

of the
United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Sunday,
the third day of January, two thousand and twenty-one*

An Act

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

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

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

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

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- Sec. 50212. Grants to Alaska to improve sanitation in rural and Native villages.
- Sec. 50213. Water data sharing pilot program.
- Sec. 50214. Final rating opinion letters.
- Sec. 50215. Water infrastructure financing reauthorization.
- Sec. 50216. Small and disadvantaged community analysis.
- Sec. 50217. Stormwater infrastructure technology.
- Sec. 50218. Water Reuse Interagency Working Group.
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- Sec. 60101. Findings.
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- Sec. 60301. Short title.
- Sec. 60302. Definitions.
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TITLE IV—ENABLING MIDDLE MILE BROADBAND INFRASTRUCTURE

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TITLE VI—TELECOMMUNICATIONS INDUSTRY WORKFORCE

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Sec. 60602. Telecommunications interagency working group.

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Sec. 70201. Short title.

Sec. 70202. Definitions.

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TITLE III—REFORESTATION

Sec. 70301. Short title.

Sec. 70302. Reforestation following wildfires and other unplanned events.

Sec. 70303. Report.

TITLE IV—RECYCLING PRACTICES

Sec. 70401. Best practices for battery recycling and labeling guidelines.

Sec. 70402. Consumer recycling education and outreach grant program; Federal procurement.

TITLE V—BIOPRODUCT PILOT PROGRAM

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

TITLE VI—CYBERSECURITY

Subtitle A—Cyber Response and Recovery Act

Sec. 70601. Short title.

Sec. 70602. Declaration of a significant incident.

Subtitle B—State and Local Cybersecurity Improvement Act

Sec. 70611. Short title.

Sec. 70612. State and Local Cybersecurity Grant Program.

TITLE VII—PUBLIC-PRIVATE PARTNERSHIPS

Sec. 70701. Value for money analysis.

TITLE VIII—FEDERAL PERMITTING IMPROVEMENT

Sec. 70801. Federal permitting improvement.

TITLE IX—BUILD AMERICA, BUY AMERICA

Subtitle A—Build America, Buy America

Sec. 70901. Short title.

PART I—BUY AMERICA SOURCING REQUIREMENTS

Sec. 70911. Findings.

- Sec. 70912. Definitions.
- Sec. 70913. Identification of deficient programs.
- Sec. 70914. Application of Buy America preference.
- Sec. 70915. OMB guidance and standards.
- Sec. 70916. Technical assistance partnership and consultation supporting Department of Transportation Buy America requirements.
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- Sec. 70921. Regulations relating to Buy American Act.
- Sec. 70922. Amendments relating to Buy American Act.
- Sec. 70923. Made in America Office.
- Sec. 70924. Hollings Manufacturing Extension Partnership activities.
- Sec. 70925. United States obligations under international agreements.
- Sec. 70926. Definitions.
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Subtitle B—BuyAmerican.gov

- Sec. 70931. Short title.
- Sec. 70932. Definitions.
- Sec. 70933. Sense of Congress on buying American.
- Sec. 70934. Assessment of impact of free trade agreements.
- Sec. 70935. Judicious use of waivers.
- Sec. 70936. Establishment of BuyAmerican.gov website.
- Sec. 70937. Waiver Transparency and Streamlining for contracts.
- Sec. 70938. Comptroller General report.
- Sec. 70939. Rules of construction.
- Sec. 70940. Consistency with international agreements.
- Sec. 70941. Prospective amendments to internal cross-references.

Subtitle C—Make PPE in America

- Sec. 70951. Short title.
- Sec. 70952. Findings.
- Sec. 70953. Requirement of long-term contracts for domestically manufactured personal protective equipment.

TITLE X—ASSET CONCESSIONS

- Sec. 71001. Asset concessions.

TITLE XI—CLEAN SCHOOL BUSES AND FERRIES

- Sec. 71101. Clean school bus program.
- Sec. 71102. Electric or low-emitting ferry pilot program.
- Sec. 71103. Ferry service for rural communities.
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DIVISION H—REVENUE PROVISIONS

TITLE I—HIGHWAY TRUST FUND

- Sec. 80101. Extension of Highway Trust Fund expenditure authority.
- Sec. 80102. Extension of highway-related taxes.
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- Sec. 80201. Extension and modification of certain superfund excise taxes.

TITLE III—CUSTOMS USER FEES

- Sec. 80301. Extension of customs user fees.

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- Sec. 80401. Private activity bonds for qualified broadband projects.
- Sec. 80402. Carbon dioxide capture facilities.
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TITLE V—RELIEF FOR TAXPAYERS AFFECTED BY DISASTERS OR OTHER CRITICAL EVENTS

- Sec. 80501. Modification of automatic extension of certain deadlines in the case of taxpayers affected by Federally declared disasters.

- Sec. 80502. Modifications of rules for postponing certain acts by reason of service in combat zone or contingency operation.
- Sec. 80503. Tolling of time for filing a petition with the tax court.
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TITLE VI—OTHER PROVISIONS

- Sec. 80601. Modification of tax treatment of contributions to the capital of a corporation.
- Sec. 80602. Extension of interest rate stabilization.
- Sec. 80603. Information reporting for brokers and digital assets.
- Sec. 80604. Termination of employee retention credit for employers subject to closure due to COVID-19.

DIVISION I—OTHER MATTERS

- Sec. 90001. Extension of direct spending reductions through fiscal year 2031.
- Sec. 90002. Strategic Petroleum Reserve drawdown and sale.
- Sec. 90003. Findings regarding unused unemployment insurance funds.
- Sec. 90004. Requiring manufacturers of certain single-dose container or single-use package drugs payable under part B of the Medicare program to provide refunds with respect to discarded amounts of such drugs.
- Sec. 90005. Extension of enterprise guarantee fees.
- Sec. 90006. Moratorium on implementation of rule relating to eliminating the anti-kickback statute safe harbor protection for prescription drug rebates.
- Sec. 90007. Rescission of COVID-19 appropriations.
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DIVISION J—APPROPRIATIONS

TITLE I—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

TITLE II—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES

TITLE III—ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES

TITLE IV—FINANCIAL SERVICES AND GENERAL GOVERNMENT

TITLE V—DEPARTMENT OF HOMELAND SECURITY

TITLE VI—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

TITLE VII—LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

TITLE VIII—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES

TITLE IX—GENERAL PROVISIONS—THIS DIVISION

DIVISION K—MINORITY BUSINESS DEVELOPMENT

- Sec. 100001. Short title.
- Sec. 100002. Definitions.
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TITLE I—EXISTING INITIATIVES

Subtitle A—Market Development, Research, and Information

- Sec. 100101. Private sector development.
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- Sec. 100111. Definition.
- Sec. 100112. Purpose.
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- Sec. 100114. Grants and cooperative agreements.
- Sec. 100115. Minimizing disruptions to existing MBDA Business Center program.
- Sec. 100116. Publicity.

TITLE II—NEW INITIATIVES TO PROMOTE ECONOMIC RESILIENCY FOR MINORITY BUSINESSES

- Sec. 100201. Annual diverse business forum on capital formation.

- Sec. 100202. Agency study on alternative financing solutions.
- Sec. 100203. Educational development relating to management and entrepreneurship.

TITLE III—RURAL MINORITY BUSINESS CENTER PROGRAM

- Sec. 100301. Definitions.
- Sec. 100302. Business centers.
- Sec. 100303. Report to Congress.
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TITLE IV—MINORITY BUSINESS DEVELOPMENT GRANTS

- Sec. 100401. Grants to nonprofit organizations that support minority business enterprises.

TITLE V—MINORITY BUSINESS ENTERPRISES ADVISORY COUNCIL

- Sec. 100501. Purpose.
- Sec. 100502. Composition and term.
- Sec. 100503. Duties.

TITLE VI—FEDERAL COORDINATION OF MINORITY BUSINESS PROGRAMS

- Sec. 100601. General duties.
- Sec. 100602. Participation of Federal departments and agencies.

TITLE VII—ADMINISTRATIVE POWERS OF THE AGENCY; MISCELLANEOUS PROVISIONS

- Sec. 100701. Administrative powers.
- Sec. 100702. Federal assistance.
- Sec. 100703. Recordkeeping.
- Sec. 100704. Review and report by Comptroller General.
- Sec. 100705. Biannual reports; recommendations.
- Sec. 100706. Separability.
- Sec. 100707. Executive Order 11625.
- Sec. 100708. Authorization of appropriations.

SEC. 2. REFERENCES.

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

report on the results of the project and the use of the funds awarded.

“(2) REPORTS TO CONGRESS.—

“(A) ANNUAL REPORTS.—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, and publish on the website of the Department of Transportation, an annual report that describes the implementation of the program during the preceding calendar year, including—

“(i) each project for which a grant was provided under subsection (d);

“(ii) information relating to project applications received;

“(iii) the manner in which the consultation requirements were implemented under subsection (d);

“(iv) recommendations to improve the administration of subsection (d), including whether assistance from additional or fewer agencies to carry out the program is appropriate;

“(v) the period required to disburse grant funds to eligible entities based on applicable Federal coordination requirements; and

“(vi) a list of facilities that repeatedly require repair or reconstruction due to emergency events.

“(B) FINAL REPORT.—Not later than 5 years after the date of enactment of the Surface Transportation Reauthorization Act of 2021, the Secretary shall submit to Congress a report that includes the results of the reports submitted under subparagraph (A).

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

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 11403(b)), is amended by inserting after the item relating to section 175 the following:

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

SEC. 11406. HEALTHY STREETS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COOL PAVEMENT.—The term “cool pavement” means a pavement with reflective surfaces with higher albedo to decrease the surface temperature of that pavement.

(2) ELIGIBLE ENTITY.—The term “eligible entity” means—

(A) a State;

(B) a metropolitan planning organization;

(C) a unit of local government;

(D) a Tribal government; and

(E) a nonprofit organization working in coordination with an entity described in subparagraphs (A) through (D).

(3) LOW-INCOME COMMUNITY.—The term “low-income community” means a census block group in which not less than 30 percent of the population lives below the poverty line

(as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)).

(4) **POROUS PAVEMENT.**—The term “porous pavement” means a paved surface with a higher than normal percentage of air voids to allow water to pass through the surface and infiltrate into the subsoil.

(5) **PROGRAM.**—The term “program” means the Healthy Streets program established under subsection (b).

(6) **STATE.**—The term “State” has the meaning given the term in section 101(a) of title 23, United States Code.

(7) **TRIBAL GOVERNMENT.**—The term “Tribal government” means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this Act pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).

(b) **ESTABLISHMENT.**—The Secretary shall establish a discretionary grant program, to be known as the “Healthy Streets program”, to provide grants to eligible entities—

- (1) to deploy cool pavements and porous pavements; and
- (2) to expand tree cover.

(c) **GOALS.**—The goals of the program are—

- (1) to mitigate urban heat islands;
- (2) to improve air quality; and
- (3) to reduce—
 - (A) the extent of impervious surfaces;
 - (B) stormwater runoff and flood risks; and
 - (C) heat impacts to infrastructure and road users.

(d) **APPLICATION.**—

(1) **IN GENERAL.**—To be eligible to receive a grant under the program, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) **REQUIREMENTS.**—The application submitted by an eligible entity under paragraph (1) shall include a description of—

- (A) how the eligible entity would use the grant funds; and
- (B) the contribution that the projects intended to be carried out with grant funds would make to improving the safety, health outcomes, natural environment, and quality of life in low-income communities and disadvantaged communities.

(e) **USE OF FUNDS.**—An eligible entity that receives a grant under the program may use the grant funds for 1 or more of the following activities:

(1) Conducting an assessment of urban heat islands to identify hot spot areas of extreme heat or elevated air pollution.

(2) Conducting a comprehensive tree canopy assessment, which shall assess the current tree locations and canopy, including—

- (A) an inventory of the location, species, condition, and health of existing tree canopies and trees on public facilities; and
- (B) an identification of—

- (i) the locations where trees need to be replaced;
 - (ii) empty tree boxes or other locations where trees could be added; and
 - (iii) flood-prone locations where trees or other natural infrastructure could mitigate flooding.
- (3) Conducting an equity assessment by mapping tree canopy gaps, flood-prone locations, and urban heat island hot spots as compared to—
- (A) pedestrian walkways and public transportation stop locations;
 - (B) low-income communities; and
 - (C) disadvantaged communities.
- (4) Planning activities, including developing an investment plan based on the results of the assessments carried out under paragraphs (1), (2), and (3).
- (5) Purchasing and deploying cool pavements to mitigate urban heat island hot spots.
- (6) Purchasing and deploying porous pavement to mitigate flooding and stormwater runoff in—
- (A) pedestrian-only areas; and
 - (B) areas of low-volume, low-speed vehicular use.
- (7) Purchasing of trees, site preparation, planting of trees, ongoing maintenance and monitoring of trees, and repairing of storm damage to trees, with priority given to—
- (A) to the extent practicable, the planting of native species; and
 - (B) projects located in a neighborhood with lower tree cover or higher maximum daytime summer temperatures compared to surrounding neighborhoods.
- (8) Assessing underground infrastructure and coordinating with local transportation and utility providers.
- (9) Hiring staff to conduct any of the activities described in paragraphs (1) through (8).
- (f) PRIORITY.—In awarding grants to eligible entities under the program, the Secretary shall give priority to an eligible entity—
- (1) proposing to carry out an activity or project in a low-income community or a disadvantaged community;
 - (2) that has entered into a community benefits agreement with representatives of the community; or
 - (3) that is partnering with a qualified youth or conservation corps (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)).
- (g) DISTRIBUTION REQUIREMENT.—Of the amounts made available to carry out the program for each fiscal year, not less than 80 percent shall be provided for projects in urbanized areas (as defined in section 101(a) of title 23, United States Code).
- (h) FEDERAL SHARE.—
- (1) IN GENERAL.—Except as provided under paragraph (2), the Federal share of the cost of a project carried out under the program shall be 80 percent.
 - (2) WAIVER.—The Secretary may increase the Federal share requirement under paragraph (1) to 100 percent for projects carried out by an eligible entity that demonstrates economic hardship, as determined by the Secretary.
- (i) MAXIMUM GRANT AMOUNT.—An individual grant under this section shall not exceed \$15,000,000.

(j) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

Subtitle E—Miscellaneous

SEC. 11501. ADDITIONAL DEPOSITS INTO HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 105 of title 23, United States Code, is repealed.

(b) CLERICAL AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 105.

SEC. 11502. STOPPING THREATS ON PEDESTRIANS.

(a) DEFINITION OF BOLLARD INSTALLATION PROJECT.—In this section, the term “bollard installation project” means a project to install raised concrete or metal posts on a sidewalk adjacent to a roadway that are designed to slow or stop a motor vehicle.

(b) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act and subject to the availability of appropriations, the Secretary shall establish and carry out a competitive grant pilot program to provide assistance to State departments of transportation and local government entities for bollard installation projects designed to prevent pedestrian injuries and acts of terrorism in areas used by large numbers of pedestrians.

(c) APPLICATION.—To be eligible to receive a grant under this section, a State department of transportation or local government entity shall submit to the Secretary an application at such time, in such form, and containing such information as the Secretary determines to be appropriate, which shall include, at a minimum—

(1) a description of the proposed bollard installation project to be carried out;

(2) a description of the pedestrian injury or terrorism risks with respect to the proposed installation area; and

(3) an analysis of how the proposed bollard installation project will mitigate those risks.

(d) USE OF FUNDS.—A recipient of a grant under this section may only use the grant funds for a bollard installation project.

(e) FEDERAL SHARE.—The Federal share of the costs of a bollard installation project carried out with a grant under this section may be up to 100 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$5,000,000 for each of fiscal years 2022 through 2026.

(g) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, a project assisted under this section shall be treated as a project on a Federal-aid highway under chapter 1 of title 23, United States Code.

SEC. 11503. TRANSFER AND SALE OF TOLL CREDITS.

(a) DEFINITIONS.—In this section:

(1) ORIGINATING STATE.—The term “originating State” means a State that—

(A) is eligible to use a credit under section 120(i) of title 23, United States Code; and

a legal settlement or imposed by a court, whether for payment of funds or for work to be performed.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$3,000,000,000, to remain available until expended, of which—

(A) 50 percent shall be for grants to States and Indian Tribes under subsection (b) for eligible activities described in subsection (d)(1); and

(B) 50 percent shall be for available to the Secretary for eligible activities described in subsection (d)(1) on Federal land.

(2) TRANSFER.—The Secretary may transfer amounts made available to the Secretary under paragraph (1)(B) to the Secretary of Agriculture for activities described in subsection (a) on National Forest System land.

TITLE VIII—NATURAL RESOURCES-RELATED INFRASTRUCTURE, WILDFIRE MANAGEMENT, AND ECOSYSTEM RESTORATION

SEC. 40801. FOREST SERVICE LEGACY ROAD AND TRAIL REMEDIATION PROGRAM.

(a) ESTABLISHMENT.—Public Law 88–657 (16 U.S.C. 532 et seq.) (commonly known as the “Forest Roads and Trails Act”) is amended by adding at the end the following:

“SEC. 8. FOREST SERVICE LEGACY ROAD AND TRAIL REMEDIATION PROGRAM.

“(a) ESTABLISHMENT.—The Secretary shall establish the Forest Service Legacy Road and Trail Remediation Program (referred to in this section as the ‘Program’).

“(b) ACTIVITIES.—In carrying out the Program, the Secretary shall, taking into account foreseeable changes in weather and hydrology—

“(1) restore passages for fish and other aquatic species by—

“(A) improving, repairing, or replacing culverts and other infrastructure; and

“(B) removing barriers, as the Secretary determines appropriate, from the passages;

“(2) decommission unauthorized user-created roads and trails that are not a National Forest System road or a National Forest System trail, if the applicable unit of the National Forest System has published—

“(A) a Motor Vehicle Use Map and the road is not identified as a National Forest System road on that Motor Vehicle Use Map; or

“(B) a map depicting the authorized trails in the applicable unit of the National Forest System and the trail is not identified as a National Forest System trail on that map;

“(3) prepare previously closed National Forest System roads for long-term storage, in accordance with subsections (c)(1) and (d), in a manner that—

“(A) prevents motor vehicle use, as appropriate to conform to route designations;

“(B) prevents the roads from damaging adjacent resources, including aquatic and wildlife resources;

“(C) reduces or eliminates the need for road maintenance; and

“(D) preserves the roads for future use;

“(4) decommission previously closed National Forest System roads and trails in accordance with subsections (c)(1) and (d);

“(5) relocate National Forest System roads and trails—

“(A) to increase resilience to extreme weather events, flooding, and other natural disasters; and

“(B) to respond to changing resource conditions and public input;

“(6) convert National Forest System roads to National Forest System trails, while allowing for continued use for motorized and nonmotorized recreation, to the extent the use is compatible with the management status of the road or trail;

“(7) decommission temporary roads—

“(A) that were constructed before the date of enactment of this section—

“(i) for emergency operations; or

“(ii) to facilitate a resource extraction project;

“(B) that were designated as a temporary road by the Secretary; and

“(C)(i) in violation of section 10(b) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1608(b)), on which vegetation cover has not been reestablished; or

“(ii) that have not been fully decommissioned; and

“(8) carry out projects on National Forest System roads, trails, and bridges to improve resilience to extreme weather events, flooding, or other natural disasters.

“(c) PROJECT SELECTION.—

“(1) PROJECT ELIGIBILITY.—

“(A) IN GENERAL.—The Secretary may only fund under the Program a project described in paragraph (3) or (4) of subsection (b) if the Secretary previously and separately—

“(i) solicited public comment for changing the management status of the applicable National Forest System road or trail—

“(I) to close the road or trail to access; and

“(II) to minimize impacts to natural resources;

and

“(ii) has closed the road or trail to access as described in clause (i)(I).

“(B) REQUIREMENT.—Each project carried out under the Program shall be on a National Forest System road or trail, except with respect to—

“(i) a project described in subsection (b)(2); or

“(ii) a project carried out on a watershed for which the Secretary has entered into a cooperative agreement under section 323 of the Department of the Interior

and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011a).

“(2) ANNUAL SELECTION OF PROJECTS FOR FUNDING.—The Secretary shall—

“(A) establish a process for annually selecting projects for funding under the Program, consistent with the requirements of this section;

“(B) solicit and consider public input regionally in the ranking of projects for funding under the Program;

“(C) give priority for funding under the Program to projects that would—

“(i) protect or improve water quality in public drinking water source areas;

“(ii) restore the habitat of a threatened, endangered, or sensitive fish or wildlife species; or

“(iii) maintain future access to the adjacent area for the public, contractors, permittees, or firefighters; and

“(D) publish on the website of the Forest Service—

“(i) the selection process established under subparagraph (A); and

“(ii) a list that includes a description and the proposed outcome of each project funded under the Program in each fiscal year.

“(d) IMPLEMENTATION.—In implementing the Program, the Secretary shall ensure that—

“(1) the system of roads and trails on the applicable unit of the National Forest System—

“(A) is adequate to meet any increasing demands for timber, recreation, and other uses;

“(B) provides for intensive use, protection, development, and management of the land under principles of multiple use and sustained yield of products and services;

“(C) does not damage, degrade, or impair adjacent resources, including aquatic and wildlife resources, to the extent practicable;

“(D) reflects long-term funding expectations; and

“(E) is adequate for supporting emergency operations, such as evacuation routes during wildfires, floods, and other natural disasters; and

“(2) all projects funded under the Program are consistent with any applicable forest plan or travel management plan.

“(e) SAVINGS CLAUSE.—A decision to fund a project under the Program shall not affect any determination made previously or to be made in the future by the Secretary with regard to road or trail closures.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Agriculture to carry out section 8 of Public Law 88–657 (commonly known as the “Forest Roads and Trails Act”) \$250,000,000 for the period of fiscal years 2022 through 2026.

SEC. 40802. STUDY AND REPORT ON FEASIBILITY OF REVEGETATING RECLAIMED MINE SITES.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior, acting through the Director of the Office of Surface Mining Reclamation and

Enforcement, shall conduct, and submit to Congress a report describing the results of, a study on the feasibility of revegetating reclaimed mined sites.

(b) INCLUSIONS.—The report submitted under subsection (a) shall include—

(1) recommendations for how a program could be implemented through the Office of Surface Mining Reclamation and Enforcement to revegetate reclaimed mined sites;

(2) identifications of reclaimed mine sites that would be suitable for inclusion in such a program, including sites on land that—

(A) is subject to title IV of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1231 et seq.); and

(B) is not subject to that title;

(3) a description of any barriers to implementation of such a program, including whether the program would potentially interfere with the authorities contained in, or the implementation of, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.), including the Abandoned Mine Reclamation Fund created by section 401 of that Act (30 U.S.C. 1231) and State reclamation programs under section 405 of that Act (30 U.S.C. 1235); and

(4) a description of the potential for job creation and workforce needs if such a program was implemented.

SEC. 40803. WILDFIRE RISK REDUCTION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described in subsection (c), \$3,369,200,000 for the period of fiscal years 2022 through 2026.

(b) TREATMENT.—Of the Federal land or Indian forest land or rangeland that has been identified as having a very high wildfire hazard potential, the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall, by not later than September 30, 2027, conduct restoration treatments and improve the Fire Regime Condition Class of 10,000,000 acres that are located in—

(1) the wildland-urban interface; or

(2) a public drinking water source area.

(c) ACTIVITIES.—Of the amounts made available under subsection (a) for the period of fiscal years 2022 through 2026—

(1) \$20,000,000 shall be made available for entering into an agreement with the Administrator of the National Oceanic and Atmospheric Administration to establish and operate a program that makes use of the Geostationary Operational Environmental Satellite Program to rapidly detect and report wildfire starts in all areas in which the Secretary of the Interior or the Secretary of Agriculture has financial responsibility for wildland fire protection and prevention, of which—

(A) \$10,000,000 shall be made available to the Secretary of the Interior; and

(B) \$10,000,000 shall be made available to the Secretary of Agriculture;

(2) \$600,000,000 shall be made available for the salaries and expenses of Federal wildland firefighters in accordance with subsection (d), of which—

(A) \$120,000,000 shall be made available to the Secretary of the Interior; and

(B) \$480,000,000 shall be made available to the Secretary of Agriculture;

(3) \$10,000,000 shall be made available to the Secretary of the Interior to acquire technology and infrastructure for each Type I and Type II incident management team to maintain interoperability with respect to the radio frequencies used by any responding agency;

(4) \$30,000,000 shall be made available to the Secretary of Agriculture to provide financial assistance to States, Indian Tribes, and units of local government to establish and operate Reverse-911 telecommunication systems;

(5) \$50,000,000 shall be made available to the Secretary of the Interior to establish and implement a pilot program to provide to local governments financial assistance for the acquisition of slip-on tanker units to establish fleets of vehicles that can be quickly converted to be operated as fire engines;

(6) \$1,200,000 shall be made available to the Secretary of Agriculture, in coordination with the Secretary of the Interior, to develop and publish, not later than 180 days after the date of enactment of this Act, and every 5 years thereafter, a map depicting at-risk communities (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)), including Tribal at-risk communities;

(7) \$100,000,000 shall be made available to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) preplanning fire response workshops that develop—

(I) potential operational delineations; and

(II) select potential control locations; and

(ii) workforce training for staff, non-Federal firefighters, and Native village fire crews for—

(I) wildland firefighting; and

(II) increasing the pace and scale of vegetation treatments, including training on how to prepare and implement large landscape treatments; and

(B) of which—

(i) \$50,000,000 shall be made available to the Secretary of the Interior; and

(ii) \$50,000,000 shall be made available to the Secretary of Agriculture;

(8) \$20,000,000 shall be made available to the Secretary of Agriculture to enter into an agreement with a Southwest Ecological Restoration Institute established under the Southwest Forest Health and Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et seq.)—

(A) to compile and display existing data, including geographic data, for hazardous fuel reduction or wildfire prevention treatments undertaken by the Secretary of the Interior or the Secretary of Agriculture, including treatments undertaken with funding provided under this title;

(B) to compile and display existing data, including geographic data, for large wildfires, as defined by the National Wildfire Coordinating Group, that occur in the United States;

(C) to facilitate coordination and use of existing and future interagency fuel treatment data, including geographic data, for the purposes of—

(i) assessing and planning cross-boundary fuel treatments; and

(ii) monitoring the effects of treatments on wildfire outcomes and ecosystem restoration services, using the data compiled under subparagraphs (A) and (B);

(D) to publish a report every 5 years showing the extent to which treatments described in subparagraph (A) and previous wildfires affect the boundaries of wildfires, categorized by—

(i) Federal land management agency;

(ii) region of the United States; and

(iii) treatment type; and

(E) to carry out other related activities of a Southwest Ecological Restoration Institute, as authorized by the Southwest Forest Health and Wildfire Prevention Act of 2004 (16 U.S.C. 6701 et seq.);

(9) \$20,000,000 shall be available for activities conducted under the Joint Fire Science Program, of which—

(A) \$10,000,000 shall be made available to the Secretary of the Interior; and

(B) \$10,000,000 shall be made available to the Secretary of Agriculture;

(10) \$100,000,000 shall be made available to the Secretary of Agriculture for collaboration and collaboration-based activities, including facilitation, certification of collaboratives, and planning and implementing projects under the Collaborative Forest Landscape Restoration Program established under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303) in accordance with subsection (e);

(11) \$500,000,000 shall be made available to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) conducting mechanical thinning and timber harvesting in an ecologically appropriate manner that maximizes the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands; or

(ii) precommercial thinning in young growth stands for wildlife habitat benefits to provide subsistence resources; and

(B) of which—

(i) \$100,000,000 shall be made available to the Secretary of the Interior; and

(ii) \$400,000,000 shall be made available to the Secretary of Agriculture;

(12) \$500,000,000 shall be made available to the Secretary of Agriculture, in cooperation with States, to award community wildfire defense grants to at-risk communities in accordance with subsection (f);

(13) \$500,000,000 shall be made available for planning and conducting prescribed fires and related activities, of which—

(A) \$250,000,000 shall be made available to the Secretary of the Interior; and

(B) \$250,000,000 shall be made available to the Secretary of Agriculture;

(14) \$500,000,000 shall be made available for developing or improving potential control locations, in accordance with paragraph (7)(A)(i)(II), including installing fuelbreaks (including fuelbreaks studied under subsection (i)), with a focus on shaded fuelbreaks when ecologically appropriate, of which—

(A) \$250,000,000 shall be made available to the Secretary of the Interior; and

(B) \$250,000,000 shall be made available to the Secretary of Agriculture;

(15) \$200,000,000 shall be made available for contracting or employing crews of laborers to modify and remove flammable vegetation on Federal land and for using materials from treatments, to the extent practicable, to produce biochar and other innovative wood products, including through the use of existing locally based organizations that engage young adults, Native youth, and veterans in service projects, such as youth and conservation corps, of which—

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

(16) \$200,000,000 shall be made available for post-fire restoration activities that are implemented not later than 3 years after the date that a wildland fire is contained, of which—

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

(17) \$8,000,000 shall be made available to the Secretary of Agriculture—

(A) to provide feedstock to firewood banks; and

(B) to provide financial assistance for the operation of firewood banks; and

(18) \$10,000,000 shall be available to the Secretary of the Interior and the Secretary of Agriculture for the procurement and placement of wildfire detection and real-time monitoring equipment, such as sensors, cameras, and other relevant equipment, in areas at risk of wildfire or post-burned areas.

(d) WILDLAND FIREFIGHTERS.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall, using the amounts made available under subsection (c)(2), coordinate with the Director of the Office of Personnel Management to develop a distinct “wildland firefighter” occupational series.

(2) HAZARDOUS DUTY DIFFERENTIAL NOT AFFECTED.—Section 5545(d)(1) of title 5, United States Code, is amended by striking “except” and all that follows through “and” at the end and inserting the following: “except—

“(A) an employee in an occupational series covering positions for which the primary duties involve the prevention, control, suppression, or management of wildland fires, as determined by the Office; and

“(B) in such other circumstances as the Office may by regulation prescribe; and”.

(3) CURRENT EMPLOYEES.—Any individual employed as a wildland firefighter on the date on which the occupational series established under paragraph (1) takes effect may elect—

(A) to remain in the occupational series in which the individual is employed; or

(B) to be included in the “wildland firefighter” occupational series established under that paragraph.

(4) PERMANENT EMPLOYEES; INCREASE IN SALARY.—Using the amounts made available under subsection (c)(2), beginning October 1, 2021, the Secretary of the Interior and the Secretary of Agriculture shall—

(A) seek to convert not fewer than 1,000 seasonal wildland firefighters to wildland firefighters that—

(i) are full-time, permanent, year-round Federal employees; and

(ii) reduce hazardous fuels on Federal land not fewer than 800 hours per year; and

(B) increase the base salary of a Federal wildland firefighter by the lesser of an amount that is commensurate with an increase of \$20,000 per year or an amount equal to 50 percent of the base salary, if the Secretary concerned, in coordination with the Director of the Office of Personnel Management, makes a written determination that the position of the Federal wildland firefighter is located within a specified geographic area in which it is difficult to recruit or retain a Federal wildland firefighter.

(5) NATIONAL WILDFIRE COORDINATING GROUP.—Using the amounts made available under subsection (c)(2), not later than October 1, 2022, the Secretary of the Interior and the Secretary of Agriculture shall—

(A) develop and adhere to recommendations for mitigation strategies for wildland firefighters to minimize exposure due to line-of-duty environmental hazards; and

(B) establish programs for permanent, temporary, seasonal, and year-round wildland firefighters to recognize and address mental health needs, including post-traumatic stress disorder care.

(e) COLLABORATIVE FOREST LANDSCAPE RESTORATION PROGRAM.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall, using the amounts made available under subsection (c)(10)—

(1) solicit new project proposals under the Collaborative Forest Landscape Restoration Program established under section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303) (referred to in this subsection as the “Program”);

(2) provide up to 5 years of additional funding of any proposal originally selected for funding under the Program prior to September 30, 2018—

(A) that has been approved for an extension of funding by the Secretary of Agriculture prior to the date of enactment of this Act; or

(B) that has been recommended for an extension of funding by the advisory panel established under section 4003(e) of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303(e)) prior to the date of enactment of this Act that the Secretary of Agriculture subsequently approves; and

(3) select project proposals for funding under the Program in a manner that—

(A) gives priority to a project proposal that will treat acres that—

(i) have been identified as having very high wild-fire hazard potential; and

(ii) are located in—

(I) the wildland-urban interface; or

(II) a public drinking water source area;

(B) takes into consideration—

(i) the cost per acre of Federal land or Indian forest land or rangeland acres described in subparagraph (A) to be treated; and

(ii) the number of acres described in subparagraph

(A) to be treated;

(C) gives priority to a project proposal that is proposed by a collaborative that has successfully accomplished treatments consistent with a written plan that included a proposed schedule of completing those treatments, which is not limited to an earlier proposal funded under the Program; and

(D) discontinues funding for a project that fails to achieve the results included in a project proposal submitted under paragraph (1) for more than 2 consecutive years.

(f) COMMUNITY WILDFIRE DEFENSE GRANT PROGRAM.—

(1) ESTABLISHMENT.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall, using amounts made available under subsection (c)(12), establish a program, which shall be separate from the program established under section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5133), under which the Secretary of Agriculture, in cooperation with the States, shall award grants to at-risk communities, including Indian Tribes—

(A) to develop or revise a community wildfire protection plan; and

(B) to carry out projects described in a community wildfire protection plan that is not more than 10 years old.

(2) PRIORITY.—In awarding grants under the program described in paragraph (1), the Secretary of Agriculture shall give priority to an at-risk community that is—

(A) in an area identified by the Secretary of Agriculture as having high or very high wildfire hazard potential;

(B) a low-income community; or

(C) a community impacted by a severe disaster.

(3) COMMUNITY WILDFIRE DEFENSE GRANTS.—

(A) GRANT AMOUNTS.—A grant—

(i) awarded under paragraph (1)(A) shall be for not more than \$250,000; and

(ii) awarded under paragraph (1)(B) shall be for not more than \$10,000,000.

(B) COST SHARING REQUIREMENT.—

(i) IN GENERAL.—Except as provided in clause (ii), the non-Federal cost (including the administrative cost) of carrying out a project using funds from a grant awarded under the program described in paragraph (1) shall be—

(I) not less than 10 percent for a grant awarded under paragraph (1)(A); and

(II) not less than 25 percent for a grant awarded under paragraph (1)(B).

(ii) WAIVER.—The Secretary of Agriculture may waive the cost-sharing requirement under clause (i) for a project that serves an underserved community.

(C) ELIGIBILITY.—The Secretary of Agriculture shall not award a grant under paragraph (1) to an at-risk community that is located in a county or community that—

(i) is located in the continental United States; and

(ii) has not adopted an ordinance or regulation that requires the construction of new roofs on buildings to adhere to standards that are similar to, or more stringent than—

(I) the roof construction standards established by the National Fire Protection Association; or

(II) an applicable model building code established by the International Code Council.

(g) PRIORITIES.—In carrying out projects using amounts made available under this section, the Secretary of the Interior or the Secretary of Agriculture, acting through the Chief of the Forest Service, as applicable, shall prioritize funding for projects—

(1) for which any applicable processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been completed on the date of enactment of this Act;

(2) that reduce the likelihood of experiencing uncharacteristically severe effects from a potential wildfire by focusing on areas strategically important for reducing the risks associated with wildfires;

(3) that maximize the retention of large trees, as appropriate for the forest type, to the extent that the trees promote fire-resilient stands;

(4) that do not include the establishment of permanent roads;

(5) for which funding would be committed to decommission all temporary roads constructed to carry out the project; and

(6) that fully maintain or contribute toward the restoration of the structure and composition of old growth stands consistent with the characteristics of that forest type, taking into account the contribution of the old growth stand to landscape fire adaption and watershed health, unless the old growth stand is part of a science-based ecological restoration project authorized by the Secretary concerned that meets applicable protection and old growth enhancement objectives, as determined by the Secretary concerned.

(h) REPORTS.— The Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, shall complete and submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives an annual report describing the number of acres of land on which projects carried out using funds made available under this section improved the Fire Regime Condition Class of the land described in subsection (b).

(i) WILDFIRE PREVENTION STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall initiate a study of the construction and maintenance of a system of strategically placed fuelbreaks to control wildfires in western States.

(2) REVIEW.—The study under paragraph (1) shall review—

(A) a full suite of manual, chemical, and mechanical treatments; and

(B) the effectiveness of the system described in that paragraph in reducing wildfire risk and protecting communities.

(3) DETERMINATION.—Not later than 90 days after the date of completion of the study under paragraph (1), the Secretary of Agriculture shall determine whether to initiate the preparation of a programmatic environmental impact statement implementing the system described in that paragraph in appropriate locations.

(j) MONITORING, MAINTENANCE, AND TREATMENT PLAN AND STRATEGY.—

(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior shall establish a 5-year monitoring, maintenance, and treatment plan that—

(A) describes activities under subsection (c) that the Secretary of Agriculture and the Secretary of the Interior will take to reduce the risk of wildfire by conducting restoration treatments and improving the Fire Regime Condition Class of 10,000,000 acres of Federal land or Tribal Forest land or rangeland that is identified as having very high wildfire hazard potential, not including annual treatments otherwise scheduled;

(B) establishes a process for prioritizing treatments in areas and communities at the highest risk of catastrophic wildfires;

(C) includes an innovative plan and process—

(i) to leverage public-private partnerships and resources, shared stewardship agreements, good neighbor agreements, and similar contracting authorities;

(ii) to prioritize projects for which any applicable processes under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been completed as of the date of enactment of this Act;

(iii) to streamline subsequent projects based on existing statutory or regulatory authorities; and

(iv) to develop interagency teams to increase coordination and efficiency under the National

Environmental Policy Act of 1969 (42 U.S.C. 4321); and

(D) establishes a process for coordinating prioritization and treatment with State and local entities and affected stakeholders.

(2) STRATEGY.—Not later than 5 years after the date of enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior, in coordination with State and local governments, shall publish a long-term, outcome-based monitoring, maintenance, and treatment strategy—

(A) to maintain forest health improvements and wild-fire risk reduction accomplished under this section;

(B) to continue treatment at levels necessary to address the 20,000,000 acres needing priority treatment over the 10-year period beginning on the date of publication of the strategy; and

(C) to proactively conduct treatment at a level necessary to minimize the risk of wildfire to surrounding at-risk communities.

(k) AUTHORIZED HAZARDOUS FUELS PROJECTS.—A project carried out using funding authorized under paragraphs (11)(A)(i), (13), or (14) of subsection (c) shall be considered an authorized hazardous fuel reduction project pursuant to section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512).

SEC. 40804. ECOSYSTEM RESTORATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, for the activities described in subsection (b), \$2,130,000,000 for the period of fiscal years 2022 through 2026.

(b) ACTIVITIES.—Of the amounts made available under subsection (a) for the period of fiscal years 2022 through 2026—

(1) \$300,000,000 shall be made available, in accordance with subsection (c), to the Secretary of the Interior and the Secretary of Agriculture—

(A) for—

(i) entering into contracts, including stewardship contracts or agreements, the purpose of each of which shall be to restore ecological health on not fewer than 10,000 acres of Federal land, including Indian forest land or rangeland, and for salaries and expenses associated with preparing and executing those contracts; and

(ii) establishing a Working Capital Fund that may be accessed by the Secretary of the Interior or the Secretary of Agriculture to fund requirements of contracts described in clause (i), including cancellation and termination costs, consistent with section 604(h) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6591c(h)), and periodic payments over the span of the contract period; and

(B) of which—

(i) \$50,000,000 shall be made available to the Secretary of the Interior to enter into contracts described in subparagraph (A)(i);

(ii) \$150,000,000 shall be made available to the Secretary of Agriculture to enter into contracts described in subparagraph (A)(i); and

(iii) \$100,000,000 shall be made available until expended to the Secretary of the Interior, notwithstanding any other provision of this Act, to establish the Working Capital Fund described in subparagraph (A)(ii);

(2) \$200,000,000 shall be made available to provide to States and Indian Tribes for implementing restoration projects on Federal land pursuant to good neighbor agreements entered into under section 8206 of the Agricultural Act of 2014 (16 U.S.C. 2113a) or agreements entered into under section 2(b) of the Tribal Forest Protection Act of 2004 (25 U.S.C. 3115a(b)), of which—

(A) \$40,000,000 shall be made available to the Secretary of the Interior; and

(B) \$160,000,000 shall be made available to the Secretary of Agriculture;

(3) \$400,000,000 shall be made available to the Secretary of Agriculture to provide financial assistance to facilities that purchase and process byproducts from ecosystem restoration projects in accordance with subsection (d);

(4) \$400,000,000 shall be made available to the Secretary of the Interior to provide grants to States, territories of the United States, and Indian Tribes for implementing voluntary ecosystem restoration projects on private or public land, in consultation with the Secretary of Agriculture, that—

(A) prioritizes funding cross-boundary projects; and

(B) requires matching funding from the State, territory of the United States, or Indian Tribe to be eligible to receive the funding;

(5) \$50,000,000 shall be made available to the Secretary of Agriculture to award grants to States and Indian Tribes to establish rental programs for portable skidder bridges, bridge mats, or other temporary water crossing structures, to minimize stream bed disturbance on non-Federal land and Federal land;

(6) \$200,000,000 shall be made available for invasive species detection, prevention, and eradication, including conducting research and providing resources to facilitate detection of invasive species at points of entry and awarding grants for eradication of invasive species on non-Federal land and on Federal land, of which—

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

(7) \$100,000,000 shall be made available to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland, in accordance with subsection (e);

(8) \$200,000,000 shall be made available to restore native vegetation and mitigate environmental hazards on mined land on Federal and non-Federal land, of which—

(A) \$100,000,000 shall be made available to the Secretary of the Interior; and

(B) \$100,000,000 shall be made available to the Secretary of Agriculture;

(9) \$200,000,000 shall be made available to establish and implement a national revegetation effort on Federal and non-Federal land, including to implement the National Seed Strategy for Rehabilitation and Restoration, of which—

(A) \$70,000,000 shall be made available to the Secretary of the Interior; and

(B) \$130,000,000 shall be made available to the Secretary of Agriculture; and

(10) \$80,000,000 shall be made available to the Secretary of Agriculture, in coordination with the Secretary of the Interior, to establish a collaborative-based, landscape-scale restoration program to restore water quality or fish passage on Federal land, including Indian forest land or rangeland, in accordance with subsection (f).

(c) ECOLOGICAL HEALTH RESTORATION CONTRACTS.—

(1) SUBMISSION OF LIST OF PROJECTS TO CONGRESS.—Until the date on which all of the amounts made available to carry out subsection (b)(1)(A)(i) are expended, not later than 90 days before the end of each fiscal year, the Secretary of the Interior and the Secretary of Agriculture shall submit to the Committee on Energy and Natural Resources and the Committee on Appropriations of the Senate and the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives a list of projects to be funded under that subsection in the subsequent fiscal year, including—

(A) a detailed description of each project; and

(B) an estimate of the cost, including salaries and expenses, for the project.

(2) ALTERNATE ALLOCATION.—Appropriations Acts may provide for alternate allocation of amounts made available under subsection (b)(1), consistent with the allocations under subparagraph (B) of that subsection.

(3) LACK OF ALTERNATE ALLOCATIONS.—If Congress has not enacted legislation establishing alternate allocations described in paragraph (2) by the date on which the Act making full-year appropriations for the Department of the Interior, Environment, and Related Agencies for the applicable fiscal year is enacted into law, amounts made available under subsection (b)(1)(B) shall be allocated by the President.

(d) WOOD PRODUCTS INFRASTRUCTURE.—The Secretary of Agriculture, in coordination with the Secretary of the Interior, shall—

(1) develop a ranking system that categorizes units of Federal land, including Indian forest land or rangeland, with regard to treating areas at risk of unnaturally severe wildfire or insect or disease infestation, as being—

(A) very low priority for ecological restoration involving vegetation removal;

(B) low priority for ecological restoration involving vegetation removal;

(C) medium priority for ecological restoration involving vegetation removal;

(D) high priority for ecological restoration involving vegetation removal; or

(E) very high priority for ecological restoration involving vegetation removal;

(2) determine, for a unit identified under paragraph (1) as being high or very high priority for ecological restoration involving vegetation removal, if—

(A) a sawmill or other wood-processing facility exists in close proximity to, or a forest worker is seeking to conduct restoration treatment work on or in close proximity to, the unit; and

(B) the presence of a sawmill or other wood-processing facility would substantially decrease or does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal;

(3) in accordance with any conditions the Secretary of Agriculture determines to be necessary, using the amounts made available under subsection (b)(3), provide financial assistance, including a low-interest loan or a loan guarantee, to an entity seeking to establish, reopen, retrofit, expand, or improve a sawmill or other wood-processing facility in close proximity to a unit of Federal land that has been identified under paragraph (1) as high or very high priority for ecological restoration, if the presence of a sawmill or other wood-processing facility would substantially decrease or does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal on the unit of Federal land, including Indian forest land or rangeland, as determined under paragraph (2)(B); and

(4) to the extent practicable, when allocating funding to units of Federal land for ecological restoration projects involving vegetation removal, give priority to a unit of Federal land that—

(A) has been identified under paragraph (1) as being high or very high priority for ecological restoration involving vegetation removal; and

(B) has a sawmill or other wood-processing facility—

(i) that, as determined under paragraph (2)—

(I) exists in close proximity to the unit; and

(II) does substantially decrease the cost of conducting ecological restoration projects involving vegetation removal on the unit; or

(ii) that has received financial assistance under paragraph (3).

(e) RECREATION SITES.—

(1) SITE RESTORATION AND IMPROVEMENTS.—Of the amounts made available under subsection (b)(7), \$45,000,000 shall be made available to the Secretary of the Interior and \$35,000,000 shall be made available the Secretary of Agriculture to restore, prepare, or adapt recreation sites on Federal land, including Indian forest land or rangeland, that have experienced or may likely experience visitation and use beyond the carrying capacity of the sites.

(2) PUBLIC USE RECREATION CABINS.—

(A) IN GENERAL.—Of the amounts made available under subsection (b)(7), \$20,000,000 shall be made available to the Secretary of Agriculture for—

(i) the operation, repair, reconstruction, and construction of public use recreation cabins on National Forest System land; and

(ii) to the extent necessary, the repair or reconstruction of historic buildings that are to be outleased under section 306121 of title 54, United States Code.

(B) INCLUSION.—Of the amount described in subparagraph (A), \$5,000,000 shall be made available to the Secretary of Agriculture for associated salaries and expenses in carrying out that subparagraph.

(C) AGREEMENTS.—The Secretary of Agriculture may enter into a lease or cooperative agreement with a State, Indian Tribe, local government, or private entity—

(i) to carry out the activities described in subparagraph (A); or

(ii) to manage the renting of a cabin or building described in subparagraph (A) to the public.

(3) EXCLUSION.—A project shall not be eligible for funding under this subsection if—

(A) funding for the project would be used for deferred maintenance, as defined by Federal Accounting Standards Advisory Board; and

(B) the Secretary of the Interior or the Secretary of Agriculture has identified the project for funding from the National Parks and Public Land Legacy Restoration Fund established by section 200402(a) of title 54, United States Code.

(f) COLLABORATIVE-BASED, AQUATIC-FOCUSED, LANDSCAPE-SCALE RESTORATION PROGRAM.—Subject to the availability of appropriations, not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall, in coordination with the Secretary of the Interior and using the amounts made available under subsection (b)(10)—

(1) solicit collaboratively developed proposals that—

(A) are for 5-year projects to restore fish passage or water quality on Federal land and non-Federal land to the extent allowed under section 323(a) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (16 U.S.C. 1011a(a)), including Indian forest land or rangeland;

(B) contain proposed accomplishments and proposed non-Federal funding; and

(C) request not more than \$5,000,000 in funding made available under subsection (b)(10);

(2) select project proposals for funding in a manner that—

(A) gives priority to a project proposal that would result in the most miles of streams being restored for the lowest amount of Federal funding; and

(B) discontinues funding for a project that fails to achieve the results included in a proposal submitted under paragraph (1) for more than 2 consecutive years; and

(3) publish a list of—

(A) all of the priority watersheds on National Forest System land;

(B) the condition of each priority watershed on the date of enactment of this Act; and

(C) the condition of each priority watershed on the date that is 5 years after the date of enactment of this Act.

SEC. 40805. GAO STUDY.

(a) **STUDY.**—Not later than 6 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study on the implementation of this title and the amendments made by this title, including whether this title and the amendments made by this title have—

(A) effectively reduced wildfire risk, including the extent to which the wildfire hazard on Federal land has changed; and

(B) restored ecosystems on Federal and non-Federal land; and

(2) submit to Congress a report that describes the results of the study under paragraph (1).

(b) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Comptroller General of the United States for the activities described in subsection (a) \$800,000.

SEC. 40806. ESTABLISHMENT OF FUEL BREAKS IN FORESTS AND OTHER WILDLAND VEGETATION.

(a) **DEFINITION OF SECRETARY CONCERNED.**—In this section, the term “Secretary concerned” means—

(1) the Secretary of Agriculture, with respect to National Forest System land; and

(2) the Secretary of the Interior, with respect to public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) administered by the Bureau of Land Management.

(b) **CATEGORICAL EXCLUSION ESTABLISHED.**—Forest management activities described in subsection (c) are a category of actions designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) if the categorical exclusion is documented through a supporting record and decision memorandum.

(c) **FOREST MANAGEMENT ACTIVITIES DESIGNATED FOR CATEGORICAL EXCLUSION.**—

(1) **IN GENERAL.**—The category of forest management activities designated under subsection (b) for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) administered by the Bureau of Land Management or National Forest System land the primary purpose of which is to establish and maintain linear fuel breaks that are—

(A) up to 1,000 feet in width contiguous with or incorporating existing linear features, such as roads, water infrastructure, transmission and distribution lines, and pipelines of any length on Federal land; and

(B) intended to reduce the risk of uncharacteristic wildfire on Federal land or catastrophic wildfire for an adjacent at-risk community.

(2) **ACTIVITIES.**—Subject to paragraph (3), the forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (b) are—

(A) mowing or masticating;

(B) thinning by manual and mechanical cutting;

(C) piling, yarding, and removal of slash or hazardous fuels;

(D) selling of vegetation products, including timber, firewood, biomass, slash, and fenceposts;

(E) targeted grazing;

(F) application of—

(i) pesticide;

(ii) biopesticide; or

(iii) herbicide;

(G) seeding of native species;

(H) controlled burns and broadcast burning; and

(I) burning of piles, including jackpot piles.

(3) EXCLUDED ACTIVITIES.—A forest management activity described in paragraph (2) may not be carried out pursuant to the categorical exclusion established under subsection (b) if the activity is conducted—

(A) in a component of the National Wilderness Preservation System;

(B) on Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress, Presidential proclamation (including the applicable implementation plan), or regulation;

(C) in a wilderness study area; or

(D) in an area in which carrying out the activity would be inconsistent with the applicable land management plan or resource management plan.

(4) EXTRAORDINARY CIRCUMSTANCES.—The Secretary concerned shall apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or a successor regulation), in determining whether to use a categorical exclusion under subsection (b).

(d) ACREAGE AND LOCATION LIMITATIONS.—Treatments of vegetation in linear fuel breaks covered by the categorical exclusion established under subsection (b)—

(1) may not contain treatment units in excess of 3,000 acres;

(2) shall be located primarily in—

(A) the wildland-urban interface or a public drinking water source area;

(B) if located outside the wildland-urban interface or a public drinking water source area, an area within Condition Class 2 or 3 in Fire Regime Group I, II, or III that contains very high wildfire hazard potential; or

(C) an insect or disease area designated by the Secretary concerned as of the date of enactment of this Act; and

(3) shall consider the best available scientific information.

(e) ROADS.—

(1) PERMANENT ROADS.—A project under this section shall not include the establishment of permanent roads.

(2) EXISTING ROADS.—The Secretary concerned may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

(3) TEMPORARY ROADS.—The Secretary concerned shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

(f) PUBLIC COLLABORATION.—To encourage meaningful public participation during the preparation of a project under this section, the Secretary concerned shall facilitate, during the preparation of each project—

- (1) collaboration among State and local governments and Indian Tribes; and
- (2) participation of interested persons.

SEC. 40807. EMERGENCY ACTIONS.

(a) DEFINITIONS.—In this section:

(1) AUTHORIZED EMERGENCY ACTION.—The term “authorized emergency action” means an action carried out pursuant to an emergency situation determination issued under this section to mitigate the harm to life, property, or important natural or cultural resources on National Forest System land or adjacent land.

(2) EMERGENCY SITUATION.—The term “emergency situation” means a situation on National Forest System land for which immediate implementation of 1 or more authorized emergency actions is necessary to achieve 1 or more of the following results:

(A) Relief from hazards threatening human health and safety.

(B) Mitigation of threats to natural resources on National Forest System land or adjacent land.

(3) EMERGENCY SITUATION DETERMINATION.—The term “emergency situation determination” means a determination made by the Secretary under subsection (b)(1)(A).

(4) LAND AND RESOURCE MANAGEMENT PLAN.—The term “land and resource management plan” means a plan developed under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) NATIONAL FOREST SYSTEM LAND.—The term “National Forest System land” means land of the National Forest System (as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a))).

(6) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(b) AUTHORIZED EMERGENCY ACTIONS TO RESPOND TO EMERGENCY SITUATIONS.—

(1) DETERMINATION.—

(A) IN GENERAL.—The Secretary may make a determination that an emergency situation exists with respect to National Forest System land.

(B) REVIEW.—An emergency situation determination shall not be subject to objection under the predecisional administrative review processes under part 218 of title 36, Code of Federal Regulations (or successor regulations).

(C) BASIS OF DETERMINATION.—An emergency situation determination shall be based on an examination of the relevant information.

(2) AUTHORIZED EMERGENCY ACTIONS.—After making an emergency situation determination with respect to National Forest System land, the Secretary may carry out authorized emergency actions on that National Forest System land in order to achieve reliefs from hazards threatening human health and safety or mitigation of threats to natural resources on

National Forest System land or adjacent land, including through—

- (A) the salvage of dead or dying trees;
- (B) the harvest of trees damaged by wind or ice;
- (C) the commercial and noncommercial sanitation harvest of trees to control insects or disease, including trees already infested with insects or disease;
- (D) the reforestation or replanting of fire-impacted areas through planting, control of competing vegetation, or other activities that enhance natural regeneration and restore forest species;
- (E) the removal of hazardous trees in close proximity to roads and trails;
- (F) the removal of hazardous fuels;
- (G) the restoration of water sources or infrastructure;
- (H) the reconstruction of existing utility lines; and
- (I) the replacement of underground cables.

(3) RELATION TO LAND AND RESOURCE MANAGEMENT PLANS.—Any authorized emergency action carried out under paragraph (2) on National Forest System land shall be conducted consistent with the applicable land and resource management plan.

(c) ENVIRONMENTAL ANALYSIS.—

(1) ENVIRONMENTAL ASSESSMENT OR ENVIRONMENTAL IMPACT STATEMENT.—If the Secretary determines that an authorized emergency action requires an environmental assessment or an environmental impact statement pursuant to section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)), the Secretary shall study, develop, and describe—

- (A) the proposed agency action, taking into account the probable environmental consequences of the authorized emergency action and mitigating foreseeable adverse environmental effects, to the extent practicable; and
- (B) the alternative of no action.

(2) PUBLIC NOTICE.—The Secretary shall provide notice of each authorized emergency action that the Secretary determines requires an environmental assessment or environmental impact statement under paragraph (1), in accordance with applicable regulations and administrative guidelines.

(3) PUBLIC COMMENT.—The Secretary shall provide an opportunity for public comment during the preparation of any environmental assessment or environmental impact statement under paragraph (1).

(4) SAVINGS CLAUSE.—Nothing in this subsection prohibits the Secretary from—

- (A) making an emergency situation determination, including a determination that an emergency exists pursuant to section 218.21(a) of title 36, Code of Federal Regulations (or successor regulations); or
- (B) taking an emergency action under section 220.4(b) of title 36, Code of Federal Regulations (or successor regulations).

(d) ADMINISTRATIVE REVIEW OF AUTHORIZED EMERGENCY ACTIONS.—An authorized emergency action carried out under this section shall not be subject to objection under the predecisional administrative review processes established under section 105 of

the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6515) and section 428 of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2012 (16 U.S.C. 6515 note; Public Law 112–74).

(e) JUDICIAL REVIEW OF EMERGENCY ACTIONS.—A court shall not enjoin an authorized emergency action under this section if the court determines that the plaintiff is unable to demonstrate that the claim of the plaintiff is likely to succeed on the merits.

(f) NOTIFICATION AND GUIDANCE.—The Secretary shall provide notification and guidance to each local field office of the Forest Service to ensure awareness of, compliance with, and appropriate use of the authorized emergency action authority under this section.

SEC. 40808. JOINT CHIEFS LANDSCAPE RESTORATION PARTNERSHIP PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CHIEFS.—The term “Chiefs” means the Chief of the Forest Service and the Chief of the Natural Resources Conservation Service.

(2) ELIGIBLE ACTIVITY.—The term “eligible activity” means an activity—

(A) to reduce the risk of wildfire;

(B) to protect water quality and supply; or

(C) to improve wildlife habitat for at-risk species.

(3) PROGRAM.—The term “Program” means the Joint Chiefs Landscape Restoration Partnership program established under subsection (b)(1).

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

(5) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall establish a Joint Chiefs Landscape Restoration Partnership program to improve the health and resilience of forest landscapes across National Forest System land and State, Tribal, and private land.

(2) ADMINISTRATION.—The Secretary shall administer the Program by coordinating eligible activities conducted on National Forest System land and State, Tribal, or private land across a forest landscape to improve the health and resilience of the forest landscape by—

(A) assisting producers and landowners in implementing eligible activities on eligible private or Tribal land using the applicable programs and authorities administered by the Chief of the Natural Resources Conservation Service under title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.), not including the conservation reserve program established under subchapter B of chapter 1 of sub-title D of that title (16 U.S.C. 3831 et seq.); and

(B) conducting eligible activities on National Forest System land or assisting landowners in implementing eligible activities on State, Tribal, or private land using the applicable programs and authorities administered by the Chief of the Forest Service.

(c) **SELECTION OF ELIGIBLE ACTIVITIES.**—The appropriate Regional Forester and State Conservationist shall jointly submit to the Chiefs on an annual basis proposals for eligible activities under the Program.

(d) **EVALUATION CRITERIA.**—In evaluating and selecting proposals submitted under subsection (c), the Chiefs shall consider—

(1) criteria including whether the proposal—

(A) reduces wildfire risk in a municipal watershed or the wildland-urban interface;

(B) was developed through a collaborative process with participation from diverse stakeholders;

(C) increases forest workforce capacity or forest business infrastructure and development;

(D) leverages existing authorities and non-Federal funding;

(E) provides measurable outcomes; or

(F) supports established State and regional priorities;

and

(2) such other criteria relating to the merits of the proposals as the Chiefs determine to be appropriate.

(e) **OUTREACH.**—The Secretary shall provide—

(1) public notice on the websites of the Forest Service and the Natural Resources Conservation Service describing—

(A) the solicitation of proposals under subsection (c);

and

(B) the criteria for selecting proposals in accordance with subsection (d); and

(2) information relating to the Program and activities funded under the Program to States, Indian Tribes, units of local government, and private landowners.

(f) **EXCLUSIONS.**—An eligible activity may not be carried out under the Program—

(1) in a wilderness area or designated wilderness study area;

(2) in an inventoried roadless area;

(3) on any Federal land on which, by Act of Congress or Presidential proclamation, the removal of vegetation is restricted or prohibited; or

(4) in an area in which the eligible activity would be inconsistent with the applicable land and resource management plan.

(g) **ACCOUNTABILITY.**—

(1) **INITIAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report providing recommendations to Congress relating to the Program, including a review of—

(A) funding mechanisms for the Program;

(B) staff capacity to carry out the Program;

(C) privacy laws applicable to the Program;

(D) data collection under the Program;

(E) monitoring and outcomes under the Program; and

(F) such other matters as the Secretary considers to be appropriate.

(2) **ADDITIONAL REPORTS.**—For each of fiscal years 2022 and 2023, the Chiefs shall submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate and the Committee on Agriculture and

the Committee on Appropriations of the House of Representatives a report describing projects for which funding is provided under the Program, including the status and outcomes of those projects.

(h) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the Program \$90,000,000 for each of fiscal years 2022 and 2023.

(2) ADDITIONAL FUNDS.—In addition to the funds described in paragraph (1), the Secretary may obligate available funds from accounts used to carry out the existing Joint Chiefs’ Landscape Restoration Partnership prior to the date of enactment of this Act to carry out the Program.

(3) DURATION OF AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

(4) DISTRIBUTION OF FUNDS.—Of the funds made available under paragraph (1)—

(A) not less than 40 percent shall be allocated to carry out eligible activities through the Natural Resources Conservation Service;

(B) not less than 40 percent shall be allocated to carry out eligible activities through the Forest Service; and

(C) the remaining funds shall be allocated by the Chiefs to the Natural Resources Conservation Service or the Forest Service—

(i) to carry out eligible activities; or

(ii) for other purposes, such as technical assistance, project development, or local capacity building.

TITLE IX—WESTERN WATER INFRASTRUCTURE

SEC. 40901. AUTHORIZATIONS OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this title as the “Secretary”), for the period of fiscal years 2022 through 2026—

(1) \$1,150,000,000 for water storage, groundwater storage, and conveyance projects in accordance with section 40902, of which \$100,000,000 shall be made available to provide grants to plan and construct small surface water and groundwater storage projects in accordance with section 40903;

(2) \$3,200,000,000 for the Aging Infrastructure Account established by subsection (d)(1) of section 9603 of the Omnibus Public Land Management Act of 2009 (43 U.S.C. 510b), to be made available for activities in accordance with that subsection, including major rehabilitation and replacement activities, as identified in the Asset Management Report of the Bureau of Reclamation dated April 2021, of which—

(A) \$100,000,000 shall be made available for Bureau of Reclamation reserved or transferred works that have suffered a critical failure, in accordance with section 40904(a); and

(B) \$100,000,000 shall be made available for the rehabilitation, reconstruction, or replacement of a dam in accordance with section 40904(b);

(g) (relating to additional technology transfer programs) as subsections (h) and (i), respectively.

SEC. 41202. EXTENSION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) **DEFINITION OF FULL FUNDING AMOUNT.**—Section 3(11) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7102(11)) is amended by striking subparagraphs (D) and (E) and inserting the following:

“(D) for fiscal year 2017, the amount that is equal to 95 percent of the full funding amount for fiscal year 2015;

“(E) for each of fiscal years 2018 through 2020, the amount that is equal to 95 percent of the full funding amount for the preceding fiscal year; and

“(F) for fiscal year 2021 and each fiscal year thereafter, the amount that is equal to the full funding amount for fiscal year 2017.”.

(b) **SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND.**—

(1) **SECURE PAYMENTS.**—Section 101 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7111) is amended, in subsections (a) and (b), by striking “2015, 2017, 2018, 2019, and 2020” each place it appears and inserting “2015 and 2017 through 2023”.

(2) **DISTRIBUTION OF PAYMENTS TO ELIGIBLE COUNTIES.**—Section 103(d)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7113(d)(2)) is amended by striking “2020” and inserting “2023”.

(c) **PILOT PROGRAM TO STREAMLINE NOMINATION OF MEMBERS OF RESOURCE ADVISORY COMMITTEES.**—Section 205 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125) is amended by striking subsection (g) and inserting the following:

“(g) **RESOURCE ADVISORY COMMITTEE APPOINTMENT PILOT PROGRAMS.**—

“(1) **DEFINITIONS.**—In this subsection:

“(A) **APPLICABLE DESIGNEE.**—The term ‘applicable designee’ means the applicable regional forester.

“(B) **NATIONAL PILOT PROGRAM.**—The term ‘national pilot program’ means the national pilot program established under paragraph (4)(A).

“(C) **REGIONAL PILOT PROGRAM.**—The term ‘regional pilot program’ means the regional pilot program established under paragraph (3)(A).

“(2) **ESTABLISHMENT OF PILOT PROGRAMS.**—In accordance with paragraphs (3) and (4), the Secretary concerned shall carry out 2 pilot programs to appoint members of resource advisory committees.

“(3) **REGIONAL PILOT PROGRAM.**—

“(A) **IN GENERAL.**—The Secretary concerned shall carry out a regional pilot program to allow an applicable designee to appoint members of resource advisory committees.

“(B) **GEOGRAPHIC LIMITATION.**—The regional pilot program shall only apply to resource advisory committees chartered in—

“(i) the State of Montana; and

“(ii) the State of Arizona.

“(C) RESPONSIBILITIES OF APPLICABLE DESIGNEE.—

“(i) REVIEW.—Before appointing a member of a resource advisory committee under the regional pilot program, an applicable designee shall conduct the review and analysis that would otherwise be conducted for an appointment to a resource advisory committee if the regional pilot program was not in effect, including any review and analysis with respect to civil rights and budgetary requirements.

“(ii) SAVINGS CLAUSE.—Nothing in this paragraph relieves an applicable designee from any requirement developed by the Secretary concerned for making an appointment to a resource advisory committee that is in effect on December 20, 2018, including any requirement for advertising a vacancy.

“(4) NATIONAL PILOT PROGRAM.—

“(A) IN GENERAL.—The Secretary concerned shall carry out a national pilot program to allow the Chief of the Forest Service or the Director of the Bureau of Land Management, as applicable, to submit to the Secretary concerned nominations of individuals for appointment as members of resource advisory committees.

“(B) APPOINTMENT.—Under the national pilot program, subject to subparagraph (C), not later than 30 days after the date on which a nomination is transmitted to the Secretary concerned under subparagraph (A), the Secretary concerned shall—

“(i) appoint the nominee to the applicable resource advisory committee; or

“(ii) reject the nomination.

“(C) AUTOMATIC APPOINTMENT.—If the Secretary concerned does not act on a nomination in accordance with subparagraph (B) by the date described in that subparagraph, the nominee shall be deemed appointed to the applicable resource advisory committee.

“(D) GEOGRAPHIC LIMITATION.—The national pilot program shall apply to a resource advisory committee chartered in any State other than—

“(i) the State of Montana; or

“(ii) the State of Arizona.

“(E) SAVINGS CLAUSE.—Nothing in this paragraph relieves the Secretary concerned from any requirement relating to an appointment to a resource advisory committee, including any requirement with respect to civil rights or advertising a vacancy.

“(5) TERMINATION OF EFFECTIVENESS.—The authority provided under this subsection terminates on October 1, 2023.

“(6) REPORT TO CONGRESS.—Not later 180 days after the date described in paragraph (5), the Secretary concerned shall submit to Congress a report that includes—

“(A) with respect to appointments made under the regional pilot program compared to appointments made under the national pilot program, a description of the extent to which—

“(i) appointments were faster or slower; and

“(ii) the requirements described in paragraph (3)(C)(i) differ; and

“(B) a recommendation with respect to whether Congress should terminate, continue, modify, or expand the pilot programs.”.

(d) **EXTENSION OF AUTHORITY TO CONDUCT SPECIAL PROJECTS ON FEDERAL LAND.**—

(1) **EXISTING ADVISORY COMMITTEES.**—Section 205(a)(4) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7125(a)(4)) is amended by striking “December 20, 2021” each place it appears and inserting “December 20, 2023”.

(2) **EXTENSION OF AUTHORITY.**—Section 208 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7128) is amended—

(A) in subsection (a), by striking “2022” and inserting “2025”; and

(B) in subsection (b), by striking “2023” and inserting “2026”.

(e) **ACCESS TO BROADBAND AND OTHER TECHNOLOGY.**—Section 302(a) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7142(a)) is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(5) to provide or expand access to—

“(A) broadband telecommunications services at local schools; or

“(B) the technology and connectivity necessary for students to use a digital learning tool at or outside of a local school campus.”.

(f) **EXTENSION OF AUTHORITY TO EXPEND COUNTY FUNDS.**—Section 304 of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7144) is amended—

(1) in subsection (a), by striking “2022” and inserting “2025”; and

(2) in subsection (b), by striking “2023” and inserting “2026”.

(g) **AMOUNTS OBLIGATED BUT UNSPENT; PROHIBITION ON USE OF FUNDS.**—Title III of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7141 et seq.) is amended—

(1) by redesignating section 304 as section 305; and

(2) by inserting after section 303 the following:

“SEC. 304. AMOUNTS OBLIGATED BUT UNSPENT; PROHIBITION ON USE OF FUNDS.

“(a) **AMOUNTS OBLIGATED BUT UNSPENT.**—Any county funds that were obligated by the applicable participating county before October 1, 2017, but are unspent on October 1, 2020—

“(1) may, at the option of the participating county, be deemed to have been reserved by the participating county on October 1, 2020, for expenditure in accordance with this title; and

“(2)(A) may be used by the participating county for any authorized use under section 302(a); and

“(B) on a determination by the participating county under subparagraph (A) to use the county funds, shall be available for projects initiated after October 1, 2020, subject to section 305.

“(b) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law, effective beginning on the date of enactment of the Infrastructure Investment and Jobs Act, no county funds made available under this title may be used by any participating county for any lobbying activity, regardless of the purpose for which the funds are obligated on or before that date.”.

DIVISION E—DRINKING WATER AND WASTEWATER INFRASTRUCTURE

SEC. 50001. SHORT TITLE.

This division may be cited as the “Drinking Water and Wastewater Infrastructure Act of 2021”.

SEC. 50002. DEFINITION OF ADMINISTRATOR.

In this division, the term “Administrator” means the Administrator of the Environmental Protection Agency.

TITLE I—DRINKING WATER

SEC. 50101. TECHNICAL ASSISTANCE AND GRANTS FOR EMERGENCIES AFFECTING PUBLIC WATER SYSTEMS.

Section 1442 of the Safe Drinking Water Act (42 U.S.C. 300j–1) is amended—

(1) in subsection (a), by adding at the end the following:
“(11) COMPLIANCE EVALUATION.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Administrator shall—

“(i) evaluate, based on the compliance data found in the Safe Drinking Water Information System of the Administrator, the compliance of community water systems and wastewater systems with environmental, health, and safety requirements under this title, including water quality sampling, testing, and reporting requirements; and

“(ii) submit to Congress a report describing trends seen as a result of the evaluation under clause (i), including trends that demonstrate how the characteristics of community water systems and wastewater systems correlate to trends in compliance or noncompliance with the requirements described in that clause.

“(B) REQUIREMENT.—To the extent practicable, in carrying out subparagraph (A), the Administrator shall determine whether, in aggregate, community water systems and wastewater systems maintain asset management plans.”;

(2) in subsection (b), in the first sentence—

(A) by inserting “(including an emergency situation resulting from a cybersecurity event)” after “emergency situation”; and

(B) by inserting “, including a threat to public health resulting from contaminants, such as, but not limited to,

SEC. 70207. TERMINATION OF COMMISSION.

The Commission shall terminate on the date that is 180 days after the date on which the Commission has submitted the reports under subsections (a) and (b) of section 70204.

TITLE III—REFORESTATION**SEC. 70301. SHORT TITLE.**

This title may be cited as the “Repairing Existing Public Land by Adding Necessary Trees Act” or the “REPLANT Act”.

SEC. 70302. REFORESTATION FOLLOWING WILDFIRES AND OTHER UNPLANNED EVENTS.

(a) FOREST AND RANGELAND RENEWABLE RESOURCES PLANNING ACT OF 1974.—

(1) NATIONAL FOREST COVER POLICY.—

(A) IN GENERAL.—Section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601) is amended—

(i) by redesignating subsection (e) as subsection (f);

(ii) by redesignating the second subsection (d) (relating to the policy of Congress regarding forested land in the National Forest System) as subsection (e); and

(iii) in subsection (e) (as so redesignated)—

(I) in paragraph (2)—

(aa) in the first sentence—

(AA) by striking “9 of this Act, the Secretary shall annually for eight years following the enactment of this subsection” and inserting “9, the Secretary shall, annually during each of the 10 years beginning after the date of enactment of the REPLANT Act”; and

(BB) by striking “eight-year” and inserting “10-year”;

(bb) in the second sentence, by striking “such eight-year period” and inserting “the 10-year period”; and

(cc) in the third sentence, by striking “1978” and inserting “2021”;

(II) in paragraph (3), in the first sentence, by striking “subsection (d)” and inserting “subsection”; and

(III) by adding at the end the following:

“(4) REFORESTATION REQUIREMENTS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) NATURAL REGENERATION.—

“(I) IN GENERAL.—The term ‘natural regeneration’ means the establishment of a tree or tree age class from natural seeding, sprouting, or suckering in accordance with the management objectives of an applicable land management plan.

“(II) INCLUSION.—The term ‘natural regeneration’ may include any site preparation activity to

enhance the success of regeneration to the desired species composition and structure.

“(ii) PRIORITY LAND.—The term ‘priority land’ means National Forest System land that, due to an unplanned event—

“(I) does not meet the conditions for appropriate forest cover described in paragraph (1);

“(II) requires reforestation to meet the objectives of an applicable land management plan; and

“(III) is unlikely to experience natural regeneration without assistance.

“(iii) REFORESTATION.—The term ‘reforestation’ means the act of renewing tree cover, taking into consideration species composition and resilience, by establishing young trees through—

“(I) natural regeneration;

“(II) natural regeneration with site preparation; or

“(III) planting or direct seeding.

“(iv) SECRETARY.—The term ‘Secretary’ means the Secretary, acting through the Chief of the Forest Service.

“(v) UNPLANNED EVENT.—

“(I) IN GENERAL.—The term ‘unplanned event’ means any unplanned disturbance that—

“(aa) disrupts ecosystem or forest structure or composition; or

“(bb) changes resources, substrate availability, or the physical environment.

“(II) INCLUSIONS.—The term ‘unplanned event’ may include—

“(aa) a wildfire;

“(bb) an infestation of insects or disease;

“(cc) a weather event; and

“(dd) animal damage.

“(B) REQUIREMENT.—Each reforestation activity under this section shall be carried out in accordance with applicable Forest Service management practices and definitions, including definitions relating to silvicultural practices and forest management.

“(C) REFORESTATION PRIORITY.—

“(i) IN GENERAL.—In carrying out this subsection, the Secretary shall give priority to projects on the priority list described in clause (ii).

“(ii) PRIORITY LIST.—

“(I) IN GENERAL.—The Secretary shall, based on recommendations from regional foresters, create a priority list of reforestation projects that—

“(aa) primarily take place on priority land;

“(bb) promote effective reforestation following unplanned events; and

“(cc) may include activities to ensure adequate and appropriate seed availability.

“(II) RANKING.—The Secretary shall rank projects on the priority list under subclause (I) based on—

“(aa) documentation of an effective reforestation project plan;

“(bb) the ability to measure the progress and success of the project; and

“(cc) the ability of a project to provide benefits relating to forest function and health, soil health and productivity, wildlife habitat, improved air and water quality, carbon sequestration potential, resilience, job creation, and enhanced recreational opportunities.”

(B) CONFORMING AMENDMENT.—Section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105) is amended, in the undesignated matter following paragraph (5) of subsection (g)—

(i) by striking “section 3(d)” and inserting “subsection (e) of section 3”; and

(ii) by striking “1601(d)” and inserting “1601”.

(2) NATIONAL FOREST SYSTEM PROGRAM ELEMENTS.—Section 9 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1607) is amended, in the second sentence, by striking “2000” and inserting “2030”.

(b) REFORESTATION TRUST FUND.—Section 303 of Public Law 96–451 (16 U.S.C. 1606a) is amended—

(1) in subsection (b)—

(A) by striking paragraph (2);

(B) in paragraph (3)—

(i) in the second sentence, by striking “Proper adjustment” and inserting the following:

“(3) ADJUSTMENT OF ESTIMATES.—Proper adjustment”; and

(ii) by striking “(3) The amounts” and inserting the following:

“(2) FREQUENCY.—The amounts”; and

(C) by striking the subsection designation and all that follows through “the Secretary” in paragraph (1) and inserting the following:

“(b) TRANSFERS TO TRUST FUND.—

“(1) IN GENERAL.—The Secretary”; and

(2) in subsection (d)(1)—

(A) by striking “section 3(d)” and inserting “subsection (e) of section 3”; and

(B) by striking “1601(d)” and inserting “1601”.

SEC. 70303. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Agriculture shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives, and make publicly available on the website of the Forest Service, a report that describes, with respect to the preceding year—

(1) an evaluation of the degree to which the Secretary has achieved compliance with the requirements contained in the amendments made by this title, including, as a result of those amendments, the number of acres covered by reforestation projects that follow unplanned events (such as wildfires);

(2) the total number of acres of land reforested under each authority of the Secretary under which reforestation projects have been carried out;

(3) the number of acres of National Forest System land affected by, and the substance of reforestation needs on that land resulting from, unplanned events; and

(4) the number of acres in need of reforestation under subsection (e)(1) of section 3 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1601).

TITLE IV—RECYCLING PRACTICES

SEC. 70401. BEST PRACTICES FOR BATTERY RECYCLING AND LABELING GUIDELINES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) BATTERY.—The term “battery” means a device that—
(A) consists of 1 or more electrochemical cells that are electrically connected; and

(B) is designed to store and deliver electric energy.

(3) RECYCLING.—The term “recycling” means the series of activities—

(A) during which recyclable materials are processed into specification-grade commodities, and consumed as raw-material feedstock, in lieu of virgin materials, in the manufacturing of new products;

(B) that may include collection, processing, and brokering; and

(C) that result in subsequent consumption by a materials manufacturer, including for the manufacturing of new products.

(b) BEST PRACTICES FOR COLLECTION OF BATTERIES TO BE RECYCLED.—

(1) IN GENERAL.—The Administrator shall develop best practices that may be implemented by State, Tribal, and local governments with respect to the collection of batteries to be recycled in a manner that—

(A) to the maximum extent practicable, is technically and economically feasible for State, Tribal, and local governments;

(B) is environmentally sound and safe for waste management workers; and

(C) optimizes the value and use of material derived from recycling of batteries.

(2) CONSULTATION.—The Administrator shall develop the best practices described in paragraph (1) in coordination with State, Tribal, and local governments and relevant nongovernmental and private sector entities.

(3) REPORT.—Not later than 2 years after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the best practices developed under paragraph (1).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this

50 percent of residential households do not have access to fixed, terrestrial broadband service which delivers at least 25 megabits per second downstream and at least 3 megabits service upstream, and

“(B) results in internet access to residential locations, commercial locations, or a combination of residential and commercial locations at speeds not less than 100 megabits per second for downloads and 20 megabits for second for uploads, but only if at least 90 percent of the locations provided such access under the project are locations where, before the project, a broadband service provider—

“(i) did not provide service, or

“(ii) did not provide service meeting the minimum speed requirements described in subparagraph (A).

“(2) NOTICE TO BROADBAND PROVIDERS.—A project shall not be treated as a qualified broadband project unless, before the issue date of any issue the proceeds of which are to be used to fund the project, the issuer—

“(A) notifies each broadband service provider providing broadband service in the area within which broadband services are to be provided under the project of the project and its intended scope,

“(B) includes in such notice a request for information from each such provider with respect to the provider’s ability to deploy, manage, and maintain a broadband network capable of providing gigabit capable Internet access to residential or commercial locations, and

“(C) allows each such provider at least 90 days to respond to such notice and request.”.

(c) PARTIAL EXCEPTION FROM VOLUME CAP.—

(1) IN GENERAL.—Section 146(g) of the Internal Revenue Code of 1986 is amended by striking “and” at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting “, and”, and by inserting immediately after paragraph (4) the following new paragraph:

“(5) 75 percent of any exempt facility bond issued as part of an issue described in paragraph (16) of section 142(a) (relating to qualified broadband projects).”.

(2) GOVERNMENT-OWNED PROJECTS.—The last sentence of section 146(g) of such Code is amended by striking “Paragraph (4)” and inserting “Paragraphs (4) and (5)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued in calendar years beginning after the date of the enactment of this Act.

SEC. 80402. CARBON DIOXIDE CAPTURE FACILITIES.

(a) IN GENERAL.—Section 142(a) of the Internal Revenue Code of 1986, as amended by section 80401, is amended by striking “or” at the end of paragraph (15), by striking the period at the end of paragraph (16) and inserting “, or”, and by adding at the end the following new paragraph:

“(17) qualified carbon dioxide capture facilities.”.

(b) QUALIFIED CARBON DIOXIDE CAPTURE FACILITIES.—Section 142 of such Code, as amended by section 80401, is amended by adding at the end the following new subsection:

“(o) QUALIFIED CARBON DIOXIDE CAPTURE FACILITY.—

“(1) IN GENERAL.—For purposes of subsection (a)(17), the term ‘qualified carbon dioxide capture facility’ means—

“(A) the eligible components of an industrial carbon dioxide facility, and

“(B) a direct air capture facility (as defined in section 45Q(e)(1)).

“(2) DEFINITIONS.—For purposes of this subsection:

“(A) ELIGIBLE COMPONENT.—

“(i) IN GENERAL.—The term ‘eligible component’ means any equipment which is installed in an industrial carbon dioxide facility that satisfies the requirements under paragraph (3) and which is—

“(I) used for the purpose of capture, treatment and purification, compression, transportation, or on-site storage of carbon dioxide produced by the industrial carbon dioxide facility, or

“(II) integral or functionally related and subordinate to a process which converts a solid or liquid product from coal, petroleum residue, biomass, or other materials which are recovered for their energy or feedstock value into a synthesis gas composed primarily of carbon dioxide and hydrogen for direct use or subsequent chemical or physical conversion.

“(ii) DEFINITIONS.—For purposes of this subparagraph—

“(I) BIOMASS.—

“(aa) IN GENERAL.—The term ‘biomass’ means any—

“(AA) agricultural or plant waste,

“(BB) byproduct of wood or paper mill operations, including lignin in spent pulping liquors, and

“(CC) other products of forestry maintenance.

“(bb) EXCLUSION.—The term ‘biomass’ does not include paper which is commonly recycled.

“(II) COAL.—The term ‘coal’ means anthracite, bituminous coal, subbituminous coal, lignite, and peat.

“(B) INDUSTRIAL CARBON DIOXIDE FACILITY.—

“(i) IN GENERAL.—Except as provided in clause (ii), the term ‘industrial carbon dioxide facility’ means a facility that emits carbon dioxide (including from any fugitive emissions source) that is created as a result of any of the following processes:

“(I) Fuel combustion.

“(II) Gasification.

“(III) Bioindustrial.

“(IV) Fermentation.

“(V) Any manufacturing industry relating to—

“(aa) chemicals,

“(bb) fertilizers,

“(cc) glass,

“(dd) steel,

“(ee) petroleum residues,

“(ff) forest products,

“(gg) agriculture, including feedlots and dairy operations, and

“(hh) transportation grade liquid fuels.

“(ii) EXCEPTIONS.—For purposes of clause (i), an industrial carbon dioxide facility shall not include—

“(I) any geological gas facility, or

“(II) any air separation unit that—

“(aa) does not qualify as gasification equipment, or

“(bb) is not a necessary component of an oxy-fuel combustion process.

“(iii) DEFINITIONS.—For purposes of this subparagraph—

“(I) PETROLEUM RESIDUE.—The term ‘petroleum residue’ means the carbonized product of high-boiling hydrocarbon fractions obtained in petroleum processing.

“(II) GEOLOGICAL GAS FACILITY.—The term ‘geological gas facility’ means a facility that—

“(aa) produces a raw product consisting of gas or mixed gas and liquid from a geological formation,

“(bb) transports or removes impurities from such product, or

“(cc) separates such product into its constituent parts.

“(3) SPECIAL RULE FOR FACILITIES WITH LESS THAN 65 PERCENT CAPTURE AND STORAGE PERCENTAGE.—

“(A) IN GENERAL.—Subject to subparagraph (B), the eligible components of an industrial carbon dioxide facility satisfies the requirements of this paragraph if such eligible components are designed to have a capture and storage percentage (as determined under subparagraph (C)) that is equal to or greater than 65 percent.

“(B) EXCEPTION.—In the case of an industrial carbon dioxide facility designed with a capture and storage percentage that is less than 65 percent, the percentage of the cost of the eligible components installed in such facility that may be financed with tax-exempt bonds may not be greater than the designed capture and storage percentage.

“(C) CAPTURE AND STORAGE PERCENTAGE.—

“(i) IN GENERAL.—Subject to clause (ii), the capture and storage percentage shall be an amount, expressed as a percentage, equal to the quotient of—

“(I) the total metric tons of carbon dioxide designed to be annually captured, transported, and injected into—

“(aa) a facility for geologic storage, or

“(bb) an enhanced oil or gas recovery well followed by geologic storage, divided by

“(II) the total metric tons of carbon dioxide which would otherwise be released into the atmosphere each year as industrial emission of greenhouse gas if the eligible components were

not installed in the industrial carbon dioxide facility.

“(ii) LIMITED APPLICATION OF ELIGIBLE COMPONENTS.—In the case of eligible components that are designed to capture carbon dioxide solely from specific sources of emissions or portions thereof within an industrial carbon dioxide facility, the capture and storage percentage under this subparagraph shall be determined based only on such specific sources of emissions or portions thereof.

“(4) REGULATIONS.—The Secretary shall issue such regulations or other guidance as are necessary to carry out the provisions of this subsection, including methods for determining costs attributable to an eligible component for purposes of paragraph (3)(A).”.

(c) VOLUME CAP.—Section 146(g) of such Code, as amended by section 80401, is amended by striking “and” at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting “, and”, and by inserting immediately after paragraph (5) the following new paragraph:

“(6) 75 percent of any exempt facility bond issued as part of an issue described in paragraph (17) of section 142(a) (relating to qualified carbon dioxide capture facilities).”.

(d) CLARIFICATION OF PRIVATE BUSINESS USE.—Section 141(b)(6) of such Code is amended by adding at the end the following new subparagraph:

“(C) CLARIFICATION RELATING TO QUALIFIED CARBON DIOXIDE CAPTURE FACILITIES.—For purposes of this subsection, the sale of carbon dioxide produced by a qualified carbon dioxide capture facility (as defined in section 142(o)) which is owned by a governmental unit shall not constitute private business use.”.

(e) COORDINATION WITH CREDIT FOR CARBON OXIDE SEQUESTRATION.—Section 45Q(f) of such Code is amended by adding at the end the following new paragraph:

“(3) CREDIT REDUCED FOR CERTAIN TAX-EXEMPT BONDS.—The amount of the credit determined under subsection (a) with respect to any project for any taxable year shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of $\frac{1}{2}$ or a fraction—

“(A) the numerator of which is the sum, for the taxable year and all prior taxable years, of the proceeds from an issue described in section 142(a)(17) used to provide financing for the project the interest on which is exempt from tax under section 103, and

“(B) the denominator of which is the aggregate amount of additions to the capital account for the project for the taxable year and all prior taxable years.

The amounts under the preceding sentence for any taxable year shall be determined as of the close of the taxable year.”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to obligations issued after December 31, 2021.

251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

(INCLUDING TRANSFERS OF FUNDS)

SEC. 611. Funds made available to the Environmental Protection Agency by this Act for salaries, expenses, and administration purposes may be transferred to the “Environmental Programs and Management” account or the “Science and Technology” account as needed for such purposes.

SEC. 612. Not later than 90 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided to the Environmental Protection Agency in this title for fiscal year 2022, and for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Administrator of the Environmental Protection Agency shall submit a detailed spend plan for the funds provided to the Environmental Protection Agency in this title for that fiscal year.

SEC. 613. For this fiscal year and each fiscal year thereafter, such sums as are available in the Hazardous Substance Superfund established under section 9507 of the Internal Revenue Code of 1986 at the end of the preceding fiscal year from taxes received in the Treasury under subsection (b)(1) of such section shall be available, without further appropriation, to be used to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

SEC. 614. (a) DRINKING WATER.—There is authorized to be appropriated to carry out the purposes of section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12), in addition to amounts otherwise authorized to be appropriated for those purposes, an additional \$1,126,000,000 for each of fiscal years 2022 through 2026.

(b) CLEAN WATER.—There is authorized to be appropriated to carry out the purposes of title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), in addition to amounts otherwise authorized to be appropriated for those purposes, an additional \$1,639,000,000 for each of fiscal years 2022 through 2026.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST AND RANGELAND RESEARCH

For an additional amount for “Forest and Rangeland Research”, \$10,000,000, to remain available until September 30, 2029, for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities of the Joint Fire Science Program, as authorized in section 40803 of division D of this Act: *Provided*, That \$2,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$2,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$2,000,000, to remain available until September

30, 2027, shall be made available for fiscal year 2024, \$2,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$2,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE AND PRIVATE FORESTRY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “State and Private Forestry”, \$1,526,800,000, to remain available until September 30, 2029: *Provided*, That \$305,360,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$305,360,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$305,360,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$305,360,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$305,360,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) \$718,000,000 for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities for the Department of Agriculture, as authorized in sections 40803 and 40804 of division D of this Act;

(2) In addition to amounts made available in paragraph (1) for grants to at-risk communities for wildfire mitigation activities, not less than \$500,000,000 for such purposes;

(3) Not less than \$88,000,000 for State Fire Assistance; and

(4) Not less than \$20,000,000 for Volunteer Fire Assistance: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That up to 3 percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL FOREST SYSTEM

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “National Forest System”, \$2,854,000,000, to remain available until expended: *Provided*, That \$734,800,000, to remain available until expended, shall be made available for fiscal year 2022, \$529,800,000, to remain available until expended, shall be made available for fiscal year 2023, \$529,800,000, to remain available until expended, shall be made available for fiscal year 2024, \$529,800,000, to remain available until expended, shall be made available for fiscal year 2025, and \$529,800,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes—

(1) \$2,115,000,000 for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities for the Department of Agriculture as authorized in sections 40803 and 40804 of division D of this Act, of which \$587,000,000, to remain available until expended, shall be made available for fiscal year 2022 and \$382,000,000, to remain available until expended, shall be made available for each of fiscal years 2023 through 2026;

(2) In addition to amounts made available in paragraph (1) for hazardous fuels management activities, \$102,800,000 for each of fiscal years 2022 through 2026 for such purposes; and

(3) In addition to amounts made available in paragraph (1) for burned area recovery, \$45,000,000 for each of fiscal years 2022 through 2026 for such purposes:

Provided further, That up to \$12,000,000 for each of fiscal years 2022 through 2026 from funds made available in paragraph (2) of the preceding proviso may be used to make grants, using any authorities available for the Forest Service under the “State and Private Forestry” appropriation for the purposes of creating incentives for increased use of biomass from National Forest System lands, including the Community Wood Energy Program and the Wood Innovation Grants Program: *Provided further*, That up to \$8,000,000 for each of fiscal years 2022 through 2026 from funds made available in paragraph (2) of the preceding proviso shall be for implementation of the Tribal Forestry Protection Act, as amended (Public Law 108–278): *Provided further*, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That the Secretary of the Interior and the Secretary of Agriculture, acting through the Chief of the Forest Service, may authorize the transfer of funds provided under this heading in this Act between the Departments for the purpose of carrying out activities as authorized in section 40804(b)(1) of division D of this Act: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest

Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be available for salaries and expenses: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CAPITAL IMPROVEMENT AND MAINTENANCE

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Capital Improvement and Maintenance”, \$360,000,000, to remain available until September 30, 2029: *Provided*, That \$72,000,000, to remain available until September 30, 2025, shall be made available for fiscal year 2022, \$72,000,000, to remain available until September 30, 2026, shall be made available for fiscal year 2023, \$72,000,000, to remain available until September 30, 2027, shall be made available for fiscal year 2024, \$72,000,000, to remain available until September 30, 2028, shall be made available for fiscal year 2025, and \$72,000,000, to remain available until September 30, 2029, shall be made available for fiscal year 2026: *Provided further*, That of the funds made available under this heading in this Act, the following amounts shall be for the following purposes in equal amounts for each of fiscal years 2022 through 2026—

(1) \$250,000,000 to carry out activities of the Legacy Road and Trail Remediation Program, as authorized in Public Law 88–657 (16 U.S.C. 532 et seq.) (commonly known as the “Forest Roads and Trails Act”), as amended by section 40801 of division D of this Act;

(2) \$100,000,000 for construction of temporary roads or reconstruction and maintenance of roads to facilitate forest restoration and management projects that reduce wildfire risk; and

(3) \$10,000,000 for the removal of non-hydropower Federal dams and for providing dam removal technical assistance:

Provided further, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020

(Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Wildland Fire Management”, \$696,200,000 to remain available until expended, for the Secretary of Agriculture, acting through the Chief of the Forest Service, to carry out activities for the Department of Agriculture as authorized in section 40803 of division D of this Act: *Provided*, That \$552,200,000, to remain available until expended, shall be made available for fiscal year 2022, \$36,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$36,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$36,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$36,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That funds appropriated under this heading in this Act may be transferred to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: *Provided further*, That amounts made available under this heading in this Act for each of fiscal years 2022 through 2026 may be transferred between accounts affected by the Forest Service budget restructure outlined in section 435 of division D of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) to carry out the activities in support of this heading: *Provided further*, That amounts made available under this heading in this Act in each of fiscal years 2022 through 2026, shall be available for salaries and expenses to carry out such purposes: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each of fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Agriculture for oversight of funding provided to the Forest Service in this title in this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018, and to section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATIVE PROVISION—FOREST SERVICE

Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture, acting through the Chief of the Forest Service, shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided to the Forest Service in this title in this Act for fiscal year 2022, and for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary shall submit a detailed spend plan for the funds provided to the Forest Service in this title in this Act for that fiscal year.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH FACILITIES

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Indian Health Facilities”, \$3,500,000,000, to remain available until expended, for the provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (68 Stat. 674): *Provided*, That \$700,000,000, to remain available until expended, shall be made available for fiscal year 2022, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2023, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2024, \$700,000,000, to remain available until expended, shall be made available for fiscal year 2025, and \$700,000,000, to remain available until expended, shall be made available for fiscal year 2026: *Provided further*, That of the amounts made available under this heading, up to \$2,200,000,000 shall be for projects that exceed the economical unit cost and shall be available until expended: *Provided further*, That up to three percent of the amounts made available in each fiscal year shall be for salaries, expenses, and administration: *Provided further*, That one-half of one percent of the amounts made available under this heading in this Act in each fiscal years 2022 through 2026 shall be transferred to the Office of Inspector General of the Department of Health and Human Services for oversight of funding provided to the Department of Health and Human Services in this title in this Act: *Provided further*, That no funds available to the Indian Health Service for salaries, expenses, administration, and oversight shall be available for contracts, grants, compacts, or cooperative agreements under the provisions of the Indian Self-Determination and Education Assistance Act as amended: *Provided further*, That funds under this heading made available to Tribes and Tribal organizations under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall be available on a one-time basis, are nonrecurring, and shall not be part of the amount required by section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325), and shall only be used for the purposes identified in this heading: *Provided further*, That not later than 90 days after the date of enactment of this Act, the Secretary of Health and Human Services shall submit to the House and Senate Committees on Appropriations a detailed