



Special Report

H.R. 2 – Moving Forward Act

July 2, 2020



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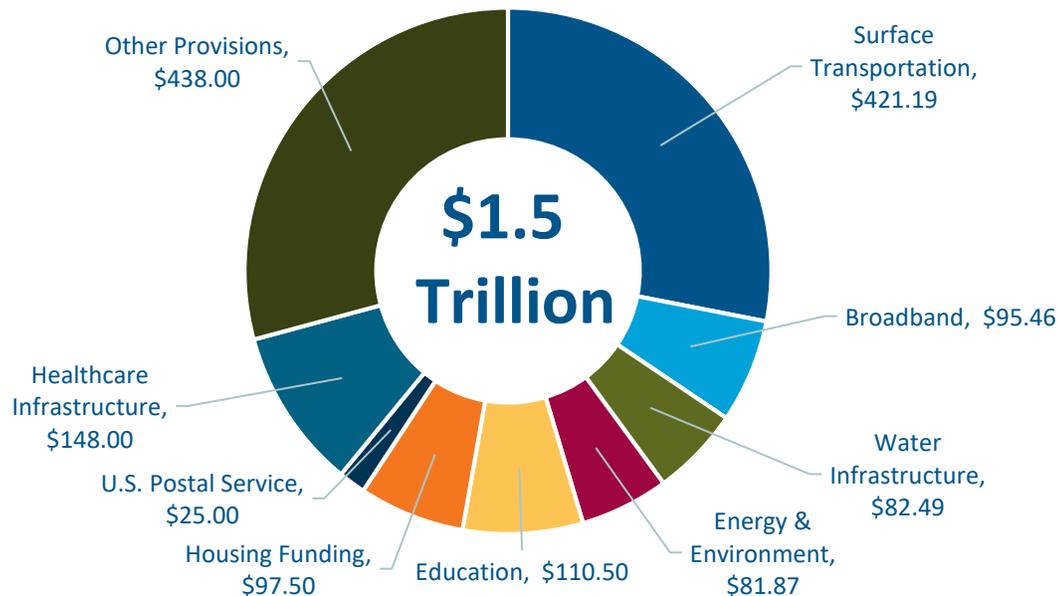
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Introduction

On July 1, the House passed 233-188 the **Moving Forward Act** ([H.R. 2](#)), a \$1.5 trillion infrastructure package “that will create millions of jobs, take bold action on the climate crisis, and address disparities in urban, suburban, and rural communities across our country.” A 96-page section-by-section summary of the bill, including provisions from all committees, is available [here](#); and a 5-page fact sheet is available [here](#). The approximate breakdown of spending in the package (in billions) includes the following:



This TFG Special Report, based largely off the summary documents provided by House Democratic leadership, covers areas of importance in the package to TFG clients. The report is organized by major categories of infrastructure and pulls from different divisions within the bill itself to provide a more comprehensive view of provisions that impact each issue area. A quick “at-a-glance” list of general funding for key infrastructure areas and federal agencies is also presented in each infrastructure section.

Nearly 400 amendments were filed by House members. A searchable spreadsheet of these amendments organized by broad infrastructure category can be found [here](#). TFG also incorporated relevant approved amendments into our summary below.

The legislation does not contain any pay-fors and still must be reconciled with the Republican-controlled Senate. In addition, President Trump threatened to veto the bill in its current form. With the current transportation authorization expiring September 30th, there is an appetite in the both chambers to get some portion of the infrastructure package signed into law before then.

Transportation

Surface Transportation – FY 2021

Extension of Federal Surface Transportation Programs

The bill extends FY 2020 enacted levels for Federal-aid highway, transit, and safety programs through FY 2021 (September 30, 2021).

Federal Highway Administration

The bill authorizes an additional \$14.742 billion in contract authority from the Highway Account above FY 2020 levels. It allows any highway funds obligated in FY 2021 to be up to 100 percent Federal share, except for obligations under the INFRA grant program, the TIFIA program, or advanced construction. The bill also provides additional transparency and oversight for INFRA. (The Moving Forward Act changes the INFRA grant program to “Projects of National and Regional Significance.”)

Federal Transit Administration

The bill authorizes an additional \$5.79 billion in contract authority from the Mass Transit Account above FY 2020 levels and allows funds obligated in FY 2021 to be up to 100 percent Federal share. It distributes funds through the 5307, 5310, and 5311 programs in the same ratio as provided in FY 2020 and allows funds to be used for both capital and operating expenses, including the purchase of personal protective equipment (PPE) and paying for administrative leave costs due to reductions in service. The bill increases the base authorization for the Capital Investment Grants (CIG) program by \$958 million above FY 2020 levels and provides an additional authorization for such sums as may be necessary through an emergency CIG authorization to allow project sponsors to increase their Federal share to account for lost local revenue sources due to COVID-19. The bill provides authority for CIG project sponsors to defer to later years their local share payments.

National Highway Traffic Safety Administration

The bill provides an additional \$244.5 million in contract authority in FY 2021 for NHTSA highway safety programs. The bill increases the Federal share to 100 percent for activities carried out in FY 2021 and extends the period of availability for funds that would otherwise expire in FY 2021 by one year.

Transportation Funding

\$421.192 BILLION TOTAL

- + \$272.10 billion for highways
- + \$72.09 billion for transit
- + \$56.47 billion for Federal Railroad Administration (FRA) and Amtrak authorizations
- + \$9 billion for aviation authorizations and the FAA
- + \$4.55 billion for the National Highway Traffic Safety Administration (NHTSA)
- + \$3.91 billion for the Federal Motor Carrier Safety Administration (FMCSA)
- + \$2.2 billion for USDOT research
- + \$525 million for the retraining surface transportation program and the National Scenic Byways Program
- + \$347 million for the Pipeline and Hazardous Materials Safety Administration (PHMSA)

Federal Motor Carrier Safety Administration

The bill provides an additional \$209.9 million in FY 2021 contract authority for FMCSA motor carrier safety programs. It allows the FMCSA to provide financial assistance to States for carrying out motor carrier safety activities in FY 2021 at a Federal share of up to 100 percent.

Surface Transportation – FY 2022 through FY 2025

Federal-Aid Highways

Authorization of appropriations. The bill authorizes \$257.4 billion in contract authority for FY 2022 -2025 for the Federal-aid highway program.

Transparency. The bill significantly strengthens Congressional oversight and required documentation for the discretionary grant programs administered by the Department of Transportation.

Innovative Project Delivery Federal Share. The bill increases the Federal share for projects that use innovative materials or processes that reduce greenhouse gas emissions, certain innovative bridge construction technologies, and advanced digital construction systems.

Tolling. The bill ensures that project sponsors seeking to institute tolls on any Federal-aid highway project or for conversion of any part of the National Highway System (including the Interstate) consider the following factors: congestion and air quality impacts on both the toll facility and non-tolled routes onto which traffic might be diverted; planned investments to improve public transportation or other non-tolled alternatives in the corridor; environmental justice and equity impacts; impacts on freight movement; and economic impacts.

Increasing the Resilience of Transportation Assets. The bill requires Metropolitan Planning Organizations (MPO) and State-prepared long-range transportation plans to include strategies to mitigate and reduce climate impacts and a vulnerability assessment of critical transportation assets, evacuation routes, and facilities repeatedly damaged by disasters.

Emergency Relief. The bill clarifies that cost-justified resilience improvements are eligible for Emergency Relief (ER) funding and ensures that wildfires are covered under the definition of natural disaster. The bill gives eligible entities additional time after a disaster to carry out an ER project. It authorizes a “Pre-Disaster Hazard Mitigation Pilot Program” that, on a semi-annual basis, automatically distributes funds from the Highway Trust Fund, in an amount equal to 5% of the total amount of funds made available to each eligible entity under the emergency relief program.

Railway Crossings. The bill establishes a standalone railway crossing program based on the railway-highway grade crossing set aside. The bill allows railway crossing funds to be used toward the cost of projects selected for FRA’s Consolidated Rail Infrastructure and Safety Improvements (CRISI) discretionary grant program.

Surface Transportation Program. The bill adds eligibilities for resilience improvements, natural infrastructure, reducing carbon pollution, bus frequency and ridership enhancement projects, and wildlife crossings. The bill increases the percentage of STP funds that are sub-allocated based on population, from 55 percent under current law to 57 percent to 60 percent over the life of the bill. The bill revises the sub-allocation to four population bands: 200,000 and above; 50,000-200,000; 50,000-5,000; and under 5,000. The bill provides

additional transparency and coordination requirements for sub-allocated funds to ensure that local governments receive their equitable share of funds based on population. It also allows STP funds for communities under 5,000 population to be used on local roads. The bill establishes a technical assistance program for areas with a population of 200,000 and above to ensure efficient project delivery and facilitate compliance with applicable requirements. Such technical assistance can include a State DOT liaison to help local governments carry out Federal aid highway projects.

Transportation Alternatives Program (TAP). The bill provides funding for TAP as a 10 percent set-aside out of the STP and increases the share of the program's funds that must be sub-allocated to areas of the State based on population from 50 percent to 66 percent. A State may sub-allocate up to 100 percent of its TAP funding if certain conditions are met and upon approval of the Secretary. The bill boosts the recreational trails set-aside in proportion to the increase for TAP. The bill adds MPOs that serve urbanized areas with a population of 200,000 or fewer as eligible recipients and allows a State DOT to carry out TAP projects at the request of any other eligible applicant.

Bridge Investment. The bill streamlines bridge project delivery by removing the prohibition against using multiple sources of Federal funding for one bundle of bridge projects and allows the bundling of bridge resiliency projects. The bill creates a new minimum bridge investment requirement that ensures States spend no less than 20 percent of their two largest apportioned programs on bridge repair and rehabilitation projects. The bill establishes program goals that include improving state of good repair for bridges; improving the safety, efficiency, and reliability of bridges; and reducing the number of bridges in poor condition or at risk of falling into poor condition, that do not meet current geometric design standards, or that are insufficient to meeting load or traffic requirements.

Highway Safety Improvement Program (HSIP). The bill revises the HSIP to require each State, in consultation with regional and local partners, to establish a vulnerable road user safety assessment as part of its strategic highway safety plan. Similarly, for each MPO that represents an urbanized area with a population of over 200,000 with high levels of bicyclist and pedestrian serious injuries and fatalities per capita, the bill directs those MPOs to conduct a streamlined version of the assessment and direct funds towards identified safety hot spots.

Congestion Mitigation and Air Quality Improvement Program (CMAQ). The bill adds eligibility for shared micromobility projects, including bikeshare and shared scooters and adds eligibility for projects to mitigate seasonal or temporary traffic congestion from travel or tourism.

Carbon Pollution Reduction. The bill creates a new carbon pollution reduction apportionment program, including eligibility for intercity passenger rail projects that reduce greenhouse gas emissions and improve mobility on public roads.

Recreational Trails. The bill allows project sponsors to apply recreational trails program requirements to trails projects funded with any apportioned program dollars, to facilitate more efficient project delivery.

Safe Routes to School Program (SRTS). The bill codifies elements of SRTS. Projects under this section are eligible for funding under the TAP and the HSIP.

Projects of National and Regional Significance (PNRS). The bill establishes a PNRS program providing more than \$9 billion over the life of the bill for large highway, transit, and passenger and freight rail projects that reduce congestion on roadways and that cannot be funded through annual apportionments or other

discretionary sources. Grants are at least \$25 million and for projects with total costs of at least \$100 million or exceeding a percentage of the applicable entity's apportionment. The PNRS program essentially replaces the INFRA grant program, providing nearly twice the amount of annual funding and allowing for projects to be funded over multiple years.

- NOTE – INFRA (now PNRS) is authorized and the popular BUILD grant program is historically not authorized but funded each year through the appropriations process.

Community Transportation Investment Grant Program. The bill establishes a \$600 million per year grant program to support local investments in projects to improve safety, state of good repair, accessibility, and environmental quality through infrastructure investments. It sets aside a minimum of 25 percent of program funds for projects in rural communities and a minimum of 25 percent of program funds for projects in communities between 50,000 and 200,000 in population.

Grants for Charging and Fueling Infrastructure to Modernize and Reconnect America for the 21st Century. The bill establishes a \$350 million annual competitive grant program to deploy electric vehicle charging and hydrogen, natural gas, and propane fueling infrastructure. The primary merit criteria for project selection is the extent to which the project would reduce estimated greenhouse gas emissions and air pollution from vehicle emissions, weighted by the total Federal investment in the project.

Community Climate Innovation Grants. The bill establishes a new \$250 million per year competitive grant program to support local investments in innovative strategies to reduce greenhouse gas emissions.

Metro Performance Program. The bill provides \$750 million over the life of the bill for direct allocations to MPOs to advance locally-selected projects. The bill authorizes the Transportation Secretary to designate a high-performance tier of MPOs based on technical capacity to manage Federal-aid highway funds and provides between \$10 and \$50 million per year for the MPOs designated.

Gridlock Reduction Grant Program. The bill establishes a \$250 million grant program to reduce traffic gridlock in large metropolitan areas. The program supports projects to reduce and mitigate the adverse impacts of traffic congestion; make better use of existing capacity; and employ innovative, integrated, and multimodal solutions to reducing gridlock.

Rebuild Rural Grant Program. The bill establishes a \$250 million grant program to support infrastructure investment in rural communities. The program focuses on projects that will improve transportation safety, including on high-risk rural roads, on Federal lands, and at vehicle-wildlife crossings; improve state of good repair, including on off-system bridges; and improve access to jobs and services in support of rural economies.

Parking for Commercial Motor Vehicles. The bill establishes a \$250 million grant program to address the shortage of parking for commercial motor vehicles to improve the safety of commercial motor vehicle drivers.

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

Metropolitan Transportation Planning. The bill requires MPOs to consider carbon pollution and emissions reduction, climate change, resilience, and hazard mitigation throughout the planning process. The bill revises the MPO designation and consultation processes to facilitate better regional coordination.

National Goals and Performance Management Measures. The bill requires U.S. DOT to establish new performance measures for greenhouse gas emissions and transportation system access. The transportation system access measure leverages modern data tools to improve the way States and MPOs assess the level of safe, reliable, and convenient access to jobs and services (including shopping, healthcare, childcare, education and workforce training, and financial institutions).

Federal Lands and Tribal Major Projects Program. The bill transforms the Nationally Significant Federal Lands and Tribal Projects Program into the Federal Lands and Tribal Major Projects Program, codifies it, and provides an annual authorization of \$400 million from the Highway Trust Fund under Section 1101.

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

Speed Limits. The bill requires the Secretary of Transportation to revise the Manual on Uniform Traffic Control Devices (MUTCD) to require States and local governments to use a “safe systems approach” to setting speed limits, consistent with NTSB recommendations.

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

Stormwater Best Management Practices. The bill authorizes U.S. DOT and EPA to commission a Transportation Research Board study of stormwater runoff best practices and to report to Congress on the results not later than 18 months after enactment. The bill requires EPA to update best management practices on stormwater runoff.

Highway Formula Modernization Report. The bill requires FHWA, in consultation with state DOTs, to provide recommendations on how to revise the apportionment methodology under 23 USC 104 to best achieve the goals of the Federal-aid highway program.

Guidance on Evacuation Routes. The bill directs FHWA, in consultation with FEMA, to issue or revise guidance on evacuation routes, or report to Congress describing existing guidance that satisfies the considerations listed in this section.

National Scenic Byways Program. The bill reauthorizes the National Scenic Byways Program at \$55 million for fiscal year (FY) 2021 and increases it by \$5 million every year through FY 2025.

Transit

Authorizations. The bill authorizes \$66.3 billion in contract authority for FYs 2022 through 2025 for the Federal transit program.

Fiscal Year 2022 Formulas. The bill ensures that transit data from FY 2020 and impacted by COVID-19 will not be used in the calculation of transit formula apportionments.

Metropolitan Transportation Planning. The bill requires MPOs to consider carbon pollution and emissions reduction, climate change, resilience, and hazard mitigation throughout the planning process.

Multi-Jurisdictional Bus Frequency and Ridership Competitive Grants. The bill creates a new competitive program, funded at \$100 million annually, to increase bus frequency, ridership and total person throughput by redesigning urban streets and corridors to efficiently move transit vehicles in congested major urban areas.

Incentivizing Frequency in the Urban Formula. The bill replaces the current incentive formula based on low operating costs with a formula based on vehicles per hour during peak service in the highest 25 percent of routes by ridership. This formula change begins in 2023, providing time to collect the data and improve frequency on the highest ridership routes.

Mobility Innovation. The bill creates a new set of Federal rules for mobility on demand services integrated with mobility as a service.

Grant Funding

The bill revises the rural transit formula to increase the funding attributed to actual transit service. It creates a grant program, the **One-Stop Paratransit Program**, to examine the costs and benefits of allowing flexibility in paratransit trips that allow one stop for certain needs like dropping children off at daycare or school or stopping briefly at the pharmacy, grocery store, or the bank. The grant will cover reporting costs and costs associated with the extra stops.

Restoration to State of Good Repair Formula Subgrant. The bill creates a subgrant, administered through the bus formula grant, that provides an increase in funding for transit agencies with the oldest buses. As these buses are replaced, the formula will automatically allocate funds to the agencies with the next oldest buses, creating a rolling funding increase that targets the agencies with the oldest buses.

Low-Income Urban Formula Funds. The bill doubles the urban formula low-income set aside from 3 to 6 percent and expands the formula to include an emphasis on the low-income population in urban census tracts with a poverty rate above 20 percent.

Rural Persistent Poverty Formula. The bill sets aside \$50 million a year, administered through the rural formula grant, but based on rural areas with persistent poverty counties, defined as a county with a poverty rate above 20 percent since 1990.

Demonstration Grants to Support Reduced Fare Transit. The bill creates a demonstration grant to provide for a reduced fare for low-income riders to help close transit equity gaps. The bill requires collaboration with a University Transportation Research Center to study the impacts of these demonstration grants.

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

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

Affordable Housing Incentives in Capital Investment Grants. The bill provides multiple incentives in the CIG ratings process if the project preserves or encourages higher density affordable housing near the project. The bill allows EDA Public Works grants and HUD Community Development Block Grants to be counted as part of the local share, provided that the funds are used in conjunction with an affordable housing development.

Fixed Guideway Capital Investment Grants. The bill reduces the bureaucratic burden within the Capital Investment Grant (CIG) approval process. Modifications to the CIG program include:

- **Small Starts:** The Federal cost cap for small starts projects increases to \$320 million and the total cost cap increases to \$400 million, providing more small projects a streamlined approval process.
- **Federal Cost Share:** Reestablishes an 80 percent CIG cost cap for all CIG projects. Replaces the requirement on FTA to minimize Federal cost share, with an option for a transit agency to choose a CIG cost share under 60 percent. Transit agencies that remain under 60 percent cost share are subject to less strenuous requirements for project approval by allowing the applicant to: determine the amount of the contingency funds; certify that local resources are available to continue running their current service; and secure only 75 percent of the local financial commitment to sign the Full Funding Grant Agreement (FFGA), with the remaining 25 percent budgeted, but not committed.
- **Contingency Funds:** For projects that seek the higher cost share, FTA will now provide 50 percent of the contingency amount required.
- **Project Rating Incentives:** Expands the use of incentives (warrants) for projects with a total cost under \$1 billion or projects that selected the lower cost share. This allows more projects to get automatic ratings when they meet certain criteria.
- **Transparency:** Provides an opportunity for applicants to seek clarification, at several key stages of the approval process, of what information FTA still requires from the applicant to secure project approval. Requires FTA to create a publicly-accessible CIG dashboard to post monthly updates on the status of each CIG project in the approval process or under construction including the status of pending approvals.
- **Interrelated Projects:** Allows a rating improvement in mobility for projects that have another related project in the planning process that has secured initial NEPA guidance and will boost ridership on the current project seeking a rating.
- **Timely ROD Publication:** Requires the Secretary to publish a Record of Decision within two years of issuing a draft environmental impact statement in the New Starts tranche.

Evaluation of Benefits and Federal Investment. The bill amends the CIG program criteria to include projects that improve transportation options to economically distressed areas.

Innovation Coordinated Access and Mobility. The bill expands an existing program designed to streamline the coordination of public transportation services and non-emergency medical transportation. The bill creates start-up grants designed to launch a coordinated approach of delivering better service by reducing duplication of services from different local, State, and Federal healthcare agencies. Creates incentive grants to capture savings from coordination and reduced health care costs and redirects those savings back into better service.

Passenger Ferry Grants. The bill authorizes the Secretary of Transportation to make grants for zero or reduced emission passenger ferries.

Funding for Buses. The bill provides \$5 billion in grants for buses for FYs 2022 through 2025, including \$327 million to States for additional rural bus funds. It provides \$1.6 billion for FYs 2022 through 2025 for Bus Facility and Fleet Expansion Competitive Grants. The bill modifies the competitive bus program to focus on large one-time needs for bus garages, bus stations, and fleet expansions. Grant considerations are limited to age and condition of facilities, resilience, and multimodal connections at stations. The bill provides \$1.7 billion for Zero-Emission Bus Grants for FYs 2022 through 2025 and an average annual increase of 500 percent over FAST Act funding.

Highway Traffic Safety

Authorization of Appropriations. The bill authorizes \$4.3 billion in contract authority for FYs 2022 through 2025 for National Highway Traffic Safety Administration (NHTSA) programs.

Highway Safety Programs. The bill creates new State highway safety program requirements to address: the risk of leaving children or other unattended occupants in vehicles when there is a risk of hyperthermia; the proper use of child safety seats, including booster seats, with an emphasis on underserved populations; and to reduce deaths and injuries resulting from violations of State ‘move over laws’ which require drivers to reduce their speed or change lanes when there is an emergency or other vehicle parked on or near a roadway.

Traffic Safety Enforcement Grants. The bill establishes a \$35 million grant program to increase use of top-rated traffic safety countermeasures proven to reduce traffic fatalities and injuries.

Grant Program to Prohibit Racial Profiling. The bill provides \$7.5 million for a grant program to encourage States to enact and enforce laws that prohibit the use of racial profiling in highway law enforcement and to maintain and allow public inspection of statistical information for each motor vehicle stop in the State regarding the race and ethnicity of the driver and any passengers.

National Priority Safety Programs. The bill makes targeted improvements to certain priority safety grant programs which have been previously underutilized, including programs for: the use of ignition interlocks; enactment and enforcement of State distracted driving laws; and State graduated driver’s licensing laws.

Implicit Bias Research and Training Grants. The bill establishes a new discretionary grant program for higher education institutions to conduct research and train law enforcement on implicit bias as it relates to racial profiling during traffic stops.

Motor Carrier Safety

School Bus Safety. The bill directs the U.S. DOT to review the costs and benefits of requiring lap/shoulder belts in large school buses and to consider requiring seat belts in newly manufactured school buses and addresses other possible safety measures for school buses. The bill also requires DOT to review State laws prohibiting passing of school buses and barriers to effective enforcement, evaluate safety technologies, and issue recommendations on best practices. The Secretary is required to research connections between illegal passing of school buses and factors such as distracted driving, school bus stop locations, and illumination and reach of vehicle headlights.

Transportation Innovation

Unsolicited Research Initiative. The bill establishes a new program for local governments, universities, and nonprofits to propose unsolicited research projects.

Safe, Efficient Mobility and Advanced Technologies. The bill renames the ATCMTD program to the Safe, Efficient Mobility through Advanced Technology (SEMAT) Program and focuses the program's objectives on mobility, safety, and greenhouse gas emissions reduction. The bill requires the Secretary to prioritize programs that will improve mobility, decrease congestion, increase safety, and reduce emissions. The bill also expands eligible uses of funds to include vehicle-to-pedestrian safety systems, vulnerable road user safety systems, and mobility-on-demand activities.

Multimodal Transportation

Identification of COVID-19 testing needs of critical infrastructure employees. The bill requires DOT to coordinate with CDC and FEMA to support State and local efforts to provide critical infrastructure workers with COVID-19 testing and access to personal protective equipment.

Transportation Infrastructure Finance and Innovation Act (TIFIA)

This section streamlines the TIFIA program by raising the threshold above which projects are required to secure multiple credit rating agency opinions. It also clarifies TIFIA proceeds will be considered part of the non-Federal share of a project if the loan is repayable from non-Federal funds. Criteria under which projects are eligible for the streamlined application process is clarified and allows DOT to waive fees for small projects.

Hazardous Material Safety and Improvement

Transportation of Liquefied Natural Gas by Rail Tank Car. DOT will rescind existing authorization to transport of liquified natural gas (LNG) by rail tank car and prohibits DOT from authorizing LNG transport by rail tank car until the Federal Railroad Administration conducts a further evaluation focusing on safety, security, and environmental risks of transporting LNG by rail, which must include performance evaluation of tank cars, including physical testing of rail tank cars. The FRA evaluation will examine the impact of a discharge of LNG

from a rail tank car and consider several related issues, including the benefits of route, speed, and consist restrictions, the needs of first responders to prepare and safely respond to incidents involving LNG, and the types of safety enhancements required to make tank cars and certain rail containers capable of moving LNG by rail safely.

Hazardous Materials Training Grants. The bill authorizes \$9 million over five years for DOT's Assistance for Local Emergency Response Training (ALERT) grant program which will promote hazmat response training for volunteer or remote emergency responders.

Rail

Amtrak

The bill provides \$29.3 billion over five years in grants to support Amtrak's intercity passenger rail service on the Northeast Corridor and the National Network. It also provides higher Amtrak funding levels for FY 2021 and FY 2022 than subsequent years in order to mitigate the effects of the COVID-19 pandemic on its network. The legislation also authorizes to be appropriated the following:

- \$15 million in five-year appropriations for the State-Amtrak Intercity Passenger Rail Committee
- \$30 million for the Northeast Corridor Commission
- \$137.5 million for the Amtrak Office of Inspector General over five years

Federal Railroad Administration

The bill authorizes \$1.165 billion to the FRA's Safety and Operations account over five years. It also authorizes \$230 million over five years for the Railroad Research and Development account for research on the safety of liquefied natural gas (LNG) by rail, grants for improving Class II and Class III railroad safety, and to research feasibility of expanding railroad safety and training to include tourist, passenger, and commuter railroads.

Passenger Rail Improvement, Modernization, and Expansion (PRIME) Grant Program

The bill authorizes \$19 billion in grant funding for the PRIME Grant Program which provides funding for state of good repair projects, service improvement projects, and rail expansion projects. High speed rail projects are eligible for funding under this program, and the legislation would give priority to projects that incorporate regional planning and/or have the support of multiple states and to projects that provide environmental benefits.

Railroad Rehabilitation and Improvement Financing (RRIF)

RRIF provides direct loans and loan guarantees to finance development of railroad infrastructure. The bill authorizes \$130 million per year for the Secretary to pay the credit risk premium (CRP) in whole or in part for loan and loan guarantees for state and local governments, congressional consented interstate compacts, and government-sponsored authorities and corporations. Of the \$130 million authorized, \$25 million per year is reserved for passenger rail projects. The bill also clarifies that RRIF loans may be used as the non-federal share of project costs if such loans are repaid from non-federal funds.

Consolidated Rail Infrastructure and Safety Improvements (CRISI)

The bill reauthorizes the CRISI Program at \$7 billion over five years. The bill extends project eligibilities to commuter rail transportation improvement projects, maintenance and upgrades of railroad safety technology, and the establishment of new quiet zones. The legislation also establishes a 50 percent set-aside for projects over \$100 million. The legislation affects the program's preference for projects and removes the current preference for projects with a lower percentage of federal funding and instead place a preference on projects that benefit stations that are serviced by Amtrak and commuter rail.

New Programs

The bill creates a new grant program, the Grade Crossing Separation Grant Program, authorized at \$2.5 billion over five years to build or improve grade crossing separations. The legislation also makes clear that more than 50 percent of the funding for this program can go to projects that cost \$100 million or more. An amendment made to the legislation ensures that the installation of protective devices and the replacement of functionally obsolete warning devices at railway-highway crossings are eligible under this program.

The bill authorizes \$30 million for a new FRA program, Rail Safety Public Awareness Grants, focused on reducing rail-related accidents and improving safety along railroad rights-of-way and highway-rail grade crossings. The program would be authorized for five years, and public service announcements, school and driver education safety presentations, and dissemination of safety information to communities would all be considered as eligible uses for funds.

Aviation

Airport Improvement Program

The bill increases the authorized amount of traditional AIP to \$4 billion for fiscal years 2021 through 2025.

The bill creates a new supplemental funding program for airport infrastructure projects funded at \$3 billion in FY 2021; \$3.25 billion in FY 2022; \$3.5 billion in FY 2023; \$3.75 billion in FY 2024; and \$4 billion in FY 2025.

- Allows the supplemental funding authorized for FY 2021 to be spent on AIP-eligible projects and uses related to the effects of COVID-19 on airport operations; and for FY 2022 through 2025, funds can be used on AIP-eligible projects, airport terminal projects, and other airport development projects.
- Grant amounts will be distributed based on airport passenger enplanement levels.
- 12 percent in total set-asides for cargo airports, general aviation, reliever, and nonprimary commercial service airports, and airport projects that increase climate resiliency, reduce greenhouse gas emissions, and mitigate airplane noise.
- Airports that received more than 4 times the sponsor's annual operating expenses in the CARES Act are not eligible to receive funds in FY 2021 and 2022.

The bill expands AIP eligibility to infrastructure projects that increase resiliency against natural disasters, incentivizes new low-emission aviation technologies, and opens the Voluntary Airport Low Emissions (VALE) program to all airports.

Additional Aviation Provisions

The bill includes \$1 billion to for improvements to **air traffic control facilities**.

The bill overturns a 2014 FAA policy change and reestablishes previous FAA interpretation and enforcement that the restriction on the use of aviation fuel tax revenues for airport purposes applies to excise taxes and not general sales taxes.

It also increases the set-aside from 4.5% to 5% for airport emission reduction projects, airplane noise mitigation and other airport projects that reduce the adverse effects of airport operations on the environment and surrounding communities.

The bill requires a report from the FAA on those areas of the airport system that have not received any COVID-19 related funding and requires prioritizing of funding to these areas, and requires airport sponsors that receive supplemental funding for airports in FY 2021 to provide financial relief to airport concessionaires experiencing economic hardship and to show good faith efforts to provide relief to socially and economically disadvantaged businesses.

The bill establishes the Aviation Industry Assistance for Cleaner and Quieter Skies Voucher Program to provide incentives to enhance our domestic airline fleets and reduce emissions and noise.

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

Motor Vehicle Safety

Advanced Drunk Driving Prevention Technology. The bill directs NHTSA to prescribe a motor vehicle safety standard requiring passenger motor vehicles to be equipped with an advanced drunk driving prevention system that detects if the driver is intoxicated

Updating the 5-Star Safety Rating System. Updates the New Car Assessment Program to require NHTSA to publish a biannual roadmap detailing efforts to update the program; directs the Secretary of Transportation to update or create new tests and ratings for crashworthiness features, crash avoidance systems, pedestrian safety, post-crash safety, and drunk driving prevention technology; and mandates that the Secretary regularly update the program.

Safety Warning for Occupants of Hot Cars. Directs NHTSA to issue a final rule requiring vehicles to be equipped with a system that detects the presence of a child or other occupant left unattended in a vehicle and issues warnings to prevent vehicular heatstroke.

21st Century Smart Cars. Establishes minimum performance standards for and requires all new passenger motor vehicles to be equipped with advanced driver assistance systems.

Broadband

Expansion of Broadband Access

The bill appropriates \$80 billion to fund competitive bidding systems to build broadband infrastructure. Seventy-five percent of the funding is to be used for a nationwide system of competitive bidding to fund broadband deployment in unserved areas, defined as areas with service below 25/25 Megabits per second (Mbps), and areas with low-tier service, defined as areas with service between 25/25 and 100/100 Mbps.

The remaining funds (25 percent) are to be distributed among States, by population, for States to conduct statewide systems of competitive bidding for broadband deployment in unserved areas, areas with low-tier service, and to unserved anchor institutions (anchor institutions with speeds less than 1 gigabit per 1,000 users).

It also prohibits the FCC from finalizing a proposed rule that would cap the Universal Service Fund programs that helps subsidize the ongoing operations of rural broadband networks.

Broadband Funding

\$95.46 BILLION TOTAL

- + \$80 billion for broadband construction
- + \$1.31 billion for Digital Equity Grants
- + \$130 million for the Internet Connectivity Office
- + \$9 billion for the Broadband Connectivity Fund
- + \$5 billion for a Connectivity Fund to expand the E-Rate Program
- + \$24 million for the FCC to collect information and create broadband availability maps

Broadband Infrastructure Finance and Innovation

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

Community Broadband

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

Lifeline and Low-Income Broadband Benefit

The bill appropriates \$200 million in funding to help States participate in the National Lifeline Eligibility Verifier. It also requires the Federal Communications Commission (FCC) to coordinate with the Department of

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

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

E-Rate Support for Wi-Fi Hotspots and Related Equipment

The bill establishes a grant program at the FCC, using the authorities that established the E-Rate program, for schools and libraries to fund connectivity for students and teachers in the digital classroom. The program could be used to fund wired and wireless broadband connections at home, and provide connected devices, including laptops and tablets, to homes of students and teachers. The program also supports mobile hotspot-lending by schools or libraries, among other things. It appropriates \$5 billion to carry out this program, of which five percent of funds is set aside for use on Tribal Lands. It also requires the FCC to update its rules to permit Wi-Fi access on school buses as eligible for support under the E-Rate program.

Office of Internet Connectivity and Growth

The bill appropriates \$26 million for the establishment of the Office of Internet Connectivity and Growth (OICG) within the NTIA and authorizes \$26 million annually for continued costs. The OICG is tasked with conducting outreach to communities in need of better access to or adoption of high-speed Internet service, specifically through organizing regional workshops, trainings and publications to provide guidance and insights for these communities. It requires the OICG to coordinate with other Federal agencies to streamline the application process for assistance for Federal programs supporting broadband deployment and adoption.

State Digital Equity Capacity Grant Program

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

State Digital Equity Competitive Grant Program

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

of the funds must be used to award grants for Indian tribes, Alaska Native entities, and Native Hawaiian organizations.

Broadband Transparency

The bill requires the FCC to adopt rules to collect from service providers certain data regarding price of broadband service plans and subscription rates and data to determine the resiliency of the network in the event of a natural disaster or emergency. It also requires the Commission to make all data collected under Section 31202 available to other Federal agencies, State-run broadband entities, a unit of local government, and an individual conducting research for noncommercial purposes. The FCC must also issue rules to promote and incentivize a standard format for broadband internet service providers to disclose to consumers the price and terms of their service offerings.

The bill appropriates \$24 million to the FCC to collect data and generate broadband availability maps required under the BROADBAND DATA Act. It also amends this Act to require the FCC to coordinate with the Postmaster General, or any other agency that operates delivery fleet vehicles, whenever coordination would be beneficial for data collection. An amendment from Rep. Dean Phillips (D-MN) directs the GAO to conduct a study on broadband deployment to cities and towns with populations between 2,500 and 50,000.

Next Generation 9-1-1 Policy and Grants

The bill describes the policy of Congress in transition to Next Generation 9-1-1, including technology neutrality and interoperability, that the governance and control of 9-1-1 should remain at the State, regional, and local level, and that Americans should receive information about the best way to utilize Next Generation 9-1-1. It also authorizes the Next Generation 9-1-1 Implementation Coordination Office to provide \$12 billion in grants over five years for the implementation of Next Generation 9-1-1 services.

Water and Natural Resources

Clean Water

Sewer Overflow and Stormwater Reuse Municipal Grants Program. Increases the authorization of appropriations for the Sewer Overflow and Stormwater Reuse Municipal Grants Program to \$400 million annually (\$2 billion total) for FYs 2021 through 2025. The bill also provides for a greater federal cost share for projects that serve financially distressed communities (75 percent federal). In addition, not less than 20 percent must be provided to municipalities with a population of less than 20,000, to the extent there are enough eligible applications.

Clean Water State Revolving Loan Fund Program (CWSRF). Authorizes \$40 billion (\$8 billion annually) for FYs 2021 through 2025 for the Clean Water State Revolving Loan Fund Program — approximately a four-fold increase in funding for the program. The bill also requires utilities that utilize the CWSRF to consider modifications that promote efficient energy use at the utility (such as technologies that capture and reuse methane produced in the treatment of wastewater); and requires a minimum of 15 percent of CWSRF capitalization grants be directed towards projects that address green infrastructure, water or energy efficiency improvements, or other environmentally innovative projects. Potentially eligible projects include, but are not limited to, replacing inefficient pumps or pumping systems, rain gardens, permeable pavements, green roofs, bioswales, and rainwater harvesting. For FYs 2021 through 2025, a minimum of 10 percent of a state’s annual CWSRF funding must be used to provide additional subsidization (including grants) to municipalities that use SRF funds. The bill also authorizes states to use up to one percent of their annual CWSRF capitalization grant to promote workforce development and utility worker training and education programs using existing Clean Water Act authorities.

Report on Financial Capability of Municipalities. The bill also directs EPA to review existing municipal financial capability guidance for implementing the Clean Water Act and identify whether and how it needs to be updated. EPA is directed to consult with, and solicit advice and recommendations from, state and local government officials and other stakeholders, and to consider several public reports (including one produced by NACWA/AWWA/WEF), as well as recommendations of the Environmental Financial Advisory Board. EPA

Water Infrastructure Funding

\$82.49 BILLION TOTAL

- + \$15 billion for USACE civilian water projects
- + \$8 billion annual reauthorization for grants to recapitalize the Clean Water State Revolving Fund
- + \$1 billion to EPA grants to address PFAS
- + \$2 billion for EPA grants to treat and manage combined sewer overflows and stormwater
- + \$1.5 billion for EPA pollution control grants to states
- + \$1 billion for grants to states to address nonpoint sources
- + \$1 billion for technical assistance and grants related to sewage discharge management and resilience
- + \$200 million for a new EPA Revolving Fund
- + \$22 billion for the Drinking Water State Revolving Loan Fund
- + \$3.35 billion for EPA regional programs
- + \$750 million for water storage projects
- + \$700 million water management improvement grants
- + \$500 million for water recycling and reuse projects
- + \$260 million for water desalination projects
- + \$200 million to repair water conveyance facilities
- + \$5.25 billion for port programs

must report to Congress within 18 months on the results of this review, including any recommendations for revisions to the guidance.

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

Technical Assistance by Municipal Ombudsman. Amends the existing authority for the EPA Municipal Ombudsman Office to include assistance to rural, small, and tribal communities.

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

Watershed, Wet Weather, and Resiliency Projects. Authorizes a total of \$1 billion to municipalities to carry out watershed, wet weather, and resiliency projects (amending an existing Clean Water Act authority) and authorizes a new grant eligibility for public wastewater utilities to assess and address future risks posed by manmade or natural disasters, including extreme weather events and sea-level rise. This section also requires that not less than 15 percent of the amounts appropriated per year be used to provide assistance to municipalities with a population of less than 10,000, to the extent there are sufficient eligible applications.

Pilot Program for Alternative Water Source Projects. The bill authorizes a total of \$600 million to carry out alternative water source projects (an existing authority under the Clean Water Act) but expands the types of projects eligible to receive funding under this authority to include projects that reclaim stormwater, as well as certain projects that may be authorized under the Reclamation Projects Authorization and Adjustment Act of 1992. Not less than 15 percent of funds must be used to provide assistance to eligible entities for projects designed to serve fewer than 10,000 individuals, to the extent there are sufficient eligible applications.

Nonpoint Source Management Programs. Reauthorizes a total of \$1 billion in appropriations for grants to states to address nonpoint sources of pollution under the EPA Section 319 Non-point Source Grant Program.

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

Regional EPA Programs. Authorizes funding for regional EPA programs (Chesapeake Bay, San Francisco Bay Puget Sound, the Great Lakes, Lake Pontchartrain Basin, Long Island Sound, and the Columbia River Basin). The bill increases this authorization from \$25 million to \$50 million. The bill also authorizes funding for the National Estuary Program.

Corps of Engineers

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

Harbor Maintenance Trust Fund (HMTF). Adjusts the discretionary spending limit for the Harbor Maintenance Trust Fund to provide the authority to appropriate additional funds for harbor maintenance needs from the existing balance in the HMTF. The bill also provides a technical correction to align HMTF dollars with new budgetary mechanisms to count expenditures outside the discretionary funding cap.

Bureau of Reclamation

Reclamation Water Settlements Fund. The bill extends the Reclamation Water Settlements Fund (Settlements Fund) to help meet the Federal government’s legal trust obligation to tribal nations. Authorized in P.L. 111-11, the Settlements Fund provides \$120 million per year from FY 2020 through FY 2029 directly from the Reclamation Fund in Treasury to pay for congressionally approved Indian water rights settlements that resolve litigation involving the United States to fund construction of water supply infrastructure or rehabilitate a water delivery system to conserve water, or to restore fish and wildlife habitat or otherwise improve environmental conditions associated with or affected by, or located within the same river basin as, a federal Bureau of Reclamation project. The Settlements Fund could be exhausted by the few Indian water rights settlements authorized by Congress over the past decade, and H.R. 2 provides a long-term extension to fund the remaining settlements with many of the West’s 280 tribal nations in the decades to come. This section is the same as [HR 1904](#), by Rep. Raul Grijalva (D-AZ), which was approved by the Committee on Natural Resources on February 12, 2020.

Water Management and Restoration. The bill authorizes \$200 million in non-reimbursable federal investments to assist in the repair of the Friant-Kern Canal as contemplated in the San Joaquin River Restoration Settlement Act (Settlement Act), and would authorize an additional \$200 million in funds for related river restoration infrastructure and activities under the Settlement Act to restore California’s San Joaquin River. These sections are the same as [HR 5316](#), by Rep. TJ Cox (D-CA), which was approved by the Committee on Natural Resources on February 12, 2020.

Western Water Infrastructure and Drought Resiliency. The bill amends Title XVI of P.L. 102-575 to prioritize and fund competitive 25% cost shared grants (up to \$30 million per project – up from \$20 million) for water recycling and reuse projects across the Western states. The amendment also increases the budget authority under Title XVI to \$500 million through FY 2025 for such grants.

Multi Benefit Project Development Report. The bill also creates a process for the Secretary of the Interior to report to Congress on future multi-benefit federal and non-federal surface and groundwater storage project development, including feasibility studies, statements of benefits and public support that can lead to congressionally approved federal funding assistance. It authorizes \$750 million through FY 2026 to be appropriated to cost share on a competitive basis with eligible qualified partners up to 50% of federal storage projects, 25% of major and standard federally assisted storage projects, and 80% of natural storage for design, study, construction, expansion, upgrade or capital repairs. The bill delineates between federal storage projects, natural storage projects, standard (<\$250 million) federally assisted storage and major (>\$250 million in total cost) federally assisted storage projects as to differing requirements for authorization in federal statute, governor’s approval, feasibility determination, multi-benefit analysis, return on federal investment, and limits on per-project cost share. It requires the Director of the U.S. Fish and Wildlife Service to assess and estimate fish and wildlife benefits of major water storage projects to determine cost allocation. It also requires congressional resource committees of jurisdiction to approve by resolution any projects over \$100 million in total cost. It prioritizes projects with multi-benefits including water supply reliability and fish and wildlife

losses and benefits. The bill grandfathers storage projects recommended for funding under the Water Infrastructure Improvements for the Nation (WIIN) Act or certain state water storage project evaluations as eligible to receive funding assistance under the Moving Forward Act, but prioritizes funding to projects that provide more reliable water supply benefits to fish and wildlife refuges, ESA listed species, or commercially harvested salmon species.

Brackish Water Desalination. The bill also amends the Water Desalination Act of 1996 to authorize \$260 million to provide various levels of federal cost shared grants for eligible ocean or brackish water desalination facilities, delineating rural (<40K population) projects from others and including prioritization for projects funded.

Disadvantaged Community Drinking Water Funding in the West. The legislation includes provisions to assist disadvantaged communities (<60K population) without adequate drinking water in the West, authorizing \$100 million for competitive grants. Amendment adopted to require study on water affordability, including effectiveness of SRF funding, and investigate any discriminatory practices and civil rights violations of water and sewer providers.

Improved Technology and Data. The bill reauthorizes the Water Availability and Use Assessment Program from [PL 111-11](#); renews the Advisory Committee on Water Information; provides additional budget authority for desalination technology development; and creates an X-prize for water technology breakthroughs. Also establishes a Water Technology Investment Program; authorizes a study by the National Academies on sediment transport from dam removal, including case studies on collaborative projects requiring sediment transport and identification of future research opportunities; authorizes the application of new technologies used for water supply allocations and studies on climate vulnerabilities at federal dams; and authorizes grants for the adoption of innovative technologies in water conveyance, real-time weather monitoring and data acquisition to improve predictive aquifer management, and implement use of sensors to monitor and prevent impairments from inadequately treated agricultural and municipal wastewater and stormwater.

Water Job Training and Education. It would also create a water resource education program to provide financial assistance to improve water resources education through tours, publications and other activities, and a water sector career grant program for job placement and retention at water and wastewater utilities.

Miscellaneous. The bill offsets the new budget authorizations with deauthorizations of Bureau of Reclamation projects that have failed to receive federal investment or initiate construction, including surface storage or Title XVI recycling and reuse projects previously authorized by Congress. Also requires Secretary of the Interior to transmit WIIN Act project recommendations for FY 2019 funds. Amendment adopted to authorize the Bureau of Reclamation to continue the use of Pick-Sloan Missouri Basin Program project use power by two irrigation districts in Montana.

WaterSmart Grant Authority. The bill amends Bureau of Reclamation WaterSMART grant authority to include “any nonprofit conservation organization” as eligible for WaterSMART grants and adds natural water recharge infrastructure to the eligible projects list. Increases budget authority for WaterSMART grants from \$530 million to \$700 million, carving out \$50 million for P.L. 113-235 pilot water conservation projects in the Colorado River Basin. Amends Reclamation States Emergency Drought Relief Act of 1991 by increasing budget authority from \$120 million to \$180 million; extending the Act, limiting Title I activities to not more than \$30 million for the period among other changes; and reauthorizing the Rio Grande Pueblo Irrigation Infrastructure

provisions in P.L. 111-11 through 2029. Amendment adopted to add projects in Puerto Rico as eligible for WaterSMART grants.

Groundwater Management. Reauthorizes and expands the Transboundary Aquifer Assessment Program, adding Arizona, through 2029. Adds groundwater management provisions to P.L. 111-11 to authorize the Secretary of the Interior to assist, through 50% cost shared WaterSMART grants, states and water users in complying with interstate compacts through decreased consumptive use and to increase ecological resilience to climate change through natural floodplain or riparian wetland infrastructure. Increases federal cost share for WaterSMART grants to 75% for infrastructure projects that return conserved water to a surface water source with ecological or recreational benefits or involve majority of benefits that are nonconsumptive ecological or recreational.

Ground Water Recharge Planning. Directs the Department of the Interior to investigate and identify beneficial groundwater storage and recharge locations across the Western U.S. and future water infrastructure conveyance needs to facilitate groundwater storage and aquifer recharge in western states.

Water Conservation and Environmental Restoration. Authorizes a New Mexico river basins-centric water acquisition program at the Bureau of Reclamation to acquire water through lease or purchase from will lessors or sellers to enhance stream flow for fish and wildlife benefits, water quality, and river ecosystem restoration, enhance water stewardship and conservation, and address water supply-demand imbalances in the named New Mexico river basins. Authorizes cost shared grants, subject to the Rio Grande Compact and state laws, to water districts in New Mexico to reduce water depletions through efficiency improvements, as well as to establish and implement a water leasing program for irrigators for pre-1907 water rights to provide benefits to ESA listed species and other river ecosystem benefits. Authorize funding and technical assistance to Middle Rio Grande water districts to install metering and measuring devices along with check structures on irrigation diversions and appurtenant facilities to ensure conservation and efficient water use through reduced consumptive water uses, as well as infrastructure in the Middle Rio Grande to improve habitat for ESA listed species. Reauthorizes the Cooperative Watershed Management Program to 2031.

Effect on Existing Law. No effect on state laws or Rio Grande Compact obligation or litigation.

Natural Resources and Conservation

Ecosystem Protection and Restoration. The bill creates programs to provide incentives for farmers to create waterbird habitat through flooding of fields; competitive grants (\$150 million authorized through FY 2026) to eligible entities to fund certain watershed health projects; and support for wildlife refuge water deliveries. Also creates a drought planning and preparedness program at Interior for “critically important fisheries”, to include commercial, recreational, Tribal, and ESA protected fisheries; an aquatic ecosystem restoration program to provide maximum 65% grants to eligible entities, authorizing \$25 million per year through FY 2026; and reauthorizes the Fisheries Restoration and Irrigation Mitigation Act of 2000, increasing program budget authority to \$25 million through 2027.

Telecommunications Coverage on Public Lands. Expedites the deployment and enhancement of broadband and telecommunications infrastructure and services on and adjacent to public lands managed by the Department of Interior via retention and use of rental fees for rights-of-way and other telecommunications infrastructure use authorizations. This provision is similar to [HR 2611](#) introduced by Rep. Jared Huffman (D-CA).

Grants for Underserved Communities. Similar to [HR 1334](#) introduced by Rep. Nanette Barragan (D-CA), this provision establishes guaranteed funding to enhance access to greenspace and develop recreational infrastructure in park-poor urban areas and traditionally underserved communities.

Presidio Trust Assistance. This provision updates existing borrowing authority to facilitate the maintenance and repair of facilities and infrastructure at the Presidio Park in San Francisco, which the National Park System manages in partnership with the Presidio Trust, a nonprofit organization.

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

Coastal Resilience. \$3 billion is authorized for the establishment of a coastal resiliency fund which will be managed by the National Oceanic and Atmospheric Administration (NOAA). The purpose of the fund is to provide funding for shovel-ready coastal restoration projects that restore habitat for fish and wildlife or assist in adaptation to the impacts of climate change. Priority funding for projects will include, among other things, ones that improve the economy, create jobs for fishermen, or are in under-resourced communities.

Shoreline Grants Program. This provision authorizes \$50 million annually for grants for shoreline projects through NOAA to increase climate resilience of shorelines. Priority funded projects will include those located in disaster areas, those affecting military installations, and ones located in under-resourced communities. A 50% non-Federal match is required, though it can be waived if funds are unavailable. At least ten percent of the funds must go to projects in the Great Lakes. This is similar to legislation that has been introduced by House Energy and Commerce Chairman Frank Pallone (D-NJ) and Rep. Derek Kilmer (D-WA), [HR 3115](#).

Wildlife Corridor Conservation. The bill establishes a National Wildlife Corridors system to provide for the protection and restoration of certain native fish, wildlife, and plant species on Federal lands, as well as authorize a voluntary grant program for restoration, maintenance, and preservation of wildlife corridors on State and private lands. The legislation also creates a Tribal wildlife corridors system. The measure authorizes \$5 million per year for the tribal element of the program. The provision is similar to bills introduced by Reps. Donald Beyer (D-VA) and Ruben Gallego (D-AZ), [HR 2795](#).

Water Resource Research. Reauthorizes and funds Federal grants for water research institutes in all 50 states and the District of Columbia, Puerto Rico, Guam and the U.S. Virgin Islands. Each state and territory currently have a water institute focused on new research and technological development needed to address state and regional challenges related to water supply and water quality.

Tribal Communities

Tribal Water Infrastructure. Provides needed funding for the planning, design, construction, modernization, improvement, and renovation of water, sewer, and solid waste sanitation facilities located on tribal land that are listed on the Indian Health Service's Sanitation Facilities Deficiency List.

Navajo Utah Water Rights Settlement. Authorizes and implements the Navajo Utah Water Rights Settlement Agreement negotiated between the state of Utah, the Navajo Nation, and the United States. The settlement provides water supply certainty to non-tribal water users in Utah that face a legal risk to their water use from

competing Navajo Nation water claims while authorizing funds for a water project, expected to be built in 2024 or later, to deliver water to approximately 2,500 people on the Utah portion of the Navajo Nation.

Sport Fishing and Boating

Sport Fish Restoration and Boating Safety. Reauthorizes funding for FYs 2021 through 2025 for the Sport Fish Restoration and Boating Safety Trust Fund to enable the U.S. Fish and Wildlife Service to support state and territory sport fishery research and management, habitat restoration, hatchery operations, aquatic resource education, and boat access construction. The bill also directs the Sport Fishing and Boating Partnership Council to conduct a study on the impact of abandoned and derelict vessels on recreational fishing and boating, and reauthorizes funding to allow the U.S. Coast Guard to support boating safety programs.

Energy and Environment

Energy and Environment Infrastructure

Grid Security and Modernization. The bill establishes a program at the Department of Energy (DOE) to fund projects that improve grid resilience, performance, or efficiency and a program to provide rebates for replacing inefficient transformers with qualified energy efficient transformers.

Furthermore, it establishes a research program at the DOE for energy storage systems as well as an energy storage technical assistance and grant program. It also directs DOE to conduct energy storage workshops and a demonstration program for pilot energy storage systems. Lastly, the bill creates an energy storage and microgrid grant and technical assistance program at the DOE for rural electric cooperatives.

The bill also requires FERC to initiate a rulemaking to increase the effectiveness of the interregional transmission planning process.

Renewable Energy. The package creates a DOE program to provide loans and grants to construct or install community solar facilities or solar generating facilities to serve multi-family affordable housing in low-income and underserved areas.

An amendment from Rep. Blunt Rochester (D-DE), which was incorporated into the package, would create a competitive grant program at EPA to incentivizes ports to create and implement climate action plans to reduce GHG emissions and other air pollutants.

Smart Communities. The bill authorizes the DOE's proposed Cities, Counties, and Communities Energy Program to provide technical assistance and competitive grants for clean energy in development and redevelopment projects. It also creates a new pilot program through the national laboratories to provide technical assistance for smart city and smart community technologies and expands the Department of Commerce's smart cities demonstration project to include small and medium cities and towns. Lastly, it creates a clean cities coalition program at the Department of Energy.

Brownfields. The bill increases and extends funding for the Brownfields program to \$2.24 billion.

Energy & Environment Funding

\$81.87 BILLION TOTAL

- + \$5.675 billion for Energy Department programs related to modernizing and securing the electrical grid
- + \$320 million for dam programs
- + \$1 billion for the Abandoned Mine Reclamation Fund
- + \$5 billion for the Home Energy Savings Retrofit Rebate Program
- + \$500 million for Energy Department grants to states to improve the energy efficiency of public buildings
- + \$500 million for DOE competitive grants to reduce energy costs, or install renewable energy technology
- + \$3.3 billion for the Weatherization Assistance Program
- + \$17.5 billion for energy conservation block grants
- + \$2.5 billion for EPA's diesel emission reduction program
- + \$325 million for EPA's grants targeting undeserved or disadvantaged communities
- + \$12.5 billion for grants and loan guarantees for plug-in electric vehicles and efficient hybrid vehicles
- + \$12.5 billion for grants supporting large-scale electrification projects
- + \$500 million for Energy Department rebates
- + \$625 million for state planning and energy conservation plans
- + \$2.24 billion for Brownfields
- + \$250 million for tribal energy projects
- + \$4.125 billion for other energy department authorizations
- + \$500 million for a Smart City Program

Hydropower. The bill reauthorizes section 242 of the Energy Policy Act of 2005 to provide incentives for hydroelectric dam production and efficiency improvements and expands the program to include facilities generating 10 megawatts or less.

Energy Efficiency Retrofits. The bill creates a Home Energy Savings Retrofit Rebate Program at the Department of Energy to provide rebates to homeowners for retrofits that achieve home energy savings. Homeowners that achieve energy savings of at least 20% would be eligible for a \$2,000 rebate and those that achieve 40% would be eligible for a \$4,000 rebate. The program also provides partial rebates for specific retrofits, like \$800 for installing insulation and air sealing.

For commercial buildings, the bill adds benchmarking programs to enable monitoring and use of energy performance data in buildings as an eligible use of grant funds.

For schools, it creates a clearinghouse to disseminate information regarding federal programs and financing mechanisms for energy efficiency retrofits and distributed generation at schools. It also creates a competitive grant program for energy improvements in public school facilities.

Weatherization Assistance Programs. The bill reauthorizes weatherization assistance programs for five years beginning in FY 2021 at \$350 million, increasing to \$1 billion in 2025. It also expands the program to include renewable energy technologies and other advanced technologies.

It creates a new competitive grant program to expand the number of dwelling units receiving weatherization assistance, deploy renewable energy, ensure healthy indoor environments, disseminate new methods and practices in weatherization, and encourage the hiring and retention of individuals from underrepresented groups.

Vehicles. The legislation reauthorizes the federal diesel emissions reduction program for five years. It also reauthorizes the Clean School Bus Program to include clean school buses with low or zero emissions and directs the EPA Administrator to give priority to applicants that propose to retrofit school buses to become clean, low-, or zero-emission buses.

The bill also creates a rebate program for publicly accessible electric vehicle supply equipment and amends the Public Utility Regulatory Policies Act of 1978 (PURPA) to require states to encourage the deployment of electric vehicle charging infrastructure. The bill reauthorizes funding for State Energy Conservation plans and State Energy Transportation plans to promote electrification of the transportation system, reduce consumption of fossil fuels, and improve air quality. It also increases requirements for federal fleets for alternative fueled vehicles, including minimum percentages for zero-emission light-, medium-, and heavy-duty vehicles.

Lastly, it expands the Domestic Manufacturing Conversion Grant Program to include plug-in electric vehicles and directs the Secretary of Energy to accelerate and encourage domestic manufacturing of batteries, power electronics, and other technologies for plug-in electric vehicles. It also expands the advanced technology vehicles manufacturing incentive program to include hydrogen fuel cell electric vehicles, zero-emission light-duty vehicles or medium-duty passenger vehicles, and zero-emission heavy duty vehicles. Lastly, it increases the federal cost-share of the facility funding awards from 30% to 50%.

PFAS Infrastructure Grant Program. The bill establishes a grant program under the Safe Drinking Water Act to help water utilities pay for capital costs associated with treatment for per- and polyfluoroalkyl substances (PFAS). The bill also adds a definition for PFAS to the Safe Drinking Water Act.

Drinking Water Program Funding. Increases and extends the authorization for the Drinking Water State Revolving Fund through 2025 (approximately \$4.1 billion for FY 2022, \$4.8 billion FY 2021, and \$5.5 billion for FYs 2024 and 2025), and extends the authorizations through 2025 for the Drinking Water System Resilience Funding Program, the Indian Reservation Drinking Water Program, and the Voluntary School and Child Care Program Lead Testing Grant Program.

Federal Orphaned Well Program. Approximately \$2 billion, over five years, is provided to properly close and remediate orphaned oil and gas wells on Federal, tribal, state, and private lands. The Bureau of Land Management would receive 12.5 percent of the funding directly to address wells on Federal and tribal land, while 87.5 percent of the money would be provided to states in the form of grants to address wells on state and private land.

Improved Federal Bonding. This provision increases financial assurances required of companies drilling on Federal land in order to reduce the likelihood of future wells becoming abandoned without funding for reclamation of the lands. Minimum oil and gas bonding amounts would range from \$50,000 – 1,000,000 for an operator’s wells on an individual lease, in a state, and nationwide, respectively (up from the current values of \$10,000 -- \$150,000). These amounts would be adjusted regularly for inflation. Submission of interim and final reclamation plans with each drilling permit application would also be required.

Surface Mining Control and Reclamation Act (SMCRA) Modernization. This section makes several modifications to SMCRA: authorizes the Abandoned Mine Land program for coal mines, which is expiring at the end of September 2021, for 15 years; increases the minimum amount of money that each state or tribe receives annually from \$3 million to \$5 million; and allows states to spend funds directly for abandoned mine related emergencies and then get reimbursed by the Office of Surface Mining Reclamation and Enforcement. This section is identical to [HR 4248](#) by Rep. Matt Cartwright (D-PA).

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

Renewable Energy on Public Lands. This provision promotes wind, solar, and geothermal energy projects on public lands by creating priority areas for development and by giving the Department of the Interior additional tools to speed up permitting. It also directs revenue from renewable energy projects to spent in local communities as well as through the new Renewable Energy Resource Conservation Fund, which would be used for conservation and recreation projects. This measure is similar to bipartisan legislation by Reps. Gosar (R-AZ) and Levin (D-CA), [HR 3794](#).

Offshore Wind Career Training Grants. This provision authorizes \$25 million a year for a new grant program at the Department of the Interior to assist institutions of higher education and labor unions provide training opportunities for jobs in the offshore wind industry. This section is similar to the *Offshore Wind Jobs and Opportunity Act*, [HR 3068](#), introduced by Rep. Keating D- MA).

Community Reclamation Partnerships. This section increases the ability for third-party groups, including environmental and conservation organizations— referred to as “Community Reclaimers”—to use their own funds to clean up streams and watershed affected by abandoned coal mine sites. States with approved Abandoned Mine Land programs would be allowed to enter into a Memorandum of Understanding with the Environmental Protection Agency to set up a program that would extend certain liability protections to

Community Reclaimers under the Surface Mining Control and Reclamation Act of 1977. This provision is similar to legislation introduced by Rep. LaHood (R-IL), [HR 315](#).

Climate and Resiliency

Resilience Revolving Loan Fund. Establishes a state Hazard Mitigation Revolving Loan Fund program under FEMA to support hazard mitigation projects with the intent of reducing future risks and costs of natural disasters. Loans would be available to eligible local governments for the purpose of preventing the loss of life and property, the cost of insurance claims, and federal disaster payments via projects to mitigate the risk of wildfires, earthquakes, floods, storm surges, chemical spills and seepage, and any other event deemed catastrophic by FEMA.

Climate Smart Ports. Establishes a \$500 million a year zero emissions ports infrastructure program through FY 2030 to assist ports and port users with replacing cargo handling equipment, port harbor craft, drayage trucks, and more with zero emissions equipment and technology. The program also assists ports in the development of clean energy microgrids onsite to power their facilities and equipment and to provide ship-to-shore power to vessels in port. There is a 25 percent set aside for areas in non-attainment with Clean Air Act criteria pollutants. The bill also authorizes an additional \$50 million a year for FYs 2021 through 2025 for the Diesel Emissions Reduction Act to reduce port emissions.

Education

Reopen and Rebuild America's Schools Act of 2020

Prioritizes the Health and Safety of Students and Educators

The bill includes provisions from the *Reopen and Rebuild America's Schools Act of 2020* ([H.R. 865](#)), which invests \$130 billion in high-poverty schools with facilities that endanger the health and safety of students and educators. The bill also leverages a \$10 billion federal investment over five years to address structural challenges and upgrades to childcare facilities to generate additional state and private investments in childcare safety in response to public health directives.

Education Funding

\$110.5 BILLION TOTAL

- + \$100 billion for competitive needs-based grant programs for local educational agencies
- + \$500 million for the Impact Aid Construction Program

Grants to Local Educational Agencies

The bill authorizes to be appropriated \$100 billion for competitive needs-based grant programs for qualified local educational agencies and expands eligibility requirements. This provision would also require states to prioritize subgrants to fund projects necessary to reopen schools in line with CDC guidelines related to the COVID-19 pandemic. It would also allow states to distribute up to 10 percent of the total allocation of grants to enable local educational agencies to leverage existing public programs or public-private partnerships to expand access to high-speed broadband sufficient for digital learning. Following the distribution of awards, the bill requires the Secretary of Education to submit a report to Congress that includes a description of the projects carried out under the grant programs as well as the demographic information of the students attending schools that used funds under the programs.

Impact Aid Construction

The legislation temporarily increases authorized funding for the Impact Aid Construction program, under the Department of Education, by \$500 million for each fiscal year through FY 2024.

Housing Funding

Housing Infrastructure Act of 2020

Public Housing Capital Fund. The bill authorizes \$70 billion for the Public Housing Capital Fund to allow public housing authorities (PHAs) to address the current backlog of housing repairs.

- Between 35 and 75% of these funds would be made available in FY 2019.
- The remaining amounts would be distributed by HUD on a competitive basis with priority on investments that address lead hazards and other urgent health and safety concerns. Priority also to PHAs located in states and localities that have a plan to increase water and energy efficiency when developing or rehabilitating public housing.
- Revises the distribution of funds under the Public Housing Capital Fund to ensure at least 50 percent of the funding is distributed according to formula. Also ensures that PHAs working in good faith effort to resolve urgent health and safety concerns remain eligible for funding awards.

Rural Housing. The bill authorizes \$1 billion for the Rural Housing Service's Multifamily Preservation and Revitalization Demonstration Program to address the backlog of capital needs for affordable rental housing in rural areas.

Flood Mitigation Assistance Program. The bill authorizes \$1 billion for the Flood Mitigation Assistance Program. It also authorizes a GAO study of the building codes and standards used by the Federal Emergency Management Agency—including an assessment of the status of building code adoption across states, tribes, and territories, the economic benefits to prioritizing resiliency, and an assessment of the building codes utilized by FEMA with recommendations for improvements to their utilization of codes and standards to prepare for climate change and impacts.

Housing Programs. The bill authorizes increased funding for the following housing programs, the Housing Trust Fund, Single-Family Housing Repair Loans and Grants, Native American Housing Block Grant Program, Home Investment Partnerships Program (HOME), Supportive Housing for the Elderly Program, and the Capital Magnet Fund.

Community Development Block Grant. The bill authorizes \$10 billion for a new competitive allocation of Community Development Block Grant funds with priority to applicants who are streamlining local approval processes for affordable housing development and removing local barriers like zoning requirements. It also adds housing remediation due to iron sulfide or other minerals that cause housing degradation to the list of eligible activities under CDBG.

Housing Funding

\$97.5 BILLION TOTAL

- + \$70 million for the Public Housing Capital Fund
- + \$1 billion for the Multifamily Preservation and Revitalization Demonstration Program
- + \$1 billion for the Flood Mitigation Assistance Program
- + \$5 billion for the Housing Trust Fund
- + \$100 million Single-Family Housing Repair Loans and Grants
- + \$1 billion for the Native American Housing Block Grant Program
- + \$5 billion for the HOME Program
- + \$2.5 billion for the Supportive Housing for the Elderly Program
- + \$2.5 billion for the Capital Magnet Fund
- + \$10 billion for the Community Development Block Grant

Minority and Women’s Business Enterprises. The bill prioritizes minority and women’s business enterprises.

Green Housing Investments. The bill requires a 10 percent set-aside for green housing investments.

Civil Rights Provisions. The bill requires the Secretary of HUD to conduct a study on the effect of criminal history or involvement with the criminal legal system on access to private and assisted housing. It also requires the GAO to issue a report on the housing infrastructure needs of populations at higher risk of homelessness, including people of color; LGBTQ persons; justice system-involved persons; foster and former foster youth; seniors; people with disabilities; survivors of domestic violence, sexual assault and intimate partner violence; and veterans. The report will recommend policy and practice changes by federal agencies to ensure housing infrastructure needs of those populations are better met.

Lead Programs. The bill directs the Secretary of to complete a review for the presence of lead pipes in public housing projects and federally assisted housing projects and make grants to remove and replace them.

U.S. Postal Service

Postal Service Modernization of Postal Infrastructure and Operations

Authorizes \$25 billion for the Postal Services for the modernization of postal infrastructure and operations, including capital expenditures to purchase delivery vehicles, processing equipment, and other goods. Within this amount, \$6 billion is reserved for the purchase of new vehicles.

The bill also requires the Postal Services to use the authorized funds to purchase electric or zero-emission vehicles to replace the current right-hand-drive vehicles to the maximum extent practicable, and to at least 75 percent of the fleet. Similar provisions would also apply to medium and heavy-duty trucks and require that at least 30 percent of the fleet be electric by 2030, and that any vehicle purchase after 2040 be electric or zero-emission. The bill also requires the Postal Services to provide at least one charging station at each publicly accessible facility it owns or leases by 2026.

An amendment was included in the legislation that sets aside \$50 million for updating postal facilities to increase accessibility for disabled individuals, with a focus on facilities that are included in the National Register of Historic Places.

Postal Service Funding

\$25 BILLION TOTAL

+ \$6 billion for new vehicles

Healthcare Infrastructure

Hospitals and Community Health Centers

The legislation authorizes \$10 billion in total funding for FYs 2021 through 2025 for the construction and modernization of hospitals and medical facilities (reestablishes the Hill-Burton program). It prioritizes awards for projects that include modernization for public health preparedness or protecting against cybersecurity threats. The bill also authorizes \$10 billion in total funding for community health center capital project grants for FYs 2021 through 2025.

Pilot Program to Improve Laboratory Infrastructure

Authorizes \$4.5 billion in total funding for FYs 2021 through FY 2025 for a pilot program to award grants for the improvement, renovation, or modernization of clinical laboratories that will improve SARS-CoV-2 and COVID-19 testing and response activities, including the expansion and enhancement of testing capacity at such laboratories.

Pilot Program to Improve Community-Based Care Infrastructure

Authorizes \$500 million in funding, to remain available until expended, for grants to qualified teaching health centers and behavioral health centers to support the improvement, renovation, or modernization of infrastructure at such centers, including to address COVID-19 or other subsequent public health crises.

Healthcare Infrastructure Funding

\$148 BILLION TOTAL

- + \$10 billion for the construction and modernization of hospitals and medical facilities
- + \$10 billion for community health center capital project grants
- + \$4.5 billion for a pilot program to improve laboratory infrastructure
- + \$500 million for grants to qualified teaching health centers and behavioral health centers to support such centers and address COVID-19

Tax and Finance Provisions

Municipal Bonds

Build America Bonds. Following the Build America Bonds program from the *American Recovery and Reinvestment Act of 2009*, the bill provides issuers of qualified infrastructure bonds with a tax credit on or a direct payment for a certain percentage of the interest on the bond. That percentage is determined as follows:

- 2020-2024 = 42%
- 2025 = 38%
- 2026 = 34%
- 2027 and thereafter = 30%

If these direct payment or tax credit bonds are subject to sequestration, the credit or direct payment amount will be increased to compensate.

Advance Refunding Bonds. The bill also restores advance refunding bonds, which had been eliminated by the *Tax Cuts and Jobs Act*. Advance refunding bonds allow issuers to refinance existing bond issues to take advantage of lower interest rates.

Bank Qualified Bonds. Under current law, governments issuing \$10 million or less in municipal bonds per calendar year can designate those bonds as “bank-qualified”, which allows them to bypass the traditional and costly underwriting system. Instead, issuers can sell those bonds directly to local banks, which can save municipal governments 25-45 basis points on average. That \$10 million limit, however, has never been adjusted for inflation. This package will increase that limit to \$30 million per calendar year.

Private Activity Bonds. The bill increases the annual state volume cap on tax-exempt private activity bonds from the greater of \$75 per capita or \$225,000,000 to the greater of \$135 per capita or \$402,220,000. It also expands the definition of qualifying private activity bonds to include zero-emission vehicle infrastructure. Qualified private activity bonds used for water and sewerage facilities would also be exempt from annual state volume caps.

School Infrastructure Bonds. The legislation restores Qualified Zone Academy Bonds (QZABs), tax credit bonds used to rehabilitate and repair, purchase equipment for, and train teachers and other personnel at designated public school facilities. These bonds were repealed in the *Tax Cuts and Jobs Act*. The legislation further permanently increases the national limitation on QZABs from \$400 million to \$1.4 billion annually and removes the private business contribution requirement.

The package also establishes School Infrastructure Bonds (SIBs), a new tax credit or direct payment bond program with a national bond limitation of \$30 billion through 2022. States may use 10% of the total bond limitation to expand access to high-speed broadband for digital learning.

New Market Tax Credit

The bill makes the New Markets Tax Credit permanent and provides an additional \$500 million for the 2019 allocation. It also provides an increase in allocations for 2020 (\$7 billion), 2021 (\$6 billion), and 2022 and thereafter (\$5 billion indexed to inflation).

Rehabilitation Tax Credit

The package increases the historic rehabilitation tax credit to 30% from 20% through 2024; beginning in 2025 that percentage is reduced stepwise to 20% in 2027 and all years thereafter. The credit, however, will permanently increase to 30% for projects under \$2.5 million to ensure that rural and non-urban areas can better access the credit.

Green Energy

Existing tax credits for renewable energy by-and-large expired on December 31, 2017. A few, like the investment tax credit for solar and the production tax credit for wind, were extended beyond that date but will begin to phase out this year.

This package includes much of the [GREEN Act](#) recently introduced by House Democrats, which builds on existing incentives for renewable energy by doing the following:

- Extends the production tax credit for renewable energy (including biomass, hydropower, and geothermal¹) through 2024, although the credit for wind is only extended at 60% through 2024 after which it is phased out.
- Extends the 30% investment tax credit for renewable energy through the end of 2024, then phases it down to 26% in 2025, 22% in 2026, and 10% thereafter.
- Expands the 30% investment tax credit to include energy storage technology (including battery technology and pumped storage), waste energy recovery, and biogas.
- Provides entities with little or no tax liability (including public power utilities and municipal governments) the option of claiming a direct payment or refund for up to 85% of the value of the production or investment tax credit.
- Extends and expands credits for energy efficiency through 2024, including expanding the credit for residential energy efficient property to include battery storage technology and energy efficient biomass fuel property.
- Increases the phaseout threshold for the electric vehicle tax credit from 200,000 to 600,000 vehicles and creates both a new tax credit for used electric vehicles and a new 10% manufacturer credit for zero-emission heavy commercial vehicles.
- Creates a refundable, competitive credit for universities that implement environmental justice programs.
- Requires the Treasury Secretary to report to Congress on the feasibility of using data from the EPA's Greenhouse Gas Reporting Requirements to isolate greenhouse gas emissions by taxpayer—with the eye towards implementing a carbon tax in the future.

Low-Income Housing Tax Credit Improvements

The bill makes several modifications to the low-income housing tax credit. These modifications allow the owner of an eligible low-income building to receive an accelerated credit stream of their low income housing credit if they experienced delays due to the national emergency. They create a new 25% credit for a qualified supportive housing reserve fund for providing supportive services to building tenants. They permanently increase state allocations for the credit from the greater of \$1.75 per capita or \$2,000,000 to the greater of \$4.56 per capita or \$5.214.051. They also include rural areas as difficult development areas, which would make them eligible for a 30% basis boost.

Highway Trust Fund

The package extends the gas tax (and related highway and fuel taxes) for an additional five years.