportioned an amount not less than \$10,000,000 for each of fiscal years 2022 through 2026; and (2) notwithstanding paragraph (1) of this proviso, a State shall not receive an apportionment that exceeds the remaining funds needed to complete the Appalachian development highway corridor or corridors in the State, as identified in the latest available cost to complete estimate for the system prepared by the Appalachian Regional Commission: *Provided further*, That the Federal share of the cost of any project carried out with
- Definition.
- Consultation.
Apportionment.
- Apportionments.
- Apportionments.

encouraged to consult with appropriate stakeholders and the surrounding community to ensure accessibility for individuals with disabilities, including accessibility for individuals with physical disabilities, including those who use wheelchairs, accessibility for individuals with sensory disabilities, and accessibility for individuals with intellectual or developmental disabilities: *Provided further*, That all projects shall at least meet the new construction standards of title II of the Americans with Disabilities Act of 1990: *Provided further*, That eligible costs for a project funded with a grant awarded under this heading in this Act shall be limited to the costs associated with carrying out the purpose described in the preceding proviso: *Provided further*, That an eligible entity may not use a grant awarded under this heading in this Act to upgrade a station or facility for passenger use that is accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, consistent with current (as of the date of the upgrade) new construction standards under title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.): *Provided further*, That a grant for a project made with amounts made available under this heading in this Act shall be for 80 percent of the net project cost: *Provided further*, That the total Federal financial assistance available under chapter 53 of title 49, United States Code, for an eligible entity that receives a grant awarded under this heading in this Act may not exceed 80 percent: *Provided further*, That the recipient of a grant made with amounts made available under this heading in this Act may provide additional local matching amounts: *Provided further*, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That one-half of one percent of the of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ELECTRIC OR LOW-EMITTING FERRY PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For competitive grants for electric or low-emitting ferry pilot program grants as authorized under section 71102 of division G of this Act, \$250,000,000, to remain available until expended: *Provided*, That \$50,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$50,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$50,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That amounts made

available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That the amounts made available under this heading in this Act shall not be subject to any limitation on obligations for transit programs set forth in any Act making annual appropriations: *Provided further*, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That one-half of one percent of the of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

FERRY SERVICE FOR RURAL COMMUNITIES

(INCLUDING TRANSFER OF FUNDS)

For competitive grants to States for eligible essential ferry service as authorized under section 71103 of division G of this Act, \$1,000,000,000, to remain available until expended: *Provided*, That \$200,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$200,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$200,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That amounts made available under this heading in this Act shall be derived from the general fund of the Treasury: *Provided further*, That amounts made available under this heading in this Act shall not be subject to any limitation on obligations for the Federal Public Transportation Assistance Program set forth in any Act making annual appropriations: *Provided further*, That not more than two percent of the funds made available under this heading in this Act shall be available for administrative and oversight expenses as authorized under section 5334 and section 5338(c) of title 49, United States Code, and shall be in addition to any other appropriations for such purpose: *Provided further*, That one-half of one percent of the amounts in the preceding proviso shall be transferred to the Office of Inspector General of the Department of Transportation for oversight of funding provided to the Department of Transportation in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MARITIME ADMINISTRATION

OPERATIONS AND TRAINING

For an additional amount for “Operations and Training”, \$25,000,000, to remain available until September 30, 2032, for the America’s Marine Highway Program to make grants for the purposes authorized under sections 55601(b)(1) and (3) of title 46, United States Code: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

For an additional amount for “Port Infrastructure Development Program”, \$2,250,000,000, to remain available until September 30, 2036: *Provided*, That \$450,000,000, to remain available until September 30, 2032, shall be made available for fiscal year 2022, \$450,000,000, to remain available until September 30, 2033, shall be made available for fiscal year 2023, \$450,000,000, to remain available until September 30, 2034, shall be made available for fiscal year 2024, \$450,000,000, to remain available until September 30, 2035, shall be made available for fiscal year 2025, and \$450,000,000, to remain available until September 30, 2036, shall be made available for fiscal year 2026: *Provided further*, That for the purposes of amounts made available under this heading in this Act and in prior Acts, and in addition to projects already eligible for awards under this heading, eligible projects, as defined under section 50302(c)(3) of title 46, United States Code, shall also include projects that improve the resiliency of ports to address sea-level rise, flooding, extreme weather events, earthquakes, and tsunami inundation, as well as projects that reduce or eliminate port-related criteria pollutant or greenhouse gas emissions, including projects for—

- (1) Port electrification or electrification master planning;
- (2) Harbor craft or equipment replacements/retrofits;
- (3) Development of port or terminal micro-grids;
- (4) Providing idling reduction infrastructure;
- (5) Purchase of cargo handling equipment and related infrastructure;
- (6) Worker training to support electrification technology;
- (7) Installation of port bunkering facilities from ocean-going vessels for fuels;
- (8) Electric vehicle charge or hydrogen refueling infrastructure for drayage, and medium or heavy duty trucks and locomotives that service the port and related grid upgrades; or
- (9) Other related to port activities including charging infrastructure, electric rubber-tired gantry cranes, and anti-idling technologies:

Provided further, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.