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**Legislative Advocacy  
Committee Members:**

George Riley, Chair  
Karen Paull  
Safwat Malek

**Alternate:**

Alvin Edwards

**Staff Contact**

Dave Stoldt,  
General Manager

*After staff reports have  
been distributed, if  
additional documents are  
produced by the District  
and provided to the  
Committee regarding any  
item on the agenda they  
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the District's website  
prior to the meeting.  
Documents distributed at  
the meeting will be made  
available upon request  
and posted to the  
District's website within  
five days following the  
meeting.*

**AGENDA  
Legislative Advocacy Committee  
Of the Monterey Peninsula Water Management District**

\*\*\*\*\*

Tuesday, August 24, 2021 at 2:00 PM

Pursuant to Governor Newsom's Executive Orders N-29-20 and N-33-20, and to do all we can to help slow the spread of COVID-19 (coronavirus), meetings of the Monterey Peninsula Water Management District Board of Directors and committees will be conducted with virtual (electronic) participation only using Zoom.

Join the meeting at this link:

<https://zoom.us/j/95678967626?pwd=WithU2pVRjU0QnRUQzUzdEl6bVRJdz09>

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Webinar ID: 956 7896 7626

Meeting password: 08242021

Participate by phone: (669) 900-9128

**For detailed instructions on connecting to the Zoom meeting  
see page 2 of this agenda.**

**Call to Order / Roll Call**

**Comments from Public**

*The public may comment on any item within the District's jurisdiction. Please limit your comments to three minutes in length.*

**Discussion Items – Public comment will be received on all Discussion Items**

1. Report from JEA & Associates on Legislative Status and Bill Tracking
2. Report from the Ferguson Group on Federal Legislative and Regulatory Activities
3. Report from General Manager on Recent or Upcoming Legislative Actions
4. Suggest Items to be Placed on Future Agendas

**Other Items**

**Adjournment**

*The next regularly scheduled meeting of the MPWMD Legislative Committee will be on December 7, 2021 at 2:00 PM.*

Upon request, MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Please send a description of the requested materials and preferred alternative format or auxiliary aid or service by 5:00 pm on Thursday, August 19, 2021. Requests should be forwarded to [joel@mpwmd.net](mailto:joel@mpwmd.net). Alternatively, you may reach Sara Reyes, Sr. Office Specialist, [sara@mpwmd.net](mailto:sara@mpwmd.net) or (831) 658-5610.

### Instructions for Connecting to the Zoom Meeting

Note: If you have not used Zoom previously, when you begin connecting to the meeting you may be asked to download the app. If you do not have a computer, you can participate by phone.

**Begin:** Within 10 minutes of the meeting start time from your computer click on this link:

<https://zoom.us/j/95678967626?pwd=WithU2pVRjU0QnRUQzUzdEl6bVRJdz09>

or paste the link into your browser.

#### **DETERMINE WHICH DEVICE YOU WILL BE USING** (PROCEED WITH ONE OF THE FOLLOWING INSTRUCTIONS)

##### **USING A DESKTOP COMPUTER OR LAPTOP**

1. In a web browser, type: <https://www.zoom.us>
2. Hit the enter key
3. At the top right-hand corner, click on "Join a Meeting"
4. Where it says "Meeting ID", type in the Meeting ID# above and click "Join Meeting"
5. Your computer will begin downloading the Zoom application. Once downloaded, click "Run" and the application should automatically pop up on your computer. (If you are having trouble downloading, alternatively you can connect through a web browser – the same steps below will apply).
6. You will then be asked to input your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
7. From there, you will be asked to choose either ONE of two audio options: Phone Call or Computer Audio:

##### **COMPUTER AUDIO**

1. If you have built in computer audio settings or external video settings – please click "Test Speaker and Microphone".
2. The client will first ask "Do you hear a ringtone?" • If no, please select "Join Audio by Phone".  
• If yes, proceed with the next question:
3. The client will then ask "Speak and pause, do you hear a replay?" • If no, please select "Join Audio by Phone"  
• If yes, please proceed by clicking "Join with Computer Audio"

##### **PHONE CALL**

1. If you do not have built in computer audio settings or external video settings – please click "Phone Call"
2. Dial one of the numbers listed below using a phone. Select a phone number based on your current location for better overall call quality.

+1 669-900-9128 (San Jose, CA)

+1 253-215-8782 (Houston, TX)

+1 346-248-7799 (Chicago, IL)

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+1 312-626-6799 (Seattle, WA)

+1 646-558-8656 (Maryland)

3. Once connected, it will ask you to enter the Webinar ID No. and press the pound key
4. It will then ask you to enter your participant ID number and press the pound key.
5. You are now connected to the meeting.

#### **USING AN APPLE/ANDROID MOBILE DEVICE OR SMART PHONE**

- 1.Download the Zoom application through the Apple Store or Google Play Store (the application is free).
- 2.Once download is complete, open the Zoom app.
- 3.Tap “Join a Meeting”
- 4.Enter the Meeting ID number
- 5.Enter your name. It is imperative that you put in your first and last name, as participants and attendees should be able to easily identify who is communicating during the meeting.
- 6.Tap “Join Meeting”
- 7.Tap “Join Audio” on the bottom left hand corner of your device
- 8.You may select either ONE of two options: “Call via Device Audio” or “Dial in”

#### **DIAL IN**

- 1.If you select “Dial in”, you will be prompted to select a toll-free number to call into.
- 2.You may select any of the numbers listed below:

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+1 253-215-8782 (Houston, TX)

+1 346-248-7799 (Chicago, IL)

+1 301-715-8592 (New York, NY)

+1 312-626-6799 (Seattle, WA)

+1 646-558-8656 (Maryland)

- 3.The phone will automatically dial the number, and input the Webinar Meeting ID No. and your Password.
- 4.Do not hang up the call, and return to the Zoom app
- 5.You are now connected to the meeting.

#### **Present Public Comment**

Receipt of Public Comment – the Chair will ask for comments from the public on all items. Limit your comment to 3 minutes.

- (a) Computer Audio Connection: Select the “raised hand” icon. When you are called on to speak, please identify yourself.
- (b) Phone audio connection **with** computer to view meeting: Select the “raised hand” icon. When you are called on to speak, press \*6 on your phone please identify yourself.
- (c) Phone audio connection only: When you are called on to speak, press \*6 on your phone please identify yourself.

#### **Submit Written Comments**

If you are unable to participate via telephone or computer to present oral comments, you may also submit your comments by e-mailing them to [comments@mpwmd.net](mailto:comments@mpwmd.net) with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or "PUBLIC COMMENT – ORAL COMMUNICATIONS". Comments must be received by 12:00 p.m. on Tuesday, August 24, 2021. Comments submitted by noon will be provided to the committee members and compiled as part of the record of the meeting.

## **LEGISLATIVE ADVOCACY COMMITTEE**

### **ITEM: DISCUSSION ITEM**

#### **1. REPORT FROM JEA & ASSOCIATES ON LEGISLATIVE STATUS AND BILL TRACKING**

**Meeting Date:** August 24, 2021

**From:** David J. Stoldt,  
General Manager

**Prepared By:** David J. Stoldt

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**SUMMARY:** JEA & Associates will provide an update on activities related to California legislation and regulatory activities, as described in **Exhibit 1-A**. **Exhibit 1-B**, attached, is the State bill tracker. Positions for the District agreed upon at the Committee's previous are included in the right-hand column. This is in order to assess potential impacts on the District, as well as to authorize letters of support as necessary. Several letters of support previously authorized are included as **Exhibit 1-C**. The Committee is requested to review the material, evaluate current positions, and make suggestions at the meeting.

#### **EXHIBITS**

**1-A** JEA Associates Update Memorandum

**1-B** MPWMD Legislative Tracking

**1-C** Recent Correspondence

## **EXHIBIT 1-A**



**Date:** August 24, 2021

**To:** Dave Stoldt, General Manager, Monterey Peninsula Water Management District

**From:** John E. Arriaga and Laurie Johnson, JEA & Associates

**RE:** Legislative Committee – August 24, 2021

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### **Budget**

On July 21<sup>st</sup>, the Governor has signed SB 129 which allocates over \$2 billion for drought relief/water Infrastructure projects. While much of this funding will be administered through existing grant and loan programs through DWR and the State Water Board some of the funding details remain unclear.

In addition, there are several other broad categories in SB 129, such as Drought and Climate Resilience Funding Packages that are contingent on future legislation. Additionally, there is over \$770 million not allocated at this time to any funding category.

The following is the broad outline of the \$2 billion:

#### **I. Department of Water Resources: Section 112 (Item 3860-101-0001): \$663 million**

##### ***Drought Relief***

- \$200 million for Small Community Drought Relief Grants
- \$100 million for Urban Community Drought Relief Grants
- \$200 million for Multi-benefit Projects

*\*\* ACWA is recommending that eligible projects should include conjunctive use projects; groundwater recharge; well rehabilitation or other well improvements in support of groundwater banking or recharge; transfers of water for environmental purposes; restoration of upper watersheds that are a significant source of water supply for the state; and other projects that provide improved regional resilience to climate change and drought conditions.*

- \$3 million for Immediate Drought Support

### ***Groundwater***

- \$60 million for Implementation of the Sustainable Groundwater Management Act

### ***Conveyance***

- \$100 million for Water Conveyance Projects

II. State Water Resources Control Board: Section 127 (Item 3940-106-0001): \$1.385 billion

### ***Drinking Water***

- \$650 million for drinking water projects

### ***Wastewater***

- \$650 million for wastewater projects

### ***Recycled Water***

- \$85 million for groundwater cleanup and recycled water projects  
*At least \$50 million for San Diego's Pure Water project*

**III. Additional Funding (Pending Future Legislation): Section 272 - \$730,700,000 for a water and drought resilience package**

After the Legislature recessed in mid-July, it became known that the Legislature leaders were crafting another water/climate package on top of the \$2.7 billion already appropriated. This new funding package totals \$3.7 billion and includes damn safety,

groundwater, conveyance, recycling, etc. in its disbursements. However, nothing is really known more than that, as this is being driven by a handful of top consultants and Leadership. JEA & Associates will continue to work with ACWA and other critical stakeholders on increased funding and favorable language for MPWMD's projects, like Pure Monterey and the Carmel River.

In response to these budget pushes, MPWMD sent a letter in early-May to both respective budget committees supporting the inclusion of \$510 million in statewide funding for Integrated Regional Water Management (IRWM) regions in the final drought relief and resiliency package.

## **Legislation**

**AB 252 (Rivas)** - This bill would require the Department of Conservation to establish and administer a grant program named the Multibenefit Land Repurposing Incentive Program for purposes of assisting groundwater sustainability agencies in critically overdrafted basins in achieving their groundwater sustainability goal by providing grants to public and private agencies and entities for projects and programs that reduce groundwater use by creating incentives to repurpose irrigated agricultural land for new uses that both reduce groundwater use and provide some other measurable benefits to the environment or broader community

Location: Senate Appropriations Committee

MPWMD Letter Sent - **Support**

**AB 315 (Stone)** - This bill provides indemnity and limited liability protections for property owners who voluntarily permit a government-funded streambed restoration project to take place on their property.

Location: Senate Appropriations – Suspense File

MPWMD Letter Sent – **Support**

**AB 361 (Rivas)** - This bill creates, until January 1, 2024, an exemption to teleconferenced public meeting requirements for local legislative bodies during states of emergency, as specified.

Location: Senate Third Reading

MPWMD Letter Sent – **Support**

**AB 1500 (E. Garcia)** - This bill, upon approval by the voters in the June 7, 2022 statewide primary election, enacts the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, to authorize the issuance of \$7,080,000,000 in general obligation bonds to finance projects for safe drinking water,

wildfire prevention, drought preparation, flood protection, extreme heat mitigation and workforce development.

Location: Assembly Rules – TWO-YEAR

MPWMD Logo Sent to ACWA for Coalition Letter - **Support**

**SB 45 (Portantino)** - This bill enacts the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which authorizes the sale of \$5.595 billion in general obligation bonds, upon approval by voters at the November 2021 statewide general election. Bond funds will be used for projects related to wildfire prevention, safe drinking water, drought preparation, and flood protection.

Location: Senate Inactive File – TWO-YEAR

MPWMD Logo Sent to ACWA for Coalition Letter - **Support**

**SB 323 (Caballero)** - This bill would require any judicial action or proceeding to attack, review, set aside, void, validate, or annul an ordinance, resolution, or motion adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, to be commenced within 120 days of the effective date or the date of final passage, adoption, or approval of the ordinance, resolution, or motion, whichever is later.

Location: Set for hearing 8/19 in Assembly Appropriations

MPWMD Logo Sent to ACWA for Coalition Letter - **Support**

**SB 427 (Eggman)** – Would authorize the legislative body of a local agency, as defined, that provides water service to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty in excess of the limitations above, as specified. The bill would require the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of the administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified.

Location: Chaptered

MPWMD Letter Sent – **Support**

*MPWMD's Updated Legislative Track is attached*

## **Drought Emergency Orders**

On July 8<sup>th</sup>, The Governor signed an Executive Order calling on all Californians to voluntarily reduce their water use by 15 percent compared to 2020 levels through



simple actions such as reducing landscape irrigation, running dishwashers and washing machines only when full, finding and fixing leaks, installing water-efficient showerheads and taking shorter showers. These voluntary efforts complement specific local conservation mandates already in place in some communities experiencing acute water shortage conditions this summer.

State officials estimate an additional 15 percent voluntary reduction by urban water users from 2020 levels could save as much as 850,000 acre-feet of water over the next year for future use, or enough to supply more than 1.7 million households for a year.

The State Water Resources Control Board and the Department of Water Resources will monitor progress on voluntary conservation, reservoir storage, soil moisture and other metrics in the coming months to determine whether additional drought response actions are needed.

To help Californians take simple action to reduce water use by 15 percent, state agencies are partnering with local water suppliers to promote conservation tips through the **Save Our Water** campaign.

Concurrently, with this press event, the Governor announced nine additional counties under the state of emergency, including Monterey, bringing a total of 50 out of 58 counties under this order.

## **CDO Condition 2/Housing**

Housing/Condition 2 - As follow-up to our discussion at the last Legislative Committee meeting regarding working with state agencies and the Legislature in mitigating MPWMD's issue between Condition No. 2 and state housing authorities.

MPWMD had a recent meeting with Senator Laird, where he indicated that he is amenable and ready to approach Chairman Esquivel with the SWRCB and request their staff to issue an interpretive letter in support for a small amount of water for the water projects.

The General Manager will provide further details.

**EXHIBIT 1-B****MPWMD Legislative Track****As of August 17, 2021**

Measure	Author	Topic	Location	Brief Summary	Notes
<u>AB 67</u>	<u>Petrie-Norris D</u>	Sea level rise: working group: economic analysis.	5/12/2021-A. APPR. SUSPENSE FILE  HELD	Would require a state agency to take into account the current and future impacts of sea level rise based on projections provided by the Ocean Protection Council when planning, designing, building, operating, maintaining, and investing in infrastructure located in the coastal zone, within the jurisdiction of the San Francisco Bay Conservation and Development Commission, or otherwise vulnerable to flooding from sea level rise or storm surges, or when otherwise approving the allocation of state funds, including, but not limited to, bonds, grants, and loans, for those purposes. The bill would provide that new or expanded infrastructure built pursuant to the above-described provision shall only qualify for state funds if the project is not anticipated to be vulnerable to sea level rise risks during the life of that project.	CA Coastkeeper Alliance (SPONSOR)  TWO-YEAR  FOLLOW
<u>AB 125</u>	<u>Rivas, Robert D</u>	Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2022.	4/15/2021-A. NAT. RES.	Proposes the Equitable Economic Recovery, Healthy Food Access, Climate Resilient Farms, and Worker Protection Bond Act of 2021 (EER Bond) authorizes \$3.302 billion in general obligation bonds. The EER Bond would finance a variety of projects that focus on improving Agriculture resilience and sustainability, protecting the health of farmworkers, expanding health food access and combating hunger, improving regional food economies, supporting Sustainable Groundwater Management Act (SGMA) planning, aid in pest management, reduce food waste and improve state and county fairgrounds.	TWO-YEAR  SUPPORT IF REQUESTED
<u>AB 252</u>	<u>Rivas, Robert D</u>	Department of Conservation: Multibenefit Land Repurposing Incentive Program: administration.	8/16 – Referred to Sen Approps  *Amended 8/16	This bill would require the Department of Conservation to establish and administer a grant program named the Multibenefit Land Repurposing Incentive Program for purposes of assisting groundwater sustainability agencies in critically overdrafted basins in achieving their groundwater sustainability goal by providing grants to public and private agencies and entities for projects and programs that reduce groundwater use by creating incentives to repurpose irrigated agricultural land for new uses that both reduce groundwater use and provide some other measurable benefits to the environment or broader community	SUPPORT  **MPMWD Letter Sent

<u>AB 303</u>	<u>Rivas, Robert D</u>	Aquaculture: mariculture production and restoration: pilot program.	4/30/2021-A. 2 YEAR	Would require the Department of Fish and Wildlife, in collaboration with the California Coastal Commission, to, by January 1, 2024, create a pilot program in state waters to test alternative shellfish and seaweed mariculture production and restoration strategies. The bill would require the department to designate tracts for shellfish and seaweed mariculture production and restoration as part of the pilot program, as specified. The bill would authorize an applicant with a proposed shellfish, seaweed, or shellfish and seaweed mariculture production and restoration project to apply for a lease of any pilot program tract, or a portion thereof. The bill would require the State Lands Commission or the Fish and Game Commission, or both, if applicable to approve, deny, or return for revision a lease application within 4 months.	TWO-YEAR <b>FOLLOW</b>
<u>AB 315</u>	<u>Stone D</u>	Voluntary stream restoration property owner liability: indemnification.	8/16/2021-S. APPR. SUSPENSE FILE	This bill provides indemnity and limited liability protections for property owners who voluntarily permit a government-funded streambed restoration project to take place on their property.	ACWA, Land Trust, Realtors Support  <b>**MPWMD Letter Sent - SUPPORT</b>
<u>AB 336</u>	<u>Villapudua D</u>	Enhanced infrastructure financing districts: public financing authority: members: joint powers authorities.	CHAPTERED	Specifies who may serve as a member of the governing body of an enhanced infrastructure financing district's (EIFD's) public financing authority  Provides that notwithstanding any other law, any member of the legislative body of a participating affected taxing entity who serves as a member of the PFA of an EIFD, may also serve as a member of the governing body of an agency formed pursuant to an agreement for the joint exercise of power that the participating affected taxing entity has entered into in accordance with the Joint Exercise of Powers Act.	<b>FOLLOW</b>
<u>AB 361</u>	<u>Rivas, Robert D</u>	Open meetings: local agencies: teleconferences.	7/15/21 – S. Third Reading  *Amended 7/6	This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to	CA Special District Assoc. Sponsor; CMUA, cities, water agencies, CSAC, ACWA support  ACLU and random non-profits oppose

				the health or safety of attendees, as provided.	<b>**MPWMD Letter Sent - SUPPORT</b>
<u>AB 377</u>	<u>Rivas, Robert D</u>	Water quality: impaired waters.	5/19/2021-A. APPR. SUSPENSE FILE	This bill requires the State Water Resources Control Board (State Water Board) and regional boards, by January 1, 2025, to evaluate impaired state surface waters and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050. This bill requires the plan to include total maximum daily load (tmdl) compliance schedules as they existed on January 1, 2021, and prohibits the report from extending the existing compliance schedules. The report is required to be updated with progress summaries every five years until January 1, 2050.	<ul style="list-style-type: none"> <li>For discussion</li> </ul> <p>TWO-YEAR <b>FOLLOW</b></p>
<u>AB 473</u>	<u>Chau D</u>	California Public Records Act.	8/16/2021-S. SECOND READING	The California Public Records Act requires state and local agencies to make their records available for public inspection, unless an exemption from disclosure applies. This bill would recodify and reorganize the provisions of the act. The bill would include provisions to govern the effect of recodification and state that the bill is intended to be entirely nonsubstantive in effect. The bill would contain related legislative findings and declarations. The bill would become operative on January 1, 2023.	<b>FOLLOW</b>
<u>AB 754</u>	<u>Mathis R</u>	Sustainable groundwater management: groundwater sustainability plan.	FAILED DEADLINE.	The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate a high- or medium-priority basin as a probationary basin if the basin is not entirely covered by an adopted groundwater sustainability plan or plans or a department-approved alternative by the applicable deadline. The act authorizes the board to adopt an interim plan for a probationary basin, as specified. This bill would authorize the department to extend the deadline for a high- or medium-priority basin not subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated plans by up to 180 days after January 31, 2022, upon request of a local agency or groundwater sustainability agency in the basin for an extension of a specified period of time. The bill would require a request to be submitted by January 3, 2022, and to be responded to by the department by January 10, 2022.	<p>Rural County Reps Support</p> <p>The Nature Conservancy, Loc. Gov Commission, Sierra Club and Audubon Oppose</p> <p><b>TWO-YEAR FOLLOW</b></p>
<u>AB 819</u>	<u>Levine D</u>	California Environmental Quality Act: notices and documents:	CHAPTERED	This bill requires California Environmental Quality Act (CEQA) notices and environmental review documents to be filed electronically and posted online.	<p>CA Chamber; ACWA Support</p> <p><b>OPPOSE AND REVISIT IN 3</b></p>

		electronic filing and posting.		**Codifies Governor's earlier Executive Order	WEEKS
<u>AB 1058</u>	<u>Garcia, Cristina D</u>	Water corporations: bill payment options.	6/22/2021-S. THIRD READING	<p>This bill authorizes a water corporation with more than 10,000 service connections to recover in rates the transaction costs relating to all payment options, including credit cards, debit cards and prepaid cards. The bill prohibits such a water corporation from recovering such transaction costs from customers participating in a water rate relief program for low-income ratepayers authorized by the California Public Utilities Commission (CPUC).</p> <p>By making these changes, this bill expands and makes permanent authority statute gave to large water corporations to conduct pilot programs to assess water customer interest and use of bill payment options, including credit cards, debit cards and prepaid cards.</p> <p>Three large water corporations—California American Water Company, Golden State Water Company and Great Oaks Water Company—undertook pilot programs to waive card-related transaction fees between January and July of 2019. The CPUC, because of the COVID-19 pandemic, forewent certain pilot program data and released its report early, in January 2021. However, the report included data that shows every type of transaction—mail transactions, in-person transactions, online transactions, automatic clearing house (ACH) transactions, and card-based transactions—impose costs on a water corporation; yet, CPUC rules allow a water corporation to recover through its rates cost associated with every type of transaction, except costs associated with card-based transactions. In addition, the policy committee analysis of this bill presented data from the CPUC showing low-income water corporations customers utilized card payments about as frequently as other water corporation customers.</p> <p>Given these facts—that all transaction types impose costs on a water corporation, yet CPUC rules allow the corporation to socialize through rates all transaction costs except for card-based transaction costs; and that low-income customers use cards to make payments at about the rate as do other water corporation customers—there seems little rationale to prevent large water corporations from recovering card-based transaction costs in rates. As the author states:</p> <p style="padding-left: 40px;">Current law is impeding the payment of utility bills by electronic payment at a time when more</p>	<p>CA Water Assoc, CA Water Service Support</p> <p>FOLLOW</p>

				consumers are utilizing electronic payments as their primary method of paying recurring bills. Paying recurring bills online by electronic payment has become a matter of convenience for customers throughout California, especially during the COVID-19 pandemic.	
<u>AB 1164</u>	<u>Flora R</u>	Dams and reservoirs: exclusions.	7/14/21 – FAILED DEADLINE	Current law requires the Department of Water Resources to adopt, by regulation, a schedule of fees to cover the department's costs in carrying out the supervision of dam safety. Current law excludes certain obstructions from being considered a dam, including a barrier that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use. This bill would specify that the exclusion from being considered a dam for a barrier that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use applies only to a barrier owned or operated by a private entity. The bill would provide that a barrier owned or operated by a public entity that is not across a stream channel, watercourse, or natural drainage area and that has the principal purpose of impounding water for agricultural use shall not be considered a dam only if certain criteria are met, including, among other criteria, that the operator provides to the county office of emergency management a structural failure plan.	ACWA and various Central Valley Water Agencies/Districts Support  <b>TWO-YEAR FOLLOW</b>
<u>AB 1250</u>	<u>Calderon D</u>	Water and sewer system corporations: consolidation of service.	8/16/2021-S. APPR. SUSPENSE FILE	This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer system corporation to file an application and obtain approval from the Public Utilities Commission through an order authorizing the water or sewer system corporation to consolidate with a small community water system or state small water identified as failing or at risk of failing by the state board.	CA Water Assoc Sponsor; ACWA Support  <b>FOLLOW</b>
<u>AB 1500</u>	<u>Garcia, Eduardo D</u>	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and	5/19/2021-A. APPR. SUSPENSE FILE	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$7,080,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	<b>SUPPORT</b>  <b>**MPWMD Logo sent to ACWA</b>

		Workforce Development Bond Act of 2022.			
<u>SB 45</u>	<u>Portantino D</u>	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.	5/3/2021-S. APPR. SUSPENSE FILE	Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,595,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	<b>SUPPORT</b>  **MPWMD Logo sent to ACWA
<u>SB 83</u>	<u>Allen D</u>	Sea Level Rise Revolving Loan Program.	7/7/2021-A. APPR. SUSPENSE FILE  *Amended 6/29	SB 83 creates a revolving loan fund within the State Coastal Conservancy to provide low-interest loans to local governments. The loans would be used to buy properties that will be threatened in the next one or two decades, allowing the owners to sell while the property still has value. The local government can then rent out the property, repay the loan, and potentially earn additional revenue. Once the property is at risk of flooding from the rising sea, the property can be demolished without taxpayers bearing the cost.	Sierra Club, Nature Conservancy, Surfrider Foundation Support  <b>FOLLOW</b>
<u>SB 222</u>	<u>Dodd D</u>	Water Rate Assistance Program.	8/19/2021-A. APPR.	This bill would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would require the Department of Community Services and Development to develop and administer the Water Rate Assistance Program established by the bill.	Coastkeeper, Sierra Club, League of Voters, broad enviro groups Support  ACWA, CMUA, Special Districts, And about 15 water districts Oppose  <b>FOLLOW</b>
<u>SB 273</u>	<u>Hertzberg D</u>	Water quality: municipal wastewater	7/8/2021-A. THIRD READING	Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire,	ACWA, CMUA, Coastkeeper, Stormwater

		agencies.		construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.	Quality Assoc Support  <b>FOLLOW FOR PWM PURPOSES</b>
<u>SB 274</u>	<u>Wieckowski D</u>	Local government meetings: agenda and documents.	7/8/2021-A. THIRD READING	<p>This bill requires each local agency to provide the agenda packet of any meeting of its legislative body by email to persons who request it, if technologically feasible. Specifically, this bill:</p> <p>1) Requires, if a local agency has an internet website, the legislative body or its designee to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if a person requests that the item or items be delivered by email.</p> <p>2) Requires, if the local agency determines it is technologically infeasible to comply with the requirements described above, the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet in accordance with the mailing requirements established pursuant to the Ralph M. Brown Act (Brown Act).</p>	ACWA, CMUA, AFL-CIO Support  <b>FOLLOW</b>
<u>SB 323</u>	<u>Caballero D</u>	Local government: water or sewer service: legal actions.	5/13/2021-A. L. GOV.	Current law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, as defined, that exceed the estimated reasonable cost of providing the service for which the fee is charged, unless voter approval is obtained. Current law provides that a local agency levying a new a water or sewer connection fee or increasing a fee must do so by ordinance or resolution. Current law requires, for specified fees, including water or sewer connection fees, any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion according to specified	ACWA Sponsored  *Logo sent to ACWA for coalition letter  <b>SUPPORT</b>



				procedures for validation proceedings. This bill would apply the same judicial action procedure and timelines, as stated above, to ordinances, resolutions, or motions adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, except as provided.	
<u>SB 351</u>	<u>Caballero D</u>	Water Innovation Act of 2021.	5/10/2021-S. APPR. SUSPENSE FILE  HELD	Current law establishes the State Water Resources Control Board for the purposes of providing for the orderly and efficient administration of the water resources of the state. This bill, the Water Innovation Act of 2021, would create the Office of Water Innovation at the California Water Commission for the furtherance of new technologies and other innovative approaches in the water sector. The bill would require the office, by December 31, 2023, to take specified measures to advance innovation in the water sector. The bill would make findings and declarations regarding the need for water innovation.	ACWA, CMUA, Sanitation Agencies Assoc. Support  TWO-YEAR  FOLLOW
<u>SB 403</u>	<u>Gonzalez D</u>	Drinking water: consolidation.	7/14/2021-A. APPROPS – SUSPENSE FILE  *Amended 7/5	<p>This bill authorizes the State Water Resources Control Board (State Water Board) to order the consolidation of at-risk water systems and at-risk domestic wells. Specifically, this bill:</p> <ol style="list-style-type: none"> <li>1) Defines "at-risk domestic wells" as domestic wells that serve a disadvantaged community and are at risk of consistently failing to provide an adequate supply of safe drinking water, as determined by the State Water Board, as provided.</li> <li>2) Defines "at-risk water system" as a water system that meets all the following conditions: <ol style="list-style-type: none"> <li>a) The water system is either a public water system with 3,300 or fewer connections or a state small water system.</li> <li>b) The system serves a disadvantaged community.</li> <li>c) The system is at risk of consistently failing to provide an adequate supply of safe drinking water, as determined by the State Water Board, as provided.</li> </ol> </li> <li>3) Requires the State Water Board to follow a specified process for public outreach to determine community support for consolidation and to allow the proposed received and subsumed water systems opportunities for input.</li> <li>4) Requires a finding that a disadvantaged community, in whole or in part, is substantially reliant on at-risk domestic wells to be based on specified maps and inspection or testing of the domestic wells.</li> </ol>	<p>Enviro groups, Western Center on Law &amp; Poverty Support</p> <p>ACWA (OUA), Special Districts Oppose</p> <p>OPPOSE</p>

				5) Authorizes the State Water Board to prioritize consolidation of an at-risk water system that has historically been overburdened by pollution and industrial development or faced other environmental justice hurdles.	
<u>SB 427</u>	<u>Eggman D</u>	Water theft: enhanced penalties.	CHAPTERED.	Would authorize the legislative body of a local agency, as defined, that provides water service to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty in excess of the limitations above, as specified. The bill would require the local agency to adopt an ordinance that sets forth the administrative procedures governing the imposition, enforcement, collection, and administrative review of the administrative fines or penalties for water theft and to establish a process for granting a hardship waiver to reduce the amount of the fine, as specified.	ACWA, Regional Water Authority Support  MPWMD Letter Sent - SUPPORT
<u>SB 463</u>	<u>Dahle R</u>	Water: landowner right to modify, repair, or replace jointly used conduits.	7/14/2021-A. W.,P. & W. – FAILED DEADLINE	Would authorize a landowner to, where a conduit is constructed across or buried beneath the lands of 2 or more landowners, modify, repair, or replace, as defined, the conduit on or beneath their land if the modification, repair, or replacement is made in a manner that does not impede the flow of the water to any other property receiving a benefit of the conduit or, otherwise injure any person using or interested in the conduit.	TWO-YEAR  FOLLOW
<u>SB 520</u>	<u>Wilk R</u>	Water resources: permit to appropriate: application procedure: mining use.	7/14/2021-A. W.,P. & W. – FAILED DEADLINE	Current law requires the State Water Resources Control Board to issue and deliver a notice of an application as soon as practicable after the receipt of an application for a permit to appropriate water that conforms to the law. Current law allows interested persons to file a written protest with regard to an application to appropriate water and requires the protestant to set forth the objections to the application. Current law declares that no hearing is necessary to issue a permit in connection with an unprotested application, or if the undisputed facts support the issuance of the permit and there is no disputed issue of material fact, unless the board elects to hold a hearing. This bill, if the board has not rendered a final determination on an application for a permit to appropriate water for a beneficial use or uses that include mining use within 30 years from the date the application was filed, would require the board to issue a new notice and provide an opportunity for protests before rendering a final determination, with specified exceptions.	TWO-YEAR  FOLLOW
<u>SB 526</u>	<u>Min D</u>	Community water systems: lead user service lines.	4/30/2021-S. 2 YEAR	Current law requires, by July 1, 2020, a community water system with known lead user service lines in use in its distribution system to provide a timeline for replacement of those lines to the State Water Resources Control Board. Current law requires the state board to review and approve an established timeline, and requires, if the state board fails to act within 30 days of the	TWO-YEAR  FOLLOW

				submission of the timeline, the timeline to be deemed approved. Current law authorizes the state board to enforce these requirements, as specified, and a violation is considered a violation of the California Safe Drinking Water Act, subjecting the violator to specified civil and criminal penalties. This bill would, until January 1, 2025, require a community water system to remove or replace the full lead user service line, if the community water system disturbs, removes, or replaces a portion thereof. The bill would apply the above-described enforcement provisions to a violation of the requirements of the bill, thereby creating a state-mandated local program by expanding the scope of crimes under the California Safe Drinking Water Act.	
<u>SB 552</u>	<u>Hertzberg D</u>	Drought planning: small water suppliers: nontransient noncommunity water systems.	8/16/2021-S. APPR. HEARING POSTPONED	Would require small water suppliers, as defined, and nontransient noncommunity water systems that are schools, no later than December 31, 2022, to develop and submit to the Division of Drinking Water for the State Water Resources Control Board an Emergency Response Plan that includes specified drought-planning elements. The bill would require these water systems to report specified water supply condition information to the state board through the state board's Electronic Annual Reporting System, and to include water system risk and water shortage information in the water systems' consumer confidence reports, as provided.	<b>FOLLOW</b>
<u>SB 708</u>	<u>Melendez R</u>	Water shortage emergencies: declarations: deenergization events.	CHAPTERED	Would authorize a public water supplier to declare a water shortage emergency condition without holding a public hearing in the event of a deenergization event, as defined.	<b>FOLLOW</b>



June 22, 2021

The Honorable Dianne Feinstein  
United States Senate  
331 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Monterey Peninsula Water Management District (MPWMD), thank you for the opportunity to review the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act) and for your consistent and strong support of initiatives to improve water security and drought resilience in California. MPWMD has an interest in and supports many components of your bill, particularly those that will strengthen federal support for water reuse and recycling projects and the WaterSMART program.

As you know, MPWMD and our partner, Monterey One Water, have secured support through the Bureau of Reclamation's (Reclamation) Title XVI water reclamation and reuse program for the Pure Water Monterey project, the current phase of which will produce up to 10,350-acre feet per year of new water by recycling wastewater. The purpose of this project is to replenish the Seaside Groundwater Basin with purified recycled water and reduce pumping from the over-drafted Salinas Valley Groundwater Basin by increasing recycled water production for irrigated agriculture. It will also strengthen the resiliency of regional water supplies and enhance habitats in the watershed by restoring flows and removing pollutants. The STREAM Act will allow this important project to compete for additional assistance under Reclamation's Title XVI program.

We also appreciate your efforts to expand and strengthen the WaterSMART program and federal support for ecosystem restoration and compliance. Expanding the opportunities for federal assistance to implement projects identified in Reclamation supported basin studies and drought contingency plans will be very helpful.

Thank you again for your decades of leadership on California water. We look forward to working with you and your staff on this bill as it moves through the legislative process.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is fluid and cursive, with the first name "David" and last name "Stoldt" clearly legible.

David Stoldt  
General Manager  
Monterey Peninsula Water Management District



July 15, 2021

The Honorable Robert Rivas  
California State Assembly  
State Capitol, Room 5158  
Sacramento, CA 95814

RE: AB 252 (R.Rivas): SUPPORT

Dear Assemblymember Rivas,

On behalf of the Monterey Peninsula Water Management District (MPWMD), we are writing to express our support for your bill AB 252, which establishes the Multibenefit Land Repurposing Program (Program) at the Department of Conservation (DOC) to provide grants to groundwater sustainability agencies (GSAs) or counties, or other entities designated by (GSAs) to fund local programs supporting or facilitating multibenefit land repurposing at the basin scale.

AB 252 will ensure the state minimizes the harm of unregulated water withdrawal and accelerated groundwater overdrafting while utilizing the benefits of Sustainable Groundwater Management Act (SGMA)-related land conversion. Specifically, this bill will create a pilot program – the Multibenefit Land Repurposing Incentive Program – to support reusing formerly irrigated agricultural land for groundwater recharge, biodiversity conservation, pollinator habitat, cattle grazing, and other beneficial and less water-intensive uses. The program will provide grants to Groundwater Sustainable Agencies (GSAs), counties, and others to develop and implement land conversion plans for their region. Ultimately, this bill will buffer some of the economic impacts facing farmers as they reduce groundwater demand and repurpose land for multiple other benefits during periods of recharge.

For these reasons, MPWMD supports AB 252.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is fluid and cursive, with the first name "David" and last name "Stoldt" clearly legible.

David Stoldt  
General Manager  
Monterey Peninsula Water Management District



July 15, 2021

The Honorable Mark Stone  
California State Assembly  
State Capitol, Room 3146  
Sacramento, CA 95814

RE: AB 315 (Stone): SUPPORT

Dear Assemblymember Stone,

On behalf of the Monterey Peninsula Water Management District (MPWMD), we are writing to express our support for your bill AB 315, which provides indemnity and limited liability protections for property owners who voluntarily permit a government-funded streambed restoration project to take place on their property.

AB 315 seeks to encourage landowners to voluntarily permit streambed restoration projects to occur on their property by providing property owners limited liability protection should a streambed restoration project result in damages. Recognizing that habitat and ecosystem restoration is a public good that benefits all Californians, this bill provides that the State of California will indemnify landowners for any damages caused by the construction, design specifications, surveying, planning, supervision, testing, or observation of construction related to the project to restore fish and wildlife habitat.

AB 315 strikes a balance between protecting landowners and their neighbors from liability while ensuring that critical habitat and ecosystem restoration work occurs in California.

For these reasons, MPWMD supports AB 315.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is fluid and cursive, with the first and last names being clearly legible.

David Stoldt  
General Manager  
Monterey Peninsula Water Management District



July 15, 2021

The Honorable Robert Rivas  
California State Assembly  
State Capitol, Room 5158  
Sacramento, CA 95814

RE: AB 361 (R.Rivas): SUPPORT

Dear Assemblymember Rivas,

On behalf of the Monterey Peninsula Water Management District (MPWMD), we are writing to express our support for your bill AB 361, which allows, in limited circumstances, a local agency to use teleconferencing without complying with the Ralph M. Brown Act's (Brown Act) physical access and quorum requirements for teleconferenced meetings.

AB 361 will guarantee that local boards do not have to rely on an executive order from the Governor to serve their communities remotely during future emergencies. This bill will also provide the opportunity for public to join via telephone or video conference to ensure that all members of the public can participate safely.

This bill also provides for members of a local agency's legislative body to participate in a remote meeting from beyond the agency's jurisdiction consistent with the conditions posed in an emergency. The governor's March 2020 Orders facilitated local agencies' transition to remote meetings so that they could continue to operate while observing directives meant to help slow the spread of disease during a pandemic. The changes made by the orders were integral to allowing local agencies to meet; without them, local agencies would potentially have been forced to make tough decisions about meeting cancellations, potential exposures of agency board members and staff, compliance with health directives, and more. This bill strikes an appropriate balance between the intent of these executive orders – to allow local agencies to continue to meet and do business during an emergency – and the spirit of the protections woven throughout the Brown Act.

For these reasons, MPWMD supports AB 361.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt".

David Stoldt  
General Manager  
Monterey Peninsula Water Management District



July 15, 2021

The Honorable Susan Eggman  
California State Senate  
State Capitol, Room 4052  
Sacramento, CA 95814

RE: SB 427 (Eggman): SUPPORT

Dear Senator Eggman,

On behalf of the Monterey Peninsula Water Management District (MPWMD), we are writing to express our support for your bill SB 427, which authorizes water agencies to adopt an ordinance that prohibits water theft, and to increase the administrative fine or penalty in excess of the existing limitations. This bill places limitations on the amount of fine for a violation of a water theft ordinance depending upon the type of violation and the number of violations within one year. Lastly, this bill requires a local agency to establish a process for granting a hardship waiver to reduce the amount of the fine imposed for water theft on parties who can demonstrate an undue financial burden.

Water theft can take many forms. Customers have been documented tampering with water meters to avoid paying for water, or using makeshift plumbing to circumvent their water meter altogether. Water users who regularly fill large water tankers (e.g. for construction or dust mitigation) often fill their trucks from fire hydrants. Local agencies typically require a permit to fill trucks or other large vessels. However, the penalty for doing so without a valid permit is often so low that it is cheaper for the consumer to knowingly break the law and pay a small fine than it is to follow the law. Cross-contamination can occur between the water system and non-potable source connections when anti-backflow devices are not used (these are required under the aforementioned permits), which poses a serious health risk to everyone in the system.

In addition to posing health risks, water theft makes it more difficult for water agencies to accurately account for the water being used by their ratepayers. The revenue lost from water theft can be passed on to paying customers, having a negative impact on water affordability. Water theft also frustrates efforts by water districts to comply with State water loss standards. While there is no way to accurately measure the volume of water that is lost to water theft, the American Water Works Association (AWWA) suggests water suppliers assume that .25% of the volume being supplied is being illegally withdrawn. This can account for thousands of acre-feet and hundreds of thousands of dollars – if not millions – in lost revenue.

For these reasons, MPWMD supports SB 427.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is fluid and cursive, with the first name "David" and last name "Stoldt" clearly visible.

David Stoldt

General Manager  
Monterey Peninsula Water Management District





August 9, 2021

Senator John Laird  
State Capitol, Room 4040  
Sacramento, CA 95814

Dear Senator,

On behalf of the Monterey Peninsula Water Management District (MPWMD), thank you for the generous gift of your time at this morning's meeting. We will continue to keep you and your staff apprised of our community's water issues on the local and State levels.

We thank you for your leadership and look forward to opportunities to work together going forward.

Sincerely,

A handwritten signature in blue ink that reads "David Stoldt". The signature is fluid and cursive, with the first and last names being clearly legible.

David Stoldt  
General Manager  
Monterey Peninsula Water Management District

## **LEGISLATIVE ADVOCACY COMMITTEE**

**ITEM:      DISCUSSION ITEM**

### **2.      REPORT FROM THE FERGUSON GROUP ON FEDERAL LEGISLATIVE AND REGULATORY ACTIVITIES**

**Meeting Date:    August 24, 2021**

**From:              David J. Stoldt,  
General Manager**

**Prepared By:     David J. Stoldt**

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**SUMMARY:** The Ferguson Group will provide an update on activities related to federal legislation and regulatory activities. **Exhibit 2-A**, attached, is a summary of the recent infrastructure bill passed by the Senate. **Exhibit 2-B** is the federal bill tracker.

#### **EXHIBITS**

**2-A    Overview of the Federal Infrastructure Bill**

**2-B    Federal Legislative Tracker**



The logo for TFG (The Financial Group) is displayed in a white, serif font on a dark blue rectangular background. The letters are lowercase and stylized, with the 't' and 'f' having a classic, slightly ornate design.

Special Report

# Infrastructure Investment and Jobs Act

August 16, 2021





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# Introduction

After nearly two months of negotiations among a bipartisan group of 22 senators, led by Senators Kyrsten Sinema (D-AZ) and Rob Portman (R-OH), the [2,702-page substitute amendment text](#) of the *Infrastructure Investment and Jobs Act* was publicly released on the evening of Sunday, August 1. The mammoth \$1.2 trillion legislation includes a complete five-year, \$383.4 billion surface transportation reauthorization bill, and an additional \$550 billion in new funding for roads and bridges, road safety, railways, airports, public transit, electric vehicle infrastructure, ports and waterways, the electric grid, broadband, water infrastructure, resiliency and western water storage, and environmental remediation. On August 7, the White House issued a [Statement of Administration Policy](#) for the legislation, indicating the Biden Administration's support for Senate passage of the bill.

On August 10, the Senate passed the Infrastructure Investment and Jobs Act ([H.R. 3684](#), as amended) by a vote of [69-30](#). [Nineteen Senate Republicans](#) joined the 50-member Senate Democratic Caucus in voting for the bill, including Senate Minority Leader Mitch McConnell (R-KY). Over the course of seven days, the Senate [considered](#) 23 amendments, adopting 13 and rejecting ten. According to the Congressional Budget Office (CBO), the legislation would add an estimated \$256 billion to projected deficits over the 2021–2031 period. However, the CBO said that it did not estimate how any macroeconomic effects of the legislation would influence the federal budget and Senators Sinema and Portman issued a [statement](#) insisting that there are actually \$519 billion in offsets.

After the Senate passed the Infrastructure Investment and Jobs Act, the chamber immediately began consideration of the Fiscal Year (FY) 2022 budget resolution ([S. Con. Res. 14](#)), which unlocks the 50-member Senate Democratic Caucus's ability to pass an expansive \$3.5 trillion economic package to “enact the Build Back Better agenda,” including large swaths of President Biden's proposed American [Jobs](#) and [Families](#) Plans unveiled earlier this year. A [memorandum](#) from Senate Budget Committee Chairman Bernie Sanders (I-VT) outlines major spending targets under the budget resolution including: universal Pre-K for 3- and 4-year-olds; subsidized child care for working families; tuition-free community college; expanding Medicare benefits; providing “lawful permanent status for qualified immigrants”; improving cybersecurity infrastructure; funding to address forest fires, reduce carbon emissions and address drought concerns; Civilian Climate Corps funding; clean energy development funding; coastal resiliency and healthy oceans investments; environmental justice investments in clean water affordability and access, healthy ports and climate equity; funding to invest in public housing, the Housing Trust Fund, HOME, housing affordability, equity and community land trusts, CDBG, zoning, land use, and transit improvements; and SALT cap relief. The 301-page committee print accompanying the FY 2022 budget resolution is available [here](#); and a one-page topline summary document is available [here](#).

After voting on [47 non-binding amendments](#) to the budget resolution over the course of 14 hours (29 amendments were adopted and 18 were rejected), the Senate passed the resolution at 4am ET on August 11 by a vote of [50-49](#). The House will [return](#) to Washington on August 23 to vote on S. Con. Res. 14, which will officially allow 25 House and Senate committees to begin work on their parts of the \$3.5 trillion package. The resolution also directs the committees to write their legislation to fulfill the spending targets set forth by the budget resolution by Wednesday, September 15. The multiple bills marked up by the committees would then be bundled together by the House and/or Senate Budget Committees for floor debate as a single, mammoth bill.

House Speaker Nancy Pelosi (D-CA) [reiterated](#) on August 11 that the House *will not* vote on the Senate-passed infrastructure bill until the Senate has also passed the budget reconciliation package (following adoption of the FY 2022 budget resolution by the Senate and House), which very likely won't happen until October at the earliest. This means that the infrastructure bill and the budget reconciliation package won't be enacted into law until mid-late fall at the earliest. House Transportation and Infrastructure (T&I) Committee Chairman Peter DeFazio (D-OR) issued a [statement](#) on August 10 indicating that he is dropping his demands for a formal House—Senate conference committee to reconcile differences between the House-passed INVEST in America Act and the Senate-passed Infrastructure Investment and Jobs Act and that he is “committed to continuing to fight for transformational funding and policies in the reconciliation process that will reduce carbon pollution from the transportation sector, support American manufacturing and ingenuity, and create infrastructure that is smarter, safer, and made to last.” By changing his focus to budget reconciliation, Chairman DeFazio appears to be backing away from trying to change the bipartisan infrastructure bill passed by the Senate.

This TFG Special Report provides a section-by-section summary of the Senate-passed Infrastructure Investment and Jobs Act. While not every single section is covered in the Report, the provisions of most importance to TFG clients are included. The 13 approved amendments to the bill are mentioned throughout the Report at the relevant Division/Title section.

## Division A – Surface Transportation

### Title I – Federal-Aid Highways

#### Subtitle A – Authorization and Program

**Sec. 11101. Authorization of appropriations.** Authorizes many programs to be appropriated out of the Highway Trust Fund annually over fiscal years 2022 through 2026, including:

- \$52.5 billion in FY 2022, increasing 2% every year and reaching \$56.8 billion in FY 2026 for the Federal-Aid Highway Program
- \$1.25 billion for the Transportation Infrastructure Finance and Innovation (TIFIA) Program
- \$570 million to construction ferry boats and terminal facilities
- \$3.01 billion for the Tribal Transportation Program
- \$2.19 billion for the Federal Lands Transportation Program
- \$275 million for Nationally Significant Federal Lands and Tribal Projects, and \$1.5 billion from the Treasury general fund
- \$250 million for the Congestion Relief Program
- \$2.5 billion for charging and fueling infrastructure grants
- \$100 million for the Healthy Streets Program
- \$350 million for a Wildlife Crossings Pilot Program

**Sec. 11102. Obligation ceiling.** Sets obligation limits on federal-aid highway and highway safety construction programs, totaling \$300.3 billion over the five-year period, limiting the amount of contract authority that can be obligated in a single fiscal year.

**Sec. 11103. Definitions.** Defines multiple terms used throughout the bill text, including:



- **Natural Infrastructure:** Infrastructure that uses, restores, or emulates natural ecological processes and is created through the action of natural physical, geological, biological, and chemical processes over time; and is created by human design, engineering, and construction to emulate or act in concert with natural processes; or involves the use of plants, soils, and other natural features, including through the creation, restoration, or preservation of vegetated areas using materials appropriate to the region to manage stormwater and runoff, to attenuate flood and storm surges, and for other related purposes.
- **Resilience:** A project with the ability to anticipate, prepare for, or adapt to conditions or withstand, respond to, or recover rapidly from disruptions, including the ability to resist hazards or withstand impacts from weather events and natural disasters; or have the absorptive capacity, adaptive capacity, and recoverability to decrease project vulnerability to weather events or other natural disasters.

**Sec. 11105. National highway performance program.** Expands the eligibility of the National Highway Performance Program to include transportation resilience and extreme weather mitigation projects.

**Approved Amendment by the Senate to Section 11105—“National Highway Performance Program”:**

- **Amendment #2358**, introduced by Sen. Jacky Rosen (D-NV) and agreed to by voice vote on August 4: [amends](#) section 11105 by adding wildfires as a specified damage for which federal assistance from the National Highway Performance Program may be used to rebuild damaged highways.

**Sec. 11108. Railway-highway grade crossings.** Provides \$3 billion in emergency appropriations to eliminate hazards at railway-highway crossings. It also changes the federal share for projects to 100 percent.

**Sec. 11109. Surface transportation block grant program.** Modifies rules for Surface Transportation Block Grants to include wildlife crossing structures, electric vehicle charging infrastructure, intelligent transportation technologies, and projects that facilitate intermodal connections with emergency technologies such as magnetic levitation and hyperloop.

**Sec. 11110. Nationally significant freight and highway projects.** Renames the program to be the Nationally Significant Multimodal Freight and Highway Projects. It includes an additional appropriation of \$3.2 billion for DOT’s INFRA grant program bringing the total to \$8 billion from FY 2022 to FY 2026. (The current transportation authorization bill, *Fixing America’s Surface Transportation (FAST) Act*, authorized \$4.5 billion for the INFRA grant program.)

**Sec. 11111. Highway safety improvement program.** Amends the Highway Safety Improvement Program to prioritize funds for projects that provide safety for all road users, including construction or installation of features, measures, and road designs to calm traffic and reduce vehicle speeds. It also includes installation or upgrades of traffic control devices for pedestrians and bicyclists, including pedestrian hybrid beacons and the addition of bicycle movement phases to traffic signals, and roadway improvements that provide separation between pedestrians and motor vehicles. The legislation also requires states to submit highway safety plans at least once every three years beginning in FY 2022 and mandates states submit annual grant applications demonstrating their alignment with their approved highway safety plans.

**Sec. 11112. Federal lands transportation program.** Adjusts the requirements of the Federal Lands Transportation Program to require projects to consider the use of locally adapted native plant materials; and designs that minimize runoff and heat generation to the maximum extent practicable.

**Sec. 11113. Federal lands access program.** Adjusts the requirements of the Federal Lands Access Program to require projects to consider the use of locally adapted native plant materials; and designs that minimize runoff and heat generation to the maximum extent practicable.

**Sec. 11115. Congestion mitigation and air quality improvement program.** Includes prioritization for projects that provide benefits to disadvantaged communities or low-income populations living in, or immediately adjacent to the project area.

**Sec. 11118. Bridge investment program.** Authorizes \$6.54 billion over fiscal year 2022 through 2026 for new grants to repair and replace bridges.

**Sec. 11121. Construction of ferry boats and ferry terminal facilities.** Authorizes \$570 million to construct ferry boats and terminal facilities from the Highway Trust Fund.

**Sec. 11123. Wildlife crossing safety.** Establishes a competitive wildlife crossings pilot program to provide grants for projects that seek to reduce the number of wildlife-vehicle collisions and improve habitat connectivity for terrestrial and aquatic species. Eligible entities for the program include state highway agencies, metropolitan planning organizations, units of local government, regional transportation authorities, special purpose districts with a transportation function, Indian tribes, and federal land management agencies. The legislation also requires at least 60 percent of awarded grants each year are for projects located in rural areas. This section also requires the Secretary to conduct a study on the practice of methods to reduce collisions between motorists and wildlife.

**Sec. 11130. Public transportation.** Expands public transportation projects to include capital projects for the construction of a bus rapid transit corridor or dedicated bus lanes, including the construction or installation of traffic signaling and prioritization systems; redesigned intersections that are necessary for the establishment of a bus rapid transit corridor; on-street systems; information and wayfinding systems; and depots.

## Subtitle B – Planning and Performance Management

**Sec. 11201. Transportation planning.** Includes provisions to encourage the use of social media and other web-based tools by states to further encourage public participation and to solicit public feedback during state transportation planning.

## Subtitle C – Project Delivery and Process Improvement

**Sec. 11301. Codification of one federal decision.** Codifies the Trump Administration’s “one federal decision” policy that required agencies to coordinate reviews and authorization decisions for major infrastructure projects. It also set a goal for completing environmental reviews within two years. It requires lead agencies to develop an environmental review schedule with project sponsors that would be consistent with an agency average of not more than two years for major projects. It also specifies conditions under which the schedule could be modified. The legislation requires authorization decisions for construction of a major project to be completed within 90 days of the issuance of a record of decision for the project. It also requires the Department of Transportation to establish a performance accountability system to track each major project. In addition, the Department would have to provide other related agencies with a list of categorical exclusions that are applicable to highway projects and that would accelerate project delivery if available to those agencies.

**Sec. 11305. Alternative contracting methods.** Allows the Department of Transportation to use alternative contracting methods, including project bundling, bridge bundling, and long-term concession agreements, on behalf of federal land management agencies and tribal governments.

## Subtitle D – Climate Change

**Sec. 11401. Grants for charging and fueling infrastructure.** Establishes a \$2.5 billion 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. Eligible entities include states, metropolitan planning organizations, units of local government, special purpose districts with a transportation function, Indian tribes, and territories. The program will prioritize projects in rural areas, low- and moderate-income neighborhoods, and communities with a low ratio of private parking spaces to households or a high ratio of multi-unit dwellings to single family homes. The maximum award amount is \$15 million with a 20 percent match requirement.

**Sec. 11403. Carbon reduction program.** Allocates \$6.42 billion for FY 2022 through FY 2026 for a new program to reduce transportation carbon emissions. Eligible projects include truck stop electrification systems, trail facilities for pedestrians and bicyclists, congestion management technologies, electric vehicle charging infrastructure, and port electrification, among others. This section also requires states to develop a carbon reduction strategy.

**Sec. 11404. Congestion Relief Program.** Establishes a Congestion Relief Program to provide grants to eligible entities to advance innovative, integrated, and multimodal solutions to congestion relief in the most congested metropolitan areas of the U.S. Eligible entities are states, metropolitan planning organizations, cities, or municipalities in urbanized areas with a population of more than 1 million. The minimum award for the program is not less than \$10 million and the federal match requirement is 20 percent.

**Sec. 11405. Promoting resilient operations for transformative, efficient, and cost-saving transportation (PROTECT) program.** Establishes the Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program to provide grants for resilience improvements through formula funding distributed to states and competitive planning and resilience grants. The program is funded at \$8.7 billion for FY 2022 through 2026. Eligible entities include states, metropolitan planning organizations, units of local government, special purpose districts with a transportation function, Indian tribes, federal land management agencies, and multi-state and multi-jurisdictional groups of entities.

**Sec. 11406. Healthy streets program.** Establishes the Healthy Streets Program to provide grants to deploy cool pavements and porous pavements and expand tree cover to mitigate urban heat islands, improve air quality, and reduce the extent of impervious surfaces, stormwater runoff and flood risks, and heat impacts to infrastructure and road users. Eligible entities include states, metropolitan planning organizations, units of local government, tribal governments, and nonprofits. The bill provides \$500 million for the program for FY 2022 through 2026.

## Subtitle E – Miscellaneous

**Sec. 11502. Stopping threats on pedestrians.** Establishes a competitive grant pilot program to assist state departments of transportation and local government entities with bollard installation projects designed to

prevent pedestrian injuries and acts of terrorism in areas used by large numbers of pedestrians. The program is authorized at \$5 million for FY 2022 through 2026.

**Sec. 11504. Study of impacts on roads from self-driving vehicles.** Requires the Secretary to initiate a study on the existing and future impacts of self-driving vehicles to transportation infrastructure, mobility, the environment, and safety, including impacts on urban roads, rural roads, and transportation systems optimization, among others.

**Sec. 11508. Requirements for transportation projects carried out through public-private partnerships.** Requires public entities in public-private partnerships that cost \$100 million or more to review the private entity's compliance with the terms of their agreement within three years of when the project opens to traffic.

**Sec. 11509. Reconnecting communities pilot program.** Establishes a pilot program to restore community connectivity by studying the feasibility and impacts of removing, retrofitting, or mitigating an existing eligible facility; conducting planning activities necessary to design a project to remove, retrofit, or mitigate an existing eligible facility; and conducting construction activities necessary to carry out a project to remove, retrofit, or mitigate an existing eligible facility. Eligible entities include states, units of local government, tribal governments, metropolitan planning organizations, and nonprofit organizations.

**Sec. 11520. Study on stormwater best management practices.** Requires the Secretary and the Environmental Protection Agency Administrator to conduct a study to estimate pollutant loads from stormwater runoff from highways and pedestrian facilities; to provide recommendations regarding the evaluation and selection by state departments of transportation of potential stormwater management and total maximum daily load compliance strategies within a watershed; and to examine the potential for the Secretary to assist state departments of transportation in carrying out and communicating stormwater management practices for highways and pedestrian facilities.

**Sec. 11528. Pollinator-friendly practices on roadsides and highway rights-of-way.** Establishes a program to provide grants to eligible entities to carry out activities to provide grants to state departments of transportation, Indian tribes, and federal land management agencies to benefit pollinators on roadsides and highway rights-of-way, including the planting and seeding of native, locally appropriate grasses and wildflowers. The bill authorizes \$2 million per year for fiscal years 2022 through 2026.

**Approved Amendments by the Senate to Subtitle E of Title I of Division A—"Miscellaneous":**

- **Amendment #2181**, introduced by Sen. Cynthia Lummis (R-WY) and agreed to by a vote of **95-3** on **August 3**: creates a new section entitled "**Highway Cost Allocation Study**," which requires the Transportation Secretary to conduct a study of vehicular highway use, to understand how Americans' highway use has changed since the last study. The ensuing study, to be completed within four years of enactment of the bill, would provide Congress and USDOT with updated information about highway use for the first time since 1997. This information would inform decisions to address the Highway Trust Fund's revenue shortfalls during its next reauthorization cycle.
- **Amendment #2300**, introduced by Sen. Ted Cruz (R-TX) and agreed to by voice vote on **August 3**: substitutes the text of subsections (a), (b), and (c) of **section 11514** ("High Priority Corridors on the National Highway System") with new language amending the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) to add high priority corridor designations, future Interstate designations, and parkway numberings in multiple states.

## Title II – Transportation Infrastructure Finance and Innovation

**Sec. 12001. Transportation infrastructure finance and innovation act of 1998 amendments.** Extends eligibility for Transportation Infrastructure Finance and Innovation Act (TIFIA) loans to airport projects and economic development projects related to rail stations. It also requires the Secretary to post publicly on the website for the TIFIA program status reports on all letters of interest and applications.

**Approved Amendment by the Senate to Title II of Division A—"Transportation Infrastructure Finance and Innovation":**

- **Amendment #2354**, introduced by Sen. Chris Van Hollen (D-MD) and agreed to by a vote of **97-0** on **August 3**: creates a new section entitled "**Federal Requirements for TIFIA Eligibility and Project Selection**," which **amends** the TIFIA program to require that USDOT ensure the design and construction of projects that receive benefits from the TIFIA program have appropriate payment and performance security in place. Under this amendment, when considering TIFIA projects, the Transportation Secretary will determine if a surety bond is required by existing statute (state/local law) and if a determination is made that existing statute (at the state level) does not require it, then the project will be subject to the federal requirement for security.

## Title III – Research, Technology, and Education

**Sec. 13001. Strategic innovation for revenue collection.** Establishes a program to test the feasibility of a road usage fee and other user-based alternative revenue mechanisms to help maintain the long-term solvency of the Highway Trust Fund, through pilot projects at the state, local, and regional level. Eligible entities include states, local governments, and metropolitan planning organizations. The legislation authorizes \$15 million to be used for pilot projects for each of fiscal years 2022 through 2026.

**Sec. 13002. National motor vehicle per-mile user fee pilot.** Establishes a pilot program to demonstrate a national motor vehicle per-mile user fee to restore and maintain the long-term solvency of the Highway Trust Fund; and to improve and maintain the surface transportation system. The pilot program will test the design, acceptance, implementation, and financial sustainability of a national motor vehicle per-mile user fee; address the need for additional revenue for surface transportation infrastructure and a national motor vehicle per-mile user fee; and provide recommendations relating to the adoption and implementation of a national motor vehicle per-mile user fee. The legislation authorizes \$10 million to carry out the pilot program for each of fiscal years 2022 through 2026.

**Sec. 13010. Transportation access pilot program.** Establishes a transportation pilot program for states, metropolitan planning organizations, and regional transportation planning organizations to develop or procure an accessibility data set and make that data set available to improve the transportation planning of eligible entities and assess the change in accessibility that would result from new transportation investments.

## Title IV – Indian Affairs

**Sec. 14006. Study of road maintenance on Indian land.** Requires the Secretary of Transportation to carry out a study to evaluate the long-term viability and useful life of existing roads on Indian land; any steps necessary to achieve the goal of addressing the deferred maintenance backlog of existing roads on Indian land; programmatic reforms and performance enhancements necessary to achieve the goal of restructuring and streamlining road maintenance programs on existing or future roads located on Indian land; and recommendations on how to implement efforts to coordinate with states, counties, municipalities, and other units of local government to maintain roads on Indian land.

## Division B – Surface Transportation Investment Act of 2021

### Title I – Multimodal and Freight Transportation

#### Subtitle A – Multimodal Freight Policy

**Sec. 21101. Office of multimodal freight infrastructure and policy.** Requires the Secretary to establish the Office of Multimodal Freight Infrastructure and Policy within the Department of Transportation to be led by a presidentially appointed assistant secretary. The purposes of the office will be to carry out the national multimodal freight policy; administer and oversee certain multimodal freight grant programs within the Department; promote and facilitate the sharing of information between the private and public sectors with respect to freight issues; conduct research on improving multimodal freight mobility, and oversee the freight research activities of the various agencies within the Department; and assist cities and states in developing freight mobility and supply chain expertise, among other responsibilities.

#### Subtitle B – Multimodal Investment

**Sec. 21201. National infrastructure project assistance.** Establishes a program under which the Secretary shall provide single-year or multi-year grant agreements for projects that are highway or bridge projects carried out on the National Multimodal Freight Network, the National Highway Freight Network, or the National Highway System; freight intermodal or freight rail projects that provide public benefits; railway-highway grade separation or elimination projects; intercity passenger rail projects; and other public transportation projects.

**Sec. 21202. Local and regional project assistance.** Establishes the Local and Regional Project Assistance Program to provide for capital investments in surface transportation infrastructure. Eligible entities for the program are states, territories, units of local government, public agencies, special purpose districts with a transportation function, federally recognized Indian tribes, transit agencies, and multi-state or multijurisdictional groups of entities. The bill authorizes \$7.5 billion for projects with local or regional significance, including highways, bridges, public transit, passenger rail, port infrastructure, parts of airport projects, and culvert replacement.

## Subtitle C – Railroad Rehabilitation and Improvement Financing Reforms

**Sec. 21301. RRIF codification and reforms.** Codifies and amends the Railroad Rehabilitation and Improvement Financing Program, which offers loans to finance the development of railroad infrastructure. The legislation would authorize \$250 million for fiscal years 2022 through 2026 to provide credit assistance under the program. It would also authorize \$70 million to refund credit risk premiums paid by borrowers.

## Title II – Rail

### Subtitle A – Authorization of Appropriations

**Sec. 22101. Grants to Amtrak.** Authorizes \$12.7 billion for National Network grants and \$6.57 billion for Northeast Corridor grants for Amtrak for fiscal years 2022 through 2026.

**Sec. 22103. Consolidated rail infrastructure and safety improvements grants.** Authorizes \$5 billion for Consolidated Rail Infrastructure and Safety Improvements (CRISI) grants for fiscal years 2022 through 2026. (CRISI was authorized at \$1.1 billion under the FAST Act.)

**Sec. 22104. Railroad crossing elimination program.** Authorizes \$2.5 billion to eliminate railroad crossings for FY 2022 through 2026. At least 20 percent of those funds must be allocated to projects in rural areas or on tribal lands, and at least 5 percent of funds would be reserved for projects in counties with 20 or fewer residents per square mile based on the most recent Census.

### Subtitle B – Amtrak Reforms

**Sec. 22203. Station agents.** Requires Amtrak to employ one ticket agent at each station where there was an average of at least 40 passengers per day in FY 2017. This would exclude stations where commuter rail ticket agents sell Amtrak tickets.

**Sec. 22208. Passenger experience enhancement.** Requires Amtrak to establish a working group to provide recommendations to improve Amtrak's onboard food and beverage service.

**Sec. 22209. Amtrak smoking policy.** Prohibits smoking, including the use of electronic cigarettes, onboard all Amtrak trains.

**Sec. 22210. Protecting Amtrak routes through rural communities.** Requires that Amtrak, except in an emergency or during maintenance or construction outages impacting Amtrak routes, may not discontinue, reduce the frequency of, suspend, or substantially alter the route of rail service on any segment of any long-distance route in any fiscal year in which Amtrak receives adequate federal funding for such route on the National Network.

### Subtitle C – Intercity Passenger Rail Policy

**Sec. 22305. Railroad crossing elimination program.** Establishes a competitive grant program to award grants to states, political subdivisions of states, federally recognized Indian tribes, units of local government, public port authorities, and metropolitan planning organizations for highway-rail or pathway-rail grade crossing improvement projects that focus on improving the safety and mobility of people and goods. The goals



of the program are to eliminate highway-rail grade crossings that are frequently blocked by trains; improve the health and safety of communities; and reduce the impacts that freight movement and railroad operations may have on underserved communities.

**Sec. 22307. Federal-state partnership for intercity passenger rail grants.** Renames the current Federal-State Partnership for State of Good Repair program to the ‘Federal-State Partnership for Intercity Passenger Rail.’ Under the program, projects can expand or establish intercity passenger rail service. The legislation authorizes \$7.5 billion for the renamed program. The Department of Transportation would use at least 45 percent of program funds for projects that are not located along the Northeast Corridor and 45 percent for projects that are listed on the Northeast Corridor project inventory.

## Subtitle D – Rail Safety

**Sec. 22415. Speed limit action plans.** Requires each railroad carrier providing intercity rail passenger transportation or commuter rail passenger transportation to survey its entire system and identify each main track location where there is a reduction of more than 20 miles per hour from the approach speed to a curve, bridge, or tunnel and the maximum authorized operating speed for passenger trains at that curve, bridge, or tunnel. Following the survey, providers shall submit to the Secretary an action plan that identifies the reduction tracks; describes appropriate actions to enable warning and enforcement of the maximum authorized speed for passenger trains at each location; contains milestones and target dates for implementing each appropriate action; and ensures compliance with the maximum authorized speed at each location identified.

## Title III – Motor Carrier Safety

**Sec. 23001. Authorization of appropriations.** Authorizes \$4.46 billion for FY 2022 through FY 2026 for the Federal Motor Carrier Safety Administration (FMCSA) and related programs covering commercial drivers and vehicles. This funding includes \$2.03 billion for the Motor Carrier Safety Assistance Program; \$1.88 billion for FMCSA administrative expenses; and \$300 million for the High Priority Program for motor carrier safety projects.

**Sec. 23003. Combating human trafficking.** Amends the High Priority Program to include projects that address human trafficking in a commercial motor vehicle or by any driver or passenger.

**Sec. 23010. Automatic emergency braking.** Requires the Secretary of Transportation to issue a new safety standard requiring new commercial motor vehicles to have automatic emergency braking systems and require the system’s use when the vehicle is in operation within two years of the bill’s enactment.

**Sec. 23022. Apprenticeship pilot program.** Establishes a driver pilot program allowing apprentices younger than 21 to drive commercial motor vehicles, with probationary periods and other restrictions. It is limited to 3,000 apprentices at any one time and is terminated three years after the date of establishment.

## Title IV – Highway and Motor Vehicle Safety

### Subtitle A – Highway Traffic Safety

**Sec. 24101. Authorization of appropriations.** Authorizes approximately \$6.9 billion for FY 2022 through 2026 for the National Highway Traffic Safety Administration (NHTSA) and related driver safety programs. Within this amount, \$1.89 billion is allocated for highway safety programs, \$1.76 billion for national priority safety programs, \$970 million for highway safety research and development, and \$205.8 million for NHTSA administrative expenses.

**Sec. 24102. Highway safety programs.** Requires states to include in their highway safety programs efforts to encourage widespread and correct use of child restraints; reduce crashes caused by misuse or misunderstanding of new vehicle technology; provide information relating to child heatstroke death in vehicles; reduce injury caused by drivers not moving over for stopped service vehicles; and educate drivers about the risks associated with marijuana-impaired driving.

**Sec. 24111. Motorcyclist advisory council.** Requires the Secretary to establish the Motorcyclist Advisory Council, comprised of 13 members to be appointed by the Secretary.

**Sec. 24112. Safe streets and roads for all grant program.** Establishes the Safe Streets and Roads for All Program to support local initiatives to prevent death and serious injury on roads and streets. Eligible entities include metropolitan planning organizations, political subdivisions of a state, federally recognized Tribal governments, and multijurisdictional groups of entities. The legislation authorizes \$200 million annually for FY 2022 through 2026.

### Subtitle B – Vehicle Safety

**Sec. 24201. Authorization of appropriations.** Authorizes \$1.04 billion for motor vehicle safety for FY 2022 through 2026.

**Sec. 24208. Crash avoidance technology.** Requires the Secretary to establish minimum performance standards with respect to crash avoidance technology; and require that all passenger motor vehicles manufactured for sale in the U.S. are equipped with certain crash avoidance technologies.

## Title V – Research and Innovation

**Sec. 25002. Smart community resource center.** Requires the Secretary to create a website resource center, 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 intelligent transportation system programs, or smart community transportation programs.

**Sec. 25005. Strengthening mobility and revolutionizing transportation grant program.** Establishes the Strengthening Mobility and Revolutionizing Transportation Grant Program to provide grants to states, political subdivisions of a state, tribal governments, public transit agencies, public toll authorities, and metropolitan planning organizations 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. The bill authorizes \$100 million for each of the first five fiscal years after the date of enactment of the bill.

**Sec. 25006. Electric vehicle working group.** Establishes a joint electric vehicle working group between the Secretaries of Transportation and Energy 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 U.S.

## Title VI – Hazardous Materials

**Sec. 26001. Authorization of appropriations.** Authorizes \$345 million for FY 2022 through 2026 for the Pipeline and Hazardous Materials Safety Administration’s hazardous material safety programs. It also reauthorizes spending from the Hazardous Materials Emergency Preparedness Fund for FY 2022 through 2026.

**Sec. 26002. Assistance for local emergency response training grant program.** Authorizes the Assistance for Local Emergency Response Training (ALERT) grant program, which offers training materials for emergency responders on the transportation of hazardous materials. Eligible entities are nonprofit organizations that represent first responders or public officials responsible for coordinating disaster response; and can provide direct or web-based training to individuals responsible for responding to accidents and incidents involving hazardous materials.

## Title VII – General Provisions

**Sec. 27004. Study and reports on the travel and tourism activities of the department.** Requires the Secretary to conduct a study on the travel and tourism activities within the Department. The study shall evaluate how the Department evaluates travel and tourism needs and criteria in considering applications for grants under the grant programs of the Department.

## Title VIII – Sport Fish Restoration and Recreational Boating Safety

**Sec. 28001. Sport fish restoration and recreational boating safety.** Requires the Comptroller General of the U.S. to create a report that documents the use of nonmotorized vessels in each state and how the increased use of nonmotorized vessels is impacting motorized and nonmotorized vessel access; user conflicts at waterway access points; and the use of Sport Fish Restoration Program funds to improve nonmotorized access at waterway entry points and the reasons for providing that access and Recreational Boating Safety Program funds for nonmotorized boating safety programs.

The bill also requires the Sport Fishing and Boating Partnership Council to be an advisory committee of the Department of the Interior and the Department of Commerce.

### Approved Amendment by the Senate to Division B—“Surface Transportation Investment Act of 2021”:

- [Amendment #2570](#), introduced by Sen. Chuck Schumer (D-NY) and agreed to by a vote of [58-39](#) on **August 4**: creates a new section entitled “Limousine Compliance with Federal Safety Standards,”

which [requires](#) the FMCSA to issue a rule setting new safety standards for limousines within two years of enactment of the bill into law.

## Division C – Transit

**Sec. 30002. Metropolitan transportation planning.** Requires housing, and the connection between housing and employment, to be considered as part of metropolitan planning processes.

**Sec. 30004. Planning programs.** Allows a 90 percent federal match for activities that assist parts of an urbanized area or rural area with lower population density or lower average income levels compared to the applicable or adjoining urbanized/rural areas.

**Sec. 30005. Fixed guideway capital investment grants.** Increases the federal cost cap for small starts projects to \$150 million, from \$100 million, and the limit on total capital costs to \$400 million, from \$300 million.

**Sec. 30006. Formula grants for rural areas.** Amends several of the allocations under formula grants for rural areas.

**Sec. 30007. Public transportation innovation.** Directs the Transportation Secretary to publish annual reports regarding public transportation innovation research; amends the Low or No Emission Vehicle Component Assessment; and amends the Accelerated Implementation and Deployment of Advanced Digital Construction Management Systems.

**Sec. 30008. Bus testing facilities.** Allows facilities operated and maintained under the Bus Testing Facilities formula program to be used for the acquisition of equipment and capital projects related to testing new bus models.

**Sec. 30009. Transit-oriented development.** Adds the term “site-specific plan” under the transit-oriented development statute.

**Sec. 30011. Public transportation emergency relief program.** Requires demonstration of proof of insurance to the Transportation Secretary for all structures related to the grant application for this program.

**Sec. 30012. Public transportation safety program.** Expands the term “state of good repair” for the public transportation safety program, among other modifications to the program.

**Sec. 30014. National transit database.** Includes the term “geographic service area coverage” as part of the National Transit Database statute.

**Sec. 30015. Apportionment of appropriations for formula grants.** Allows three percent of funds to be apportioned to urbanized areas with populations of less than 200,000 for each of fiscal year 2022 through 2026 for small, urbanized areas.

**Sec. 30016. State of good repair grants.** Authorizes competitive grants for rail vehicle replacement within the State of Good Repair formula funding.

**Sec. 30017. Authorizations.** Authorizes the following funding levels over fiscal years 2022 through 2026:

- \$33.5 billion for Urbanized Area Formula Grants.

- \$18.4 billion for the State of Good Repair Grants Program for upgrading older rail and bus systems in urbanized areas.
- \$15 billion for Capital Investment Grants for fixed guideway projects such as rapid and commuter rail, streetcars, bus rapid transit, and ferries.
- \$4.58 billion for public transportation in rural areas.
- \$2.34 billion for low- or zero-emission bus grants. At least 5% would be used for training workers to use the buses.
- \$1.94 billion for improving transit services for seniors and individuals with disabilities in urbanized and rural areas.

**Sec. 30018. Grants for buses and bus facilities.** Authorizes \$3.16 billion for bus and facility formula grants. (Bus and Bus Facilities formula grants were authorized at \$2.23 billion under the FAST Act.)

**Sec. 30019. Washington Metropolitan Area Transit Authority safety, accountability, and investment.** Authorizes a total of \$1.35 billion from fiscal years 2022 through 2030 (or \$150 million annually) for the Washington Metropolitan Area Transit Authority, while requiring changes to its Office of Inspector General, including independent hiring and budget authority. (WMATA grants were authorized at \$150 million annually for each of fiscal years 2009 through 2018 under the Passenger Rail Investment and Improvement Act of 2008.)

## Division D – 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.** Establishes and appropriates \$5 billion (\$1B/year for 5 years) for a grant program for utilities and others that operate generation, transmission, or distribution facilities for grid related investments. The program would direct grants to utilities and other providers for all states except California. Unlike the other states, up to 20% of the total funding would go directly to the State of California, which would then distribute to utilities and providers. Subsequent grants from the State of California could be used, with several specific exclusions, as outlined below.

The bill requires a one-to-one non-federal match for these grants. Additionally, it sets aside 10% of California funding (and 50% of non-California funding) for entities that sell less than 4 million megawatt hours per year. It also appears to have a lower matching requirement for smaller providers, but the legislative text was unclear as to the lowered matching requirement.

**Sec. 40102. Hazard mitigation using disaster assistance.** Amends the Stafford Act to include wildfire in the FEMA hazard mitigation program, which allows for federal contribution of up to 75 percent of the cost of hazard mitigation determined to “substantially reduce the risk of, or increase resilience to, future damage, hardship, loss, or suffering in any area affected by a major disaster.”

**Sec. 40103. Electric grid reliability and resilience research, development, and demonstration.** Establishes and appropriates \$5 billion (\$1B/year for 5 years) for a new program to provide federal financial

assistance to demonstrate innovative deployment of transmission, storage, and distribution infrastructure that improves resilience and reliability. It also directs the Department of Energy (DOE) to develop a framework to assess the resilience of energy infrastructure in rural areas.

**Sec. 40104. Utility demand response.** Amends the Public Utility Regulatory Policy Act (PURPA) by adding a federal standard regarding demand response practices that electric regulators and nonregulated utilities “shall consider” and “make a determination concerning whether or not it is appropriate to implement” within a year of enactment. The new standard states that “[e]ach electric utility shall promote the use of demand-response practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.” It also includes provisions related to rate recovery for implementation.

Amends the Energy Policy and Conservation Act to add demand-response practices and technology as optional features of State Emergency Conservation Plans and in DOE’s Federal Energy Management Program.

**Sec. 40105. Siting of interstate electric transmission facilities.** Amends the section of the Federal Power Act related to designation of National Interest Electric Transmission Corridors by requiring states and tribes to report on transmission capacity constraints and adding directives for DOE to assess carbon reduction and integration of renewables when designating corridors, in addition to more technical modifications.

Amends the Federal Power Act to allow FERC, after determining that the transmission permit applicant has engaged states and non-federal entities in good faith consultations, to issue permits for construction or modification of certain interstate transmission facilities if a state commission withholds or denies an application.

**Sec. 40106. Transmission facilitation program.** Establishes a revolving loan fund and authorizes DOE to enter contracts or other arrangements to participate in transmission line construction or upgrade projects, including buying up to 50% of planned capacity.

**Sec. 40107. Deployment of technologies to enhance grid flexibility.** Amends the Energy Independence and Security Act of 2007, which established the Smart Grid Investment Matching Grant Program to provide matching grants for qualifying Smart Grid investments, by adding data analytics, devices, broadband and software, and other features that allow smart grid functions as eligible projects. This includes investments that improve the ability to minimize blackouts in the case of extreme weather events or natural disasters “such as wildfires.” This provision also updates the definition of “smart grid functions,” and authorizes \$3 billion in funding for the program.

**Sec. 40108. State energy security plans.** Authorizes federal assistance for the creation of State Energy Security Plans that address potential hazards and provide risk assessment mitigation.

**Sec. 40109. State energy program.** Authorizes and appropriates \$500 million to remain available through 2029 for the DOE State Energy Program to support state, local and tribal governments’ efforts related to transmission and distribution planning, including studies and routing, design and permitting, and stakeholder outreach. Also adds programs that support efforts to “reduce carbon emissions in the transportation sector by 2050” to the list of optional features in state energy conservation plans eligible for federal assistance.

**Sec. 40110. Power Marketing Administration transmission borrowing authority.** Provides additional \$10 billion in borrowing authority for the Bonneville Power Administration (BPA) to undertake construction, acquisition, and replacement of the Federal Columbia River Power System and to implement other authorities.

**Sec. 40111. Study of Codes and Standards for use of energy storage systems across sectors.**

Requires DOE to conduct a study and report on codes and standards for energy storage systems to identify barriers, promote collaboration, enhance safety, and identify where codes and standards exist and can be improved.

**Sec. 40112. Demonstration of electric vehicle battery second-life applications for grid services.**

Amends DOE's Energy Storage System Research, Development, and Deployment Program to require the Department to carry out a demonstration project focused on second-life applications of electric vehicle (EV) batteries as "aggregated energy storage installations to provide services to the electric grid."

**Sec. 40113. Columbia Basin power management.** Establishes an account in the Treasury that the BPA Administrator can use to make expenditures that directly or indirectly facilitate transfers of renewable electric generation in western United States and Canada. Also directs the Commissioner of Reclamation to "rehabilitate and enhance" the John W. Keys III Pump Generating Plant at Grand Coulee Dam and directs \$1 billion of non-reimbursable funds for that purpose. Directs \$10 million for BPA to conduct a study on "the potential hydroelectric power value to the Pacific Northwest of increasing the coordination of the operation of hydroelectric and water storage facilities on rivers located in the United States and Canada."

## Subtitle B—Cybersecurity

**Sec. 40121. Enhancing grid security through public-private partnerships.** Directs the Secretary of Energy, in consultation with the Department of Homeland Security (DHS) and other appropriate federal agencies, to establish a program to assist electric utilities with cyber and physical security improvements. The functions of the program include developing and promoting "voluntary implementation" of models for assessing and auditing physical and cyber security, providing training and technical assistance, partnering with electric utilities to advance third-party vendors that manufacture grid components, and increasing opportunities for data and best practices sharing.

**Approved Amendment by the Senate to Section 40121—"Enhancing Grid Security Through Public-Private Partnerships":**

- **Amendment #2464**, introduced by Sen. Gary Peters (D-MI) and agreed to by a vote of **96-2** on **August 4**: amends section 40121 to require cybersecurity efforts in Division D ("Energy") be coordinated with the Department of Homeland Security.

**Sec. 40122. Energy Cyber Sense program.** Creates a new Energy Cyber Sense program to voluntarily test the cybersecurity of products and technologies intended for use in the bulk-power system and appropriates \$250 million to fund the grant program.

**Sec. 40123. Incentives for advanced cybersecurity technology investment.** Amends the Federal Power Act to direct FERC to develop incentives that would encourage investment in cybersecurity technology and information sharing programs for regulated utilities.

**Sec. 40124. Rural and municipal utility advanced cybersecurity grant and technical assistance program.** Similar to the provision in the PROTECT Act ([S. 1400](#)), introduced by Sens. Lisa Murkowski (R-AK) and Joe Manchin (D-WV), establishes a competitive grant program to provide funding and technical assistance to cooperative and public power utilities, along with small IOUs, to deploy cyber technologies and increase participation in threat information sharing programs.



**Sec. 40125. Enhanced grid security.** Directs DOE, in consultation with the Department of Homeland Security (DHS), to establish a program to research, develop, and demonstrate advanced cyber security technologies and appropriates \$250 million (\$50M/year over 5 years) for the new program. Allows DOE to carry out a program to enhance and expand coordination and work with the intelligence community, the E-ISAC and small electric utilities and appropriates a total of \$50 million over 5 years for the program. Directs DOE to develop an “advanced energy security program” 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.”

**Sec. 40126. Cybersecurity plan.** Authorizes DOE to require any entity receiving funding from a program authorized by this title to submit a cybersecurity plan that demonstrates cybersecurity “maturity” and establish a plan for maintaining cybersecurity.

## Title II – Supply Chains for Clean Energy Technologies

**Sec. 40201. Earth mapping resources initiative.** Appropriates \$320 million for the U.S. Geological Survey (USGS) to undertake an Earth Mapping Resources Initiative to complete a comprehensive national modern surface and subsurface mapping and data integration effort.

**Sec. 40202. National Cooperative geologic mapping program.** Amends the National Geologic Mapping Act of 1992 to require inclusion of mapping of abandoned mine lands and mine waste and extends the authorization of appropriations for the underlying program.

**Sec. 40203. National geological and geophysical data preservation program.** Amends the National Geological and Geophysical Data Preservation Program to allow retention and preservation of samples of critical minerals.

**Sec. 40204. USGS energy and minerals research facility.** Provides \$167 million for USGS for construction and development of an energy and minerals research facility in partnership with an academic partner.

**Sec. 40205. Rare earth elements demonstration facility.** Appropriates \$140 million for DOE to construct and develop a rare earth elements demonstration facility.

**Sec. 40206. Critical minerals supply chains and reliability.** Requires the Bureau of Land Management and Forest Service to undertake a review and report of permit timeliness and efficiency for critical minerals development projects, including recommendations for improvement.

**Sec. 40207. Battery processing and manufacturing.** Establishes and provides \$3 billion for a new “Battery Material Processing Grant Program” at DOE to provide grants for battery or critical mineral processing demonstration projects, new commercial-scale battery material processing facilities, and upgrading or expanding existing battery material processing facilities. Establishes and provides \$3 billion for a new “battery manufacturing and recycling grant program” that provides grants for demonstration projects and construction, or expansion commercial-scale facilities focused on advanced manufacturing of batteries, battery components, or battery recycling. \$125 million is also provided for a new grant program for battery recycling research and development and for states and local governments to assist in battery collection, recycling, and reprocessing programs.

**Sec. 40208. Electric drive vehicle battery recycling and second-life applications program.** Provides \$200 million for DOE to advance research, development, and demonstration of vehicle battery recycling and second-life applications.

**Sec. 40209. Advanced energy manufacturing and recycling grant program.** Provides \$750 million for DOE to establish an advanced energy manufacturing and recycling grant program.

**Sec. 40210. Critical minerals mining and recycling research.** Provides \$500 million for competitive grant programs to award funding to academia, the National Laboratories, or non-profit organizations to support basic research that will accelerate critical mineral production innovation. Adds a program to award up to \$10 million in grants for demonstration projects related to the development, processing, or recycling of critical minerals.

**Sec. 40211. 21st century energy workforce advisory board.** Directs DOE to establish the “21st Century Energy Workforce Advisory Board” with the purpose of developing a strategy to support and development of a skilled energy workforce and make recommendations in a report every two years. Directs the new advisory board to give special consideration to increasing outreach and make resources available to “minority-serving institutions, veterans, and displaced and unemployed energy workers.”

## Title III – Carbon Capture, Utilization, Storage, and Transportation Infrastructure

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

**Sec. 40301. Findings.** Provides Congressional findings regarding the importance of industry to the economy and needs and impediments for implementing carbon capture, removal, and utilization technologies.

**Sec. 40302. Carbon utilization program.** Amends the DOE Carbon Utilization Program to authorize development or procurement of standards and certifications that facilitate commercialization of carbon capture technologies and establishes a grant program for states, local governments, and public utilities or agencies to purchase commercial products that use anthropogenic carbon oxides and reduce lifecycle greenhouse gas emissions. Appropriates roughly \$310 million over 5 years for the program.

**Sec. 40303. Carbon capture technology program.** Amends the DOE carbon capture technology program to require that it include “carbon dioxide transport infrastructure necessary to enable deployment of carbon capture, utilization, and storage technologies,” and directs \$100 million for that purpose.

**Sec. 40304. Carbon dioxide transportation infrastructure finance and innovation.** Establishes a Carbon Dioxide Transportation Infrastructure Finance and Innovation Program at DOE to provide secured loans or loan guarantees for “carbon dioxide transportation infrastructure or associated equipment, including pipeline, shipping, rail, or other transportation infrastructure and associated equipment, that will transport, or handle carbon dioxide captured from anthropogenic sources or ambient air” that exceed \$100 million. Details eligibility, application, and repayment criteria; requires projects receiving financing help to use U.S. iron, steel, and manufactured goods; and appropriates \$900 million for the program.

**Sec. 40305. Carbon storage validation and testing.** Amends the DOE carbon storage R&D program by adding a commercialization component to fund new or expanded large-scale carbon sequestration projects. \$2.5 billion is provided for the program.

**Sec. 40306. Secure geologic storage permitting.** Appropriates \$25 million for EPA to permit wells for the purpose of carbon dioxide sequestration under the Safe Drinking Water Act; requires EPA to establish a grant program for states to defray expenses associated with well permitting; and appropriates \$50 million for that purpose.

**Sec. 40307. Geologic carbon sequestration on the outer Continental Shelf.** Amends the Outer Continental Shelf Lands Act to provide for injection of a carbon dioxide stream into sub-seabed geologic formations for the purpose of long-term carbon sequestration and requires DOI to issue regulations on the matter within one year.

**Sec. 40308. Carbon removal.** Establishes a program to provide funding for projects that contribute to the development of four regional direct air capture hubs and directs \$3.5 billion for that purpose.

## Subtitle B—Hydrogen Research and Development

**Sec. 40313. Clean hydrogen research and development program.** This section establishes a clean hydrogen program aimed at cost reduction and increased production of clean hydrogen, including thought research and development and support for pipelines, and retrofitting of existing natural gas pipelines for hydrogen.

**Sec. 40314. Additional clean hydrogen programs.** Establishes and appropriates \$8 billion to DOE to support development of four regional clean hydrogen hubs to advance a clean hydrogen production standard, and demonstrate the production, processing, delivery, storage and end-use of clean hydrogen. Requires DOE to develop a national strategy to facilitate development and deployment of clean hydrogen, appropriates \$500 million for a grant program for R&D projects related to clean hydrogen and another \$1 billion for a program to improve efficiency and reduce the cost of hydrogen electrolysis.

**Sec. 40315. Clean hydrogen production qualifications.** Requires EPA and DOI to establish standards for the carbon intensity of clean hydrogen production and defines clean hydrogen as 2 kilograms of carbon dioxide per kilogram of hydrogen.

## Subtitle C—Nuclear Energy Infrastructure

**Sec. 40321. Infrastructure planning for micro and small modular nuclear reactors.** Requires DOE to submit a report to Congress on the benefits of small modular nuclear reactors and reducing carbon emissions. Directs DOE to offer financial and technical assistance for entities assessing the feasibility of deploying micro and small modular reactors.

**Sec. 40323. Civil nuclear credit program.** Provides \$6 billion to support existing nuclear reactors in competitive markets at risk of closure

## Subtitle D—Hydropower

**Sec. 40331. Hydroelectric production incentives.** Appropriates \$125 million for the hydropower production and efficiency incentives established in the Energy Policy Act of 2005.

**Sec. 40332. Hydroelectric efficiency improvement incentives.** Appropriates \$75 million for hydro efficiency improvements and increases the federal incentive payment limit from 10 percent up to 30 percent for capital project costs. The maximum federal incentive payment for improvements at a single facility is \$5 million in any one fiscal year (an increase from the previous cap of \$750,000).

**Sec. 40333. Maintaining and enhancing hydroelectricity incentives.** Directs \$553.6 million to incentive payments to the owners or operators of qualified hydroelectric facilities for capital improvements that improve grid resiliency, improve dam safety to ensure acceptable performance under all loading conditions, or make environmental improvements.

**Sec. 40334. Pumped storage hydropower wind and solar integration and system reliability initiative.** Provides \$2 billion to provide financial assistance for design, transmission studies, power market assessments and permitting of pumped storage hydropower projects that facilitate long-term storage of renewable electricity. Projects must be designed to provide a minimum of 1,000 megawatts of storage capacity and be able to provide usage in more than one organized electricity market.

**Sec. 40335. Authority for pumped storage hydropower development using multiple Bureau of Reclamation reservoirs.** Amends the Reclamation Projects Act to clarify the division of authority between BOR and FERC for pumped storage projects, and authority for BOR to provide technical and financial assistance for aquifer recharge.

**Sec. 40336. Limitations on issuance of certain leases of power privilege.** Sets a specific process for the Banks Lake pumped storage project in Washington, which is the only existing project that would be affected by the amendments to the Reclamation Projects Act in Section 40335.

## Subtitle E—Miscellaneous

**Sec. 40341. Solar energy technologies on current and former mine land.** Amends DOE's solar energy R&D program to include a review of the technical and economic viability of siting solar energy facilities on mine lands.

**Sec. 40342. Clean energy demonstration program on current and former mine land.** Establishes and provides \$500 million for a program at DOE to demonstrate the viability of placing clean energy projects on former mine lands.

**Sec. 40343. Leases, easements, and rights-of-way for energy and related purposes on the outer Continental Shelf.** Amends the Outer Continental Shelf Lands Act to include electric storage, in addition to transmission, as eligible for leases and other agreements of submerged lands in the Outer Continental Shelf.

# Title IV – Enabling Energy Infrastructure Investment and Data Collection

## Subtitle A—Department of Energy Loan Program

**Sec. 40401. Department of Energy loan programs.** Expands eligibility for the Title XVII Innovative Energy Loan Guarantee Program to include projects that increase the domestically produced supply of critical minerals and amends the Alaska Natural Gas Pipeline Act by removing requirements that an Alaskan natural

gas pipeline transport gas to West Coast states or the continental United States to receive DOE loan guarantees.

## Subtitle B—Energy Information Administration

**Sec. 40411 - Sec. 40419.** Makes a series of changes and directives for the Energy Information Administration regarding data collection, modeling and reporting of various energy and related supply chains. This includes collection and analysis of data on demand and operation of the bulk electric system, energy use, EV integration into the grid, mineral use in the energy sector, international energy data, and the cost of carbon abatement in the electric sector. Section 40417 also calls for updating of the National Energy Modeling System.

## Subtitle C—Miscellaneous

**Sec. 40431. Consideration of measures to promote greater electrification of the transportation sector.** Amends PURPA by adding a federal standard that each State “shall consider measures to promote greater electrification of the transportation sector” within 1 year of enactment.

**Sec. 40433. Digital climate solutions report.** Requires DOE to submit a report to Congress assessing the use of digital tools and platforms as climate solutions, including artificial intelligence and machine learning, and blockchain technologies.

**Sec. 40434. Study and report of job loss and impacts on consumer energy costs due to the revocation of the Keystone XL pipeline permit.** Requires a 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.

**Sec. 40435. Study on impact of electric vehicles.** Requires DOE to study and submit a report to Congress regarding the “cradle to grave environmental impact” of EVs.

**Sec. 40436. Study on impact of forced labor in China on the electric vehicle supply chain.** Requires DOE to study and submit a report to Congress regarding the impact of forced labor in China on the EV supply chain.

# Title V – Energy Efficiency and Building Infrastructure

## Subtitle A—Residential and Commercial Energy Efficiency

**Sec. 40502. Energy efficiency revolving loan fund capitalization grant program.** Provides \$250 million for a new program at DOE to provide capitalization grants to states to establish a revolving loan fund to provide loans and grants for various energy efficiency activities and investments.

**Sec. 40503. Energy auditor training grant program.** Establishes and provides \$40 million for a competitive grant program at DOE to award grants to eligible states to train individuals to conduct energy audits or surveys of commercial and residential buildings.

## Subtitle B—Buildings

**Sec. 40511. Cost-effective codes implementation for efficiency and resilience.** Amends the Energy Conservation and Production Act to establish within DOE’s Building Technologies Office a program to award grants to state and tribal entities to enable sustained cost-effective implementation of updated building energy codes. \$225 million is also provided for this new program.

**Sec. 40512. Building, training, and assessment centers.** Requires DOE to provide grants to academic institutions to establish building training and assessment centers and provides \$10 million for that purpose.

**Sec. 40513. Career skills training.** Establishes and provides \$10 million for a grant program to award up to 50 percent of the cost of career skills training programs where “students concurrently receive classroom instruction and on-the-job training for the purpose of obtaining an industry related certification to install energy efficient buildings technologies.”

**Sec. 40514. Commercial building energy consumption information sharing.** Requires the Energy Information Administration (EIA) and EPA to sign an information sharing agreement related to commercial building energy consumption.

## Subtitle C—Industrial Energy Efficiency

**Sec. 40521. Future of industry program and industrial research and assessment centers.** Amends DOE’s energy-intensive industries program to add water and wastewater treatment facilities and establishes a program to fund academic institutions to create industrial research and assessment centers and appropriates \$150 million for the programs. This section also establishes and provides \$400 million to undertake an implementation grant program for projects focused on energy efficiency, cybersecurity, or reducing greenhouse gas emissions at industrial plants.

**Sec. 40522. Sustainable manufacturing initiative.** Directs DOE to carry out a technical assessments program to identify opportunities for industrial efficiency, waste reduction, and other improvements, including undertaking a joint industry-government research and development program.

**Sec. 40532. Leveraging existing agency programs to assist small and medium manufacturers.** Directs DOE to expand the technologies covered by the industrial research and assessment centers to include smart manufacturing and provide tools to these industrial research and assessment centers to allow them to provide technical assistance.

**Sec. 40533. Leveraging smart manufacturing infrastructure at National Laboratories.** Directs DOE to conduct a study on how it can access high-performance computing resources in the National Labs for small and medium manufacturers.

**Sec. 40534. State manufacturing leadership.** Authorizes DOE to provide financial assistance to states for establishing programs to support implementation of smart manufacturing technologies and appropriates \$50 million for the program.

## Subtitle D—Schools and Nonprofits

**Sec. 40541. Grants for energy efficiency improvements and renewable energy improvements at public school facilities.** Provides \$500 million for DOE to provide competitive grants to make energy efficiency, renewable energy, and EV upgrades and improvements at public schools.

**Sec. 40542. Energy efficiency materials pilot program.** Appropriates \$50 million for grants for certain buildings to install energy-efficiency materials.

## Subtitle E—Miscellaneous

**Sec. 40551. Weatherization assistance program.** Provides \$3.5 billion for DOE’s weatherization assistance program.

**Sec. 40552. Energy efficiency and conservation block grant program.** Provides \$550 million for DOE’s Energy Efficiency and Conservation Block Grant Program – revitalizing a popular program for local governments that was borne out of the Obama-era stimulus package.

**Sec. 40553. Survey, analysis, and report on employment and demographics in the energy, energy efficiency, and motor vehicle sectors of the United States.** Requires DOE to establish the “Energy Jobs Council” to survey and analyze employment figures and demographics of the energy, energy efficiency, and motor vehicle sectors.

**Sec. 40554. Assisting federal facilities with energy conservation technologies grant program.** Provides \$250 million for energy efficiency at federal facilities.

**Sec. 40555. Rebates.** Provides \$10 million each for the extended product system and energy efficient transformer rebate programs.

**Sec. 40556. Model guidance for combined heat and power systems and waste heat to power systems.** Directs DOE, in consultation with FERC, to review existing rules and procedures to identify barriers to deployment of combined heat and power systems, and issue model guidance for state regulatory agencies to reduce identified those barriers.

## Title VI – Methane Reduction Infrastructure

**Sec. 40601. Orphaned well site plugging, remediation, and restoration.** Establishes and provides over \$4.7 billion for programs to plug, remediate, and reclaim orphaned wells, including support for state and tribal programs.

## Title VII – Abandoned Mine Land Reclamation

**Sec. 40701 – Sec. 40703.** Provides \$11.3 billion for the Abandoned Mine Reclamation Fund, extends the abandoned mine reclamation fee for 15 years, reduces the rate per ton required to be paid by coal companies, and amends the distribution of the fund.

**Sec. 40704. Abandoned hard rock mine reclamation.** Establishes a program at DOI to inventory, assess, decommission, reclaim, and respond to hazardous substance releases on, and remediate abandoned hard rock mine land and provide grants to states and tribes for this purpose. \$3 billion is provided for this program, with 50 percent going to states and tribes and 50 percent to DOI to carry out the work.



## Title VIII – Natural Resources-Related Infrastructure, Wildfire Management, and Ecosystem Restoration

**Sec. 40801. Forest Service legacy road and trail remediation program.** Establishes and provides \$250 million for the Forest Service Legacy Road and Trail Remediation Program to improve and decommission existing roads in the National Forest System.

**Sec. 40802. Study and report on feasibility of revegetating reclaimed mine sites.** Directs the Office of Surface Mining Reclamation and Enforcement at DOI to conduct a study and report to Congress on the feasibility of revegetating reclaimed mine sites.

**Sec. 40803. Wildfire risk reduction.** Provides \$3.37 billion for DOI and the Forest Service (FS) to undertake treatments to reduce fire risk of federal and tribal forest lands with very high wildfire hazard potential, including at least 10 million acres located in the wildland-urban interface or source water areas. The funding is directed as follows:

- \$600 million for salaries, with direction to the Director of the Office of Personnel Management to develop a distinct “wildland firefighter” occupational series, make wildland firefighters eligible for hazard pay, direct DOI and the FS to convert 1,000 seasonal firefighters to full time, and increase the base pay of wildland firefighters.
- \$500 million for a new Community Wildfire Defense Grant Program to develop or revise community wildfire protection plans or carry out projects in those plans.
- \$500 million for conducting mechanical or precommercial thinning.
- \$500 million to DOI and FS for prescribed fires.
- \$500 million for developing “control locations” and installing firebreaks.
- \$200 million for contracting and crews to remove flammable vegetation on federal lands and encourage use of that material for biochar and other forest products.
- \$200 million of post-fire restoration.
- \$100 million for FS for collaboration and collaboration-based activities, including facilitation, certification of collaboratives, and planning and implementing projects under the Collaborative Forest Landscape Restoration Program.
- \$100 million for DOI and FS to do pre-fire planning, workforce trainings, and other activities.
- \$20 million for DOI and FS to enter agreements to use NOAA’s Geostationary Operational Environmental Satellite Program to rapidly detect and report wildfire starts.
- \$50 million for DOI to establish a pilot program to provide local governments financial assistance for acquisition of vehicle fleets that can be quickly converted to be operated as fire engines.
- \$1.2 million to publish a map every 5 years depicting at-risk communities.
- \$20 million for FS to partner with the Southwest Ecological Restoration Institute.
- \$20 million for activities conducted by the Joint Fire Science Program.
- \$8 million of firewood banks.
- \$10 million for wildfires detection and monitoring equipment.

**Sec. 40804. Ecosystem restoration.** Provides \$2.12 billion for ecosystem restoration, and directs DOI and FS as follows:

- \$300 million for DOI and FS to undertake projects over 10,000 acres that restore ecological health of federal lands.
- \$200 million for states and tribes to implement restoration projects on federal lands using good neighbor agreements.
- \$400 million for DOI to provide grants to states and tribes to implement ecosystem restoration projects on private or public land, prioritizing cross boundary projects.
- \$50 million for grants to states and tribes to establish rental programs for equipment that minimizes stream bed disturbance.
- \$200 million for invasive species prevention and eradication.
- \$100 million to restore recreation sites.
- \$200 million to restore native vegetation and environmental hazards on mined lands.
- \$200 million to establish and implement a national revegetation effort on federal and non-federal land, including implementation of the National Seed Strategy for Rehabilitation and Restoration.
- \$80 million to establish and implement a restoration program at USDA to restore water quality and fish passage on federal lands.

**Sec. 40806. Establishment of fuel breaks in forests and other wildland vegetation.** Creates a categorical exclusion under NEPA for certain forest management activities, including establishing fire breaks up to 1,000 feet wide and less than 3,000 acres.

**Sec. 40807. Emergency actions.** Authorizes the Secretary of Agriculture to designate an “emergency situation” on Forest Service lands and undertake a host of actions to mitigate the threat with streamlined environmental and procedural analysis, including action/no action consideration under NEPA and a higher bar for courts to enjoin projects. Authorized activities to be undertaken in under an “emergency situation” include tree salvage, commercial or noncommercial harvesting of insect damaged trees, reforestation, removal of hazardous fuels, restoration of water sources, reconstruction or replacement of utility lines, and others.

**Approved Amendment by the Senate to Title VIII of Division D, “Natural Resources-Related Infrastructure, Wildfire Management, and Ecosystem Restoration”:**

- **Amendment #2548**, introduced by Sen. Michael Bennet (D-CO) and agreed to by voice vote on **August 4**: includes a new section entitled “Joint Chiefs Landscape Restoration Partnership Program.” The amendment would:
  - Formally authorize the Joint Chiefs’ Landscape Restoration Partnership between the Chief of the U.S. Forest Service (USFS) and Chief of the Natural Resources Conservation Service (NRCS) to improve the health and resilience of forest landscapes and grasslands across federal and non-federal land.
  - Support voluntary activities and projects across public and private land that reduce wildfire risk, protect water supplies, or improve wildlife habitat for at-risk species.
  - Prioritize projects that reduce wildfire risk in municipal watersheds or the wildland-urban interface, are developed through a collaborative process, or increase forest business and workforce opportunities.
  - Require the USDA to perform outreach, provide public notice, and make information on the program available to landowners, tribes, states, and local governments.
  - Improve accountability by requiring a review of program delivery, data, and outcomes, and establishing annual reporting requirements to Congress.

- Authorize \$90 million annually for the Joint Chiefs' Landscape Restoration Partnership, to be split between the USFS (at least 40%) and the NRCS (at least 40%). The remaining funds may also be used for technical assistance, project development, or local capacity.

## Title IX – Western Water Infrastructure

**Sec. 40901. Authorizations of appropriations.** Allocates of \$8.3 billion in funding for the Bureau of Reclamation (BOR) as follows:

- \$1.15 billion for surface and groundwater storage, and conveyance projects in accordance with Sec. 40902, including \$100 million for small surface and groundwater storage projects established in Sec. 40903.
- \$3.2 billion for the Aging Infrastructure Account including certain allocations for projects as outlined in section 40904.
- \$1 billion for Water Recycling including \$450 million for the new authorized large water recycling project grant program established in Sec. 40905.
- \$250 million for desalination projects.
- \$1 billion for authorized Rural Water Projects.
- \$500 million for the BOR Safety of Dams program.
- \$300 million for Colorado River Drought Contingency Plan implementation as outlined in Sec. 40906.
- \$250 million for the Aquatic Ecosystem Restoration Program.
- \$400 million for WaterSMART, including \$100 million for natural infrastructure projects.
- \$100 million for the Cooperative Watershed Management program.
- \$100 million for Watershed enhancement projects pursuant to Sec. 40907.
- \$50 million Colorado River Endangered Species Recovery and Conservation Programs.

**Sec. 40902. Water storage, groundwater storage, and conveyance projects.** Allocates \$1.15 billion for storage, groundwater storage, and conveyance projects and establishes eligible projects for the funds. Eligibility includes projects that have received funding from the WIIN Act, with the exception of the Shasta Dam Raise and Temperance Flat project, along with the Verde Reservoirs Sediment Mitigation Project in Arizona and the Tualatin River Basin Project in Oregon.

**Sec. 40903. Small water storage and groundwater storage projects.** Establishes a new program structured on the Title XVI water reuse program that provides 25% grants for small surface and groundwater storage projects between 2,000 and 30,000 acre-feet.

**Sec. 40904. Critical maintenance and repair.** Authorizes projects that have had a critical failure within the last 2 years to enactment of this Act or certain Carey Act Projects to access a portion of \$3.2 billion appropriated into the BOR Aging Infrastructure Account and makes those funds non-reimbursable.

**Sec. 40905. Competitive grant program for large-scale water recycling and reuse program.** Establishes a new competitive grant program for large water recycling projects that are over \$500 million, providing grants up to 25% of the project cost without a total dollar cap.

**Sec. 40906. Drought contingency plan funding requirements.** Provides \$250 million for the Lower Colorado River Basin and \$50 million for the Upper Colorado River Basin to implement their Drought Contingency Plans. Funding for the Yuma Desalting Plant is prohibited.

**Sec. 40907. Multi-benefit projects to improve watershed health.** Establishes a new competitive grant program for “habitat restoration projects that improve watershed health in a river basin that is adversely impacted by a Bureau of Reclamation water project.”

**Sec. 40908. Eligible desalination projects.** Makes technical correction to Water Desalination Act.

**Sec. 40909. Clarification of authority to use coronavirus fiscal recovery funds to meet a non-Federal matching requirement for authorized Bureau of Reclamation water projects.** Authorizes COVID relief funds to be used by certain projects to meet non-Federal matching requirements.

**Sec. 40910. Federal assistance for groundwater recharge, aquifer storage, and water source substitution projects.** Authorizes the Bureau of Reclamation, at the request of a states, water users or tribes, to provide technical or financial assistance for aquifer recharge projects.

## Title X – Authorization of Appropriations for Energy Act of 2020

**Sec. 41001-41008.** Directs funds to certain research, development, and demonstration programs authorized by the Energy Act of 2020 as follows:

- \$355 and \$150 million, respectively, for two programs related to energy storage demonstration and other projects.
- \$3.2 billion for advanced nuclear reactor demonstration projects.
- \$665 million for several critical mineral and rare earth element programs at DOE.
- \$937 million for large-scale carbon capture and sequestration pilot projects and over \$2 billion for carbon capture demonstration projects.
- \$115 million for precommercial (\$15M) and commercial (\$100M) direct air capture technology prizes at DOE.
- \$106 million for hydropower and marine energy projects.
- \$84 million, \$100 million, and \$80 million, respectively, for DOE to do research and development for geothermal, wind, and solar energy.
- \$250 million for demonstration projects that reduce industrial emissions.

## Title XI – Wage Rate Requirements

**Sec. 41101. Wage rate requirements.** Applies Davis-Bacon prevailing wage requirements on projects funded by this Division (i.e., Energy).

## Title XII – Miscellaneous

**Sec. 41201. Office of clean energy demonstrations.** Directs federal agencies to create a program focused on implementing the funding provided in this division and authorizes the hiring of personnel to perform the duties.

**Sec. 41202. Extension of Secure Rural Schools and Community Self-determination Act of 2000.**

Extends the Secure Rural Schools program for three years.

## Division E – Drinking Water and Wastewater Infrastructure

### Title I – Drinking Water

**Sec. 50101. Technical assistance and grants for emergencies affecting public water systems.**

Authorizes funding for EPA’s technical assistance and grants for emergencies affecting public water systems at \$35 million annually for FYs 2022 through FY 2026.

**Sec. 50102. Drinking water state revolving loan funds.** Authorizes increased funding for the Drinking Water State Revolving Loan Fund Program at \$2.4 billion for FY 2022, \$2.75 billion for FY 2023, \$3 billion for FY 2024, and \$3.25 billion each for FY 2025 and FY 2026. (The program is funded at \$1.126 billion in FY 2021.) Requires that at least 12 percent of funds be used to subsidize loans (in the form of grants, forgiveness of principal, negative interest loans, other loan forgiveness, and through buying, refinancing, or restructuring debt) to disadvantaged communities, increased from 6 percent under current law, if there are enough applications for loans to those communities. This section permanently extends a requirement, set to expire in FY 2023, that projects funded through the Drinking Water State Revolving Loan Fund use only U.S. produced iron and steel.

**Sec. 50103. Source water petition program.** Amends the Source Water Petition Program to allow states to designate a county to act on behalf of an unincorporated area in the petition, should the unincorporated area choose to enter such a partnership, solely for the purpose of pursuing a source water petition for a specific matter. This program would be authorized through FY 2026 at the current funding level of \$5 million annually.

**Sec. 50104. Assistance for small and disadvantaged communities.** Authorizes funding for the Assistance for Small and Disadvantaged Communities Program at \$70 million for FY 2022, \$80 million for FY 2023, \$100 million for FY 2024, \$120 million for FY 2025, and \$140 million for FY 2026. Makes amendments to the program to allow funds to be used to purchase filters that remove contaminants of concern from public drinking water systems and for providing information regarding proper filtration use and maintenance. This section also changes the required non-federal cost match for the grant from 45 percent to 10 percent and allows that 10 percent to be waived at the discretion of the EPA if it is determined the eligible entity is unable to pay. Also creates a program to facilitate grants to link households to public water infrastructure. Authorizes the program at \$20 million annually from FY 2022 through FY 2026.

**Sec. 50105. Reducing lead in drinking water.** Amends EPA’s Lead Reduction Projects Grant Program and increases the authorization to \$100 million annually through FY 2026. Also creates a \$10 million Lead Inventorying Utilization Grant Pilot Program to provide grants to eligible entities to carry out lead reduction projects that are demonstrated to exist or are suspected to exist, based on available data, information, or resources, including existing lead inventorying of those eligible entities.

**Sec. 50106. Operational sustainability of small public water systems.** Creates an Operational Sustainability Program for small public water systems. The program will help improve the ability of these systems to respond to water infrastructure failures through asset management of drinking water systems, pumps, wells, valves, treatment systems, and other pertinent activities. These activities would include, but are not limited to, identification and prevention of potable water loss due to leaks, breaks, and other metering or infrastructure failures. It would also allow for the deployment of strategies, techniques, and technologies to enhance operational sustainability and effective use of water resources through water reuse. This program would have a waivable non-federal share of 10 percent and would be authorized at \$50 million for each FY 2022 through 2026.

**Sec. 50107. Midsize and large drinking water system infrastructure resilience and sustainability program.** Creates a Drinking Water System Infrastructure Resilience and Sustainability Program at \$50 million for each FY 2022 through FY 2026. Stipulates a 90 percent federal cost share for aid to small, rural, and disadvantaged communities. The program will assist midsize and large drinking water systems with increasing their resilience to natural hazards, cybersecurity vulnerabilities, and extreme weather events. Funds would be used to promote water conservation, enhance water efficiency, create desalination facilities, relocate, or renovate existing vulnerable water systems, enhance water supply, and implement measures to increase resiliency to natural hazards, cybersecurity vulnerabilities, or extreme weather events, including extreme weather events that are a result of climate change. Funds can be used for planning, design, construction, implementation, and operation and maintenance. Fifty percent will be used to provide grants to entities that serve a population equal to or greater than 10,000 and fewer than 100,000. The other 50 percent will be used to provide grants to entities that serve a population equal to or greater than 100,000.

**Sec. 50108. Needs assessment for nationwide rural and urban low-income community water assistance.** Requires EPA to study the prevalence of low-income households in the United States that spend a disproportionate amount of household income on public drinking water services to meet household needs.

**Sec. 50109. Rural and low-income water assistance pilot program.** Establishes a pilot program to address water affordability. The pilot program will award grants to eligible entities to develop and implement programs to assist low-income households with needs in maintaining access to affordable and reliable drinking water and wastewater treatment.

**Sec. 50110. Lead contamination in school drinking water.** Amends the existing Voluntary School and Childcare Lead Testing Grant Program to make public water systems and eligible nonprofit organizations that service schools and childcare locations eligible grant recipients. Authorizes funding for the program at \$30 million for FY 2022; \$35 million for FY 2023; \$40 million for FY 2024; \$45 million for FY 2025; and \$50 million for FY 2026.

**Sec. 50111. Indian reservation drinking water program.** Authorizes \$50 million for each FY 2022 through 2026 for the Indian Reservation Drinking Water Program. Funds are provided at 100 percent federal cost share. The program funds projects that connect, expand, or repair existing public water systems on Indian reservations in the Upper Missouri River Basin, Upper Rio Grande Basin, Columbia River Basin, Lower Colorado River Basin, and Arkansas White-Red River Basin.

**Sec. 50112. Advanced drinking water technologies.** Requires EPA to carry out a study to examine the state of existing and emerging technologies that could address cybersecurity vulnerabilities, or enhance or could enhance the treatment, monitoring, affordability, efficiency, and safety of drinking water and wastewater provided by public water systems. Also creates a grant program for public water systems that

serve a population of 100,000 or fewer people or disadvantaged communities. The grant program is designed to identify and/or deploy drinking water infrastructure technology that is new or emerging, but proven to enhance the treatment, monitoring, affordability, efficiency, and safety of the drinking water provided. There is a waivable 10 percent non-federal share, and a single grant cannot exceed \$500,000. This program is authorized at \$10 million for each FY 2022 through 2026.

**Approved Amendment by the Senate to Section 50112:**

- **Amendment #2131**, introduced by Sen. Tom Carper (D-DE) and agreed to by voice vote on August 8: amends section 50112 by striking the definition of “underserved community” under the “Advanced Drinking Water Technology Grant Program.” The definition for the term “underserved community” was originally defined as “a political subdivision of a State that, as determined by the [EPA] Administrator, has an inadequate system for obtaining drinking water.”

**Sec. 50113. Cybersecurity support for public water systems.** Requires EPA to work with the Director of the Cybersecurity and Infrastructure Security Agency to produce a prioritization framework within 180 days of passage of the Act that identifies public water systems that, if degraded or rendered inoperable due to an incident, would lead to significant impacts on the health and safety of the public.

## Title II – Clean Water

**Sec. 50202. Wastewater efficiency grant pilot program.** Creates an EPA pilot program to assist with 15 projects by publicly owned treatment works to create or improve waste-to-energy systems. Grants may be awarded for sludge collection systems, anaerobic digesters, methane capture or transfer, and other emerging technologies that transform waste to energy. The maximum grant award is \$4 million. Authorizes the program at \$20 million for each FY 2022 through 2026.

**Sec. 50203. Pilot program for alternative water source projects.** Reauthorizes an existing grant program for alternative water source projects. The grants may be used for engineering, design, construction, and final testing of alternative water source projects designed to meet critical water supply needs. Alternative water source projects include those projects that provide alternative sources of water through conserving, managing, reclaiming, or reusing water, stormwater, or wastewater. Authorized at \$25 million for each of FY 2022 through 2026.

**Sec. 50204. Sewer overflow and stormwater reuse municipal grants.** Authorizes funding for the Sewer Overflow and Stormwater Reuse Municipal Grants Program at \$280 million annually for FY 2022 through FY 2026, placing a particular emphasis on projects in rural and financially distressed communities. Also includes a waivable non-federal share of 10 percent for projects in rural or financially distressed areas.

**Sec. 50205. Clean water infrastructure resilience and sustainability program.** Creates a Clean Water Infrastructure Resiliency and Sustainability Program to provide grants for protecting water systems from weather events and cybersecurity risks. Establishes two non-federal cost shares: a 10 percent non-federal cost share for small or disadvantaged communities and a non-federal cost share of 25 percent for all other communities. Authorizes the program at \$25 million annually for FY 2022 through FY 2026.

**Sec. 50206. Small and medium publicly owned treatment works circuit rider program.** Creates a circuit rider program that awards grants to provide on-site technical assistance to owners and operators of small and medium publicly owned treatment works. Requires nonprofits that receive funding under this



section to consult with the state in which the assistance is to be expended or otherwise made available before carrying out its planned activities. Authorizes the program at \$10 million for each FY 2022 through 2026.

**Sec. 50207. Small publicly owned treatment works efficiency grant program.** Creates an efficiency grant program for small publicly owned treatment works to support water and energy efficiency in disadvantaged communities, as well as those in rural areas with a population of less than 10,000. Requires that not less than 15 percent of funds made available under the program be used for grants to publicly owned treatment works that serve fewer than 3,300 people. Owners or operators of small publicly owned treatment works and nonprofit organizations that seek to assist small publicly owned treatment works are eligible to receive funding under this program.

**Sec. 50208. Grants for construction and refurbishing of individual household decentralized wastewater systems for individuals with low or moderate income.** Creates a grant program that allows nonprofit organizations to receive funds for the construction, repair, or replacement of decentralized wastewater systems for low- or moderate-income households, or groups of such households. The program gives priority to households that do not have access to sanitary sewer disposal systems. Authorizes the program at \$50 million for each FY 2022 through 2026.

**Sec. 50209. Connection to publicly owned treatment works.** Creates a grant program that allows EPA to provide grants to publicly owned treatment works or nonprofit organizations to cover the costs incurred from connecting a household to a municipal or private wastewater system. Authorizes the program at \$40 million for each FY 2022 through 2026.

**Sec. 50210. Clean water state revolving funds.** Authorizes funding for the Clean Water State Revolving Loan Funds Program at \$2.4 billion for FY 2022, \$2.75 billion for FY 2023, \$3 billion for FY 2024, and \$3.25 billion each for FY 2025 and FY 2026. (The program is funded at \$1.639 billion in FY 2021.) The bill requires, to the extent there are sufficient applications, a minimum of 10 percent of a state's CWSRF to be used for grants, negative interest loans, and loan forgiveness, or to buy, refinance or restructure debt for disadvantaged communities as determined by the state. The amount for additional subsidies may not exceed 30 percent.

**Sec. 50211. Water infrastructure and workforce investment.** Reauthorizes the Innovative Water Infrastructure Workforce Development Program at \$5 million annually for FY 2022 through FY 2026. Also creates a federal interagency working group to report to Congress on boosting the water and wastewater utility workforce. The group will be comprised of members from EPA, the Department of Education, the Department of Labor, the Department of Agriculture, the Department of Veterans Affairs, and other appropriate federal agencies.

**Sec. 50213. Water data sharing pilot program.** Creates a water data sharing pilot program aimed at ensuring the coordination of data and information regarding water quality and needs between state and local governments. Authorizes the program at \$15 million annually for FY 2022 through FY 2026.

**Sec. 50214. Final rating opinion letters.** Changes the Water Infrastructure Financing and Innovation Act (WIFIA) requirement that mandates each WIFIA project applicant must provide two final agency rating opinion letters. Under this section, project applicants will only need to provide one final agency rating opinion letter, like the requirements of other federal loan programs, prior to final acceptance and financing of the project.

**Sec. 50215. Water infrastructure financing reauthorization.** Reauthorizes WIFIA at \$50 million annually for FY 2022 through FY 2026. (WIFIA is currently funded at \$65 million in FY 2021.) The bill requires EPA to

develop and begin implementation of an outreach plan to promote WIFIA assistance to small communities and rural communities.

**Sec. 50216. Small and disadvantaged community analysis.** Requires EPA to do an analysis of the historical distribution of funds to low-income, rural, and minority communities, as well as communities of indigenous peoples, under Safe Drinking Water Act (SDWA) and Clean Water Act (CWA) programs. EPA is also required to analyze new opportunities and methods to improve the distribution of funds under these programs to those same communities, and must include an analysis, to the extent practicable, of communities in the United States that do not have access to drinking water or wastewater services. EPA must submit a report to Congress upon completion of the analysis describing the results of the analysis and the criteria used by the Administrator in carrying out the analysis.

**Sec. 50217. Stormwater infrastructure technology.** Creates a program that provides grants to eligible entities to carry out stormwater control infrastructure projects that incorporate new and emerging, but proven, stormwater control technologies. Eligible entities include states, tribal governments, local governments, and public entities that manage stormwater or wastewater resources or related infrastructure. Planning and implementation grants will be provided through the program. Priority will be given to communities with combined storm and sanitary sewer systems and small, rural, or disadvantaged communities. Authorizes the program at \$10 million for each FY 2022 through 2026 at a 20 percent non-federal cost share. Also creates a grant program to assist research institutions, nonprofits, and institutions of higher education with research on new and emerging stormwater control technology. The goal of the program is to improve the effectiveness, cost efficiencies, and protections of public safety and water quality in their operations. The eligible research includes stormwater and sewer overflow reduction, project enhancement, and other infrastructure. Authorizes \$5 million for each FY 2022 through 2026 to establish Centers of Excellence for stormwater control infrastructure and create a public website to share the results of the research.

**Sec. 50218. Water reuse interagency working group.** Instructs EPA to establish a Water Reuse Interagency Working Group to develop and coordinate actions, tools, and resources to advance water reuse. Directs the working group to implement EPA's February 2020 National Water Reuse Action Plan, which creates opportunities for water reuse in the mission areas of each of the federal agencies. Every two years, EPA must publish a report on the activities and findings of this Working Group. The Working Group will sunset in six years unless the Administrator chooses to extend it.

**Sec. 50219. Advanced Clean Water Technology Study.** Directs EPA to carry out a study that examines the state of existing and potential future technology, including technology that could address cybersecurity threats, or that enhances or could enhance the treatment, monitoring, affordability, efficiency, and safety of wastewater services provided by a treatment works. EPA must submit a report on the study to Congress.

**Sec. 50220. Clean watersheds needs survey.** Requires EPA to conduct and complete an assessment of wastewater system capital improvement needs of all treatment works in the United States that are eligible for assistance from state water pollution control revolving funds established under the CWA. The report must be completed not later than 18 months after the date of enactment of this Act, and not less frequently than once every four years thereafter. This section would authorize \$5 million, to remain available until expended, to carry out the initial needs survey.

**Sec. 50222. Enhanced aquifer use and recharge.** Requires EPA to provide funding to carry out groundwater research on enhanced aquifer use and recharge in support of sole-source aquifers. Requires that

not less than 50 percent of any funding made available to provide one grant to a state, unit of local government, or Indian tribe to carry out activities that would directly support that research. The remainder of the funding shall be provided to one research center, which shall establish a formal research relationship for the purpose of coordinating efforts under this program. Authorized at \$5 million for each FY 2022 through 2026.

## Division F – Broadband

### Title I – Broadband Grants for States, D.C., Puerto Rico, and Territories

**Sec. 60102. Grants for broadband deployment.** No later than 180 days after the date of enactment, the National Telecommunications and Information Administration (NTIA) shall establish a grant program to be known as “the Broadband Program” to make grants available to states to expand broadband to unserved and underserved areas and to help bridge the digital divide. It authorizes \$42.5 billion for the program, allocated into three segments: (1) 10 percent for high-cost unserved areas; (2) a minimum initial allocation of \$100 million to each state and \$100 million to be divided equally among the U.S. territories; and (3) any remaining amounts to be allocated to states based on a ratio of unserved locations to all unserved locations nationwide.

**Sec. 60103. Broadband DATA maps.** A broadband provider shall provide the Federal Communications Commission (FCC) with any information, in the format, type, specification requested by the FCC, that is necessary to augment the collection of data for the Form 477 data collection program. The FCC shall notify broadband providers not later than 60 days before the initial deadline for submission of data under section 802(a)(1)(A) of the Communications Act of 1934, under which directs the Commission to create a broadband map.

**Sec. 60104. Report on future of universal service fund.** Not later than 30 days after the date of enactment of this Act, the FCC shall commence a proceeding to evaluate the implications of this Act on how the Commission should achieve the universal service goals for broadband. Not later than 270 days after enactment, the Commission shall submit to Congress a report on the options of the Commission for improving its effectiveness in achieving the universal service goals for broadband considering this Act and other legislation that addresses those goals.

### Title II – Tribal Connectivity

**Sec. 60201. Tribal connectivity technical amendments.** Amends the Consolidated Appropriations Act, 2021 to extend the period for an eligible entity to commit the grant funds under the Tribal Broadband Connectivity Program for an eligible use to 18 months (rather than 180 days) and for four years to expend the funds (rather than one year). It also provides an amendment to require an eligible entity to use not more than two percent of program grant funds received for administrative purposes.

## Title III – Digital Equity Act

**Sec. 60304. State digital equity capacity grant program.** NTIA shall establish the State Digital Equity Capacity Grant Program to promote the achievement of digital equity, support digital inclusion activities, and build capacity for efforts by states relating to the adoption of broadband by residents of those states. Beginning in the first fiscal year that begins after the date of enactment, the NTIA shall award planning grants for the purpose of developing the State Digital Equity Plan. The Act authorizes \$60 million to be appropriated for the planning grants until expended.

Not later than two years after the date on which NTIA begins awarding planning grants, it shall each year award State Capacity Grants to support the implementation of State Digital Equity Plans and digital inclusion activities in those states. The Act authorizes to be appropriated \$240 million for fiscal year 2022 and \$300 million for each of fiscal years 2023 through 2026

**Sec. 60305. Digital equity competitive grant program.** Thirty days after NTIA begins awarding State Capacity Grants, it shall establish the Digital Equity Competitive Grant Program to support efforts to achieve digital equity, promote digital inclusion activities, and spur greater adoption of broadband among covered populations. The Act authorizes \$250 million to be appropriated for each of the first five fiscal years to fund the program and additional sums as may be necessary for each fiscal year thereafter.

**Sec. 60306. Policy research, data collection, analysis and modeling, evaluation, and dissemination.**

Not later than one year after NTIA begins awarding grants and annually thereafter, NTIA shall submit to the appropriate committees of Congress a report that documents for the year covered by the report (1) a list of the grants awarded under each program, including the grant amount, grant recipient, and the purpose of the grant; (2) any de-obligation, termination, or modification of a grant awarded under the programs, which shall include a description of the subsequent usage of any funds to which such action applies; (3) each challenge made by an applicant for or receipt of a grant under the covered programs and the outcome of each challenge; and (4) conduct evaluations of the activities carried out under the programs.

## Title IV – Enabling Middle-Mile Broadband

**Sec. 60401. Enabling middle mile broadband infrastructure.** The purposes are: (1) to encourage the expansion and extension of middle mile infrastructure to reduce the cost of connecting unserved and underserved areas to the backbone of the internet, commonly referred to as the last mile; and (2) to promote broadband connection resiliency through the creation of alternative network connection paths that can be designed to prevent single points of failure on a broadband network.

Under the Act, NTIA shall establish a program, which makes grants on a technology-neutral, competitive basis to eligible entities for the construction, improvement, or acquisition of middle mile grants. A total of \$1 billion is authorized for FY 2022 through 2026.

## Title V – Broadband Affordability

**Sec. 60502. Broadband affordability.** Extends the Emergency Broadband Benefit Program created under the Consolidated Appropriations Act, 2021 and renames it the “Affordable Connectivity Benefit.” It requires

the FCC to establish a mechanism by which a participating provider in a high-cost area may provide an affordable connectivity benefit for an internet service offering provided on tribal land. It also requires a participating provider to allow an eligible household to apply the Affordable Connectivity Benefit to any internet service offering from the provider. \$14.2 billion is authorized to be appropriated to remain until expended to extend the subsidy, which is reduced from \$50 to \$30.

**Sec. 60504. Adoption of consumer broadband labels.** Not later than one year after enactment of the Act, the FCC shall promulgate regulations to require the display of broadband consumer labels to disclose to consumer information regarding broadband internet access service plans.

**Sec. 60505. GAO report.** Not later than one year after enactment of the Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report that evaluates the process used by the Commission for establishing, reviewing, and updating the upload and download speed thresholds for broadband internet access service, including how the FCC reviews and updates broadband internet access speed thresholds and whether the FCC should consider future broadband internet access speed needs when establishing broadband internet access service speed thresholds.

**Sec. 60506. Digital discrimination.** It is the policy of the United States that, insofar as technically and economically feasible, subscribers should benefit from equal access to broadband internet access service within the service area of a provider of such service. Equal access means the equal opportunity to subscribe to an offered service that provides comparable speeds, capacities, latency, and other quality of service metrics in each area, for comparable terms and conditions.

**Approved Amendments by the Senate to Division F—“Broadband”:**

- **Amendment #2162, introduced by Sen. John Thune (R-SD) and agreed to by a vote of 95-1 on August 2:** creates **Title VI—Telecommunications Industry Workforce** at the end of Division F, which includes the text of the **Telecommunications Skilled Workforce Act** (sections 60601—60604). The amendment addresses “the shortage of trained workers necessary to fill next-generation jobs in the telecommunications industry in communities throughout the country” by:
  - Establishing an FCC-led interagency working group that, in consultation with the Department of Labor (DOL) and other federal and non-federal stakeholders, would be tasked with developing recommendations to address the workforce needs of the telecommunications industry.
  - Requiring the FCC, in consultation with DOL, to issue guidance on how states can address the workforce shortage in the telecommunications industry by identifying all of the federal resources currently available to them that can be used for workforce development efforts.
  - Directing the Government Accountability Office to conduct a study to determine the specific number of skilled telecommunications workers that will be required to build and maintain broadband infrastructure in rural areas and the 5G wireless infrastructure needed to support 5G wireless technology.
- **Amendment #2164, introduced by Sen. Deb Fischer (R-NE) and agreed to by a vote of 95-0 on August 4:** includes a new section entitled “**Broadband Deployment Locations Map**,” which requires the FCC to establish an online map of broadband infrastructure deployment projects. \$10 million is appropriated to carry out this section.

## Division G – Other Provisions

### Title I – Indian Water Rights Settlement Completion Fund

**Sec. 70101. Indian water rights settlement completion fund.** Creates within the Treasury Department the Indian Water Rights Settlement Completion Fund. Directs the Secretary of the Treasury to deposit \$2.5 billion into the fund, and upon enactment, such monies will be available until expended – without need for further appropriation – to the Secretary of the Interior. DOI will use that Fund to make discretionary appropriations, or to satisfy other obligations identified by the Secretary under an Indian water settlement approved and authorized by an Act of Congress, prior to the date of enactment of this Act.

Transfers authorized under this Act shall be made in such amounts as are determined by the Secretary of the Interior to be appropriate to satisfy the obligations of the United States, including appropriate indexing, pursuant to the applicable Indian water settlement.

The Secretary shall have the discretion to determine the sequence and timing of transfers from the Fund to substantially complete the eligible Indian water settlements as expeditiously as practicable.

### Title II – Wildfire Mitigation

**Sec. 70201. Short title.** Provides the title of the bill, “Wildland Fire Mitigation and Management Commission Act of 2021”

**Sec. 70202. Definitions.** Provides the definitions of the terms used in the bill, including committees of jurisdiction, agency heads, high risk states, high risk tribes etc.

**Sec. 70203. Establishment of Commission.** Directs that within 30 days of enactment, the Secretaries of Interior and Agriculture shall jointly establish a commission as well as the membership of the commission (i.e., diverse group of stakeholders, including federal, state, and local government representatives as well as non-government representatives), as well as term of the appointments, and filling of vacancies of the commission.

**Sec. 70204. Duties of Commission.** Describes in detail the specific policy recommendations to Congress the commission shall make within one year of its first meeting. The commission’s recommendations shall include ones that relate to, among other matters, policies to improve forest management tactics, federal spending and budgeting for wildland fires, and long-term management and land maintenance strategies. In addition, the commission shall make recommendations on short- and long-term wildland fire prevention, mitigation, suppression, management, and rehabilitation to avert future wildland fires from becoming catastrophic disasters.

**Sec. 70205. Powers of Commission.** Outlines the authorities of the commission, including holding hearings, taking testimony, and receiving such evidence as the commission considers advisable to carry out its responsibilities.

**Sec. 70206. Commission personnel matters.** Provides details on compensation for commission members and related matters.

**Sec. 70207. Termination of Commission.** Provides that the commission shall terminate six months after filing its required reports – ones on mitigating and managing wildfires and on aerial wildland firefighting equipment strategy and inventory assessment.

## Title III – Reforestation

**Sec. 70301. Short title.** Provides that the title of this section is the “Public Land by Adding Necessary Trees Act,” commonly known as the REPLANT ACT.

**Sec. 70302. Reforestation following wildfires and other unplanned events.** Directs the Department of Agriculture (USDA) annually for ten years from the date of enactment to transmit to Congress an estimate of sums necessary to be appropriated, in addition to the funds available from other sources, to replant and otherwise treat an acreage equal to the acreage to be cut over that year, plus a sufficient portion of the backlog of lands found to need treatment to eliminate the backlog within the 10-year period.

USDA shall, beginning in the 11<sup>th</sup> year following enactment, transmit annually to Congress an estimate of the sums necessary to replant and otherwise treat all lands being cut in the National Forest System to reduce potential for backlog of needed growth beyond what it would be in any given year. Under this section, the Forest Service is directed to create a priority list of reforestation projects for funding and submit them to the office of the Secretary.

**Sec. 70303. Report.** Requires that not later than one year after the date of enactment, and annually thereafter, the Secretary of Agriculture shall submit to the Senate Committee on Agriculture, Nutrition, and Forestry and the House Committee on Agriculture and make publicly available on the website of the Forest Service, a report that describes progress being made in achieving the purposes of the Act.

## Title IV – Recycling Practices

**Sec. 70401. Best practices for battery recycling and labeling guidelines.** Directs the EPA Administrator to develop a best practices program for recycling batteries, authorizing \$10 million for the effort. It also creates a program – authorized at \$15 million to issue voluntary labeling guidelines to bolster battery recycling, as well as well as accessibility to battery collection locations, other materials about recycling batteries, and reducing safety concerns related to improper battery disposal.

**Sec. 70402. Consumer recycling education and outreach grant program; federal procurement.** Authorizes \$75 million over FY 2022 through 2206 for a new grant program to improve residential and community recycling programs through public outreach. At least 20% of funds would be for low-income communities, rural areas, and American Indian communities. States, local governments, American Indian tribes, Native Hawaiian organizations, and the Hawaiian Homelands Department would be also eligible for the program.



## Title V – Bioproduct Pilot Program

### **Sec. 70501. Pilot program on use of agricultural commodities in construction and consumer products.**

The Secretary is to carry out a pilot program and partner with not less than one qualified institution to study the benefits of using materials derived from certain types of agricultural commodities in the production of construction products and consumer products, including, but not limited to cost savings relative to other commonly used alternative materials, greenhouse gas emission reductions, and other environmental benefits relative to other commonly used alternative materials.

## Title VI – Cybersecurity

### Subtitle A – Response and Recovery Act

**Sec. 2231. Sense of Congress.** Authorizes the Secretary of DHS to declare that a significant incident has occurred and to establish the authorities that are provided under the declaration to respond to and recover from the significant incident; and the authorities established under this subtitle are intended to enable the Secretary to provide voluntary assistance to non-federal entities impacted by a significant incident.

**Sec. 2233. Declaration.** The Secretary, in consultation with the National Cyber Director, may make a declaration with this section for the purpose of enabling the activities described in this subtitle if the Secretary determines that a specific incident has occurred or is likely to occur imminently and otherwise available resources, other than the Fund, are likely insufficient to respond effectively to, or to mitigate effectively, the specific significant incident.

Not later than 72 hours after a declaration or a renewal, the Secretary shall publish the declaration or renewal in the Federal Register. The Secretary shall assess the resources available to respond to a potential declaration and may take actions before and while a declaration is in effect to arrange or procure additional resources for asset response activities or technical assistance the Secretary determines necessary, which may include entering into standby contracts with private entities for cybersecurity services or incident responders in the event of a declaration.

### **Sec. 2233. Cyber response and recovery fund.**

\$20 million is authorized to be appropriated to the Fund for fiscal year 2022 and each fiscal year thereafter until 2028. The Fund will be used for coordination of activities and response and recovery support for the specific incident associated with a declaration to federal, state, local and tribal, and entities and public and private entities on a reimbursable or non-reimbursable basis for vulnerability assessments and mitigation; technical incident mitigation; malware analysis; analytic support; threat detection and hunting; and network protections.

### Subtitle B – State and Local Cybersecurity Improvement Act

### **Sec. 2218. State and local cybersecurity grant program.**

Creates a grant program to address cybersecurity risks and cybersecurity threats to information systems owned or operated by, or on behalf of, state, local, or tribal governments. Grant funds will be used to

implement the Cybersecurity Plan of the eligible entity; develop or revise the Cybersecurity Plan of the eligible entity; pay expenses directly relating to the administration of the grant; and assist with activities that address imminent cybersecurity threats, as confirmed by the Secretary of DHS.

This program is authorized at \$200 million for FY 2022; \$400 million for FY 2023; \$300 million for FY 2024; and \$100 million for FY 2025.

## Title VII – Public-Private Partnerships

**Sec. 70701. Value for money analysis.** Requires Transportation Infrastructure Finance and Innovation Act (TIFIA) and Railroad Rehabilitation & Improvement Financing (RRIF) applicants with project costs over \$750 million to conduct a value for the money analysis as part of their application process. In addition, the section requires the Build America Bureau (the Department of Transportation’s hub for funding and financing resources), to report to Congress on the utilization of public-private partnerships and best practices for project financing.

Requires an analysis that at a minimum includes an evaluation of: the life-cycle cost and project delivery timeframes; the costs of using public financing versus private financing for the project; a description of the key assumptions made in developing the analysis, including an analysis of likely federal grants and subsidies; the key terms of the proposed P3 agreement (including likely rate of return for private debt and equity); a discussion of the benefits and costs associated with the allocation of risk; and the determination of risk premiums assigned to various project delivery scenarios.

## Title VIII – Federal Permitting Improvement

**Sec. 70801. Federal permitting improvement.** Amends the Federal Permitting Improvement Steering Council of the FAST Act to make several modifications and updates, including updating performance schedules to ensure alignment of federal reviews of projects; identifying reduction of permitting and project delivery times on projects; and consideration of the best practices for public participation.

This section also makes permanent the permitting reforms established by the FAST Act and extends them to projects sponsored by Indian tribes and/or located on tribal land; amends the coordination of required reviews section of the FAST Act by requiring a single joint interagency impact statement for a project where an environmental impact statement is required; and allows funds to be transferred between federal agencies to facilitate timely environmental reviews and authorizations.

## Title IX – Build American, Buy America

### Subtitle A – Build America, Buy America

**Sec. 70901. Short Title.** Includes the title, which is the “Build America, Buy America”.

## Part I – Buy America Sourcing Requirements

**Sec. 70911. Findings.** Consists of a series of statements, which among other matters, highlights the importance of using American products in the upgrade of public water infrastructure in the U.S.

**Sec. 70913. Identification of deficient programs.** Each federal agency must submit to the Office of Management and Budget (OMB) and to Congress a report that identifies each federal financial assistance program for infrastructure administered by the agency. The agency must (1) identify domestic content procurement preferences applicable to the assistance, (2) assess the applicability of such requirements, (3) provide details on any applicable domestic content procurement preference requirement, and (4) include a description of the type of infrastructure projects that receive funding under the program.

**Sec. 70914. Application of Buy America preference.** Each agency must ensure that none of the funds made available for such a program may be used for a project unless all the iron, steel, and manufactured products used in the project are produced in the United States, subject to waivers where inconsistent with the public interest, where not produced in sufficient quantities or satisfactory quality, or where such inclusion will increase the cost of the project by more than 25%.

**Sec. 70915. OMB guidance and standards.** Among other requirements, directs the director of OMB to issue guidance to the head of each Federal agency to assist in identifying deficient programs under section 70913(c); and to assist in applying new domestic content procurement preferences if necessary to ensure that domestic content procurement preference requirements required by this part or other Federal law are imposed through the terms and conditions of awards of Federal financial assistance.

**Sec. 70916. Technical assistance partnership and consultation supporting Department of Transportation Buy America requirements.** Requires that not later than 90 days after the date of enactment, the Secretary shall enter a technical assistance partnership with the Secretary of Commerce to ensure the development of a domestic supply base to support intermodal transportation in the United States under the jurisdiction of the Secretary.

**Sec. 70917. Application.** Makes clear that this provision applies to a federal financial assistance program for infrastructure only to the extent that a domestic content procurement preference as described in Section 70914 does not already apply to iron, steel, manufactured products, and construction materials.

## PART II – Make it in America

**Sec. 70921. Regulations relating to Buy American Act.** Provides that not later than one year after enactment, the Director of OMB shall promulgate final regulations or other policy or management guidance, as appropriate, to standardize and simplify how Federal agencies comply with, report on, and enforce the Buy American Act. Outlines what should be included in regulations or other policy or management guidance.

**Section 70922. Amendments relating to Buy American Act.** Adds a new subsection to Buy American Act, which includes enhanced requirements related to iron and steel produced in the U.S. and related reporting requirements.

**Sec. 70923. Made in America office.** Provides that the Director of OMB shall establish an office within the agency called the “Made in America Office.” The head of the office shall be appointed by the OMB director. The section also outlines the duties of the office.

**Sec. 70924. Hollings manufacturing extension partnership activities.** Directs that the head of each federal agency shall work with the Director of the Hollings Manufacturing Extension Partnership, as necessary, to ensure businesses participating in this Partnership are aware of contracting opportunities under the program.

**Sec. 70925. United states obligations under international agreements.** Provides provisions of this part are applied in a manner consistent with U.S. obligations under international agreements.

**Sec. 70927. Prospective amendments to internal cross-references.** Makes legislative conforming technical changes.

## Subtitle B – BuyAmerican.gov

**Sec. 70931. Short title.** Provides the title of the bill which is “BuyAmerican.gov Act”.

**Sec. 70933. Sense of Congress on buying American.** Includes a series of statements that stress the importance of federal agencies buying American when procuring products or services.

**Sec. 70934. Assessment of impact of free trade agreements.** Requires that not later than 150 days from the date of the enactment, the Secretary of Commerce, the United States Trade Representative, and the OMB Director shall assess the impacts in a publicly available report of all U.S. free trade agreements, the World Trade Organization Agreement on Government Procurement, and federal permitting processes on the operation of Buy American laws, including their impacts on the implementation of domestic procurement preferences.

**Sec. 70935. Judicious use of waivers.** Provides, to the extent permitted by law, a “Buy American” waiver that is determined by an agency head or other relevant official to be in the public interest shall be construed to ensure the maximum utilization of goods, products, and materials produced in the United States.

**Sec. 70936. Establishment of BuyAmerican.gov website.** Directs the establishment of a publicly available BuyAmerican.gov website within one year of enactment.

**Sec. 70937. Waiver transparency and streamlining for contracts.** Provides that the Administrator of General Services, in consultation with relevant agency heads, shall develop a mechanism to collect information on requests to invoke a Buy American waiver for a federal contract, utilizing existing reporting requirements whenever possible, for purposes of providing early notice of possible waivers via the website established under Section 70936. This section also describes various waivers associated with the contracts.

**Sec. 70938. Comptroller General report.** Provides that not later than two years from the date of enactment, the Comptroller General of the United States shall submit to Congress a report describing the implementation of this subtitle, including recommendations for any legislation to improve the collection and reporting of information regarding waivers of and exceptions to Buy American laws.

**Sec. 70939. Rules of construction.** Provides that nothing in this subtitle shall be construed as preempting, superseding, or otherwise affecting the application of any disclosure requirement or requirements otherwise provided by law or regulation.

**Sec. 70940. Consistency with international agreements.** Provides that, “[t]his subtitle shall be applied in a manner consistent with United States obligations under international agreements.”

**Sec. 70941. Prospective amendments to internal cross-references.** Makes conforming legislative changes.

## Subtitle C – Make PPE in America

**Sec. 70951. Short title.** Establishes the short title of the bill which is “Make PPE in America Act”.

**Sec. 70952. Findings.** Lists a series of statements focused on the importance of producing personal protective equipment in the United States.

**Sec. 70953. Requirement of long-term contracts for domestically manufactured personal protective equipment.** Outlines the details of establishing a PPE production program in the U.S., including the requirement that beginning 90 days after enactment, in order to ensure the sustainment and expansion of PPE manufacturing in the United States and meet the needs of the current pandemic response, any contract for the procurement of PPE entered into by a covered Secretary, or a covered Secretary’s designee, shall (1) be issued for a duration of at least 2 years, plus all option periods necessary, to incentivize investment in the production of PPE and the materials and components thereof in the United States; and (2) be for PPE, including the materials and components thereof, that is grown, reprocessed, reused, or produced in the United States.

## Title X – Asset Concessions

**Sec. 71001. Asset concessions.** The Secretary shall establish a grant and expert services program for eligible entities, designed to enhance their technical capacity to facilitate public-private partnerships in which the private sector partner could assume a greater role in project planning, development, financing, construction, maintenance, and operation, including by assisting eligible entities in entering asset concessions (i.e., a type of infrastructure or services management contract).

To be eligible to receive a grant, 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. Also, an eligible entity may use amounts made available from a grant for, among other things, technical assistance to build the organizational capacity of the eligible entity to develop, review, or enter an asset concession.

## Title XI – Clean School Buses and Ferries

**Sec. 71101. Clean school bus program.** Authorizes a total of \$5 billion over five years (FY2022-2026) for EPA to award grants and rebates to replace school buses with zero-emission buses or buses that the agency certifies reductions of emissions and use of alternative fuels. The Administrator is authorized to provide funds to cover up to 100 percent of the costs for the replacement of each of the buses.

Under this section, grant recipients will include state and local government agencies, contractors, or nonprofit school transportation associations. Applicants from school districts that serve a high percentage of children from low-income families and rural areas will be prioritized.

**Sec. 71102. Electric or low-emitting ferry pilot program.** Directs the Secretary of Transportation to establish a pilot program to provide grants for the purchase of electric or low-emitting fuel (methanol, natural

gas, liquefied petroleum gas, hydrogen, coal-derived liquid fuels, biofuels) ferries. The section requires that at least one grant be awarded to the state with the largest Marine Highway System and a bi-ferry service with an aging fleet. Funds are authorized and appropriated at \$50 million a year for FY 2022 through 2026.

**Sec. 71103. Ferry service for rural communities.** Authorizes \$1 billion for DOT to establish a program to provide funding to states to ensure basic essential ferry service in rural areas. Eligible places must serve at least two rural areas and have had scheduled ferry transportation services from 2015 through 2020.

**Approved Amendments by the Senate to Division G—“Other Provisions”:**

- **Amendment #2133**, introduced by Sen. Alex Padilla (D-CA) and agreed to by a vote of **90-7** on **August 2**: creates **Sec. 71201** at the end of Division G, entitled “**Expanding the Funding Authority for Renovating, Constructing, and Expanding Certain Urban Indian Health Facilities.**” The amendment amends section 509 of the Indian Health Care Improvement Act (25 U.S.C. 1659) by striking the requirement that Urban Indian Organizations (UIOs) may only use the Indian Health Service (IHS) funding they already receive for renovation, construction, or expansion of facilities to meet or maintain specific accreditation standards (that are now obsolete). The amendment would just give UIOs more flexibility to use their existing funds for infrastructure upgrades, not give them more funding or take money from anyone else.
- **Amendment #2478**, introduced by Sen. Ben Cardin (D-MD) and agreed to by voice vote on **August 4**: includes the text of the **Minority Business Development Act of 2021**. The legislation expands and makes permanent the Minority Business Development Agency (MBDA). The amendment would expand the geographic reach of the MBDA by authorizing the creation of regional MBDA offices and rural business centers to be administered through Historically Black Colleges and Universities (HBCUs) and minority serving institutions (MSIs), and it would create the Parren J. Mitchel Entrepreneurship Education Grants Program to cultivate the next generation of minority entrepreneurs. The amendment would also increase the MBDA’s grant-making capacity to partner with community and national nonprofits engaged in private and public sector development as well as research. The amendment would authorize \$110 million in annual funding to the MBDA through FY2025—more than double the agency’s FY2021 appropriation of \$48 million. The amendment also:
  - makes the MBDA more effective by putting into law the mission and goals of the agency and giving it the proper tools to carry them out successfully;
  - creates an advisory council to consult federal agencies on supporting MBEs and coordinate federal MBE programs;
  - creates a presidentially appointed and Senate-confirmed Under Secretary of Commerce for Minority Business Development to lead the agency; and
  - mandates additional reporting.

## Division H – Revenue Provisions

Divisions H & I include offsets (e.g., rescissions of existing program funding) and revenue raisers (e.g., new taxes) to help cover the cost of the legislation. While most provisions do not directly impact local and regional government, a few might. One provision – 90007 – would rescind nearly \$42 billion in unobligated coronavirus relief funds, while another provision would extend taxes on fuel for buses. Other key ingredients in Divisions H & I include: \$210 billion overall from unused COVID-19 relief funds; \$87 billion from spectrum auctions along with the proceeds from the February 2021 c-band auction; \$56 billion from assumed economic growth; \$53

billion by way of states returning some unemployment insurance funds; \$51 billion by delaying a Medicare Part D rebate rule; \$14.5 billion by way of the reinstatement of some Superfund fees; and \$28 billion in new revenue from reporting requirements related to cryptocurrency.

A White House fact sheet on the bill included a single, brief paragraph on revenue provisions, averring “[i]n the years ahead, the legislation will generate significant economic benefits. It is financed through a combination of redirecting unspent emergency relief funds, targeted corporate user fees, strengthening tax enforcement when it comes to crypto currencies, and other bipartisan measures, in addition to the revenue generated from higher economic growth as a result of the investments.”

The Joint Committee on Taxation (JCT) is a nonpartisan committee of the United States Congress. The JCT estimated revenue effects in the provisions of Division H are located [here](#) and indicated in the revenue sections outlined below. Overall, JCT estimates the costs and benefits of Division H (outlined below) will result in net revenues to the federal government in the amount of \$51.062 billion over ten years.

The Congressional Budget Office (CBO) released its cost estimate of the Senate bill. CBO estimates that over the 2021-2031 period, enacting the bill would decrease direct spending by \$110 billion, increase revenues by \$50 billion, and increase discretionary spending by \$415 billion. On net, the legislation would add \$256 billion to projected deficits over that period. The CBO cost estimate is located [here](#). The CBO estimate is at odds with bill proponents who say CBO under counted the offsets and revenue raisers that will pay for the entire cost of the bill, and possibly more.

In a statement released by The Committee for a Responsible Federal Budget, a bipartisan think tank, noted: “[w]hile we are pleased Republicans and Democrats have come together to move forward important public investments, this legislation falls far short of its promise to be fully paid for. We strongly support measures in the bill to reduce the tax gap, lower drug prices, and extend or impose new user fees. But two-thirds of this package is paid for with smoke, mirrors, and debt... Fortunately, there is still time to improve this legislation in the House...”

The following is a selection of some of the more notable revenue provisions of the bill:

## Title I – Highway Trust Fund

**Sec. 80103. Transfers \$90 billion over ten years from the Treasury’s General Fund to the Highway Trust Fund’s (HTF) Highway Account and \$28 billion to the Mass Transit Account.** JCT reports no revenue effect for this section of the bill. The HTF is projected to become insolvent in FY 2022 without additional transfers or other revenues.

## Title II – Chemical Superfund

**Sec. 80201. This section extends certain superfund excise taxes until 2031 and provides updated (i.e., increased) tax tables for covered substances.** JCT reports \$14.45 billion in revenue will be realized over ten years under this provision.



## Title IV – Bond Provisions

**Sec. 80401. Private activity bonds for qualified broadband projects.** JCT projects this section will cost \$566 million over ten years.

**Sec. 80402. Carbon dioxide capture facilities.** JCT projects this section will cost \$116 million over ten years, and estimates the total negative revenue effect of Title IV Bond Provisions over ten years will be \$1.198 billion.

## Title V – Relief for Taxpayers Affected By Disasters or Other Critical Events

**Section. 80501. Modification of automatic extension of certain deadlines in the case of taxpayers affected by Federally declared disasters.** JCT projects this section to have a negligible revenue effect.

**Sec. 80504. Authority to postpone certain tax deadlines by reason of significant fires.** JCT projects this section to have a negligible revenue effect.

## Title VI – Other Provisions

**Sec. 80603. Information reporting for brokers and digital assets.** Requires brokers to report certain transactions of digital assets to the IRS beginning in 2023. It also would require businesses to report cryptocurrency transactions of more than \$10,000, which is the current threshold for cash transactions subject to IRS reporting requirements. JCT projects this section will provide nearly \$28 billion in revenue over ten years.

**Sec. 80604. Termination of employee retention credit for employers subject to closure due to COVID-19.** Terminates on October 1 – a month earlier than currently allowed. JCT projects this section will provide \$8.2 billion in revenue over ten years. JCT estimates the total positive revenue effect of Title VI over ten years will be \$37.81 billion.

## Division I – Other Matters

**Sec. 90001. Extension of direct spending reductions through FY 2031.** Extends the mandatory sequester under the Budget Control Act of 2011 through 2031.

**Sec. 90002. Strategic Petroleum Reserve drawdown and sale.** Directs the Secretary of Energy to draw down and sell 87.6 million barrels of crude oil from the Strategic Petroleum Reserve from fiscal years 2028 through 2031.

**Sec. 90003. Findings regarding unused unemployment insurance funds.** Claims that on July 16, 2021, the CBO reduced its cost estimate for the expanded unemployment insurance (UI) programs in the American Rescue Plan Act of 2021, because many states decided to end one or more of the programs before they expire

on September 6, 2021, and the improved economy means fewer people will receive benefits. The bill claims that it is estimated that there are about \$53 billion in savings from the money originally projected to be spent on UI programs that the states have not used.

**Sec. 90005. Extension of enterprise guarantee fees.** Extends until 2032 the guaranteed fees charged by government-sponsored enterprises Fannie Mae and Freddie Mac.

**Sec. 90007. Rescission of COVID–19 appropriations.** Rescinds \$41.8 billion in unobligated COVID-19 relief funds, including funds associated with Economic Injury Disaster Loans (EIDL), the Paycheck Protection Program, Aviation Workers’ relief, the Education Stabilization Fund, and more. Note- there is no indication that funds directed to states and local governments will be rescinded.

**Sec. 90008. Spectrum auctions.** Directs the FCC, in consultation with the Commerce Department, to conduct an auction of spectrum the federal government has determined could be made available on a shared basis between federal and non-federal use.

## Division J – Infrastructure Investments and Jobs Appropriations Act

The funding contained in Division J of the legislation includes supplemental emergency appropriations for many of the existing and newly authorized programs in the bill, over and above the regular funding provided to the programs in Congress’s annual spending bills and the regular surface transportation reauthorization legislation. This funding will be available beginning in FY 2022 and ending in FY 2026.

### Title I – Agriculture, Rural Development, Food and Drug Administration, and Related Agencies

- \$500 million for Watershed and Flood Prevention Operations
- \$118 million for the Watershed Rehabilitation Program
- \$300 million for the Emergency Watershed Protection Program
- \$2 billion for the Distance Learning, Telemedicine, and Broadband Program

### Title II – Commerce, Justice, Science, and Related Agencies

- \$42.45 billion for the Broadband Equity, Access, and Deployment Program
- \$2 billion to the Broadband Connectivity Fund for grants under the Tribal Broadband Connectivity Program
- \$2.75 billion for the Digital Equity program
- \$1 billion for the Middle Mile Deployment program
- \$2.611 billion for NOAA’s Operations, Research, and Facilities

- \$180 million for NOAA's Procurement, Acquisition and Construction
- \$172 million for NOAA's Pacific Coastal Salmon Recovery

## Title III – Energy and Water Development and Related Agencies

- \$150 million for U.S. Army Corps of Engineers' (Corps) Investigations account
- \$11.615 billion for the Corps' Construction account, including \$2.55 billion for coastal and hurricane-related projects and \$2.5 billion for inland waterway projects
  - **Approved Amendment by the Senate to Title III of Division J, "Energy—Water Development Appropriations":**
    - **Amendment #2564, introduced by Sen. Tom Carper (D-DE) and agreed to by voice vote on August 4:** directs the \$2.5 billion inland waterways appropriation to give priority to projects in the Corps' Capital Investment Strategy and adds a general provision that projects in the Corps' appropriation should not be limited by cost-benefit analysis when determining benefits to disadvantaged communities.
- \$808 million for the Corps' Mississippi River and Tributaries account
- \$4 billion for the Corps' Operations and Maintenance account
- \$160 million for the Corps' Regulatory Program account
- \$251 million for the Corps' Flood Control and Coastal Emergencies account
- \$75 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program account for the Corps to implement a direct loan and loan guarantee program limited to nonfederal dam safety work
- \$50 million for the Central Utah Project Completion account
- \$8.3 billion for Bureau of Reclamation Water and Related Resources projects, including:
  - \$3.2 billion for aging infrastructure
  - \$1.15 billion for water storage, groundwater storage and conveyance projects (includes \$100 million for small water storage)
  - \$1 billion for water recycling and reuse projects (includes \$450 million for large water recycling projects)
  - \$250 million for desalination projects
  - \$1 billion for rural water projects
  - \$500 million for dam safety projects
  - \$300 million for Drought Contingency Plan (includes \$50 million for Upper Basin States)
  - \$400 million for WaterSMART Water and Energy Efficiency Grants (includes \$100 million for natural infrastructure projects)
  - \$100 million for the Cooperative Watershed Management Program
  - \$250 million for the Aquatic Ecosystem Restoration Program
  - \$100 million for multi-benefit watershed projects
  - \$50 million for Colorado River fish species recovery programs
- \$16.264 billion for Energy Efficiency and Renewable Energy within the Department of Energy (DOE)
- \$550 million for Cybersecurity, Energy Security, and Emergency Response within DOE
- \$8.1 billion for Electricity within DOE
- \$6 billion for Nuclear Energy within DOE
- \$7.497 billion for Fossil Energy and Carbon Management within DOE

- \$2.1 billion for the Carbon Dioxide Transportation Infrastructure Finance and Innovation Program Account within DOE
- \$21.456 billion for the DOE's Office of Clean Energy Demonstrations
- \$500 million for the Western Power Administration's Construction, Rehabilitation, Operation and Maintenance account
- \$1 billion for the Appalachian Regional Commission
- \$150 million for the Delta Regional Authority
- \$75 million for the Denali Commission
- \$150 million for the Northern Border Regional Commission
- \$5 million for the Southeast Crescent Regional Commission
- \$1.25 million for the Southwest Border Regional Commission

## Title IV – Financial Services and General Government

- \$21 million for the Office of the National Cyber Director
- \$14.2 billion for the FCC's Affordable Connectivity Fund
- \$3 million for the Environmental Review Improvement Fund
- \$3.418 billion for the GSA's Federal Buildings Fund

## Title V – Department of Homeland Security

- \$330 million for Customs and Border Protection's (CBP) Operations and Support account
- \$100 million for CBP's Procurement, Construction, and Improvements account
- \$5 million for the Coast Guard's Operations and Support account
- \$429 million for the Coast Guard's Procurement, Construction, and Improvements account
- \$35 million for the Cybersecurity and Infrastructure Security Agency's (CISA) Operations and Support account
- \$100 million for CISA's Cybersecurity and Recovery Fund
- \$67 million for the Federal Emergency Management Agency's (FEMA) Operations and Support account
- \$2.233 billion for FEMA's Federal Assistance account, including \$1 billion for grants to states, local, tribal, and territorial governments for improvement to cybersecurity and critical infrastructure
- \$1 billion for FEMA's Disaster Relief Fund
- \$3.5 billion for FEMA's National Flood Insurance Fund
- \$157.5 million for the Science and Technology Directorate's Research and Development account

## Title VI – Department of the Interior, Environment, and Related Agencies

- \$455 million for the U.S. Fish and Wildlife Service's Resource Management account
- \$510.668 million for the U.S. Geologic Survey's Surveys, Investigations, and Research account
- \$11.293 billion for the Office of Surface Mining Reclamation and Enforcement's Abandoned Mine Reclamation Fund

- \$216 million for the Bureau of Indian Affairs' Operation of Indian Programs
- \$250 million for the Bureau of Indian Affairs' Construction account
- \$905 million for the Interior Department's Office of the Secretary Department Operations account
- \$1.458 billion for the Interior Department's Wildland Fire Management account
- \$4.677 billion for the Energy Community Revitalization Program at the Interior Department to carry out orphaned well site plugging, remediation, and restoration activities
- \$1.959 billion for the EPA's Environmental Programs and Management account
- \$3.5 billion for the EPA's Hazardous Substance Superfund account
- \$55.426 billion for the EPA's State and Tribal Assistance Grants, including:
  - \$19.908 billion for Clean Water State Revolving Fund (SRF) capitalization grants
  - \$17.343 billion for Drinking Water SRF capitalization grants
  - \$15 billion to the Drinking Water SRF program to replace lead service lines, with 49% of the funding distributed by the states as forgivable loans or grants.
  - \$10 billion to address per- and polyfluoroalkyl substances (PFAS)
  - \$50 million for Underground Injection Control grants
  - \$1.5 billion for Brownfields activities
  - \$100 million to carry out part of the Pollution Prevention Act
  - \$275 million for grants under the Save Our Seas 2.0 Act
  - \$75 million to award grants focused on improving material recycling, recovery, management, and reduction
  - \$5 billion for the Clean School Bus Program
- \$10 million for the U.S. Forest Service's (USFS) Forest and Rangeland Research account
- \$1.527 billion for the USFS's State and Private Forestry account
- \$2.854 billion for the USFS's National Forest System account
- \$360 million for the USFS's Capital Improvement and Maintenance account
- \$696.2 million for the USFS's Wildland Fire Management account
- \$3.5 billion for the Indian Health Facilities account within the Department of Health and Human Services (HHS)

## Title VI – Labor, Health and Human Services, and Education, and Related Agencies

- \$500 million for HHS's Low Income Home Energy Assistance program

## Title VIII – Transportation, Housing and Urban Development, and Related Agencies

- \$12.5 billion for competitive Rebuilding American Infrastructure with Sustainability and Equity (RAISE) discretionary surface transportation grants, referred to in the bill as National Infrastructure Investments. This includes:
  - \$5 billion for multimodal projects of national or regional significance; and
  - \$7.5 billion for projects with significant local or regional effects
  - The RAISE grant is formerly known as BUILD, which is formally known as TIGER, and is funded at \$1 billion for FY 2021.

- \$5 billion for competitive grants to implement “Vision Zero” plans to prevent transportation-related fatalities and serious injuries, known as the Safe Streets and Roads for All Grants program
- \$1 billion for competitive grants to remove culverts that impede the passage of fish swimming upstream
- \$500 million for the competitive Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program to support demonstration projects on smart technologies that improve transportation efficiency and safety, such as autonomous vehicles and smart grids to support electric vehicles
- \$10 billion for Airport Terminal Program projects
- \$15 billion for Airport Improvement Program Grants
- \$47.272 billion for the FHWA’s Highway Infrastructure Programs, including:
  - \$27.5 billion in formula funding for a bridge replacement, rehabilitation, preservation, protection, and construction program
  - \$5 billion for a new National Electric Vehicle Formula Program to provide money for states to build electric vehicle charging infrastructure
  - \$3.2 billion for the competitive National Significant Freight and Highway Projects Program (i.e., “INFRA”), which provides competitive grants for highway, bridge, and multimodal freight projects of national and regional significance (as previously reported)
  - \$9.235 billion for the new competitive Bridge Investment Program to provide funding to repair and rebuild bridges in poor condition
  - \$150 million in competitive funding to reduce air emissions from trucks idling at port facilities
  - \$95 million to carry out the University Transportation Centers program
  - \$500 million for a new competitive Reconnecting Communities Pilot Program for planning and projects to remove, retrofit, or mitigate existing highways that were built through neighborhoods and are a barrier to mobility and economic development
  - \$342 million in formula funding for the Construction of Ferry Boats and Ferry Terminal Facilities program
  - \$1.25 billion for the Appalachian Development Highway System
- \$50 million for the FMCSA’s Motor Carrier Safety Operations and Program account.
- \$622.5 million for the FMCSA’s Motor Carrier Safety Grants program
- \$750 million for the NHTSA’s Crash Data program
- \$548.5 million for the NHTSA’s Vehicle Safety and Behavioral Research Programs account
- \$310 million for the NHTSA’s Supplemental Highway Traffic Safety Programs account
- \$5 billion for the FRA’s competitive Consolidated Rail Infrastructure and Safety Improvements (CRISI) grants program
- \$6 billion for the FRA’s Northeast Corridor Grants to Amtrak
- \$16 billion for the FRA’s National Network Grants to Amtrak
- \$3 billion for the FRA’s competitive Railroad Crossing Elimination program
- \$36 billion for the FRA’s competitive Federal—State Partnership for Intercity Passenger Rail grants
- \$10.25 billion for the FTA’s Transit Infrastructure Grants, including:
  - \$4.75 billion in formula funding for the State of Good Repair Grants program
  - \$5.25 billion for competitive Low-No Emission Bus Grants
  - \$250 million for formula grants for the enhanced mobility of seniors and individuals with disabilities
- \$8 billion for the FTA’s competitive Capital Investment Grants for fixed guideway projects such as rapid and commuter rail, streetcars, bus rapid transit, and ferries
- \$1.75 billion for the FTA’s competitive All Stations Accessibility program
- \$250 million for the FTA’s competitive Electric or Low-Emitting Ferry program
- \$1 billion for the FTA’s competitive Ferry Service for Rural Communities program
- \$25 million for the Maritime Administration’s (MARAD) Operations and Training account
- \$2.25 billion for MARAD’s competitive Port Infrastructure Development program

- \$1 billion for the Pipeline and Hazardous Materials Safety Administration's (PHMSA) Natural Gas Distribution Infrastructure Safety and Modernization Grant program

## Next Steps

TFG will be closely tracking how the House plans to move the Senate-passed Infrastructure Investment and Jobs Act in the fall, as the \$3.5 trillion budget reconciliation package moves in tandem.





# MPWMD Legislative Tracker

Last Updated: August 18, 2021

## Overview

The following legislative tracker provides the status of legislation introduced in the 117th Congress pertaining to water issues. Each of the bill numbers is hyperlinked to the bill text, FiscalNote (FN) Outlook information and other related details.

The FN Outlook on the right side of each bill provides the legislation's pre-Floor (left) and Floor (right) likelihood of passing. The percentages shown are the status of the bill in the Chamber where it is currently under consideration (this is shown under 'Status'). The pre-Floor score is defined as the bill's likelihood of passing after it has been introduced but while it is being considered in that chamber's committees - before it has moved to the Floor for a vote.

## Bills of Interest (20)

Bill Number	Last Action	Status	FN Outlook
HR 535	Referred To The Committee On Oversight And Reform And In Addition To The Committee On Financial Services For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2021 01 28	In House	7.8% 74.6%
<b>Title</b> Special Districts Provide Essential Services Act	<b>Bill Summary:</b> This bill would make special districts eligible for direct federal financial assistance in the future, along with state, county, and local governments that are also subject to the same oversight requirements. The legislation would also provide special districts access to the Federal Reserve's Municipal Liquidity Facility, which provides states, counties, and cities federally guaranteed bridge financing to offset unexpected short-term revenue shortfalls caused by the COVID-19 pandemic.		
<b>Primary Sponsors</b> John Garamendi	<b>Introduction Date:</b> 2021-01-28		
Bill Number	Last Action	Status	FN Outlook
HR 616	Referred To The Subcommittee On Environment And Climate Change 2021 02 02	In House	11.0% 82.3%
<b>Title</b> Emergency Water is a Human Right Act	<b>Bill Summary:</b> This bill prohibits water shutoffs during the COVID-19 emergency period, and provides drinking and waste water assistance to households.		
<b>Primary Sponsors</b> Rashida Tlaib	<b>Introduction Date:</b> 2021-01-28		

Bill Number

HR 737

Last Action

Referred To The Subcommittee On Water  
Oceans And Wildlife 2021 02 23

Status

In House

FN Outlook

11.1%

81.0%

**Title**

RENEW WIIN Act

**Primary Sponsors**

David Valadao

**Bill Summary:** This bill extends the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 (WIIN Act) providing operational flexibility, drought relief, and other benefits to the State of California.

**Introduction Date:** 2021-02-02

Bill Number

HR 866

Last Action

Referred To The Subcommittee On Water  
Oceans And Wildlife 2021 03 03

Status

In House

FN Outlook

7.8%

76.7%

**Title**

FISH Act

**Primary Sponsors**

Ken Calvert

**Bill Summary:** This bill amends the Endangered Species Act of 1973 to vest in the Secretary of the Interior functions under that Act with respect to species of fish that spawn in fresh or estuarine waters and migrate to ocean waters, and species of fish that spawn in ocean waters and migrate to fresh waters.

**Introduction Date:** 2021-02-05

Bill Number

HR 1015

Last Action

Referred To The Subcommittee On Water  
Oceans And Wildlife 2021 03 15

Status

In House

FN Outlook

13.1%

71.2%

**Title**

Water Recycling Investment and Improvement Act

**Primary Sponsors**

Grace Napolitano

**Bill Summary:** This bill makes permanent, and otherwise revises, the Bureau of Reclamation's grant program for the funding of water recycling and reuse projects. Specifically, the bill removes priority under the program for projects in areas that, in the preceding four-year period, have been (1) identified as experiencing severe, extreme, or exceptional drought; or (2) designated as a disaster area by a state. Additionally, the bill increases through FY2025 the authorization of appropriations for the program and otherwise revises provisions related to program funding.

**Introduction Date:** 2021-02-11

Bill Number

HR 1563

Last Action

Referred To The Committee On Natural Resources And In Addition To The Committee On Science Space And Technology For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2021 03 03

Status

In House

FN Outlook

11.1%

67.3%

#### Title

To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.

**Bill Summary:** This bill extends the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.

**Introduction Date:** 2021-03-03

#### Primary Sponsors

Mike Garcia

Bill Number

HR 1848

Last Action

Referred To The Subcommittee On Water Resources And Environment 2021 03 12

Status

In House

FN Outlook

10.9%

77.3%

#### Title

LIFT America Act

**Bill Summary:** The Leading Infrastructure For Tomorrow's America (LIFT) Act would modernize the nation's infrastructure, rebuild the economy, combat climate change, and protect public health and the environment. The legislation invests more than \$312 billion in clean energy, energy efficiency, drinking water, broadband, and health care infrastructure.

**Introduction Date:** 2021-03-11

#### Primary Sponsors

Frank Pallone

Bill Number

HR 1915

Last Action

Placed On The Union Calendar Calendar No 48 2021 06 22

Status

In House

FN Outlook

24.4%

81.5%

#### Title

Water Quality Protection and Job Creation Act of 2021

**Bill Summary:** This bill amends the Federal Water Pollution Control Act to reauthorize certain water pollution control programs, and for other purposes.

**Introduction Date:** 2021-03-16

#### Primary Sponsors

Peter DeFazio

Bill Number

HR 2241

Last Action

Referred To The Subcommittee On Conservation And Forestry 2021 06 15

Status

In House

FN Outlook

10.9%

78.5%

#### Title

Civilian Climate Corps Act of 2021

**Bill Summary:** This bill directs the Secretary of the Interior and the Secretary of Agriculture to establish a Civilian Climate Corps, and for other purposes. The legislation provides a multi-billion dollar fund to establish the 21st century civilian climate corps, in addition to funding wildfire mitigation and adaptation efforts and investing in the outdoor recreation economy.

**Introduction Date:** 2021-03-26

#### Primary Sponsors

Joe Neguse

Bill Number

HR 2979

Last Action

Referred To The Subcommittee On Water  
Resources And Environment 2021 05 05

Status

In House

FN Outlook

6.5% 70.1%

**Title**

To amend the Water Infrastructure Finance and Innovation Act of 2014 with respect to the final maturity date of certain loans, and for other purposes.

**Bill Summary:** This bill amends the Water Infrastructure Finance and Innovation Act of 2014 with respect to the final maturity date of certain loans, and for other purposes.

**Introduction Date:** 2021-05-04

**Primary Sponsors**

John Garamendi

Bill Number

HR 3023

Last Action

Sponsor Introductory Remarks On Measure Cr  
H 2345 2021 05 14

Status

In House

FN Outlook

5.4% 65.7%

**Title**

Restoring WIFIA Eligibility Act

**Bill Summary:** This bill amends the Water Infrastructure Finance and Innovation Act of 2014 with respect to budgetary treatment of certain amounts of financial assistance, and for other purposes.

**Introduction Date:** 2021-05-07

**Primary Sponsors**

Jim Costa

Bill Number

HR 3404

Last Action

Referred To The Subcommittee On Water  
Resources And Environment 2021 05 21

Status

In House

FN Outlook

9.2% 75.2%

**Title**

FUTURE Western Water Infrastructure and Drought Resiliency Act

**Bill Summary:** This bill includes major investments to provide drought preparedness and improve water supply reliability to the Nation. It also includes provisions for ecosystem restoration and protection, water job training and education, improved technology and data, and infrastructure development.

**Introduction Date:** 2021-05-20

**Primary Sponsors**

Jared Huffman

Bill Number

HR 4099

Last Action

Subcommittee Hearings Held 2021 06 29

Status

In House

FN Outlook

12.9% 70.0%

**Title**

Large-Scale Water Recycling Project Investment Act

**Bill Summary:** This bill directs the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects.

**Introduction Date:** 2021-06-23

**Primary Sponsors**

Grace Napolitano

Bill Number

HR 4712

Last Action

Referred To The Committee On Natural Resources And In Addition To The Committee On Science Space And Technology For A Period To Be Subsequently Determined By The Speaker In Each Case For Consideration Of Such Provisions As Fall Within The Jurisdiction Of The Committee Concerned 2021 07 27

Status

In House

FN Outlook

7.7%

66.5%

**Title**

Desalination Development Act

**Primary Sponsors**

Mike Levin

**Bill Summary:** This bill authorizes \$260 million over the next five years for desalination projects and creates new environmental safeguards for the funded projects. This bill directs the Bureau of Reclamation to submit project funding recommendations to Congress based on specific criteria, prioritizing projects that benefit drought-stricken communities. The legislation would also require projects to comply with all state environmental laws, maximize the use of renewable energy and energy efficiency, and reduce reliance on imported water supplies from imperiled ecosystems.

**Introduction Date:** 2021-07-27

Bill Number

S 29

Last Action

Read Twice And Referred To The Committee On Environment And Public Works 2021 01 22

Status

In Senate

FN Outlook

4.6%

54.9%

**Title**

Local Water Protection Act

**Primary Sponsors**

Amy Klobuchar

**Bill Summary:** This bill reauthorizes through FY2025 programs within the Environmental Protection Agency that award grants to states for managing nonpoint source water pollution or protecting groundwater quality. Water pollution from nonpoint sources is caused by precipitation picking up pollution as it moves over or through the ground.

**Introduction Date:** 2021-01-22

Bill Number

S 91

Last Action

Read Twice And Referred To The Committee On Finance 2021 01 28

Status

In Senate

FN Outlook

3.9%

57.6%

**Title**

Special Districts Provide Essential Services Act

**Primary Sponsors**

Kyrsten Sinema

**Bill Summary:** This bill would make special districts eligible for direct federal financial assistance in the future, along with state, county, and local governments that are also subject to the same oversight requirements. The legislation would also provide special districts access to the Federal Reserve's Municipal Liquidity Facility, which provides states, counties, and cities federally guaranteed bridge financing to offset unexpected short-term revenue shortfalls caused by the COVID-19 pandemic.

**Introduction Date:** 2021-01-28

Bill Number

S 914

Last Action

By Senator Carper From Committee On  
Environment And Public Works Filed Written  
Report Report No 117 20 2021 05 10

Status

In House

FN Outlook

84.0%

85.6%

**Title**

Drinking Water and Wastewater Infrastructure Act of 2021

**Primary Sponsors**

Tammy Duckworth

**Bill Summary:** This bill amends the Safe Drinking Water Act and the Federal Water Pollution Control Act to reauthorize programs under those Acts. Specifically, it supports programs to provide safe drinking water or treat wastewater, such as sewer overflows or stormwater.

**Introduction Date:** 2021-03-23

Bill Number

S 953

Last Action

Read Twice And Referred To The Committee  
On Energy And Natural Resources 2021 03 24

Status

In Senate

FN Outlook

2.2%

79.7%

**Title**

Water for Conservation and Farming Act

**Primary Sponsors**

Ron Wyden

**Bill Summary:** This bill establishes a funding source for certain water resources development projects in western states. The bill also reauthorizes and expands existing water resources development programs, as well as establishes new programs. Specifically, the bill establishes the Bureau of Reclamation Infrastructure Fund to fund water-related programs, including water reclamation and reuse projects, dam safety projects, and the WaterSMART program (which provides assistance to eligible government entities to increase water supply). The bill also reauthorizes through FY2028 the Fisheries Restoration and Irrigation Mitigation program (which funds fish passage projects in certain areas that drain into the Pacific Ocean). The bill also establishes new programs directed at western states to provide assistance to agricultural producers to create and maintain waterbird and shorebird habitats, award grants to eligible government entities and nonprofit conservation organizations for habitat restoration projects that improve watershed health, and prepare plans to sustain the survival of critically important fisheries during periods of drought.

**Introduction Date:** 2021-03-24

Bill Number

S 1057

Last Action

Read Twice And Referred To The Committee  
On Health Education Labor And Pensions 2021  
03 25

Status

In Senate

FN Outlook

2.3%

79.8%

**Title**

Civilian Climate Corps Act of 2021

**Primary Sponsors**

Chris Coons

**Bill Summary:** This bill directs the Secretary of the Interior and the Secretary of Agriculture to establish a Civilian Climate Corps, and for other purposes. This bill directs the Secretary of the Interior and the Secretary of Agriculture to establish a Civilian Climate Corps, and for other purposes. The legislation provides a multi-billion dollar fund to establish the 21st century civilian climate corps, in addition to funding wildfire mitigation and adaptation efforts and investing in the outdoor recreation economy.

**Introduction Date:** 2021-03-25

Bill Number

S 2334

Last Action

Read Twice And Referred To The Committee  
On Energy And Natural Resources 2021 07 13

Status

In Senate

FN Outlook

2.1%

76.0%

**Title**

Large Scale Water Recycling Project and Drought Resiliency  
Investment Act

**Primary Sponsors**

Catherine Cortez Masto

**Bill Summary:** This bill directs the Secretary of the Interior to establish a grant program to provide grants on a competitive basis to eligible entities for large-scale water recycling and reuse projects, to amend the Omnibus Public Land Management Act of 2009 to make certain modifications to the Cooperative Watershed Management Program, to provide emergency drought funding, and for other purposes.

**Introduction Date:** 2021-07-13

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## **LEGISLATIVE ADVOCACY COMMITTEE**

### **ITEM: DISCUSSION ITEM**

#### **3. REPORT FROM GENERAL MANAGER ON RECENT OR UPCOMING LEGISLATIVE ACTIONS**

**Meeting Date:** August 24, 2021

**From:** David J. Stoldt,  
General Manager

**Prepared By:** David J. Stoldt

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**SUMMARY:** The attached **Exhibit 3-A** and **3-B** which show recent actions/letters on behalf of the District.

#### **EXHIBITS**

**3-A** Presentation to Senator John Laird August 9, 2021

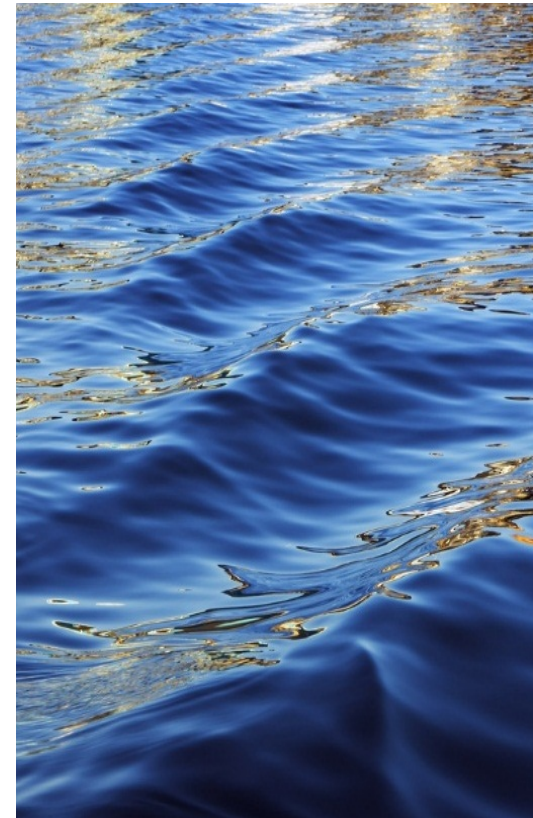
**3-B** Follow-Up Memo to Sen. John Laird for Potential Funding Opportunity

# EXHIBIT 3-A

## Monterey Peninsula Water Issues

*MPWMD Meeting with  
Senator John Laird  
August 9, 2021*

Director Alvin Edwards, Chair  
Director George Riley  
Director Clyde Roberson, Mayor  
David Stoldt, General Manager



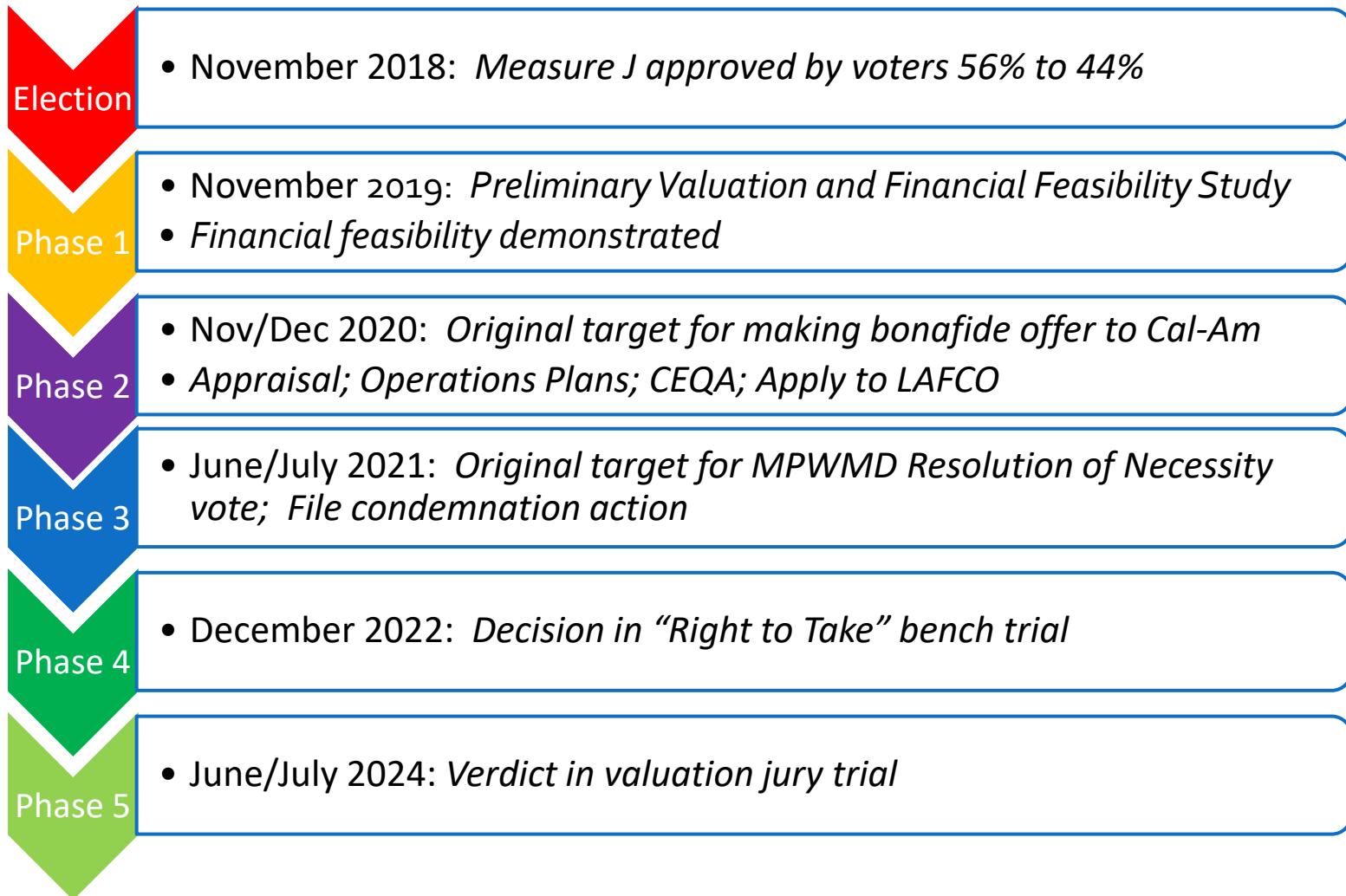
# Agenda

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- Measure J / Acquisition of Monterey Water System - Progress and Barricades
- Water Supply Solution and the Lifting of the CDO
- Water for Housing Initiative
- Actions and Ideas Going Forward

# Original Timeline

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# Recent Events...

Supposed to Happen	Actually Happened	Impact
<ul style="list-style-type: none"><li>• EIR certified in Sept 2020</li><li>• Adopt operations plans in Sept 2020</li><li>• Apply to LAFCO in Oct 2020</li><li>• LAFCO deems “complete” by Dec 2020</li><li>• LAFCO hearing for approval March 2021</li></ul>	<ul style="list-style-type: none"><li>• EIR certified in October 2020</li><li>• Cal-Am challenges EIR; Sues</li><li>• Cal-Am questions Operations Plans</li><li>• Cal-Am Questions Resolution to LAFCO</li><li>• LAFCO asks for greater detail including property tax impacts</li><li>• Mixed guidance from Auditor-Controller</li></ul>	<ul style="list-style-type: none"><li>• In court on EIR</li><li>• Rewrite and additional material to LAFCO</li><li>• Applied to LAFCO first week of Feb 2021</li><li>• LAFCO influenced by several letters from Cal-Am attorneys</li><li>• LAFCO adds 2 workshops, months apart</li><li>• LAFCO Commission overrules staff &amp; calls for 3<sup>rd</sup> party review*</li><li>• July 30: LAFCO Application deemed complete</li><li>• LAFCO schedules hearing for approval Oct 25, 2021</li><li>• Lost 7-8 months</li></ul>

\*: By 5-2 vote, 4 of which do not represent affected region

# LAFCO Actions

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- Undermines the will of the voters
- Usurps the deliberative actions of a 44-year-old legislatively-created elected governmental body
- Manipulated by Cal-Am and its attorneys
- Adds time and cost to LAFCO process, risking additional time and cost to District process

# Who is LAFCO?

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Luis Alejo  
District 1  
County Supervisor



Chris Lopez  
District 3  
County Supervisor



Ian Oglesby  
Mayor  
City of Seaside



Kimbley Craig  
Mayor  
City of Salinas



Warren "Pete" Poitras  
Monterey County  
Regional Fire District



Mary Ann Leffel  
Monterey Regional  
Airport District

Matt Gourley  
Public Member  
Soledad

Steve Snodgrass  
Alt. Public Member  
Watsonville



## Other Topics

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- Water Supply Solution and the Lifting of the CDO
- Water for Housing Initiative
- Actions and Ideas Going Forward

## A Picture is Worth A Thousand Words...

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## **EXHIBIT 3-B**

### **Pure Water Monterey Deep Injection Well #6 Drought Reserve and Future Drought Resilience**

#### **Project Sponsors:**

Monterey Peninsula Water Management District (MPWMD)

*Contact:* David Stoldt | dstoldt@mpwmd.net

Monterey One Water (M1W)

*Contact:* Mike McCullough | mikem@my1water.org

**Funding Request:** \$4.8 million

#### **Overview:**

Coastal communities such as the Monterey Peninsula are not interconnected with the State water project, the Bay-Delta, Sierra snowmelt, or other large reservoirs and are challenged to achieve water supply independence. With just over 21 inches of rainfall per year, the Monterey Peninsula has a Mediterranean climate susceptible to drought. Water Year 2021 was the fifth worst rainfall in the 99-year data record for the Peninsula.

Deep Injection Well #6 is an excellent opportunity to create a drought reserve utilizing surplus capacity of the Pure Water Monterey advanced water purification facility and build future drought resilience in the local water supply.

#### **Existing Project:**

The existing Pure Water Monterey project produces 3,500 acre-feet per year (AFY) of advanced purified water for potable use by retail customers of California American Water Company (Cal-Am) and soon the Marina Coast Water District. The project includes subsurface groundwater recharge facilities comprised of four well sites that each can include one shallow zone well and one deep injection well. In addition, there are four on-site monitoring wells. All are located within the Seaside Groundwater Basin. In addition, the project sponsors are presently adding two additional deep injection wells expected to come online in December 2021, bringing the total number of injection wells to six.

#### **Expansion Project:**

Pure Water Monterey expansion has recently been undertaken and includes an increase in the amount of injection to achieve an additional 2,250 AFY of yield bringing the total deliveries to Cal-Am of 5,750 AFY on average. The expanded injection well area would contain up to three well sites, but only one new deep injection well was contemplated in the Final Supplemental Environmental Impact Report certified April 26, 2021. The remaining two sites were contemplated for replacement injection wells in the future.

#### **Drought Reserve Opportunity:**

With additional funding, the Pure Water Monterey expansion project could add a sixth deep injection well. Such a well would result in three desirable outcomes: (i) use of excess capacity in the advanced water purification facility to produce more water, offsetting sources that may be constrained by drought; (ii) building a drought reserve in the ground during dry, normal, or wet years creating longer-term drought resilience; and (iii) create redundancy and operational flexibility.

**Budget**

The \$4.8 million requested will allow MPWMD and M1W to complete planning, design, and construction of an additional Deep Injection Well (see table below for a breakdown of the funding). If selected, this opportunity through the State of California will help strengthen the water supply in a community facing a severe water supply challenge. As drought and other environmental impacts continue to plague California, this effort is more important than ever.

<b>Injection Well 6</b>	
<b>Description</b>	<b>Cost</b>
Engineering Design	\$ 351,750.00
Bid Phase Support	\$ 21,000.00
Construction Costs	\$ 3,885,000.00
Engineering Services During Construction	\$ 278,250.00
Construction Management	\$ 172,200.00
Environmental, Permitting & Legal	\$ 91,800.00
	<b>\$ 4,800,000.00</b>